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# Transcript of Hearing

**Date:** November 3, 2023

**Case:** Karen Krieg d/b/a Dreamy Skies Dog Ranch and Training (CU 24-01/A-6817)))

**Planet Depos**

**Phone:** 888.433.3767

**Email:** [transcripts@planetdepos.com](mailto:transcripts@planetdepos.com)

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Conducted on November 3, 2023

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2 (5 to 8)

5	7
<p>1 PROCEEDINGS</p> <p>2 HEARING EXAMINER LYNN HANNAN: Okay. We're on</p> <p>3 the record. I'm calling the case of CU24-01. And it's</p> <p>4 been consolidated with the variance hearing. Variance</p> <p>5 case A-6817, Application Of Dreamy Skies Dog Ranch and</p> <p>6 training. Okay. My name is Lynn -- is there anyone</p> <p>7 here -- well, let me do this, would the parties identify</p> <p>8 themselves for the record.</p> <p>9 MR. HUGHES: Yes, Shawn Hughes for the</p> <p>10 applicant, Miller, Miller and Canby and everyone here is</p> <p>11 with our team, but I can have them identify themselves.</p> <p>12 HEARING EXAMINER LYNN HANNAN: When they --</p> <p>13 they can do that when they testify.</p> <p>14 MR. HUGHES: Do you want me to say their names</p> <p>15 now for the record?</p> <p>16 HEARING EXAMINER LYNN HANNAN: No.</p> <p>17 MR. HUGHES: Or just wait?</p> <p>18 HEARING EXAMINER LYNN HANNAN: Just wait.</p> <p>19 Thanks. All right.</p> <p>20 MR. HUGHES: And I don't have my mic on. Did</p> <p>21 that come across okay?</p> <p>22 HEARING EXAMINER LYNN HANNAN: Okay. Well, so</p> <p>23 let me just double check, no one here is opposing this</p> <p>24 application. Is there anyone here that's not going to</p> <p>25 be called by Mr. Hughes?</p>	<p>1 opposition, so I was not going to call her today. I was</p> <p>2 also not going to call Shari Yar [ph] who I listed as a</p> <p>3 potential expert witness in traffic. But I do expect to</p> <p>4 call the three people including Ms. Krieg, the</p> <p>5 applicant, including Mr. Norton is a potential expert</p> <p>6 witness and Mr. Curley from the sound engineering</p> <p>7 company.</p> <p>8 HEARING EXAMINER LYNN HANNAN: Okay. I had</p> <p>9 some questions on traffic. Do you have someone here to</p> <p>10 answer those questions?</p> <p>11 MR. HUGHES: I can try to do my best and</p> <p>12 Mr. Norton might be able to help me as well.</p> <p>13 HEARING EXAMINER LYNN HANNAN: Well, you can't</p> <p>14 testify. If Mr. Norton wants to testify. I just -- I</p> <p>15 think --</p> <p>16 MR. HUGHES: And Ms. Krieg perhaps. It's a --</p> <p>17 it's very minimal traffic, but I understand you may have</p> <p>18 some questions.</p> <p>19 HEARING EXAMINER LYNN HANNAN: Well, I just</p> <p>20 need to verify that there's nothing in the -- that's not</p> <p>21 what you submitted is not a traffic statement. A</p> <p>22 traffic statement if you read the LATR, it has to have</p> <p>23 the estimated trips and all that kind of stuff. Now, if</p> <p>24 this is minimal trips we can see what we can glean from</p> <p>25 Mr. Norton; okay. All right. So I am not going to --</p>
6	8
<p>1 MR. HUGHES: Director, my -- in my prehearing</p> <p>2 statement --</p> <p>3 HEARING EXAMINER LYNN HANNAN: Well, let me</p> <p>4 just --</p> <p>5 MR. HUGHES: Yeah.</p> <p>6 HEARING EXAMINER LYNN HANNAN: Let me just --</p> <p>7 MR. HUGHES: About swearing.</p> <p>8 HEARING EXAMINER LYNN HANNAN: No. No.</p> <p>9 MR. HUGHES: Okay.</p> <p>10 HEARING EXAMINER LYNN HANNAN: Let me just --</p> <p>11 is there anyone here that's not going to be called as a</p> <p>12 witness by Mr. Hughes?</p> <p>13 MR. HUGHES: Well --</p> <p>14 HEARING EXAMINER LYNN HANNAN: Okay. Hearing</p> <p>15 none, go ahead Mr. Hughes.</p> <p>16 MR. HUGHES: Okay. I was just going to --</p> <p>17 sorry. I -- I probably will not call Pamela from my</p> <p>18 left. I did -- on my prehearing statement, I included</p> <p>19 up to five witnesses. She is a plaintiff from our</p> <p>20 office. She recently got her master's from Maryland and</p> <p>21 she was at Park and -- now she's with us.</p> <p>22 HEARING EXAMINER LYNN HANNAN:</p> <p>23 Congratulations.</p> <p>24 MR. HUGHES: But based upon our feedback from</p> <p>25 the community and from staff, we don't expect any</p>	<p>1 since there's no one here that's not going to be called</p> <p>2 by Mr. Hughes, I'm not going to go through a lot of</p> <p>3 the -- are there any -- a lot of what we normally say</p> <p>4 for the benefit of those who are experienced in these</p> <p>5 process, with that, do you have any -- one thing is that</p> <p>6 the mic are really sensitive, so can you not have</p> <p>7 conversations in the gallery, because it'll interfere</p> <p>8 with the recording.</p> <p>9 MR. HUGHES: Just step outside quickly, if you</p> <p>10 need to.</p> <p>11 HEARING EXAMINER LYNN HANNAN: Yeah. Okay.</p> <p>12 So with that, Mr. Hughes, I know you're familiar with</p> <p>13 this Mr. Hughes, I know you're familiar with this</p> <p>14 process. So with that I'm not going to go through the</p> <p>15 things we normally -- you know, the order of hearing and</p> <p>16 everything you want to say has to be said here, so do</p> <p>17 you have an opening statement or do you want to just</p> <p>18 call your first witness?</p> <p>19 MR. HUGHES: I can just call my first witness.</p> <p>20 HEARING EXAMINER LYNN HANNAN: Okay.</p> <p>21 MR. HUGHES: That would be Ms. Karen Krieg,</p> <p>22 the owner of the property and operator of the business.</p> <p>23 I would like to ask two preliminary questions. One is</p> <p>24 can I submit to you the affidavit of posting?</p> <p>25 HEARING EXAMINER LYNN HANNAN: Absolutely.</p>

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3 (9 to 12)

<p>9</p> <p>1 MR. HUGHES: Okay. To approach?</p> <p>2 HEARING EXAMINER LYNN HANNAN: Yes. And I'm</p> <p>3 going to mark that as Exhibit 36.</p> <p>4 MR. HUGHES: Thank you.</p> <p>5 HEARING EXAMINER LYNN HANNAN: Affidavit of</p> <p>6 posting.</p> <p>7 (Exhibit 36 was marked for</p> <p>8 identification.)</p> <p>9 MR. HUGHES: Actually, probably two more</p> <p>10 preliminary matters. One is, I did have some discussion</p> <p>11 with OZAH staff and there was a little bit of confusion.</p> <p>12 I think we have 20 -- Exhibit 20 is that acoustical</p> <p>13 engineering report. And then I think we might have that</p> <p>14 duplicated as Number 30. There was some -- I think at</p> <p>15 some point somehow the narrative got separated from the</p> <p>16 pictures that go along with that report, and so then we</p> <p>17 had a second Number 30. I don't -- I don't see that as</p> <p>18 an issue, but I just wanted to bring it to your</p> <p>19 attention.</p> <p>20 HEARING EXAMINER LYNN HANNAN: Do you think --</p> <p>21 could it be the -- the acoustical report was attached to</p> <p>22 the staff report.</p> <p>23 MR. HUGHES: Okay. That could be what</p> <p>24 happened.</p> <p>25 HEARING EXAMINER LYNN HANNAN: Exhibit --</p>	<p>11</p> <p>1 introduce that maybe when I go up? Because I also have</p> <p>2 another one.</p> <p>3 HEARING EXAMINER LYNN HANNAN: Okay. All</p> <p>4 right. That's fine. That's fine.</p> <p>5 MR. NORTON: Okay.</p> <p>6 MR. HUGHES: Or if you want it right now, we</p> <p>7 can just --</p> <p>8 HEARING EXAMINER LYNN HANNAN: No. Let's</p> <p>9 just --</p> <p>10 MR. NORTON: If I could -- okay.</p> <p>11 HEARING EXAMINER LYNN HANNAN: Let's just go</p> <p>12 with that. Okay.</p> <p>13 MR. HUGHES: The last matter I just want to</p> <p>14 confer with you and get your guidance is, is it okay at</p> <p>15 the end to ask to move in all the exhibits?</p> <p>16 HEARING EXAMINER LYNN HANNAN: Yes.</p> <p>17 MR. HUGHES: Okay. Very good. Thank you.</p> <p>18 Okay.</p> <p>19 HEARING EXAMINER LYNN HANNAN: Okay.</p> <p>20 Ms. Krieg, please raise your right hand.</p> <p>21 Whereupon,</p> <p>22 KAREN KRIEG,</p> <p>23 being first duly sworn or affirmed to testify to the</p> <p>24 truth, the whole truth, and nothing but the truth, was</p> <p>25 examined and testified as follows.</p>
<p>10</p> <p>1 yeah, I think that exhibit --</p> <p>2 MR. HUGHES: Either way, when I have</p> <p>3 Mr. Curley testify I can make -- I will bring a copy to</p> <p>4 you. It'll -- it should match up with what's in the</p> <p>5 record.</p> <p>6 HEARING EXAMINER LYNN HANNAN: Well, you don't</p> <p>7 have to give me a copy if there -- if they're all the</p> <p>8 same, I don't think it --</p> <p>9 MR. HUGHES: It should be the same date and</p> <p>10 the same number --</p> <p>11 HEARING EXAMINER LYNN HANNAN: Exactly.</p> <p>12 MR. HUGHES: -- of pages.</p> <p>13 HEARING EXAMINER LYNN HANNAN: What I do think</p> <p>14 happened just looking at this is that it was an</p> <p>15 attachment to the staff report.</p> <p>16 MR. HUGHES: That could be it. Yeah.</p> <p>17 HEARING EXAMINER LYNN HANNAN: All right. And</p> <p>18 the -- while I have one other preliminary matter, and</p> <p>19 that is you had a revised site plan. And if we can,</p> <p>20 let's get that into the record. Do you have it with</p> <p>21 you, the large version?</p> <p>22 MR. HUGHES: We do. Mr. Norton brought a copy</p> <p>23 and it's posted over here.</p> <p>24 HEARING EXAMINER LYNN HANNAN: Oh, okay.</p> <p>25 MR. NORTON: Yeah, I was going to say, can I</p>	<p>12</p> <p>1 HEARING EXAMINER LYNN HANNAN: Go ahead</p> <p>2 Mr. Hughes.</p> <p>3 MR. HUGHES: Thank you.</p> <p>4 EXAMINATION BY COUNSEL FOR THE APPLICANT?</p> <p>5 BY MR. HUGHES:</p> <p>6 Q Can you state your full name and address for</p> <p>7 the record?</p> <p>8 A Sure. My name is Karen A. Krieg. My address</p> <p>9 is 26330 Mullinix Mill Road, Mount Airy, Maryland 21771.</p> <p>10 Q And how long have you resided there?</p> <p>11 A Three and a half years.</p> <p>12 Q Okay. And this is your application; correct,</p> <p>13 for animal boarding care?</p> <p>14 A Yes.</p> <p>15 Q And can you tell us a little bit about your</p> <p>16 background with dogs and training?</p> <p>17 A I have been a professional dog trainer for ten</p> <p>18 years, currently. Actually ten years this month,</p> <p>19 celebrating. My primary focus is helping aggressive and</p> <p>20 anxious dogs become better citizens. And I've spent a</p> <p>21 lot of time studying, traveling internationally to even</p> <p>22 study abroad for different methodologies and processes</p> <p>23 for helping dogs.</p> <p>24 Q Okay. I'm going to ask you if you could</p> <p>25 identify a document. I'm going --</p>

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4 (13 to 16)

<p>13</p> <p>1 MR. HUGHES: Can I approach with a copy for --</p> <p>2 HEARING EXAMINER LYNN HANNAN: Yes.</p> <p>3 MR. HUGHES: -- this is for something new.</p> <p>4 BY MR. HUGHES:</p> <p>5 Q Can you tell us what this document is and</p> <p>6 where -- where it's located?</p> <p>7 <b>A This is my introductory bio from my website.</b></p> <p>8 HEARING EXAMINER LYNN HANNAN: Is this already</p> <p>9 in the record?</p> <p>10 MR. HUGHES: It is not.</p> <p>11 HEARING EXAMINER LYNN HANNAN: Okay. Well, I</p> <p>12 assume there's no objections. So I'm going to mark it</p> <p>13 as Exhibit 37, Introductory Bio -- Website Introductory</p> <p>14 Bio.</p> <p>15 (Exhibit 37 was marked for</p> <p>16 identification.)</p> <p>17 MR. HUGHES: Right. Thank you.</p> <p>18 BY MR. HUGHES:</p> <p>19 Q And can you tell us some of your -- and what's</p> <p>20 your vision? Tell me your goals and mission for Dreamy</p> <p>21 Skies Dog and Ranch Training.</p> <p>22 <b>A I want to be able to help as many dogs as I</b></p> <p>23 <b>possibly can with owners who are struggling with</b></p> <p>24 <b>behavioral issues. And so having a location where I can</b></p> <p>25 <b>focus and put more time into each dog individually is my</b></p>	<p>15</p> <p>1 <b>staying with me.</b></p> <p>2 HEARING EXAMINER LYNN HANNAN: Okay.</p> <p>3 BY MR. HUGHES:</p> <p>4 Q And I believe in our statement of</p> <p>5 justification we showed some pictures of potential</p> <p>6 kennel runs. I'm going to ask you just to -- if you can</p> <p>7 identify those and I apologize, they're all on page --</p> <p>8 statement of justification?</p> <p>9 HEARING EXAMINER LYNN HANNAN: Which exhibit</p> <p>10 is that?</p> <p>11 MR. HUGHES: Sorry, yes, it's -- my apologies.</p> <p>12 Exhibit 8, and it's on Pages 8 through 10.</p> <p>13 BY MR. HUGHES:</p> <p>14 Q Can you tell -- can --</p> <p>15 HEARING EXAMINER LYNN HANNAN: I see it.</p> <p>16 Kennel room.</p> <p>17 MR. HUGHES: Yeah.</p> <p>18 HEARING EXAMINER LYNN HANNAN: I've got it.</p> <p>19 MR. HUGHES: Do you want copies?</p> <p>20 HEARING EXAMINER LYNN HANNAN: No, I'm fine.</p> <p>21 I can see it.</p> <p>22 BY MR. HUGHES:</p> <p>23 Q Do you -- can you tell us what these are and</p> <p>24 identify and tell us how they're used?</p> <p>25 <b>A So these are a variety of kennels that are</b></p>
<p>14</p> <p>1 <b>goal.</b></p> <p>2 Q Okay. And can you tell us a little about who</p> <p>3 will be the guest and the clientele?</p> <p>4 <b>A Clientele, typically people from the DMV area</b></p> <p>5 <b>who are seeking assistance with their dogs.</b></p> <p>6 HEARING EXAMINER LYNN HANNAN: Can you just</p> <p>7 explain what DMV means?</p> <p>8 THE WITNESS: Oh, I'm sorry, DMV, the district</p> <p>9 Maryland -- District of Columbia and Maryland and</p> <p>10 Virginia.</p> <p>11 HEARING EXAMINER LYNN HANNAN: Just for the</p> <p>12 record.</p> <p>13 THE WITNESS: Yeah. I'm sorry. I apologize.</p> <p>14 So they'll be dropping their dogs off for training for</p> <p>15 periods from anywhere to three to six weeks, typically.</p> <p>16 BY MR. HUGHES:</p> <p>17 Q Okay. And can you tell us how when the dogs</p> <p>18 stay with you, how -- where would they stay and how do</p> <p>19 you care for them?</p> <p>20 <b>A They're cared for as if they were my own dogs.</b></p> <p>21 <b>They typically will be either kenneled or working with</b></p> <p>22 <b>me or exercising in one of the play yards. I have a</b></p> <p>23 <b>kennel room, two kennel rooms, currently where I house</b></p> <p>24 <b>my dogs on the main floor and then in the basement there</b></p> <p>25 <b>will be separate kennel runs established for the dogs</b></p>	<p>16</p> <p>1 <b>available on the market. So they have different levels</b></p> <p>2 <b>of security, so depending on the needs of the dog. So</b></p> <p>3 <b>the kennel runs themselves would be individual spaces.</b></p> <p>4 <b>I'll probably get two or three of those for the</b></p> <p>5 <b>basement. What else do you need to know?</b></p> <p>6 Q So these type of structures are what you'll --</p> <p>7 you'll utilize?</p> <p>8 <b>A Yeah. These will -- the typical structures</b></p> <p>9 <b>that I use. Typically either impact crates, wire crates</b></p> <p>10 <b>or kennel runs.</b></p> <p>11 Q Excellent. Okay. Thank you. And can you</p> <p>12 explain how you will care and clean for the dogs and</p> <p>13 their shelters for the kennels?</p> <p>14 <b>A So all bedding is washed weekly as it is to</b></p> <p>15 <b>ensure that they're clean. Kennels are Wysiwashed which</b></p> <p>16 <b>is a system for disinfecting that's all natural. For</b></p> <p>17 <b>that the basement already contains French drains so</b></p> <p>18 <b>renting the kennels out will be simple, if we need to.</b></p> <p>19 <b>And --</b></p> <p>20 HEARING EXAMINER LYNN HANNAN: And the</p> <p>21 Wysiwash that wouldn't affect well or anything like</p> <p>22 that?</p> <p>23 THE WITNESS: No. It's all natural product</p> <p>24 that I found that I've been using for my own dogs and</p> <p>25 I'm pleased with the outcome.</p>

