

**OFFICE OF ZONING AND ADMINISTRATIVE HEARINGS**  
**Stella B. Werner Council Office Building**  
**Rockville, Maryland 20850**  
**(240) 777-6660**

<b>IN THE MATTER OF:</b>	*	
<b>KOREAN COMMUNITY SERVICE CENTER</b>	*	
<b>OF GREATER WASHINGTON, INC.</b>	*	
Applicant	*	
Dr. Ji Young-Cho	*	
Patrick LaVay	*	
Nick Driban	*	
	*	
For the Application	*	OZAH Case No. CU 17-12-A
	*	
<u>Soo Lee-Cho, Esquire</u>	*	
<u>Will Rogers, Esquire</u>	*	
Attorneys for the Applicant	*	
*****		
Before: Lynn Robeson Hannan, Hearing Examiner		

**HEARING EXAMINER’S REPORT AND DECISION**

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## I. STATEMENT OF THE CASE

On July 17, 2025, the Applicant, Korean Community Service Center of Greater Washington, Inc. (KCSC) filed an application to modify its existing conditional use for a private club, service organizations under Section 3.4.8 of the Montgomery County Zoning Ordinance, originally approved by the Hearing Examiner in 2017.<sup>1</sup> The modification seeks to expand the existing use (currently limited to an above grade basement) into the upper levels of what was once a single-family detached house at 700 Buckingham Drive, in Silver Spring, MD. KCSC also proposes adding additional staff and expanding the existing parking lot. Exhibits. 1, 31.

The Office of Zoning and Administrative Hearings (OZAH) scheduled a public hearing to be held on January 23, 2026, by notice issued on December 9, 2025. Exhibit 20. Staff of the Montgomery County Planning Department (Planning Staff or Staff) issued a report on January 5, 2026, recommending approval of the application, subject to four conditions. Exhibit 21. The Planning Director transmitted the Staff Report to OZAH on January 8, 2026, concurring with Staff's recommendation. *Id.*

The public hearing proceeded as scheduled on January 23, 2026. The Applicant called two expert witnesses—Mr. Patrick LaVay, who qualified as an expert in land planning and civil engineering, and Mr. Nick Driban, who qualified as an expert in traffic engineering and transportation planning. T<sup>2</sup>. 13, 66. Dr. Ji Young-Cho, Executive Director of KCSC, testified on behalf of the Applicant. T. 43.

During the hearing, the Hearing Examiner questioned whether the number of parking spaces proposed was sufficient to accommodate adult senior classes combined with the expanded

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<sup>1</sup> This modification was originally assigned a new case number (CU 26-01) that did not reflect that it was a major amendment to a previously approved conditional use. *See*, Exhibit 21, p. 3, fn. 1. By Order attached to this Report and Decision, the Hearing Examiner corrects the case number to CU 17-12-A, reflecting that it is a major amendment to CU 17-12, initially approved by the Hearing Examiner on May 5, 2017.

<sup>2</sup> References to the hearing Transcript are denoted T-\_\_ in this report and can be found at <https://www.montgomerycountymd.gov/OZAH/Resources/Files/pdf/2025/Hearings/CU26-01/TranscriptCU17A.pdf>

staff. *See, e.g.*, T. 50-56. The Hearing Examiner left the record open until March 2, 2026 to permit KCSC to submit an updated conditional use plan showing compliance with the standards of Section 59.3.4.8 of the Zoning Ordinance, information on how many people drove to the facility for classes, and to permit the Applicant an opportunity to amend the application to include a wall sign fronting University Boulevard if it chose to do so. T. 85. KCSC submitted revised plans updated to show compliance with the standards of Section 3.4.8 of the Zoning Ordinance and the existing location of a bike locker for long-term bicycle parking and a proposed short-term bike rack. Exhibit 30. KCSC also advised that it would not seek an amendment for additional signage and would submit information on “1) how many people drive to the senior academic classes and 2) how the classes will continue to be operated in conjunction with service appointments to avoid parking issues” on February 3, 2026. *Id.*

KCSC submitted a revised Statement of Justification addressing parking on the site. Planning Staff commented that they would be able to review the materials by March 2, 2023. On February 10, 2026, the Hearing Examiner questioned the Applicant and Staff whether the bike locker on the site plan met the requirements for permanent bike storage in the Zoning Ordinance. Exhibit 39. The Applicant submitted a revised landscape plan (Exhibit 38(a)) on February 11, 2026 showing the location of the bike locker and additional landscaping to screen it from view. KCSC also submitted photographs of the existing bike locker. On February 11, 2026, the Hearing Examiner received a revised landscape plan (Exhibit 38(a)) and responses from Staff.<sup>3</sup> Exhibit 30. The record closed on March 2, 2026.<sup>4</sup>

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<sup>3</sup> The Hearing Examiner asked staff to confirm whether Staff had had a chance to review the revised landscape plan because it was submitted on the same day that Staff provided its comments on the bike locker. Exhibit \_\_\_\_.

<sup>4</sup> The record was left open until March 2, 2026 to allow KCSC the opportunity to decide whether to amend the application to include a wall sign facing University Boulevard. T. 83-85. On January 30, 2026, KCSC informed the Hearing Examiner that it would not proceed with the wall sign, and additional signage is not included in this application.

For the reasons set forth below, the Hearing Examiner approves the conditional use application, subject to the conditions listed in Part IV.

## II. FACTUAL BACKGROUND

### A. The Subject Property

The subject site is located on the northeast corner of the intersection of MD 193 (University Boulevard East) and Buckingham Drive. An aerial photograph from the Staff Report shows the property and abutting/confronting uses (Exhibit 21, p. 6):



Figure 2 – Subject Property outlined in yellow

Consisting of 0.588 acres on an irregularly shaped lot, Mr. LaVay described the property as long and narrow with what used to be a single-family detached home in the western portion, along with a parking lot with seven spaces. Tr. 14. Mr. LaVay testified that the eastern portion of the site is vegetated with some trees, along with a small shed. *Id.* The existing structure and bike locker on the property are shown in photographs in the Staff Report (Exhibit 21, p. 7) and submitted by the Applicant (Exhibit 38)(b)), on the following page.

Mr. LaVay testified that the structure is two stories in the front and three stories from the rear. According to him, a sanitary sewer line runs through the unimproved portion of the property,

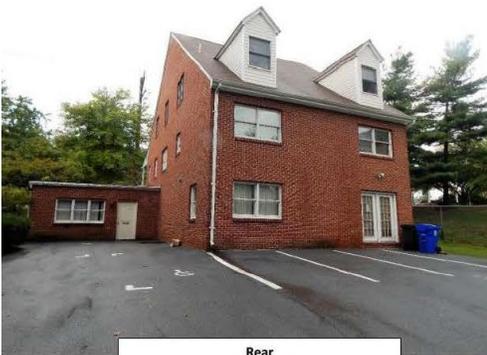
shown on the existing conditions plan. T. 20, Exhibit 8(b). Staff advises that the property contains no environmentally sensitive features nor is it in a special protection area. Exhibit 21, p. 7.



