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Transcript of Administrative Hearing

Date: January 5, 2018

Case: Jennifer Nelson Equestrian Facility

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Transcript of Administrative Hearing
Conducted on January 5, 2018

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<p>1 OFFICE OF ZONING AND ADMINISTRATIVE HEARINGS</p> <p>2 FOR MONTGOMERY COUNTY, MARYLAND</p> <p>3 -----X</p> <p>4 In Re: :</p> <p>5 JENNIFER NELSON : Case No. CU 18-02</p> <p>6 EQUESTRIAN FACILITY :</p> <p>7 -----X</p> <p>8</p> <p>9 HEARING</p> <p>10 Before Hearing Examiner Martin Grossman</p> <p>11 Rockville, Maryland</p> <p>12 Friday, January 5, 2018</p> <p>13 11:30 a.m.</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23 Job: 172871</p> <p>24 Pages: 1 - 24</p> <p>25 Transcribed by: Ellen L. Simone</p>	<p>3</p> <p>1 (Proceedings began at 11:30 a.m.)</p> <p>2 HEARING EXAMINER GROSSMAN: Are you ready to</p> <p>3 proceed? All right, then I'll call the case.</p> <p>4 This is a public hearing in the matter of</p> <p>5 Jennifer Nelson. OZA CU No. 18-02. An application pursuant</p> <p>6 to Zoning Ordinance Section 59.3.2.4.B for a conditional</p> <p>7 use to allow an equestrian facility for up to two horses on</p> <p>8 3.91 acres of land in the RA2 residential zone.</p> <p>9 The site is located at 12719 River Road in</p> <p>10 Potomac, Maryland. It's 1,400 feet west of Stoney Creek</p> <p>11 Road and 1,200 feet east of Dalyn Drive. It is Parcel 2A of</p> <p>12 Plat 4809 in the Frank Taylor subdivision.</p> <p>13 My name is Martin Grossman. I'm the Hearing</p> <p>14 Examiner, which means I will take evidence here and write a</p> <p>15 report and decision in the case.</p> <p>16 Okay. Will the parties identify themselves for</p> <p>17 the record, please?</p> <p>18 MRS. NELSON: Jennifer Nelson, homeowner.</p> <p>19 HEARING EXAMINER GROSSMAN: All right.</p> <p>20 MR. NELSON: And you're the applicant.</p> <p>21 MRS. NELSON: Yes, sir.</p> <p>22 MR. NELSON: And Kirk Nelson.</p> <p>23 HEARING EXAMINER GROSSMAN: All right. And you're</p> <p>24 the co-owner of the property.</p> <p>25 MR. NELSON: Yes, sir.</p>
<p>2</p> <p>1 A P P E A R A N C E S</p> <p>2 JENNIFER NELSON, Applicant</p> <p>3 KIRK NELSON</p> <p>4</p> <p>5</p> <p>6 C O N T E N T S</p> <p>7 PAGE</p> <p>8 TESTIMONY BY MRS. NELSON 12</p> <p>9</p> <p>10</p> <p>11 E X H I B I T S</p> <p>12 PAGE</p> <p>13 Exhibit 36 Affidavit of posting 6</p> <p>14 Exhibit 30C Site plan 9</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p>4</p> <p>1 HEARING EXAMINER GROSSMAN: Okay. All right.</p> <p>2 And I see nobody else in the audience. Usually at</p> <p>3 this time, if there is somebody else here who wishes to</p> <p>4 make a statement, we would invite them to identify</p> <p>5 themselves, also.</p> <p>6 Let me explain a little bit about the nature of</p> <p>7 these proceedings. They are a combination of formality and</p> <p>8 informality. All witnesses are sworn in. They are subject</p> <p>9 to cross examination, if anybody were here to cross examine</p> <p>10 you. I suspect that your husband won't do that.</p> <p>11 MRS. NELSON: Not right here, no.</p> <p>12 HEARING EXAMINER GROSSMAN: And the -- everything</p> <p>13 is recorded by court reporter. There will be a transcript</p> <p>14 of that.</p> <p>15 And this is an application for conditional use,</p> <p>16 which is not a variance, it doesn't vary from the statute.