

BEFORE THE HEARING EXAMINER FOR MONTGOMERY COUNTY, MARYLAND

Office of Zoning and Administrative Hearings
Stella Werner County Council Office Building
100 Maryland Avenue, Room 200
Rockville, Maryland 20850

IN THE MATTER OF:)	
PETITION OF HOLTON-ARMS)	
SCHOOL, INC. FOR A MAJOR)	Case Nos. CBA-1174-E, S-2467-A,
MODIFICATION OF AN EXISTING)	S-2503-B, S-516 & S-729
PRIVATE EDUCATIONAL)	
INSTITUTION SPECIAL EXCEPTION)	
Petitioner,)	Exhibit 38
)	OZAH Case No: CBA-1174-E
)	
Soo Lee-Cho, Esquire)	
Attorney for the Petitioner.)	

PETITIONER'S PRE-HEARING SUBMISSION

In accordance with Section 3.4 of the Rules of Procedure of the Office of Zoning and Administrative Hearings, this Pre-Hearing Submission is submitted on behalf of Petitioner, Holton-Arms School, Inc. in support of Major Modification Application to permit (1) an increase in its student enrollment cap from 670 to 870, (2) an increase in its summer camp registration cap from 665 to 970, (3) greater flexibility in third-party ancillary use of campus facilities and (4) incorporation of previous Board of Appeals administrative approval regarding Granger House ("Application"). The Holton-Arms campus, located at 7303 River Road, Bethesda, Maryland, 20817 ("Subject Property"), is classified in the R-200 and R-90 Zones. Pursuant to Section 7.7.1.B.1 and Section 7.7.1.B.3.c of the Montgomery County Zoning Ordinance, this Application will be reviewed under the standards and procedures of the zoning ordinance in effect prior to October 29, 2014, i.e., the 2004 Zoning Ordinance.

I. Statement of Grounds in Support of the Petition

- A. The proposal complies with the standards and requirements set forth for the use in Division 59-G-2 of the 2004 Zoning Ordinance, in particular Section 59-G-2.19 Private Educational Institutions.
- B. The proposal is consistent with the general plan for the physical development of the District, and conforms with the recommendations, goals and objectives of the 1990 Bethesda-Chevy Chase Master Plan.
- C. The proposal is in harmony with the general character of the neighborhood, considering population density, design, scale, and bulk of any proposed new structures, intensity and character of activity, traffic and parking conditions, and number of similar uses.
- D. The proposal will not be detrimental to the use, peaceful enjoyment, economic value or development of surrounding properties or the general neighborhood at the subject site, irrespective of any adverse effects the use might have if established elsewhere in the zone.
- E. The proposal will cause no objectional noise, vibrations, fumes, odors, dust, illumination, glare, or physical activity at the subject site, irrespective of any adverse effects the use might have if established elsewhere in the zone.
- F. The proposal will not, when evaluated in conjunction with existing and approved special exceptions in any neighboring one-family residential area, increase the number, intensity, or scope of special exception uses sufficiently to affect the area adversely or alter the predominantly residential nature of the area. Special exception uses that are consistent with the recommendations of a master plan do not alter the nature of an area.
- G. The proposal will not adversely affect the health, safety, security, morals, or general welfare of residents, visitors, or workers in the area at the subject site, irrespective of any adverse effects the use might have if established elsewhere in the zone.
- H. The proposal will be served by adequate public facilities, including police and fire protection, water, sanitary sewer, public roads, storm drainage, and other public facilities.

II. Reports – The Applicant intends to rely on the following reports (as needed) to be made a part of the record of this case:

- **(To Be Provided)** Montgomery County Planning Board/Department Staff Report and Recommendation
- **(Previously Submitted)** Holton-Arms Traffic Study (LATR) (dated September 12, 2025)
- **(Previously Submitted)** Petitioner’s Revised Statement of Justification (dated September 12, 2025)
- **(Revised)** Holton-Arms Transportation Management Plan (TMP) (dated October 17, 2025) with redline of previously submitted version dated September 12, 2025 also attached hereto.
- **(New)** Holton-Arms 2025 Supplemental Analysis Memo – Gorove Slade (dated October 17, 2025)
- **(New)** Holton-Arms SHA Review Meeting Summary (dated October 17, 2025)
- **(New)** Holton-Arms Sept 9th Virtual Community Meeting and Outreach Recap
- **(New)** Email with Alleged Pictures of Penny B. Evins, Head of School
- **(New)** Expert Witness Resumes

III. Experts - The Applicant intends to present the following expert witnesses:

- **Katie Wagner** of Gorove Slade, Transportation Planners and Engineers, will testify as an expert in the field of traffic engineering regarding the traffic impact from the proposed operations, the adequacy of roads and intersections, and how approval of the proposed Special Exception Modification will not have an adverse impact upon the local street network.
- **Marie Cox** of Wells & Associates, Transportation Demand Management Specialist, will testify as an expert in the field of transportation demand management planning and assessment.

- **Patrick La Vay** of Macris, Hendricks & Glascock, will testify as an expert in the field of Civil Engineering and Land Planning relative to the intersection mitigation improvements proposed to be constructed by the School as detailed in the LATR/TIS.

IV. Lay Witnesses - The Applicant intends to present the following witnesses:

- **Penny B. Evins**, Head of School and/or other representatives of the Petitioner, Holton-Arms, will provide an overview of the existing Holton-Arms operations, the existing Property conditions and improvements, and the need for the Special Exception Modification changes.

V. Estimated Time for Presentation

The Applicant estimates that presentation of its case in chief will require approximately 5 hours.

VI. Reservation of Right to Supplement – This submission is intended to satisfy the requirements of the Code and the Rules of Procedures for Zoning Cases. If amended or supplemental information becomes necessary to support the present application, the Applicant will make a supplemental submission in a timely fashion in compliance with OZAH Rules of Procedure.

Respectfully submitted,

BREGMAN, BERBERT, SCHWARTZ & GILDAY, LLC

By:



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