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Transcript of Hearing

Date: May 15, 2023

Case: Amy Grutzner Objection (ADO 23-05)

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Transcript of Hearing
Conducted on May 15, 2023

<p style="text-align: right;">1</p> <p>1 BEFORE THE OFFICE OF ZONING AND ADMINISTRATIVE</p> <p>2 HEARINGS FOR MONTGOMERY COUNTY, MARYLAND</p> <p>3 -----x</p> <p>4 IN RE: :</p> <p>5 OBJECTION FILED PURSUANT TO ARTICLE :</p> <p>6 29, SECTION 26(b)(2) REGARDING :</p> <p>7 DHCA'S FINDING OF ADEQUATE PARKING :</p> <p>8 PURSUANT TO ARTICLE 59, SECTION :</p> <p>9 3.3.3(a)(2)C(ii) :</p> <p>10 -----x</p> <p>11</p> <p>12</p> <p>13 HEARING</p> <p>14 BEFORE THE HONORABLE KATHLEEN BYRNE</p> <p>15 Conducted Virtually</p> <p>16 Monday, May 15, 2023</p> <p>17 9:36 a.m. EST</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23 Job No.: 491854</p> <p>24 Pages: 1 - 32</p> <p>25 Recorded By: Leah Shenfeld</p>	<p style="text-align: right;">3</p> <p>1 A P P E A R A N C E S</p> <p>2</p> <p>3 KATHLEEN BYRNE (Hearing Examiner)</p> <p>4 AUSTIN MCNAMARA (Department of Housing</p> <p>5 and Community Affairs)</p> <p>6 ALI MOVAHED (Applicant)</p> <p>7 AMY S. GRUTZNER (Objector)</p> <p>8 NANA YAA JOHNSON (Administrative</p> <p>9 Specialist - Office of Zoning and</p> <p>10 Administrative Hearings)</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
<p style="text-align: right;">2</p> <p>1 Hearing, conducted virtually</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13 Pursuant to Agreement, before Leah Shenfeld,</p> <p>14 Court Reporter.</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">4</p> <p>1 C O N T E N T S PAGE</p> <p>2 EXAMINATION OF AMY S. GRUTZNER 10</p> <p>3</p> <p>4 EXAMINATION OF ALI MOVAHED 14</p> <p>5</p> <p>6 DECISION</p> <p>7 By the Court - Reserved</p> <p>8</p> <p>9</p> <p>10 E X H I B I T S</p> <p>11 (Retained by the Court)</p> <p>12 HEARING EXHIBIT PAGE</p> <p>13 Exhibit 1 Objection Application 9</p> <p>14 Exhibit 2 Email from Amy Grutzner with 9</p> <p>15 Photos Attached</p> <p>16 Exhibit 3 Preliminary Inspection 9</p> <p>17 Report/Director's Report and</p> <p>18 Findings</p> <p>19 Exhibit 4 Notice of Public Hearing 9</p> <p>20 Exhibit 5 Stamped Street Parking Plan 9</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>

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<p>5</p> <p>1 PROCEEDINGS 2 (Whereupon, the court reporter was duly 3 sworn.) 4 THE COURT: -- been assigned to this 5 case today. This is a public hearing regarding an 6 objection filed pursuant to Article 29, Section 7 26(b)(2) regarding DHCA'S finding of adequate 8 parking pursuant to Article 59, Section 9 3.3.3(a)(2)C(ii). This was received by OZA 10 regarding the accessory dwelling unit license at 11 6004 Manor Oak Way, Bethesda, Maryland. Today, I'm 12 going to listen to testimony and review evidence 13 and render an opinion on the objection pursuant to 14 the criteria, as I stated, set forth in those two 15 code sections, particularly Article 26 regarding 16 licensing, and Article 59, regarding the standard 17 -- the use standards related to licensing for 18 accessory dwelling units. 19 And right at this point, what I'd like to 20 do is go through and identify the parties. So Mr. 21 McNamara, I see you are here. If you could state 22 your full name, spell your last name as well, and 23 what your title is. 24 MR. MCNAMARA: Sure. I'm Austin 25 McNamara. That's M-C-N-A-M-A-R-A, and I'm a</p>	<p>7</p> <p>1 Movahed, if you could again state full name, 2 first and last, and spell your last name? 3 MR. MOVAHED: Sure. Ali Movahed. Last 4 name is M-O-V-A-H-E-D. I'm a homeowner residing at 5 6004 Manor Oak Way, Bethesda, Maryland, 20814. 6 THE COURT: And it is your application 7 for an accessory dwelling unit; correct? 8 MR. MOVAHED: That is correct, yes. 9 THE COURT: Okay. Thank you so much. 10 So just to kind of go through just a little bit of 11 housekeeping before we start, if you are not 12 speaking, please mute your microphone. Let's see. 13 We -- at this point I'm going to start recording 14 this hearing. This recording is strictly for the 15 court reporter's benefit. We have a court reporter 16 on the line who will -- I'm going to have to stop 17 this transcription because I have never figured out 18 how to do that at the same time. There we go. All 19 right. So now we are on -- we are only recording 20 this meeting, and, again, this recording is only 21 for the court reporter's benefit as they go through 22 and do a written transcription after the hearing. 23 Sometimes they may need to refer to this recording. 24 So this is the only reason why I record this Teams 25 meeting, is for that court reporter.</p>
