

BEFORE THE HEARING EXAMINER FOR MONTGOMERY COUNTY, MARYLAND

Office of Zoning and Administrative Hearings
Stella Werner County Council Office Building
100 Maryland Avenue, Room 200
Rockville, Maryland 20850

IN THE MATTER OF:)	
PETITION OF HOLTON-ARMS)	
SCHOOL, INC. FOR A MAJOR)	Case Nos. CBA-1174-E
MODIFICATION OF AN EXISTING)	
PRIVATE EDUCATIONAL)	
INSTITUTION SPECIAL EXCEPTION)	
Petitioner,)	
)	
)	
Soo Lee-Cho, Esquire)	
Attorney for the Petitioner.)	

MOTION TO AMEND

Pursuant to OZAH Rule 22, Applicant Holton-Arms School, Inc. (“Holton-Arms”, “School” or “Applicant”) submits this Motion to Amend to 1) correct the case number designation in this matter to include both CBA-1174-E and S-2503-B, and to 2) withdraw the previous request to permanently allow for administrative office use of the Granger House.

I. Amendment to Clarify Applicable Case Numbers for Present Case

At the previous hearing held on November 17, 2025, the Hearing Examiner correctly identified that while the Petitioner’s Statement in Support of Special Exception Modification Application (See Exhibit 10) purported to modify CBA-1174-D and the Board of Appeals Resolution referring the case to the Hearing Examiner so captioned the case (See Exhibit 2), the Planning Staff Report identified all five special exceptions applicable to the Holton-Arms School (CBA-1174-D, S-2503-A, S-516, S-729, and S-2467-A) as being modified collectively under CBA-1174-E (See Exhibit 45).

After a careful review of all prior special exceptions granted to Holton-Arms and subsequent modifications, the record of Holton-Arm's special exception approvals reflect that the summer camp component of the School's programmatic offerings was originally approved in 2002 as an independent program under S-2503 rather than as a subordinate or accessory activity to the School as a private educational institution. Accordingly, the case number designation(s) for the present application should have also included **S-2503-B** (modifying S-2503-A) as well as **CBA-1174-E** (modifying CBA-1174-D). The Appendix to this motion contains a table which organizes the special exception cases and modifications in chronological order by case number designation. The table also contains Bates number references to **Exhibit A**, which is a compilation of all Board of Appeals opinions granting an original approval of a special exception or a related modification.

A. Case No. CBA-1174-D

CBA-1174 is the original special exception granted for construction and operation of a Private Educational Institution with an initial enrollment of 400 students. Among other things, subsequent modifications under this case number have, (1) increased enrollment to its present cap of 670 (i.e., 665 with possible additional of another 5 students if circumstances warrant), (2) allowed for certain additional improvements to be built, and (3) permitted temporary operational changes such as the use of modular classrooms during construction of a new science wing. See complete listing of amendments approved under this case number in the table below.

The last major modification was approved under CBA-1174-D, effective March 23, 2004. As such, **CBA-1174-E** is the applicable case number for the academic enrollment increase component of the present major modification application, which seeks an increase of the student cap to 870.

B. Case No. S-2503-A

S-2503 was granted on June 20, 2002, for the operation of a co-educational summer camp, pursuant to Section 59-G-2.13.1 Child Day Care Facility, as a separate special exception from Case No. CBA-1174. In conjunction with Case No. CBA-1174-D referenced above, a major modification under S-2503-A was granted in a consolidated approval with CBA-1174-D, effective March 23, 2004, that increased the School's summer camp enrollment from 650 to the present 665. As such, **S-2503-B** is the relevant case number for the summer camp enrollment increase component of the present major modification application, which seeks an increase of the cap to 970.

C. Case Nos. S-516, S-729, and S-2467

The remaining three case numbers, S-516, S-729, and S-2467 need not be referenced in the present major modification case. While the uses permitted under these case numbers will remain, nothing related to those uses is altered by the present application. To be clear, Holton-Arms has no desire or intention to abandon S-516, S-729 or S-2467. These cases are just not impacted by the present application.

S-516 was granted on December 23, 1976, for the construction of a playground and small parking area. It has not been subsequently modified. As this application does not propose any alterations or improvements to existing facilities, S-516 should not be modified under the present application.

S-729 was granted on April 30, 1980, for the addition of a library. It also has not been subsequently modified. As this application does not propose any alterations or improvements to existing facilities, S-729 should not be modified under the present application.

S-2467 was granted on August 8, 2002, for the operation of an early childhood development center or child day care facility with a maximum of 15 children. Subsequent modifications have increased the permitted child enrollment to 31, with a permitted full-time staff of 10, and modified the hours of operation of the day care. This application does not propose to modify the number of children permitted in the day care, the number of staff, the hours of operation, or any other operational characteristic of the day care facility. Accordingly, the present major modification application does not need to reference or include S-2467.

II. No Amendment is Necessary Related to the Permanent Use of the Granger House

Holton-Arms no longer intends to pursue the proposal in its Revised Statement of Justification and Summary of Proof (Exhibit 30) to permanently allow administrative office use of the Granger House. Current approvals allow the Granger House to be used as ancillary office space on a *temporary* basis that must be reviewed by the Board of Appeals annually under the Board's administrative modification process. Accordingly, while there was discussion at the November 17th hearing relating to amending the present application to allow permanent use of the Granger House as offices for school administrative staff (See Transcript Page 13:1-15:17), the Applicant no longer desires to use the Granger House as office space on a permanent basis and so withdraws the Granger House matter from the present major modification application.

