

**From:** [Andrea LeWinter](#)  
**To:** [Rahul Patel](#); [Byrne, Kathleen](#); [nassajleila7@gmail.com](mailto:nassajleila7@gmail.com)  
**Cc:** [Guisao-Ospina, Jonv](#); [Johnson, Nana](#); [Michael Greigg](#)  
**Subject:** RE: A To Z Fun Care - CU25-09  
**Date:** Wednesday, October 15, 2025 5:14:38 PM

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**[EXTERNAL EMAIL]**

Mr. Patel:

Unfortunately, the information that you have provided below is insufficient.

The regulations require me to make specific findings of fact. Therefore, I need sufficient information to find that the conditions of the property comply with the governing regulations, which requires details, not general statements. Simply asserting that conditions on the property will not change is not acceptable.

1. Landscape conditions are existing to remain, the Applicant is not doing any exterior work or removing any trees. – *this is insufficient. Please fully describe the conditions on the property.*
2. Lighting conditions on the property are existing to remain, the Applicant is not making any modifications to exterior lighting. – *this is insufficient. Please fully describe the conditions on the property.*
3. Confirming the property description is complete and accurate.
4. Could you kindly clarify if there is sufficient information or if I would need to provide sufficient information for the Parking Waiver.—*What you have provided is insufficient. Please reference the statute.*
5. A To Z Fun Care will operate Monday-Friday between 7am and 6pm and will have exclusive access to the outdoor playground. – *Please provide a full schedule of staffing, class times, who will be using the playground at which times, etc. I will need detailed operational information.*
6. The Driveway is currently shared between St. Luke's Episcopal Church and Cornerstone Montgomery, St. Luke's Church will reserve 13 parking spaces in the rear parking lot for the Daycare as required. For the Right-of-Way, the property maintains the 86'-0" setback Building Restriction Line from Old Georgetown Rd. – *Please ensure that your presentation includes this information and full information as to the appropriateness of ingress/egress etc on the property.*
7. The Dumpsters are located to the left of the Main Parking Lot towards Cornerstone Montgomery; I had requested the Trash Pick Up times from the St. Luke's Church but have not received information for this yet. – *You will need this information and any regular delivery information by the time you present tomorrow.*

If Ms. Nassaj cannot provide the necessary information, her petition will not be granted. I strongly recommend that she and you familiarize yourselves with all relevant Montgomery Co. regulations and be able to provide the necessary information to prove that the site is compliant.

Andrea LeWinter  
Hearing Examiner  
Andrea LeWinter, Esq.  
Of Counsel



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5850 Waterloo Road (Route 108)  
Suite 140  
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---

**From:** Rahul Patel <[rpatel@3garchitects.com](mailto:rpatel@3garchitects.com)>

**Sent:** Wednesday, October 15, 2025 4:31 PM

**To:** Andrea LeWinter <[alewinter@taylorlegal.com](mailto:alewinter@taylorlegal.com)>; Byrne, Kathleen  
<[Kathleen.Byrne@montgomerycountymd.gov](mailto:Kathleen.Byrne@montgomerycountymd.gov)>; [nassajleila7@gmail.com](mailto:nassajleila7@gmail.com)

**Cc:** Guisao-Ospina, Jony <[Jony.Guisao@montgomerycountymd.gov](mailto:Jony.Guisao@montgomerycountymd.gov)>; Johnson, Nana  
<[Nana.Johnson@montgomerycountymd.gov](mailto:Nana.Johnson@montgomerycountymd.gov)>; Michael Greigg <[mgreigg@3garchitects.com](mailto:mgreigg@3garchitects.com)>

**Subject:** Re: A To Z Fun Care - CU25-09

Good Afternoon Ms. LeWinter,

Yes, the Applicant will be representing herself at tomorrow's Hearing.

As requested, please see the following for the additional information:

1. Landscape conditions are existing to remain, the Applicant is not doing any exterior work or removing any trees.
2. Lighting conditions on the property are existing to remain, the Applicant is not making any modifications to exterior lighting.
3. Confirming the property description is complete and accurate.