<p>6</p> <p>1 housing code inspector for the Department of 2 Housing and Community Affairs. 3 THE COURT: Thank you so much. And let's 4 see. I think we have Ms. Amy Grutzner. Ms. 5 Grutzner, could you again verify your name and 6 spell your last name and who you are? 7 MS. GRUTZNER: Sure. Thank you very 8 much, Ms. Byrne. My name is Amy Grutzner, 9 G-R-U-T-Z-N-E-R. I am a homeowner, and I reside at 10 my primary residence, 6005 Manor Oak Way, Bethesda, 11 Maryland. 12 THE COURT: Okay. All right. And you're 13 the Objector in this hearing? 14 MS. GRUTZNER: Yes. And I have a letter 15 from one other person on whose behalf I've been 16 asked to speak as well. Could I -- should I give 17 their name now? 18 THE COURT: Nope. Nope, because they're 19 not testifying. So I'm doing this to identify the 20 parties that are here and to provide spelling and 21 proper identification at this point for the court 22 reporter, so just save that as part of your 23 presentation. 24 MS. GRUTZNER: Thank you. 25 THE COURT: Sure. All right. And Mr.</p>	<p>8</p> <p>1 If you have any questions or 2 issues, the most important thing, especially for 3 the court reporter, is that we do not talk over 4 each other. So there is -- Mr. Movahed, I don't 5 believe you have a 'raise your hand' function, per 6 se, on the call-in, but if there's -- if you need 7 to speak or if you'd like to ask a question, just 8 say, you know, I need to speak or I'd like to ask a 9 question. But we try to do things in a very 10 organized manner. 11 So what we will do is have the testimony 12 follow in this particular order. So we're going to 13 -- everyone will be testifying under oath. Each 14 person, Ms. Grutzner, Mr. Movahed, you can make an 15 opening statement if you wish. You don't need to. 16 The opposing party will proceed with their case in 17 chief; and then the Applicant, basically Mr. 18 Movahed, you will go next; then the DHCA -- then 19 Mr. McNamara, will testify to his observations, his 20 preliminary inspection report; then the Opposition 21 can have rebuttal, Ms. Grutzner. And then the 22 Applicant will have the last word. So -- actually, 23 I take that back -- then Mr. McNamara actually gets 24 the last word. 25 So the order is, Opposition, Applicant,</p>

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<p style="text-align: right;">9</p> <p>1 DHCA; and then rebuttal the same way, Opposition, 2 Applicant, and then DHCA. And then either party 3 can have a closing statement if they wish; you 4 don't have to if you don't want to. You will have 5 the opportunity to cross-examine each other. So 6 witnesses can cross-examine and ask questions of 7 the other witness. And the approval, again, is set 8 forth in the criteria of 29-26B regarding the 9 standards for -- on -- the standards for onsite 10 parking and in the use standards of the zoning 11 code. 12 All right. So does anyone -- has 13 everybody had an opportunity to take a look at the 14 exhibit list, which is on the website? What I'm 15 going to do is I'm going to share screen right now 16 so you can see that. All right. So, here, we have 17 the preliminary objection, the e-mail from Ms. 18 Grutzner, the preliminary inspection report, notice 19 of public hearing in the Stamp Street parking. 20 Does anyone have any objection to those exhibits? 21 Okay. Hearing no objections, then we will deem all 22 of those as being admitted. 23 (Exhibits 1 - 5 were marked.) 