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# Transcript of Hearing

**Date:** March 14, 2023

**Case:** Luis and Sheryl Sanchez Parking Waiver Request, In Re:

**Planet Depos**

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Transcript of Hearing  
Conducted on March 14, 2023

<p>1 OFFICE OF ZONING AND ADMINISTRATIVE HEARINGS 2 FOR MONTGOMERY COUNTY, MARYLAND 3 -----x 4 In Re: 5 LUIS AND SHERYL SANCHEZ Case No.: 6 PARKING WAIVER REQUEST ADW 23-01 7 -----x 8 9 HEARING - HELD VIRTUALLY 10 Before Hearing Examiner - Kathleen Byrne 11 Tuesday, March 14, 2023 12 9:31 a.m. 13 14 15 16 17 18 19 20 21 22 23 Job No.: 483152 24 Pages: 1 - 53 25 Transcribed by: Janine Thomas</p>	<p>1 A P P E A R A N C E S 2 3 LUIS AND SHERYL SANCHEZ, Pro Se 4 5 MICHELE ROSENFELD, ESQUIRE 6 THE LAW OFFICE OF MICHELE ROSENFELD 7 1 Research Court, Suite 450 8 Rockville, Maryland 20850 9 (301) 204-0913 10 11 ALSO PRESENT: 12 Michelle Hadrick, Housing Code Inspector 13 14 15 16 17 18 19 20 21 22 23 24 25</p>
<p>1 Proceeding held virtually. 2 3 4 5 6 7 8 9 10 11 Pursuant to agreement, before Brendon Cuenca, 12 Notary Public in and for the State of Maryland. 13 14 15 16 17 18 19 20 21 22 23 24 25</p>	<p>1 C O N T E N T S 2 EXAMINATION OF SHERYL SANCHEZ PAGE 3 By Ms. Rosenfeld 25 4 5 EXAMINATION OF ALI ZARRABI PAGE 6 By Ms. Rosenfeld 27 7 8 9 E X H I B I T S 10 (Court Retained.) 11 LUIS AND SHERYL SANCHEZ EXHIBIT PAGE 12 Exhibit 1 Parking Waiver Application 12 13 Exhibit 2 Stamped Parking 12 14 Exhibit 3 Preliminary Inspection Report 12 15 Exhibit 4 Plat Survey 12 16 Exhibit 5 SDAT Real Property Search 12 17 Exhibit 6 Site Photos 12 18 Exhibit 8 Notice of Public Hearing 12 19 Exhibit 10 2405 Twin Valley Zarabi SDAT 12 20 Real Property Search 21 Exhibit 11 SDAT Map 12 22 Exhibit 12 Google Maps Aerial View 12 23 Exhibit 13 2405 Twin Valley Zarabi Deed 12 24 Exhibit 14 Sanchez Deed 12 25 Exhibit 15 Plat 23156 12</p>

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<p>5</p> <p>1 Exhibit 16 Montgomery County Property 12 2 Maps 3 Exhibit 17 Sanchez SDAT Real Property 12 4 Search 5 Exhibit 18 Montgomery County GIS Aerial 12 6 View 7 Exhibit 19A Photo 12 8 Exhibit 19B Photo 12 9 Exhibit 19C Photo 12 10 Exhibit 19D Photo 12 11 Exhibit 21 2401 Twin Valley Deed 12 12 Exhibit 22 2401 Twin Valley SDAT Property 12 13 Search 14 15 16 17 18 19 20 21 22 23 24 25</p>	<p>7</p> <p>1 MS. ROSENFELD: That's correct. Yes. 2 HEARING EXAMINER BYRNE: Okay. 3 MS. ROSENFELD: And I can hear you and see 4 you. 5 HEARING EXAMINER BYRNE: Excellent. Thank you 6 very much. Mr. Zarrabi, can you also hear us and see 7 us? 8 MR. ZARRABI: Yes. Yes, ma'am. 9 HEARING EXAMINER BYRNE: Perfect. All right. 10 So your microphone is working. We don't have any 11 feedback. All right. So lieutenants see, Ms. Hadrick. 12 I see you're here. Can you also unmute and turn your 13 camera on so we can see if we can hear and see you as 14 well? 15 MS. HADRICK: I'm here. 16 HEARING EXAMINER BYRNE: Excellent. Thank you 17 so much. All right. Looks like we can hear and see 18 everyone. So I will go ahead and get started. 19 Now I am going to record this, but this 20 recordation is only for the court reporter. It's just 21 for his reference, just in case. So once I start, I now 22 have to stop the transcription, so stick with me. 23 All right. So again, this meeting is being -- 24 or this hearing is being recorded not for the purposes 25 for the parties but merely for the court reporter to use</p>