4. Could you kindly clarify if there is sufficient information or if I would need to provide sufficient information for the Parking Waiver
5. A To Z Fun Care will operate Monday-Friday between 7am and 6pm and will have exclusive access to the outdoor playground.
6. The Driveway is currently shared between St. Luke's Episcopal Church and Cornerstone Montgomery, St. Luke's Church will reserve 13 parking spaces in the rear parking lot for the Daycare as required. For the Right-of-Way, the property maintains the 86'-0" setback Building Restriction Line from Old Georgetown Rd.
7. The Dumpsters are located to the left of the Main Parking Lot towards Cornerstone Montgomery; I had requested the Trash Pick Up times from the St. Luke's Church but have not received information for this yet.

I hope this provides the additional information, please let me know if there are any additional questions or if you need more clarification for the above.

Best,

Rahul Patel

[rpatel@3garchitects.com](mailto:rpatel@3garchitects.com)

O: 703-506-6868

Exhibit 18  
OZAH Case No: CU 25-09

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**From:** Andrea LeWinter <[alewinter@taylorlegal.com](mailto:alewinter@taylorlegal.com)>

**Sent:** Monday, October 13, 2025 2:31 PM

**To:** Rahul Patel <[rpatel@3garchitects.com](mailto:rpatel@3garchitects.com)>; Byrne, Kathleen

<[Kathleen.Byrne@montgomerycountymd.gov](mailto:Kathleen.Byrne@montgomerycountymd.gov)>; [nassajleila7@gmail.com](mailto:nassajleila7@gmail.com) <[nassajleila7@gmail.com](mailto:nassajleila7@gmail.com)>

**Cc:** Guisao-Ospina, Jony <[Jony.Guisao@montgomerycountymd.gov](mailto:Jony.Guisao@montgomerycountymd.gov)>; Johnson, Nana

<[Nana.Johnson@montgomerycountymd.gov](mailto:Nana.Johnson@montgomerycountymd.gov)>

**Subject:** RE: A To Z Fun Care - CU25-09

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Mr. Patel –

I presume from your response that the petitioner is not retaining counsel prior to the hearing. Can you please confirm this?

Assuming so, I want to first reiterate what I understand Hearing Examiner Byrne to have advised you of – without counsel, questioning of witnesses is not permitted, meaning that you and any other witnesses (the

petitioner and anyone else that will be present at the hearing to testify regarding the conditional use) may only make statements. I will not be able to ask witnesses questions in order to elicit missing information. If the statements do not include all of the information that I need to render a decision, I will not be able to grant the petition. Therefore, I strongly advise Ms. Nassaj to carefully weigh not retaining counsel.

I have begun my review of the case. Preliminarily, I see that I will need additional and specific information on:

1. Landscape conditions on the property and their accord with current standards;
2. Lighting conditions on the property and their accord with current standards;
3. Confirmation that the property description is complete and accurate;
4. Sufficient information to consider the parking waiver;
5. Scheduling information for the day care including outdoor play/playground time;
6. Information about driveway and right-of-way;
7. Scheduling information for trash pick up and deliveries.

Please refer to the applicable regulations under the conditional use standards Sect. 59-3, 59-4, 59-6, and 59-7.

There may be additional areas that come to my attention as I continue my review and I will do my best to alert you, but it is not my responsibility to do so, which, again, is why relying on an attorney would greatly benefit Ms. Nassaj.

Please let me know if you have any questions.

Andrea LeWinter

OZAH Hearing Examiner

*Andrea LeWinter, Esq.*

Of Counsel



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**From:** Rahul Patel <[rpatel@3garchitects.com](mailto:rpatel@3garchitects.com)>  
**Sent:** Monday, October 13, 2025 1:48 PM  
**To:** Byrne, Kathleen <[Kathleen.Byrne@montgomerycountymd.gov](mailto:Kathleen.Byrne@montgomerycountymd.gov)>; Andrea LeWinter <[alewinter@taylorlegal.com](mailto:alewinter@taylorlegal.com)>; [nassajleila7@gmail.com](mailto:nassajleila7@gmail.com)  
**Cc:** Guisao-Ospina, Jony <[Jony.Guisao@montgomerycountymd.gov](mailto:Jony.Guisao@montgomerycountymd.gov)>; Johnson, Nana <[Nana.Johnson@montgomerycountymd.gov](mailto:Nana.Johnson@montgomerycountymd.gov)>  
**Subject:** Re: A To Z Fun Care - CU25-09

Good Afternoon Ms. Byrne,

Thank you very much for the clarification.

