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# Transcript of Hearing

**Date:** April 8, 2022

**Case:** ADW 22-02; Laurie Torchinsky Parking Waiver Request

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Transcript of Hearing  
Conducted on April 8, 2022

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1 MONTGOMERY COUNTY OFFICE OF ZONING AND	1 A P P E A R A N C E S
2 ADMINISTRATIVE HEARINGS	2
3 -----X	3 ANDREA LEWINTER,
4 LAURIE TORCHINSKY, :	4 Hearing Examiner
5 Applicant, : Case No.	5 LAURIE TORCHINSKY
6 : ADW 22-02	6 JOE LORETE, Court Reporter
7 -----X	7 TAMALA ROBINSON
8 Hearing	8 LYNN ROBESON
9 Held Remotely	9
10 April 8, 2022	10
11 9:30 a.m. EST	11
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22	22
23 Job No.: 439953	23
24 Pages 1 - 14	24
25 Transcribed by: Jackie Scheer	25
2	4
1 Hearing, held remotely.	1 C O N T E N T S
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3	3 By Ms. LeWinter 7
4	4
5	5 EXAMINATION OF TAMALA ROBINSON
6 Pursuant to notice, before Andrea	6 By Ms. LeWinter 9
7 LeWinter, Hearing Examiner and Notary Public of the	7
8 State of Maryland.	8
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<p style="text-align: right;">5</p> <p>1 PROCEEDINGS 2 HEARING EXAMINER LEWINTER: -- or I guess 3 did it never stop then? Just the recording has 4 started. 5 Okay. All right. So why don't we get 6 started. My name is Andrea LeWinter and I am the 7 hearing examiner for this case, which is the 8 petition for a waiver of on site parking requirement 9 filed by Ms. Laurie Torchinsky, I hope I'm saying 10 that correctly, which is application number 128688. 11 It's April 8th, 2022, at approximately 9:30 a.m. and 12 we are doing this hearing virtually obviously, and 13 it's being recorded and transcribed. The address of 14 record is 11506 Lambertson Court, Silver Spring, 15 Maryland 20902. And the housing code case number is 16 168936. It's in the record -- one of the exhibits 17 is that the notice of the hearing was provided to 18 Ms. Torchinsky on March 17th, that's Exhibit 4, and 19 obviously Ms. Torchinsky is here, so she has notice. 20 And I also have in the record Ms. Torchinsky's 21 parking waiver application, Mrs. Robinson's 22 preliminary inspection report dated November 18th, 23 2021, and the site plan. And Ms. Johnson was just 24 informing me we do put together a page which has all 25 the exhibits on it for everybody's accessibility,</p>	<p style="text-align: right;">7</p> <p>1 MS. TORCHINSKY: So I -- I believe the 2 waiver should be granted because there's ample 3 parking in front of my home for the purpose of the 4 additional -- the addition of the ADU space in my 5 home. 6 BY HEARING EXAMINER LEWINTER: 7 Q And -- and why -- why is there ample 8 parking? Like, why isn't it used by other residents 9 of the area? 10 <b>A So I live on a no outlet court. And I</b> 11 <b>live actually on the largest part of the court. I</b> 12 <b>have the entire hill that leads up to my home, so my</b> 13 <b>property is actually the greater part of the public</b> 14 <b>road. So none of the other residents on the court</b> 15 <b>actually park on that space because they prefer to</b> 16 <b>park in front of their own homes. So it provides a</b> 17 <b>lot of additional parking on the court for anyone to</b> 18 <b>use, but mainly for anyone who comes to visit me,</b> 19 <b>since the majority of it is attached to my home.</b> 20 Q And how many, like, cars do you think 21 could park in that area? 22 <b>A Along the side of my yard, I would</b> 23 <b>believe five cars could potentially park with plenty</b> 24 <b>of space to get in and out.</b> 25 Q And do you think if you had somebody</p>
<p style="text-align: right;">6</p> <p>1 but that is a temporary and rotating thing. So if 2 anybody wants to download any of those exhibits, we 3 have about a half an hour after the -- the hearing 4 ends for you to do that, and then that page is going 5 to be cleared and set up for the next hearing. So 6 particularly, Ms. Torchinsky, if there was anything 7 you wanted to make sure you had access to, you'll 8 want to access and download that immediately after 9 the hearing before it kind of disappears. 10 So, Ms. Torchinsky, I hope -- I saw you 11 were motioning to somebody, I hope you're in a 12 position to -- to speak in just a minute. I am 13 going to swear you in and ask you to present your 14 case first, as you were the one who filed the 15 petition. I'm just getting the proper language to 16 swear you in by. Here you go. So, Ms. Torchinsky, 17 if you could un-mute and raise your right hand. Do 18 you solemnly swear under penalties of perjury that 19 the statements you are about to make are the truth, 20 the whole truth, and nothing but the truth? 21 MS. TORCHINSKY: I do. 22 HEARING EXAMINER LEWINTER: Okay. So, 23 yes, you've filed this application for a parking 24 waiver. If you can explain to me as best as 25 possible why you think the waiver should be granted.</p>	<p style="text-align: right;">8</p> <p>1 occupying that accessory apartment, which I'm sure 2 is what your intention and hope is, that it would 3 impede others' ability to park, you know, people who 4 are already residing on the -- 5 <b>A No, I don't believe so.</b> 6 Q Okay. You did -- did you review the 7 inspection report that Ms. -- Ms. Robinson filed? 8 <b>A Yes.</b> 9 Q Did you have any dispute with any of the 10 findings that she made? 11 <b>A No.</b> 12 Q And she found that there was about 13 286 feet of parking space on site. Is that -- does 14 that sound (incomprehensible)? 15 <b>A Sure.</b> 16 HEARING EXAMINER LEWINTER: Okay. Ms. -- 17 if -- if there's nothing else to add, again, this is 18 pretty straightforward, then I will ask Ms. Robinson 19 to be sworn in, and if I need to circle back with 20 you, I will. So if you want to mute, then I will 21 swear in Ms. Robinson. 22 Ms. Robinson, if you could raise your 23 right hand. Do you solemnly swear under penalties 24 of perjury that the statements you are about to make 25 are the truth, the whole truth, and nothing but the</p>