Front  
(Abutting University Boulevard)



North Side  
(Abutting University Garden Apartments)



Rear  
(East Side)



South Side  
(Drive)

Photos of Structure Exterior  
Exhibit 21, p. 7



Bike Locker (identified by red arrow)  
Exhibit 38(b)

## B. Surrounding Neighborhood

To determine the compatibility of the proposed use, it is necessary to delineate and characterize the “surrounding neighborhood” (*i.e.*, the area that will be most directly impacted by the proposed use). Staff defined the boundaries of the surrounding neighborhood as it had in its 2017 Staff Report as bounded “to the north by Franklin Avenue, Northwest Branch Stream Valley Park to the east, Piney Branch Road (MD 320) to the south, and Long Branch Parkway to the west...” Exhibit 21, p. 4. A graphic from the Staff Report delineates the boundaries of Staff’s recommended neighborhood (Exhibit 21, p. 5, below):



In his 2017 decision in the original case, the Hearing Examiner disagreed with this boundary recommended by Staff, finding that it was too large given the area likely to be impacted by the use. Exhibit 21, Attachment D, p. 8. At this hearing, Mr. LaVay opined that, due to the smaller scale of this use, the area defined by Staff should be reduced to the area previously approved by the Hearing Examiner. The appropriate boundary, in his opinion, generally includes confronting properties on

the west side of University Boulevard and extends north to Mt. Jezreel church and senior housing complex to the north. The boundary runs south along the church's eastern boundary line and jogs behind some townhomes on Gloucester Knoll Road. It then follows Cornwall Street to Buckingham Place and then includes a few confronting properties on the south. T. 17. The boundary previously approved by the Hearing Examiner and again recommended by the Applicant in this case (outlined in green) is shown below (Exhibit 30(a)):



For this amendment, the Hearing Examiner agrees with Mr. LaVay that the boundaries of the surrounding area should remain as originally approved. While this amendment expands the floor area originally approved from 1,920 square feet to 4,585 square feet and adds some employees and parking, nothing in the record demonstrates that this relatively small-scale conditional use would have impacts reaching into the larger surrounding area defined by Staff.

Mr. LaVay characterized the area as consisting primarily of single-family detached homes in the R-60 Zone, except for the two multi-family senior housing developments, University Garden Apartments (owned by Korean Community Housing Corporation, a “sister agency” of this

Applicant (T. 59)) and one developed by Mt. Jezreel Baptist Church, and some townhomes in the R-12 Zone. T. 37. Conditional uses or special exceptions include both senior housing communities, a small cell tower within University Gardens, and this existing conditional use. T. 18; Exhibit 21, p. 5.

The Hearing Examiner characterizes the areas as predominantly single-family detached homes in the R-60 Zone, except for two multi-family and one townhouse development.

### **C. Proposed Use**

The existing conditional use includes 1,920 square feet of space in the basement of the structure with residential use on the two floors above, and a surface parking lot with seven spaces behind the building, where the entrance is located. Exhibit 21, Attachment D. KCSC formerly leased the upper floors of the house as a residence. *Id.*

Dr. Ji Young-Cho, Executive Director of the Greater Washington Community Service Center, testified that KCSC's office at this location opened in November 2017. T. 41, 49. It offers services that focus on meeting essential needs for low-income individuals, seniors, and families in the community. Services include helping people obtain benefits such as Medicare, Social Security, and food assistant programs, as well as homeowner and rental tax credits. They also offer small group classes for seniors through a "Senior Academy", such as art and smart phone classes. T. 49. Existing operations include three employees in the office, two of which provide direct social services, and the third supports program development. T. 49.

Dr. Young-Cho testified that the former resident vacated the upper two floors in 2022, and they chose not to re-lease the space. According to Dr. Young-Cho, this branch office is very successful and KCSC determined that it needed additional office space. T. 49. To meet the growing demand for their services, KCSC proposes expanding its existing operations to the upper two floors of the structure, for a total of 4,585 square feet, adding two employees, and increasing the number of parking spaces to 13 spaces. Exhibit 21, p. 1.

They also propose modifying the operating hours from 9:00 a.m. to 5:00 p.m. to 8:00 a.m. to 4:00 p.m. The new weekday operating hours are consistent with the operating hours of KCSC's headquarters and other branch offices. In addition, most of their members are seniors who tend to prefer appointments earlier in the day. T. 62. Weekend operations will be from 9:00 a.m. to 2:00 p.m. on Saturday. KCSC will continue to hold up to eight evening meetings per month ending at 9:00 p.m., which is permitted under the current conditional use. Exhibit 21, p. 3; Exhibit 31, p. 5.

### **1. Proposed Site Plan, Landscape Plan and Floor Plans<sup>5</sup>**

The site plan shows that the parking lot will be restriped and expanded to have 13 parking spaces, including one accessible ADA space, but no other exterior alterations are proposed. T. 26; Exhibit 21, p. 9. Mr. Driban testified that there will be no changes to full access from Buckingham Drive. T. 72; Exhibit 21, p. 9.

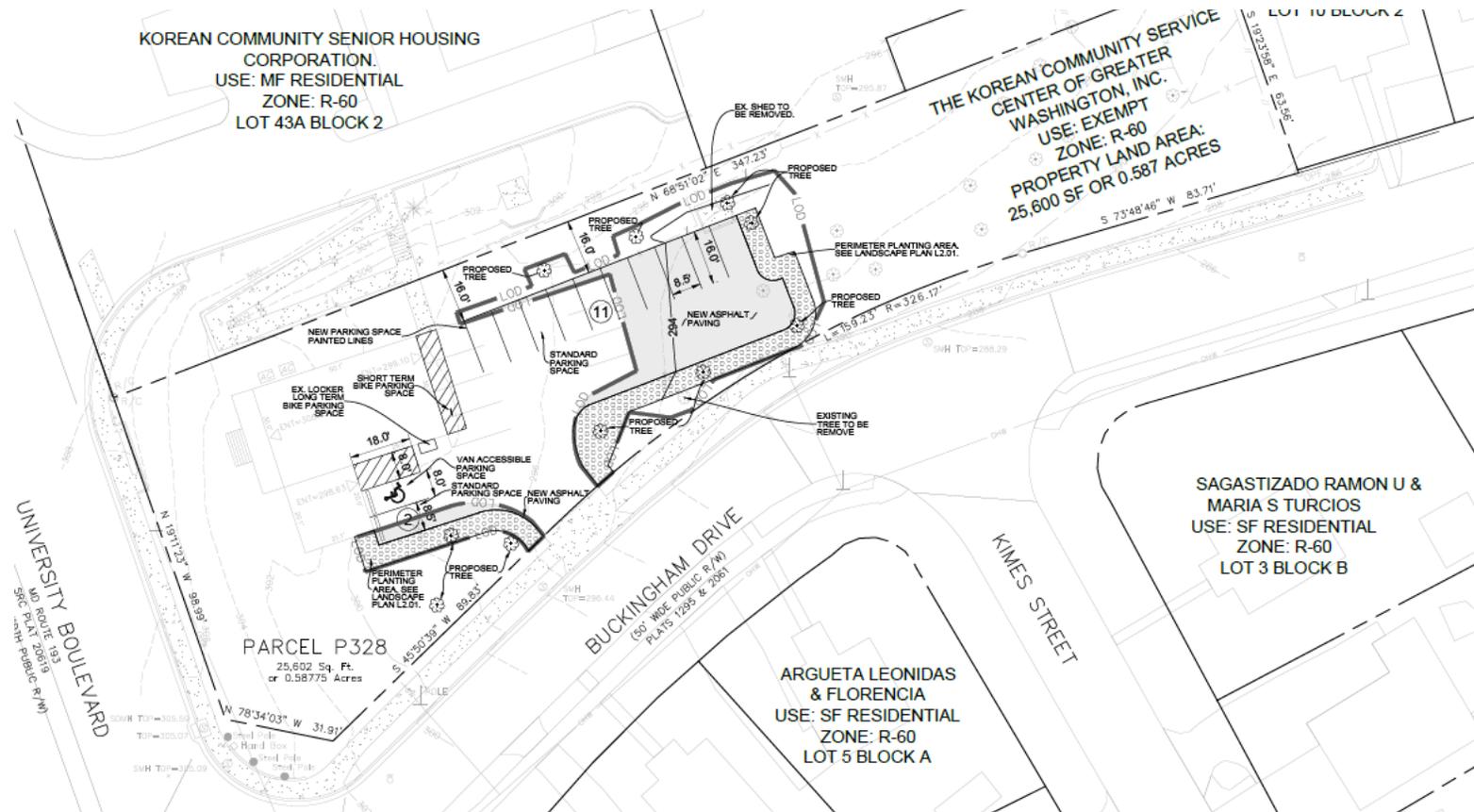
### **2. Site Landscaping, Lighting and Signage**