</p> <p>17 A conditional use, which used to be called a special</p> <p>18 exception, but more appropriately called a conditional use,</p> <p>19 it's a use that's approved by the Zoning Board if certain</p> <p>20 conditions are met, and as specified, both for the type of</p> <p>21 conditional use and, in general, for almost all conditional</p> <p>22 uses.</p> <p>23 And those -- the technical staff report, the</p> <p>24 report of the technical staff of the Maryland-National</p> <p>25 Capital Park and Planning Commission, which you should have</p>

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<p>5</p> <p>1 a copy of, goes through those -- those standards. Okay.</p> <p>2 Let me -- first of all, let me swear you both in.</p> <p>3 Would you raise your right hands, please? Do you swear or</p> <p>4 affirm to tell the truth, the whole truth, and nothing but</p> <p>5 the truth under penalty of perjury?</p> <p>6 MRS. NELSON: Yes.</p> <p>7 MR. NELSON: Yes.</p> <p>8 HEARING EXAMINER GROSSMAN: Okay.</p> <p>9 Second thing. The staff report recommends</p> <p>10 approval of this conditional use application with certain</p> <p>11 conditions.</p> <p>12 You've received a copy of that, I presume?</p> <p>13 MR. NELSON: Mm-hmm.</p> <p>14 MRS. NELSON: Yes.</p> <p>15 HEARING EXAMINER GROSSMAN: Okay. And do you wish</p> <p>16 to adopt the findings and conclusions and analysis of that</p> <p>17 staff report as part of your testimony here?</p> <p>18 MRS. NELSON: Yes.</p> <p>19 HEARING EXAMINER GROSSMAN: Okay. Make sure you</p> <p>20 speak up loud enough for them to --</p> <p>21 MRS. NELSON: Oh, yes.</p> <p>22 HEARING EXAMINER GROSSMAN: -- to record it. Okay.</p> <p>23 Also, the technical staff proposed certain</p> <p>24 conditions. If this is granted, do you accept those</p> <p>25 conditions?</p>	<p>7</p> <p>1 Okay.</p> <p>2 Next thing. One of the conditions proposed by the</p> <p>3 technical staff was that you be allowed up to three horses.</p> <p>4 I noticed that you have applied only for two horses. What</p> <p>5 do you prefer as the condition if this were granted?</p> <p>6 MRS. NELSON: I would prefer to have the</p> <p>7 flexibility of three --</p> <p>8 HEARING EXAMINER GROSSMAN: Okay.</p> <p>9 MRS. NELSON: -- but I'm happy to be here today</p> <p>10 just having this heard --</p> <p>11 HEARING EXAMINER GROSSMAN: Okay.</p> <p>12 MRS. NELSON: -- so --</p> <p>13 HEARING EXAMINER GROSSMAN: Your plan is for two -</p> <p>14 -</p> <p>15 MRS. NELSON: Yes.</p> <p>16 HEARING EXAMINER GROSSMAN: -- but you'd like the</p> <p>17 flexibility --</p> <p>18 MRS. NELSON: Yes.</p> <p>19 HEARING EXAMINER GROSSMAN: -- for three.</p> <p>20 Okay. All right.</p> <p>21 And I noticed, when I look over your plan, I</p> <p>22 could not find something that specified the actual location</p> <p>23 of the proposed barn -- shed, barn, they call it both for</p> <p>24 those -- but the 20 by 10 --</p> <p>25 MRS. NELSON: Yes.</p>
