

From: [Byrne, Kathleen](#)
To: [Vivian Riefberg](#)
Cc: [Soo Lee-Cho](#); [Jay, Barbara](#); [Jason Smolen](#); [Meza, Nicole](#); [Al Marah HOA](#); [garay.pedro@gmail.com](#); [Uy Hoang](#); [Kim Brinkman](#); [Meg VanDeWeghe](#)
Subject: RE: Holton-Arms School's Support of Motion to Postpone the July 17, 2025, Hearing for Special Exception Amendment (Case No. CBA-1174-E)
Date: Monday, June 2, 2025 2:50:00 PM

All,

Ms. Reifberg thank you for your response below regarding a new hearing date. Please note I've removed Ms. Ndou from the email thread as well as Mr. O'Neil. Ms. Soo Lee-Cho will now be representing the Applicant in this matter. To limit the back-and-forth emails with myself and the parties regarding a new hearing date, OZAH will send out written notice updating those required to receive written notice of the following: 1) cancelation of the 7/17/25 hearing date, 2) marking of the hearing date as "to be determined" and 3) once a new date is chosen written notice will be issued no later than 30 days prior to that hearing date. The 7/17/25 hearing date has been removed from the OZAH public hearing schedule and replaced with TBD on the website.

Please note as the Hearing Examiner assigned to this matter, I cannot engage in any discussion via email, by telephone or in person regarding the merits or subject matter of the Application. I am only engaging in email exchanges on procedural matters with the Applicant's attorneys, Ms. Reifberg as a party of record and the others on this email thread because they either requested a postponement of the hearing or wished to be part of the discussion in choosing a new hearing date. Further, the only reason I am engaging with the parties via email on these procedural issues is because of both of OZAH's administrative staff are out on extended leave.

Ms. Lee-Cho,

Once the parties have had an opportunity to review the issues raised by the opposition, I am asking that you coordinate with Ms. Reifberg, Ms. Brinkman, Mr. Smolen and Ms. VanDeWeghe and present several dates to OZAH for a new hearing date. At the moment, all of October is wide open on the OZAH calendar.

Thank you all.

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: Vivian Riefberg <vivianriefberg@gmail.com>

Sent: Monday, June 2, 2025 12:29 PM

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

Cc: O'Neil, Patrick L. <ploneil@lercheearly.com>; Ndou, Livhu <Livhu.Ndou@montgomerycountymd.gov>; Jay, Barbara <Barbara.Jay@montgomerycountymd.gov>; Jason Smolen <jsmolen@rutenberg.law>; Meza, Nicole <Nicole.Meza@montgomerycountymd.gov>; Al Marah HOA <almarahhoa@gmail.com>; garay.pedro@gmail.com; Uy Hoang <uyhoang@gmail.com>; Kim Brinkman <Ksbrinkman@gmail.com>; Meg VanDeWeghe <meg.vandeweghe@gmail.com>

Subject: Re: Holton-Arms School's Support of Motion to Postpone the July 17, 2025, Hearing for Special Exception Amendment (Case No. CBA-1174-E)

[EXTERNAL EMAIL]

Dear Ms. Byrne -

Thank you for all your help.

I am fine with a further postponement beyond October given the request of the Al Marah residents. If, however, you keep the October dates I can only do October 22, 23 or 24th. I cannot do October 20 or 21st and thus appreciate that the hearing would stick to the 22nd, 23rd or 24th.

I appreciate your efforts.

Thank you,

Vivan

On Fri, May 30, 2025 at 10:36 AM Byrne, Kathleen

<Kathleen.Byrne@montgomerycountymd.gov> wrote:

All,

In light of the Applicant's consent to a postponement, the July 17, 2025 hearing date will be rescheduled. Since notice of the July 17, 2025 hearing was mailed, a new hearing notice must go out with a new hearing date. Would scheduling the hearing during the week of October 20, 2025 allow sufficient time for the Applicant to meet with the parties?

Katy Byrne

Kathleen E. Byrne

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From: O'Neil, Patrick L. <ploneil@lerchearly.com>

Sent: Thursday, May 29, 2025 10:46 AM

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

Cc: Ndou, Livhu <Livhu.Ndou@montgomerycountymd.gov>; Jay, Barbara <Barbara.Jay@montgomerycountymd.gov>; vivianriefberg@gmail.com; Jason Smolen <jsmolen@ruttenberg.law>; Meza, Nicole <Nicole.Meza@montgomerycountymd.gov>; Al Marah HOA <almarahhoa@gmail.com>; garay.pedro@gmail.com; Uy Hoang <uyhoang@gmail.com>; Kim Brinkman <ksbrinkman@gmail.com>; Meg VanDeWeghe <meg.vandeweghe@gmail.com>

Subject: Holton-Arms School's Support of Motion to Postpone the July 17, 2025, Hearing for Special Exception Amendment (Case No. CBA-1174-E)

[EXTERNAL EMAIL]

In response to the pending motion to postpone the July 17, 2025, hearing for the above-referenced Special Exception, the Applicant, Holton-Arms School, hereby expresses support for the motion.

