

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, S-2503-B ¹
MODIFICATION OF EXISTING)	
PRIVATE EDUCATIONAL)	
INSTITUTION AND CHILD CARE)	
CENTER (SUMMER CAMP) ¹)	
SPECIAL EXCEPTION)	
Petitioner,)	
)	
)	
Soo Lee-Cho, Esquire)	
Attorney for the Petitioner.)	

PETITIONER’S AMENDED PRE-HEARING SUBMISSION
(March 3, 2026)

In accordance with Section 3.4 of the Rules of Procedure of the Office of Zoning and Administrative Hearings, this Pre-Hearing Submission is submitted on behalf of Petitioner, Holton-Arms School, Inc. in support of Major Modification Application to permit (1) an increase in its student enrollment cap from 670 to 870, (2) an increase in its summer camp registration cap from 665 to 970, and (3) greater flexibility in third-party ancillary use of campus facilities (“Application”). The Holton-Arms campus, located at 7303 River Road, Bethesda, Maryland, 20817 (“Subject Property”), is classified in the R-200 and R-90 Zones. Pursuant to Section 7.7.1.B.1 and Section 7.7.1.B.3.c of the Montgomery County Zoning Ordinance, this Application

¹ Pending Petitioner’s Motion to Amend (Exhibit 72).

will be reviewed under the standards and procedures of the zoning ordinance in effect prior to October 29, 2014, i.e., the 2004 Zoning Ordinance.

I. Statement of Grounds in Support of the Petition

- A. The proposal complies with applicable standards and requirements set forth under Divisions 59-G-1 and 59-G-2 of the 2004 Zoning Ordinance, as follows:
 - 1. Section 59-G-1.2.1 Standard for Evaluation
 - 2. Section 59-G-1.21 General Conditions
 - 3. Section 59-G-1.23 General Development Standards
 - 3. Section 59-G-2.19 Private Educational Institutions
 - 4. Section 59-G-2.13.1 Child Day Care Facility
- B. The proposal is consistent with the general plan for the physical development of the District, and conforms with the recommendations, goals and objectives of the 1990 Bethesda-Chevy Chase Master Plan.
- C. The proposal is in harmony with the general character of the neighborhood, considering population density, design, scale, and bulk of any proposed new structures, intensity and character of activity, traffic and parking conditions, and number of similar uses.
- D. The proposal will not be detrimental to the use, peaceful enjoyment, economic value or development of surrounding properties or the general neighborhood at the subject site, irrespective of any adverse effects the use might have if established elsewhere in the zone.
- E. The proposal will cause no objectionable noise, vibrations, fumes, odors, dust, illumination, glare, or physical activity at the subject site, irrespective of any adverse effects the use might have if established elsewhere in the zone.
- F. The proposal will not, when evaluated in conjunction with existing and approved special exceptions in any neighboring one-family residential area, increase the number, intensity, or scope of special exception uses sufficiently to affect the area adversely or alter the predominantly residential nature of the area. Special exception uses that are consistent with the recommendations of a master plan do not alter the nature of an area.

- G. The proposal will not adversely affect the health, safety, security, morals, or general welfare of residents, visitors, or workers in the area at the subject site, irrespective of any adverse effects the use might have if established elsewhere in the zone.
- H. The proposal will be served by adequate public facilities, including police and fire protection, water, sanitary sewer, public roads, storm drainage, and other public facilities.

II. Reports – The Applicant intends to rely on the following reports and other supporting material to be made a part of the record of this case:

- A. Holton-Arms Traffic Study (LATR) (dated September 12, 2025) (Exhibit 33)
- B. Holton-Arms LATR Technical Attachments (dated September 12, 2025) (Exhibit 40)
- C. Holton-Arms Transportation Management Plan (TMP), dated October 17, 2025 (Exhibit 38a) with September 12, 2025 version redlined (Exhibit 38b)
- D. Holton-Arms 2025 Supplemental Analysis Memo by Gorove Slade, dated October 17, 2025 (Exhibit 38c)
- E. Holton-Arms SHA Review Meeting Summary, dated October 17, 2025 (Exhibit 38d)
- F. Holton-Arms Sept 9th Virtual Community Meeting and Outreach Recap (Exhibit 38e)
- G. Email with Alleged Pictures of Penny B. Evins, Head of School (Exhibit 38f)
- H. Planning Department Staff Report and Recommendations, dated November 3, 2025 (Exhibit 45)
- I. Attachment H to Planning Staff Report – MCDOT & SHA Agency Approval Letters re Holton-Arms TIS (Exhibit 45h - incorrectly identified as “Traffic Impact Study”) (*same as Exhibits 39 and 44*)
- J. Planning Board Transmittal Letter, dated November 14, 2025 (Exhibit 51)
- K. Planning Department Supplemental Staff Memo, dated November 20, 2025 (**New Exhibit # __**)
- L. Petitioner’s Revised Statement of Justification, dated March 3, 2026 (**New Exhibit __**) (*replaces Exhibits 30 and 45e*)
 - 1. Part 1 – Statement of Operations (**New Exhibit # __**)
 - 2. Part 2 – VIKa Land Use Report (**New Exhibit # __**)

M. Maryland SDAT and Montgomery County Land Records Documents

1. SDAT Real Property Data Search result for tax account #07-00438856 (**New Exhibit #__**)
2. Easement and Right of Way made June 30, 1975, Liber 4664, Folio 825 (**New Exhibit #__**)
3. Confirmatory Easement and Right of Way made May 10, 1976, Liber 4780, Folio 255 (**New Exhibit #__**)
4. Mark-Up of Plat No. 11136 (**New Exhibit #__**)