<p>6</p> <p>1 MRS. NELSON: Yes.</p> <p>2 HEARING EXAMINER GROSSMAN: Okay. The affidavit of</p> <p>3 posting. You have a blank copy with you. And why don't we</p> <p>4 call that -- we're gonna label that as a new exhibit here.</p> <p>5 That will be Exhibit 36. And if you wouldn't mind, just</p> <p>6 write that at the bottom of the blank affidavit of posting.</p> <p>7 UNIDENTIFIED FEMALE: Do you need a pen?</p> <p>8 MRS. NELSON: Yes. Does it matter what color?</p> <p>9 UNIDENTIFIED FEMALE: Oh, you've got one.</p> <p>10 MRS. NELSON: Yeah, I've got one. Does it matter</p> <p>11 what color?</p> <p>12 UNIDENTIFIED FEMALE: No.</p> <p>13 HEARING EXAMINER GROSSMAN: I usually tell my</p> <p>14 wife, don't write in red in the checkbook, but --</p> <p>15 MRS. NELSON: Ha ha.</p> <p>16 HEARING EXAMINER GROSSMAN: -- but black --</p> <p>17 MRS. NELSON: It's blue.</p> <p>18 HEARING EXAMINER GROSSMAN: -- or blue will do</p> <p>19 there.</p> <p>20 MRS. NELSON: Exhibit 36?</p> <p>21 HEARING EXAMINER GROSSMAN: Yes.</p> <p>22 And so before the record closes, you can sign</p> <p>23 that in front of a notary --</p> <p>24 MRS. NELSON: Yes.</p> <p>25 HEARING EXAMINER GROSSMAN: -- and submit it here.</p>	<p>8</p> <p>1 HEARING EXAMINER GROSSMAN: -- prefab.</p> <p>2 MRS. NELSON: I --</p> <p>3 HEARING EXAMINER GROSSMAN: I see a -- I see on</p> <p>4 here where it says the manure composting facility.</p> <p>5 By the way, is that there already, the manure</p> <p>6 composting facility?</p> <p>7 MRS. NELSON: No.</p> <p>8 HEARING EXAMINER GROSSMAN: Okay.</p> <p>9 MR. NELSON: (Inaudible).</p> <p>10 HEARING EXAMINER GROSSMAN: So that is an addition</p> <p>11 to the -- to the site that will be --</p> <p>12 MRS. NELSON: Yeah. It's -- yeah, it's just a</p> <p>13 little flat bottomed -- it's gonna be, you know, with sides</p> <p>14 on it just to keep everything contained. It's --</p> <p>15 HEARING EXAMINER GROSSMAN: Okay.</p> <p>16 MRS. NELSON: -- really easy to do.</p> <p>17 HEARING EXAMINER GROSSMAN: It's not a covered</p> <p>18 structure?</p> <p>19 MRS. NELSON: We can cover it with a tarp.</p> <p>20 HEARING EXAMINER GROSSMAN: Well, I'm not</p> <p>21 suggesting you do. I don't know what's --</p> <p>22 MRS. NELSON: Yeah.</p> <p>23 HEARING EXAMINER GROSSMAN: -- appropriate for</p> <p>24 that sort of thing.</p> <p>25 MRS. NELSON: It's not like a building or</p>

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<p>9</p> <p>1 anything.</p> <p>2 HEARING EXAMINER GROSSMAN: Okay. But can you show</p> <p>3 me. Here's a copy of your site plan, which is Exhibit 30B.</p> <p>4 And maybe what we'll do is we'll call this 30C. And if you</p> <p>5 would draw in the location of the -- the shed on it?</p> <p>6 Because I don't see it. The barn?</p> <p>7 MR. NELSON: That's actually the shed right there.</p> <p>8 HEARING EXAMINER GROSSMAN: All right. Well, the</p> <p>9 arrow points back to a caption that says it's the</p> <p>10 composting facility.</p> <p>11 MR. NELSON: Yeah. It looks like --</p> <p>12 MRS. NELSON: Oh.</p> <p>13 MR. NELSON: (Inaudible).</p> <p>14 MRS. NELSON: Yeah. That's the shed right there.</p> <p>15 MR. NELSON: Okay. So you want me to -- I can just</p> <p>16 write on here.</p> <p>17 HEARING EXAMINER GROSSMAN: All right. So this is</p> <p>18 actually not a composting facility --</p> <p>19 MR. NELSON: That is.</p> <p>20 HEARING EXAMINER GROSSMAN: All right.</p> <p>21 MRS. NELSON: That is, sir. I didn't realize --</p> <p>22 MR. NELSON: The composting facility is right</p> <p>23 behind it, and --</p> <p>24 HEARING EXAMINER GROSSMAN: I see.</p> <p>25 MR. NELSON: -- then that's the actual -- it's a</p>	<p>11</p> <p>1 MRS. NELSON: Do you --</p> <p>2 HEARING EXAMINER GROSSMAN: -- which is this.</p> <p>3 MRS. NELSON: That's fine. I don't need to write</p> <p>4 that anywhere.</p> <p>5 HEARING EXAMINER GROSSMAN: No.