Holton-Arms School appreciates the request raised by Ms. VanDeWeghe and other members of the Al Marah community to postpone the Special Exception Modification hearing from July to the fall. We also believe that a postponement will be beneficial to all interested parties, and allow time for additional conversations with residents of Al Marah and other neighborhoods in proximity to Holton-Arms School, to ensure that members of the community have the opportunity to share their questions and concerns directly with school leadership. In turn, Holton-Arms School will update neighbors on the efforts the school has been actively undertaking, in coordination with County transportation agencies, to respond to community members' feedback and develop strategies to effectively mitigate potential transportation-related impacts associated with the Special Exception Modification proposal.

Over the coming weeks and into the fall, the Holton-Arms team will redouble its efforts to engage directly with residents of the community to share these new proposals, discuss neighbors' feedback, and update the Special Exception Modification application accordingly. In the meantime, community members are invited to visit the Special Exception website for general information about the proposal and the review and approval process. If neighbors have specific questions, would like to schedule a campus tour or meeting, or need any additional information related to the Special Exception Modification, they are encouraged to contact team member Sherry Rutherford at sherry.rutherford@holton-arms.edu.

This response is submitted on behalf of Holton-Arms School by its counsel with copies to interested parties of record,

Patrick O'Neil

Patrick L. O'Neil, Attorney

Pronouns: He, Him, His

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

Sent: Monday, May 19, 2025 10:36 AM

To: Meg VanDeWeghe <meg.vandeweghe@gmail.com>; O'Neil, Patrick L. <ploneil@lerchearly.com>

Cc: Ndou, Livhu <Livhu.Ndou@montgomerycountymd.gov>; Jay, Barbara

<Barbara.Jay@montgomerycountymd.gov>; vivianriefberg@gmail.com; Jason Smolen

<jsmolen@ruttenberg.law>; Meza, Nicole <Nicole.Meza@montgomerycountymd.gov>

Subject: RE: Concerns about CASE NO. CBA-1174-E (Holton Arms proposed expansion)

Ms. VanDeWeghe and Mr. O'Neill,

I am responding directly to your email below and am also directing my response to Mr. Patrick O'Neil, attorney for the Applicant. Please note I have removed Councilmember Freidson's Office and Council President Stewart's Office from this email thread. Due to rules governing ex parte communications with Councilmembers while a land use matter is pending before OZAH, the Councilmembers cannot have direct communication with any party, participant or constituent regarding those matters. I've copied Ms. Livhu Ndou, Senior Legislative Attorney for the Council, so she is aware of the email and my response to you. Additionally, I have copied the Barbara Jay, the Board of Appeals Executive Director, Ms. Riefberg and Mr. Smolen. Ms. Riefberg and Mr. Smolen previously requested to be included in any hearing scheduling discussions.

While OZAH has received several emails and letters from neighbors regarding the pending application, none of those individuals requested that they be considered "parties of record." OZAH Rule 3.1 describes "parties of record" to include applicants for a zoning action or a conditional use, individuals and organizations testifying at an OZAH public hearing and those who have requested and been approved by the Hearing Examiner to be parties of record. Anyone may testify at the OZAH public hearing and will be automatically considered a party of record.

In your email below you specifically request a postponement of the July 17, 2025 hearing until September when more residents are available to testify at the hearing. Per OZAH Rule of

Procedure 3.9 any preliminary motion made before a hearing, like the one you have made for a postponement, must be sent to all “parties of record” and must include a certification of the date mailed. The rule further requires that those parties of record that receive the motion must respond to it within 10 days of the certified mailing date. Mr. O’Neil, as the attorney for the Applicant, a party of record, must have an opportunity to respond to your request for a postponement.

While your request was not “mailed”, as the assigned Hearing Examiner, I will accept the postponement request and treat it as a preliminary motion. Via this email, I am requesting Mr. O’Neil respond to your motion before I make any decision regarding a postponement.

Thank you.

Katy Byrne

Kathleen E. Byrne
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From: Meg VanDeWeghe <meg.vandeweghe@gmail.com>

Sent: Friday, May 16, 2025 6:24 PM

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

Cc: Friedson's Office, Councilmember <Councilmember.Friedson@montgomerycountymd.gov>; Stewart's Office, Councilmember <Councilmember.Stewart@montgomerycountymd.gov>

Subject: Concerns about CASE NO. CBA-1174-E (Holton Arms proposed expansion)

[EXTERNAL EMAIL]

Dear Ms Byrne,

My husband and I are residents of Al Marah (a community in Bethesda across from the Holton Arms School). We and our neighbors are quite concerned about the Holton Arms proposed expansion which would increase enrollment by 30% (some 200 students). We believe that the proposal not only would cause logistical nightmares for our neighborhood (which ONLY can be accessed using the portion of River Road affected by Holton Arms traffic), but would decrease property values in our neighborhood.

Unfortunately, Holton Arms has not been providing information to local residents (despite our repeated requests that they do so), and the hearing on this matter has now been set for July 17 (a date when many of our neighbors will be out of town). We request that you postpone the hearing until September when more residents will be in town and will be able to attend the hearing in person to explain our concerns about traffic along River Road and through our community.

Thank you for your help in this matter.

Meg VanDeWeghe



For more helpful Cybersecurity Resources, visit:

<https://www.montgomerycountymd.gov/cybersecurity>