

From: [Rahul Patel](#)
To: [Andrea LeWinter](#); [Byrne, Kathleen](#); nassajleila7@gmail.com
Cc: [Guisao-Ospina, Jony](#); [Johnson, Nana](#); [Michael Greigg](#); atzfc@yahoo.com
Subject: Re: A To Z Fun Care - CU25-09
Date: Wednesday, November 5, 2025 2:28:43 PM

[EXTERNAL EMAIL]

Good Afternoon Ms. LeWinter,

I wanted to follow up to see if there were any questions or concerns regarding the provided Drawings and Comment Responses for the proposed Daycare.

The Applicant is responding to the remaining comments, but I wanted to ask if it would be okay if we provided those responses by tomorrow morning.

As the Public Hearing is on Friday Nov. 7th, would this provide enough time for you to review the remaining comments?

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

Best,

Rahul Patel

rpatel@3garchitects.com

O: 703-506-6868

From: Rahul Patel <rpatel@3garchitects.com>
Sent: Friday, October 31, 2025 2:21 PM
To: Andrea LeWinter <alewinter@taylorlegal.com>; Byrne, Kathleen <Kathleen.Byrne@montgomerycountymd.gov>; nassajleila7@gmail.com <nassajleila7@gmail.com>
Cc: Guisao-Ospina, Jony <Jony.Guisao@montgomerycountymd.gov>; Johnson, Nana <Nana.Johnson@montgomerycountymd.gov>; Michael Greigg <mgreigg@3garchitects.com>; ATZFC <atzfc@yahoo.com>
Subject: Re: A To Z Fun Care - CU25-09

Good Afternoon Ms. LeWinter,

I hope you are doing well.

As requested for A To Z Fun Care's Conditional Use Hearing, please see the attached Drawings and Comment Response Letter addressing the comments.

I do want to let you know that we are still working on some of the responses for your review, but I wanted to provide the updated Drawings in the meantime for your review.

I hope to provide the remaining responses to you early next week as the Applicant will need to provide responses to some of the comments.

I had sent OZAH an email on August 22nd submitting the Approved Transportation Adequacy Form, Site Plan, and Parking Waiver Request, but the Approved Transportation Adequacy Form was not included in the Hearing's Exhibits.

Could you kindly add the attached Transportation Adequacy Form to the Exhibits for the Hearing?

If you have any questions, please let me know.

Best,

Rahul Patel

rpatel@3garchitects.com

O: 703-506-6868

From: Andrea LeWinter <alewinter@taylorlegal.com>

Sent: Monday, October 20, 2025 5:12 PM

To: Rahul Patel <rpatel@3garchitects.com>; Byrne, Kathleen <Kathleen.Byrne@montgomerycountymd.gov>; nassajleila7@gmail.com <nassajleila7@gmail.com>

Cc: Guisao-Ospina, Jony <Jony.Guisao@montgomerycountymd.gov>; Johnson, Nana <Nana.Johnson@montgomerycountymd.gov>; Michael Greigg <mgreigg@3garchitects.com>

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

Caution: This is an external email and may be malicious. Please take care when clicking links or opening attachments.

Dear Mr. Patel,

After the hearing on 10/16, I consulted with Hearing Examiner K. Byrne and we decided to provide some additional direction on what is necessary to fulfill the evidentiary standards to permit the granting of the conditional use petition for A to Z Fun Care Day Care.

It is important to understand that while the Planning Board and Planning Staff recommend approval of this petition, the Hearing Examiner cannot simply rely on these recommendations. Instead, I am required to weigh actual evidence of how the proposed use meets the zoning requirements. There may be – and in this case are – zoning standards that the Planning Board and Planning Staff assume a petition is compliant with based on reasonable conjecture. However, this does not relieve the petitioner from providing the Hearing Examiner concrete evidence to prove actual compliance. Thus, it is important for you to review the Planning report carefully and ensure that you have specific information to support a finding of compliance with every regulatory standard listed.