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5 (17 to 20)

<p>17</p> <p>1 BY MR. HUGHES:</p> <p>2 Q And can you explain a little bit about how you</p> <p>3 will feed the dogs and also if they need medications,</p> <p>4 how that occurs?</p> <p>5 A So feeding will occur in the crates outside of</p> <p>6 any training sessions. Medications will be administered</p> <p>7 as required for each dog. Each dog will have a bin on</p> <p>8 top of their crate where any medications, directions,</p> <p>9 including a whiteboard will maintain all of the daily</p> <p>10 medications to be sure that we adequately care for</p> <p>11 everybody.</p> <p>12 Q And you have a system also to make sure that</p> <p>13 the bowls for food and water are cleaned and --</p> <p>14 A Everything is washed. My dishwasher runs two</p> <p>15 to three times a day.</p> <p>16 Q Okay. And how will you -- and this might tie</p> <p>17 into some of the questions the hearing examiner was</p> <p>18 asking about traffic per se. How will you manage guests</p> <p>19 that come to -- to either bring their dogs or pick up</p> <p>20 their dogs?</p> <p>21 A So dog drop-offs will typically be one per</p> <p>22 hour to ensure there's no overlap between any of the</p> <p>23 dogs, especially since I am dealing with dogs with</p> <p>24 issues. This way I can take my time with each owner to</p> <p>25 discuss any issues, concerns that they have and ensure</p>	<p>19</p> <p>1 A That -- I mean, that would be excessive.</p> <p>2 Q Yeah.</p> <p>3 A Based on my plans, currently.</p> <p>4 Q Right. So it would be much less than that in</p> <p>5 the real world, I guess?</p> <p>6 A Yes.</p> <p>7 Q Okay. And then talk about how many staff</p> <p>8 members you're anticipating having up to.</p> <p>9 A My goal would be up to two to three staff</p> <p>10 members. Whether that's full-time, part-time or interns</p> <p>11 to help ensure that we get the training that the dogs</p> <p>12 require any care, cleaning, kennel, kennel duties, that</p> <p>13 kind of thing to make sure everything is maintained the</p> <p>14 way it should be and to my standards.</p> <p>15 HEARING EXAMINER LYNN HANNAN: Okay. And when</p> <p>16 did you expect them to come?</p> <p>17 THE WITNESS: Starting probably at 7:00 a.m.</p> <p>18 And then the last person departing by 9:00 p.m. as per</p> <p>19 any requirements.</p> <p>20 HEARING EXAMINER LYNN HANNAN: I'm sorry, what</p> <p>21 was the departing?</p> <p>22 THE WITNESS: 9:00 p.m.</p> <p>23 BY MR. HUGHES:</p> <p>24 Q Would you anticipate that somebody worked that</p> <p>25 full shift or could there be staggered shifts?</p>
<p>18</p> <p>1 that the dog is moved to the proper space at that time.</p> <p>2 Q And is it true that your --</p> <p>3 HEARING EXAMINER LYNN HANNAN: How many dogs</p> <p>4 do you anticipate coming in during a day?</p> <p>5 THE WITNESS: Well since it's -- they're</p> <p>6 dropping off for board and train. It's not a daily --</p> <p>7 HEARING EXAMINER LYNN HANNAN: I see.</p> <p>8 MR. HUGHES: Yeah.</p> <p>9 HEARING EXAMINER LYNN HANNAN: And your board</p> <p>10 and train is how long?</p> <p>11 THE WITNESS: So typically, the typical range</p> <p>12 is three to six to eight weeks, depending on the needs</p> <p>13 of the dog, the severity of the issues, and the needs of</p> <p>14 the owners.</p> <p>15 HEARING EXAMINER LYNN HANNAN: Okay. Thank</p> <p>16 you.</p> <p>17 BY MR. HUGHES:</p> <p>18 Q And so I believe your plan is to have the</p> <p>19 clients and their guests come between the hours of 9:00</p> <p>20 a.m. and 7:00 p.m.; is that correct?</p> <p>21 A Typically, yeah.</p> <p>22 Q Okay. So as you said, you won't -- it's not</p> <p>23 like the dogs are coming and going everyday, but I guess</p> <p>24 the maximum amount would be ten hour -- ten then,</p> <p>25 because there's ten hours, you have one an hour about --</p>	<p>20</p> <p>1 A It'll be staggered.</p> <p>2 Q Staggered shifts, okay.</p> <p>3 A I don't expect anybody to work 12 hours a day.</p> <p>4 Q Except for you?</p> <p>5 A Except for me.</p> <p>6 Q Okay. And can you explain a little bit about</p> <p>7 the exteriors, the play areas, how they'll be utilized</p> <p>8 and what type of activities will occur in those?</p> <p>9 A There will be obviously some areas will be</p> <p>10 used for training occasionally for when we want to do</p> <p>11 some outdoor work, otherwise they're for exercise for</p> <p>12 relief from being inside. I like the dogs to get out</p> <p>13 frequently to make sure that they have access to fresh</p> <p>14 air and to play time if they need it to run around and</p> <p>15 to give them just decompression time from training.</p> <p>16 Q And you also have an indoor space, a heated</p> <p>17 garage?</p> <p>18 A Yes.</p> <p>19 Q That you call a training center. Could you</p> <p>20 tell us a little bit about what that is and when that</p> <p>21 might be utilized?</p> <p>22 A So that's a three-car garage that previously</p> <p>23 the rescue that I was at actually housed dogs in. My</p> <p>24 intent is to actually use it simply for training to give</p> <p>25 a closed space for the trainers to have more space to</p>

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6 (21 to 24)

<p>21</p> <p>1 <b>work in than they would in the house.</b></p> <p>2 Q Thank you. That was actually the item I</p> <p>3 would've put in my opening, and I think it's our</p> <p>4 statement, but let me ask you about that. So can you</p> <p>5 tell us a little bit about the history of the property</p> <p>6 before you bought it?</p> <p>7 <b>A From 2010 to 2020, it operated as a rescue.</b></p> <p>8 <b>There were -- it was the mount -- I can never remember.</b></p> <p>9 <b>It was through Pet Connect Rescue is the main</b></p> <p>10 <b>organization that oversaw it. And then it became I</b></p> <p>11 <b>think the Mount Airy rescue was the subsidiary of that.</b></p> <p>12 <b>They had 30 plus dogs onsite. They routinely did weekly</b></p> <p>13 <b>adoption events for those 30 dogs. So the space was set</b></p> <p>14 <b>up to care for dogs adequately.</b></p> <p>15 Q And in your opinion they did a nice job;</p> <p>16 correct?</p> <p>17 <b>A As far as I could tell everything was done</b></p> <p>18 <b>very well.</b></p> <p>19 Q But your operation is much less than theirs?</p> <p>20 <b>A Much smaller, because my intention is to be</b></p> <p>21 <b>much more time intense with each dog.</b></p> <p>22 Q We touched upon it a little bit, but is it --</p> <p>23 you have certain hours, but is it true that you're</p> <p>24 really operating 24/7 and somebody will be onsite at all</p> <p>25 times?</p>	<p>23</p> <p>1 <b>A Yes.</b></p> <p>2 Q -- under Montgomery County Code of 9:00 p.m.</p> <p>3 to 7:00 a.m.?</p> <p>4 <b>A Right. So --</b></p> <p>5 Q And you could work with those?</p> <p>6 <b>A Oh, yeah. Yeah.</b></p> <p>7 Q Okay.</p> <p>8 HEARING EXAMINER LYNN HANNAN: But no more</p> <p>9 than six dogs at a time as I read your statement?</p> <p>10 THE WITNESS: Outside.</p> <p>11 HEARING EXAMINER LYNN HANNAN: Outside.</p> <p>12 Right.</p> <p>13 BY MR. HUGHES:</p> <p>14 Q And what's the maximum you will have overall</p> <p>15 that can be inside up to -- you're asking for up to 14;</p> <p>16 is that correct?</p> <p>17 <b>A We're asking for up to 14. My intent would be</b></p> <p>18 <b>no more than five or six, to be honest.</b></p> <p>19 Q At a time?</p> <p>20 <b>A Because of the intensity of the training that</b></p> <p>21 <b>I do.</b></p> <p>22 Q Okay. So you want a little room for potential</p> <p>23 growth, but you think it'll be less at least for the</p> <p>24 short-term; is that fair?</p> <p>25 <b>A I -- yeah.</b></p>
<p>22</p> <p>1 <b>A Yeah. I -- I will -- this is my primary</b></p> <p>2 <b>residence. So if somebody has to be there for the dogs</b></p> <p>3 <b>overnight, so my intent is it's 24/7, but I like to</b></p> <p>4 <b>sleep, so --</b></p> <p>5 Q So and --</p> <p>6 HEARING EXAMINER LYNN HANNAN: No, really?</p> <p>7 THE WITNESS: I'm a sleeper, man.</p> <p>8 HEARING EXAMINER LYNN HANNAN: With all those</p> <p>9 babies.</p> <p>10 BY MR. HUGHES:</p> <p>11 Q So -- but we've talked about it, it's correct</p> <p>12 I think that you will have drop off and pick ups</p> <p>13 between -- for your customers 9:00 a.m. and 7:00 p.m.;</p> <p>14 correct?</p> <p>15 <b>A Typically. I mean, of course, there might be</b></p> <p>16 <b>exceptions where people need to come in earlier, but my</b></p> <p>17 <b>main goal would be 9:00 a.m.</b></p> <p>18 Q Okay. And your staff, roughly -- well,</p> <p>19 between 7:00 a.m. --</p> <p>20 <b>A Well, we want to make sure the dogs are</b></p> <p>21 <b>getting out after being kenneled overnight, so it may</b></p> <p>22 <b>need to be out by 7:00 or so.</b></p> <p>23 Q Well, actually -- yeah, because the hours that</p> <p>24 you're -- you're aware of the hours where they have to</p> <p>25 be inside --</p>	<p>24</p> <p>1 HEARING EXAMINER LYNN HANNAN: Do you have a</p> <p>2 problem with the condition just saying up to 14 dogs?</p> <p>3 MR. HUGHES: Well, the outside will come into</p> <p>4 play with the sound study. Fourteen --</p> <p>5 HEARING EXAMINER LYNN HANNAN: Not outside.</p> <p>6 MR. HUGHES: Oh, okay.</p> <p>7 HEARING EXAMINER LYNN HANNAN: Just total.</p> <p>8 MR. HUGHES: No. I think that's what we're</p> <p>9 asking for.</p> <p>10 HEARING EXAMINER LYNN HANNAN: Okay. I</p> <p>11 understand the outside.</p> <p>12 MR. HUGHES: Yeah.</p> <p>13 HEARING EXAMINER LYNN HANNAN: I was just</p> <p>14 asking for --</p> <p>15 MR. HUGHES: No. That -- that would be --</p> <p>16 HEARING EXAMINER LYNN HANNAN: You know to</p> <p>17 support the findings, sometimes we impose conditions.</p> <p>18 So if your max --</p> <p>19 THE WITNESS: Okay.</p> <p>20 HEARING EXAMINER LYNN HANNAN: -- is 14, we</p> <p>21 just would put that as a condition of approval --</p> <p>22 THE WITNESS: Right.</p> <p>23 HEARING EXAMINER LYNN HANNAN: -- up to 14</p> <p>24 dogs.</p> <p>25 THE WITNESS: Of course.</p>

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7 (25 to 28)

<p>25</p> <p>1 MR. HUGHES: And I think Mr. Norton might be 2 able to talk about that. I think some of that is driven 3 by the septic number, but as -- 4 HEARING EXAMINER LYNN HANNAN: Oh, yeah, that 5 makes sense. 6 MR. HUGHES: Yeah. 7 THE WITNESS: Yeah. 8 MR. HUGHES: But we would certainly welcome a 9 condition of up to 14 or maximum of 14 dogs. 10 BY MR. HUGHES: 11 Q I think we -- we'll talk about that, let's 12 see. Ms. Krieg, you understand under the code that the 13 dogs can only be walked or exercised in onsite outdoor 14 areas? 15 A Yes. And I also -- 16 HEARING EXAMINER LYNN HANNAN: Do you mind 17 shutting that door? Thank you. 18 THE WITNESS: I've also acquired doggy 19 treadmills to make sure that the dogs can actually have 20 adequate exercise. 21 HEARING EXAMINER LYNN HANNAN: Can I come to 22 this -- except do you feed prime rib or something? 23 THE WITNESS: No. 24 HEARING EXAMINER LYNN HANNAN: I'm just -- I'm 25 just totally joking.</p>	<p>27</p> <p>1 regular daily pick up of -- 2 A Twice a day. Even right now, currently I go 3 out twice a day. 4 HEARING EXAMINER LYNN HANNAN: Oh, it's twice 5 a day? 6 THE WITNESS: I -- I usually go out twice a 7 day. 8 MR. HUGHES: No. No. She -- 9 HEARING EXAMINER LYNN HANNAN: Oh, you mean 10 onsite. 11 THE WITNESS: Onsite. 12 HEARING EXAMINER LYNN HANNAN: To the trash 13 receptacles -- 14 THE WITNESS: Right. 15 HEARING EXAMINER LYNN HANNAN: -- on the site? 16 BY MR. HUGHES: 17 Q And then how often does your trash get picked 18 up from your curb? 19 A Twice a week. 20 Q Twice a week. Okay. And can you explain what 21 your plan would be as to where you would store the trash 22 receptacles and if you would be using any structure to 23 help conceal them? 24 A My plan is just based on the way the fencing 25 is currently to have a shed built to contain all the</p>
<p>26</p> <p>1 THE WITNESS: You're more than welcome. I got 2 a line fridge that needs to be used. 3 HEARING EXAMINER LYNN HANNAN: Oh, well that's 4 a -- 5 MR. HUGHES: And -- 6 HEARING EXAMINER LYNN HANNAN: Okay. I'm 7 sorry, go back to what you were saying, I just -- 8 MR. HUGHES: No, we were just talking about 9 the -- the dogs have to -- only can be walked or 10 exercised onsite. And she mentioned the treadmills she 11 had. 12 BY MR. HUGHES: 13 Q How many treadmills did you purchase? 14 A I have three. 15 Q Three. And do they -- does it take a while to 16 adapt to it? Do most dogs adapt to it? 17 A Nope. Not my one dog which she lays down on 18 it, but other than that, they tend to be perfectly fine 19 with it. 20 Q Great. And are you also aware that for the 21 county code all litter and animal waste must be 22 contained and controlled on the site? 23 A Oh, absolutely. It's -- I would have no -- I 24 could never deal with having a messing environment. 25 Q Okay. And can you explain -- so you've</p>	<p>28</p> <p>1 refuse. 2 Q A small shed? 3 A Like a small, I don't know -- 4 Q A structure. I think -- and we'll also have 5 Mr. Norton testify as to -- on the plan where it will be 6 exactly. Thank you. And are you also aware that if you 7 have the sale of pet food and supplies, it must be 8 limited to an accessory activity and the maximum of 20% 9 of your sales? 10 A Oh, absolutely. 11 Q Do you see any issue with that? 12 A No, because I have no intent to actually sell 13 much. 14 Q Okay. And if you were to sell much, what 15 minor items could they be? 16 A Collars, occasional bags of food that I need 17 to obtain for the client, that's about it. 18 Q Okay. And your -- your plan is just to sell 19 it to your clients who are onsite, not to have people 20 come just to buy and leave? 21 A I have -- no. I just want -- it's -- just be 22 available for my clients as a courtesy. 23 HEARING EXAMINER LYNN HANNAN: We typically 24 put a condition on these because of the 20% -- I didn't 25 write the zoning ordinance, but because the 21 -- 20%</p>