</p> <p>6 MRS. NELSON: Okay.</p> <p>7 HEARING EXAMINER GROSSMAN: Just to clarify -- I</p> <p>8 guess we call it a clarified version of the existing site</p> <p>9 plan. Okay? All right.</p> <p>10 All right. Next item. I know that you're in a</p> <p>11 hurry to get a decision here. I mentioned that if the case</p> <p>12 had to be continued, I would offer you -- I would have an</p> <p>13 expedited transcript. I can't offer that without your</p> <p>14 paying for it now that the case is not continued, but if</p> <p>15 you wish to, we can order it on 48-hour turn around. That</p> <p>16 would cost an extra \$2 a page, which you can make a check</p> <p>17 out for to the County, if you want that. And then it would</p> <p>18 -- the transcript should be here by next Tuesday, and I'm</p> <p>19 pretty sure I can get my report out by the end of that</p> <p>20 week.</p> <p>21 Would that be --</p> <p>22 MRS. NELSON: Yes, please.</p> <p>23 HEARING EXAMINER GROSSMAN: -- what you'd like to</p> <p>24 do?</p> <p>25 MRS. NELSON: Yes, sir.</p>
<p>10</p> <p>1 200 square foot structure.</p> <p>2 HEARING EXAMINER GROSSMAN: So you're saying this</p> <p>3 structure right here below the dotted line or this one</p> <p>4 above? Which is the shed?</p> <p>5 MR. NELSON: This is the shed right here.</p> <p>6 HEARING EXAMINER GROSSMAN: Okay. Right above or</p> <p>7 north of, I guess you'd say.</p> <p>8 MR. NELSON: Yes. And then this is the composting</p> <p>9 facility.</p> <p>10 HEARING EXAMINER GROSSMAN: Oh, okay. Okay. All</p> <p>11 right. Well, then I can just -- if everybody's agreeable,</p> <p>12 I'll just write on here an arrow and that's (inaudible) for</p> <p>13 that.</p> <p>14 MR. NELSON: (Inaudible) territory here.</p> <p>15 HEARING EXAMINER GROSSMAN: Then shed. Barn. Okay.</p> <p>16 MRS. NELSON: Huh.</p> <p>17 HEARING EXAMINER GROSSMAN: All right. So maybe</p> <p>18 you could come up and take a look, Ms. Nelson, and just say</p> <p>19 that's -- that I've properly captioned that and how that's</p> <p>20 the location of the shed and barn?</p> <p>21 MRS. NELSON: Yes.</p> <p>22 HEARING EXAMINER GROSSMAN: Is that correct?</p> <p>23 MRS. NELSON: Yes.</p> <p>24 HEARING EXAMINER GROSSMAN: Okay. All right. Then</p> <p>25 that will be Exhibit 30C --</p>	<p>12</p> <p>1 HEARING EXAMINER GROSSMAN: Okay. All right. So my</p> <p>2 -- my staff will let you know what the final amount is when</p> <p>3 we get the bill from the -- from the court reporter for it.</p> <p>4 And we would like to then have this on a 48-hour</p> <p>5 turnaround?</p> <p>6 THE CLERK: Right.</p> <p>7 HEARING EXAMINER GROSSMAN: All right.</p> <p>8 MRS. NELSON: Thank you for offering that.</p> <p>9 HEARING EXAMINER GROSSMAN: Yeah. I don't think</p> <p>10 it's going to be -- I mean, it's going to be a short</p> <p>11 transcript so it's not going to be that much extra.</p> <p>12 MRS. NELSON: It's cheaper than paying what I'm</p> <p>13 paying right now.</p> <p>14 HEARING EXAMINER GROSSMAN: Okay, good. Good.</p> <p>15 All right. Any other preliminary or procedural</p> <p>16 matters?</p> <p>17 MRS. NELSON: No, sir.</p> <p>18 MR. NELSON: No.</p> <p>19 HEARING EXAMINER GROSSMAN: All right. Now, I'll -</p> <p>20 - I will open the floor for your testimony, whatever you</p> <p>21 want to say.</p> <p>22 MRS. NELSON: We've had the horses with us at our</p> <p>23 last house and everything's worked great. And we've -- I</p> <p>24 mean, my Master's is in sustainability and agriculture, and</p> <p>25 I feel like that's what I'm dedicated to doing.</p>

