

Transcript of Hearing

Date: October 16, 2025 **Case:** A TO Z Fun Care

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Michigan #8598 | Nevada #089F | New Mexico #566

	700001 10, 2025		
1 1 BEFORE THE OFFICE OF ZONING AND ADMINISTRATIVE	1 APPEARANCES		
2 HEARING FOR MONTGOMERY COUNTY, MARYLAND	2 ANDREA LE WINTER, Hearing Examiner		
3x	3 LEILA NASSAJ, Applicant		
4 In RE: : Case No.:	4 MAHMOUD NASSAJ, Husband of Applicant		
5 LEILA NASSAJ, : CU 25-09	5 RAHUL PATEL, Architect speaking for Applicant		
6 Applicant, :	6 JONY GUISAO-OSPINA, OZAH Staff		
7x	7 JOSEPH BOZZONETTI, Technician		
8	8 SAFINA BIBI, Observer		
9 HEARING	9 ADRIA OBONYO, Law student		
10 BEFORE HEARING EXAMINER ANDREA LEWINTER	10		
11 Rockville, Maryland	11		
12 Thursday, October 16, 2025	12		
13 9:32 a.m.	13		
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17	17		
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20	20		
21	21		
22	22		
23 Job No.: 602090	23		
24 Pages: 1 - 28	24		
25 Recorded By: Austin Costello	25		
2	4		
1 Hearing, held at the location of:	1 CONTENTS PAGE		
2	2 Proceedings 5		
3	3		
4	4 EXHIBITS		
5 MONTGOMERY COUNTY OFFICE OF ZONING AND	5 (Retained by the Court)		
6 ADMINISTRATIVE HEARINGS	6 HEARING EXHIBIT PAGE		
7 100 Maryland Avenue	7 Exhibit 20 Affidavit of Property Posting 9		
Rockville, Maryland 20850	8		
9	9		
10	10		
11	11		
Pursuant to agreement, before Austin Costello,	12		
3 Notary Public in and for the State of Maryland.	13		
14	14		
15	15		
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16 17	16		
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16 17 18 19 20 21 22 23 24	16 17 18 19 20 21 22 23		