<p style="text-align: right;">9</p> <p>1 truth?</p> <p>2 MS. ROBINSON: I do.</p> <p>3 HEARING EXAMINER LEWINTER: Thank you,</p> <p>4 Ms. Robinson, and thank you for being here. You</p> <p>5 issued the preliminary inspection report on</p> <p>6 November 18th, 2021.</p> <p>7 MS. ROBINSON: That is correct.</p> <p>8 BY HEARING EXAMINER LEWINTER:</p> <p>9 Q And how many times were you able to visit</p> <p>10 the property?</p> <p>11 <b>A I visited the property initially on</b></p> <p>12 <b>October the 19th. Afterwards because there wasn't</b></p> <p>13 <b>sufficient parking, I did visit the home three</b></p> <p>14 <b>additional homes for -- for the parking reason. And</b></p> <p>15 <b>that's just the perimeter of the property. On</b></p> <p>16 <b>March 23rd, 2022 at 7 a.m. I visited the street,</b></p> <p>17 <b>Lamberton Court, to determine the parking, on site</b></p> <p>18 <b>parking.</b></p> <p>19 Q Okay.</p> <p>20 <b>A And there was indeed street parking</b></p> <p>21 <b>within 300 feet of the ADU. The side in which she</b></p> <p>22 <b>lives is usually clear. So maybe there was one car</b></p> <p>23 <b>there, but even on the other side within the</b></p> <p>24 <b>300 feet perimeter, there was plenty of street</b></p> <p>25 <b>parking. Again on March 24th in the afternoon, this</b></p>	<p style="text-align: right;">11</p> <p>1 <b>A No, it's not.</b></p> <p>2 Q Okay. And is there any other thing that</p> <p>3 you think we should make a condition of the ADU that</p> <p>4 would assist with this or there just really is --</p> <p>5 you know, it's perfectly fine as is?</p> <p>6 <b>A It's perfectly fine as is.</b></p> <p>7 HEARING EXAMINER LEWINTER: Okay. I</p> <p>8 really think this is very straightforward. Sounds</p> <p>9 like the site plan, which I believe is Exhibit 4,</p> <p>10 seems to reflect exactly what Ms. Torchinsky is</p> <p>11 saying. I can see the -- maybe I'll share that and</p> <p>12 we can just kind of review quickly. Hold on, sorry.</p> <p>13 Okay. Let's see. There we go. Can you</p> <p>14 see that now?</p> <p>15 MS. ROBINSON: Yes, I can.</p> <p>16 HEARING EXAMINER LEWINTER: Okay. So do</p> <p>17 you see where the arrow is? Is this the area that</p> <p>18 we're talking about where you and Ms. Torchinsky</p> <p>19 have described the parking?</p> <p>20 MS. ROBINSON: That's correct.</p> <p>21 HEARING EXAMINER LEWINTER: Okay. So I'm</p> <p>22 going to -- oops. I'm going to stop the screen</p> <p>23 share. I don't have any additional questions, Ms.</p> <p>24 Robinson, if there's anything that you think that</p> <p>25 needs to be added. But --</p>
<p style="text-align: right;">10</p> <p>1 time, which is 12:25 p.m., I drove by the home</p> <p>2 again. And there was plenty of on street parking</p> <p>3 within the 300 feet of the ADU.</p> <p>4 Q Okay.</p> <p>5 <b>A And lastly on March 28th at 5:30 p.m. I</b></p> <p>6 <b>drove by the home again. And again, there was</b></p> <p>7 <b>plenty of off street -- off street parking within</b></p> <p>8 <b>the 300 perimeter -- 300 feet perimeter.</b></p> <p>9 Q Great. Thank you.</p> <p>10 <b>A You're welcome.</b></p> <p>11 Q And beyond the parking issue, there was</p> <p>12 no other concerns about the ADU; is that correct?</p> <p>13 <b>A None that are not being addressed, no.</b></p> <p>14 Q Okay. And you never had any issues</p> <p>15 parking when you came to observe?</p> <p>16 <b>A Nope. I could park right there in front.</b></p> <p>17 Q Okay. So just to be formal about it, you</p> <p>18 would attest that the available on street parking</p> <p>19 for residents within 300 feet of the proposed</p> <p>20 Accessory Dwelling Unit would permit a resident of</p> <p>21 the ADU to park on street near the -- near the ADU?</p> <p>22 <b>A Yes that is correct.</b></p> <p>23 Q Okay. And the proposed ADU is not likely</p> <p>24 to reduce the available on site -- on street parking</p> <p>25 within 300 feet of the proposed ADU?</p>	<p style="text-align: right;">12</p> <p>1 MS. ROBINSON: No, not at this time.</p> <p>2 HEARING EXAMINER LEWINTER: Okay. All</p> <p>3 right. Well, then I will conclude the hearing. I</p> <p>4 appreciate everybody appearing. As Ms. Torchinsky</p> <p>5 had the privilege of hearing before the hearing</p> <p>6 started, this is being transcribed by the court</p> <p>7 reporter and it's being recorded. The record will</p> <p>8 stay open for ten days. After the ten days has</p> <p>9 concluded, when the record is closed, then we have</p> <p>10 30 days to issue a decision. So if you have any</p> <p>11 questions or -- or issues you can contact the office</p> <p>12 in the meantime. I appreciate everybody attending.</p> <p>13 I'm just going to check in real quickly.</p> <p>14 Ms. Robeson Hannah, did you have anything that you</p> <p>15 needed to add to this?</p> <p>16 MS. ROBESON: Only that you may want to</p> <p>17 admit all the submissions of exhibits.</p> <p>18 HEARING EXAMINER LEWINTER: Oh, thank</p> <p>19 you.</p> <p>20 MS. ROBESON: And the other thing is you</p> <p>21 may want to just advise the part -- Ms. Torchinsky</p> <p>22 that she -- if the decision is not favorable, she</p> <p>23 has the right to appeal your decision within ten --</p> <p>24 within ten days of the date the decision is issued.</p> <p>25 And you will -- Ms. Torchinsky, you will -- by</p>