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<p>13</p> <p>1 And we spoke with the neighbors last night, and 2 they're on board with what our plan is, and they're not 3 worried about any safety problems anymore. 4 And, I mean, we'll do everything we can just to 5 keep enhancing the property and taking really good care of 6 the horses. So -- 7 HEARING EXAMINER GROSSMAN: Okay. Yes. I saw that 8 you're well-educated -- 9 MRS. NELSON: Yeah. 10 HEARING EXAMINER GROSSMAN: -- in this area, so 11 then that shouldn't be a problem. 12 As you know from looking over the staff report, 13 there are numerous conditions, including following Maryland 14 rules about how you handle this -- this sort of thing, 15 which you've agreed to do -- 16 MRS. NELSON: Yes. 17 HEARING EXAMINER GROSSMAN: -- and which would be 18 conditions of the conditional use. 19 All right. By the way, did you have anything else 20 you wanted to add (inaudible). 21 MRS. NELSON: I mean, what I plan to do is just 22 take as many classes as I can through Virgin -- like they 23 have an extension program for agriculture, and then, you 24 know, just keep working with like the work groups they have 25 just to keep taking all of their recommendations.</p>	<p>15</p> <p>1 property? 2 MRS. NELSON: Yes. 3 HEARING EXAMINER GROSSMAN: Okay. All right. And 4 the photographs were in Exhibit 18A through T. 5 Who took all those photographs? 6 MR. NELSON: I did. 7 HEARING EXAMINER GROSSMAN: Mr. Nelson? Okay. And 8 approximately when did you take those? 9 MR. NELSON: Approximately, I would say it was 10 July or August of this year. 11 HEARING EXAMINER GROSSMAN: Okay. 12 MRS. NELSON: Or September, maybe. It's when we 13 submitted everything. 14 HEARING EXAMINER GROSSMAN: July or August of last 15 year. 16 MR. NELSON: Of last year. 17 HEARING EXAMINER GROSSMAN: Okay. 18 MRS. NELSON: Sorry, yeah. 19 MR. NELSON: 2017. 20 HEARING EXAMINER GROSSMAN: Okay. And they 21 accurately depict the situation as it is today? 22 MR. NELSON: Yes. 23 HEARING EXAMINER GROSSMAN: Other than maybe a 24 little snow on the ground? 25 MR. NELSON: Yeah. Snow, and then -- yeah.</p>
<p>14</p> <p>1 I used to work -- when we lived in Virginia, I 2 volunteered with Virginia Cooperative Extension as a master 3 free volunteer, and so I'm familiar with the way the 4 extension offices work, and I feel like they're the best 5 resources, so -- 6 HEARING EXAMINER GROSSMAN: All right. And you 7 understand there would be no -- no rental of the horses -- 8 MRS. NELSON: Oh, no. No way. 9 HEARING EXAMINER GROSSMAN: -- and no equestrian 10 shows and that kind of thing. 11 MRS. NELSON: Yes. 12 HEARING EXAMINER GROSSMAN: Okay. All right. 13 Anything else you wanted to add? 14 MRS. NELSON: No, sir. 15 HEARING EXAMINER GROSSMAN: Okay. Mr. Nelson, did 16 you have anything you wanted to say? 17 MR. NELSON: No, I have nothing to add. 18 HEARING EXAMINER GROSSMAN: I saw that your 19 consent letter to this conditional use application is in 20 the file. 21 One other thing. You submitted a number of 22 photographs of the property. I just want to make sure that 23 -- let's see. They're in Exhibit -- and that final site 24 plan, conditional use site, landscaping, lighting plan, 25 that's 30C. That accurately reflects your plans for the</p>	<p>16</p> <p>1 HEARING EXAMINER GROSSMAN: Okay. Okay. And the 2 staff report also had a couple of photos of their own. 3 Aerial photos. I take it that their aerial photo in Figure 4 1 of the subject property on page 3, that accurately 5 represents your property? 