The Applicant does not propose to add new signage.<sup>6</sup> T. 22, 31; Exhibit 30. KCSC is adding perimeter screening around the parking area to buffer it from residential uses and more landscaping to screen the bike locker. Exhibit 21, p. 16; Exhibit 38(a). It also proposed to add new landscaping along Buckingham Drive near the entrance to screen the bike locker. *Id.* Staff advises that the screening will consist of a "combination of evergreen and deciduous plant material...with canopy trees planted at intervals consistent with the requirement of one canopy tree every 30 feet on-center, and supplemental understory plantings." *Id.*, p. 15.

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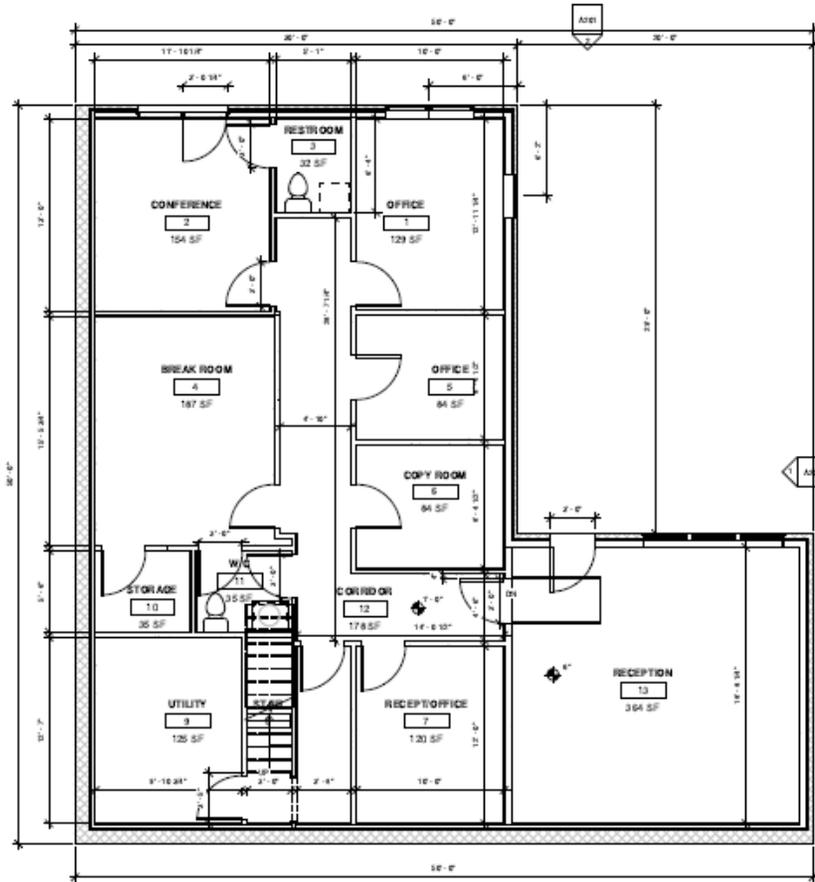
<sup>5</sup> Excerpts from the site plan, the landscape plan, and the floor plans are shown on pages \_ to \_\_\_\_ of this Report.

<sup>6</sup> The Hearing Examiner approved a minor amendment to the conditional use on January 22, 2018, that permitted a wall sign on the building exterior facing the parking lot. Exhibit 28. KCSC considered amending this application to include a wall sign facing University Boulevard but ultimately chose not to do so. Exhibit 30.