As I stated on 10/16, there is a considerable need for childcare in Montgomery County, so the hope of Planning Staff and OZAH is to promote childcare operations. But I still must ensure that the Hearing Examiner's written Findings of Fact set out sufficient facts to show that the proposed use complies with all applicable regulations. This requires the petitioner – you and Ms. Nassaj -- to present at the hearing a baseline of reliable information on which it can be affirmed that this

childcare center is appropriate for the proposed zone.

Specifically, the petitioner needs to:

1. Provide justification to support the parking waiver request (not simply that a waiver is required). Why can the available parking be limited and still meet the needs of those using the site (the childcare, church, etc)? Where will the 20 childcare employees park? Do parents need to park?
2. The discharge area for children – what is the plan to enact the recommended drop off area? Where exactly will it be and how will it operate?
3. I appreciate that the planning staff did not require an outdoor play schedule, but you need to provide one in order for me to make a decision on the petition. Additionally, the entire daily schedule for the children will be helpful: how many children are coming at what times and where will they be (inside/outside, how many classes, etc)? When and how many staff will be present at various times?
4. Please provide information on playground use to include square footage and hours of morning and afternoon sessions, maximum number of staff and children on playground at any one-time during sessions.
5. Even though Planning Staff say that the parking landscaping is acceptable, I need a plan drawing that supports this. The drawing should show the location on the parking lot of the landscaping, islands, parking spots etc. Look at Sect 59.6.2.9.C and explain how the current conditions of the parking lot meet those requirements.
6. Again, apologies that Planning Staff were not clear on the requirements with respect to lighting. Even though no new lighting is planned, since zoning regulations have changed since the construction of the site, you need to provide a plan drawing that shows full compliance with Sect. 59.6.4 that includes location of lighting and footcandles.
7. Similarly with respect to all landscaping (not just parking lot), to approve the petition I need a plan that shows the existing landscaping and how it complies with existing zoning requirements as per Sect. 59.6.5. Provide information on the location of existing on-site vegetation, type, width and length. Again, I cannot just take Planning Staff's statement that it seems okay, I need actual evidence.
8. It would be helpful to specify when the petitioner intends to have a signage submitted, otherwise I will impose conditions on signage timing (and the requirement that it conform with Sect. 59.6.7) in order to grant the petition.
9. Do you envision day care staff or families traveling by bike or bus to the day care or just car?

10. Provide the number of existing bicycle parking spaces.
11. I appreciate that a traffic study is not required and a schedule of family arrival/departure was provided. Please provide testimony that provides a full explanation of why a facility of this size, with 70 children and 20 staff, will not impact traffic in the area as opposed to relying on supposition from the provided schedule and Staff report.
12. Add the right-of-way width for all streets bordering the site and the width of all existing driveways.
13. Provide the height of all existing buildings on site. Provide number of seats in church.
14. Day care facilities can have an impact on schools if children will be transported to/from school to access the day care before/after school. The impact is not on school capacity but on vehicle access (if a day care bus is picking up children from school etc). Petitioner should address whether any school aged children will/can attend the daycare and any impact the travel of these children to/from school may have.
15. Providing the daycare schedule of activities and staff shifts; schedule of deliveries, trash pick up (what is delivered and when; what is dropped off and when); providing lighting and landscaping plans all help establish whether the level of adverse impact the day care may have on the neighborhood will be excessive. Thus, it is critical to have this information and not just the summary information and conjecture of the Planning Staff.
16. I strongly recommend that the petitioner herself make some type of statement at the hearing to provide credibility to the petition. She can describe her background in childcare and intent for the site.

I hope this is helpful. I know that Hearing Examiner Byrne is also going to review regulations and procedures and she may have some additional advice for your presentation at the hearing.

