



Casey L. Cirner
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July 11, 2025

The Honorable Kate Stewart, President
The Honorable Will Jawando, Vice President
The Honorable Gabe Albornoz
The Honorable Marilyn Balcombe
The Honorable Natali Fani-González
The Honorable Andrew Friedson
The Honorable Evan Glass
The Honorable Sidney Katz
The Honorable Dawn Luedtke
The Honorable Kristin Mink
The Honorable Laurie-Anne Sayles
Montgomery County Council
100 Maryland Avenue
Rockville, Maryland 20850

Re: July 15, 2025 Public Hearing
Support Zoning Text Amendment 25-08, Exemptions – Landscape Contractor (“ZTA 25-08”)

Dear President Stewart and Members of the Montgomery County Council:

On behalf of my clients, Don Thurber and Woodsblaster, LLC, the owner and operator of Silver Spring Landscaping, a small landscape contracting business that has operated for approximately 14 years on Rural Cluster (RC) zoned property in Silver Spring, I write to express support and to urge the Montgomery County Council to adopt ZTA 25-08, for the reasons stated below:

ZTA 25-08 makes two important changes to § 59.7.7.1.D.8.d of the Montgomery County Zoning Ordinance – the grandfathering provision for landscape contractors operating in the RC zone since October 30, 2014 – that support small business and promote County policy and fundamental fairness. The changes are: 1) to provide for the enforcement of the legacy provision based on the total square footage of the landscape contractor’s original (2014) operational footprint; and 2) add one opportunity to retract the operational footprint to its original square footage to maintain the grandfathering status.

Enforcement of this legacy provision is currently initiated for **any** enlargement or expansion to the operational footprint (no matter how small or accidental) and eliminates the grandfathering status without an opportunity to retract the footprint to its prior existing condition. Generally, two options are available as corrective actions when faced with a zoning enforcement action – 1) undo what was done to cause the violation; or 2) obtain retroactive approval of the action.

ZTA 25-08 imparts this same policy to achieve fundamental fairness for legacy landscape contractors without imposing the heavy regulatory burden of obtaining a conditional use for what is often an insubstantial misstep. It also gives grace to those legacy landscape contractors operating unaware of the established operational parameters and prevents abuse by limiting the available opportunities to retract the operational footprint.



ZTA 25-08 also creates a more reasonable approach to enforcement. Landscape contractors constantly swap out plants and materials within their operational footprint as plants and materials are used for and recycled from customer projects. This causes the operational footprint to morph like an ameba. Enforcing this legacy provision based on a change to the total square footage of the operational footprint rather than a change to the operational footprint boundary line aligns with these inherent operational characteristics of the use.

It also reduces the risk of loss of the grandfathering. Selling this legacy small business will often include due diligence. Without the changes proposed by ZTA 25-08, due diligence could unintentionally result in an enforcement action and loss of grandfathering if DPS identifies an expansion or enlargement to the operational footprint during that process.

My client's experience has highlighted the need for a more balanced approach to zoning enforcement on this issue. ZTA 25-08 provides that balance. We are thankful for Councilmember Mink's introduction of ZTA 25-08 and respectfully urge you to adopt it.

We appreciate your consideration of this letter.

Very truly yours,

A handwritten signature in blue ink, appearing to read 'Casey L. Cirner'.

Casey L. Cirner

cc: Don Thurber, Silver Spring Landscaping
Chris Wilhelm, Chief of Staff, Office of Councilmember Kristin Mink
Craig Wilson, Deputy Chief of Staff, Office of Councilmember Mailyn Balcombe
Tommy Heyboer, Chief of Staff, Office of Councilmember Natali Fani-González
Cindy Gibson, Chief of Staff, Office of Councilmember Andrew Friedson
Aaron Kraut, Chief of Staff, Office of Councilmember Dawn Luedtke
Livhu Ndou, Senior Legislative Attorney, Office of the Montgomery County Council