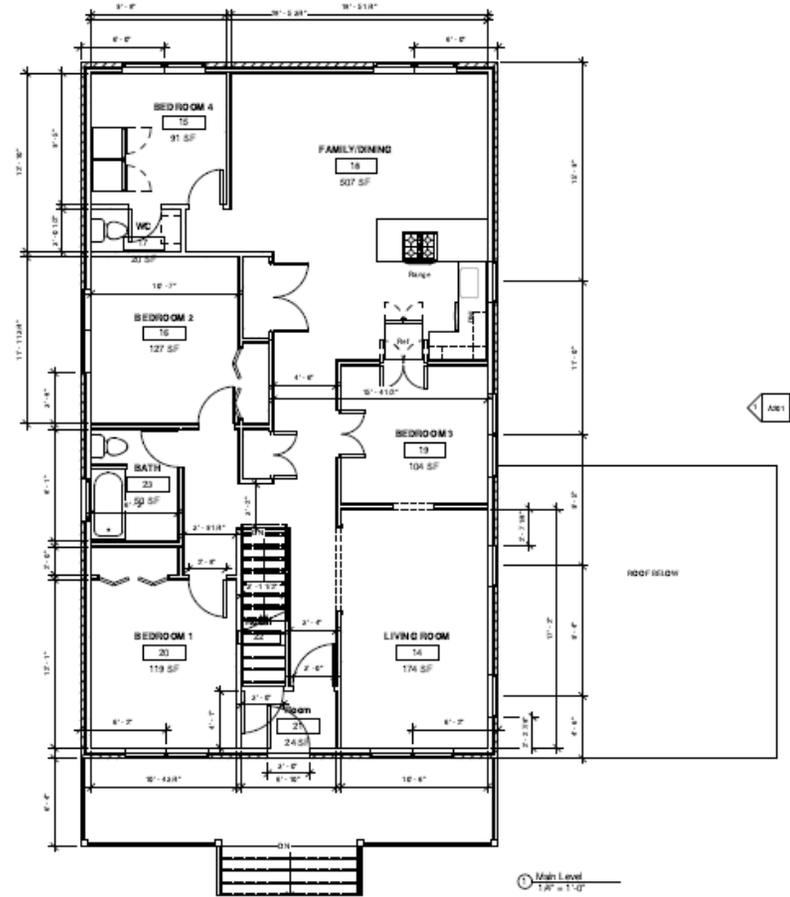


**Exhibit 30(b)**  
**Conditional Use Site Plan**



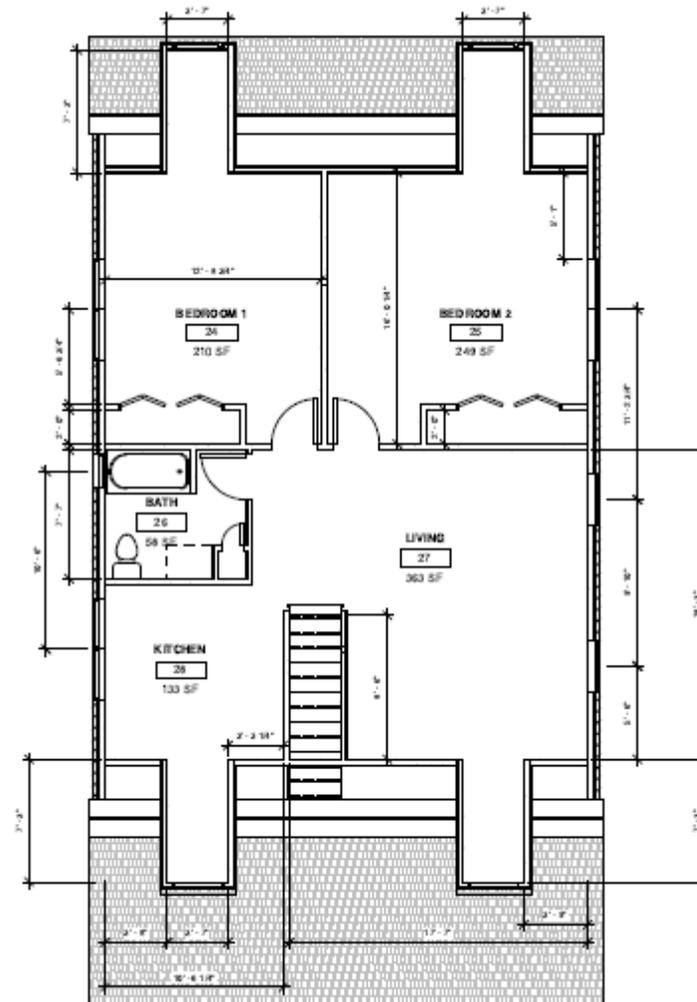


Lower Level



Main Level

Floor Plans Exhibit 18



Upper Level  
Exhibit 18

### 3. Internal Physical Arrangements for Site Operations

KCSC submitted floor plans that include the current basement level and the expanded space on the second and third levels. Exhibit 18.

#### D. Community Response

Neither the Planning Department nor OZAH received any correspondence either for or against the application. Exhibit 21, p. 1.

### III. FINDINGS OF FACT AND CONCLUSIONS OF LAW

#### A. Necessary Findings (Section 59.7.3.1.E.)

The general findings necessary to approve a conditional use are found in Section 59.7.3.1.E. of the Zoning Ordinance. Standards pertinent to this review, and the Hearing Examiner's conclusions for each finding, are set forth below:<sup>7</sup>

#### *E. Necessary Findings*

***1. To approve a conditional use application, the Hearing Examiner must find that the proposed development:***

***a. satisfies any applicable previous approval on the subject site or, if not, that the previous approval must be amended;***

Conclusion: The site was formerly the subject of a special exception for a medical clinic that has since been abandoned by the Board of Appeals. Exhibit 32. There is no evidence of another approval to which the site does not conform. Therefore, the Hearing Examiner finds that this standard has been met.

***b. satisfies the requirements of the zone, use standards under Article 59-3, and to the extent the Hearing Examiner finds necessary to ensure compatibility, meets applicable general requirements under Article 59-6;***

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<sup>7</sup> Although §59.7.3.1.E. contains six subsections (E.1. through E.6.), only subsections 59.7.3.1.E.1., E.2. and E.3. contain provisions that arguably apply to this application. Section 59.7.3.1.E.1. contains seven subparts, a. through g.

Conclusion: This subsection requires an analysis of the standards of the R-60 Zone contained in Article 59-4; the use standards for a Private Club, Service Organization contained in Article 59-3; and the applicable development standards contained in Article 59-6. Each of these Articles is discussed below in separate sections of this Report and Decision (Parts III.B, C, and D, respectively). Based on the analysis contained in those discussions, the Hearing Examiner finds, as did Technical Staff (Exhibit 29, pp. 12-26), that the application satisfies the requirements of Articles 59-3, 59-4 and 59-6.

***c. substantially conforms with the recommendations of the applicable master plan;***

Staff advises that the property is subject to the 2000 East Silver Spring Master Plan (Master Plan or Plan). Exhibit 21, p. 16. While the property isn't specifically mentioned in the Plan, Staff characterizes the overall goals of the Plan as (*Id.*):

...preservation of stable residential neighborhoods, protection of the scale and character of existing detached homes, and ensuring that community-serving institutional uses are compatible with surrounding residential areas. The Master Plan also states that small-scale institutional uses may be appropriate within residential neighborhoods when they operate within existing structures, maintain the residential appearance of the property, and minimize traffic, noise and other external impacts.

Staff determined that this modification continues to conform to the Master Plan for the same reasons expressed by the Hearing Examiner in his original approval (approving use of only the basement level of the structure (Exhibit 21, pp. 15-16)). The Hearing Examiner in 2017 found that the former conditional use retained the residential scale and appearance of the property, provided a needed community service without altering the neighborhood character, generated minimal traffic, and maintained adequate separation from nearby homes through setbacks, landscaping and limited hours of operation. *Id.* Staff found that this modification continued to meet this standard (*Id.*):

The current Application continues to satisfy these same Master Plan themes. The proposal does not involve any exterior building expansion and preserves the existing residential appearance of the structure. The expansion of the use to all floors remains internal to the dwelling and does not increase the scale or mass of the building. The proposed hours, staffing levels, and programming remain modest in intensity, consistent with the Master Plan's direction that institutional uses within neighborhoods operate in a manner that protects residential character. The improved on-site parking layout further enhances compatibility by reducing potential off-site parking impacts.

Mr. LaVay echoed this rationale, opining that the proposed modification meets the Plan's goal to provide community service uses in smaller scale structures that are consistent with the character of the surrounding community. T. 36.

Conclusion: The Hearing Examiner agrees with Staff and the Applicant that the expansion to the upper floors of the existing structure, increased staff, and expanded parking area continue to meet the overall goals of the Master Plan. There are no external changes to the existing structure, the increase in peak hour traffic is minimal, and additional landscaping will buffer the use from residential properties to the north and the bike locker from the south. Given this evidence, and the testimony of Dr. Young-Cho, the Hearing Examiner finds that the modification will continue to provide an important community service while remaining at a residential scale consistent with the R-60 zoning in the area.

***d. is harmonious with and will not alter the character of the surrounding neighborhood in a manner inconsistent with the plan;***

Staff found that the proposed use meets this standard (Exhibit 21, p.17):

No new structures or exterior building expansions are proposed. The intensity and character of the Private Club, Service Center [sic], will remain low-impact and community-based. Traffic and parking conditions will be accommodated on-site without spillover into the surrounding neighborhood. The proposed expansion will remain consistent with the limited number of institutional uses already present along University Boulevard East.

Conclusion: The Hearing Examiner has already characterized the surrounding neighborhood as containing primarily single-family detached houses in the R-60 Zone with some multi-family special exceptions/conditional uses and one townhouse development.

At the public hearing, the Hearing Examiner questioned whether the 13 spaces in the parking area would be sufficient to accommodate the expanded staff and senior classes on site. In response, KCSC provided the following breakdown of the number of individuals who drove to classes (Exhibit 31, p. 6):

<b>Senior Academy Participants Mode of Transportation</b>			
	<b>Total Participants</b>	<b>Participant Arriving from University Garden</b>	<b>Participants Arriving by Vehicle</b>
<b>2025 Spring (Art/Tuesday)</b>	5	2 (40%)	3 (60%)
<b>2025 Spring (Smart Phone/Thursday)</b>	7	4 (57%)	3 (43%)
<b>2025 Fall (Art/Tuesday)</b>	9	6 (67%)	3 (33%)
<b>2025 Fall (Smart Phone/Thursday)</b>	10	5 (50%)	5 (50%)

KCSC reasoned that parking would be sufficient because:

Even under the current parking lot configuration, if 5 participants and one employee drive to the site, that would require use of 6 parking spaces, less than the 7 spaces provided currently. The Applicant now proposes to provide 13 spaces as required by Section 59-6.2.4.B. Even if all 10 participants in a Senior Academy class drove to the site (which is highly unlikely), there would still be sufficient parking because, as mentioned above, only one KCSC employee is on-site on Senior Academy class days.