Please feel free to reach out with any questions or concerns

Andrea LeWiner
OZAH Hearing Examiner

Andrea LeWinter, Esq.
Of Counsel



Law Office of Katherine L. Taylor, P.A.
5850 Waterloo Road (Route 108)
Suite 140
Columbia, Maryland 21045
Phone: 443-420-4075
Fax: 443-420-4075
E-Mail: alewinter@taylorlegal.com
www.taylorlegal.com

The information contained in this electronic message and any attached documents may contain confidential and privileged information that is for the sole use of the intended recipient(s). If you are not the intended recipient, note that any unauthorized review, disclosure, copying, distribution, or use of the contents of this electronic message or any attached documents is prohibited. If you have received this communication in error, please destroy it and notify Katherine L. Taylor, P.A. immediately.

The IRS restricts written federal tax advice from lawyers and accountants. This statement is included in all outbound emails because even inadvertent violations may be penalized by the IRS. Nothing in this message is intended to be used, or may be used, to avoid any penalty under federal tax laws. This message was not written to support the promotion or marketing of any transaction. Katherine L. Taylor, P.A. does not provide formal written federal tax advice.

From: Andrea LeWinter
Sent: Wednesday, October 15, 2025 5:14 PM
To: 'Rahul Patel' <rpatel@3garchitects.com>; Byrne, Kathleen
<Kathleen.Byrne@montgomerycountymd.gov>; nassajleila7@gmail.com
Cc: Guisao-Ospina, Jony <Jony.Guisao@montgomerycountymd.gov>; Johnson, Nana
<Nana.Johnson@montgomerycountymd.gov>; Michael Greigg <mgreigg@3garchitects.com>
Subject: RE: A To Z Fun Care - CU25-09

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



Law Office of Katherine L. Taylor, P.A.
5850 Waterloo Road (Route 108)
Suite 140
Columbia, Maryland 21045
Phone: 443-420-4075
Fax: 443-420-4075
E-Mail: alewinter@taylorlegal.com
www.taylorlegal.com

The information contained in this electronic message and any attached documents may contain confidential and privileged information that is for the sole use of the intended recipient(s). If you are not the intended recipient, note that any unauthorized review, disclosure, copying, distribution, or use of the contents of this electronic message or any attached documents is prohibited. If you have received this communication in error, please destroy it and notify Katherine L. Taylor, P.A. immediately.

The IRS restricts written federal tax advice from lawyers and accountants. This statement is included in all

outbound emails because even inadvertent violations may be penalized by the IRS. Nothing in this message is intended to be used, or may be used, to avoid any penalty under federal tax laws. This message was not written to support the promotion or marketing of any transaction. Katherine L. Taylor, P.A. does not provide formal written federal tax advice.

From: Rahul Patel <rpatel@3garchitects.com>

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

To: Andrea LeWinter <alewinter@taylorlegal.com>; Byrne, Kathleen <Kathleen.Byrne@montgomerycountymd.gov>; nassajleila7@gmail.com

Cc: Guisao-Ospina, Jony <Jony.Guisao@montgomerycountymd.gov>; Johnson, Nana <Nana.Johnson@montgomerycountymd.gov>; Michael Greigg <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

O: 703-506-6868

From: Andrea LeWinter <alewinter@taylorlegal.com>

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

To: Rahul Patel <rpatel@3garchitects.com>; Byrne, Kathleen

<Kathleen.Byrne@montgomerycountymd.gov>; nassajleila7@gmail.com <nassajleila7@gmail.com>

Cc: Guisao-Ospina, Jony <Jony.Guisao@montgomerycountymd.gov>; Johnson, Nana

<Nana.Johnson@montgomerycountymd.gov>

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

Caution: This is an external email and may be malicious. Please take care when clicking links or opening attachments.

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



Law Office of Katherine L. Taylor, P.A.
5850 Waterloo Road (Route 108)
Suite 140
Columbia, Maryland 21045
Phone: 443-420-4075
Fax: 443-420-4075
E-Mail: alewinter@taylorlegal.com
www.taylorlegal.com

The information contained in this electronic message and any attached documents may contain confidential and privileged information that is for the sole use of the intended recipient(s). If you are not the intended recipient, note that any unauthorized review, disclosure, copying, distribution, or use of the contents of this electronic message or any attached documents is prohibited. If you have received this communication in error, please destroy it and notify Katherine L. Taylor, P.A. immediately.

