
CU 20-06 - Redly Capital Investments & Holding Company

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Date Thu 12/12/2024 3:28 PM

To Nichols, Greg <Greg.Nichols@montgomerycountymd.gov>; Vargas, Jennyffer <Jennyffer.Vargas@montgomerycountymd.gov>

Cc Johnson, Nana <Nana.Johnson@montgomerycountymd.gov>; Behanna, Sara <Sara.Behanna@montgomerycountymd.gov>; Sokoni, Khandikile Mvunga <Khandikile.Sokoni@montgomerycountymd.gov>; Howley, Thomas "Tom" <Thomas.Howley@montgomerycountymd.gov>

 1 attachment (584 KB)

DPS Referral Case 126212 CU2006 - Abandonment Memo to OZAH - 7.10.2024 17734 Norwood Road.pdf;

Greg and Jennyffer,

Today, Sara Behanna in our office spoke with Tom Howley and they discussed the status of the conditional use at 17734 Norwood Road. After the conversation Tom forwarded to Sara the attached memo from Jennyffer to Derek Baumgardner dated July 10, 2024. Derek left OZAH in 2021 and I couldn't find a copy of this memo anywhere in the OZAH inbox or file. Today was the first time that anyone in the office heard of the memo or violation.

With that said, we will move forward with the request. The Code doesn't just allow us to "revoke" without first holding a Show Cause hearing. See Code Section 59.7.3.1.L.7 below. We will get started on the show cause process, but if you could send us any contact information you have for the current owner of the property and/or the holder of the conditional use - mail, phone numbers, emails, etc. I would greatly appreciate it. We have to personally serve the owner/holder with a copy of the show cause hearing notice/order. We will also reach out to the attorney who handled the case in 2020 and asked for the extension in 2023 for the same info.

Thank you.

Katy Byrne

59.7.3.1.L - Compliance and Enforcement

7. 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.

- a. If the conditional use holder and the property owner acknowledge that the conditional use has been abandoned, DPS must notify the Board of Appeals or the Hearing Examiner, as appropriate. The Board of Appeals or Hearing Examiner must adopt and issue a written resolution finding the conditional use to have been abandoned and ordering it revoked.

- b. If either the conditional use holder or the property owner challenges the abandonment and requests that the conditional use be continued, DPS must notify the Board of Appeals or the Hearing Examiner, as appropriate, and the Board of Appeals or Hearing Examiner must convene a public show cause hearing to determine whether or not the conditional use was abandoned and whether it should be revoked.
- 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.

*Kathleen "Katy" Byrne
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