



at the Property for approximately 25 years, and only recently became aware of the need for conditional use approval.

The Conditional Use will be reviewed simultaneously with an associated variance application – Case No.A-6853 (the "Variance") – that the Montgomery County Board of Appeals referred to the Office of Zoning and Administrative Hearings for a consolidated review at its worksession on February 14, 2024. The Variance requests relief from the 50' setback that otherwise will apply to certain improvements on the Property under Section 59-3.5.5.B of the Zoning Ordinance should the Conditional Use be approved, to the extent that the Applicant seeks to utilize those improvements in connection with the landscape contractor use.

The evidence to be presented at hearing will demonstrate: (1) that the Conditional Use Application satisfies applicable development standards of the AR Zone; (2) that the Conditional Use Application satisfies applicable use standards contained in Section 59-3.5.5.B for a Landscape Contractor use, with the requested Variance; (3) that the available public facilities and services will be adequate to serve the proposed development under applicable Montgomery County Growth and Infrastructure Policy standards in effect when the Conditional Use was submitted; (4) that the Conditional Use substantially conforms with the recommendations of the master plan; and (5) that approval of the Conditional Use complies with the required findings contained in Zoning Ordinance Section 59-7.3.1.E.

## **II. REPORTS INTENDED TO BE INTRODUCED AT THE HEARING**

The Applicant and its experts intend to rely on the materials submitted in connection with the application for the proposed Conditional Use at the hearing, including but not limited to its Statement of Justification and associated Supplement and its Traffic Statement. However, some of these materials have been updated since the filing of the application to reflect adjustments and refinements resulting from the Planning Department's development review process. To that end, the Applicant is providing the following updated materials with this Pre-Hearing Statement, and respectfully requests that they be added as exhibits to the hearing record:

1. Updated Conditional Use Existing Conditions Plan, prepared by JNM Engineering, LLC, incorporating additional details concerning parking associated with the proposed landscape contractor use, septic capacity information for the single-family residence on the Property, and the location for a mulch pile that will be relocated on-site;
2. Corrected Conditional Use Statement of Justification and Supplement, identifying the 2005 Olney Master Plan as the applicable master plan for the Property; and
3. Montgomery County Department of Permitting Services Variance Confirmation Letter, dated February 15, 2024.

## **III. SUMMARY OF TESTIMONY**

At the present time, the Applicant intends to call the following witnesses to testify in support of the Conditional Use application:

1. Mr. Jeffrey K. Juneau, the property owner and operator of American Lawn and Landscape, Inc., who will testify with regard to the purpose and intent of the Conditional Use, as well as the operational details of the existing business;
2. Mr. James W. Witmer, JNM Engineering, LLC, who will testify with regard to the physical characteristics of the Property, the proposed Conditional Use Plan, the compliance of the site and structures with applicable zoning and permitting requirements, compliance with the master plan, and compatibility with the surrounding neighborhood; and
3. Mr. C. Nick Driban, Lenhart Traffic Consulting, Inc., who will testify with regard to the trip generation and vehicular circulation associated with the Conditional Use.

The resumes of the expert witnesses also are attached. The Applicant reserves the right to call additional witnesses if it deems necessary.

#### **IV. ESTIMATED TIME REQUIRED FOR PRESENTATION**

The Applicant anticipates that, excluding questions, the presentation of its case-in-chief for the proposed conditional use will take approximately two (2) hours.

This submission is intended to satisfy the requirement of the Rules of Procedure for Zoning Cases. If it is subsequently determined that new or supplemental information is necessary, the Applicant will make a supplemental submission in a timely fashion.

Respectfully submitted,



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Enclosures