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# Transcript of Hearing

**Date:** April 26, 2019

**Case:** Paul K. Gegbeh, Parking Waiver

**Planet Depos**

**Phone:** 888.433.3767

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

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Conducted on April 26, 2019

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3	-----x		3	Transcript of the Proceedings	4
4	In Re: :		4		
5	PAUL K. GEGBEH, :	Case No. AAO 19-02	5	E X H I B I T S	
6	Parking Waiver :		6	(NONE)	
7	-----x		7		
8			8		
9	HEARING		9		
10	Before Hearing Examiner Lynn Robeson		10		
11	Rockville, Maryland		11		
12	Friday, April 26, 2019		12		
13	9:28 a.m.		13		
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23	Job: 241665		23		
24	Pages: 1 - 19		24		
25	Transcribed by: Molly L. Bugher		25		
1	A P P E A R A N C E S	2	1	P R O C E E D I N G S	4
2	FOR MONTGOMERY COUNTY:		2	HEARING EXAMINER ROBESON: Good morning.	
3	TAMALA ROBINSON		3	MS. ROBINSON: Good morning.	
4	CODE ENFORCEMENT INSPECTOR		4	HEARING EXAMINER ROBESON: Why don't you both come	
5	MONTGOMERY COUNTY HOUSING		5	up to the table, please.	
6			6	MR. GEGBEH: All right.	
7	FOR THE APPLICANT:		7	HEARING EXAMINER ROBESON: Mr. Gegbeh, please go	
8	PAUL K. GEGBEH, Applicant		8	over there. Is the court reporter -- are you ready?	
9			9	COURT REPORTER: Yep.	
10			10	HEARING EXAMINER ROBESON: Okay. We're going to go	
11			11	on the record.	
12			12	MS. ROBINSON: Okay.	
13			13	HEARING EXAMINER ROBESON: I'm calling the case of	
14			14	AA01902, a request for a waiver from the parking requirements	
15			15	for an accessory apartment by Paul Gegbeh for property at	
16			16	12549 Blue Sky Drive, Clarksville, Maryland. My name is Lynn	
17			17	Robeson. I'm the hearing examiner that's going to handle the	
18			18	case. I take all the evidence and testimony. If you	
19			19	disagree with my decision in the case, you can -- you have 30	
20			20	days to appeal to the Circuit Court. Could you please	
21			21	identify yourselves for the record beginning with Mr. -- is	
22			22	it Gegbeh?	
23			23	MR. GEGBEH: Gegbeh, right. It's perfect.	
24			24	HEARING EXAMINER ROBESON: Gegbeh, okay.	
25			25	MR. GEGBEH: Yes, I am Paul Gegbeh, and I am --	