<p>6</p> <p>1 PROCEEDINGS 2 HEARING EXAMINER BYRNE: All right. It looks 3 like we have everyone on. So we'll go ahead and get 4 started. 5 Good morning, everyone. My name is Katie 6 Byrne. I'll be the hearing Examiner today. And to 7 start with, I've checked in with Brendan [ph]. Can you 8 hear everyone okay? Well, actually, before I say that, 9 you haven't heard anyone but me. So let's start with -- 10 start with the parties. Mr. And Mrs. Sanchez. 11 MR. SANCHEZ: Yes, we can hear you. Good 12 morning. 13 HEARING EXAMINER BYRNE: Is it possible for 14 you to turn your camera on and off? 15 MR. SANCHEZ: Yeah. 16 HEARING EXAMINER BYRNE: Okay. Perfect. All 17 right. We can see you. It's just that when people 18 speak I just ask that they have their cameras on. So 19 it's fine if you want to keep it off when you're not 20 speaking, but that way, the -- we can see you, the court 21 reporter can see you. And we have a real exchange. 22 Okay. Thank you very much. 23 Let's see, Ms. Rosenfeld, I see you're here 24 representing the neighbor, Mr. Zarrabi. Did I pronounce 25 that right?</p>	<p>8</p> <p>1 as reference. 2 This is a public hearing on a parking waiver 3 request from the applicants Mr. And Ms. Sanchez, Luis 4 and Sheryl, a waiver from the requirements of Article 5 59, Section 3.3.3A2cii. It was received by OZA [ph] 6 related to an accessory drawing unit license for their 7 property at 2327 Twin Valley Drive -- Twin Valley Lane 8 in Silver Spring, Maryland. 9 Again, my name is Katie Byrne. I'm going to 10 be listening to testimony, reviewing evidence, rendering 11 an opinion pursuant to the application that was 12 submitted or per the terms in Article 26 Section -- I'm 13 sorry, Article 29, Section 26B. That there's adequate 14 on-street parking. If you disagree with my decision, 15 you may appeal it to the Board of Appeals within ten 16 days of when the decision is issued. 17 All right. So we're going to identify the 18 parties here again. I have Mr. and Mrs. Luis and Sheryl 19 Sanchez, you are the applicants. I have Mr. Zarrabi, 20 represented by Ms. Rosenfeld, who are in opposition to 21 this application; is that correct? 22 MR. SANCHEZ: Yes. 23 HEARING EXAMINER BYRNE: Ms. Rosenfeld, I 24 can't hear you. 25 MS. ROSENFELD: We are in opposition.</p>

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9	<p>1 However, we also would proffer conditions. Should the 2 Hearing Examiner determine to approve it. 3 HEARING EXAMINER BYRNE: Okay. Thank you. 4 All right. Let's see. Just a few housekeeping duties. 5 So far, it looks like we're all doing well with Teams. 6 Everybody's Internet section or -- that they've chosen 7 seems to be performing well. We ask that you not 8 interrupt while someone else is speaking, unless you 9 have an objection. This is because the court reporter 10 has difficulty trying to capture what everyone is 11 saying. So if we could all do our best not to speak 12 over each other, let everyone finish their sentences, 13 that would be great. If you are not speaking, please 14 mute yourself. Everybody I think now at this point 15 knows the little microphone is to mute and unmute. 16 Let's see, when you testify, you must have 17 your camera on so we can see your face. Please don't 18 use the chat function, because it's hard for me to keep 19 track of the chat, and everything else that's going on. 20 So you can physically go on camera, raise your hand or 21 you can use the raise your hand function that we have. 22 Let's see, all right. So the nature of the 23 proceedings, I have -- let's see, as far as the 24 application goes, we have the application, we have the 25 exhibit list, the stamped parking. There are some</p>	11