Conducted on October 10, 2023				
5 PROCEEDINGS	7			
1 PROCEEDINGS	don't see counsel present. I know that there has			
2 HEARING EXAMINER: Okay, great. Just so	2 been email, and I believe that Mr. Patel spoke with			
3 you're aware, everything's being recorded. We have	Miss Byrne. If you do not have an attorney, there			
4 the the court reporter who is recording and also	4 are significant limitations to how this hearing			
5 transcribing. I'm also going to be taking notes.	5 will proceed. You cannot ask questions of Mr.			
6 Those are just for my personal use, because when I	6 Patel. All you can do is make statements. So you			
7 have to get the transcript, it's easier for me to	7 can make a either of you can make a statement.			
8 follow along. So if you see me scribbling, it's	8 Mr. Patel can make a statement. But there can't be			
9 really just for my own benefit. I might ask people	9 any direct examination. And if you do not cover all			
10 to stop so I can catch up. But I just want to make	10 of the necessary evidence and information I need to			
11 sure that everybody's aware that we are recording	11 make findings, I will not be able to grant the			
12 this, and the hearing will be transcribed.	12 petition. So I again note that.			
This is an open hearing, as you can see	This this is a you can't move			
14 from the Zoom and if individuals come in, they're	14 forward with this daycare without the conditional			
15 entitled to to sign in and come in. So this is	15 use petition. If you want to ensure it's granted,			
16 the public hearing in the matter of OZAH Case	16 you want to really make sure that you're covering			
17 Number CU 25-09, the application of A to Z Fun Care	17 all of the regulations and ensuring that all of the			
18 Daycare to permit the conditional use of a 70-	18 findings that we need to to grant a petition are			
19 person daycare at 6030 Grosvenor Lane, Bethesda,	19 in the record, not that they exist, but they are			
20 Maryland, in the R-60 zone.	20 actually in the record.			
21 My name is Andrea LeWinter and I am	21 So I'm going to just caution you again.			
22 serving as the hearing examiner today. It is my	22 If there are documents listed or other things that			
23 role to listen, take evidence and write a decision	23 you think that can amend, I can consider leaving			
24 regarding this case. Sitting at the front table, if	24 the record open for an extended period of time for			
25 you could just go down and identify yourself and	25 you to submit documents after the fact. I know			
6	8			
1 your role here today. So you need to turn the green	1 we've had conversations about landscaping and			
1 your role here today. So you need to turn the green 2 button. Yeah. There you go.	we've had conversations about landscaping and lighting plans, some other things like that. But I			
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Conducted on	October 16, 2025	
9		11
1 general information. I know, again, we don't have	1 MS. OBONYO: Yes.	
2 counsel present, but about how the proceedings will	2 HEARING EXAMINER: Okay. Thank you. And	
3 progress. These proceedings are informal with	3 again, if G-U-I-S-A could	
4 certain formalities. So we're not as strict as a	4 MR. GUISAO-OSPINA: I'm just joining from	
5 court of law.	5 OZAH. I'm just following up. This is Jony from	
6 Even though there's only a few of us in	6 OZAH.	
7 the room, please do not interrupt when someone else	7 HEARING EXAMINER: Oh, okay. Sorry.	
8 is speaking unless you have a specific objection.	8 MR. GUISAO-OSPINA: Okay.	
9 This is because we have a court reporter, and it is	9 HEARING EXAMINER: Thank you. That's our	
10 difficult to understand what people are saying when	10 own office. All right. Great. All right. So, are	
11 there is crosstalk. And it's particularly important	11 there any preliminary motions or issues before we	
12 we're in a hybrid format where we have people	12 get started?	
13 online who may wish to to speak. And I actually	13 MR. PATEL: No.	
14 noticed that that person is back. So I'll I'll	14 HEARING EXAMINER: Okay. Ms. Nassaj, did	
15 go back to that.	15 you want to make any kind of opening statement?	
The primary record will be the	16 MS. NASSAJ: No.	
17 stenographer's transcription today, but it is being	17 HEARING EXAMINER: Okay. Did you want to	
18 recorded as a backup. I will swear in anybody who	18 call anybody to testify?	
19 is going to testify and your testimony will be	MR. PATEL: That would be me.	
20 under oath. I may be able to ask some questions,	20 MS. NASSAJ: I'm sorry?	
21 but again, those will be limited.	21 MR. PATEL: That's me.	
The proceedings will move forward in the	HEARING EXAMINER: You want Mr. Patel to	
23 following order. If there is any preliminary	23 testify?	
24 motions or issues, we will address those first.	24 MS. NASSAJ: Yeah.	
25 Then the applicant has the option for an opening	25 HEARING EXAMINER: Okay. Thank you. Mr.	
10		12
1 statement. That's optional. Then the applicant can	1 Patel, can you please raise your right hand? Do you	
2 present her case-in-chief. If there is any	2 solemnly swear, under penalties of perjury, that	
3 opposition either online or that appears, they can	3 the statements you're about to make are the truth,	
4 cross-examine. If there is an opposition case, then	4 the whole truth, and nothing but the truth?	
5 that will be next. Then if there's any other	5 MR. PATEL: I do.	
6 interested parties that wish to make a statement,	6 HEARING EXAMINER: Okay. You may make a	
7 the applicant then has the opportunity for rebuttal	7 statement.	
8 case. And then the opportunity for a closing	8 THE TECHNICIAN: Just out of curiosity,	
9 statement.	9 are these exhibits going to be presented on the	
Again, the approval of the petition is	10 screen?	
11 based on the criteria set forth in the zoning	HEARING EXAMINER: If you want them to,	
12 ordinance, section 59. That is included in the	12 just ask him. He won't do it unless you direct him	
13 planning staff report. Please address all of your	13 to.	
14 testimony to the criteria.	14 THE TECHNICIAN: Okay. Yeah. Understood.	
So I'm now going to go back online. If	15 MR. PATEL: 6030 is a 6030 Grosvenor	
16 Miss Obonyo and I apologize if I've misstated	16 Lane, Bethesda is located in residential R-60 zone.	
17 your name, could unmute and just explain if she is	17 It is owned by the vestry of Trinity Parish in	
18 here in just simply to observe or in opposition	18 Montgomery county, and on the property there are	
19 or would like to make a statement at the end	19 two buildings. One belongs to Cornerstone	
20 after the applicant's case-in-chief.	20 Montgomery and the other belongs to Saint Luke's	
21 MS. OBONYO: Hello. I'm a law student at	21 Episcopal Church.	
22 the University of Baltimore, so I'm just here for	The church has been existing and utilized	
23 my land use class. I'm just observing.	23 the lower level of the church their church as a	
24 HEARING EXAMINER: So you're oh, you're	24 church school, but that church school has been	
25 just observing.	25 inactive for quite some time now, and our applicant	