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1 HEARING EXAMINER ROBESON: And your address. 2 MR. GEGBEH: It's 12549 Blue Sky Drive, Clarksburg 3 Maryland. 4 HEARING EXAMINER ROBESON: Okay. And -- 5 MS. ROBINSON: Hi, good morning. I'm Tamala 6 Robinson, code enforcement inspector with Montgomery County 7 Housing, DHCA. 8 HEARING EXAMINER ROBESON: Okay. So just very 9 briefly I will -- it may be -- help you to explain the 10 criteria that I use to decide this matter under the zoning 11 ordinance, accessory apartments are required to have three 12 parking spaces. If you don't have three parking spaces, we 13 can waive that requirement if -- and the standard is, if 14 there is on-street parking -- sufficient on street parking 15 for residents within 300 feet, to park their cars on the 16 street, and the apartment doesn't significantly reduce the 17 on-street parking. So with that, our process is -- this is 18 informal, but it does have certain formalities, including 19 your testimonies under oath and subject to cross-examination. 20 I don't see anyone, for the record, that is in opposition to 21 this. Nevertheless, I point that out. So for right now, I'm 22 going to swear you in, both at the same time. Please raise 23 your right hands. Do you solemnly affirm under penalties of 24 perjury that the statements you are about to make are the 25 truth, the whole truth and nothing but the truth?	1 opportunity to read the inspector's report as well as the 2 director's report? 3 MR. GEGBEH: Yes, I have. 4 HEARING EXAMINER ROBESON: Okay. Now, the 5 director's report sets forth -- okay. We need to turn that 6 off because that will -- 7 MR. GEGBEH: Sorry. 8 HEARING EXAMINER ROBESON: That's all right. 9 MR. GEGBEH: Sorry for the interruption. 10 HEARING EXAMINER ROBESON: No worries. It happens 11 to the best of us. One time it happened -- anyway, I won't 12 go through that. Have you had a chance to read -- the 13 director's report sets out the zoning standards and the other 14 requirements for this use. 15 MR. GEGBEH: Yes, I have. 16 HEARING EXAMINER ROBESON: Have you had a chance to 17 review that? 18 MR. GEGBEH: I did. 19 HEARING EXAMINER ROBESON: Do you have -- is it 20 accurate and do you wish to adopt that as your own testimony? 21 MR. GEGBEH: Yes, I do. 22 HEARING EXAMINER ROBESON: You do? And it is 23 accurate? 24 MR. GEGBEH: Yes. 25 HEARING EXAMINER ROBESON: Okay. Thanks. And have
6	8
1 MR. GEGBEH: I do. 2 MS. ROBINSON: I do. 3 HEARING EXAMINER ROBESON: Okay. Thank you. All 4 right. Mr. Gegbeh, I still feel like I'm pronouncing that 5 wrong. 6 MR. GEGBEH: No, it's fine. 7 HEARING EXAMINER ROBESON: Did you have an 8 affidavit of posting? 9 MR. GEGBEH: Yes. 10 HEARING EXAMINER ROBESON: Could you bring that 11 forward? And I'm going to market as Exhibit 11. Thank you. 12 I should've asked you if you had a copy of your driver's 13 license too. 14 MS. ROBINSON: Yes, it's right there on your desk. 15 HEARING EXAMINER ROBESON: See, you are so good. 16 You are way ahead of me. 17 MR. GEGBEH: Oh, she did it. Ms. Nana did it. 18 HEARING EXAMINER ROBESON: Okay. 19 MR. GEGBEH: Thank you. 20 HEARING EXAMINER ROBESON: For the record, he is 21 referring to Nana Johnson of OZHA staff. 22 MR. GEGBEH: Oh, okay. 23 HEARING EXAMINER ROBESON: Okay. 24 MR. GEGBEH: Johnson, okay. 25 HEARING EXAMINER ROBESON: Now, have you had the	1 you had a chance to review the inspector's report? 2 MR. GEGBEH: Yes. 3 HEARING EXAMINER ROBESON: And you agree to abide 4 by the requirements of the inspector's report? 5 MR. GEGBEH: I do. 6 HEARING EXAMINER ROBESON: Okay. I wondered if you 7 could describe, just briefly, what the parking situation is 8 for this apartment, and your observations of whether on 9 street parking is available within 300 feet. 10 MR. GEGBEH: Right in front of the house, we 11 normally park -- have two parking space in front of our 12 house. And then at the back of the house we have a two 13 parking garage there. And there are other -- also -- 14 HEARING EXAMINER ROBESON: Wait. Do you mean two 15 parking spaces in front of the house? Is that the on-street 16 parking? 17 MR. GEGBEH: Yeah, the on-street. 18 HEARING EXAMINER ROBESON: Okay. Okay. 19 MR. GEGBEH: On street. And then there is also a 20 lot more other parking. But I'm just saying, just in front 21 of the house -- 22 HEARING EXAMINER ROBESON: No, I understand what 23 you are saying. 24 MR. GEGBEH: Yes. 25 HEARING EXAMINER ROBESON: So you have two spaces?