Conclusion: The Hearing Examiner concludes that the proposed use will not adversely impact the existing character of the neighborhood because the structure presents as a single-family, detached

residence; no external modifications to the house are planned; and the only physical changes to the site will be expanding the existing parking lot by six spaces. Based on the additional information provided by KCSC, she finds that the parking area will be sufficient to accommodate the expanded staff along with the senior classes. Added landscaping around the parking area and bike locker will buffer these changes from adjacent residential uses and from the street and ensure that there are no off-site parking impacts. KCSC proposes no changes to the existing access, which, according to Mr. Driban, has remained unchanged since the structure was originally built.

T. 72.

***e. will not, when evaluated in conjunction with existing and approved conditional uses in any neighboring Residential Detached zone, increase the number, intensity, or scope of conditional uses sufficiently to affect the area adversely or alter the predominantly residential nature of the area; a conditional use application that substantially conforms with the recommendations of a master plan does not alter the nature of an area;***

Staff advises that there are four special exception/conditional uses in Staff's defined area, not including this one--two multi-family senior living uses (Mt. Jezreel Baptist Church Senior Housing and University Gardens), townhouses on Gloucester Knoll, a small cell tower antenna within University Gardens, and an accessory apartment located "nearby". Exhibit 21, p. 5; T. 37. Staff concluded that the modification would not alter the surrounding residential neighborhood because (Exhibit 21, p. 17):

The surrounding area consists primarily of single-family residential developments. Existing approved conditional uses in the broader area include institutional, residential accessory, and utility related uses. The Application does not increase the number, intensity, or scope of conditional uses in a manner that would adversely affect the residential nature of the area. The Subject Application substantially conforms with the applicable master plan and therefore does not alter the nature of the area.

Mr. LaVay did not mention the accessory apartment in his testimony (which may be due to the smaller boundary of the "surrounding area) but agreed with Staff on the remaining special

exception/conditional uses. He opined that expansion of this conditional use would not increase “any additional saturation in the area of conditional uses and special exceptions.” T. 37. He also pointed out that the conditional use already exists; what’s proposed is only a minor increase in intensity. T. 74.

Conclusion: The Hearing Examiner finds that the proposed expansion of the existing smaller scale conditional use will not adversely affect the residential character of the area. Mr. LaVay correctly points out that it will not increase the number of conditional uses/special exceptions in the area; rather, it is an intensification of an existing conditional use that will have few additional impacts on the surrounding area. Parking will be accommodated on-site, traffic generation is minimal, and there will be no changes to the exterior of the existing structure. For the same reasons that the Hearing Examiner has already found that it is harmonious with that existing character due to its small scale and minimal impacts, she finds that the intensification does not alter the predominantly residential character of the area.

***f. will be served by adequate public services and facilities including schools, police and fire protection, water, sanitary sewer, public roads, storm drainage, and other public facilities. If an approved adequate public facilities test is currently valid and the impact of the conditional use is equal to or less than what was approved, a new adequate public facilities test is not required. If an adequate public facilities test is required and:***

***i. if a preliminary subdivision plan is not filed concurrently or required subsequently, the Hearing Examiner must find that the proposed development will be served by adequate public services and facilities, including schools, police and fire protection, water, sanitary sewer, public roads, and storm drainage; or***

***ii. if a preliminary subdivision plan is filed concurrently or required subsequently, the Planning Board must find that the proposed development will be served by adequate public services and facilities, including schools, police and fire protection, water, sanitary sewer, public roads, and storm drainage; and***

No preliminary plan is required for this application; therefore, the Hearing Examiner decides the adequacy of public facilities for the proposed expansion. Exhibit 21, p. 18.

**a. Traffic**

The primary test for the adequacy of road, transit and pedestrian capacity is outlined in the Planning Board’s Local Area Transportation Review (LATR) Guidelines (Guidelines). Projects that will generate fewer than 30 peak hour trips utilizing the standards prescribed by the Guidelines are exempt from further analysis of traffic impacts, as they are deemed *de minimis*. *Local Area Transportation Review Guidelines* (January 2025), p. 3; T. 68; Exhibit 24.

Mr. Nick Driban, who qualified as an expert in transportation planning and traffic engineering, testified that he had prepared a Traffic Statement under the Guidelines to demonstrate that the project generated fewer than 30 trips. T. 68. Utilizing the standards required, the Traffic Statement demonstrated that the proposed modification would generate well under 30 trips and thus it is therefore exempt from a full traffic study. T. 68-70. An excerpt from the Traffic Statement showing the estimated peak hour trips is shown below (Exhibit 24, Exhibit 2):

**Site Trip Generation**

		AM Peak			PM Peak			Daily Trips
		In	Out	Total	In	Out	Total	
General Office (ksf, ITE-710)	4,585 sq.ft.	11	1	12	2	11	13	79
Total New Vehicular Trips per ITE Trip Generation Manual, 11th Edition:		11	1	12	2	11	13	79
LATR Vehicle Trip Generation Rate Adjustment Factor (Silver Spring/Takoma Park - Office):		70%						
Total LATR Adjusted Vehicular Trips per ITE Trip Generation Manual, 11th Edition:		7	1	8	1	8	9	55

Conclusion: Having no evidence to contradict the expert testimony of Mr. Driban or the analysis in the Traffic Statement, the Hearing Examiner finds that the modification meets the requirements of the LATR Guidelines and the traffic impact is deemed to be *de minimis*.

**b. Other Public Facilities**

Mr. LaVay opined that public services are adequate for the intensification of this use. They received approval of an updated fire access plan. The minor nature of the on-site disturbance is

exempt from the requirements of Chapter 19 of the Code (governing stormwater management) because it involves less than 5,000 square feet of disturbance. T. 38. Staff advised that (Exhibit 21, p. 17):

The Property is located within water and sewer categories W-1 and S-1 and is serviced by existing public water and sewer...Other utilities, public facilities, and services, such as electric, telecommunications, police stations, firehouses, and health services, are currently operating within the standards set by the Growth and Infrastructure Policy in effect at the time the Application was submitted.

Storm drainage from the Site is accommodated through existing on-site drainage facilities. No new impervious surface is proposed beyond the reconfiguration of the existing parking area, and no adverse stormwater impacts are anticipated as a result of the Application.

Conclusion: The unconverted testimony and evidence support a finding that public facilities are adequate to serve the use. The Hearing Examiner finds that this standard has been met.

***g. will not cause undue harm to the neighborhood as a result of a non-inherent adverse effect alone or the combination of an inherent and a non-inherent adverse effect in any of the following categories:***

***i. the use, peaceful enjoyment, economic value or development potential of abutting and confronting properties or the general neighborhood;***

***ii. traffic, noise, odors, dust, illumination, or a lack of parking; or***

***iii. the health, safety, or welfare of neighboring residents, visitors, or employees.***

Staff identified following inherent adverse effects of a “private club, service organization”, “...vehicle trips to and from the Site, outdoor lighting, on-site parking, and indoor office-based administrative services and small meetings.” Exhibit 21, pp. 20-21. Mr. LaVay identified the inherent impacts as “... a surface parking lot in a residential zone, trips to and from the site, operating hours, perhaps noise at certain times, and potentially lighting.” T. 39. Both concluded that there were no non-inherent adverse effects given the size and scale of the use. Exhibit 21, p. 21; T. 39.