10	<p>1 exhibits that Ms. Rosenfeld submitted yesterday, all of 2 them are available on the website on the exhibit list. 3 So we can go one of two ways. I can pull them up and 4 share screen or if you're testifying to a particular 5 exhibit, if you feel more comfortable pulling it up, we 6 can do it that way as well. So as we get to things, we 7 can pull them -- I can pull them up and share screen or 8 whoever is testifying to the exhibit can also pull them 9 up and share screen. What I would ask is that you pull 10 from the exhibit list only that we have on the website. 11 So we'll get there -- we'll cross that bridge when we 12 get there. 13 All right. So procedure, everyone will be 14 testifying under oath, and generally, we can start with 15 opening statements from either party, if they desire, if 16 not, we can jump right into it. First, the applicant, 17 Mr. and Mrs. Sanchez, you will go first, then the 18 opposition, Ms. Rosenfeld, will go second. Then third, 19 the testimony of Ms. Hadrack who is the DHCA 20 representative, the applicant and licensee, Mr. and Mrs. 21 Sanchez, you'll have an opportunity for rebuttal, then 22 the opposition will have an opportunity for rebuttal and 23 then the -- Ms. Hadrack can also testify again in 24 rebuttal at the end, and what I'd like to do right now 25 is kind of go through the exhibits to see if anybody has</p>	12

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<p style="text-align: right;">13</p> <p>1 neighborhood, it's our initial position that on-street 2 parking would not be adequate that the width of the 3 street and conflicts between vehicles leaving the 4 driveway and a street directly across would not allow 5 for safe parking on the street. It's a double dead end 6 cul-de-sac at both ends of the street. 7 That having been said, we also would proffer 8 that if the Hearing Examiner would impose conditions 9 that the applicant accepts, we would be willing to 10 withdraw the overall objection to the waiver. And with 11 your indulgence so that you and the applicant both are 12 aware of what those proffered conditions would be, I'm 13 happy to read them into the record. 14 HEARING EXAMINER BYRNE: Okay. 15 BY MS. ROSENFELD: 16 Q There would be three proposed conditions. The 17 first would be occupants, guests, and visitors are 18 prohibited from all use of the driveway, (e.g. short or 19 long-term parking; short-term use for parking, for 20 vehicle occupants to enter or exit a vehicle or to load 21 or unload items from the vehicle). And that's because 22 when people are parked in the driveway, Mr. Zarrabi 23 cannot ingress and egress from his home. 24 The second condition would be the applicant 25 must provide a written copy of this prohibition to all</p>	<p style="text-align: right;">15</p> <p>1 never been a situation where there's been more than one 2 or two properties or cars parked on the street. I mean, 3 there's abundant, abundant on-street parking. So the 4 conditions are not the issue. The issue is that the 5 equality. The common driveway is for the use and 6 benefit of all three properties. And so all three 7 owners need to follow the same condition. That's 8 just -- 9 HEARING EXAMINER BYRNE: Okay. So -- 10 MS. SANCHEZ: That's just law. That's just 11 the statute. 12 HEARING EXAMINER BYRNE: So our -- is what 13 you're saying if all three lots -- 14 MS. SANCHEZ: If he agrees to the same -- 15 HEARING EXAMINER BYRNE: -- agree to be bound 16 by the same conditions -- 17 MS. SANCHEZ: Yes, ma'am. 18 HEARING EXAMINER BYRNE: -- you would agree to 19 that? 20 MS. SANCHEZ: Yes, ma'am. 21 HEARING EXAMINER BYRNE: So Ms. Rosenfeld. 22 MS. ROSENFELD: And my response to that is the 23 ingress egress easement does apply equally to all three 24 property owners. That ingress egress easement, of 25 course contemplated that there would be three single</p>