6 MRS. NELSON: Yes. 7 HEARING EXAMINER GROSSMAN: Okay. And they also 8 had, on Figure 3, they had a larger view depicting that 9 defined neighborhood. You -- I take it you agree to that -- 10 their definition of the neighborhood? 11 MRS. NELSON: Yes. 12 HEARING EXAMINER GROSSMAN: Okay. We define a 13 neighborhood in these cases so that we can identify those 14 properties that most -- might be most directly affected by 15 a conditional use. Okay? 16 And then, I don't recall whether the picture of 17 the -- the shed that they have on page 7 of the report of 18 the barn/shed is one you submitted. Is that -- 19 MRS. NELSON: Yes. 20 HEARING EXAMINER GROSSMAN: -- what that -- yeah. 21 Okay. 22 MRS. NELSON: It's there now. 23 HEARING EXAMINER GROSSMAN: It's now been erected? 24 MRS. NELSON: Mm-hmm. 25 HEARING EXAMINER GROSSMAN: Okay.</p>

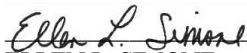
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5 (17 to 20)

<p>17</p> <p>1 MR. NELSON: It has.</p> <p>2 HEARING EXAMINER GROSSMAN: All right. And I take</p> <p>3 it from the staff report that you're not adding any --</p> <p>4 you're going to add some additional fencing for the horses</p> <p>5 --</p> <p>6 MR. NELSON: Mm-hmm.</p> <p>7 MRS. NELSON: Mm-hmm.</p> <p>8 HEARING EXAMINER GROSSMAN: -- but you're not</p> <p>9 adding additional screening, et cetera. That's not</p> <p>10 essentially changing.</p> <p>11 MRS. NELSON: They said that we didn't need to.</p> <p>12 HEARING EXAMINER GROSSMAN: Right. And you weren't</p> <p>13 adding additional lighting?</p> <p>14 MRS. NELSON: None, no.</p> <p>15 HEARING EXAMINER GROSSMAN: Okay.</p> <p>16 MRS. NELSON: The house already has spotlights on</p> <p>17 the corners --</p> <p>18 HEARING EXAMINER GROSSMAN: Right.</p> <p>19 MRS. NELSON: -- but since -- I'm an energy moger</p> <p>20 (sic), and so --</p> <p>21 HEARING EXAMINER GROSSMAN: Okay, yeah. That's one</p> <p>22 of the issues -- some of the -- the code provisions do not</p> <p>23 apply. If there's no new lighting, you don't go through an</p> <p>24 exercise of determining the effects of the lighting,</p> <p>25 although it's been indicated in the report that it won't</p>	<p>19</p> <p>1 MRS. NELSON: Okay.</p> <p>2 HEARING EXAMINER GROSSMAN: -- cost is, so my</p> <p>3 staff will let you know what the extra --</p> <p>4 MRS. NELSON: And I'll just --</p> <p>5 HEARING EXAMINER GROSSMAN: -- cost is --</p> <p>6 MRS. NELSON: -- drop it -- bring it down.</p> <p>7 HEARING EXAMINER GROSSMAN: -- and then you can</p> <p>8 just drop it off. And it would be made out to Montgomery</p> <p>9 County.</p> <p>10 MRS. NELSON: Okay.</p> <p>11 HEARING EXAMINER GROSSMAN: Okay? All right.</p> <p>12 I think that's all that I have on my list.</p> <p>13 I told you it would be a brief hearing, and</p> <p>14 there's no reason to -- to make it longer than it need be.</p> <p>15 Do you have anything else that you wanted to add</p> <p>16 before we close it out today?</p> <p>17 MRS. NELSON: No, sir.</p> <p>18 HEARING EXAMINER GROSSMAN: All right. Then we are</p> <p>19 adjourned. Thank you.</p> <p>20 MRS. NELSON: Thank you. Is that a record?</p> <p>21 HEARING EXAMINER GROSSMAN: It's pretty close.</p> <p>22 MR. NELSON: Could I ask, so we have -- the sign</p> <p>23 is still in the front of the yard. Do we need to keep that</p> <p>24 up?</p> <p>25 HEARING EXAMINER GROSSMAN: Yeah. As it's</p>