Conclusion: This standard requires consideration of the inherent and non-inherent adverse effects of the proposed use, at the proposed location, on nearby properties and the general neighborhood. *Inherent adverse effects* are “adverse effects created by physical or operational characteristics of a conditional use necessarily associated with a particular use, regardless of its physical size or scale of operations.” Zoning Ordinance, §59.1.4.2. *Non-inherent adverse effects* are “adverse effects created by physical or operational characteristics of a conditional use not necessarily associated with the particular use or created by an unusual characteristic of the site.” *Id.*

As specified in §59.7.3.1.E.1.g., quoted above, inherent adverse effects, alone, are not a sufficient basis for denial of a conditional use. However, non-inherent adverse effects in the listed categories, alone or in conjunction with inherent effects in those categories, are a sufficient basis to deny a conditional use. Nevertheless, the existence of a non-inherent adverse effect does not mean that an application for a conditional use must be denied. Rather, it means that it can result in denial if the Hearing Examiner finds that such a non-inherent adverse effect, either alone or in combination with inherent adverse effects, creates “undue harm to the neighborhood” in any of the categories listed in Zoning Ordinance §59.7.3.1.E.1.g.

Analysis of inherent and non-inherent adverse effects must establish what physical and operational characteristics are necessarily associated with a Private Club, Service Organization. Characteristics of the proposed use that are consistent with the characteristics thus identified will be considered inherent adverse effects. Physical and operational characteristics of the proposed use that are not consistent with the characteristics identified *or* adverse effects created by unusual site conditions, will be considered non-inherent adverse effects. The inherent and non-inherent effects then must be analyzed, in the context of the subject property and the surrounding neighborhood, to determine whether these effects are acceptable or would create adverse impacts.

The Hearing Examiner agrees with Staff's and the Applicant's expert land planner that there are no non-inherent adverse impacts associated with this modification. While any conditional use may have some adverse effects on the neighbors (e.g., from traffic, parking and lighting), there is no evidence of a characteristic of the proposed use or the site that would differentiate the effects of this proposed Private Club, Service Organization from any other such facility.

***2. Any structure to be constructed, reconstructed, or altered under a conditional use in a Residential Detached zone must be compatible with the character of the residential neighborhood.***

Staff determined that the proposed expansion of the existing use met this standard because no exterior changes are proposed and the structure will “retain its single-family residential appearance.” Exhibit 21, p. 21. Staff also found that the “modest” expansion of the parking lot would have little impact on abutting residential properties because it is located to the side and rear of the structure, additional landscaping will be installed around the perimeter, and no outdoor lighting is proposed. *Id.*

Conclusion: The only exterior alteration will be a small expansion of the existing parking lot, which will have additional landscaping to screen the lot from abutting residential uses. As the structure does retain the appearance of a single-family home to, she agrees with Staff that the modification will be compatible with the character of the residential neighborhood, already described as primarily consisting of single-family homes in the R-60 Zone.

***3. The fact that a proposed use satisfies all specific requirements to approve a conditional use does not create a presumption that the use is compatible with nearby properties and, in itself, is not sufficient to require conditional use approval.***

Conclusion: The application satisfies all specific requirements for the conditional use, and as discussed above, the proposed use will be compatible with the neighborhood. The Hearing

Examiner concludes that, with the conditions imposed in Part IV of this Report and Decision, the conditional use should be approved.

**B. Development Standards of the Zone (Article 59.4)**

To approve a conditional use, the Hearing Examiner must find that the application meets the development standards of the zone where the use will be located – in this case, the R-60 Zone. Development standards for the R-60 Zone are in Section 59.4.4.9.B. of the Zoning Ordinance. KCSC’s site plan (Exhibit 30(a)) shows a comparison of the required development standards of the R-60 Zone (shown on the next page.)

Staff concluded that the application meets the standards of the R-60 Zone. Exhibit 21, p. 13. A table from the Staff Report compares the minimum development standards of the R-60 Zone with those proposed for the site (*Id.*):

DEVELOPMENT STANDARDS FOR R-60 ZONE (STANDARD METHOD OF DEVELOPMENT)		
DEVELOPMENT STANDARDS FOR R-60	REQUIRED	PROPOSED/PROVIDED
<b>LOT AND DENSITY (59-4.4.9.B.1)</b>		
MINIMUM LOT AREA	6,000 SF	25,602 SF <sup>1</sup>
MINIMUM LOT WIDTH AT FRONT BUILDING LINE	60 FT	110 FT
MINIMUM LOT WIDTH AT FRONT LOT LINE	25 FT	99 FT
MAXIMUM DENSITY (UNITS/ACRE)	7.26	N/A <sup>2</sup>
MAXIMUM LOT COVERAGE	35%	8.4%
<b>PRINCIPAL BUILDING SETBACKS (59-4.4.9.B.1)</b>		
FRONT (UNIVERSITY BLVD.)	25 FT	40 FT
SIDE STREET (BUCKINGHAM DR.)	25 FT	31 FT
SIDE (NORTH)	8 FT	12 FT
REAR- (EAST)	20 FT	252 FT
<b>HEIGHT: PRINCIPAL BUILDING MAX (59-4.4.9.B.3)</b>	35 FT	35 FT <sup>3</sup>

Conclusion: As can be seen from the above, the proposed use more than meets all the development standards of the R-60 Zone and the Hearing Examiner so finds.

**C. Use Standards for a Private Club, Service Organization (Section 59.3.4.8.)**

The specific use standards for approval of a Private Club, Service Organization are set out in Section 59.3.4.8. of the Zoning Ordinance. Standards applicable to this application are:

***A. Defined***

***Private Club, Service Organization means an association for civic, social, cultural, religious, literary, political, recreational or like activities, operated for the benefit of its members and not open to the public.***

According to the Applicant, membership in the KCSC is accomplished via an intake process that occurs at registration for services, described by Dr. Young-Cho at the public hearing. T. 50; Exhibit 33. No membership fees are charged, which enables KCSC to provide its services free of charge. Exhibit 33.

Conclusion: Whether KCSC's use met the zoning ordinance definition of "private club, service organization" was a contested issue in KCSC's original application. Exhibit 21, Attachment D, pp. 17-20. The Applicant's attorney, Ms. Lee-Cho stated in that case (*Id.* at 18):

Well the terminology of private club, service organization is how the zoning ordinance describes the category but when you look at the definition of that use category. It is very broadly defined and in this particular instance . . . KCSC is a service organization. It is not a club in the manner and I think respect that is being testified to. I think you have heard testimony in regard to the mission and goal of the organization. It is a service organization but none the less the application has to be under the terminology private club, service organization. That is really the only reason why private club is part of the application.

The Hearing Examiner in that case agreed that the use proposed by KCSC met the definition of "private club, service organization." *Id.*, p. 31. This record contains no evidence that there is any change in the KCSC's mission or its means of registering members. Nor does the Zoning Ordinance prescribe a particular method by which individuals must become "members" of the service organization. On these facts, the Hearing Examiner finds that the proposed use meets this definition.