Best,

Rahul Patel

[rpatel@3garchitects.com](mailto:rpatel@3garchitects.com)

O: 703-506-6868

---

**From:** Byrne, Kathleen <[Kathleen.Byrne@montgomerycountymd.gov](mailto:Kathleen.Byrne@montgomerycountymd.gov)>  
**Sent:** Monday, October 13, 2025 1:28 PM  
**To:** Rahul Patel <[rpatel@3garchitects.com](mailto:rpatel@3garchitects.com)>; Andrea LeWinter <[alewinter@taylorlegal.com](mailto:alewinter@taylorlegal.com)>; [nassajleila7@gmail.com](mailto:nassajleila7@gmail.com) <[nassajleila7@gmail.com](mailto:nassajleila7@gmail.com)>  
**Cc:** Guisao-Ospina, Jony <[Jony.Guisao@montgomerycountymd.gov](mailto:Jony.Guisao@montgomerycountymd.gov)>; Johnson, Nana <[Nana.Johnson@montgomerycountymd.gov](mailto:Nana.Johnson@montgomerycountymd.gov)>  
**Subject:** RE: A To Z Fun Care - CU25-09

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Mr. Patel,

The Applicant can submit her own prehearing statement. See the rule I cited in the email below for the required contents of the pre hearing statement.

Katy Byrne

---

**From:** Rahul Patel <[rpatel@3garchitects.com](mailto:rpatel@3garchitects.com)>  
**Sent:** Monday, October 13, 2025 1:21 PM  
**To:** Byrne, Kathleen <[Kathleen.Byrne@montgomerycountymd.gov](mailto:Kathleen.Byrne@montgomerycountymd.gov)>; Andrea LeWinter <[alewinter@taylorlegal.com](mailto:alewinter@taylorlegal.com)>; [nassajleila7@gmail.com](mailto:nassajleila7@gmail.com)  
**Cc:** Guisao-Ospina, Jony <[Jony.Guisao@montgomerycountymd.gov](mailto:Jony.Guisao@montgomerycountymd.gov)>; Johnson, Nana <[Nana.Johnson@montgomerycountymd.gov](mailto:Nana.Johnson@montgomerycountymd.gov)>  
**Subject:** Re: A To Z Fun Care - CU25-09

**[EXTERNAL EMAIL]**

Hi Ms. Byrne,

I hope you are doing well and thank you for following up.

I wanted to see if I could get clarification for who can provide the Pre-Hearing Statement.

If the Applicant decides to represent herself, could I be provide the Pre-Hearing Statement as the Authorized Agent on the Applicant's behalf? Or is the Pre-Hearing Statement required to be provided by an Attorney?

Best,

Rahul Patel

[rpatel@3garchitects.com](mailto:rpatel@3garchitects.com)

O: 703-506-6868

---

**From:** Byrne, Kathleen <[Kathleen.Byrne@montgomerycountymd.gov](mailto:Kathleen.Byrne@montgomerycountymd.gov)>

**Sent:** Monday, October 13, 2025 1:07 PM

**To:** Rahul Patel <[rpatel@3garchitects.com](mailto:rpatel@3garchitects.com)>; Andrea LeWinter <[alewinter@taylorlegal.com](mailto:alewinter@taylorlegal.com)>;  
[nassajleila7@gmail.com](mailto:nassajleila7@gmail.com) <[nassajleila7@gmail.com](mailto:nassajleila7@gmail.com)>

**Cc:** Guisao-Ospina, Jony <[Jony.Guisao@montgomerycountymd.gov](mailto:Jony.Guisao@montgomerycountymd.gov)>; Johnson, Nana  
<[Nana.Johnson@montgomerycountymd.gov](mailto:Nana.Johnson@montgomerycountymd.gov)>

**Subject:** RE: A To Z Fun Care - CU25-09

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Ms. Nassaj and Mr. Patel,

To date, OZAH still has not received a prehearing statement as required under the rules for the conditional use hearing scheduled this Thursday 10/16. Please see the email thread below as a reminder. Will an attorney be present at the hearing representing A to Z Fun Care? Please note Ms. Andrea LeWinter, copied on this email, is the Hearing Examiner assigned to this case. She has received the Staff Report and is reviewing the documents submitted. Ms. LeWinter may email you both if she requires any additional information.