The IRS restricts written federal tax advice from lawyers and accountants. This statement is included in all outbound emails because even inadvertent violations may be penalized by the IRS. Nothing in this message is intended to be used, or may be used, to avoid any penalty under federal tax laws. This message was not written to support the promotion or marketing of any transaction. Katherine L. Taylor, P.A. does not provide formal written federal tax advice.

From: Rahul Patel <rpatel@3garchitects.com>

Sent: Monday, October 13, 2025 1:48 PM

To: Byrne, Kathleen <Kathleen.Byrne@montgomerycountymd.gov>; Andrea LeWinter
<alewinter@taylorlegal.com>; nassajleila7@gmail.com

Cc: Guisao-Ospina, Jony <Jony.Guisao@montgomerycountymd.gov>; Johnson, Nana <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

O: 703-506-6868

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

Caution: This is an external email and may be malicious. Please take care when clicking links or opening attachments.

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>
Sent: Monday, October 13, 2025 1:21 PM
To: Byrne, Kathleen <Kathleen.Byrne@montgomerycountymd.gov>; Andrea LeWinter <alewinter@taylorlegal.com>; nassajleila7@gmail.com
Cc: Guisao-Ospina, Jony <Jony.Guisao@montgomerycountymd.gov>; Johnson, Nana <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

O: 703-506-6868

From: Byrne, Kathleen <Kathleen.Byrne@montgomerycountymd.gov>
Sent: Monday, October 13, 2025 1:07 PM
To: Rahul Patel <rpatel@3garchitects.com>; Andrea LeWinter <alewinter@taylorlegal.com>; nassajleila7@gmail.com <nassajleila7@gmail.com>

Cc: Guisao-Ospina, Jony <Jony.Guisao@montgomerycountymd.gov>; Johnson, Nana <Nana.Johnson@montgomerycountymd.gov>
Subject: RE: A To Z Fun Care - CU25-09

Caution: This is an external email and may be malicious. Please take care when clicking links or opening attachments.

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

From: Rahul Patel <rpatel@3garchitects.com>

Sent: Friday, September 26, 2025 3:43 PM

To: Byrne, Kathleen <Kathleen.Byrne@montgomerycountymd.gov>

Cc: Guisao-Ospina, Jony <Jony.Guisao@montgomerycountymd.gov>; Johnson, Nana

<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

O: 703-506-6868

From: Byrne, Kathleen <Kathleen.Byrne@montgomerycountymd.gov>

Sent: Friday, September 26, 2025 3:40 PM

To: Rahul Patel <rpatel@3garchitects.com>

Cc: Guisao-Ospina, Jony <Jony.Guisao@montgomerycountymd.gov>; Johnson, Nana <Nana.Johnson@montgomerycountymd.gov>

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

Caution: This is an external email and may be malicious. Please take care when clicking links or opening attachments.

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>

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

To: Byrne, Kathleen <Kathleen.Byrne@montgomerycountymd.gov>

Cc: Guisao-Ospina, Jony <Jony.Guisao@montgomerycountymd.gov>; Johnson, Nana

<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

O: 703-506-6868

From: Byrne, Kathleen <Kathleen.Byrne@montgomerycountymd.gov>

Sent: Friday, September 26, 2025 1:31 PM

To: Rahul Patel <rpatel@3garchitects.com>

Cc: Guisao-Ospina, Jony <Jony.Guisao@montgomerycountymd.gov>; Johnson, Nana <Nana.Johnson@montgomerycountymd.gov>

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

Caution: This is an external email and may be malicious. Please take care when clicking links or opening attachments.

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

From: Rahul Patel <rpatel@3garchitects.com>

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

To: Byrne, Kathleen <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

O: 703-506-6868