### ***B. Use Standards***

Special use standards applicable to private clubs/services organizations are in Section 59.3.4.8 of the Zoning Ordinance. These include:

- a) the minimum lot area required is twice the minimum required for a detached house building type in the zone, up to a maximum of 3 acres.***

- b) The minimum lot width at the front lot line is twice that required for a detached house.*
- c) The minimum open space requirement is 50%.*

Mr. LaVay opined that the proposed development will meet all these standards. T. 24-28. Staff concluded that this modification meets the special standards in Section 59.3.4.8 of the Zoning Ordinance. The Applicant’s conditional use plan (Exhibit 30(a)) includes a chart comparing these use standards to what is being provided in the modification (Exhibit 30(b)):

DEVELOPMENT STANDARDS FOR PRIVATE CLUB, SERVICE ORGANIZATION (CONDITIONAL USE)		
MINIMUM LOT AREA (59-3.4.8.B.2.a)	12,000 SF	25,602 SF <sup>1</sup>
MINIMUM LOT WIDTH AT FRONT LOT LINE (59-3.4.8.B.2.b)	50 FT	99 FT
MAXIMUM LOT COVERAGE (59-3.4.8.B.2.c)	15%	8.4%
MINIMUM OPEN SPACE (59-3.4.8.B.2.d)	50%	71%
PARKING STANDARDS (CONDITIONAL USE, 10 OR MORE SPACES)		
MINIMUM VEHICLE PARKING SPACES (59-6.2.4.B)	12 SPACES <sup>4</sup>	13 SPACES
MINIMUM BICYCLE PARKING SPACES (59-6.2.4.C)	2 SPACES <sup>5</sup>	2 SPACES <sup>5</sup>
ACCESSIBLE PARKING SPACES (59-6.2.3.B)	1 SPACE	1 SPACE
PARKING SETBACKS (59-6.2.5.K.2)		
REAR (EAST)	20 FT	200 FT
SIDE (NORTH)	16 FT <sup>7</sup>	16 FT

Conclusion: The uncontroverted evidence supports a finding that the major modification proposed meets the development standards of the R-60 Zone and the Hearing Examiner so finds.

- e. In the AR zone, this use may be prohibited under Section 3.1.5, Transferable Development Rights.*

Conclusion: This provision is not applicable, since the site is located in the R-60 zone, not in the AR Zone.

The Hearing Examiner finds that the application satisfies all the use standards for a Private Club, Service Organization in Zoning Ordinance §59.3.4.8., as well as the general Conditional Use standards contained in Zoning Ordinance §59.7.3.1, discussed in Part III.A., above.

**D. General Development Standards (Article 59.6)**

Article 59.6 sets the general requirements for site access, parking lots, site screening, landscaping, lighting, and signs. The applicable requirements, and whether the use meets these requirements, are discussed below.

**1. Site Access Standards**

Zoning Ordinance Division 59.6.1 governs “Site Access;” however, by its own terms, as stated it does not apply to properties in the R-60 Zone. §59.6.1.2.<sup>8</sup>

Conclusion: Division 59.6.1 does not apply to development in single-family residential zones, such as the R-60 Zone involved in this case. Moreover, no site access issues have been raised in this case and Mr. Driban testified that access has remained the same since the single-family home was built. T. 72.

**2. Parking Spaces Required, Parking Facility Design and Parking Lot Screening**

**a. Number of Parking Spaces**

The standards for the number of parking spaces required, parking setbacks and parking lot screening are governed by Division 6.2 of the Zoning Ordinance. Section 59.6.2.4.B prescribes how many spaces are required. Section 59.6.2.4.K also mandates certain setbacks for conditional use parking facilities. A table from the updated site plan (Exhibit 30(a)), reproduced on the next page) compares the number of spaces and setbacks required to those provided:

<b>PARKING STANDARDS (CONDITIONAL USE, 10 OR MORE SPACES)</b>		
<b>MINIMUM VEHICLE PARKING SPACES (59-6.2.4.B)</b>	<b>12 SPACES<sup>4</sup></b>	<b>13 SPACES</b>
<b>MINIMUM BICYCLE PARKING SPACES (59-6.2.4.C)</b>	<b>2 SPACES<sup>5</sup></b>	<b>2 SPACES<sup>5</sup></b>
<b>ACCESSIBLE PARKING SPACES (59-6.2.3.B)</b>	<b>1 SPACE</b>	<b>1 SPACE</b>
<b>PARKING SETBACKS (59-6.2.5.K.2)</b>		
<b>REAR (EAST)</b>	<b>20 FT</b>	<b>200 FT</b>
<b>SIDE (NORTH)</b>	<b>16 FT<sup>7</sup></b>	<b>16 FT</b>

Mr. LaVay testified that the parking lot will include one accessible space, as required. T.

26.

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<sup>8</sup> Section 59.6.1.2. states that it applies to “development in the Residential Multi-Unit, Commercial/ Residential, Employment, Industrial, and Floating zones...”

Conclusion: Based on this evidence, the Hearing Examiner finds that the proposed modification meets the use standards in Section 59.4.8.

### **b. Parking/Bicycle Space Design**

At the public hearing, Mr. LaVay testified that a bike locker for permanent bicycle storage exists on the property, although it no longer conforms to current regulations.<sup>9</sup> When the conditional use was originally approved in 2017, bike lockers were permitted for long-term storage. In 2020, the Zoning Ordinance was amended (Ordinance No. 19-11 (Exhibit 29)), to provide, “[B]icycle lockers do not satisfy the requirements for long-term bicycle parking.” *Zoning Ordinance*, Section 59.6.2.6.B.1.a. If required for this application, the storage space would have to be interior to an existing structure. *Zoning Ordinance*, 59.6.2.6.B.1. Mr. LaVay opined that the current bike storage is “grandfathered.” The Hearing Examiner referred questions about the grandfathering of the bike locker to Staff and the Applicant. She also questioned whether the bike locker could be approved under Section 59.6.8.1 of the Zoning Ordinance (alternative compliance).<sup>10</sup> Exhibit 39. Staff responded (*Id.*):

Staff agrees that the existing bicycle locker does not qualify for legacy provisions under Section 59.7.7.1.A, as it was installed in 2017 and post-dates the 2014 Zoning Ordinance adoption. Staff also agrees that the locker is not a nonconforming “use” under Section 59.7.7.2. However, Staff supports approval of the existing bicycle locker under Section 59.6.8.1, Alternative Compliance. The locker was lawfully installed as part of CU2017-12 and continues to provide secure, weather-protected long-term bicycle storage consistent with the intent of the Zoning Ordinance. The amendment does not expand the building footprint, and requiring removal or replacement of the locker would not materially improve bicycle accommodation on the site. Staff finds that retention of the existing locker satisfies the intent of the bicycle parking requirements and represents a satisfactory solution given the limited site area and the desire to maintain the residential character of the property.

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<sup>9</sup> Current regulations define a bicycle locker as “A space intended to store one bicycle that is locked from the outside, rather than securing the bicycle itself.” Exhibit 39. *Zoning Ordinance*, Section 59.6.2.6.

<sup>10</sup> In her question to Staff and the Applicant, the Hearing Examiner incorrectly referred to the waiver authority in Section 59.6.8.1 of the Zoning Ordinance, which does not apply to the parking standards in Section 6.2. *Zoning Ordinance*, 59.6.8.1.A. Authority for a waiver of the parking standards is in 59.6.2.10. The Hearing Examiner finds that Staff’s response is equally relevant to that provision, as further explained.

The Applicant pointed out that Section 59.7.3.1.E.1.b permits the Hearing Examiner to require compliance with Article 6 to “to the extent the Hearing Examiner finds necessary to ensure compatibility.”

Conclusion: The Hearing Examiner finds that a waiver of the bicycle design requirements is permitted and warranted under Section 59.6.2.10 of the Zoning Ordinance, which provides: “[T]he deciding body may waive any requirement of Division [6.2](#)... if the alternative design satisfies Section [6.2.1](#).” Section 59.6.2.1 expresses the intent of the parking requirements, which is to “ensure that adequate parking is provided in a safe and efficient manner.”