<p style="text-align: right;">14</p> <p>1 ADU residents. And the third, the applicant must 2 include a copy of this prohibition in any contract of 3 sale of the home. And it might seem self-evident, but 4 the prohibition in Condition 1, of course, would be for 5 residents of the ADU. 6 So those would be the proposed conditions. 7 And if they're acceptable to all, then we would -- we 8 would withdraw the objection and not have the need to 9 put on our case in full as to why the waiver should be 10 denied. 11 HEARING EXAMINER BYRNE: Okay. So before we 12 actually get into the merits, Mr. and Mrs. Sanchez, did 13 you hear essentially, there's three conditions that your 14 neighbor would like. If I find that there's adequate 15 on-street parking, would you be in agreement to those 16 three conditions as being part of the grant of any 17 waiver? 18 MS. SANCHEZ: Yes, Sheryl Sanchez, ma'am. The 19 three conditions, the common part of the driveway is for 20 the use and benefit of all three properties, mean, all 21 three owners are equal. So if the conditions were -- if 22 the conditions with for all three owners, that's 23 completely acceptable. The common driveway is for the 24 use and benefit of all three properties. Anyone driving 25 to our neighborhood would absolutely see that there's</p>	<p style="text-align: right;">16</p> <p>1 family dwelling units as currently exists. Adding an 2 accessory dwelling unit increases the potential burden 3 on that easement. 4 I want to make clear that the condition that I 5 read applies to the residents of the accessory dwelling 6 unit. I'm not proposing to change the terms of the 7 ingress egress easement as it applies to the primary 8 occupants of any of the three properties. There are 9 three -- 10 MS. SANCHEZ: The -- 11 MS. ROSENFELD: The ingress egress -- 12 HEARING EXAMINER BYRNE: Okay. Hold on. Hold 13 on, Ms. Sanchez. Let her finish. 14 MS. ROSENFELD: The ingress egress easement 15 serves three properties. 16 MS. SANCHEZ: And the resident is rent-paying 17 occupant, so they should be treated as a resident. I 18 mean, they shouldn't be more restricted. They will park 19 on the street, obviously, but they -- they're a resident 20 just like we are. We might give them our garage space. 21 We might give them our space in front of the garage. It 22 very much depends on who it is, but I don't believe they 23 should be more restricted than the residents. 24 Especially, with the incredible abundance of on-street 25 parking and there's no -- there's no issue with parking</p>

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<p style="text-align: right;">17</p> <p>1 in this neighborhood.</p> <p>2 HEARING EXAMINER BYRNE: Okay. But I don't</p> <p>3 want to get into any testimony. We're just trying to</p> <p>4 see can we reach common ground before we get into the</p> <p>5 meat of the hearing. So Ms. Rosenfeld.</p> <p>6 MS. ROSENFELD: And I don't think there's any</p> <p>7 concern about an occupant of the accessory dwelling unit</p> <p>8 parking in the garage, if that's what the owners would</p> <p>9 like to arrange. The concern is that when someone is</p> <p>10 parked in the ingress egress easement, Mr. Zarrabi</p> <p>11 cannot maneuver in and out of his house. And so while I</p> <p>12 appreciate that people might park short-term, short-term</p> <p>13 can turn into longer term, you know, you unload</p> <p>14 groceries, you forget the car. So I -- I've made our</p> <p>15 position clear. And if, you know, if we get into</p> <p>16 testimony, we can elaborate on that.</p> <p>17 But that -- that was our attempt to try to</p> <p>18 address our concerns if these conditions are acceptable,</p> <p>19 and I just wanted to make them clear to everyone up</p> <p>20 front.