13 15 1 A to Z Fun Care, would like to propose to reserve 1 of the church that would be used to serve for the 2 that section of the school to provide for a new daycare and the church. The parking lots for the --3 daycare, for -- to provide care for children the spaces for the 76 parking spaces are covered 4 between the ages of six and -- six weeks and six between the tree canopy that goes around Southport 5 years old. Drive and also Georgetown Road. The property is situated in a residential And there's also parking that contains area right off of Old Georgetown Road. The existing light posts that are approximately 25 feet high 8 property contains 76 off street parking and is above the grade. And there's also three floodlights shared between both Church and Cornerstone that are attached to the rear of the building that 10 Montgomery. And Cornerstone Montgomery is a 10 are facing towards the rear parking lot for the 11 charitable institution. 11 daycare. All outdoor lighting on the church The applicant would propose to preserve 12 property are existing to remain. As the applicant 13 13 parking spaces of the 76 available parking 13 is not the property owner, she would not have the 14 spaces, and as a -- the daycare would be operating 14 rights to remove any of those lights. Any 15 between the hours of 7 a.m. and 6 p.m. Cornerstone 15 requirements for outdoor lighting would require 16 Montgomery operates Mondays through Fridays between 16 approval from the Saint Luke's Church and the 17 9 a.m. and 5 p.m., and Saint Luke's Church operates 17 property owner. 18 between -- Tuesdays, Thursdays, and Fridays between 18 So we did request a parking waiver 19 9 a.m. and 4 p.m. Pick-up times for the daycare 19 statement and to -- as the property would require 20 will be between 3 p.m. and 6 p.m., with drop-off 20 100 D parking spaces, but there's only 76 parking 21 times between 7 a.m. and 11 a.m. So this would 21 spaces available, so we would have to provide a 22 offer the -- Cornerstone Montgomery and Saint 22 parking waiver statement to reduce the amount of 23 Luke's Church to kind of fill in the parking space 23 parking space required for the property. 24 after mostly children have already been dropped off HEARING EXAMINER: Okay. Is the waiver 25 to go to church -- or sorry, daycare. And this 25 something that you intend to supplement? Would you 14 16 1 would kind of alleviate any of the traffic -want the record open to -- to supplement that?

would kind of alleviate any of the traffic -traffic backups that have occurred between
Southport Drive and Georgetown Road.

As the net trips for the new daycare
would be proposed under 50, we weren't required to
provide the grant department with a Local Area
Transportation Review and Planning Board did not -sorry, granted -- if the conditional use is
granted, the applicant would make interior
modifications to bring the space up to code to meet
code requirements.

The applicant does not propose to make
any exterior modifications as she is not the
property owner, and the property owner would be the
setting of Trinity Parish in Montgomery County, and
would require approval from them to -- to propose
any modifications to the exterior property. Granted
-- if the conditional use is granted, we would work
with Saint Luke's Church to approve any of the
required exterior modifications, as well as the
interior modifications for the daycare.

The property has two parking lots.

23 There's a main parking lot located between the24 Cornerstone Montgomery and the church, and there's25 also another parking lot located towards the rear

MR. PATEL: Yes. The statement is under

Exhibit -
HEARING EXAMINER: Yeah, I know you have a

statement.

MR. PATEL: Right. And in the statement,

we did provide a written request that the parking waiver request would be submitted during the time of the (indiscernible).

HEARING EXAMINER: Right. But that's just

11 basically a request to -- to -- for the waiver. It
12 doesn't support -- it doesn't provide the evidence
13 or the information. I mean, there's some, but it -14 I'm giving you the option to potentially supplement
15 that after you've reviewed the -- the regulation.
16 MR. PATEL: Can I clarify if you're asking
17 for the requirements for the parking meter?
18 HEARING EXAMINER: Not -- not the
19 requirements per se, but like why you have to give
20 a -- more of a justification. Not just that there's
21 -- anyway, keep talking.
22 MR. PATEL: Okay. If you would, please go

23 to Exhibit 17 and then Page 24 of that exhibit. So 24 as a planning department, had a request to provide

