

From: [Ruhlen, Christopher M.](#)
To: [Byrne, Kathleen E.](#)
Cc: [Behanna, Sara](#); [Johnson, Nana](#); EMCInturff@sgrwlaw.com; jeffreyjuneau67@gmail.com; [Biase, Vincent G.](#); [Beall, Mark](#)
Subject: RE: ON BEHALF OF CHRISTOPHER RUHLEN Conditional Use 24-10 / 6412 Damascus Road (Olney, MD)
Date: Tuesday, April 30, 2024 4:49:35 PM

[EXTERNAL EMAIL]

Ms. Byrne,

Thank you for your correspondence below. The Petitioner and its consultants will be prepared to address these several items on Thursday, per your request.

With regard to your initial questions, please note that MCDPS has not reviewed the Petitioner's proposed stormwater management facilities given that a formal Stormwater Management Concept Plan is not required for the Conditional Use under Chapter 19, nor for permit issuance for the existing buildings. Instead, the Petitioner's consultants prepared the plan voluntarily to respond to the Montgomery County Planning Board's letter dated March 5, 2024, which recommended that the Petitioner provide stormwater management for the existing development on the subject property. The plan is intended to demonstrate that effective facilities can be accommodated on-site for the detention and managed release of stormwater. Should the Conditional Use be approved, the Petitioner's intent is to implement the facilities subject to any necessary permits for construction.

A courtesy copy of the Petitioner's plan was emailed to Mark Beall at the Planning Department on April 2, 2024, following the submission of the plan to the Office of Zoning and Administrative Hearings.

Hopefully the above information is helpful. We look forward to discussing these issues in more detail later this week.

Sincerely,
Chris Ruhlen

Christopher M. Ruhlen, Attorney

Pronouns: He, Him, His

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From: Byrne, Kathleen E. <Kathleen.Byrne@montgomerycountymd.gov>

Exhibit 39
OZAH Case No: CU 24-10

Sent: Friday, April 26, 2024 1:46 PM

To: Ruhlen, Christopher M. <cmruhlen@lercheary.com>

Cc: Behanna, Sara <Sara.Behanna@montgomerycountymd.gov>; Johnson, Nana <Nana.Johnson@montgomerycountymd.gov>; EMcInturff@sgrwlaw.com; jeffreyjuneau67@gmail.com; Biase, Vincent G. <vgbiase@lercheary.com>; Beall, Mark <mark.beall@montgomeryplanning.org>

Subject: RE: ON BEHALF OF CHRISTOPHER RUHLEN Conditional Use 24-10 / 6412 Damascus Road (Olney, MD)

Mr. Ruhlen,

Thank you for the updated information regarding the proposed stormwater management facilities for CU 24-10. Has this plan been submitted to DPS? Have they provided any feedback? Did you share this plan/information with Planning Staff as well? In addition I have formulated a few questions below I'd like for your witnesses to be prepared to answer next week.

1. Lighting & Landscaping – I understand you believe that since there are no exterior changes proposed that no lighting or landscaping plans are required. Please be sure you have either testimony and/or documentary evidence regarding the light standards, location and lighting levels at the property boundaries. Also it appears a concrete wall is being removed. Please be prepared to have either testimony and/or documentary evidence submitted regarding the removal of the wall, how it does or does not impact the screening of the proposed use and generally how the project meets the overall screening requirements per Section 6.5.3.
2. Regarding the shared driveway, please be prepared to have either testimony and/or documentary evidence on any use restrictions that may or may not exist.
3. I will have questions about the capability of the onsite water and sewer and about the septic system/reserve area including age, upgrades, capacity related to residential use and proposed landscape contractor use, etc.
4. Please be prepared to have either testimony and/or documentary evidence regarding the total square footage of the existing single-family dwelling and all accessory buildings to be sure the calculations of all buildings satisfies Section 54-4.2.1.F.3, footnote c.
5. I see the parking spaces for the proposed landscape contractor use, but not for the single family dwelling. Please be prepared to have testimony on the number of spaces and location provided for the residential use.

I may have more questions on Thursday, but the issues raised above will need to be addressed during the hearing. Thank you.

Katy Byrne

*Kathleen Byrne
Hearing Examiner
Office of Zoning and Administrative Hearings
100 Maryland Avenue, Room 200
Rockville, MD 20850*

(240) 777-6667

From: Titman, Dorothy R. <drtitman@lercheearly.com> **On Behalf Of** Ruhlen, Christopher M.
Sent: Tuesday, April 2, 2024 9:06 AM
To: Byrne, Kathleen E. <Kathleen.Byrne@montgomerycountymd.gov>
Cc: Behanna, Sara <Sara.Behanna@montgomerycountymd.gov>; Johnson, Nana <Nana.Johnson@montgomerycountymd.gov>; EMcInturff@sgrwlaw.com; jeffreyjuneau67@gmail.com; Biase, Vincent G. <vgbiase@lercheearly.com>; Ruhlen, Christopher M. <cmruhlen@lercheearly.com>
Subject: ON BEHALF OF CHRISTOPHER RUHLEN Conditional Use 24-10 / 6412 Damascus Road (Olney, MD)

[EXTERNAL EMAIL]

On behalf of Christopher I am forwarding the attached documents. Please note that the hard copies are being sent by first class mail.

Christopher M. Ruhlen, Attorney

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