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8 (29 to 32)

29	1 limitation, we put a condition on saying you have to 2 make your books and records available upon request -- 3 THE WITNESS: Of course. 4 HEARING EXAMINER LYNN HANNAN: -- to DPS to 5 verify that. It sounds to me like you're never going to 6 come close, but -- 7 THE WITNESS: I -- yeah, I really don't want 8 to. 9 HEARING EXAMINER LYNN HANNAN: We have -- we 10 have all dog kennels where it becomes -- anyway, so -- 11 THE WITNESS: Yeah, no, I don't -- 12 HEARING EXAMINER LYNN HANNAN: -- do you 13 object to that condition? 14 THE WITNESS: No. Not at all. I really don't 15 want to be in part of sales anyway. 16 BY MR. HUGHES: 17 Q But you'd be fine with sharing -- for the 18 code, sharing -- 19 A <b>Oh, absolutely.</b> 20 Q -- or per our condition, sharing -- 21 A <b>Oh, yeah.</b> 22 Q -- your records, if you needed to? 23 HEARING EXAMINER LYNN HANNAN: Okay. Thank 24 you. 25 BY MR. HUGHES:	31	1 for the acoustical study. We'd like to -- Madam Hearing 2 Examiner, consider whether it might be possible to have 3 a condition of approval for an eight-foot fence and 4 we'll bring in testimony to explain why we think that 5 might be something that could be considered with some -- 6 perhaps some type of condition of approval that says an 7 eight foot could be permitted until and if a house was 8 built within 70 feet to the north and why we would 9 suggest that is we'll have testimony that this is a 10 worst-case scenario, it's computer modeling, very 11 conservative showing all six dogs barking at the same 12 exact time even with that it only goes roughly 60 feet 13 into the 80-acre parcel to the north that currently has 14 a house nearly 500 feet away. So we're -- we're -- we 15 think it would be more on scale -- eight foot. And 16 we're pretty sure it would still meet the criteria -- 17 HEARING EXAMINER LYNN HANNAN: Do -- did your 18 acoustic -- can your acoustical expert testify that -- 19 because what I have now is ten feet. 20 MR. HUGHES: Yes. 21 HEARING EXAMINER LYNN HANNAN: Can your 22 acoustical expert testify? 23 MR. HUGHES: We are going to have him testify. 24 I think what the record shows is per the computer 25 modeling is the worst-case scenario.
30	1 Q Are you also aware per the code that when a 2 proposed use is located in an area that uses well and 3 septic that you must prove that you will not have a 4 negative effect on the ground water and septic systems? 5 A <b>Yes.</b> 6 Q And do you -- do you anticipate any issues 7 with that? 8 A <b>I do not.</b> 9 Q Okay. And we may also have Mr. Norton talk 10 about that as well? 11 HEARING EXAMINER LYNN HANNAN: Okay. 12 MR. HUGHES: If I could take a quick little 13 pause and then I'll lead back to a question. One of the 14 other items that I was going to put in my opening -- I 15 apologize, is one of the things we would like the 16 hearing examiner to consider is, and we'll have more 17 testimony as we go along from -- a little bit from 18 Ms. Krieg and from Mr. Norton, and Mr. Curley, as you 19 can see on the acoustical study and on the plans, 20 there's a ten-foot fence proposed to the north. And 21 just slightly to the -- 22 HEARING EXAMINER LYNN HANNAN: I saw that. 23 THE WITNESS: -- northeast. 24 HEARING EXAMINER LYNN HANNAN: Yeah. 25 MR. HUGHES: That's required per the code and	32	1 HEARING EXAMINER LYNN HANNAN: And what is -- 2 MR. HUGHES: Yes. 3 HEARING EXAMINER LYNN HANNAN: Well -- I 4 don't -- let me -- let's get to him. 5 MR. HUGHES: Can we get to him? Okay. 6 HEARING EXAMINER LYNN HANNAN: I -- thanks for 7 the heads up. I understand it. 8 MR. HUGHES: Thank you. 9 HEARING EXAMINER LYNN HANNAN: But let me get 10 to him -- 11 MR. HUGHES: Yes. 12 HEARING EXAMINER LYNN HANNAN: Because I don't 13 want you to testify. 14 MR. HUGHES: Fair enough. Okay. Thank you. 15 BY MR. HUGHES: 16 Q Ms. Krieg, one of the items in your submission 17 is Exhibit 16 interior building floor plans. Can you 18 just briefly tell us about those three pages and what 19 they show, what they represent? 20 A <b>Sheets -- by zone --</b> 21 Q If you could identify the one you're looking 22 at first by where it is in your house or not in your 23 house. 24 A <b>So this is my main living level. So it is</b> 25 <b>currently -- I don't know what you need to know.</b>

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9 (33 to 36)

<p>33</p> <p>1 Q Well, is -- is any of the operations going to 2 occur up there?</p> <p>3 A Potentially, the only area is in the front 4 sitting room where I might do meet and greets with 5 people.</p> <p>6 HEARING EXAMINER LYNN HANNAN: Okay.</p> <p>7 BY MR. HUGHES:</p> <p>8 Q And then you might have your computer or your 9 office up there, I'm imagining.</p> <p>10 A My office is actually on the far-left of the 11 building. This is more just a casual setting to greet 12 clients and give them a sense that this will be a 13 home-like requirement.</p> <p>14 Q And then I'm going to show you another one at 15 the bottom of it, it says --</p> <p>16 A Basement.</p> <p>17 Q -- basement, 1,100 square feet. Can you just 18 tell us a little bit about that?</p> <p>19 A Sure. So the basement is currently divided 20 into two main areas. Basement room one is actually 21 where the crates and kennels I'm intending to put them, 22 because that's where the French drains are. So the 23 space is set up for that and then the other area is 24 currently where the doggy treadmills are and potentially 25 some work with the dogs down there as well, to utilize</p>	<p>35</p> <p>1 with that. We have these things, but it's not set up 2 for today.</p> <p>3 MR. HUGHES: It's getting there; right?</p> <p>4 HEARING EXAMINER LYNN HANNAN: Well, we should 5 do our first hybrid here on November 17.</p> <p>6 MR. HUGHES: Great.</p> <p>7 HEARING EXAMINER LYNN HANNAN: And we'll have 8 everything set up.</p> <p>9 MR. HUGHES: Will that be Mr. Cline's [ph] 10 date for a house or no?</p> <p>11 HEARING EXAMINER LYNN HANNAN: I have -- I 12 have no -- he'll -- we'll get him through it. We'll get 13 him through it.</p> <p>14 MR. HUGHES: Yes -- will or I will be here as 15 well, probably.</p> <p>16 HEARING EXAMINER LYNN HANNAN: Yeah. So 17 anyway. Now, I was going to ask you something. If 18 you're not -- before we go into Mr. Norton, if you're 19 not going to call your land planning witness, do you -- 20 I guess I have to ask this of Ms. Krieg. Can you come 21 back --</p> <p>22 THE WITNESS: Sure.</p> <p>23 HEARING EXAMINER LYNN HANNAN: -- to the table 24 just -- you don't have to get up, just -- she can sit 25 over there for a moment. Ms. Krieg, I assume you've</p>
<p>34</p> <p>1 the space.</p> <p>2 Q Very good. And the last one is it says 3 garage?</p> <p>4 A Yeah. And this --</p> <p>5 Q Could you tell us a little bit about that?</p> <p>6 A So this is a three-car garage that's separate 7 from the -- from the main house. It has heating. It 8 has hot water. So it's going to be a training area so 9 that we can have space to work with the dogs.</p> <p>10 Q Very good. Thank you.</p> <p>11 MR. HUGHES: And Hearing Examiner, those would 12 be my questions for Ms. Krieg in case you have some 13 additional questions, I would call Mr. Norton next when 14 you're ready for him.</p> <p>15 HEARING EXAMINER LYNN HANNAN: That's fine. 16 I -- she answered what I was most concerned about, so I 17 appreciate it.</p> <p>18 MR. HUGHES: And she certainly will stay here 19 and be -- if there's any recall or questions we need.</p> <p>20 HEARING EXAMINER LYNN HANNAN: Okay.</p> <p>21 THE WITNESS: Thank you for your time.</p> <p>22 HEARING EXAMINER LYNN HANNAN: Thank you. 23 Now, if --</p> <p>24 MR. HUGHES: Do you need help?</p> <p>25 HEARING EXAMINER LYNN HANNAN: Yes. I'm fine</p>	<p>36</p> <p>1 read the staff report in this case.</p> <p>2 THE WITNESS: Yes.</p> <p>3 HEARING EXAMINER LYNN HANNAN: And with regard 4 to master plan compliance and some of the land use 5 findings, do you agree with the staff report and do you 6 wish to adopt that as your own testimony?</p> <p>7 THE WITNESS: I'm not exactly certain which 8 section. Do you have the staff report?</p> <p>9 MR. HUGHES: Yeah, and I was -- and perhaps 10 you're right. Maybe it's -- I was going to do similar 11 with Mr. Norton, but if you think it needs to be 12 Ms. Krieg.</p> <p>13 HEARING EXAMINER LYNN HANNAN: Oh, well, if -- 14 if you can speak on behalf of Ms. Krieg, that's fine. 15 So you're -- you can go back to the gallery, Ms. Krieg.</p> <p>16 THE WITNESS: Okay.</p> <p>17 MR. HUGHES: I'll give you a copy.</p> <p>18 THE WITNESS: Yes -- I don't have it with me, 19 so --</p> <p>20 HEARING EXAMINER LYNN HANNAN: You're off. 21 You can be off duty.</p> <p>22 MR. HUGHES: She did look at it. She said 23 it's -- she's glad she's not a land planner --</p> <p>24 THE WITNESS: Yeah, basically.</p> <p>25 HEARING EXAMINER LYNN HANNAN: Okay. We'll go</p>

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10 (37 to 40)

37	1 to Mr. Norton. 2 MR. HUGHES: I'll try. Thank you. 3 HEARING EXAMINER LYNN HANNAN: Mr. Norton, 4 please raise your right hand. 5 Whereupon, 6 MICHAEL NORTON, 7 being first duly sworn or affirmed to testify to the 8 truth, the whole truth, and nothing but the truth, was 9 examined and testified as follows. 10 HEARING EXAMINER LYNN HANNAN: Go ahead 11 Mr. Hughes. 12 MR. HUGHES: Thank you. 13 EXAMINATION BY COUNSEL FOR THE APPLICANT 14 BY MR. HUGHES: 15 Q Can you state your full name and your work 16 address? 17 A Sure. Michael Norton, work address is -- 18 Michael Norton of Norton Land Design, work address is 19 5146 Dorsey Hall Drive, Second Floor, Ellicot City, 20 Maryland 21042. 21 Q Okay. And what is your profession? 22 A I am a professional landscape architect 23 specializing in site design and layout. 24 Q And can you tell us a little bit about your 25 education and professional --	39	1 Appeals? 2 THE WITNESS: Yes, ma'am. 3 HEARING EXAMINER LYNN HANNAN: Okay. I don't 4 think we need to do the voir dire, so I'll accept him as 5 an expert in landscape architecture. 6 THE WITNESS: I qualify as an expert landscape 7 architecture and site design to be specific in 2008. 8 I've been to the hearing examiner at least a couple of 9 times a year, except for -- 10 HEARING EXAMINER LYNN HANNAN: Okay. 11 THE WITNESS: -- Covid. 12 HEARING EXAMINER LYNN HANNAN: All right. 13 MR. HUGHES: And I think Mr. Grossman 14 qualified you as such in a case you and I had 15 together -- 2017 or such. 16 THE WITNESS: It could have. 17 MR. HUGHES: Francisco's Landscaping, do you 18 remember that one? 19 THE WITNESS: That's correct. 20 HEARING EXAMINER LYNN HANNAN: Oh. 21 THE WITNESS: And most currently -- 22 HEARING EXAMINER LYNN HANNAN: Everybody 23 remembers that case. 24 THE WITNESS: That was a great one. 25 HEARING EXAMINER LYNN HANNAN: Okay.
38	1 HEARING EXAMINER LYNN HANNAN: Wait. Just a 2 second. Are you going to qualify him? 3 MR. HUGHES: I was going to, yeah. 4 HEARING EXAMINER LYNN HANNAN: Mr. Norton -- 5 THE WITNESS: Yes, ma'am. 6 HEARING EXAMINER LYNN HANNAN: -- have you 7 ever testified as an expert in -- are you -- have you 8 ever testified as an expert in landscape architecture? 9 THE WITNESS: Yes. 10 HEARING EXAMINER LYNN HANNAN: And your resume 11 is in the record; correct? 12 MR. HUGHES: Yes, it's -- it's in the 13 prehearing statement which is Exhibit 32. 14 HEARING EXAMINER LYNN HANNAN: Okay. And are 15 you licensed to practice in the State of Maryland? 16 THE WITNESS: I am. 17 HEARING EXAMINER LYNN HANNAN: And where did 18 you testify as an expert? 19 THE WITNESS: Montgomery County. I first 20 testified in 2008. 21 HEARING EXAMINER LYNN HANNAN: Montgomery 22 County -- can you give me a -- 23 THE WITNESS: -- yeah, Montgomery County, 24 Maryland, Board of Appeals. 25 HEARING EXAMINER LYNN HANNAN: Board of	40	1 THE WITNESS: Most currently -- funny to me is 2 I was qualified as an expert for a cat boarding. So I 3 was here with Cozy Cats with -- 4 HEARING EXAMINER LYNN HANNAN: Oh, you were -- 5 THE WITNESS: I was the expert in site design. 6 HEARING EXAMINER LYNN HANNAN: -- in Cozy 7 Cats? 8 THE WITNESS: And land planning. Which it was 9 very minor. 10 HEARING EXAMINER LYNN HANNAN: That was in 11 front of me. I remember. 12 THE WITNESS: I could not -- that was online. 13 HEARING EXAMINER LYNN HANNAN: Yes. 14 THE WITNESS: So, yeah. That was from -- I 15 think that was the last time I was here. It might have 16 been a year and a half ago. 17 HEARING EXAMINER LYNN HANNAN: Okay. Well, we 18 -- we don't need to go down memory lane. 19 THE WITNESS: I've been here a while. 20 HEARING EXAMINER LYNN HANNAN: It's partly my 21 fault. Okay. 22 THE WITNESS: I was just -- I think you 23 remember who the hearing examiner was. 24 HEARING EXAMINER LYNN HANNAN: Yeah. It 25 was --