24 THE COURT: Great. Now, if anyone wishes 25 to refer to any of those exhibits at any time, just</p>	<p style="text-align: right;">11</p> <p>1 MS. GRUTZNER: Yes; I refer to that one. 2 There is, again, no street parking in front of 3 6004 either on the left or the right side of that 4 cul-de-sac. That is, again, a cul-de-sac street, 5 which indicates there is no street parking there 6 and, therefore, if there are guests or people that 7 are there, they often park in front of the 8 entranceway to Manor Oak Drive off of Old 9 Georgetown, which happens to have space for two 10 parking cars, which is right in front of my house. 11 So that is the first reason that both my husband 12 and I -- and I'd like to give his name as well; 13 Carmen Legato, L-E-G-A-T-O. He also resides at 14 6005 Manor Oak Way. He and I are both strongly 15 opposed to this accessory dwelling unit to be on 16 this small cul-de-sac street. 17 In addition, I would like to note that 18 this property 6004 is 1.6 miles to the closest 19 metro, according to Google Maps, and that is the 20 Grosvenor Metro. So it is not transit-oriented 21 development by urban planning definitions. It is 22 not even within a mile and a half walking distance 23 to the metro, so there would very likely be parking 24 that would interfere with the use and enjoyment of 25 our home at 6005 Manor Oak Way.</p>
<p style="text-align: right;">10</p> <p>1 let me know, and what I'll do is I'll bring them up 2 and we can share -- I can share screens so 3 everybody can see them at the same time. 4 All right. All right. So Ms. Grutzner, we'll go 5 ahead and start with you. Oh, you're on mute, 6 ma'am. 7 MS. GRUTZNER: Thank you so much. I 8 appreciate this opportunity. As mentioned, I am a 9 homeowner, and I reside at 6005 Manor Oak Way. 10 This is a very short and small street. It is on 11 the west side of Old Georgetown Road, and we have 12 about 12 homes in our homeowners association here 13 on this cul-de-sac street. Again, I emphasize it 14 is a cul-de-sac street, and where the Applicant 15 resides -- it's 6004 Manor Oak Way -- there is not 16 sufficient room for any on-street parking there. 17 There is a photo that I would like to refer to that 18 is an exhibit that shows the street in front of the 19 Applicant's house, that indicates that there is not 20 room for parking on that area of the cul-de-sac. 21 Could you please pull that exhibit up -- 22 THE COURT: Sure. 23 MS. GRUTZNER: -- Ms. Byrne? 24 THE COURT: Is this the one you're 25 referring to?</p>	<p style="text-align: right;">12</p> <p>1 Next, I do want to read a statement 2 from my neighbor, and I will give you his name and 3 address. His name is -- 4 THE COURT: Ms. Grutzner, I'm going to go 5 ahead and stop sharing the photo. 6 MS. GRUTZNER: Oh, that's fine. That's 7 fine. 8 THE COURT: Okay. 9 MS. GRUTZNER: Yes. Thank you. 10 THE COURT: Okay. 11 MS. GRUTZNER: I would like to give you 12 a statement from Enrique Daza. His name is spelled 13 E-N-R-I-Q-U-E, Daza, D-A-Z-A. Dr. Daza and his 14 family reside next to us at 6007 Manor Oak Way in 15 Bethesda, and I will read to you a statement that 16 he provided to me and my husband on May 7th. 17 It says, To whom it may concern: I, 18 Enrique Daza, living at 6007 Manor Oak Way, 19 Bethesda, Maryland, am strongly opposed to any 20 accessory dwelling unit in our neighborhood 21 cul-de-sac. It is not able to accommodate any 22 further parking of vehicles on the street, and 23 driveways are already full of vehicles. Further, 24 subletting in our neighborhood will interfere with 25 the existing neighborhood quality of life due to</p>