</p> <p>21 HEARING EXAMINER BYRNE: Okay. So could you</p> <p>22 restate the first condition again?</p> <p>23 MS. ROSENFELD: Of course. Occupants, guests,</p> <p>24 and visitors of the accessory dwelling unit are</p> <p>25 prohibited from all use of the driveway, (e.g. short or</p>	<p style="text-align: right;">19</p> <p>1 outside of the garage, because you can't park</p> <p>2 adequately -- you can't park a vehicle in a way that</p> <p>3 would allow Mr. Zarrabi the right to enter and exit. So</p> <p>4 that's why there's this request for the parking waiver.</p> <p>5 There's not enough space onsite under the 360 feet. But</p> <p>6 to -- we would not object to a resident of the ADU using</p> <p>7 driveway to access the garage.</p> <p>8 HEARING EXAMINER BYRNE: Okay. So does that</p> <p>9 change anything for you Mr. and Mrs. Sanchez?</p> <p>10 MS. SANCHEZ: Well, we think that this is too</p> <p>11 complicated. The -- the accessory dwelling unit should</p> <p>12 have the same rights as all of the occupants of the</p> <p>13 houses. Obviously, no one will impede anyone else.</p> <p>14 We've never done that. The whole point of a shared</p> <p>15 driveway is it's for the use and benefit of everyone</p> <p>16 that's a resident. The ADU renters are residents and as</p> <p>17 such, they'll be charged a fair rent in Montgomery</p> <p>18 County, and to impose a harsher, you know, penalty on</p> <p>19 them, they will not park on the garage, but the -- the</p> <p>20 rules for the shared driveway are all -- everyone, all</p> <p>21 three properties including the renter, have the same</p> <p>22 rules. They don't impede anybody else. They don't --</p> <p>23 they don't harm anybody else, they don't stop anybody</p> <p>24 else from getting access to their property or their</p> <p>25 garage. Everyone is respectful, but a renter should</p>
<p style="text-align: right;">18</p> <p>1 long-term parking; short-term use for parking, for</p> <p>2 vehicle occupants to enter or exit a vehicle or to load</p> <p>3 or unload items from the vehicle).</p> <p>4 HEARING EXAMINER BYRNE: Okay. So what we</p> <p>5 just heard from the Sanchezes is that their accessory</p> <p>6 dwelling unit occupant may actually use their driveway,</p> <p>7 so if -- or I'm not -- sorry, use their garage space or</p> <p>8 their parking space. So if that were the case then they</p> <p>9 couldn't agree to that first term. So Ms. Rosenfeld.</p> <p>10 MS. ROSENFELD: This is specific to use of the</p> <p>11 driveway for parking. What we have before us today --</p> <p>12 HEARING EXAMINER BYRNE: Okay.</p> <p>13 MS. ROSENFELD: -- is a parking waiver. So it</p> <p>14 says occupants, guests, and visitors at the accessory</p> <p>15 dwelling unit are prohibited from all use of the</p> <p>16 driveway.</p> <p>17 HEARING EXAMINER BYRNE: The driveway for</p> <p>18 parking.</p> <p>19 MS. ROSENFELD: The driveway for parking.</p> <p>20 HEARING EXAMINER BYRNE: But they could use</p> <p>21 the driveway to access if the Sanchezes gave them a</p> <p>22 parking spot in their garage or immediately outside of</p> <p>23 their garage. So that --</p> <p>24 MR. SANCHEZ: There's no space.</p> <p>25 MS. ROSENFELD: I think there's no parking</p>	<p style="text-align: right;">20</p> <p>1 have the same rights as the people that own the</p> <p>2 property. That doesn't seem fair that they wouldn't.</p> <p>3 HEARING EXAMINER BYRNE: Okay. All right.</p> <p>4 Thank you, Ms. Sanchez. Ms. Rosenfeld, anything</p> <p>5 further?