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11 (41 to 44)

<p>41</p> <p>1 THE WITNESS: I was here for Cozy Cats.</p> <p>2 HEARING EXAMINER LYNN HANNAN: -- it was me.</p> <p>3 Go ahead, Mr. Hughes.</p> <p>4 MR. HUGHES: Thank you.</p> <p>5 BY MR. HUGHES:</p> <p>6 Q Mr. Norton --</p> <p>7 A Yes.</p> <p>8 Q I'd like to have you -- well, first of all, is</p> <p>9 there a revised site plan that you've worked on</p> <p>10 recently? Can you identify that?</p> <p>11 A That is correct. I am happy to add into</p> <p>12 the --</p> <p>13 Q Well, the hearing examiner will add it into --</p> <p>14 can you show it and tell --</p> <p>15 A Yes.</p> <p>16 Q -- what's different about it?</p> <p>17 A Yes.</p> <p>18 HEARING EXAMINER LYNN HANNAN: Can you do</p> <p>19 this --</p> <p>20 MR. HUGHES: And I have copies also for you.</p> <p>21 HEARING EXAMINER LYNN HANNAN: That's great.</p> <p>22 Can you just mark it as exhibit 38?</p> <p>23 MR. HUGHES: Yes.</p> <p>24 HEARING EXAMINER LYNN HANNAN: Just write 38</p> <p>25 somewhere at the bottom or in the lower --</p>	<p>43</p> <p>1 identification.)</p> <p>2 MR. HUGHES: And I apologize, I do not have a</p> <p>3 smaller copy.</p> <p>4 HEARING EXAMINER LYNN HANNAN: That -- that's</p> <p>5 fine. I -- I've seen the aerial in the staff report.</p> <p>6 MR. HUGHES: Yes -- one too.</p> <p>7 THE WITNESS: Would you like me to label this</p> <p>8 one as well?</p> <p>9 HEARING EXAMINER LYNN HANNAN: No, thank you.</p> <p>10 THE WITNESS: All right.</p> <p>11 BY MR. HUGHES:</p> <p>12 Q Now, can you walk us through a little bit,</p> <p>13 your site plan, tell us about the property and what is</p> <p>14 proposed in the operations?</p> <p>15 A Sure. I'd like to start with the aerial</p> <p>16 photograph -- Exhibit 39.</p> <p>17 Q Okay. All right.</p> <p>18 A I'd like to talk about the existing conditions</p> <p>19 of the property right now. This is -- it's a pretty</p> <p>20 unique property. It is -- for a lack of better words,</p> <p>21 it's a pie-shaped property. It's to the north</p> <p>22 technically of Mullinix Mill Road, but when you're</p> <p>23 looking at the plan it's kind of the way it bends, it's</p> <p>24 east. I'm sorry, west of Mullinix --</p> <p>25 Q Can you stand up and kind of point to it a</p>
<p>42</p> <p>1 MR. HUGHES: Yeah. I have two that I would</p> <p>2 actually like to -- I'd like to add another one.</p> <p>3 HEARING EXAMINER LYNN HANNAN: Okay. That's</p> <p>4 fine. Let's do one at a time.</p> <p>5 MR. HUGHES: Sure.</p> <p>6 HEARING EXAMINER LYNN HANNAN: Thank you.</p> <p>7 MR. HUGHES: That's 38.</p> <p>8 HEARING EXAMINER LYNN HANNAN: Does anyone --</p> <p>9 well, there's no one here to object, so I'll accept it</p> <p>10 into the record. Go ahead.</p> <p>11 (Exhibit 38 was marked for</p> <p>12 identification.)</p> <p>13 MR. HUGHES: All right.</p> <p>14 BY MR. HUGHES:</p> <p>15 Q And then is there another new exhibit and</p> <p>16 aerial that you want to potentially talk about? Can you</p> <p>17 show that to the Hearing Examiner and perhaps you can</p> <p>18 identify that one as well?</p> <p>19 A Yes. I -- I printed out a larger scale aerial</p> <p>20 photograph, because I think that better represents what</p> <p>21 we can discuss today, so --</p> <p>22 HEARING EXAMINER LYNN HANNAN: Okay. I'm</p> <p>23 going to -- can you write 39? We're high tech right</p> <p>24 now. Can you write 39 on the bottom corner of that.</p> <p>25 (Exhibit 39 was marked for</p>	<p>44</p> <p>1 little bit? Thank you.</p> <p>2 A This is the property, it is comprised of</p> <p>3 actually four slivers of land, so it gets a little more</p> <p>4 complicated. It's like a -- the best we -- I'm going to</p> <p>5 turn this off, I think. That might be -- can you still</p> <p>6 hear me? It's four slivers of pieces of property.</p> <p>7 One -- the largest piece is two acres and then there's</p> <p>8 several smaller pieces that all --</p> <p>9 Q Mr. Norton, can I pause you for one second?</p> <p>10 This might help the Hearing Examiner also. I may</p> <p>11 have -- let me ask if you -- do you recognize this</p> <p>12 document?</p> <p>13 A Yes.</p> <p>14 Q And is this a zoning map from MCS Atlas, the</p> <p>15 county's system?</p> <p>16 A Looks like it's MCS Atlas' -- yeah, one of the</p> <p>17 GIS databases zoning that shows the property boundaries.</p> <p>18 Q It shows Ms. Krieg's property boundaries?</p> <p>19 A Yes.</p> <p>20 Q Can I ask you to hold this one and then is it</p> <p>21 okay if I bring one up --</p> <p>22 A Sure.</p> <p>23 MR. HUGHES: -- Madam Hearing Examiner?</p> <p>24 HEARING EXAMINER LYNN HANNAN: That must be --</p> <p>25 that's in the application; right?</p>

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12 (45 to 48)

45	<p>1 MR. HUGHES: It is.</p> <p>2 THE WITNESS: I think so.</p> <p>3 MR. HUGHES: Yes, the only thing I was going</p> <p>4 to do, maybe this could just be a visual aid for you. I</p> <p>5 actually kind of marked up the four properties for</p> <p>6 making --</p> <p>7 HEARING EXAMINER LYNN HANNAN: Oh, then --</p> <p>8 we'll do it as a new exhibit.</p> <p>9 MR. HUGHES: Let me bring it up -- I think it</p> <p>10 helps a little bit, because it's hard to see property</p> <p>11 lines because there's some -- of them are so thin and</p> <p>12 small.</p> <p>13 HEARING EXAMINER LYNN HANNAN: Well, let me</p> <p>14 have -- Mr. Norton, can you just verify that this is an</p> <p>15 accurate -- I'm going to mark this as Exhibit 40. Can</p> <p>16 you verify that this is an accurate representation of</p> <p>17 the property lines on --</p> <p>18 THE WITNESS: Yes.</p> <p>19 HEARING EXAMINER LYNN HANNAN: Okay. So I am</p> <p>20 going to mark this as Exhibit 40. Highlight of property</p> <p>21 lines.</p> <p>22 (Exhibit 40 was marked for</p> <p>23 identification.)</p> <p>24 BY MR. HUGHES:</p> <p>25 Q And can I -- on this topic, let me ask you a</p>	47	<p>1 Q It's -- it's at the bottom, long and thin;</p> <p>2 right?</p> <p>3 A <b>Yeah. It's 30, 40 feet wide.</b></p> <p>4 Q Okay.</p> <p>5 A <b>Basically, 40 feet wide. It runs parallel to</b></p> <p>6 <b>the southern property line.</b></p> <p>7 Q And that's about 41,870 --</p> <p>8 A <b>Yes. Several -- exactly. One of the</b></p> <p>9 <b>properties is two acres. One of them is one acre. One</b></p> <p>10 <b>acre more or less and it ends up being 4. -- oh, gosh,</b></p> <p>11 <b>I'm losing my math right now.</b></p> <p>12 Q It's definitely an odd -- odd shaped property</p> <p>13 you're saying, correct?</p> <p>14 A <b>That's correct.</b></p> <p>15 Q Yeah. Okay.</p> <p>16 A <b>I can keep going --</b></p> <p>17 Q Yes, I'm sorry -- but thank you, keep going.</p> <p>18 A <b>Yes.</b></p> <p>19 Q Oh.</p> <p>20 A <b>The property is surrounded on the north and</b></p> <p>21 <b>south side by agricultural use. The property, the</b></p> <p>22 <b>residence, the closest residence is to the south. It is</b></p> <p>23 <b>on -- there's one property removed from being adjacent</b></p> <p>24 <b>to the subject property where the house is approximately</b></p> <p>25 <b>253, 300 feet away to the south. There is an existing</b></p>
46	<p>1 few quick questions, Mr. Norton. Is it correct that the</p> <p>2 property -- the thin property that she has to the north,</p> <p>3 very thin that runs east to west is parcel 583?</p> <p>4 A <b>Yes, it is --</b></p> <p>5 Q Is it your understanding that that property is</p> <p>6 about 4,940 square feet?</p> <p>7 A <b>That's correct. We did do a boundary survey</b></p> <p>8 <b>of the property and it's represented on the drawings.</b></p> <p>9 Q And the large -- well, there property that --</p> <p>10 the lot that she has that has the house and structures</p> <p>11 on it, that's N605; is that correct?</p> <p>12 A <b>Correct.</b></p> <p>13 Q And that's about 2.2 acres?</p> <p>14 A <b>Correct.</b></p> <p>15 Q And then there's a parcel to the west, 588.</p> <p>16 Can you -- can you kind of roughly show where that is?</p> <p>17 A <b>It's in the back.</b></p> <p>18 Q Okay.</p> <p>19 A <b>The back pot shape, if you will.</b></p> <p>20 Q And that's 50,094 square feet?</p> <p>21 A <b>Yes.</b></p> <p>22 Q Okay. And the last property of the four</p> <p>23 pieces she has is P601; is that correct? Can you</p> <p>24 roughly point where that is?</p> <p>25 A <b>Mm-hmm.</b></p>	48	<p>1 <b>house on the farm to the north. There's --</b></p> <p>2 HEARING EXAMINER LYNN HANNAN: Wait. Did you</p> <p>3 say 200 feet to the south?</p> <p>4 THE WITNESS: 250, somewhere between 250, 300</p> <p>5 feet. I brought a scale if we -- you'd like --</p> <p>6 BY MR. HUGHES:</p> <p>7 Q I -- yeah, I -- maybe we could steal that,</p> <p>8 Madam Hearing Examiner, because I thought it was closest</p> <p>9 to 4 -- 400 and plus --</p> <p>10 A <b>-- scale real quick.</b></p> <p>11 Q Do you want me to hold that piece?</p> <p>12 A <b>No. I'm good. I've got it. Thank you</b></p> <p>13 <b>though. From the property line it's about 230 feet.</b></p> <p>14 <b>We're talking about the --</b></p> <p>15 Q Property to property or to the house? Sorry.</p> <p>16 A <b>No. From the property line to the -- to the</b></p> <p>17 <b>house to the south.</b></p> <p>18 Q Okay.</p> <p>19 A <b>To our property line.</b></p> <p>20 Q Okay. Thank you.</p> <p>21 A <b>Yeah.</b></p> <p>22 Q And -- but what is the property that's</p> <p>23 immediately to the south? That's not part of that</p> <p>24 house? Is that what you said?</p> <p>25 A <b>That is correct.</b></p>

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13 (49 to 52)

<p>49</p> <p>1 Q And what -- what type of property is that?</p> <p>2 A <b>It's agricultural.</b></p> <p>3 Q And how big is that roughly?</p> <p>4 A <b>That property is 20 some odd acres, I believe.</b></p> <p>5 Q Okay.</p> <p>6 A <b>Then the one to the north is 60 odd acres.</b></p> <p>7 Q The -- the farms --</p> <p>8 A <b>The farm to the --</b></p> <p>9 Q Can you point to that?</p> <p>10 A <b>The farm to the north. And yes.</b></p> <p>11 Q Okay. And is -- where is the residence on</p> <p>12 that?</p> <p>13 A <b>The residence is set back in the woods to the</b></p> <p>14 <b>north, approximately 450 feet somewhere in that</b></p> <p>15 <b>neighborhood to the -- to the house --</b></p> <p>16 Q And what's --</p> <p>17 A <b>-- the property.</b></p> <p>18 Q And I apologize. What's to the east and then</p> <p>19 I'll let you talk about --</p> <p>20 A <b>To the east is a farm. I'm sorry, to the --</b></p> <p>21 <b>to the east is three residential lots across Mullinix</b></p> <p>22 <b>Mill Road.</b></p> <p>23 Q Thank you?</p> <p>24 HEARING EXAMINER LYNN HANNAN: And how far</p> <p>25 away are they? Do you know?</p>	<p>51</p> <p>1 rear of the house. There is fire access that we are</p> <p>2 dealing with due to being in the rural area that we're</p> <p>3 in and because Ms. Krieg will allow staff into the</p> <p>4 house. We do have to address fire on this property. So</p> <p>5 we do have to widen the road. The driveway, I'm sorry,</p> <p>6 to 20 feet wide back to adequate public -- adequate</p> <p>7 access basically to the rear of the property. That is</p> <p>8 the only improvement to the front of the property that</p> <p>9 you will see aside from the new dog traction closure.</p> <p>10 Otherwise, the -- the operation is -- although the --</p> <p>11 all of the property is part of the conditional use, the</p> <p>12 operation is really contained within the existing house,</p> <p>13 the garage and then to the rear of the existing house</p> <p>14 and garage to the rear being the west side. It</p> <p>15 contained all -- within the fenced area only.</p> <p>16 BY MR. HUGHES:</p> <p>17 Q And on that new -- on this 38, can you point</p> <p>18 to where the trash receptacles will go and --</p> <p>19 A <b>Sure.</b></p> <p>20 Q -- and the structure, and also I believe you</p> <p>21 might have a picture of roughly what the structure might</p> <p>22 look like?</p> <p>23 A <b>Yes. It's not a shed in the sense of what</b></p> <p>24 <b>people have been describing. It's an existing -- it's</b></p> <p>25 <b>an enclosure that you pick up at Home Depot, what have</b></p>
<p>50</p> <p>1 THE WITNESS: Oh, gosh, you're testing me on</p> <p>2 this one. Let me see.</p> <p>3 BY MR. HUGHES:</p> <p>4 Q They're immediately across the street though;</p> <p>5 right?</p> <p>6 A <b>Yes. That is correct. To the property line,</b></p> <p>7 <b>we're about 70 feet from the existing houses to</b></p> <p>8 <b>Ms. Krieg's property line.</b></p> <p>9 Q But isn't it correct that all the dog</p> <p>10 operations will be behind her house?</p> <p>11 A <b>That -- I was going to get into that, but just</b></p> <p>12 <b>in describing the property, yes.</b></p> <p>13 Q Let me let you --</p> <p>14 A <b>Yes.</b></p> <p>15 Q -- I'm sorry to interrupt you, let me let you</p> <p>16 talk about your plan and the proposal for the property.</p> <p>17 A <b>Are there anymore questions about the existing</b></p> <p>18 <b>conditions?</b></p> <p>19 HEARING EXAMINER LYNN HANNAN: No.</p> <p>20 THE WITNESS: All right. I am going to flip</p> <p>21 over to the conditional use drawing, Exhibit 38. This</p> <p>22 conditional use, a little bit unique to me in that</p> <p>23 really the only thing that we are doing out -- the only</p> <p>24 improvements we are making to the outside of the</p> <p>25 property are the six foot and ten-foot fences in the</p>	<p>52</p> <p>1 <b>you, it holds up to three typical residential bins.</b></p> <p>2 <b>Very residential in character. We are proposing and now</b></p> <p>3 <b>we've had some discussion back and forth. It is at the</b></p> <p>4 <b>end of the existing sidewalk that leads out to the</b></p> <p>5 <b>driveway for the residents.</b></p> <p>6 HEARING EXAMINER LYNN HANNAN: Is that Exhibit</p> <p>7 38? Did we mark this as 38?</p> <p>8 THE WITNESS: We did. This is 38. The new</p> <p>9 conditional use --</p> <p>10 HEARING EXAMINER LYNN HANNAN: Oh, I just</p> <p>11 couldn't -- I just couldn't -- is it on my plan?</p> <p>12 THE WITNESS: It's -- it's extremely -- it's</p> <p>13 only --</p> <p>14 HEARING EXAMINER LYNN HANNAN: No. No. No.</p> <p>15 THE WITNESS no, 38. Where's -- where did</p> <p>16 you --</p> <p>17 HEARING EXAMINER LYNN HANNAN: It's the -- I'm</p> <p>18 just checking, because I --</p> <p>19 THE WITNESS: Oh, I'm sorry, I wrote Exhibit</p> <p>20 38 on my --</p> <p>21 HEARING EXAMINER LYNN HANNAN: Okay. I just</p> <p>22 have to make sure the record is set.</p> <p>23 THE WITNESS: Sure.</p> <p>24 HEARING EXAMINER LYNN HANNAN: I'm sorry to</p> <p>25 interrupt.</p>