The Hearing Examiner agrees with Staff that the bike locker meets the intent of the bicycle parking standards because it provides a permanent secure, weather-protected location for bike storage in a safe manner. The Hearing Examiner also agrees with the Applicant that the bike locker preserves compatibility with the neighborhood, as it does not require any expansion of the structure and was deemed compatible when installed in 2017. For this reason, she also finds that it is permitted under the authority in Section 59.7.3.1.E.1.b, requiring compliance with Section 6.2.6 “to the extent needed to ensure compatibility” with the surrounding area.

### **c. Parking Lot Screening**

Section 59.6.2.9 contains requirements for landscaping parking lots:

#### **C. Parking Lot Requirements for 10 or More Spaces**

##### **1. Landscaped Area**

**a. A surface parking lot must have landscaped islands that are a minimum of 100 contiguous square feet each comprising a minimum of 5% of the total area of the surface parking lot. Where possible, any existing tree must be protected and incorporated into the design of the parking lot.**

**b. A maximum of 20 parking spaces may be located between islands.**

**c. A landscaped area may be used for a stormwater management ESD facility.**

##### **2. Tree Canopy**

**Each parking lot must maintain a minimum tree canopy of 25% coverage at 20 years of growth, as defined by the Planning Board's Trees Technical Manual, as amended.**

### **3. Perimeter Planting**

**a. The perimeter planting area for a property that abuts an Agricultural, Rural Residential, or Residential Detached zoned property that is vacant or improved with agricultural or residential use must:**

- i. be a minimum of 10 feet wide;**
- ii. contain a hedge, fence, or wall a minimum of 6 feet high;**
- iii. have a canopy tree planted every 30 feet on center; and**
- iv. have a minimum of 2 understory trees planted for every canopy tree.**

**b. The perimeter planting area for a property that abuts any other zoned property, right-of-way, or an Agricultural, Rural Residential, or Residential Detached zoned property that is improved with a civic and institutional, commercial, industrial, or miscellaneous use must:**

- i. be a minimum of 6 feet wide;**
  - ii. contain a hedge or low wall a minimum of 3 feet high;**
- and**
- iii. have a canopy tree planted every 30 feet on center;**
- unless**
- iv. the property abuts another parking lot, in which case a perimeter planting area is not required.**

Staff advises that the parking lot as proposed meets these requirements (Exhibit 21, pp. 14-15:

The perimeter planting includes a combination of evergreen and deciduous plant material functioning as a visual screen, with canopy trees planted at intervals consistent with the requirement of one canopy tree every 30 feet on-center, and supplemental understory plantings to reinforce screening. The perimeter planting meets the minimum standards for width height, and plant composition and provides adequate screening of the parking area from adjacent properties.

No parking islands are proposed. Mr. LaVay testified that the canopy requirements are met by canopy trees shown on the perimeter of the parking area. T. 31.

Conclusion: Based on this undisputed record and analysis, the Hearing Examiner concludes that the parking lot proposed meets the requirements of Article 59.6 of the Zoning Ordinance.

### **b. Site Screening and Landscaping (Division 6.5)**

Staff determined the site screening met the Code standards in Section 6.5 of the Zoning Ordinance (Exhibit 21, p.16):

Landscaping is proposed to provide screening of the parking area and enhance visual compatibility with surrounding residential uses. The proposed screening meets the requirements of Section 6.5 and is adequate given the low-intensity nature of the use, limited hours of operation, and residential character of the surrounding neighborhood.

Conclusion: While there are detailed standards in the Zoning Ordinance for site perimeter landscaping and screening (different from parking lot screening and landscaping), the Hearing Examiner in the original, 2017 application approved the existing site landscaping as adequate because “review of site landscaping for conditional uses in single-family detached homes is limited to an assessment of compatibility,” citing Section 59.6.5.2.B. Exhibit 21, Attachment D, p. 38. He also relied on Section 7.3.1.E.1.b.2, already discussed, permitting the Hearing Examiner to mandate the requirements of Article 6 only “to the extent needed to ensure compatibility.” While the structure will no longer be used as a residence, the Hearing Examiner agrees with Staff that the existing landscaping remains compatible with the surrounding area and approves it under Section 7.3.1.E.1.b.2.

### **3. Signage**

The Applicant does not propose any new signage on the site.

## **IV. CONCLUSION AND DECISION**

Based on the foregoing findings and conclusions and a thorough review of the entire record, the application of the Korean Community Service Center of Greater Washington, Inc. (CU 17-12-A), for a conditional use under Section 59.3.4.8. of the Zoning Ordinance to expand the operation

of a Private Club, Service Organization into all floors (a total of 4,585 square feet) of the existing structure at 700 Buckingham Drive, in Silver Spring, Maryland, is hereby **GRANTED**, subject to the following conditions, and that a waiver of Section 59.6.2.6.B.1 of the Bicycle Parking Design standards be, and hereby is, waived:

1. Physical improvements to the subject property are limited to those shown on the Conditional Use Site Plan (Exhibits 30(a) and (b), and Landscape Plan (Exhibit 16).
2. The use is limited to a private club, service organization to be located area shown on the floor plans (Exhibit 18).
3. The hours of operation are limited to:
  - a. Monday-Friday: 8:00 a.m. - 4:00 p.m.
  - b. Saturday: 9:00 a.m. - 2:00 p.m.
  - c. Up to eight (8) evening meetings per month ending no later than 9:00 p.m.
4. The maximum number of employees permitted on-site at any one time is five (5).
5. No new signage is permitted on the site without a modification of this conditional use.
6. The Applicant must obtain and satisfy the requirements of all licenses and permits, including but not limited to building permits and use and occupancy permits, necessary to occupy the conditional use premises and operate the conditional use as granted herein. The Applicant shall at all times ensure that the conditional use and premises comply with all applicable codes (including but not limited to building, life safety and handicapped accessibility requirements), regulations, directives and other governmental requirements, including the annual payment of conditional use administrative fees assessed by the Department of Permitting Services.

Issued this 3<sup>rd</sup> day of March, 2026.



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Lynn Robeson Hannan  
Hearing Examiner

## NOTICE OF RIGHT TO REQUEST ORAL ARGUMENT

Any party of record may file a written request to present an appeal and oral argument before the Board of Appeals, within 10 days after the Office of Zoning and Administrative Hearings issues the Hearing Examiner's Report and Decision. Any party of record may, no later than 5 days after a request for oral argument is filed, file a written opposition to it or request to participate in oral argument. If the Board of Appeals grants a request for oral argument, the argument must be limited to matters contained in the record compiled by the Hearing Examiner. A person requesting an appeal, or opposing it, must send a copy of that request or opposition to the Hearing Examiner, the Board of Appeals, and all parties of record before the Hearing Examiner.

Contact information for the Board of Appeals is listed below, and additional procedures are specified in Zoning Ordinance §59.7.3.1.F.1.c.

The Board of Appeals may be contacted at:

Montgomery County Board of Appeals  
100 Maryland Avenue, Room 217  
Rockville, MD 20850  
(240) 777-6600

<http://www.montgomerycountymd.gov/boa/>

The Board of Appeals will consider your request for oral argument at a work session. Agendas for the Board's work sessions can be found on the Board's website and in the Board's office. You can also call the Board's office to see when the Board will consider your request. If your request for oral argument is granted, you will be notified by the Board of Appeals regarding the time and place for oral argument. Because decisions made by the Board are confined to the evidence of record before the Hearing Examiner, no new or additional evidence or witnesses will be considered. If your request for oral argument is denied, your case will likely be decided by the Board that same day, at the work session.

Parties requesting or opposing an appeal must not attempt to discuss this case with individual Board members because such *ex parte* communications are prohibited by law. If you have any questions regarding this procedure, please contact the Board of Appeals by calling 240-777-6600 or visiting its website: <http://www.montgomerycountymd.gov/boa/>.

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