</p> <p>6 MS. ROSENFELD: Sure. Just I think one final</p> <p>7 point, the zoning code provides that if you're going to</p> <p>8 have an accessory dwelling unit, you need 360 square</p> <p>9 feet of parking available on the property to allow for</p> <p>10 parking for two vehicles. We are here because they're</p> <p>11 seeking a waiver of that standard. And the waiver in</p> <p>12 this case includes a property that is unique in the</p> <p>13 sense that there is a shared driveway. If the only</p> <p>14 question were the waiver to allow parking on the street</p> <p>15 and the only parking who had access to that driveway</p> <p>16 were the applicants, that's one scenario. We have a</p> <p>17 different situation. And so, while I appreciate the</p> <p>18 sentiment that, you know, renters should have the same</p> <p>19 use as others, we have a request for a waiver from the</p> <p>20 minimum zoning standards in a case where we have a</p> <p>21 shared driveway by three, and under those unique</p> <p>22 circumstances, I think these conditions are fair and</p> <p>23 appropriate.</p> <p>24 HEARING EXAMINER BYRNE: Thank you,</p> <p>25 Ms. Rosenfeld. All right. So it doesn't sound like</p>

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<p style="text-align: right;">21</p> <p>1 we're going to be able to reach an agreement here. So 2 we'll go ahead and move forward with the testimony. All 3 right. So Mr. and Mrs. Sanchez, can you please explain 4 to us what your -- what we refer to as your 5 case-in-chief as the basis for why you believe that a 6 waiver should be granted to parking in your particular 7 application? Oh, wait. 8 MS. SANCHEZ: Yes, ma'am. 9 HEARING EXAMINER BYRNE: Before you start. I 10 need to swear you in. All right. 11 MS. SANCHEZ: Yes, ma'am. 12 HEARING EXAMINER BYRNE: So if you could raise 13 your right hand. And will Mr. Sanchez also be 14 testifying? Both of you will be testifying? 15 MS. SANCHEZ: He's right here. Yes. 16 HEARING EXAMINER BYRNE: Okay. So just in 17 case, I'm going to swear you both in at the same time. 18 If you could both raise your right hand. 19 Whereupon, 20 LUIS SANCHEZ AND SHERYL SANCHEZ, 21 being first duly sworn or affirmed to testify to the 22 truth, the whole truth, and nothing but the truth, was 23 examined and testified as follows. 24 HEARING EXAMINER BYRNE: Thank you very much. 25 Okay. Mrs. Sanchez.</p>	<p style="text-align: right;">23</p> <p>1 enough parking right in our two garage spaces and in 2 front of our garage doesn't mean that there'd never 3 be -- that there's not parking. There's an abundance of 4 parking. And the whole reason the statute was changed 5 in 2020 was because of affordable housing in Montgomery 6 County. There's a shortage of affordable housing in 7 Montgomery County and where the county was trying to 8 make it more amenable to people that are of lesser 9 means. And we're doing everything -- when we finish our 10 basement, we're doing it with a permit. We're doing it 11 with the application for the ADU. We know many, many 12 people finish their basements with cooking abilities, 13 and they don't pull a permit, and they don't meet the 14 codes. We know many people, very close to us in this 15 neighborhood are in that situation where they've broken 16 the law. We want to do what the county wants. We are 17 hoping to provide for people where I work at the Nuclear 18 Regulatory Commission, young engineers who are coming to 19 Montgomery County and these young engineers can't afford 20 an apartment, and we are trying to do things properly by 21 the rules and help and provide them with affordable 22 housing in a county which is prohibitively expensive in 23 some situations. And our -- my young engineers don't 24 mind parking on the street. But we also think they 25 should have the same, you know, privileges that we do,</p>