Katy Byrne

Kathleen E. Byrne

Director/Hearing Examiner

Office of Zoning and Administrative Hearings

Montgomery County, Maryland  
100 Maryland Avenue, Room 200  
Rockville, Maryland 20850  
240-777-6660

[Kathleen.byrne@montgomerycountymd.gov](mailto:Kathleen.byrne@montgomerycountymd.gov)

---

**From:** Rahul Patel <[rpatel@3garchitects.com](mailto:rpatel@3garchitects.com)>  
**Sent:** Friday, September 26, 2025 3:43 PM  
**To:** Byrne, Kathleen <[Kathleen.Byrne@montgomerycountymd.gov](mailto:Kathleen.Byrne@montgomerycountymd.gov)>  
**Cc:** Guisao-Ospina, Jony <[Jony.Guisao@montgomerycountymd.gov](mailto:Jony.Guisao@montgomerycountymd.gov)>; Johnson, Nana <[Nana.Johnson@montgomerycountymd.gov](mailto:Nana.Johnson@montgomerycountymd.gov)>  
**Subject:** Re: A To Z Fun Care - CU25-09

**[EXTERNAL EMAIL]**

Ms. Byrne,

Thank you for letting me know! I will check with Planning.

Thanks,

Rahul Patel

[rpatel@3garchitects.com](mailto:rpatel@3garchitects.com)

O: 703-506-6868

---

**From:** Byrne, Kathleen <[Kathleen.Byrne@montgomerycountymd.gov](mailto:Kathleen.Byrne@montgomerycountymd.gov)>  
**Sent:** Friday, September 26, 2025 3:40 PM  
**To:** Rahul Patel <[rpatel@3garchitects.com](mailto:rpatel@3garchitects.com)>  
**Cc:** Guisao-Ospina, Jony <[Jony.Guisao@montgomerycountymd.gov](mailto:Jony.Guisao@montgomerycountymd.gov)>; Johnson, Nana <[Nana.Johnson@montgomerycountymd.gov](mailto:Nana.Johnson@montgomerycountymd.gov)>



**Subject:** RE: A To Z Fun Care - CU25-09

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To date we have not received any correspondence in opposition. You may also wish to check with Planning to see if they have received anything.

Katy Byrne

---

**From:** Rahul Patel <[rpatel@3garchitects.com](mailto:rpatel@3garchitects.com)>

**Sent:** Friday, September 26, 2025 3:39 PM

**To:** Byrne, Kathleen <[Kathleen.Byrne@montgomerycountymd.gov](mailto:Kathleen.Byrne@montgomerycountymd.gov)>

**Cc:** Guisao-Ospina, Jony <[Jony.Guisao@montgomerycountymd.gov](mailto:Jony.Guisao@montgomerycountymd.gov)>; Johnson, Nana <[Nana.Johnson@montgomerycountymd.gov](mailto:Nana.Johnson@montgomerycountymd.gov)>

**Subject:** Re: A To Z Fun Care - CU25-09

**[EXTERNAL EMAIL]**

Hi Ms. Byrne,

Thank you for the clarification.

As we are preparing for the Public Hearing, could you let me know if there are any oppositions to the Conditional Use Case?

Best,

Rahul Patel

[rpatel@3garchitects.com](mailto:rpatel@3garchitects.com)

O: 703-506-6868

---

**From:** Byrne, Kathleen <[Kathleen.Byrne@montgomerycountymd.gov](mailto:Kathleen.Byrne@montgomerycountymd.gov)>  
**Sent:** Friday, September 26, 2025 1:31 PM  
**To:** Rahul Patel <[rpatel@3garchitects.com](mailto:rpatel@3garchitects.com)>  
**Cc:** Guisao-Ospina, Jony <[Jony.Guisao@montgomerycountymd.gov](mailto:Jony.Guisao@montgomerycountymd.gov)>; Johnson, Nana <[Nana.Johnson@montgomerycountymd.gov](mailto:Nana.Johnson@montgomerycountymd.gov)>  
**Subject:** RE: A To Z Fun Care - CU25-09