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9	11
1 MR. GEGBEH: Yes.	1 else you would like to say?
2 HEARING EXAMINER ROBESON: In your experience, are	2 MR. GEGBEH: No.
3 spaces regularly empty? Available to park?	3 HEARING EXAMINER ROBESON: No?
4 MR. GEGBEH: Well, I normally occupy those spaces	4 MR. GEGBEH: I'm good.
5 in a sense that it's -- I can either park in the garage or I	5 HEARING EXAMINER ROBESON: Okay.
6 can park there, whichever. If it's snowing, I just hide the	6 MR. GEGBEH: Well, the question that I wanted to
7 car. You know, it's mostly available.	7 ask was, when you say 300 feet, I was just wondering -- I
8 HEARING EXAMINER ROBESON: Okay.	8 think I understand you cannot have no other accessory
9 MR. GEGBEH: Yeah.	9 apartment 300 feet closer. Why was -- why is that?
10 HEARING EXAMINER ROBESON: Okay. Now, how is --	10 HEARING EXAMINER ROBESON: They didn't want an over
11 what have you observed as far as the availability of parking	11 concentration of accessory apartments in neighborhoods, in
12 on your street?	12 residential neighborhoods. But the parking requirement, they
13 MR. GEGBEH: There is a lot of -- also, all the	13 chose 300 feet just to make sure that the accessory apartment
14 houses, they have garages. So people just choose to park	14 doesn't -- we have had situations where there is nobody -- in
15 most times their garages. And there is always like free --	15 some of the older neighborhoods nobody has driveways. And so
16 HEARING EXAMINER ROBESON: And this is on your	16 the addition of the accessory apartment, we have had a couple
17 block?	17 of cases where people say parking is very tight or there is a
18 MR. GEGBEH: On my block. And there is also a	18 group home. And so you got eight cars for one house. And so
19 school right in front of --	19 they chose the 300 feet just to decide within a reasonable
20 HEARING EXAMINER ROBESON: I saw.	20 radius that people could park, that it wasn't going to affect
21 MR. GEGBEH: Yeah, that has evening parking for	21 the parking.
22 whoever.	22 MR. GEGBEH: Okay. Sometimes --
23 HEARING EXAMINER ROBESON: Oh, okay.	23 HEARING EXAMINER ROBESON: That's -- I mean, that's
24 MR. GEGBEH: Yeah. It's -- you can't --	24 my version of why they did it. So although they're consider
25 HEARING EXAMINER ROBESON: But all the homes on	25 -- well, anyway. I digress. Is there anything else?
10	12
1 your street have garages?	1 MR. GEGBEH: No, that's it. Thank you, so much.
2 MR. GEGBEH: Yeah, they all have garage. There is	2 HEARING EXAMINER ROBESON: Okay. Did you have any
3 no home there without a garage. It's a double car garage for	3 questions for Mr. Gegbeh?
4 each home. And I hardly see anybody really parking in the	4 MS. ROBINSON: No, I don't.
5 school. Even --	5 HEARING EXAMINER ROBESON: Okay. Let's hear what
6 HEARING EXAMINER ROBESON: Well, we can't really	6 you have to say.
7 count the school because is not your -- I mean it's not	7 MS. ROBINSON: Okay. So I inspected the property
8 public.	8 for the preliminary accessory report. Well, for the
9 MR. GEGBEH: Yes.	9 preliminary accessory findings. And there was no, of course,
10 HEARING EXAMINER ROBESON: Well, it's public, but	10 driveway. There is a two car garage in the alley. He is
11 is not there for parking.	11 correct about every home on the -- on that street having a
12 MR. GEGBEH: Yes. Well, I'm just saying I have	12 garage, a two-car garage. I did additional work on the case
13 seen that.	13 where I would -- because there was lack of a driveway, I did
14 HEARING EXAMINER ROBESON: Yeah.	14 go back three different occasions to --
15 MR. GEGBEH: I don't remember seeing that	15 HEARING EXAMINER ROBESON: Oh, thank you.
16 (inaudible).	16 MS. ROBINSON: To make sure they were -- there was
17 HEARING EXAMINER ROBESON: But in your experience,	17 on street parking. And as he stated, on his block there is
18 what -- are there others spaces on the street --	18 four house -- four single-family homes. And there is
19 MR. GEGBEH: Yes.	19 approximately two parking spaces for each of those homes in
20 HEARING EXAMINER ROBESON: In addition to the ones	20 the front if they choose to use that.
21 in front of your house? Are there spaces within 300 feet?	21 HEARING EXAMINER ROBESON: Okay.
22 MR. GEGBEH: Well, there are spaces all over.	22 MS. ROBINSON: Again, all of those homes do have
23 HEARING EXAMINER ROBESON: Okay. On the street?	23 two-car garages as well. So on three different occasions I
24 MR. GEGBEH: On my block.	24 was there -- I can actually say it was there four because for
25 HEARING EXAMINER ROBESON: Okay. Is there anything	25 the preliminary inspection.