<p style="text-align: right;">22</p> <p>1 MS. SANCHEZ: So if you look at the 2 photographs and if you would visit the neighborhood, you 3 would see that there's rarely along the whole Twin 4 Valley Drive one or two cars parked along the legal -- 5 legal street parking. This is not a little tiny -- it's 6 a very wide street, neighborhood all with very few 7 exceptions, everybody has a driveway and a garage. Some 8 of the cross streets of the cul-de-sac do have driveways 9 and no garages, but 90% of the homes have driveways and 10 garages. People do not park on the street in this 11 neighborhood. There's an abundance, abundance of off, 12 you know, street parking where people can legally park, 13 county street parking. There's never been a situation, 14 even when people have had large parties, there's never 15 been a situation where somebody could come into this 16 neighborhood and not find a parking space. There would 17 never be a situation where a renter would come in and 18 not be able to find a place to park, probably directly 19 in front of our house. We've never had parkers in front 20 of our house. We've never -- even when the neighbors 21 across the street have like graduation parties, large 22 gatherings, there's never a -- there's never a shortage 23 of parking. There would never be a situation where a 24 renter would not have parking. 25 And so, you know, the fact that we don't have</p>	<p style="text-align: right;">24</p> <p>1 because they'll be paying a fair rent in this county. 2 But if you would visit the neighborhood you would see 3 there would never be a parking issue. And we -- we -- 4 we submitted photographs, but -- 5 HEARING EXAMINER BYRNE: Do -- would you like 6 me to pull those up and share those or would you like to 7 speak to those? 8 MS. SANCHEZ: You may pull them up if you want 9 to share your screen, but I mean, I think anybody that 10 lives in the neighborhood is completely aware that 11 there's never been a parking issue anywhere in this 12 neighborhood. You may pull them up, but even if you go 13 out there now, there's not going to be any cars on our 14 street. The cars are in the garages, and in the 15 driveways. 16 HEARING EXAMINER BYRNE: Okay. I would -- I 17 mean, they're here. I have them. I'll have them to 18 review only if you wanted to speak specifically to them, 19 I'll pull -- I can pull them up. 20 MS. SANCHEZ: You don't need to pull them up, 21 because everybody that lives in the neighborhood knows 22 that there's not a parking problem in this neighborhood. 23 And you've the photographs in the -- in the record so 24 we're fine. 25 HEARING EXAMINER BYRNE: Okay. Anything else</p>

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<p style="text-align: right;">25</p> <p>1 you'd like to say?</p> <p>2 MS. SANCHEZ: No, ma'am. Not for now.</p> <p>3 HEARING EXAMINER BYRNE: Okay. Ms. Rosenfeld.</p> <p>4 EXAMINATION BY COUNSEL FOR THE DEFENDANT</p> <p>5 BY MS. ROSENFELD:</p> <p>6 Q Hi, just one question on cross-examination,</p> <p>7 for the record. Ms. Sanchez, you are aware of the fact</p> <p>8 that there's a common ingress egress easement over a</p> <p>9 portion of the driveway; is that correct?</p> <p>10 <b>A Yes, ma'am. And it's the same for all three</b></p> <p>11 <b>owners.</b></p> <p>12 HEARING EXAMINER BYRNE: I'm sorry, you --</p> <p>13 Ms. Rosenfeld, you're muted.</p> <p>14 MS. ROSENFELD: Hi, yes.</p> <p>15 HEARING EXAMINER BYRNE: Mr. Zarrabi, if you</p> <p>16 could please mute when you're not speaking.</p> <p>17 MR. ZARRABI: Yeah.</p> <p>18 HEARING EXAMINER BYRNE: Thank you.</p> <p>19 MS. ROSENFELD: Ms. Byrne, I have no other</p> <p>20 questions for cross-examination.