III. Conclusion

Based on the foregoing, the Applicant requests that the Hearing Examiner grant the aforesaid Motion to Amend.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 26th day of February, 2026, a copy of the foregoing Response to Motion to Compel Immediate Filing of Amended Application and Related Relief was transmitted by email to:

Office of Zoning and Administrative Hearings
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Stella B. Warner Council Office Building
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Appendix A – Holton-Arms Special Exceptions and Modifications

Case Number/ Recommendation	Bates Page Reference	Date	Request	Explanation of Recommendation/Notes
CBA-1174 Include	1-2	11/29/1961	Construction and operation of private educational institution	This should be included as the operation of the private educational institution and permitted enrollment number is tied to this special exception.
CBA-1174 (admin)	3-4	3/15/1985	Construction of a maintenance building	
CBA-1174 (admin)	5-6	4/10/1985	Permit operation of Day Care for 8-10 children of Holton-Arms faculty/staff.	
CBA-1174 (admin)	7-8	5/27/1987	Regrading and enlargement of soccer field	
CBA-1174-A	9-15	10/23/1987	Construction of performing arts center, gym, tennis courts, track and soccer field	
CBA-1174-B	16-19	4/15/1994	Increase in enrollment to 650; decrease in property subject to special exception; construction of elevator tower, accessible bathrooms, additional kitchen facilities; realignment of athletic fields; construction of seven tennis courts; realignment of lower school driveway.	Only aspect impacted by this request is enrollment increase
CBA-1174-B (admin)	20-21	8/11/1995	Construction of new maintenance building	

CBA-1174-B (admin)	22-23	10/24/1996	Change of signage	
CBA-1174-B (admin)	24-25	8/27/1998	Construction of entry feature	
CBA-1174-C	26-46	5/29/2002	Incorporation of additional land donated to school, construction of new science wing connected to performing arts center, expansion of performing arts center, construction of addition to lower school, improvements related to track and field, widening and reconfiguring of school access roads.	
CBA-1174-C (admin)	47-50	8/19/2002	Allow temporary use of modular classroom during construction of science wing	
CBA-1174-D	51-55	3/23/2004	Increase enrollment from 650 to 665	Approved in a consolidated major modification case with S-2467-A and S-2503-A.
CBA-1174-D (admin)	56-57	10/27/2006	Make school day 30 minutes longer on Friday to conform with other weekdays (previously let out 30 minutes early on Friday)	
CBA-1174-D (admin)	58-60	1/18/2008	Replace lower school field with turf, relocate emergency access, enlarge blacktop, add lighting at main entrance	
CBA-1174-D (admin)	61-63	5/15/2008	Allow a one week summer international exchange tennis program and one time use of	

			meeting space by Fox Hill Sunrise community	
CBA-1174-D (admin)	64-66	5/15/2008	Allow school to host four enrichment programs per year (i.e., lectures) outside of school normal hours	
CBA-1174-D (admin)	67-68	5/14/2009	Seeking one time permission to host Independent School League track tournament on a trial basis	
CBA-1174-D (admin)	69-71	5/24/2011	To temporarily allow parking on campus for USGA during 2011 U.S. Open	
CBA-1174-D (admin)	72-74	5/21/2012	Enclose the existing entry portico at front entrance	
CBA-1174-D (admin)	75-78	6/8/2022	Reconfiguration of space between library and main school building (Learning Commons)	
CBA-1174-D (admin)	79-82	8/4/2023	To allow for renovation and use of Granger House as temporary library and staff offices during improvements to Marriott Library and Learning Commons	
S-2503 Include	83-96	6/20/2002	Operation of a co-educational summer camp with 645 children and 160 staff	This special exception is being modified as the school proposes to increase the allowed summer camp enrollment.
S-2503-A	51-55	3/23/2004	Increase summer camp enrollment from 650 to 665	Approved in a consolidated major modification case with CBA-1174-D and S-2467-A.

<p>S-516</p> <p>Need not include</p>	<p>97-106</p>	<p>12/23/1976</p>	<p>Construction of playground, small parking area, and an access road.</p>	<p>The request for an access road was ultimately withdrawn so the modification granted only included the playground and small parking area. The current request does not propose to modify any aspect of the existing playground or parking area, and as such, S-516 is not being modified.</p>
<p>S-729</p> <p>Need not include</p>	<p>107-118</p>	<p>4/30/1980</p>	<p>Addition of a Library</p>	<p>The current major modification request is operational in nature only. It will not have any affect on the previously constructed library building, and as such, S-729 is not being modified.</p>
<p>S-2467</p>	<p>119-127</p>	<p>8/8/2002</p>	<p>Operation of a child day care facility with maximum 15 children</p>	<p>Approved in a consolidated major modification case with CBA-1174-D and S-2503-A.</p> <p>The school does not propose to modify the operations or enrollment of its child day care facility. However, the child day care operations are part of the operations analyzed by the Traffic Impact Study and must be considered in</p>

				conjunction with school year and summer camp enrollment.
S-2467-A Need not include	51-55	3/23/2004	Increase day care enrollment from 15 to 20, with schools other than Holton staff filling up to 12 slots	Approved in a consolidated major modification case with CBA-1174-D and S-2503-A.
S-2467-A (admin)	128-130	6/13/2006	Increase number of permitted day care staff from 5 to 6 staff members	
S-2467-A (admin)	131-133	11/1/2006	Extension of hours of operation from 4 PM to 5 PM	
S-2467-A (admin)	134-136	3/19/2010	Extension of day care hours from 5 PM to 5:30 PM	
S-2467-A (admin)	137-138	4/11/2014	Increase day care enrollment to 31 with 10 full time staff	