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1 HEARING EXAMINER ROBESON: Right.	1 HEARING EXAMINER ROBESON: Okay. And there was
2 MS. ROBINSON: We were able to park. It was two of	2 adequate parking there?
3 us inspectors that did the preliminary. So we both were able	3 MS. ROBINSON: That's correct.
4 to park in front of the home.	4 HEARING EXAMINER ROBESON: Okay. Thank you.
5 HEARING EXAMINER ROBESON: Oh, you came in separate	5 MS. ROBINSON: You're welcome.
6 cars and you are both able to park?	6 HEARING EXAMINER ROBESON: Okay. Mr. Gegbeh, do
7 MS. ROBINSON: Yeah, because we were different --	7 you have any questions of the housing inspector?
8 yeah. So we both were able to park in front of the home and	8 MR. GEGBEH: I just want to say thank you.
9 that particular day. And then as I did my inspections as	9 HEARING EXAMINER ROBESON: You don't have to if you
10 well, just drive by to see if there was adequate parking on	10 don't, but I'm required to ask you.
11 three different days at different times, there were -- there	11 MR. GEGBEH: Just to thank her for her service as
12 was adequate parking on the street in front of his house as	12 well.
13 well as within the -- you know, additional parking down the	13 HEARING EXAMINER ROBESON: Okay.
14 next block within the 300 feet radius.	14 MR. GEGBEH: Yeah.
15 HEARING EXAMINER ROBESON: That is so helpful.	15 HEARING EXAMINER ROBESON: All right. Ms.
16 Thank you, so much for your work. I appreciate it. It makes	16 Robinson, anything else?
17 things go much more quickly for Mr. Gegbeh.	17 MS. ROBINSON: No, I have nothing else.
18 MS. ROBINSON: Right.	18 HEARING EXAMINER ROBESON: Mr. Gegbeh, anything
19 MR. GEGBEH: I appreciate it.	19 else?
20 HEARING EXAMINER ROBESON: So I do appreciate it.	20 MR. GEGBEH: No.
21 MS. ROBINSON: Not a problem.	21 HEARING EXAMINER ROBESON: Okay. Thank you both
22 HEARING EXAMINER ROBESON: Can you just tell me	22 for coming; and thank you both for following through so well
23 again how many times you were out there?	23 with all this stuff.
24 MS. ROBINSON: I can tell you the dates I was out	24 MS. ROBINSON: You're welcome.
25 there.	25 HEARING EXAMINER ROBESON: With all the stuff; all
14	16
1 HEARING EXAMINER ROBESON: Well, just the -- okay,	1 the requirements. Okay. What I'm going to do is this.
2 we will do it that way.	2 Because Mr. Gegbeh has that's what I'm going to do is,
3 MS. ROBINSON: I could say I was there four times.	3 normally we have -- we keep the record open for 10 days in
4 The initial inspection was conducted on March 27. I went	4 order to get the transcript. What I'm going to do -- I can't
5 back. So I inspected the on-street parking on three separate	5 issue the decision until I get the transcript. But I'm
6 occasions, on April 2 at 10:00 a.m., and there was on street	6 ordering an expedited transcript.
7 parking available. On April 8 at 5:30 p.m., there was on-	7 MR. GEGBEH: Okay.
8 street parking available. And lastly on April 11 at 12:00	8 HEARING EXAMINER ROBESON: At our cost, at OZHA's
9 p.m., there was on-street parking available. And all of	9 cost in order to process this more quickly.
10 those were in that --	10 MR. GEGBEH: I appreciate it.
11 HEARING EXAMINER ROBESON: I'm sorry. What time?	11 HEARING EXAMINER ROBESON: I'm going to leave the
12 MS. ROBINSON: Last one?	12 record open just to accept the transcript whenever it comes.
13 HEARING EXAMINER ROBESON: Yeah.	13 After that, I technically have 30 days to write the decision,
14 MS. ROBINSON: April 11, 12:00 p.m., noon.	14 but this is a very straightforward case. So I doubt it will
15 HEARING EXAMINER ROBESON: Okay. And then you said	15 take that. And I will get it out as soon as possible as soon
16 you were out there four or five times?	16 as I get the transcript. If you disagree with anything in my
17 MS. ROBINSON: Well, a total of four. April --	17 decision, you can go to Circuit Court and file an appeal
18 March 22 was the initial inspection.	18 under the Maryland rules to Circuit Court within 30 days.
19 HEARING EXAMINER ROBESON: Was the initial	19 And that will be noted on -- what happens when we issued the
20 inspection, okay. And you did go one evening hour, right?	20 decision is, I send you notification, a notification letter,
21 For a --	21 and it's posted on our website. And there is a -- in the
22 MS. ROBINSON: Yeah, at 5:30 p.m. on April 8.	22 left-hand column, it lists all the different types of cases
23 HEARING EXAMINER ROBESON: Okay, perfect. Okay.	23 we hear. And it will be posted there. So those are the
24 And you said you inspected the block? The next block over?	24 procedures following this. As I said, I will really work to
25 MS. ROBINSON: Block over as well.	25 get this out as soon as possible. And you have any questions