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<p style="text-align: right;">13</p> <p>1 narrowing of access to our homes by more cars being 2 parked on an already narrow street. Sincerely, E. 3 Daza. And again, this was sent on May 7th. And 4 Dr. Daza and his wife live next door at 6007 Manor 5 Oak away. 6 So those are the three primary reasons 7 that we are all strongly opposed to having this. 8 Again, it's a cul-de-sac street with no parking, 9 particularly in front of the Applicant's home. 10 Secondly, we are 1.6 miles to the closest metro, 11 which highly suggests that anyone additionally 12 residing there will be -- not be utilizing the 13 metro. There aren't many people that walk 1.6 14 miles to the metro, and we feel it would be a 15 detriment to the use enjoyment of our single-family 16 home community. 17 THE COURT: Okay. 18 MS. GRUTZNER: Thank you. 19 THE COURT: Thank you very much. Does 20 anybody have any questions for Ms. -- Ms. Grutzner? 21 I'm sorry. I'm totally butchering your name. 22 MS. GRUTZNER: That's all right. My 23 name is Amy Grutzner. 24 THE COURT: Grutzner. 25 MS. GRUTZNER: My neighbor's name is</p>	<p style="text-align: right;">15</p> <p>1 THE COURT: All right, Mr. -- Mr. 2 Movahed, if you could just keep your testimony to 3 the accessory dwelling unit license, your 4 application, and address her comments regarding 5 parking. 6 MR. MOVAHED: Okay. All right. So as I 7 said, I've lived here for 20 years. It's always 8 been trouble free. And the decision that she made 9 about no street parking, that actually does not 10 apply to what we are talking about today. I 11 actually happen to have one of the longest, biggest 12 square footage of the driveways in the neighborhood. 13 So if she can even come up with one photo, just one 14 single photo, ever since she lived in this 15 neighborhood to show that one of my cars or my 16 guests has ever been parked on the street, I will 17 withdraw my application right now. But she cannot 18 even produce one single photo of anyone in my 19 household ever parking on the street. 20 As a matter of fact, she's one of 21 few neighbors that always, even though she does 22 have enough parking on her driveway, she always 23 chooses to park her car right on the street. So 24 she is only neighbor that is causing that issue, 25 not my household members, not myself. So for that</p>
<p style="text-align: right;">14</p> <p>1 Daza. 2 THE COURT: Daza. 3 MS. GRUTZNER: Correct. No problem. 4 Thank you. 5 THE COURT: Thank you. 6 THE REPORTER: This is the court 7 reporter. Can you spell your husband's name for 8 me? 9 MS. GRUTZNER: Yes, of course. Carmen, 10 C-A-R-M-E-N, Legato, L-E-G-A-T-O. 11 THE REPORTER: Thank you very much. 12 MS. GRUTZNER: So Carmen Legato and Amy 13 Grutzner, and we both reside at 6005. 14 THE REPORTER: Thank you. 15 MS. GRUTZNER: Thank you. 16 THE COURT: Okay. All right. Hearing no 17 additional questions, all right, Mr. Movahed, it's 18 your turn to speak, sir. 19 MR. MOVAHED: Yes. Good morning to all. 20 I'm going to be very brief. I've lived in this 21 neighborhood for 20 years. Never ever had any 22 issues with any neighbors unless -- the day that 23 this lady moved to our neighborhood, all the 24 troubles started. I'm not the only one that she's 25 picking on. She picks on --</p>	<p style="text-align: right;">16</p> <p>1 matter -- I'll make it very, very short: The street 2 parking has nothing to do, no relevance to my 3 application. 4 THE COURT: Okay. All right. Mr. 5 Movahed, how many -- I see you have a two-car 6 garage, and you have a long driveway. How many 7 cars do you have in your family? 8 MR. MOVAHED: We have three cars. One 9 is an obvious exotic car that's always parked 10 inside the garage. 11 THE COURT: Okay. 12 MR. MOVAHED: My wife uses another 13 garage, and I use my everyday commuter car in the 14 driveway. It still leaves the back space for six 15 more cars if needed. 16 THE COURT: Okay. That was my second 17 question. How many cars can fit in your driveway? 18 MR. MOVAHED: Yeah, Mr. McNamara can 19 testify to that. 20 THE COURT: Okay. 21 MR. MOVAHED: I have 1,400 square feet 22 of driveway, plus a two-car garage. 23 THE COURT: Okay. All right. But you 24 personally estimate you can get six cars, easily, 25 in your driveway?</p>

