

From: [Robeson Hannan, Lynn](#)
To: [Soo Lee-Cho](#); mariah.clayborne@montgomeryplanning.org; [Mencarini, Katherine](#); [William Rogers](#)
Cc: [Johnson, Nana](#); Guisao-Ospina, Jony
Subject: Re: [EXTERNAL]CU 17-12-A, Korean Cultural Center/Bike locker
Date: Tuesday, February 10, 2026 7:46:24 PM

It would be preferable if you just answered my question about alternative compliance. If you know of any legal authority for “legal noncompliance” in the Zoning Ordinance or case law, please advise.

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From: Soo Lee-Cho <sleecho@bregmanlaw.com>
Sent: Tuesday, February 10, 2026 6:24:32 PM
To: Robeson Hannan, Lynn <Lynn.RobesonHannan@montgomerycountymd.gov>; mariah.clayborne@montgomeryplanning.org <mariah.clayborne@montgomeryplanning.org>; Mencarini, Katherine <katherine.mencarini@montgomeryplanning.org>; William Rogers <wrogers@bregmanlaw.com>
Cc: Johnson, Nana <Nana.Johnson@montgomerycountymd.gov>; Guisao-Ospina, Jony <Jony.Guisao@montgomerycountymd.gov>
Subject: RE: [EXTERNAL]CU 17-12-A, Korean Cultural Center/Bike locker

[EXTERNAL EMAIL]

Ms. Robeson Hannan:

It is the Applicant's position that the existing bike locker is a legal nonconformity that is not impacted by ZTA 19-08 because the present amendment application does not necessitate any additional long-term space requirements.

As you noted in your email, the bicycle locker was provided in 2017 following the original application, which at the time was a legal method for meeting the long-term bicycle parking requirements under the Zoning Ordinance. We would agree that had the present amendment application triggered a need for a second long-term bicycle parking space, then KCSC would have needed to provide a long-term space that complies with ZTA 19-08 (i.e., not another bicycle locker). However, as no new bicycle parking was triggered by this application, there is no basis to modify the existing long-term bicycle parking provided on site which was legal when it was installed. Notably, ZTA 19-08 did not include a retroactive applicability provision, i.e., it does not require that bicycle lockers existing prior to the effective date of the law change be retroactively removed.

Soo



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From: Robeson Hannan, Lynn <Lynn.RobesonHannan@montgomerycountymd.gov>

Sent: Tuesday, February 10, 2026 5:03 PM

To: mariah.clayborne@montgomeryplanning.org; Mencarini, Katherine <katherine.mencarini@montgomeryplanning.org>; Soo Lee-Cho <sleecho@bregmanlaw.com>; William Rogers <wrogers@bregmanlaw.com>

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

Subject: [EXTERNAL]CU 17-12-A, Korean Cultural Center/Bike locker

Good afternoon, all. I am working on the decision in the above and encountered a question.

Under the most recent conditional use site plan (Exhibit 30(b)), the Applicant proposes to retain an existing bike locker to meet the requirement for the long-term bicycle storage space. It was installed as part of the original conditional use was approved (in 2017), but is now prohibited when the Zoning Ordinance was changed in 2020.

I would like the Applicant's and Staff's opinion as to whether the existing locker could be approved as "alternative compliance" under 6.8.1.

I hesitate to use a "grandfathering" theory posited by Mr. LaVay at the public hearing because Section 59.7.7.1.A of the Zoning Ordinance grandfathers structures that existed *prior to 2014*. Nor could I find any grandfathering for this type of structure in other sections of 7.7.1. Section 7.7.2 permits a non-conforming "use" if registered with DPS, but a bike locker is not a "use" but a structure.

My thought was that it may fit under Section 6.8.1 because of the small amount of floor

area available for the non-profit use without expanding the existing structure. Retention of the existing structure is desirable because it still presents as a single family home. Of course, it would still serve the intent of the ZO by providing bicycle storage.

Best,

Lynn Robeson Hannan
Hearing Examiner

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