N. Gorove Slade – Hearing Exhibits, dated March 3, 2026 (**New Exhibit #__ (PDF) and __ (PPT)**) (*replaces Exhibits 50b and 50c*)

O. Macris, Hendricks & Glascock (MHG) Plans

1. Newly Surveyed, Existing Conditions Site Plan (total of 6 sheets) (**New Exhibit #__**)
 - a. SP-0 Cover Sheet & Site Location Plan
 - b. SP-1 Existing Conditions Site Plan
 - c. SP-2 Existing Conditions Site Plan
 - d. SP-3 Existing Conditions Site Plan
 - e. SP-4 Existing Conditions Site Plan
 - f. SP-5 Existing Conditions Site Plan
2. Forest Conservation Plan Amendment Plan Set for LATR Offsite Intersection Improvement (total of 3 sheets) (**New Exhibit #__**)
 - a. Cover Sheet
 - b. Approval Sheet
 - c. Sheet 10 of 10 – Final Forest Conservation Plan – Offsite Improvements
3. Preliminary Plan Amendment Plan Set to Amend Condition #1 of Planning Board Resolution (total of 4 sheets) (**New Exhibit #__**)

P. Expert Witness Resumes

1. Joshua Sloan – VIKA (**New Exhibit #__**)
2. Patrick La Vay – MHG (Exhibit 38g)
3. Matthew Foster – Phoenix Noise & Vibration (**New Exhibit #__**)

4. Marie Cox – Galloway (**New Exhibit # __**)
5. Katie Wagner – Gorove Slade (Exhibit 38g)

III. Experts - The Applicant intends to present the following expert witnesses:

- A. **Joshua Sloan** of VIKA Maryland, LLC, Vice President / Director of Planning & Landscape Architecture, will testify as an expert in the field of Land Planning relative to the School's modification request as fully detailed in the VIKA Land Use Report prepared by Mr. Sloan as part of Petitioner's Statement of Justification. In particular, Mr. Sloan will testify regarding inherent/non-inherent adverse effects, if any, and how the School's existing site and request for operational changes comply with all applicable sections/provisions of Divisions 59-G-1 and 59-G-2 of the 2004 Zoning Ordinance.

- B. **Patrick La Vay** of Macris, Hendricks & Glascock (MHG), will testify as an expert in the field of Civil Engineering relative to the School's modification request and the related intersection mitigation improvement at the western leg of the Royal Dominion intersection with River Road that is proposed to be constructed by the School as a condition of approval of its Major Modification Application, as detailed in the LATR/TIS. Mr. La Vay will testify regarding the existing conditions of the property that support necessary findings for approval of the School's application, inclusive of provided parking, landscape buffers, forest conservation easements, setbacks to adjacent residences.

- C. **Matthew Foster** of Phoenix Noise & Vibration, will testify as an expert in the field of Acoustical Engineering, inclusive of noise testing, impact determination and 3D noise propagation modeling for complex outdoor sites. Mr. Foster will also testify regarding the potential impact of various proposed operational changes on existing noise conditions.

- D. **Marie Cox** of Galloway, Transportation Demand Management (TDM) Specialist, will testify as an expert in the field of TDM Planning and Implementation relative to the TDM strategies included in the School's proposed Transportation Management Plan (TMP) in support of the Major Modification.

- E. **Katie Wagner** of Gorove Slade, Transportation Planners and Engineers, will testify as an expert in the fields of Traffic Engineering and Transportation Planning regarding the traffic impact from the proposed operations, the adequacy of roads and intersections, and how approval of the proposed Major Modification will not have an adverse impact upon the local street network. Ms. Wagner will also testify regarding the School's proposed TMP and how it will operate in conjunction with other mitigation measures included in the School's approved LATR/TIS.

IV. Lay Witnesses - The Applicant intends to present the following witnesses:

- A. **Penny B. Evins**, Head of School, Holton-Arms, will discuss why the proposed modification to the School's enrollment caps is necessary to further the mission of the School, the purpose of/rationale for the additional flexibility for third party use requested, as well as the School community's commitment to the proposed TMP.

- B. **Tracey Fudge**, Chief Operating Officer and Chief Financial Officer, Holton-Arms, will discuss the School's existing and proposed operations, as well as the School's existing TMP and planned implementation of the proposed TMP. Ms. Fudge will discuss how current third-party ancillary uses are managed under existing approvals and why additional flexibility is needed.

- C. **Mark Ordan**, Board of Trustees, Chair, Holton-Arms, will provide relevant background on the previous major modification application process undertaken by the School, why the School has refrained from

requesting an enrollment increase in the last 24 years, the harm that not doing so has had on the School, and why the requested enrollment increases are needed for the School's future.

D. **Tracy Washington**, Board of Trustees Member, Holton-Arms, will provide her perspective on the benefits of the School to the larger community and why Holton-Arms must be permitted to grow.

E. **Alan Worden**, Parent Volunteer, Holton-Arms, will describe his work to help proactively address neighbor concerns, facilitate outreach and improve neighbor relations.

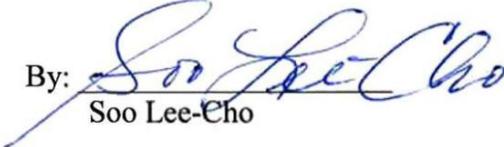
V. **Estimated Time for Presentation**

The Applicant estimates that presentation of its case in chief will require 2 days.

VI. **Reservation of Right to Supplement** – This submission is intended to satisfy the requirements of the Code and the Rules of Procedures for Zoning Cases. If amended or supplemental information becomes necessary to support the present application, the Applicant will make a supplemental submission in a timely fashion in compliance with OZAH Rules of Procedure.

Respectfully submitted,

BREGMAN, BERBERT, SCHWARTZ & GILDAY, LLC

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