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14 (53 to 56)

<p>53</p> <p>1 THE WITNESS: Oh, no problem. The -- the 2 enclosure is three feet by six feet. Very small in 3 nature. Very residential, again, in scale. 4 HEARING EXAMINER LYNN HANNAN: And where's -- 5 can you point where it's located? 6 THE WITNESS: Sure. It is almost exactly due 7 south of the existing house -- 8 HEARING EXAMINER LYNN HANNAN: Okay. 9 THE WITNESS: -- at the edge of the driveway. 10 It makes it convenient for Ms. Krieg to walk the bins 11 out to the road. As far as -- 12 BY MR. HUGHES: 13 Q Roughly -- roughly how far off the road is 14 that? 15 A Oh my gosh. 16 Q -- scale, I know. 17 A Walking -- Ms. Krieg says it's a long way to 18 walk. It is approximately from the edge of pavement, 19 about 190 feet itself. 20 Q Thank you. 21 A Sure. 22 Q Please continue. 23 A What we have on the property right now, it is 24 an existing driveway, it does run from Mullinix Mill 25 Road to the front of the three-car garage, the existing</p>	<p>55</p> <p>1 Q And the code requires a minimum of two acres. 2 A Two acres; correct. 3 Q Okay. And you're aware that the code requires 4 an exterior exercise area for the animals must be a 5 minimum of 200 feet from any property line? 6 A Correct. 7 Q But in this case, because of the oddly shape 8 of her property, she cannot meet that anywhere actually; 9 is that correct? 10 A That's correct. The property actually is not 11 even 400 feet wide, if you add the two numbers together 12 anywhere on the property. 13 Q Okay. 14 A So it would be impossible -- 15 HEARING EXAMINER LYNN HANNAN: In the -- in 16 your expert opinion -- 17 THE WITNESS: Yes. 18 HEARING EXAMINER LYNN HANNAN: -- is this 19 property oddly shaped in your experience? 20 THE WITNESS: I would say that given the 21 length of the property and the narrowness of the 22 property, its oddly shaped pie shape is not necessarily 23 odd in and of itself, but given the length and the 24 width, I would say it's oddly shaped. It's also oddly 25 shaped for this -- this neighborhood, if you will. It</p>
<p>54</p> <p>1 paved right now. There is a gravel portion of the 2 driveway. Again, this is what Ms. Krieg, I'll say for 3 lack of a better word, inherited this property. We -- 4 and the drive -- the gravel drive does allow for 5 circulation on the property. We are taking advantage of 6 that. We are not adding any new impervious to this 7 property other than what the fire marshal is requiring 8 for adequate public safety. 9 The parking spaces, there are seven of them. 10 They do actually work with the gravel and with the 11 turnaround on the property. So we are able to show 12 those on the plan, is two in front of the garage, and 13 then there are five spaces basically -- there's two 14 points at which the gravel intersects the pavement. 15 Now, we worked with the existing conditions, if you 16 will, just as much as we possibly could and showed how 17 the parking will work within the existing impervious. 18 Again, trying to minimize any impact at all to this 19 community. 20 Q Okay. I think you already stated this, but 21 the size of her properties together -- 22 A 4.57 acres. 23 Q Okay. 24 A That's what we have on the natural resource 25 inventory.</p>	<p>56</p> <p>1 is part of -- for an agriculture like this. 2 HEARING EXAMINER LYNN HANNAN: So it's 3 unusual? 4 THE WITNESS: It is unusual. 5 BY MR. HUGHES: 6 Q Thank you. And Mr. Norton, we're going to 7 continue with some of the conditional use questions. 8 We're going to come back and ask you some more questions 9 about the variances if that's okay. 10 A Sure. Yes. 11 Q Are you also aware that per the code that all 12 exercise exterior areas and runs must be fenced? 13 A Yes. 14 Q And it -- does your plan show and is that the 15 plan -- will they be -- exercise areas be fenced here? 16 A They are fenced. The areas are currently 17 fenced. They were fenced before Ms. Krieg bought them, 18 and we are improving the fences, in my opinion. 19 Q Thank you. Are you also aware that old 20 buildings and accessory structures per the animal 21 section we're applying for this conditional use must be 22 75 feet from any lot line? 23 A Yes. 24 Q Okay. And again, some structures here do not 25 meet that; is that correct?</p>

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15 (57 to 60)

<p>57</p> <p>1     <b>A That is correct.</b></p> <p>2     Q    Okay. And we'll go into that in a little more</p> <p>3    detail on variances later.</p> <p>4     <b>A Sure. The parking does meet the setback if</b></p> <p>5   <b>that's --</b></p> <p>6     Q    Thank you. You have -- you've seen</p> <p>7    Mr. Beall's staff report; is that correct?</p> <p>8     <b>A That is correct.</b></p> <p>9     Q    Okay. And in your opinion, do you concur with</p> <p>10   that in his recommendations that it does meet the</p> <p>11   applicable master plan here that this will --</p> <p>12   <b>A Yes. The master plan does not specifically</b></p> <p>13 <b>speak to this property.</b></p> <p>14   Q    And it also talks about keeping it low</p> <p>15   residential --</p> <p>16   <b>A The residential character --</b></p> <p>17   Q    -- is that correct?</p> <p>18   <b>A That is correct.</b></p> <p>19   Q    Okay.</p> <p>20   <b>A Again, there is no improvement to the -- we'll</b></p> <p>21 <b>say the streetscape side, the curb appeal side. It is</b></p> <p>22 <b>residential in character. It will remain residential in</b></p> <p>23 <b>character from the Mullinix Mill Road to the house and</b></p> <p>24 <b>the garage.</b></p> <p>25   Q    And do you also concur with Mr. Beall's staff</p>	<p>59</p> <p>1   <b>component, but for the dog care as well. We do have a</b></p> <p>2   <b>new approved septic field. Earlier, I believe in</b></p> <p>3   <b>Ms. Krieg's testimony there was a question regarding the</b></p> <p>4   <b>maximum amount of dogs and part of the reason for that</b></p> <p>5   <b>is -- would be staff that -- the maximum staff of three</b></p> <p>6   <b>and then when you back into the numbers for the</b></p> <p>7   <b>septic -- it allows 14 dogs to get to 400 gallons per</b></p> <p>8   <b>day. So we left it at that.</b></p> <p>9     HEARING EXAMINER LYNN HANNAN: Okay.</p> <p>10   BY MR. HUGHES:</p> <p>11   Q    Okay.</p> <p>12   <b>A So it is limited by septic.</b></p> <p>13   Q    And will this use add any impact at all to</p> <p>14   schools in the area?</p> <p>15   <b>A There's no impact to schools.</b></p> <p>16   Q    Okay. And it has power --</p> <p>17     HEARING EXAMINER LYNN HANNAN: Except doggy</p> <p>18   school.</p> <p>19     THE WITNESS: Dog school.</p> <p>20     HEARING EXAMINER LYNN HANNAN: I'll stop. I'm</p> <p>21   sorry.</p> <p>22   BY MR. HUGHES:</p> <p>23   Q    And what about traffic? You're familiar with</p> <p>24   the planned operation, how much traffic --</p> <p>25   <b>A Yeah, I have to be -- obviously, I have to be</b></p>
<p>58</p> <p>1   report where he took the position that the application</p> <p>2   is harmonious and will not alter the character of the</p> <p>3   surrounding neighborhood in a manner inconsistent with</p> <p>4   the plan?</p> <p>5     <b>A I agree with that.</b></p> <p>6     Q    Okay. And does it help again that it's</p> <p>7   keeping a very residential look and feel for the use of</p> <p>8   this?</p> <p>9     <b>A Correct.</b></p> <p>10    Q    Okay. Mr. Norton, can you address whether</p> <p>11   this application will be served adequately by adequate</p> <p>12   public facilities and services?</p> <p>13   <b>A That is correct. It will.</b></p> <p>14    Q    And what are the -- some of the -- so as far</p> <p>15   as well and septic --</p> <p>16   <b>A Yes.</b></p> <p>17    Q    -- can you address --</p> <p>18   <b>A Sure. I can -- I was going to speak to that</b></p> <p>19 <b>next. So there is a well on the site right now. The</b></p> <p>20 <b>property is served by a previous well and by private</b></p> <p>21 <b>septic. We have gone through well and septic division</b></p> <p>22 <b>to -- this is on old septic field system, an old leach</b></p> <p>23 <b>pit [ph] field and we actually went through this -- why</b></p> <p>24 <b>it took many years to actual ly get us here today, did</b></p> <p>25 <b>an upgrade to the system, not only for the residential</b></p>	<p>60</p> <p>1   <b>careful on this. I'm not a traffic engineer, but I can,</b></p> <p>2   <b>I mean, this is such a low use and a low volume on this</b></p> <p>3   <b>site, Ms. Krieg does -- my understanding in talking with</b></p> <p>4   <b>her for many years over this project is that the way</b></p> <p>5   <b>that she's operating in her passion for the dog boarding</b></p> <p>6   <b>and the -- what I'll call the trouble dogs, is being</b></p> <p>7   <b>done by appointment. So there will not be, you know,</b></p> <p>8   <b>peak volume, peak flow of cars coming in and out and</b></p> <p>9   <b>back ups and things like that. We're not talking about</b></p> <p>10 <b>a -- even a daily dog in that you would -- dog board in</b></p> <p>11 <b>that you will see, we're talking about more of a</b></p> <p>12 <b>long-term dog facility that really the only daily that I</b></p> <p>13 <b>would think that you would see would be from staff.</b></p> <p>14   Q    And that's only up to three?</p> <p>15   <b>A Up to three, but it's probably -- yes.</b></p> <p>16   Q    Very good. Thank you.</p> <p>17   <b>A Are there -- did you want me to answer or at</b></p> <p>18 <b>least listen to the questions regarding the traffic now?</b></p> <p>19     HEARING EXAMINER LYNN HANNAN: I -- I think</p> <p>20   Ms. Krieg and you have answered them.</p> <p>21     THE WITNESS: Okay. I just want to make sure.</p> <p>22     HEARING EXAMINER LYNN HANNAN: I didn't</p> <p>23   realize it was a long-term --</p> <p>24     THE WITNESS: Yes.</p> <p>25     HEARING EXAMINER LYNN HANNAN: -- doggy --</p>



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16 (61 to 64)

61	1 board -- sorry, dog -- 2 MR. HUGHES: Care. 3 HEARING EXAMINER LYNN HANNAN: Dog boarding 4 facility. 5 THE WITNESS: Correct. 6 HEARING EXAMINER LYNN HANNAN: And that makes 7 sense. So -- 8 MR. HUGHES: Thank you. 9 THE WITNESS: Okay. Great. 10 BY MR. HUGHES: 11 Q Mr. Norton, again, going back to the staff 12 report, is it true -- is it your understanding that 13 staff found no -- they didn't find any noninherent 14 adverse effects based upon this application? 15 A That is correct. 16 Q And is it -- do you concur with them that they 17 did not find any combination of inherent or noninherent 18 that would cause any issues here from their professional 19 opinion? Are you aware of that? 20 A That is correct. 21 Q And do you -- do you -- would you concur with 22 that? 23 A Yes. 24 Q Ms. Krieg might even say it's going to bring a 25 positive impact. Would -- would you agree with that?	63	1 right up against the -- 2 THE WITNESS: That is correct. We use that as 3 one of the -- 4 HEARING EXAMINER LYNN HANNAN: -- property 5 line. 6 THE WITNESS: As one of the borders of the 7 fence. It's kind of a three-sided structure, if you 8 will. 9 HEARING EXAMINER LYNN HANNAN: But that's not 10 going to be -- 11 THE WITNESS: It's not part -- it's not being 12 used as a part of the dog boarding. 13 BY MR. HUGHES: 14 Q Now, Mr. Norton -- 15 A Yes. 16 Q -- can you tell us what's in the bottom left 17 of this revised plan, this Exhibit 38? 18 A The chart on the bottom? 19 Q Yes, sir. 20 A -- EDS. 21 Q What is that? 22 A Lists the zoning standards for the -- for 23 Montgomery County. 24 Q For the -- for the particular zone? 25 A For the particular zone, for the agricultural
62	1 A It could. 2 Q Yeah? 3 A Depends if you like dogs. 4 Q Okay. 5 HEARING EXAMINER LYNN HANNAN: Now, why would 6 it have a positive impact? 7 THE WITNESS: What's that? 8 HEARING EXAMINER LYNN HANNAN: Why does it 9 have a positive -- 10 THE WITNESS: I guess if you want to talk 11 about -- you could just talk about the -- what she's 12 giving to the community from a positive impact. 13 BY MR. HUGHES: 14 Q Yeah. 15 A Providing something, a community need, if you 16 will. It is rural there. 17 Q Yeah. Thank you. I think you've already 18 testified to this many times, but there's no new 19 structures that are being built here; correct? 20 A That's correct. It is one -- it's an existing 21 house, existing detached garage, and then there are -- 22 there's a barn in the back of the property, but that is 23 not part of the conditional uses, basically open-sided 24 barn -- 25 HEARING EXAMINER LYNN HANNAN: Is that the one	64	1 zone and it also lists the setback requirements. It has 2 parking setback requirements as well, basically, the 3 sections for the conditional use that would be 4 applicable from the site plan perspective. 5 Q And is it fair to say Ms. Krieg meets all of 6 those except for the items that we're going to talk 7 about in a few minutes about that -- for the variances? 8 A Yes. 9 Q And that's on Exhibit 38 in the bottom left 10 corner? 11 A Yes. 12 Q Very good. Thank you. And Mr. Norton, does 13 this meet all the site access requirements per Section 14 6.1? 15 A Yes, it does. 16 Q Okay. How about 6.2, parking, queueing and 17 loading? Are there any issues there -- 18 A There is no parking. We provide adequate 19 parking spaces and also site circulation on Exhibit 38. 20 It's integrated into the conditional use drawing. 21 Q Very good. How about section 6.4, general 22 landscaping, outdoor lighting? Are there any issues 23 with that? 24 A We, on the land -- there is no lighting 25 proposed for the conditional use other than just the

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17 (65 to 68)