<p>18</p> <p>1 interfere with the neighbors --</p> <p>2 MRS. NELSON: No.</p> <p>3 HEARING EXAMINER GROSSMAN: -- so that's one of</p> <p>4 the issues that is -- is considered in these cases. That is</p> <p>5 -- it's essentially a question of impact on the neighbors.</p> <p>6 All right. Let's see if we have anything else</p> <p>7 here that needs to be addressed. I don't think so. All</p> <p>8 right. Since we'll get the transcript by next Tuesday,</p> <p>9 which -- 6, 7, 8 -- will be the 9th, we'll close the record</p> <p>10 at close of business on January 9, 2018. Okay?</p> <p>11 And I presume you want to admit all of the</p> <p>12 exhibits that have been filed. So all of the exhibits, 1</p> <p>13 through 36 -- which also includes the -- the clarified</p> <p>14 conditional use site plan and the affidavit of posting --</p> <p>15 will be admitted.</p> <p>16 You can check on the sixth floor, or wherever it</p> <p>17 is they told you they have a notary available, to get that</p> <p>18 notarized and you can drop it off in my office.</p> <p>19 If you -- for some reason it can't be done today,</p> <p>20 just make sure it gets to our office by Tuesday so that it</p> <p>21 will be in before the record closes.</p> <p>22 MRS. NELSON: And when would you need the check</p> <p>23 by?</p> <p>24 HEARING EXAMINER GROSSMAN: I don't know exactly</p> <p>25 what the extra --</p>	<p>20</p> <p>1 indicated on the affidavit of posting, you should keep it</p> <p>2 up -- keep it there until --</p> <p>3 MR. NELSON: Tuesday?</p> <p>4 HEARING EXAMINER GROSSMAN: -- 10 days after --</p> <p>5 MR. NELSON: Okay.</p> <p>6 HEARING EXAMINER GROSSMAN: -- I decide the case,</p> <p>7 because people have a right within 10 days after the</p> <p>8 decision is issued to request oral argument before the</p> <p>9 Board of Appeals.</p> <p>10 MR. NELSON: Okay.</p> <p>11 HEARING EXAMINER GROSSMAN: If nobody requests</p> <p>12 oral argument, you can take it down then and return it to</p> <p>13 us, and there will be a partial refund for it --</p> <p>14 MR. NELSON: Okay.</p> <p>15 HEARING EXAMINER GROSSMAN: -- returning it --</p> <p>16 (inaudible).</p> <p>17 MR. NELSON: Okay.</p> <p>18 HEARING EXAMINER GROSSMAN: If for some reason</p> <p>19 somebody -- and it would be unusual in this situation --</p> <p>20 were to (inaudible) until after all appeals are decided --</p> <p>21 MRS. NELSON: Right.</p> <p>22 HEARING EXAMINER GROSSMAN: -- because</p> <p>23 (inaudible) can go to court, too.</p> <p>24 MR. NELSON: Yeah.</p> <p>25 HEARING EXAMINER GROSSMAN: It doesn't happen very</p>

Transcript of Administrative Hearing
Conducted on January 5, 2018

6 (21 to 24)