25 staff approval, but they recommend that we wouldn't

	7Ct00Cl 10, 2023
1. here to be writ for the because 12 perking	19 1 HEADING EVAMINED: Olov
 1 have to be wait for the because 13 parking 2 spaces are being requested, since more than ten 	HEARING EXAMINER: Okay.MR. PATEL: Is that something I can
 3 parking spaces are provided, we'd have to be 4 required to provide a parking request. 	3 present? 4 HEARING EXAMINER: Yes.
5 HEARING EXAMINER: Yes, I understand, and	5 MR. PATEL: Okay. So for number one was
6 you you did put in, I believe, the parking	6 regarding landscape conditions of the property for
 7 waiver request statement, which was Exhibit 14. 8 MR. PATEL: Correct. 	7 the according to current standards. But these
	8 are all existing, and she's not the applicant is
9 HEARING EXAMINER: Right. What I'm telling	9 not the property owner. But if you could kindly go
10 you is that and what I had said in the email is	10 to Exhibit 17, Page
11 that may not be sufficient. And if you would like	11 HEARING EXAMINER: That's the staff
12 to supplement the record, we can leave the record	12 report.
13 open for you to review the waiver so we can talk	MR. PATEL: I'm sorry?
14 about that at the end, okay? All right. Keep going.	HEARING EXAMINER: This is the staff
MR. PATEL: That concludes my	15 report, right, that you're
16 presentation. That concludes my presentation.	MR. PATEL: Correct.
17 HEARING EXAMINER: That's it?	17 HEARING EXAMINER: Okay. The staff report
18 MR. PATEL: Yeah.	18 is not yet I need I need your independent
19 HEARING EXAMINER: Okay. I don't have	19 verification. I can't just have you refer me to the
20 enough information in front of me to grant a	20 staff report.
21 petition based on what you guys have presented. I	21 MR. PATEL: Okay.
22 think Miss Byrne was trying to make that abundantly	22 HEARING EXAMINER: So is there additional
23 clear. Like, just because it's in the staff report,	23 landscaping information that you wanted to
24 that doesn't put it in the record. And I need	MR. PATEL: Okay. It's the site plan, but
25 testimony as to all of the elements for conditional	25 that I believe that does also show, which is
18	20
1 use in order to grant one.	1 Exhibit 7. So there are on the parking lots, we
2 MR. PATEL: Okay.	
	2 do have dedicated light posts for the parking
3 HEARING EXAMINER: So I don't know what	3 areas. And there's also light posts at the back of
3 HEARING EXAMINER: So I don't know what4 you want to do at this point. Like, do you want to	3 areas. And there's also light posts at the back of4 the building and also the tree canopy
3 HEARING EXAMINER: So I don't know what 4 you want to do at this point. Like, do you want to 5 continue the hearing and have more time to	 areas. And there's also light posts at the back of the building and also the tree canopy (indiscernible) the parking lot. The applicant
3 HEARING EXAMINER: So I don't know what 4 you want to do at this point. Like, do you want to 5 continue the hearing and have more time to 6 potentially consult with an attorney or to review	 areas. And there's also light posts at the back of the building and also the tree canopy (indiscernible) the parking lot. The applicant proposed to take 13 of these spaces and then leave
3 HEARING EXAMINER: So I don't know what 4 you want to do at this point. Like, do you want to 5 continue the hearing and have more time to 6 potentially consult with an attorney or to review 7 the regulations and understand all of the evidence	3 areas. And there's also light posts at the back of 4 the building and also the tree canopy 5 (indiscernible) the parking lot. The applicant 6 proposed to take 13 of these spaces and then leave 7 these open for the church. There's also parking
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	Conducted on October 16, 2025					
١.	21	1 - 2d - N 1 - 7d - 12d 2 - F2d N 1	23			
1	walk an ethical line here between walking you	1 either November 7th, which is a Friday, or November				
2	through what the requirements are to establish a	2 13th, which is a Thursday. Or I can offer other				
3	case and serving as a hearing examiner. So you're	3 dates.				
4	putting me in a difficult position, but I need a	4 MR. PATEL: What were the dates again? I'm				
5	landscaping plan that shows all of the trees that -	5 sorry.				
6	- you know, it doesn't have to be, like, completely	6 HEARING EXAMINER: The Friday, the 7th, or				
7	every single little thing, but I need heights. I	7 Thursday the 13th.				
8	need to know I mean, this is all in the	8 MR. NASSAJ: Friday, the 7th.				
9	regulations, and I need to know that the existing	9 MR. PATEL: Friday, the 7th.				
	conditions on the property are in compliance with	10 HEARING EXAMINER: Okay. So we will				
	current regulations.	11 reconvene on November 7th. And you can submit any				
12		12 exhibits ahead of time to as you have done.				