<p>65</p> <p>1 residential lighting that's currently on the house right 2 now. So in keeping with the residential scale of the 3 neighborhood, there -- we are requesting on the 4 landscape plan alternative compliance on it, and I can 5 pull up the landscape plan. I do not remember which 6 exhibit it is.</p> <p>7 Q It is -- I can help with that. Exhibit 15.</p> <p>8 A Would you like me to go over the landscape 9 plan or would you like me to go over the alternative 10 compliance? I feel like we're maybe jumping here for a 11 minute.</p> <p>12 HEARING EXAMINER LYNN HANNAN: Why not just 13 the alternative compliance.</p> <p>14 THE WITNESS: Okay. Sure.</p> <p>15 HEARING EXAMINER LYNN HANNAN: I -- I've 16 reviewed the landscape plan and I've read the staff 17 report, so --</p> <p>18 THE WITNESS: Okay.</p> <p>19 HEARING EXAMINER LYNN HANNAN: -- if you could 20 just touch on the alternative --</p> <p>21 THE WITNESS: Sure.</p> <p>22 BY MR. HUGHES:</p> <p>23 Q Because isn't it true that the staff did 24 support your alternative compliance request?</p> <p>25 A Yes, that is correct. On the west side, the</p>	<p>67</p> <p>1 HEARING EXAMINER LYNN HANNAN: Right.</p> <p>2 THE WITNESS: -- plants in there, and also the 3 six-foot fence just gets into the alternative compliance 4 of the shrub layer that's required on this that we just 5 don't feel that it would really serve Ms. Krieg or the 6 community by having a six foot and a ten-foot board on 7 board fence right now, acoustical -- and then having the 8 shrub layer is just -- it would not have an impact. It 9 would not provide any positive impact, I guess, if you 10 will with the opaque fence. So we don't have that on 11 there.</p> <p>12 We did have some of the larger evergreen trees 13 which would poke up over the fence that we thought would 14 be a little more appropriate for this setting on the 15 south in the north property lines. So area -- just to 16 circle back around on this, Areas A and C, the areas to 17 the north and the areas to the south, we are requesting 18 the alternative compliance of not doing the proposed 19 shrubs. Area B which is to the west, we are proposing 20 the alternative compliance to use the existing ever 21 green screen and that is there right now. And that does 22 meet the landscaping --</p> <p>23 BY MR. HUGHES:</p> <p>24 Q Does it serve the purpose?</p> <p>25 A I believe it does, yes.</p>
<p>66</p> <p>1 west end of the property, if you will, kind of bisecting 2 the property, we do have the six foot board fence. We 3 are requesting alternative compliance along that fence, 4 because we have several large mature white pine trees. 5 I believe there are seven of them.</p> <p>6 HEARING EXAMINER LYNN HANNAN: I'm sorry. I 7 missed what side of the property.</p> <p>8 THE WITNESS: The west --</p> <p>9 HEARING EXAMINER LYNN HANNAN: The southern?</p> <p>10 THE WITNESS: -- side. The west side.</p> <p>11 HEARING EXAMINER LYNN HANNAN: Oh, the west 12 side.</p> <p>13 THE WITNESS: The west site. We have it 14 labeled --</p> <p>15 HEARING EXAMINER LYNN HANNAN: Okay.</p> <p>16 THE WITNESS: -- as area -- it's Landscape 17 Area B on our plan. So Area A to the north, B to the 18 west, Area C to the south that we --</p> <p>19 HEARING EXAMINER LYNN HANNAN: Okay.</p> <p>20 THE WITNESS: -- kind of discussed, if you 21 will.</p> <p>22 HEARING EXAMINER LYNN HANNAN: Thanks.</p> <p>23 THE WITNESS: Area B is -- where -- because of 24 the white pines that are along that fence right now, it 25 would be difficult to put new canopy understory --</p>	<p>68</p> <p>1 Q Okay. And Section 6.6, outdoor display and 2 storage. Is it true that the plan complies with helping 3 screen the operations of the conditional use?</p> <p>4 A Yes.</p> <p>5 Q Last one in that topic area, 6.7, signs. Is 6 there a sign being requested or is it in compliance?</p> <p>7 A No. This is a very discreet operation. There 8 is no sign being proposed out on the road.</p> <p>9 Q Very good. Thank you.</p> <p>10 MR. HUGHES: Madam Hearing Examiner, I'd like 11 to move to ask him questions now related to the 12 variance.</p> <p>13 HEARING EXAMINER LYNN HANNAN: Fine.</p> <p>14 BY MR. HUGHES:</p> <p>15 Q Mr. Norton, I'd like to first ask you about 16 the two variances related to the existing structures, 17 the house and the garage.</p> <p>18 A Uh-huh.</p> <p>19 Q Is it correct that the residence is 55.8 feet 20 away from the north property line and thus 19 -- 4 21 inches short? Is that your understanding?</p> <p>22 A Yes, I'm going to go -- I'm going to pull one 23 of the exhibits that is on record. I don't remember 24 which one it is.</p> <p>25 Q See if we can figure that out?</p>

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18 (69 to 72)

<p>69</p> <p>1 <b>A But it does have all of the setbacks -- I can</b> 2 <b>probably tell you on here. It is conditional use.</b> 3 <b>Maybe it's 11B, I believe is the exhibit.</b> 4 HEARING EXAMINER LYNN HANNAN: Okay. 5 BY MR. HUGHES: 6 Q Does it say 1.2 in the bottom? 7 <b>A It is. Yeah.</b> 8 Q On the bottom right, it might say 1.2, but it 9 shows these -- two of the properties, Madam Hearing 10 Examiner, the two pie shapes on top of each other? 11 HEARING EXAMINER LYNN HANNAN: Yes. 12 BY MR. HUGHES: 13 Q Okay. 14 <b>A Yes. What we did with this drawing is we</b> 15 <b>tried -- there's, again, due to the unique shape of this</b> 16 <b>property we tried to show it as best we could the</b> 17 <b>exhibit on the drawing, the detail sheet, there's one</b> 18 <b>boating dimensions detail and then on the bottom half of</b> 19 <b>the drawing is a fence dimension in detail --</b> 20 HEARING EXAMINER LYNN HANNAN: Okay. 21 THE WITNESS: -- if you would. So we tried to 22 keep the fences with the distances and then we tried to 23 do the buildings with the distances. 24 BY MR. HUGHES: 25 Q Okay.</p>	<p>71</p> <p>1 also any other environmental sensitive features of the 2 property that constrain the operations or use or 3 location, anything else that -- that you can think of 4 that -- 5 <b>A Environmental wise, I don't think that there's</b> 6 <b>anything on there. I mean, we do have a -- on the back</b> 7 <b>of the property that -- and then we have the septic</b> 8 <b>that's in the rear of the property, but again, primarily</b> 9 <b>it's the narrowness of the property.</b> 10 Q Okay. And these -- is it correct that these 11 structures were put up before Ms. Krieg brought the 12 property? 13 <b>A That is correct.</b> 14 Q Okay. And so since they are existing and 15 they're not easily movable, is it true that the these 16 are -- the variance that's being requested are the 17 minimum necessary? 18 <b>A That is correct for the existing. I don't</b> 19 <b>think we're going to be moving the house and the garage.</b> 20 Q Okay. Is it your opinion that the variance 21 can be granted without substantial impairment to the 22 integrity of the general plan and applicable plan? 23 <b>A Yes.</b> 24 Q And was that also staff's position? 25 <b>A Yes.</b></p>
<p>70</p> <p>1 HEARING EXAMINER LYNN HANNAN: Yeah, it would 2 be confusing -- 3 THE WITNESS: There's a lot going on. 4 HEARING EXAMINER LYNN HANNAN: -- to combine 5 them. 6 THE WITNESS: We tried. 7 BY MR. HUGHES: 8 Q And then we have the play -- the play area, 9 but let's -- let me focus first on the two existing 10 structures. And then so the -- is it also true that the 11 garage sits 68.7 feet from the southern property line, 12 and thus is 6.5 feet short for the setback? 13 <b>A That -- that is --</b> 14 Q This is a setback for the animal care, not for 15 the general zone; is that correct? 16 <b>A That's correct. The build -- the structures</b> 17 <b>meet the setbacks for the general zone. It is the</b> 18 <b>75-foot setback for the conditional use that we do not</b> 19 <b>meet.</b> 20 Q Okay. 21 <b>A The house is -- it needs to setback from the</b> 22 <b>north and the garage needs to setback from the south.</b> 23 Q And I think you've already answered the 24 Hearing Examiner a fair amount about the uniqueness 25 of -- about the property in your opinion. Are there</p>	<p>72</p> <p>1 Q Okay. And you concur with their position 2 there? 3 <b>A Yes.</b> 4 Q Okay. And is it also your opinion that 5 the granting [ph] will not be adverse to the use and 6 enjoyment of the abutting or confronting properties? 7 <b>A That is correct.</b> 8 Q And was that staff's position as well? 9 <b>A Yes.</b> 10 Q Did you concur with their position on that? 11 <b>A Yes.</b> 12 Q Okay. Is there anything else you want to add 13 about the variances related to those two different 14 structures? Existing structures? 15 <b>A I don't think so. I think it's mainly</b> 16 <b>fences --</b> 17 Q Before I move on, are there any questions? 18 HEARING EXAMINER LYNN HANNAN: That's fine. 19 BY MR. HUGHES: 20 Q Okay. I'd like to move on next to the 21 exercise area variance which I can also point out -- 22 HEARING EXAMINER LYNN HANNAN: This is another 23 limited -- this is in the limited use standards. The 24 exercise variance. 25 MR. HUGHES: Exercise variance?</p>

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19 (73 to 76)

73	75
<p>1 HEARING EXAMINER LYNN HANNAN: I mean, you --</p> <p>2 I think you were pointing out that it doesn't need a</p> <p>3 variance from the AR zone, it's the limited use</p> <p>4 standards that --</p> <p>5 MR. HUGHES: For the -- the conditional use?</p> <p>6 HEARING EXAMINER LYNN HANNAN: Okay. Yes.</p> <p>7 MR. HUGHES: Yes. That is correct, Madam. I</p> <p>8 would also point out exhibits from staff which is --</p> <p>9 actually, I'm not sure if it is. The staff did send to</p> <p>10 you -- I'd like to -- if it's not in here, admit staff's</p> <p>11 PowerPoint presentation --</p> <p>12 HEARING EXAMINER LYNN HANNAN: I don't have</p> <p>13 that.</p> <p>14 MR. HUGHES: -- from the planning board. Can</p> <p>15 I approach?</p> <p>16 HEARING EXAMINER LYNN HANNAN: Yes.</p> <p>17 MR. HUGHES: Okay.</p> <p>18 HEARING EXAMINER LYNN HANNAN: I'm going to --</p> <p>19 MR. HUGHES: Would you mind if I mark that?</p> <p>20 HEARING EXAMINER LYNN HANNAN: I'll mark it as</p> <p>21 Exhibit 41.</p> <p>22 MR. HUGHES: Thank you.</p> <p>23 HEARING EXAMINER LYNN HANNAN: Staff</p> <p>24 PowerPoint to planning board.</p> <p>25 (Exhibit 41 was marked for</p>	<p>1 MR. HUGHES: I don't think it's from this.</p> <p>2 THE WITNESS: Yes, we looked at it in the</p> <p>3 front, but the side --</p> <p>4 HEARING EXAMINER LYNN HANNAN: It's okay.</p> <p>5 THE WITNESS: We opted out of that, yes.</p> <p>6 MR. HUGHES: Yeah.</p> <p>7 THE WITNESS: I don't remember seeing that.</p> <p>8 HEARING EXAMINER LYNN HANNAN: Oh.</p> <p>9 THE WITNESS: I think the challenge we had is</p> <p>10 if we did it in the front, we would do fencing in the</p> <p>11 front and we really did not want to do that.</p> <p>12 HEARING EXAMINER LYNN HANNAN: Okay.</p> <p>13 THE WITNESS: We could not. We just didn't</p> <p>14 think that would -- due to the heights of the fence it</p> <p>15 would not be characteristic?</p> <p>16 Q Okay. Sorry, one second, Madam Hearing</p> <p>17 Examiner. I just lost my place here. Okay. Here I am.</p> <p>18 And could you just tell us a little bit about why we</p> <p>19 need this variance for the play areas?</p> <p>20 <b>A The setback from the 200 foot, yes. In the</b></p> <p>21 <b>rear of the property the -- more or less, the property</b></p> <p>22 <b>is not even 200 feet wide behind the house. So the idea</b></p> <p>23 <b>is that we would use the six-foot fence to delineate</b></p> <p>24 <b>where the play exercise area is on the property and</b></p> <p>25 <b>again, keeping it in the rear of the property so we're</b></p>
74	76
<p>1 identification.)</p> <p>2 MR. HUGHES: And I would note on -- oh, shoot,</p> <p>3 they don't have the pages numbered. Do they? Yes, they</p> <p>4 do. On page 7, Madam Hearing Examiner, Mr. Beall did a</p> <p>5 nice sketch also similar to what Mike has, but the</p> <p>6 bottom one talks about the play area and the fence?</p> <p>7 HEARING EXAMINER LYNN HANNAN: I see it.</p> <p>8 MR. HUGHES: Yeah.</p> <p>9 BY MR. HUGHES:</p> <p>10 Q So Mr. Norton, your plan helps with this also,</p> <p>11 but are you familiar with the PowerPoint slide that</p> <p>12 Mr. Beall had which we're now calling 41 and which it</p> <p>13 also talks about the play areas?</p> <p>14 <b>A Correct.</b></p> <p>15 Q Okay. I think your testimony earlier was</p> <p>16 it -- 200 -- the 200 feet cannot be met on the property;</p> <p>17 correct?</p> <p>18 <b>A That's correct.</b></p> <p>19 Q Okay. And -- one second -- excuse me.</p> <p>20 HEARING EXAMINER LYNN HANNAN: There's a --</p> <p>21 isn't there also a requirement that the play areas be in</p> <p>22 the rear? Maybe I'm misremembering.</p> <p>23 MR. HUGHES: Yeah, I think that would be from</p> <p>24 another use.</p> <p>25 HEARING EXAMINER LYNN HANNAN: Okay.</p>	<p>1 <b>maintaining the residential character. We are using the</b></p> <p>2 <b>fence standards of one foot from the property line is</b></p> <p>3 <b>how we started to achieve this. On the north side,</b></p> <p>4 <b>we're actually two and a half feet from the property</b></p> <p>5 <b>line. That's just to be in line with the existing barn</b></p> <p>6 <b>that's out there so we can use part of the barn as -- or</b></p> <p>7 <b>a portion of the barrier.</b></p> <p>8 Q Very good. And Mr. Norton, are you</p> <p>9 familiar -- staff also provided support on this</p> <p>10 variance; is that correct?</p> <p>11 <b>A Yes.</b></p> <p>12 Q And do you support that position on that?</p> <p>13 <b>A Yes.</b></p> <p>14 Q And do you -- are you aware of -- is it true</p> <p>15 that the special circumstances and conditions of this</p> <p>16 200-foot rule are not the result of actions by</p> <p>17 Ms. Krieg?</p> <p>18 <b>A That is correct.</b></p> <p>19 Q Is that the result of, I guess, the</p> <p>20 legislators in proposing that section and also the</p> <p>21 uniqueness of her property?</p> <p>22 <b>A I guess the uniqueness of her property, yes.</b></p> <p>23 Q Okay. When she bought the property it was</p> <p>24 already this shape; is that correct?</p> <p>25 <b>A It was this shape and the fences.</b></p>

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20 (77 to 80)