<p>21</p> <p>1 often, especially unopposed, as this is.</p> <p>2 MR. NELSON: Yeah. Okay. Yeah. I just wanted to</p> <p>3 make sure. I assume the sign comes back here.</p> <p>4 HEARING EXAMINER GROSSMAN: Yes.</p> <p>5 MR. NELSON: So I wanted to make sure --</p> <p>6 HEARING EXAMINER GROSSMAN: (Inaudible).</p> <p>7 MR. NELSON: -- when you need it back. Okay. But</p> <p>8 it makes sense.</p> <p>9 MRS. NELSON: So after 10 days.</p> <p>10 MR. NELSON: So 10 days -- 10 days after Tuesday.</p> <p>11 HEARING EXAMINER GROSSMAN: Yes, sir. Well, no. 10</p> <p>12 days after I issue my report and decision.</p> <p>13 MR. NELSON: Okay.</p> <p>14 HEARING EXAMINER GROSSMAN: As I say, we have 30</p> <p>15 days to issue a report and decision, or we can extend that</p> <p>16 time, too.</p> <p>17 MR. NELSON: Yeah.</p> <p>18 HEARING EXAMINER GROSSMAN: I almost never extend</p> <p>19 my time (inaudible).</p> <p>20 MR. NELSON: Yeah.</p> <p>21 HEARING EXAMINER GROSSMAN: And I'm sure in this</p> <p>22 particular case we (inaudible) to the end of the week.</p> <p>23 MR. NELSON: Okay.</p> <p>24 HEARING EXAMINER GROSSMAN: End of next week. So</p> <p>25 (inaudible).</p>	<p>23</p> <p>1 unusual conditional use. I can't think of any others right</p> <p>2 now that have that -- that condition. But for some reason,</p> <p>3 I guess it was carried over from the old code, equestrian</p> <p>4 facilities have to be renewed every five years. You can</p> <p>5 just file an application with our office --</p> <p>6 MRS. NELSON: I don't have to go through the whole</p> <p>7 like Aria, or Ari, whatever, that study?</p> <p>8 MR. NELSON: Oh, yeah.</p> <p>9 MRS. NELSON: I can't remember. We went through</p> <p>10 all the studies, and then we -- it was like --</p> <p>11 MR. NELSON: The natural resources inventory and -</p> <p>12 -</p> <p>13 MRS. NELSON: We don't have to do all that?</p> <p>14 HEARING EXAMINER GROSSMAN: I think so. I mean --</p> <p>15 frankly, I've never done one so I...</p> <p>16 (End of proceedings at 11:50 a.m.)</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
<p>22</p> <p>1 MR. NELSON: Yes.</p> <p>2 HEARING EXAMINER GROSSMAN: (Inaudible) so 10 days</p> <p>3 after that's issued. You'll receive a notice --</p> <p>4 MR. NELSON: Okay.</p> <p>5 HEARING EXAMINER GROSSMAN: -- a formal notice</p> <p>6 that the report (inaudible) has been issued and it will be</p> <p>7 available on our website (inaudible) also.</p> <p>8 MR. NELSON: Okay.</p> <p>9 HEARING EXAMINER GROSSMAN: The notice usually</p> <p>10 says -- if it's granted, it will say it's granted, and here</p> <p>11 are the conditions, and (inaudible) cite the rest -- to</p> <p>12 look at the whole thing.</p> <p>13 MRS. NELSON: All right.</p> <p>14 MR. NELSON: Okay.</p> <p>15 HEARING EXAMINER GROSSMAN: Because I have your</p> <p>16 email address, I can just give you a copy of that.</p> <p>17 MR. NELSON: Okay.</p> <p>18 MRS. NELSON: You make things easy. Okay.</p> <p>19 HEARING EXAMINER GROSSMAN: Okay. All right. Does</p> <p>20 that work for you?</p> <p>21 MR. NELSON: Yes, perfectly.</p> <p>22 MRS. NELSON: And then, I was reading somewhere</p> <p>23 that you have to go through the process every five years to</p> <p>24 renew?</p> <p>25 HEARING EXAMINER GROSSMAN: Yeah. This is an</p>	<p>24</p> <p>1 CERTIFICATE OF TRANSCRIBER</p> <p>2 I, ELLEN L. SIMONE, do hereby certify that the</p> <p>3 foregoing transcript is a true and correct record of the</p> <p>4 recorded proceedings; that said proceedings were</p> <p>5 transcribed to the best of my ability from the audio</p> <p>6 recording and supporting information; and that I am neither</p> <p>7 counsel for, related to, nor employed by any of the parties</p> <p>8 to this case and have no interest, financial or otherwise,</p> <p>9 in its outcome.</p> <p>10</p> <p>11</p> <p>12 </p> <p>13 ELLEN L. SIMONE</p> <p>14 January 7, 2018</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>