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<p>17</p> <p>1 MR. MOVAHED: Easily, yes. 2 THE COURT: All right. Anything else 3 you'd like to tell me about your application, sir? 4 MR. MOVAHED: No. Mine is very 5 straightforward. I hope the Panel can see that. 6 I'm not sure why this dejection is have, you know, 7 taken your time, taxpayers' time. You know, it's 8 just total nonsense. But yeah, no, I have nothing 9 else to add. 10 THE COURT: Okay. All right. Thank 11 you so much, sir. All right. Any questions for 12 Mr. Movahed? All right. Okay, Mr. McNamara, can 13 you please tell us -- again, state your name, your 14 occupation, and then tell us about your preliminary 15 report and your inspection at the property? 16 MR. MCNAMARA: Sure. I'm Austin 17 McNamara. I'm a housing code inspector for the 18 Department of Housing and Community Affairs. I 19 made the preliminary inspection of this ADU, as 20 well as the final inspection. As regards to the 21 parking, the Objector is correct that there doesn't 22 appear to be much street parking, but the two-car 23 garage that was mentioned, that is available, as 24 well as a fairly large driveway measuring 25 approximately 1,400 square feet of parking space,</p>	<p>19</p> <p>1 space as that is part of the footprint of the 2 house. 3 THE COURT: Okay. All right. Okay. 4 So if I were to do the math, there's ample parking 5 for more than three cars? 6 MR. MCNAMARA: Yes. I think the six 7 vehicles previously stated is a fair estimate. 8 THE COURT: Okay. All right. And you 9 stated you also completed the final inspection. So 10 is -- can you tell me what is -- other than this 11 objection to the parking, is there anything else 12 holding up the license from being issued? 13 MR. MCNAMARA: No. 14 THE COURT: Okay. All right. Is there 15 anything else you'd like to tell me about your 16 preliminary inspection, your observations, or your 17 final report? 18 MR. MCNAMARA: Just speaking to the 19 street parking, I think those were accurate 20 descriptions from the Objector. But as I said, the 21 onsite parking is well in excess of the 22 requirements. 23 THE COURT: Okay. All right. Thank 24 you, Mr. McNamara. Ms. Grutzner, anything that's 25 -- now it's your turn. Now that you've heard</p>
<p>18</p> <p>1 well in excess of the requirement for an accessory 2 dwelling unit in a single family home. 3 THE COURT: What's the minimum square 4 footage for an accessory dwelling unit in a 5 single-family home? 6 MR. MCNAMARA: The parking square 7 footage? 8 THE COURT: Yes -- sorry -- 9 MR. MCNAMARA: Okay. 10 THE COURT: -- parking square footage. 11 MR. MCNAMARA: No, that's fine. 480 12 square feet. It would be two spots for the 13 single-family home and an additional spot for the 14 ADU. Each spot is defined as 160 square feet. 15 THE COURT: Okay. All right. So just to 16 confirm, the code requires 160 square feet as one 17 parking space, and for an ADU you need three 18 parking spaces. And so what you -- just to verify 19 -- I'm looking at your preliminary report. So this 20 onsite parking measured 1,380 square feet. That 21 excludes the two-car garage; right? That's just 22 the driveway, and then you have an additional 23 two-car garage? Yes? 24 MR. MCNAMARA: That's correct. The 25 garage is not used in the measurement for parking</p>	<p>20</p> <p>1 testimony from the homeowner and from Mr. McNamara, 2 is there anything else that you'd like to say? 3 MS. GRUTZNER: Yes. Thank you for this 4 hearing. I appreciate it. As to the allegation 5 that I can't produce any photo showing any of his 6 guests parking on the street, I have not taken 7 photos of his guests, but they have parked in front 8 of our home on the street in the past. When this 9 unit has been illegally used as a parking unit, 10 there was a husband -- 11 MR. MOVAHED: (Crosstalk). 12 THE COURT: Mr. Movahed, let her -- let 13 her finish. You'll have an opportunity to speak 14 when she's done. 15 MS. GRUTZNER: I'm addressing this. The 16 apartment has been illegally used in contradiction 17 to our community bylaws and in contradiction 18 because it does not have an accessory dwelling unit 19 license at this time. The -- this unit has been 20 illegally used for years for renters who are 21 occupying space. And in the past, there have been 22 guests or residents who have been living there -- 23 or guests of residents who have been living there 24 that park in front of our street. In specific, 25 there was a gentleman that came to see his daughter</p>

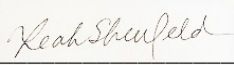
