

**OFFICE OF ZONING AND ADMINISTRATIVE HEARINGS
for
MONTGOMERY COUNTY**

**Stella B. Werner Council Office Building
100 Maryland Avenue, Room 200
Rockville, Maryland 20850
<http://www.montgomerycountymd.gov/ozah/index.html>
Phone: (240) 777-6660; Fax (240) 777-6665**

**CASE NO. CU 20-06 – REDLY CAPITAL INVESTMENTS
& HOLDING CORPORATION**

**ORDER TO SHOW CAUSE WHY CONDITIONAL USE CU 20-06 SHOULD NOT BE
REVOKED FOR ABANDONMENT OR FAILURE TO COMPLY WITH CONDITIONS
OF THE GRANT AND NOTICE OF PUBLIC HEARING ON THE ORDER
TO SHOW CAUSE**

Pursuant to Zoning Ordinance §59.3.3.2.E.2.b, Conditional Use CU 20-06 was granted by the Hearing Examiner on December 3, 2020, to establish a Residential Care facility for 9 to 16 persons subject to 11 conditions.¹ On December 1, 2022, the Hearing Examiner granted the Conditional Use Holder's Request to extend the implementation period of the conditional use for one year until December 3, 2023. Exhibit 82. On November 28, 2022, the Conditional Use Holder requested a second extension of the validity period. Exhibit 83. On January 17, 2024, the Hearing Examiner granted the second extension request to allow the validity period to extend until June 2, 2024. Exhibit 84.

The Hearing Examiner's December 3, 2020 Report and Decision granted the Applicant, Redly Capital Investments, Inc., a conditional use subject to 11 conditions to operate a Residential Care Facility for 9 to 16 persons at 17734 Norwood Road, Silver Spring, Maryland zoned R-200. The Hearing Examiner's Decision imposed the following conditions:

- 1. The Residential Care Facility must be limited to a maximum of 16 residents and four employees on site at any one time;*
- 2. Physical improvements to the subject property are limited to those shown on the Conditional Use Site Plan (Exhibit 30(b)), Lighting Plan (Exhibit 30(d), and Landscape Plan (Exhibit 30(c));*
- 3. No sign identifying the Facility as a Residential Care Facility may be located on the property or on the building;*
- 4. No special events may be held on the facility's premises;*
- 5. Landscaping must be maintained in accordance with the Landscape Plan included in this record;*
- 6. The Applicant must obtain and satisfy the requirements of all licenses including a use and occupancy permit;*
- 7. The property must be maintained for the safety of residents and visitors at all times in full compliance with state and county regulations to include landscaping, physical structures, and sanitary conditions;*

¹ See [CU 20-06 Redley Capital Investments_Report \(Baumgardner\)_FINAL.pdf](#)

8. *Residents are not permitted to park personal vehicles on-site;*
9. *Any material change to the operational characteristics of this use as testified to on the record are subject to the modification provisions contained within the Zoning Ordinance;*
10. *Within fifteen (15) from the date of this Report & Decision, Applicant will provide contact information to include a mailing address and operable phone number for a designated contact person at: (a) Redly Capital Investments or associated entity, (b) Sandy Spring Friends School; (c) any current tenant, lessee, or operator of the residential care facility authorized under this Report, and shall maintain up-to-date contact information for these entities at all time. This contact information shall be provided to: (1) all adjoining and confronting property owners; (2) Bancroft Home Owner's Association; (3) Sandy Spring Civic Association; and*
11. *The Applicant must obtain and satisfy the requirements of all licenses and permits, including but not limited to building permits and use and occupancy permits, necessary to occupy the conditional use premises and operate the conditional use as granted herein. The Applicant shall at all times ensure that the conditional use and premises comply with all applicable codes (including but not limited to building, life safety and handicapped accessibility requirements), regulations, directives and other governmental requirements, including the annual payment of conditional use administrative fees assessed by the Department of Permitting Services.*

FACTS

Via a memorandum dated July 10, 2024², the Department of Permitting Services (DPS) informed the Office of Zoning and Administrative Hearings (OZAH) that the use granted by the Hearing Examiner had not been implemented and requested OZAH revoke CU 20-06. Exhibit 85.

The Zoning Ordinance details procedures for the enforcement of conditional uses by the Hearing Examiner. Zoning Ordinance §§59.7.3.1.L.4.and 5. provide:

4. *If the Board of Appeals or the Hearing Examiner receives a written notice from DPS that the conditional use holder is violating the terms or conditions of a conditional use or the terms, conditions, or restrictions attached to the grant of any permit issued under the conditional use approval, the Board of Appeals or the Hearing Examiner must order the conditional use holder and the property owner to appear before the Board of Appeals or the Hearing Examiner to show cause why the conditional use should not be revoked.*
5. *The notice of a show cause hearing must be issued to the conditional use holder and the property owner by certified mail, return receipt requested. Notification must also be sent to DPS, and to any party who submitted a written complaint concerning the conditional use, and must:*
 - a. *include the nature of the alleged violations;*
 - b. *state that the hearing is limited to a consideration and a determination of the validity of the allegations; and*

² OZAH did not receive the memorandum until December 12, 2024.

