



200-B MONROE STREET, ROCKVILLE, MARYLAND 20850 P: 301.762.5212 F: 301.762.6044 WWW.MILLERMILLERCANBY.COM
JODY S. KLINE
JSKline@mmcanby.com

February 25, 2026

Ms. Khandikile Mvunga Sokoni
Office of Zoning and Administrative Hearings
Stella B. Werner Council Office Building
100 Maryland Avenue
Rockville, Maryland 20850

RE: Conditional Use Application No. CU 2025-08,
Application of Byrd Family Living Trust

Dear Ms. Sokoni,

Barbara Jay called me the other day to tell me that some persons interested in Case No. CU 2025-08 had showed up at the COB to attend a public hearing on that case. Apparently they learned that the hearing date had been postponed. Ms. Jay called me because she wondered when the variance application, intended to be paired with Case No. CU 2025-08, was going to be filed. I advised Ms. Jay about the difficulties that we were having securing a building permit denial form which, as you know, is a prerequisite to being able to file a variance application.

We filed a building permit denial application on January 15, 2026. (See attached correspondence)

Since that time, the Department of Permitting Services has been working on a standard operating procedure regarding how to handle such building permit applications when only a denial is requested. Development of a process to review such applications has taken much longer than had been anticipated when we filed our request for a postponement of the public hearing on Case No. CU 2025-08. Attached for your information are two recent emails from the Department of Permitting Services providing information about the status of the process for the handling of building permit denial application forms.

Exhibit 21
OZAH Case No: CBA-1174-E

Our variance application is ready to be filed with the Board of Appeals, to be forwarded to your office, as soon as DPS provides us with the building permit denial form.

Thank you for your patience in this matter but we did want you to be aware that the problem seems to be on the Government side rather than with the Applicant.

Sincerely,

MILLER, MILLER & CANBY

A handwritten signature in black ink that reads "JODY KLINE". The signature is written in a bold, slightly slanted, sans-serif style.

Jody S. Kline

JSK/tn

Attachments

cc: Barbara Jay
Mark Beall
Jane Peuser
Katie Byrd
Shelly Vallone, Esq.

Shelly Vallone

From: Wolford, Patricia <Patricia.Wolford@montgomerycountymd.gov>
Sent: Monday, February 2, 2026 10:25 AM
To: Shelly Vallone
Cc: Jody Kline
Subject: RE: Building Permit Denial Letters Request

Shelly,

We just finalized the SOP for the new process to obtain a building permit for a zoning denial and Building Permit Denial Letter. The process was distributed to the Permit Technicians and Zoning Reviewers this morning. You can proceed to process your applications for building permits for the two projects, and the fees will be for the building permit denial letter. The only documents necessary to be submitted will be for the zoning reviewer to prepare the letter.

Tricia

From: Wolford, Patricia
Sent: Thursday, January 22, 2026 1:39 PM
To: 'Shelly Vallone' <mevallone@mmcanby.com>
Cc: jskline@mmcanby.com
Subject: RE: Building Permit Denial Letters Request

Shelly,

I just had a meeting with Gail Lucas on developing a procedure for creating a building permit and not requiring any fees or hold ups for reviewing the submission process for these variance issues. She is going to develop a process so that her team knows how to proceed.

I will get back to you shortly with the process and how to get these two permits going.

Tricia

From: Shelly Vallone <mevallone@mmcanby.com>
Sent: Wednesday, January 21, 2026 10:05 AM
To: Wolford, Patricia <Patricia.Wolford@montgomerycountymd.gov>
Cc: jskline@mmcanby.com
Subject: RE: Building Permit Denial Letters Request

[EXTERNAL EMAIL]

Good morning Ms. Wolford,

I just wanted to follow up on the email below. Thank you for your assistance in obtaining the building permit denial letters.

Best regards,

Shelly Vallone
Associate



200-B Monroe Street Rockville, MD 20850
T: 301.762.5212



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From: Shelly Vallone
Sent: Thursday, January 15, 2026 3:28 PM
To: Wolford, Patricia <patricia.wolford@montgomerycountymd.gov>
Cc: Jody Kline <jskline@mmcanby.com>
Subject: Building Permit Denial Letters Request

Good afternoon Ms. Wolford,

Please find attached a letter and attachments regarding our request for building permit denial letters for 23230 Ridge Road, Germantown and 12715 River Road, Potomac. Please let me know if there is anything else we can provide.