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17	19
1 on the procedures?	1 CERTIFICATE OF TRANSCRIBER
2 MR. GEGBEH: No.	2 I, Molly Bugher, do hereby certify that the
3 HEARING EXAMINER ROBESON: Now, you should talk to	3 foregoing transcript is a true and correct record of the
4 DHCA about the sign. I think they have -- I think the thing	4 recorded proceedings; that said proceedings were transcribed
5 is, they -- you have to keep the sign up. Well, 30 days	5 to the best of my ability from the audio recording and
6 you've had the sign up for this period of time.	6 supporting information; and that I am neither counsel for,
7 MR. GEGBEH: Yeah, a very long, yeah.	7 related to, nor employed by any of the parties to this case
8 HEARING EXAMINER ROBESON: But you shouldn't take	8 and have no interest, financial or otherwise, in its outcome.
9 it down until you get my decision.	9
10 MR. GEGBEH: Okay, sure.	10 
11 HEARING EXAMINER ROBESON: Okay. So keep it up	11 _____
12 until you get my decision. And then if it's in good	12 Molly Bugher
13 condition, I think you can return it for a refund. And then	13 DATE: April 30, 2019
14 you should speak with DHCA, the housing inspector. All we do	14
15 is this waiver request. I don't know if you do follow-up	15
16 inspections Ms. Robinson?	16
17 MS. ROBINSON: I do. I will do a final -- well,	17
18 once your report comes out --	18
19 HEARING EXAMINER ROBESON: Decision comes out.	19
20 MS. ROBINSON: Your decision comes out. And if he	20
21 is granted the waiver, then he can proceed with everything	21
22 else that he needs to do as far as the --	22
23 HEARING EXAMINER ROBESON: Okay.	23
24 MS. ROBINSON: And then we had the inspection after	24
25 he is complete.	25
18	
1 HEARING EXAMINER ROBESON: Okay. So your follow-up	
2 is with DHCA unless you disagree with my decision, all right.	
3 MR. GEGBEH: I understand.	
4 HEARING EXAMINER ROBESON: And thank you both so	
5 much for coming and thank you for being so prepared. And	
6 with that, I'm going to adjourn the hearing and we will try	
7 get your decision out as quickly as possible.	
8 MR. GEGBEH: Thank you, so much.	
9 HEARING EXAMINER ROBESON: Okay.	
10 MS. ROBINSON: Thank you.	
11 HEARING EXAMINER ROBESON: Thank you.	
12 COURT REPORTER: You wanted it by Tuesday the 30th?	
13 HEARING EXAMINER ROBESON: We are off the record.	
14 (Off the record 9:58 a.m.)	
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