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1 e-mail a notification that, you know, when the  
2 decision is issued. And that -- the same day. So  
3 that would start the ten days.

4 So, Ms. -- Ms. LeWinter, do you want to  
5 admit the exhibits that have been --

6 HEARING EXAMINER LEWINTER: -- I -- I  
7 will, yes. So there are four exhibits. I will  
8 admit all of those into the record. Is there any  
9 other exhibits that anybody else needed to offer?

10 Okay. And, Ms. Torchinsky, did you have  
11 any questions about the appeal rights?

12 MS. TORCHINSKY: No, thank you.

13 HEARING EXAMINER LEWINTER: Okay.  
14 Anything else?

15 MS. ROBESON: I have nothing else.

16 HEARING EXAMINER LEWINTER: Okay.

17 Wonderful. All right. Well, thank you everybody.

18 And we will be in touch.

19 (The hearing was concluded at 9:41 a.m.  
20 EST.)

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1 CERTIFICATE OF TRANSCRIBER

2 I, Jackie A. Scheer, do hereby certify  
3 that the foregoing transcript is a true and correct  
4 record of the recorded proceedings; that said  
5 proceedings were transcribed to the best of my  
6 ability from the audio recording and supporting  
7 information; and that I am neither counsel for,  
8 related to, nor employed by any of the parties to  
9 this case and have no interest, financial or  
10 otherwise in its outcome.

11

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JACKIE A. SCHEER

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APRIL 18, 2022

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