Best regards,

Shelly Vallone
Associate



200-B Monroe Street Rockville, MD 20850
T: 301.762.5212



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Shelly Vallone
Associate



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Shelly Vallone

From: Wolford, Patricia <Patricia.Wolford@montgomerycountymd.gov>
Sent: Tuesday, February 17, 2026 1:43 PM
To: Shelly Vallone
Cc: Jody Kline
Subject: RE: Building Permit Denial Letter Request - 23230 Ridge Road

Follow Up Flag: Follow up
Flag Status: Flagged

Shelly

I am sorry I had so many people asking about these lately I thought I responded to all requests. Gail Lucas who is the Division Chief for Customer Service has a new SOP for obtaining building permits for building permit denial letters. You have to file electronically for a building permit for the purposes of getting the denial letter. You can work with the PT who will process the permit for this and once accepted you will get assigned to a zoning reviewer who will review your application and reach out to you with any questions or if additional information is needed. You will upload whatever plans you have for the variance so the letter can be written.

Tricia

From: Shelly Vallone <mevallone@mmcanby.com>
Sent: Tuesday, February 17, 2026 12:21 PM
To: Wolford, Patricia <Patricia.Wolford@montgomerycountymd.gov>
Cc: jskline@mmcanby.com
Subject: RE: Building Permit Denial Letter Request - 23230 Ridge Road

[EXTERNAL EMAIL]

Good morning Ms. Wolford,

I wanted to follow up regarding the building permit denial letter request below.

Thank you!

Shelly Vallone
Associate



200-B Monroe Street Rockville, MD 20850
T: 301.762.5212

[website](#) | [vCard](#) | [confidentiality](#) | [email](#)

From: Shelly Vallone
Sent: Thursday, February 5, 2026 9:32 AM
To: Wolford, Patricia <patricia.wolford@montgomerycountymd.gov>
Cc: Jody Kline <jskline@mmcanby.com>
Subject: Building Permit Denial Letter Request - 23230 Ridge Road

Good morning Ms. Wolford,

Please find attached a building permit denial letter request for 23230 Ridge Road, Germantown. Apologies if this is not quite the correct way to begin the application process. I reviewed the new Building Denial Letter page on the DPS website and note that it states applications should be submitted via paper application to DPS, so, barring any instructions from you to the contrary, we will have this delivered to the 2nd floor information desk today. I believe a payment of \$67.05 will also need to be made, which we are happy to do at DPS's direction.

Thank you very much for all your help with this matter. We are trying to move this along as expeditiously as possible so we can proceed with the conditional use process.

Best regards,

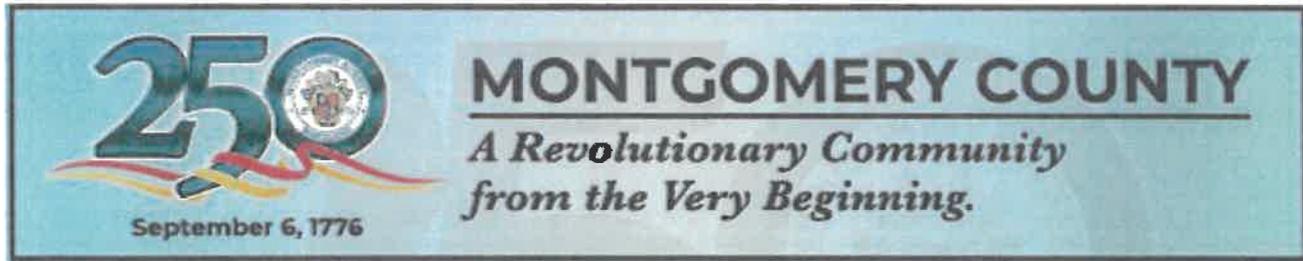
Shelly Vallone
Associate



200-B Monroe Street Rockville, MD 20850
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