<p>77</p> <p>1 Q Okay.</p> <p>2 A <b>Not in good shape, but there are fences</b></p> <p>3 <b>delineating the spaces currently.</b></p> <p>4 Q Okay. And is the -- well, and we're asking</p> <p>5 for a full variance here to zero feet and staff</p> <p>6 supported it. That's the minimum necessary to meet the</p> <p>7 criteria here; is that correct?</p> <p>8 A <b>Yes. We're one foot off of the property line</b></p> <p>9 <b>for the fences, but --</b></p> <p>10 Q Okay.</p> <p>11 HEARING EXAMINER LYNN HANNAN: Well, wait a</p> <p>12 minute. If you're one foot off the property line, you</p> <p>13 really don't need a zero -- you needing --</p> <p>14 THE WITNESS: 190.</p> <p>15 HEARING EXAMINER LYNN HANNAN: Yeah.</p> <p>16 THE WITNESS: The math -- the math --</p> <p>17 HEARING EXAMINER LYNN HANNAN: 199 --</p> <p>18 THE WITNESS: -- really starts to confuse me.</p> <p>19 HEARING EXAMINER LYNN HANNAN: -- foot</p> <p>20 variance, so yes. So --</p> <p>21 MR. HUGHES: Down to --</p> <p>22 HEARING EXAMINER LYNN HANNAN: Sorry, if I'm</p> <p>23 just --</p> <p>24 MR. HUGHES: Correct. Thank you.</p> <p>25 THE WITNESS: To me, yeah.</p>	<p>79</p> <p>1 HEARING EXAMINER LYNN HANNAN: It is.</p> <p>2 MR. HUGHES: Thank you. Okay.</p> <p>3 BY MR. HUGHES:</p> <p>4 Q Mr. Norton, you're familiar with staff's</p> <p>5 position on the fence variance as well?</p> <p>6 A <b>Yes.</b></p> <p>7 Q And they -- they recommend approval?</p> <p>8 A <b>Yes.</b></p> <p>9 Q Do you agree with their position on that?</p> <p>10 A <b>Yes.</b></p> <p>11 Q Okay. And what is the height? I think we've</p> <p>12 talked about this quite a bit, but what is the height of</p> <p>13 the fence that we're being asked for the -- needs the</p> <p>14 variance?</p> <p>15 A <b>Sure. Working with the acoustical engineer</b></p> <p>16 <b>which you'll hear from next, the fence is proposed to be</b></p> <p>17 <b>six foot in height connecting the house to the garage as</b></p> <p>18 <b>outlined on the -- both the conditional use drawings and</b></p> <p>19 <b>the exhibit conditional use drawing. Six foot high from</b></p> <p>20 <b>the house to the garage and then from the garage, south</b></p> <p>21 <b>to the property line running parallel to the property</b></p> <p>22 <b>line is six-foot wide and then north it -- running</b></p> <p>23 <b>north, but along -- defining the western side of the</b></p> <p>24 <b>exercise area will also be six foot wide. Six foot</b></p> <p>25 <b>high, I'm sorry. Ten foot high is limited to the</b></p>
<p>78</p> <p>1 HEARING EXAMINER LYNN HANNAN: -- being picky.</p> <p>2 THE WITNESS: Yes.</p> <p>3 MR. HUGHES: No, thank you.</p> <p>4 THE WITNESS: It's correct. Yes.</p> <p>5 BY MR. HUGHES:</p> <p>6 Q Okay.</p> <p>7 A <b>It really gets confusing when the property is</b></p> <p>8 <b>not 200 feet wide quite back there, how we -- yeah.</b></p> <p>9 HEARING EXAMINER LYNN HANNAN: Well, it is</p> <p>10 slanted, so it's going to --</p> <p>11 THE WITNESS: Right.</p> <p>12 HEARING EXAMINER LYNN HANNAN: The bottom --</p> <p>13 the southern portion is straight, and the top is</p> <p>14 slanted --</p> <p>15 THE WITNESS: Yes.</p> <p>16 HEARING EXAMINER LYNN HANNAN: -- so you can't</p> <p>17 ask for a set variance --</p> <p>18 THE WITNESS: Right.</p> <p>19 HEARING EXAMINER LYNN HANNAN: -- number.</p> <p>20 THE WITNESS: Right.</p> <p>21 MR. HUGHES: Moving target sort of. Okay.</p> <p>22 BY MR. HUGHES:</p> <p>23 Q Mr. Norton, I'd like to -- is it okay to shift</p> <p>24 to the fence variance or do you have any other</p> <p>25 questions?</p>	<p>80</p> <p>1 <b>northern property line and the condition to the house</b></p> <p>2 <b>from the northern property line. So it's a limited area</b></p> <p>3 <b>of the ten foot.</b></p> <p>4 Q And is it correct that Montgomery --</p> <p>5 HEARING EXAMINER LYNN HANNAN: I'm sorry, can</p> <p>6 you say that --</p> <p>7 THE WITNESS: Yes. Sure.</p> <p>8 HEARING EXAMINER LYNN HANNAN: Can you</p> <p>9 describe the area on the north again that needs the --</p> <p>10 THE WITNESS: Yes. Let me see if I can do a</p> <p>11 better job on that. There is an existing barn on the</p> <p>12 property --</p> <p>13 HEARING EXAMINER LYNN HANNAN: Correct.</p> <p>14 THE WITNESS: -- and it is defining the fence</p> <p>15 in the northwest corner.</p> <p>16 HEARING EXAMINER LYNN HANNAN: Okay.</p> <p>17 THE WITNESS: And it is running easterly along</p> <p>18 the --</p> <p>19 HEARING EXAMINER LYNN HANNAN: Okay.</p> <p>20 THE WITNESS: -- northern property line to be</p> <p>21 in line with the existing rear -- rear house corner.</p> <p>22 HEARING EXAMINER LYNN HANNAN: Okay.</p> <p>23 THE WITNESS: And then perpendicular from the</p> <p>24 property line to the house connection. Hopefully,</p> <p>25 that's a little clearer.</p>

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21 (81 to 84)

<p>81</p> <p>1 MR. HUGHES: Would it help if he pointed on 2 the aerial or the plan -- 3 HEARING EXAMINER LYNN HANNAN: No. That's 4 fine. 5 MR. HUGHES: Okay. Very good. 6 BY MR. HUGHES: 7 Q And so in the County, you need a fence -- if 8 you're above six and a half feet; correct? 9 <b>A Yes; correct.</b> 10 Q Okay. So the ten-foot fence is what's 11 requiring three and a half -- 12 <b>A Correct.</b> 13 Q -- foot, essentially? 14 <b>A Yes.</b> 15 Q Okay. Very good. And the special 16 circumstances for this variance or conditions they're 17 not the result of Ms. Krieg's actions; are they? 18 <b>A They are not.</b> 19 Q And is that because of the sound ordinance and 20 also there's the uniqueness of her property again? 21 <b>A Yes. The ten-foot fence is due to the</b> 22 <b>sound --</b> 23 Q And we're going to have more testimony on that 24 from the sound engineer. Is that your understanding? 25 <b>A Yes.</b></p>	<p>83</p> <p>1 Whereupon, 2 EAMON CURLEY, 3 being first duly sworn or affirmed to testify to the 4 truth, the whole truth, and nothing but the truth, was 5 examined and testified as follows. 6 HEARING EXAMINER LYNN HANNAN: Go ahead 7 Mr. Hughes. 8 Mr. Curley, can you just spell your last name? 9 THE WITNESS: Sure. C-U-R-L-E-Y. 10 HEARING EXAMINER LYNN HANNAN: Okay. Like it 11 says. 12 THE WITNESS: Yes. 13 HEARING EXAMINER LYNN HANNAN: I just wanted 14 to make sure. 15 EXAMINATION BY COUNSEL FOR THE APPLICANT 16 BY MR. HUGHES: 17 Q Mr. Curley, can you say your full name and 18 your work address, please for the record? 19 <b>A Sure, Eamon Patrick Curley. The 521 -- 5216</b> 20 <b>Chairmans Court, Suite 107, Fredrick, Maryland.</b> 21 Q Okay. 22 HEARING EXAMINER LYNN HANNAN: And can you 23 spell your first name? 24 THE WITNESS: Sure, E-A-M-O-N. 25 HEARING EXAMINER LYNN HANNAN: I guessed</p>
<p>82</p> <p>1 Q Okay. And is this the minimum necessary to 2 overcome the variance? The height here based upon the 3 sound result; is that your understanding? 4 <b>A Yes. In working back and forth with the</b> 5 <b>number of dogs that could be outside and then working</b> 6 <b>with the height of the fence, a happy medium if you</b> 7 <b>will.</b> 8 Q Okay. Any other points you want to add to 9 the -- your -- your plan and -- 10 <b>A I don't unless there's any questions.</b> 11 HEARING EXAMINER LYNN HANNAN: No. That was 12 very good. That was very clear. Thank you. 13 THE WITNESS: Thank you. And would you like 14 me to hand -- give you these exhibits now? I'll hold 15 them up maybe for the acoustical -- 16 HEARING EXAMINER LYNN HANNAN: Maybe after -- 17 yeah. 18 THE WITNESS: We'll leave them up here. 19 HEARING EXAMINER LYNN HANNAN: Okay. 20 THE WITNESS: Take the aerial photo? -- to 21 me. Do the aerial photo for you? 22 MR. HUGHES: Yeah. I would call our last 23 witness, Mr. Eamon Curley, please. 24 HEARING EXAMINER LYNN HANNAN: Mr. Curley, 25 please raise your right hand.</p>	<p>84</p> <p>1 wrong. Okay. Go ahead. 2 BY MR. HUGHES: 3 Q And how long -- what's the name of your 4 company? 5 <b>A Phoenix Noise and Vibration.</b> 6 Q And how long have you been there? 7 <b>A Four years in January.</b> 8 Q Okay. And what type of work do you do there 9 and does the company do? 10 <b>A All kinds of work regarding noise and</b> 11 <b>vibration, but we'll deal with things like mechanical</b> 12 <b>noise and how that affects local noise codes, designing</b> 13 <b>barriers and things like that. Transportation noise as</b> 14 <b>well to confirm that builders using the correct exterior</b> 15 <b>wall construction so that the interior noise levels also</b> 16 <b>meet local noise codes, and things like this with dogs</b> 17 <b>and -- so they are the primary noise -- in this case,</b> 18 <b>and the -- and the barrier, and yeah, computer noise</b> 19 <b>modeling is a big part of our business also, using cad</b> 20 <b>software.</b> 21 MR. HUGHES: Madam Hearing Examiner, I am 22 going to work towards qualifying him. He is -- his 23 resume is in my prehearing statement which again is -- 24 Item 3. He -- as he said, he's been in the business 25 four years, so he's a little bit junior than Mr. Norton,</p>

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22 (85 to 88)

85	<p>1 but he has been qualified, but not in Montgomery County</p> <p>2 before.</p> <p>3 HEARING EXAMINER LYNN HANNAN: Where were you</p> <p>4 qualified Mr. Curley?</p> <p>5 THE WITNESS: Charles County, Maryland.</p> <p>6 HEARING EXAMINER LYNN HANNAN: Okay. I do</p> <p>7 have your resume, and do you have to be licensed or not?</p> <p>8 THE WITNESS: No. We have one -- our</p> <p>9 principal engineer has his PE, but no, we don't.</p> <p>10 HEARING EXAMINER LYNN HANNAN: And he</p> <p>11 supervises your work?</p> <p>12 THE WITNESS: Yes.</p> <p>13 HEARING EXAMINER LYNN HANNAN: Okay. I'll --</p> <p>14 then do you want to -- what's the expertise?</p> <p>15 Acoustical --</p> <p>16 MR. HUGHES: Engineer.</p> <p>17 HEARING EXAMINER LYNN HANNAN: -- engineer?</p> <p>18 MR. HUGHES: Yes, please.</p> <p>19 HEARING EXAMINER LYNN HANNAN: I'll qualify</p> <p>20 him as an acoustical engineer.</p> <p>21 MR. HUGHES: Thank you.</p> <p>22 BY MR. HUGHES:</p> <p>23 Q Mr. Curley, are you aware of the Montgomery</p> <p>24 County sound level requirements in Chapter 31B?</p> <p>25 A Yes.</p>	87	<p>1 is it your understanding that the application must prove</p> <p>2 that the proposed use will meet the required noise</p> <p>3 levels for the county?</p> <p>4 A Yes.</p> <p>5 Q And that's based upon showing the worst-case</p> <p>6 scenario sound level?</p> <p>7 A That's correct, yes.</p> <p>8 Q And it -- also true that the sound level is at</p> <p>9 the nearest property line must be met; is that correct?</p> <p>10 A Yes.</p> <p>11 Q Okay. And did your -- you in your report make</p> <p>12 such determinations.</p> <p>13 A Yes.</p> <p>14 Q Okay.</p> <p>15 HEARING EXAMINER LYNN HANNAN: What's the --</p> <p>16 what's the worst -- what do you mean by worst -- or --</p> <p>17 MR. HUGHES: Yeah.</p> <p>18 HEARING EXAMINER LYNN HANNAN: -- what does he</p> <p>19 mean?</p> <p>20 MR. HUGHES: Yeah.</p> <p>21 HEARING EXAMINER LYNN HANNAN: What do you</p> <p>22 mean by worst-case scenario.</p> <p>23 MR. HUGHES: Yeah, I was going to say, can you</p> <p>24 walk us through your report and tell us --</p> <p>25 HEARING EXAMINER LYNN HANNAN: Okay.</p>
86	<p>1 Q And related to the use of animal services,</p> <p>2 what are the sound level requirements?</p> <p>3 A It's 65 dBA, that's A weighted decibels at the</p> <p>4 property line of the property.</p> <p>5 Q Very good. And did you get to visit this</p> <p>6 site?</p> <p>7 A Yes.</p> <p>8 Q Had you been there more than once or was it</p> <p>9 just one time?</p> <p>10 A One time.</p> <p>11 Q Okay. And did you perform testing on the</p> <p>12 site?</p> <p>13 A That's correct, yes.</p> <p>14 Q Okay. And did you also draft a report for</p> <p>15 this project?</p> <p>16 A Yes.</p> <p>17 Q And I believe Exhibit 20 and I want to ask if</p> <p>18 you can -- would you -- you -- let me see this document.</p> <p>19 Do you recognize this document that's dated September</p> <p>20 22, 2022?</p> <p>21 A Yes.</p> <p>22 Q Okay. Is that the report that you and your</p> <p>23 firm created?</p> <p>24 A That's correct, yes.</p> <p>25 Q Okay. And -- sorry, one second. Okay. And</p>	88	<p>1 BY MR. HUGHES:</p> <p>2 Q -- what you find and what you --</p> <p>3 HEARING EXAMINER LYNN HANNAN: I jumped ahead.</p> <p>4 I'm sorry.</p> <p>5 MR. HUGHES: No.</p> <p>6 HEARING EXAMINER LYNN HANNAN: Go ahead.</p> <p>7 MR. HUGHES: But that's the big question.</p> <p>8 That's where we're getting to, right.</p> <p>9 THE WITNESS: These jobs generally involve --</p> <p>10 so first we went to the existing site and measured noise</p> <p>11 of several individual dogs that the were -- were at the</p> <p>12 straining center at that point, and we also created a</p> <p>13 computer noise model of that site that includes</p> <p>14 buildings topography, because those both affect how</p> <p>15 noise is propagated over this property. And the</p> <p>16 measured noise levels of the existing dogs were used to</p> <p>17 calibrate this computer model and then we were able to</p> <p>18 model the future conditions to find out what height</p> <p>19 noise barrier need -- that we needed and worst case in</p> <p>20 this scenario is -- so there's six dogs allowed outside</p> <p>21 at once, and that's six dogs barking at the exact same</p> <p>22 time so the instantaneous noise level which is what is</p> <p>23 in the code, and you have to -- it's important to keep</p> <p>24 in mind that this is six of the -- these were the dogs</p> <p>25 that were measured, the one that barked the loudest,</p>

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23 (89 to 92)