- c. advise the conditional use holder and the property owner that failure to attend and participate in the hearing may result in revocation of the conditional use.*

7.³ If DPS finds that a conditional use has been abandoned, DPS must forward written notice of its findings to the last recorded holder of the conditional use and to the property owner. The conditional use holder and property owner, within 60 days after the date of sending notice, must submit a written statement confirming the abandonment or challenging it and requesting that the use be continued.

c. If neither the conditional use holder nor the property owner responds, DPS must notify the Board of Appeals or Hearing Examiner of its findings, and the Board of Appeals or Hearing Examiner, as appropriate must issue to the conditional use holder and the property owner an order to appear before them to show cause why the conditional use should not be revoked.

d. If neither the conditional use holder nor the property owner appears before the Board of Appeals or Hearing Examiner, as appropriate, to show cause why the conditional use should not be revoked, the deciding body must revoke the conditional use approval.

Having received written notice from DPS *that the conditional use holder is violating the terms or conditions of a conditional use*, the Hearing Examiner issued an Order to Show Cause and Notice of Show Cause hearing dated December 18, 2024, scheduling the Show Cause Hearing for February 25, 2025. Under Rule 8.1 of OZAH's Zoning Rules of Procedure, a Notice of a Show cause hearing "must be posted on OZAH's website at least 30 days before the show cause hearing to provide public notice."

The Hearing Examiner convened a show cause hearing on February 25, 2025 following the mailing of a notice of hearing sent on December 18, 2024 pursuant to §59.7.3.1.L of the Zoning Ordinance. Despite due notice of the hearing there was no attendance by any representative of the Conditional Use Holder, or by the Department of Permitting Services (DPS). Three representatives of the Department of Housing and Community Affairs (DHCA) attended the Hearing on February 25, 2025.

By Order dated February 27, 2025, the Hearing Examiner is reopening the Record pursuant to Rule 4.10 of the OZAH Rules of Procedure to obtain additional evidence, receive further evaluation by the appropriate government agencies.

ORDER TO SHOW CAUSE AND HEARING NOTICE

Based on the foregoing, it is this 4th day of March 2025:

ORDERED AND NOTICED: That Redly Capital Investments & Holding Corporation the CU 20-06 Conditional Use Holder, is hereby directed to appear before the Hearing Examiner on **Thursday May 8, 2025**, at 9:30 a.m., or as soon thereafter as this matter can be heard, in the Second Floor Davidson Memorial Hearing Room in the Stella B. Werner Council Office

³ Subsection 6 is omitted.

Building, 100 Maryland Avenue, Rockville, Maryland, to show cause why the conditional use should not be revoked; and, it is

FURTHER ORDERED AND NOTICED THAT:

- a) the Show Cause is being issued for the Conditional Use Holder's failure to implement the conditional use within the validity time period;
- b) for operation of a use at the Property not consistent with the terms and conditions set forth in the Hearing Examiner's Report and Decision; and
- c) failure of the CU 20-06 Conditional Use Holder to attend and participate in the hearing may result in revocation of the conditional use.

GENERAL NOTICE PROVISIONS:

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 Conditional Use Holder must submit its pre-hearing statement at least 30 days before the public hearing. Those supporting revocation who are required to file a pre-hearing statement under the terms of this paragraph, must do so no less than 20 days before the public hearing.

In compliance with Maryland requirements regarding the practice of law, groups or associations must have counsel unless their witnesses are members of the group or association who will offer testimony in narrative form (*i.e.*, there is no need for an attorney to conduct a direct examination).

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 via email to ozah@montgomerycountymd.gov in Microsoft WORD or PDF format for text documents, and in PDF format for plans, photos and other non-text documents.

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. You may submit a signed letter to OZAH, which will be considered by the Hearing Examiner as part of the record but doing so will not automatically make you a party of record. Conditional Use holders and members of the public who testify at an OZAH hearing, whether for or against the revocation, are automatically considered parties of record. A person or organization that does not wish to appear at the OZAH hearing but wishes to be a party of record may request that status in a signed letter to OZAH. See OZAH Rule 3.1.

If you need services to participate in a public hearing, please contact this Office no later than seven (7) days in advance of the public hearing by calling 240-777-6660 (TTY 240-777-7914) or emailing us at ozah@montgomerycountymd.gov. OZAH cannot guarantee that an

interpreter can be made available if notified of the request less than seven (7) days in advance of the public hearing. This document is available in alternative format such as large print upon request, via the same phone numbers and email address.

To view the physical file, please contact OZAH via email at ozah@montgomerycountymd.gov or call 240-777-6660 to schedule an appointment prior to the date of the hearing.

Office of Zoning and Administrative Hearings



Khandikile Mvunga Sokoni
Hearing Examiner

NOTICES OF SHOW CAUSE HEARING FOR REVOCATION OF CONDITIONAL USE
MAILED THIS 4TH DAY OF MARCH 2025, TO:

Shanrong Li, *Resident Agent* for Redly Capital Investment and Holding Corporation
(*by certified mail, return receipt requested*)

Barbara Jay, Executive Director

Montgomery County Board of Appeals

Benjamin Berbert, Planning

Carrie Sanders, Planning

Jennyffer Vargas, Permit & Code Enforcement Inspector, DPS

Greg Nichols, Manager, SPES, Zoning & Site Plan Enforcement, DPS

Victor Salazar, Program Manager II, Zoning & Site Plan Enforcement, DPS

Elana Robinson, Assistant County Attorney, Office of the County Attorney

Thomas, Howley, Program Manager II, DHCA

Kevin and Patricia Kelly, Opponent

Basile Whitaker, Opponent

Eric Bailey, Opponent

Stephen Schertler, Opponent

Harold Lowe, Opponent

Lauren Cronise, Opponent

Rosanna Chan, Opponent