OFFICE OF ZONING AND ADMINISTRATIVE HEARINGS
FOR
MONTGOMERY COUNTY, MARYLAND

Stella B. Werner Council Office Building
100 Maryland Avenue
Rockville, Maryland 20850
(240) 777-6660/fax (240) 777-6665
http://www.montgomerycountymd.gov/ozah/

APPLICATION NO. H-119

NOTICE OF PUBLIC HEARING

Local Map Amendment No. H-119: Francoise M. Carrier, Attorney for Applicant, Nichols Development Company LLC, requests rezoning from the R-90 and CRT Zones to the TF-10.0 Zone of properties located at 100 Olney Sandy Spring Road, 12 Olney Sandy Spring Road, and 17825 Porter Road, all in Ashton, Maryland, consisting of a total of 2.574 acres in the 8th Election District. Tax Account Numbers 08-00720560, 08-00711190, 08-00720558, 08-00711202, 08-00720718.

Please take notice that a public hearing on the above numbered application will be held by the Hearing Examiner for Montgomery County, Maryland, in the 2nd Floor Davidson Memorial Hearing Room, Council Office Building, 100 Maryland Avenue, Rockville, Maryland, commencing **on Monday, the 12th day of June, 2017, at 9:30 a.m.,** or as soon after as this matter can be heard.

The complete files may be reviewed in the Office of Zoning and Administrative Hearings (OZAH), 100 Maryland Avenue, Room 200, Rockville, Maryland 20850, Monday through Friday, between the hours of 9:00 a.m. and 4:00 p.m., prior to the date of the hearing.

Persons or associations that are (1) represented by counsel, (2) intending to appear in organized opposition, **or** (3) intending to introduce expert evidence or testimony must file a pre-hearing statement containing the information required by Rules 3.4 and 3.5 of OZAH's Rules of Procedure (Rules). Filings must include an electronic copy of the statement and all attachments. These Rules may be found on OZAH's website at http://www.montgomerycountymd.gov/ozah/. The Applicant must submit its pre-hearing statement at least 30 days before the public hearing. Persons in opposition that are required to file a pre-hearing statement must do so no less than 20 days before the public hearing. The statement must include the following information:

- a statement of the grounds for opposing the application;
- copies of all reports intended to be introduced at the hearing;
- the names of all experts expected to testify at the hearing, their resumes, and a summary of expert testimony which will be proffered at the hearing;
- identity of all other witnesses who will testify; and
- estimated time required for presentation.

In addition to all other requirements, any party submitting documentary evidence for the record must file electronic copies of their submissions. Amended electronic copies must also be submitted of any amended documents. Electronic copies must be submitted on external storage media, including

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Compact Discs or DVDs, in Microsoft WORD format for text documents, and in PDF format for plans, photos and other non-text documents.

In compliance with Maryland requirements regarding the practice of law, groups or associations must be represented by counsel, unless their witnesses are members of the group or association and will offer testimony in narrative form (*i.e.,* there is no need for an attorney to conduct a direct examination). Nothing in this notice is intended to limit the rights of individual members of the public to testify during the hearing or to submit pertinent written materials at any time while the record remains open for that purpose.

A public review of this application will be scheduled by the Montgomery County Planning Board, after Technical Staff of the Montgomery County Planning Department has reviewed the application. You may provide facts and opinions to Technical Staff during their review, and you may also testify briefly before the Planning Board. The Planning Board will then make a written recommendation to the Hearing Examiner assigned to this case by the Office of Zoning and Administrative Hearings (OZAH), and the Hearing Examiner will conduct the hearing at the date, time and place specified on the first page of this notice.

Following the OZAH hearing, the Hearing Examiner will submit a report and recommendation to the County Council, which will make the final decision on this application at a public Council session. The County Council is required to make its decision in a Local Map Amendment case based solely on the evidence in the record compiled by the Hearing Examiner, and on oral argument at a public Council session, if it elects to permit such argument. Neither the applicant nor a member of the community may communicate directly to individual Council members about a pending rezoning case. The law prohibits such direct, private communication because it would not give other parties a fair opportunity to dispute the information provided or to provide contrary information.

If you need services to participate in the public hearing, please contact us as far in advance as possible by emailing us at ozah@montgomerycountymd.gov or calling 240-777-6660 (TTY 240-777-7914). This document is available in alternative format such as large print upon request, via the same phone numbers and email address.

Notices forwarded this 2nd day of May, 2017 to:

Applicant and Counsel
Abutting and confronting property owners (or a condominium's council of unit owners, if applicable)
Any municipality within a half mile of the site
Registered Civic, Homeowners and Renters Associations within a half mile of the site
Gwen Wright, M-NCPPC Planning Director
Montgomery County Public Schools (MCPS)
Washington Area Transit Authority (Metro)
Washington Suburban Sanitary Commission (WSSC)
Montgomery County Department of Permitting Services
Jeff Zyontz, Legislative Attorney, Montgomery County Council

Lynn A. Robeson
Hearing Examiner