

**OFFICE OF ZONING AND ADMINISTRATIVE HEARINGS  
for  
MONTGOMERY COUNTY**

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**CASE NO. CU 22-02**

**APPLICATION OF VLADIMIR GUREVICH**

**ORDER ABANDONING CONDITIONAL USE**

On January 25, 2022, the Hearing Examiner approved the above-captioned conditional use application for a group day care with up to 12 children at 9000 16<sup>th</sup> Street, Silver Spring, Maryland, under Section 59.3.4.4.D of the Zoning Ordinance in a R-60 Zone.

Subsequently, effective March 4, 2024, the Montgomery County Council adopted Ordinance 20-09, ZTA 23-11 concerning Regulatory Approvals – Conditional Uses. Ordinance 20-09 eliminated the use type “Group Day Care (9 – 12 Persons)” as a defined use and amended “Family Day Care (up to 8 Persons)” to “Family Day Care (up to 12 persons)” as a permitted<sup>1</sup> use in a R-60 Zone.<sup>2</sup> On August 7, 2024, the Applicant, Vladimir Gurevich contacted the Office of Zoning and Administrative Hearings requesting that the previously granted conditional use be abandoned in light of the fact that a day for up to 12 persons is now a permitted use. The Applicant confirmed his desire to abandon his conditional use via email to this Hearing Examiner on August 15, 2024.

Section 59.7.3.1.L.7.a of the Zoning Ordinance authorizes the abandonment of an approved conditional use when the property owner and the Applicant acknowledge that it has been abandoned:

If the conditional use holder and the property owner acknowledge that the conditional use has been abandoned, DPS must notify the Board of Appeals or the

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<sup>1</sup> See Section 59.3.1.6 – Use Table

<sup>2</sup> See Section 59.3.4.4 C. - Family Day Care (Up to 12 Persons) is defined as:

[A] Day Care Facility for a maximum of 12 people in a dwelling where for child day care the registrant is the provider and a resident, or the registrant is not a resident but more than half the children cared for are residents. The provider's own children under the age of 6 are counted toward the maximum number of people allowed. For care of senior adults or persons with disabilities the registrant is the provider. Family Day Care (Up to 12 Persons) does not include more than 2 non-resident staff members on-site at any time or a provider that is not a resident and does not meet the requirement for a non-resident provider (see Section 3.4.4.D., Day Care Center (13-30 Persons)).

1. The registrant must be the provider and a resident. If the provider is not a resident, the provider may file a conditional use application for a Day Care Center (13-30 Persons) (see Section 3.4.4.D).
2. No more than 3 non-resident staff members may be on-site at any time.

Hearing Examiner, as appropriate. The Board of Appeals or Hearing Examiner must adopt and issue a written resolution finding the conditional use to have been abandoned and ordering it revoked.

The Applicant notified the Hearing Examiner via email dated August 1, 2024 that he contacted DPS regarding the change in the law and was directed by DPS to request the conditional use be abandoned. This correspondence in addition to the Applicant/owner's follow-up email of August 15, 2024, confirms his request and intention that the above-captioned conditional use be abandoned. From this record, the Hearing Examiner finds that the conditional use approved in the above-captioned case be abandoned.

Therefore, it is this 16<sup>th</sup> day of August, 2024:

**ORDERED:** That **Conditional Use No. CU 22-02, VLADIMIR GUREVICH is hereby revoked**, at the request of and with the consent of the Applicant and property owner.



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Kathleen E. Byrne  
Hearing Examiner

Copies to:

Vladimir Gurevich, Applicant  
Cynthia Lundy, DPS  
Victor Salazar, DPS