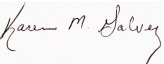
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<p style="text-align: right;">21</p> <p>1 and his ex-wife on a frequent basis, and he had a 2 black vehicle, and he parked in front of our 3 street. So I didn't take pictures of it at the 4 time. I did not object to it at the time because 5 our community bylaws strictly prohibited that. So 6 that's why I don't -- can't produce a photo. But 7 there have been instances when his guests or his 8 residents' guests have parked in front of our 9 street. 10 So again, this apartment has been 11 illegally used for years. It is not in our -- in 12 our homeowner bylaws, which, by the way, I would 13 ask Mr. Ali if he is current with those -- with 14 those payments. I do not believe so -- 15 THE COURT: Okay. So -- 16 MS. GRUTZNER: -- because as of 17 yesterday afternoon, he wasn't. 18 THE COURT: So I'm going to I'm going 19 to stop you here because -- 20 MS. GRUTZNER: Yeah. 21 THE COURT: -- this forum, we have no 22 control over homeowners associations, homeowner 23 bylaws. That's a separate and distinct process. 24 MS. GRUTZNER: Okay. Well, I don't -- 25 THE COURT: So if there's enforcement</p>	<p style="text-align: right;">23</p> <p>1 is long, there can be jockeying of those vehicles 2 to get in and out. So that street will invariably 3 be used for Mr. Movahed and his guests' residents, 4 and, yes, there have been incidents of that 5 happening. 6 MR. MOVAHED: (Indiscernible). 7 MS. GRUTZNER: Please do not interrupt 8 me. I'm speaking. 9 THE COURT: Mr. Movahed, yes, please 10 go ahead and let her finish, and then you'll have 11 an opportunity, sir. 12 MS. GRUTZNER: Yes. So there's -- 13 MR. MOVAHED: But she's (crosstalk). 14 THE COURT: Sir, I understand, but let 15 her finish, and then you will have -- 16 MS. GRUTZNER: So I'm going to finish my 17 testimony, please. 18 THE REPORTER: I can only take down one 19 person at a time. 20 MS. GRUTZNER: Please do not interrupt 21 me anymore, sir. So as I understand this 22 situation, there -- again, I have witnessed guests 23 of his residents who have parked on the street in 24 the past. And I -- again, I mentioned a specific 25 resident who was a single woman that had -- was</p>
<p style="text-align: right;">22</p> <p>1 of homeowners associations or bylaws, that's 2 something you need to take up with your association 3 counsel or president, because we have no 4 jurisdiction. The County has no jurisdiction to 5 say if someone is or is not in violation of 6 association bylaws. 7 MS. GRUTZNER: Okay. 8 THE COURT: So what we're looking at 9 here is, and as Mr. McNamara testified, there's an 10 application that's been submitted for an accessory 11 dwelling unit under Montgomery County Law. 12 MS. GRUTZNER: Okay. 13 THE COURT: And so, the -- so the issue 14 is did DHCA, in their findings, did they make an 15 error in a finding of fact, and is there or is 16 there not adequate parking. We're not talking 17 street parking strictly; we're talking adequate 18 parking as a whole. 19 MS. GRUTZNER: Okay. 20 THE COURT: So, like, those -- 21 MS. GRUTZNER: I will confine my remarks 22 to the parking situation. So as I've mentioned, in 23 the past, there have been guests of residents, of 24 illegal tenants, who have parked on the street. 25 And in order to get parking, even if the driveway</p>	<p style="text-align: right;">24</p> <p>1 renting with her daughter, and they had been 2 renting this unit, I believe, without the 3 appropriate licensing; I don't know. They had been 4 renting this unit, and the husband -- the 5 ex-husband was parking in front of our house when 6 he went to visit -- to pick up and see the 7 daughter. So there have been instances. I have 8 not taken photos of that situation. 9 But I would -- I would submit that 10 it's very difficult when you are renting a unit to 11 tell your tenants you need to always park in my 12 driveway and your guests need to park in the 13 driveway. Again, this is not a transit-oriented 14 development neighborhood. I can understand if we 15 were within a mile or a mile and a half of metro 16 that we're trying to increase densification of 17 housing, but I do not think it's appropriate in a 18 single-family home neighborhood, on a cul-de-sac 19 street, where parking is already at a premium. So 20 thank you for listening to my objections. 21 THE COURT: Thank you. Mr. Movahed, 22 now it's your turn to speak, sir. 23 MR. MOVAHED: Thank you. I really don't 24 know what to say because you -- every time I try to 25 make a comment, you say, well, this is not</p>