	long time, so I don't know what the zoning regs	13 MR. PATEL: Okay.				
	were when the church was built. I don't know if	14 HEARING EXAMINER: Okay. All right. We				
	it's in compliance with where we are now, and	15 will reconvene on November 7th.				
	that's the obligation of the petitioner to present	16 MR. PATEL: Thank you.				
1 '	that information.	17 HEARING EXAMINER: Thank you.				
18	MR. PATEL: In that case, could we request	18 MR. NASSAJ: Thank you.				
	a continuance for the case?	19 HEARING EXAMINER: Oh, just since we're				
20	·	20 here I'm sorry. Did you want the exhibits that				
	pick a date now or do you need to	21 you already have submitted admitted into the				
22	MR. PATEL: Could we take the first	22 record?				
	approval date?	23 MR. PATEL: Yes.				
24	HEARING EXAMINER: Well, I mean, we have a	24 HEARING EXAMINER: Okay. So I will admit				
25	certain amount of discretion, and I guess what I'm	25 those exhibits. All right. We'll reconvene on				
١.	22	4. No. 1, 1, 1, 7,4, 71, 11	24			
1	asking is, you know, I want you guys to think	1 November 7th. Thank you.				
2	carefully about how long you need to actually put	2 MR. PATEL: Perfect. Thank you.				
3	everything together. Like, if we came back	2 MC NIACCAL Therefore				
	4	3 MS. NASSAJ: Thank you.				
4	tomorrow, that's probably not enough time, right?	4 (Off the record at 9:56 a.m.)				
5	So I mean, we have a decent amount of flexibility.	4 (Off the record at 9:56 a.m.) 5				
	So I mean, we have a decent amount of flexibility. How long do you think you need to to to	4 (Off the record at 9:56 a.m.) 5				
5 6 7	So I mean, we have a decent amount of flexibility. How long do you think you need to to to review the regulations in depth and put together	4 (Off the record at 9:56 a.m.) 5 6 7				
5 6 7 8	So I mean, we have a decent amount of flexibility. How long do you think you need to to to review the regulations in depth and put together the additional information that we need.	4 (Off the record at 9:56 a.m.) 5 6 7 8				
5 6 7 8 9	So I mean, we have a decent amount of flexibility. How long do you think you need to to to review the regulations in depth and put together the additional information that we need. MR. PATEL: Probably need about a week.	4 (Off the record at 9:56 a.m.) 5 6 7 8 9				
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5 6 7 8 9 10 11 12	So I mean, we have a decent amount of flexibility. How long do you think you need to to to review the regulations in depth and put together the additional information that we need. MR. PATEL: Probably need about a week. HEARING EXAMINER: Okay. Why don't we look at the beginning of November? We can do any day that's not a Wednesday. And I know that we already	4 (Off the record at 9:56 a.m.) 5 6 7 8 9 10 11				
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L	25 CERTIFICATE OF COURT REPORTER - NOTARY PUBLIC	
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	0 to the best of my knowledge, skills, and ability;	
	1 and that I am neither counsel for, related to, nor	
	2 employed by any of the parties to this case and	
13	3 have no interest, financial or otherwise, in its	
14	4 outcome.	
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20	20 AUSTIN COSTELLO, NOTARY PUBLIC,	
21	21 FOR THE STATE OF MARYLAND	
22	22 OCTOBER 27, 2025	
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2	I, Tara Lea Wilkerson, do hereby certify	
3		
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4 5 6 7 8 9	that this transcript was prepared from the digital audio recording of the foregoing proceeding; that said proceedings were reduced to typewriting under my supervision; that said transcript is a true and accurate record of the proceedings to the best of my knowledge, skills, and ability; and that I am neither counsel for, related to, nor employed by any of the parties to the case and have no	
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ability	23:4	14:19, 15:14,	13:7, 14:6
25:10, 26:8	ages	20:11, 22:11,	areas
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17:14, 22:2,	6:6, 7:6, 7:9,	anything's	16:16, 20:19,
22:9	7:17, 8:23,	22:16	22:1
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abundantly	17:25, 18:7,	anyway	
17:22	18:10, 18:13,	16:21	attorney
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8:24		apologize	18:15
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25:9, 26:7		applicant	1:25, 2:12,
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20:12	along	3:5, 6:5, 6:12,	authorization
actually	5:8	6:15, 9:25,	6:4
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18:19, 19:22,	also	15:12, 19:8,	2:7
22:8	5:4, 5:5,	20:5	aware
address	14:25, 15:5,	applicant's	5:3, 5:11
9:24, 10:13	15:6, 15:8,	10:20	В
administrative	19:25, 20:3,	application	back
1:1, 2:6	20:4, 20:7	5:17	9:14, 9:15,
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