<p>89</p> <p>1 that dog -- six times in these scenarios, and they're 2 all barking at the exact same time which can't exactly, 3 you know, really happen. 4 BY MR. HUGHES: 5 Q Okay. So I think you had to explain to me 6 when we were talking about the most conservative 7 estimate which is -- is that the same as the county's 8 asking for the worst-case scenario sound level? 9 <b>A Yes.</b> 10 Q Okay. So when you say worst-case scenario 11 that's why you -- 12 HEARING EXAMINER LYNN HANNAN: What are you 13 reading from? 14 MR. HUGHES: I'm sorry, this is in Section 15 3.51 and then it's under 2BL1 which says, acoustical 16 engineering studies that demonstrate that the proposed 17 use will meet required noise levels. The studies must 18 show that the worst-case scenario sound level for 19 example, full occupancy, the statement of operations 20 must sufficiently detail to allow the determination of 21 how often the worst-case scenario sound level occurs. 22 HEARING EXAMINER LYNN HANNAN: Okay. 23 BY MR. HUGHES: 24 Q So your report focused on that; is that 25 correct.</p>	<p>91</p> <p>1 <b>A Yes. Drawings one and two of this report.</b> 2 HEARING EXAMINER LYNN HANNAN: Mm-hmm. 3 THE WITNESS: These are the conditions without 4 any mitigation, no -- no noise barriers, so -- 5 BY MR. HUGHES: 6 Q So just as is now or without it even any 7 existing fences? 8 <b>A Yes.</b> 9 Q Okay. 10 <b>A And that it shows that the 65 dBA contour and</b> 11 <b>that condition does spill into the neighboring</b> 12 <b>properties. And so the way this modeling process works</b> 13 <b>is we'll put noise barriers in these locations, shown in</b> 14 <b>these drawings three and four, and incrementally</b> 15 <b>increase the height until that 65 dBA contour is pulled</b> 16 <b>all the way back to -- to the property line. And that</b> 17 <b>required a six foot noise barrier on the south and a ten</b> 18 <b>foot on the -- the north.</b> 19 Q Okay. And so with the six foot, does -- it 20 spills over a little bit, that's what your report tells 21 us in these visuals; is that correct? 22 <b>A Yes, on the southern portion.</b> 23 Q Okay. 24 HEARING EXAMINER LYNN HANNAN: That's on the 25 south?</p>
<p>90</p> <p>1 <b>A Yes.</b> 2 Q And I think what you're saying is that's what 3 you did in -- with six dogs the loudest dog, if they all 4 went at the same exact time -- what -- what did the 5 report show us? 6 <b>A It showed that in the fencing that's already</b> 7 <b>brought up will -- will be needed noise -- that's ten --</b> 8 <b>ten feet in height.</b> 9 Q And can you talk about what pages you're 10 looking at in your report? That might help. 11 <b>A Yes. So the future mitigated conditions are</b> 12 <b>on drawings three and four of this report.</b> 13 Q Let me just hold this up first. 14 HEARING EXAMINER LYNN HANNAN: I see it. 15 BY MR. HUGHES: 16 Q And just kind of explain to us lay people what 17 this is showing and telling us. 18 <b>A So the important contour on these drawings is</b> 19 <b>that 65 dBA contour that's showing --</b> 20 Q What color? What color is that? 21 <b>A Blue.</b> 22 Q Blue. 23 <b>A And so I guess we could -- and we also showed</b> 24 <b>this worst case --</b> 25 Q Going -- going back a page or two?</p>	<p>92</p> <p>1 THE WITNESS: Yes. 2 HEARING EXAMINER LYNN HANNAN: Is that what 3 you said? 4 THE WITNESS: Yes, the six foot on the south. 5 HEARING EXAMINER LYNN HANNAN: Okay. 6 BY MR. HUGHES: 7 Q Okay. But if -- without the 10-foot fence, 8 how much does it spill over approximately? 9 HEARING EXAMINER LYNN HANNAN: On the south. 10 THE WITNESS: On this northern section? 11 MR. HUGHES: Yes. 12 HEARING EXAMINER LYNN HANNAN: Oh, on the 13 north. 14 THE WITNESS: Yes. 15 BY MR. HUGHES: 16 Q That's -- well, let me ask you this, is the -- 17 HEARING EXAMINER LYNN HANNAN: Oh, that's 18 right. I'm sorry. 19 BY MR. HUGHES: 20 Q Is the challenging area to the north where the 21 80 plus foot farm is; is that correct? 22 <b>A That's correct, because that fence has to butt</b> 23 <b>right up against the property line, yeah.</b> 24 Q Very good. And what about -- what about when 25 the fence goes to ten foot? What does that tell us and</p>



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24 (93 to 96)

<p>93</p> <p>1 show us?</p> <p>2 <b>A So the ten-foot noise barrier, it would</b></p> <p>3 <b>totally -- that 65 dBA contour is not on the property to</b></p> <p>4 <b>the north at all. It stops at the fence to the point of</b></p> <p>5 <b>diminishing in turn with the height of that barrier,</b></p> <p>6 <b>these contours are at ground level of five feet, and you</b></p> <p>7 <b>get to a certain point and a contour won't go over into</b></p> <p>8 <b>the -- that fence at all, so you know, if it were --</b></p> <p>9 HEARING EXAMINER LYNN HANNAN: I see.</p> <p>10 THE WITNESS: -- 20 to 20 feet, it would look</p> <p>11 the exact same.</p> <p>12 BY MR. HUGHES:</p> <p>13 Q Okay. And I believe we had some discussions</p> <p>14 about the worst-case scenario, you and I did, versus</p> <p>15 real life situations. If -- in your mind, did you run</p> <p>16 any reports also with an eight-foot fence and what type</p> <p>17 of spillage into the north, if any, would there occur?</p> <p>18 <b>A We did model an eight-foot fence throughout</b></p> <p>19 <b>that process, and actually a good point of reference</b></p> <p>20 <b>would be drawing one, the 70 dBA contour which is the</b></p> <p>21 <b>yellow one, that's about how far the 65 dBA would spill</b></p> <p>22 <b>over with an eight-foot fence.</b></p> <p>23 HEARING EXAMINER LYNN HANNAN: Okay. Do you</p> <p>24 mind just stopping for a minute so I can take -- I want</p> <p>25 to make sure --</p>	<p>95</p> <p>1 dogs have different decibel levels.</p> <p>2 THE WITNESS: Mm-hmm.</p> <p>3 HEARING EXAMINER LYNN HANNAN: Am I</p> <p>4 remembering that correctly?</p> <p>5 THE WITNESS: That's correct. Yes.</p> <p>6 HEARING EXAMINER LYNN HANNAN: So and you took</p> <p>7 the highest decibel level barking dog, and multiplied it</p> <p>8 or I know it doesn't multiply, but you assumed six --</p> <p>9 all six of the highest decibel were barking.</p> <p>10 THE WITNESS: Mm-hmm.</p> <p>11 HEARING EXAMINER LYNN HANNAN: Okay. So is it</p> <p>12 probable that that worst-case scenario will actually</p> <p>13 occur in real life.</p> <p>14 THE WITNESS: No.</p> <p>15 HEARING EXAMINER LYNN HANNAN: Okay. Just out</p> <p>16 of curiosity, what is the loudest dog?</p> <p>17 THE WITNESS: It was the --</p> <p>18 HEARING EXAMINER LYNN HANNAN: I don't want to</p> <p>19 delay the hearing.</p> <p>20 BY MR. HUGHES:</p> <p>21 Q Was it the Pit Bull?</p> <p>22 <b>A Yes. The Pit Bull.</b></p> <p>23 HEARING EXAMINER LYNN HANNAN: Okay. But it's</p> <p>24 not probable that the worst-case scenario will occur.</p> <p>25 THE WITNESS: Yes.</p>
<p>94</p> <p>1 THE WITNESS: Sure.</p> <p>2 HEARING EXAMINER LYNN HANNAN: -- I get it</p> <p>3 right; okay? So the yellow, the -- the 75 what's shown</p> <p>4 on drawing one, the -- the dBA -- the blue dBA would be</p> <p>5 about the same as the yellow.</p> <p>6 THE WITNESS: Yes. With the eight-foot</p> <p>7 barrier; that's correct.</p> <p>8 HEARING EXAMINER LYNN HANNAN: Got you. Okay.</p> <p>9 BY MR. HUGHES:</p> <p>10 Q Very good. So in your professional opinion,</p> <p>11 what's the likelihood that all six dogs would be barking</p> <p>12 at the same time?</p> <p>13 <b>A Very, very low.</b></p> <p>14 Q Okay. So is it -- I understand the computer</p> <p>15 modeling which is what needs to be done shows a little</p> <p>16 bit of spillage, worst-case scenario per the code and</p> <p>17 that you say most conservative and shows it spilling</p> <p>18 over 60 foot, but is it possible that it would not</p> <p>19 really spill over that much in the real world?</p> <p>20 <b>A Yes.</b></p> <p>21 HEARING EXAMINER LYNN HANNAN: Well, it's not</p> <p>22 just that it's possible, because I can't grant a</p> <p>23 variance from the Chapter 31, the noise part of the</p> <p>24 code, so is it probable that the six dogs would be</p> <p>25 barking at the -- I think your report said different</p>	<p>96</p> <p>1 HEARING EXAMINER LYNN HANNAN: Okay. So why</p> <p>2 eight feet? Why not just go with six feet or why did</p> <p>3 you choose eight feet?</p> <p>4 THE WITNESS: Yeah, I guess the eight feet</p> <p>5 kind of reasonable, middle ground with the six-foot</p> <p>6 barrier, it still spills a good bit into that northern</p> <p>7 property I think about gift feet more than -- than</p> <p>8 the --</p> <p>9 HEARING EXAMINER LYNN HANNAN: Okay. But it</p> <p>10 would still -- with the eight-foot barrier it would</p> <p>11 still spill over.</p> <p>12 THE WITNESS: Yes.</p> <p>13 MR. HUGHES: Under the modeling it would.</p> <p>14 THE WITNESS: Under worst-case scenario, yeah.</p> <p>15 HEARING EXAMINER LYNN HANNAN: Okay. So when</p> <p>16 you said -- so what I'm looking at, you know, where the</p> <p>17 yellow -- essentially, the blue would become the yellow</p> <p>18 boundary on this drawing one, worst -- so you're still</p> <p>19 assuming the worst-case scenario.</p> <p>20 THE WITNESS: Yes.</p> <p>21 HEARING EXAMINER LYNN HANNAN: But with an</p> <p>22 eight-foot fence?</p> <p>23 THE WITNESS: Yes.</p> <p>24 HEARING EXAMINER LYNN HANNAN: Okay. So it's</p> <p>25 not probable that that worst-case scenario would</p>



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25 (97 to 100)

97	1 actually occur. 2 THE WITNESS: Yes. 3 HEARING EXAMINER LYNN HANNAN: Okay. I got 4 you. Just checking. 5 MR. HUGHES: Those would be my questions for 6 Mr. Curley. 7 HEARING EXAMINER LYNN HANNAN: Okay. And I 8 want to verify one thing. I have this picture that 9 is -- I want to make sure I'm identifying the right 10 picture that I'm looking at, because I don't have it 11 marked as drawing one, but could you approach, please? 12 THE WITNESS: Sure. 13 HEARING EXAMINER LYNN HANNAN: And just make 14 sure that this -- what I'm looking at here is drawing 15 one. 16 THE WITNESS: Yes. 17 HEARING EXAMINER LYNN HANNAN: Okay. I 18 thought it was, but I just wanted to make sure. And how 19 far -- okay, we have the distance to the nearest house 20 already in the record. Okay. I don't have any further 21 questions. Thank you. 22 MR. HUGHES: Thank you. That would be our 23 case, Madam Hearing Examiner. 24 HEARING EXAMINER LYNN HANNAN: Okay. 25 MR. HUGHES: I don't think I need to do any	99	1 Thanks. 2 MR. HUGHES: Thank you. 3 HEARING EXAMINER LYNN HANNAN: Okay. No, 4 I'm -- I think you've addressed everything, and I do 5 appreciate you're being patient with me while I make 6 sure I understand. 7 MR. HUGHES: Oh, thank you. 8 HEARING EXAMINER LYNN HANNAN: So with that, 9 anything else? 10 MR. HUGHES: Not from us. 11 HEARING EXAMINER LYNN HANNAN: From the 12 applicant? No? 13 MR. HUGHES: No, but thank you. 14 HEARING EXAMINER LYNN HANNAN: Okay. So what 15 happens now is I will leave. I'm going to adjourn the 16 hearing. The record is open for ten days, so we can 17 receive the transcript. So today is 11-3. It'll be 18 open on -- open until November 13th unless that's a 19 weekend, and then it'll be the next business day. And 20 then I have 30 days to write a report, and -- decision. 21 I'll write a report and recommendation on the variance, 22 because the Board of Appeals has to approve that. So 23 you'll be notified by e-mail and written -- written 24 notice when the decision comes out and then you have ten 25 days to request oral argument on my decision or a --
98	1 closing unless you -- I do -- I would ask that we move 2 all the exhibits in. 3 HEARING EXAMINER LYNN HANNAN: Oh, yes. 4 The -- I will accept all the exhibits presented in the 5 record. So you want a condition with an eight-foot 6 fence at the location shown on the site plan with a 7 ten-foot fence. 8 MR. HUGHES: Yes, ma'am. 9 HEARING EXAMINER LYNN HANNAN: Until a house 10 is built within 75 feet, and I assume -- I'm sorry, 11 could you come back, Mr. Curley? When he -- when -- why 12 did you pick the 75 feet? The -- the requested 13 condition is an eight-foot fence until a house is built 14 within 75 feet. Does -- is that because the drawing 15 one -- because you're modeling shows that the blue would 16 extend 75 feet into the other property? 17 MR. HUGHES: I believe it was about 60ish. 18 About 60. 19 HEARING EXAMINER LYNN HANNAN: 60. 20 MR. HUGHES: A little buffer. 21 HEARING EXAMINER LYNN HANNAN: Okay. All 22 right. Is that your answer? 23 THE WITNESS: Yes, it was about 60 feet. 24 So -- 25 HEARING EXAMINER LYNN HANNAN: Yes. Okay.	100	1 you'll -- there's separate procedures for the Board of 2 Appeals. All right. 3 MR. HUGHES: Very good. 4 HEARING EXAMINER LYNN HANNAN: Okay. 5 MR. HUGHES: Thank you, director. 6 HEARING EXAMINER LYNN HANNAN: Okay. Thank 7 you. 8 MR. HUGHES: Are those the -- these are the 9 two. 10 HEARING EXAMINER LYNN HANNAN: That's great. 11 I really appreciate that. Thank you. And we're off the 12 record. 13 (Off the record at 11:17 a.m.) 14 15 16 17 18 19 20 21 22 23 24 25

Transcript of Hearing  
Conducted on November 3, 2023

26 (101 to 104)

<p>101</p> <p>1 CERTIFICATE OF COURT REPORTER - NOTARY PUBLIC</p> <p>2 I, Donald E. Lane II, AAERT, CER, the officer</p> <p>3 Before whom the foregoing proceedings were taken, do</p> <p>4 hereby certify that any witness(es) in the foregoing</p> <p>5 proceedings were fully sworn; that the proceedings were</p> <p>6 recorded by me and thereafter reduced to typewriting by</p> <p>7 a qualified transcriptionist; that said digital audio</p> <p>8 recording of said proceedings are a true and accurate</p> <p>9 record to the best of my knowledge, skills, and ability;</p> <p>10 and that I am neither counsel for, related to, nor</p> <p>11 employed by any of the parties to this case and have</p> <p>12 no interest, financial or otherwise, in its outcome.</p> <p>13</p> <p>14 </p> <p>15 _____</p> <p>16 Donald E. Lane II, AAERT, CER, Notary Public</p> <p>17 for the State of Maryland</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>102</p> <p>1 CERTIFICATE OF TRANSCRIBER</p> <p>2</p> <p>3 I, Janine Thomas, do hereby certify that this</p> <p>4 transcript was prepared from the digital audio recording</p> <p>5 of the foregoing proceeding; that said transcript is a</p> <p>6 true and accurate record of the proceedings to the best</p> <p>7 of my knowledge, skills, and ability; and that I am</p> <p>8 neither counsel for, related to, nor employed by any of</p> <p>9 the parties to the case and have no interest, financial</p> <p>10 or otherwise, in its outcome.</p> <p>11</p> <p>12 </p> <p>13 _____</p> <p>14 Janine Thomas</p> <p>15 November 12, 2023</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>	

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