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<p style="text-align: right;">25</p> <p>1 appropriate. But to make it very fast and short, 2 everything that she just stated, they're not 3 correct; they're false. Knowing this woman, she 4 would have definitely come to my house, knocked on 5 my door and said, oh, by the way, there's a guy 6 parking in front of my house. She never did that. 7 Secondly, I have never ever rented 8 to someone, except that I had my own sister live in 9 my basement for three years. I didn't have to get 10 this neighbor's permission for that. And the lady 11 that she's talking about was my wife's cousin that 12 she has -- yes, she's wife. She had temporarily 13 separated from her husband and she wanted to stay 14 with us for seven months; that's all it is to it. 15 But the fact that she's talking about all the 16 community bylaws, I'm going to ask you a question: 17 Does that apply to you as well that you bring your 18 dog and let your dog poop on my lawn? Is that part 19 of the bylaws that you peek into my mailbox? Is it 20 part of the bylaws that you come to my door and you 21 peek through my windows to look inside my house? 22 I can go on and on and on and on, 23 but I'm not because I'm not going to take the time 24 of the Panel, but I'm done. Honestly, this has 25 just been a total waste of everybody's time. And</p>	<p style="text-align: right;">27</p> <p>1 you're taking photos of. So don't tell me that you 2 didn't take a photo. No. There was no car there 3 for you to take a photo to begin with. I'm done. 4 Thank you for your time. 5 THE COURT: Okay. All right. Thank 6 you, Mr. Movahed. Mr. McNamara, do you have 7 anything further to state? 8 MR. MCNAMARA: No. No, ma'am. 9 THE COURT: Okay. All right. Thank 10 you so much. All right. So I believe that this 11 concludes all of the testimony. Does anyone have a 12 closing statement that they'd like to make? All 13 right. 14 MS. GRUTZNER: Yes, ma'am, I do. 15 THE COURT: All right. Ms. Grutzner? 16 MS. GRUTZNER: Yes. I was the treasurer 17 of our homeowners association, Old Georgetown Muse, 18 and I was asked by our president, Aki (phonetic), 19 to go door to door to collect the delinquent 20 homeowner's fees that had not been received. So 21 that's one time I approached his door. Secondly, I 22 do not own a dog, and I do not let a dog poop. 23 Thirdly, we have two cars that are kept in our 24 garage. So I just wanted to clarify things. Thank 25 you so much for your time.</p>
<p style="text-align: right;">26</p> <p>1 as I said, if she can even one, one picture -- 2 she's saying that, oh, she didn't think about 3 taking a photo when my guests parked on the street. 4 No, I hardly ever have any guests. The only time 5 I have guests in my house is my brother and her -- 6 his wife. They come on Saturdays and, thank God, I 7 have the longest -- or one of the longest 8 driveways. They have one car. They park on the 9 driveway, and that's all there is to it. Yeah, I 10 do have a neighbor, next-door neighbor to me that, 11 yeah, they do have parties, and it's part of their 12 tradition. I respect that. Sometimes they fill up 13 the whole cul-de-sac, but I don't object to it. 14 And it's once in a while -- and they do it as part 15 of their culture. 16 But other than that, she's saying 17 she hasn't taken photos. No; she actually has 18 submitted a photo back in winter, because you can 19 see snow all over my driveway that she has taken a 20 picture of my trash bin that the refusal company, 21 you know, puts it there in the morning, and she 22 come out of her house right away, take a photo. 