

OFFICE OF ZONING AND ADMINISTRATIVE HEARINGS  
for

MONTGOMERY COUNTY  
Stella B. Werner Council Office Building  
100 Maryland Avenue, Room 200  
Rockville, Maryland 20850

<https://www.montgomerycountymd.gov/ozah/index.html>

Phone: (240) 777-6660; Fax (240) 777-6665

**CASE NO. CU 21-03**

**APPLICATION OF E & M INVESTMENT, LLC.**

**NOTICE OF MOTION TO AMEND**

The above application seeks a conditional use to allow a *Home Health Practitioner* (Major Impact) under Section 59-3.3.3. G of the Zoning Ordinance. The subject property is located at 9221 Colesville Road, Silver Spring, Maryland 20901 (Tax Acct. No. 13-03695448).

This matter is scheduled for public hearing before the Hearing Examiner on **Monday, March 15, 2021, at 9:30 a.m.**, or as soon as thereafter as this matter can be heard remotely via **Microsoft Teams**.

Please take notice that on January 26, 2021 the Applicant's Attorney Sean P. Hughes, Esquire, filed a Motion to Amend the Application. In support of its Motion to Amend the Application, the Applicant submitted the following documents, in accordance with comments received from various reviewing agencies: (Exhibits 25(a)-(d)).

1. Updated drawing plan page titled "Site Plan for Conditional".
2. Department of Permitting Services Fire Department Access and Water Supply Comments Memo dated 14<sup>th</sup> January 2021.
3. Updated Traffic Report Letter from STS Consulting dated 13<sup>th</sup> January 2021 that has minor revisions to reduce the traffic numbers.
4. Revised Statement of Justification dated January 24, 2021, that includes minor edits to further clarify staff and patient numbers and arrival/departure times, noting the revised Traffic Report by STS Consulting and clarifying the waiver of parking for tandem spaces per 6.2.5.E.5.

A motion to amend an application requests permission only to revise portions of the application. Granting the motion merely allows the Applicant to make the requested changes to the application, but does not, in any way, approve the application itself. The Hearing Examiner will take the motion to amend the application under consideration for a period of ten days from the date of this notice, until **February 26, 2021**. Interested parties who object to the motion must do so, in writing, no

later than **February 26, 2021**. If no objection is received by that time, the motion will be considered granted. Additional notification regarding the amendment will be provided only if an objection is received.

**PLEASE NOTE: Due to the COVID-19 pandemic, this hearing will be held remotely via Microsoft Teams. You do not need to sign up in advance to testify or view the hearing. You do not need a subscription to Microsoft Teams to join the hearing. Instructions to access the public hearing may be found under the link “Public Hearing Remote Access and Exhibits” and the Hearing Calendar on OZAH’s website at least two days before the public hearing.**

**All exhibits filed in the case will be available to view via the link “Public Hearing Remote Access and Exhibits” on OZAH’s website at least two days before the public hearing. Exhibits are removed the day after the public hearing so that staff can prepare for the next hearing. If you wish to download any of the exhibits, you should do so no later than 5:00 p.m. of the day of the public hearing.**

*OZAH is now operating remotely to the extent possible. You may review the application online at <https://montgomeryplanning.org/development> under the application number CU202103. If you wish to review the full file (all submission in the case) before it is published on the website or have other questions, please contact Nana Johnson at (240) 777-6663 or [nana.johnson@montgomerycountymd.gov](mailto:nana.johnson@montgomerycountymd.gov).*

Persons or associations that are (1) represented by counsel, (2) intending to appear in organized opposition, **or** (3) intending to introduce expert evidence or testimony must file a pre-hearing statement containing the information required by Rules 3.4 and 3.5 of OZAH’s Rules of OZAH’s Amended Land Use Rules of Procedure. These Rules may be found on OZAH’s website listed above. The Applicant must submit its pre-hearing statement at least 30 days before the public hearing. Persons in opposition that are required to file a pre-hearing statement must do so no less than 20 days before the public hearing. Deadlines for submissions are close of business (5:00 p.m.) on the date due. If the date due falls on a day that the County is not open, the deadline is 5:00 p.m. on the next business day.

Any party submitting documentary evidence for the record must file electronic copies of their submissions by email. Paper copies must also be sent by U.S. mail, postmarked the day of the email. This includes all amended filings.

In compliance with Maryland requirements regarding the practice of law, groups or associations must have counsel unless their witnesses are members of the group or association who will offer testimony in narrative form (*i.e.*, there is no need for an attorney to conduct a direct examination).

Nothing in this notice is intended to limit the rights of individual members of the public to testify during the hearing or to submit pertinent written materials at any time while the record remains open for that purpose. You may submit a signed letter to OZAH, which will be considered by the Hearing Examiner as part of the record but doing so will not automatically make you a party of record. Applicants and members of the public who testify at an OZAH hearing,

whether for or against the application, are automatically considered parties of record. A person or organization that does not wish to appear at the OZAH hearing but wishes to be a party of record may request that status in a signed letter to OZAH. *See* OZAH Rule 3.1.

If you need services to participate in a public hearing, please contact this Office no later than seven (7) days in advance of the public hearing by calling 240-777-6660 (TTY 240-777-7914) or emailing us at [ozah@montgomerycountymd.gov](mailto:ozah@montgomerycountymd.gov). OZAH cannot guarantee that an interpreter can be made available if notified of the request less than seven (7) days in advance of the public hearing. This document is available in alternative format such as large print upon request, via the same phone numbers and email address.

Notices forwarded this 16<sup>th</sup> February 2021 to:

Mohamed Matope, Applicant  
Sean P. Hughes, Esq. Applicant's Attorney  
Katherine Mencarini, MNCPPC  
Charles Frederick, Esquire, Associate County Attorney  
Department of Permitting Services Greg Nichols, Manager, SPES at DPS  
Michael Coveyou, Director, Finance Department  
Washington Suburban Sanitary Commission Montgomery County Public Schools  
Abutting and Confronting Property Owners  
(or a condominium's council of unit owners or renters, if applicable) Civic, Renters' and  
Homeowners' Associations within a half mile of the site and Any Municipality within a half mile  
of the site.

Office of Zoning and Administrative Hearings



By: \_\_\_\_\_

Derek Baumgardner  
Hearing Examiner