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Mr. Patel,

The hearing starts at 9:30 am, but the Zoom link opens at 9:00 am to make sure that all systems are operating and ready to go for those appearing remotely when the hearing starts at 9:30 am. I refer you to OZAH's rules of procedure. See [Appendix A. Office of Zoning and Administrative Hearings Rules and Fee Schedule](#) Specifically Rules 3.3 and Rules 3.4 which state as follows:

### **3.3 Representation.**

*Groups, organizations or entities arguing a matter or calling witnesses before OZAH must be represented by an attorney, but a member of an organization, authorized by that organization to do so, may offer testimony in narrative form on behalf of the organization without attorney representation. Individual members of organizations may also offer testimony in narrative form on their own behalf, without attorney representation.*

### **3.4 Applicant's Pre-hearing Submission.**

*The applicant must file a pre-hearing statement at OZAH, in duplicate, within 30 days of the hearing date. The applicant must also provide copies to all parties of record and the Planning Department. An electronic copy must also be provided to OZAH at the same time. The statement must include the following information:*

- a) a statement of the grounds for approving the application;*
- b) copies of all reports intended to be introduced at the hearing;*
- c) the names of all experts expected to testify at the hearing, their resumes, and a summary of expert testimony which will be proffered at the hearing;*
- d) identity of all other witnesses who will testify; and*
- e) estimated time required for presentation.*

Any attorney hired by the applicant SHOULD know OZAH's rules and what is required to satisfy

the Zoning Code in order for the application to be approved.

The hearing process is similar to a legal trial. The Applicant has the burden of proof before the hearing examiner. The hearing examiner can only make findings based on the record before her – testimony, exhibits, etc – she is the judge. She cannot make a finding on her own nor do research on her own. That's the applicant and her team's job. The attorney does not testify or provide a summary, the attorney questions witnesses who provide testimony evidence under oath arguing why the conditional use satisfies the code requirements and should be granted. So the answer to your question as to who has to appear, yes someone like an architect or an engineer has to present the evidence based on questions from the attorney that the application satisfies the code requirements. The applicant must also be present to provide testimony about the overall operation the site, the day to day care of children, employees, the drop off/pick up, the parking, the business entity, etc. It is not the hearing examiner's job to put the pieces together and figure out what is needed for the application to satisfy the Code. That's the applicant, attorney representing the applicant, the architect and/or engineer's job.

Evidence presented must satisfy Articles 59.7.3.1.E and 59.3.4.4.E. Additionally, the evidence presented must also satisfy the appropriate development standards for the zone as found in section 59-4 and the applicable general development standards found in section 59-6. The application seeks to care for 70 children. This is not a small home family daycare.

Katy Byrne

Kathleen E. Byrne

Director/Hearing Examiner

Office of Zoning and Administrative Hearings

Montgomery County, Maryland

100 Maryland Avenue, Room 200

Rockville, Maryland 20850

240-777-6660

[Kathleen.byrne@montgomerycountymd.gov](mailto:Kathleen.byrne@montgomerycountymd.gov)

---

**From:** Rahul Patel <[rpatel@3garchitects.com](mailto:rpatel@3garchitects.com)>

**Sent:** Friday, September 26, 2025 12:36 PM

**To:** Byrne, Kathleen <[Kathleen.Byrne@montgomerycountymd.gov](mailto:Kathleen.Byrne@montgomerycountymd.gov)>

**Subject:** A To Z Fun Care - CU25-09

**[EXTERNAL EMAIL]**

Good Afternoon Ms. Byrne,

I hope you are doing well.

On behalf of our client, I wanted to get clarification for the Hearing on October 16th. If the Attorney is present at the Hearing would the either the Applicant or Architect of Record be required to be present at the Hearing?

I have requested the Attorney to provide the Pre-Hearing Statement, but the Applicant would like to get clarification for why the Pre-Hearing Statement might be required.

If you can kindly let me know, that would be greatly appreciated.

I also received the Zoom Meeting Link for the Hearing, the Link opens at 9:00am but the Public Hearing Schedule mentions the Hearing is at 9:30am. Could you clarify if the Hearing is at 9:00am or 9:30am?

Best,

Rahul Patel

[rpatel@3garchitects.com](mailto:rpatel@3garchitects.com)

O: 703-506-6868