23 Oh, I'm going to take a photo of these three trash 24 bins. If you're that particular about everything 25 that happens in my house, God knows what else</p>	<p style="text-align: right;">28</p> <p>1 THE COURT: All right. Okay. And I 2 guess to Mr. Movahed, I'm going to offer you the 3 same. Do you have any closing statements or are 4 you -- are you good? 5 MR. MOVAHED: I'd just say briefly -- 6 thank you, Ms. Kathleen. 7 THE COURT: Okay. 8 MR. MOVAHED: Yeah. The president never 9 asked her to go, you know, poke through neighbors' 10 window. 11 THE COURT: Okay. So what I'm -- 12 MR. MOVAHED: That's all I have. 13 THE COURT: Okay. Thank you. So they're 14 -- clearly, you two have -- you disagree on certain 15 things, and you've both testified to your facts. 16 Ah, but you know what I forgot to do, which I'm 17 going to do right now? I forgot to swear you all 18 in. So what I'd like to do is have Ms. Grutzner, 19 if you could come back on so I can see you. And 20 Mr. Movahed, if you could just raise your right 21 hand, and Ms. Grutzner, if you could raise your 22 right hand, and Mr. McNamara, if you could raise 23 your right hand. And what I'm going to ask all 24 three of you is that the -- what you have testified 25 today is the whole truth and nothing but the truth?</p>

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<p style="text-align: right;">29</p> <p>1 Ms. Grutzner, yes, I see you nodding yes. She's 2 given me a yes. Mr. McNamara? 3 MR. MCNAMARA: Yes, that's right. 4 THE COURT: Yes. And Mr. Movahed, can I 5 get a yes from you, sir? 6 MR. MOVAHED: Yes. 7 THE COURT: Okay. All right. So I just 8 want to make sure that we have -- I apologize. I 9 should have sworn -- I generally swear everybody 10 in together at the same time, right after they 11 introduce themselves, but I had forgotten to do 12 that. All right. So at least we have that done. 13 You're swearing yourselves in after the fact. 14 All right. So now the hearing is 15 concluded. The record will remain open for a 16 period of 10 days in order for the transcript to be 17 completed and forwarded to me. I have 30 days to 18 write a decision. And the documents that we have 19 in the exhibit are going to be the documents that 20 we have in the exhibit. So my opinion will be 21 issued on -- will be issued no later than June 22 26th. Because we don't count Saturdays and 23 Sundays, so it will be out before then. So it will 24 be a written decision, and you'll be notified as to 25 when the decision is completed.</p>	<p style="text-align: right;">31</p> <p>1 CERTIFICATE OF COURT REPORTER 2 I, Leah Shenfeld, the officer before 3 whom the foregoing proceedings were taken, do 4 hereby certify that said proceedings were 5 electronically recorded by me; and that I am 6 neither counsel for, related to, nor employed by 7 any of the parties to this case and have no 8 interest, financial or otherwise, in its outcome. 9 10  11 _____ 12 Leah Shenfeld, Court Reporter 13 14 15 16 17 18 19 20 21 22 23 24 25</p>
<p style="text-align: right;">30</p> <p>1 All right. I want to thank everyone 2 today for participating. I'm going to check in 3 with the court reporter to see if she needs 4 anything else before we finish. 5 THE REPORTER: I do not. I just need to 6 know if you are ordering the transcript? 7 THE COURT: I am. 8 THE REPORTER: Okay. Perfect. Thank 9 you. 10 THE COURT: All right. Thank you so 11 much. 12 All right, everyone. Thank you 13 today for participating, and everyone have a great 14 day. 15 MR. MOVAHED: Thank you. You, too. 16 THE COURT: Thank you. 17 (Off the record at 10:07 a.m.) 18 19 20 21 22 23 24 25</p>	<p style="text-align: right;">32</p> <p>1 CERTIFICATION OF TRANSCRIPT 2 I, Karen M. Galvez, do hereby certify 3 that the foregoing transcript, to the best of my 4 ability, knowledge, and belief, is a true and 5 correct record of the proceedings; that said 6 proceedings were reduced to typewriting under my 7 supervision; 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 12  13 _____ 14 Karen M. Galvez 15 Planet Depos, LLC 16 May 24, 2023 17 18 19 20 21 22 23 24 25</p>

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