</p> <p>21 HEARING EXAMINER BYRNE: Okay. All right.</p> <p>22 Well then, it's your turn, your case-in-chief, please.</p> <p>23 MS. ROSENFELD: Certainly thank you. If we</p> <p>24 could start, if you would please bring up what's been</p> <p>25 marked as Hearing Exhibit 11?</p>	<p style="text-align: right;">27</p> <p>1 he'll need to be sworn in.</p> <p>2 HEARING EXAMINER BYRNE: All right.</p> <p>3 Excellent. Mr. Zarrabi, if you could raise your right</p> <p>4 hand.</p> <p>5 THE WITNESS: Excuse me. Say again, I didn't</p> <p>6 hear.</p> <p>7 HEARING EXAMINER BYRNE: I just asked you to</p> <p>8 speak -- to raise your right hand.</p> <p>9 Whereupon,</p> <p>10 ALI ZARRABI,</p> <p>11 being first duly sworn or affirmed to testify to the</p> <p>12 truth, the whole truth, and nothing but the truth, was</p> <p>13 examined and testified as follows.</p> <p>14 HEARING EXAMINER BYRNE: All right. Thank</p> <p>15 you. And I will go ahead and pull up those</p> <p>16 individuals -- just give me one second, because I have</p> <p>17 to click in and click out, and pull them up</p> <p>18 individually. Let me pull all four up really quickly.</p> <p>19 So I'll start with the photograph number one.</p> <p>20 MS. ROSENFELD: Okay.</p> <p>21 EXAMINATION BY COUNSEL FOR THE DEFENDANT</p> <p>22 BY MS. ROSENFELD:</p> <p>23 Q Okay. Mr. Zarrabi, looking at Photograph</p> <p>24 Number 19A, there's a red truck -- a red truck in that</p> <p>25 photograph; do you see that?</p>
<p style="text-align: right;">26</p> <p>1 HEARING EXAMINER BYRNE: Certainly.</p> <p>2 MS. ROSENFELD: And I don't -- I -- I --</p> <p>3 Exhibit 11 shows the location of the Sanchez property</p> <p>4 and Mr. Zarrabi's properties, he owns two.</p> <p>5 HEARING EXAMINER BYRNE: Yes.</p> <p>6 MS. ROSENFELD: I have submitted into the</p> <p>7 record the deeds and the State Department of Assessments</p> <p>8 and Taxation. I think you can take judicial notice of</p> <p>9 this.</p> <p>10 HEARING EXAMINER BYRNE: Yes.</p> <p>11 MS. ROSENFELD: And I don't need to speak to</p> <p>12 it more, but I did want to show you the relative</p> <p>13 locations of how these three properties relate. If we</p> <p>14 then could go to Exhibit 15, please.</p> <p>15 HEARING EXAMINER BYRNE: Certainly.</p> <p>16 MS. ROSENFELD: This is another exhibit I</p> <p>17 think you can accept through judicial notice. This is</p> <p>18 the record plat for the three properties. And on it,</p> <p>19 you can see where the common ingress egress easement is</p> <p>20 delineated, and again, I'm providing this so that you</p> <p>21 can be aware of how the three properties relate and the</p> <p>22 location of the exhibit itself.</p> <p>23 I next would like to go to exhibits -- I think</p> <p>24 they're 19 which go to the -- which are photographs and</p> <p>25 I will ask Mr. Zarrabi to speak to these and so I think</p>	<p style="text-align: right;">28</p> <p>1 <b>A Yes, I see that.</b></p> <p>2 Q And can you explain to the Hearing Examiner</p> <p>3 where that truck is parked?</p> <p>4 <b>A Yeah. The -- the -- the -- in front of my</b></p> <p>5 <b>driveway when I'm going to back it up, I can't get it</b></p> <p>6 <b>back right. I'm at 74 years old, I can't see very well.</b></p> <p>7 <b>So I can't have -- probably to back up. Plus his --</b></p> <p>8 <b>that's not enough space in front of because when he or</b></p> <p>9 <b>she mentioned that we can park the car, no. He said</b></p> <p>10 <b>that our ADU can park the car in the garage. Where are</b></p> <p>11 <b>they going to park the car, their car? The truck, a</b></p> <p>12 <b>BMW, where they going to park it if the ADU -- park the</b></p> <p>13 <b>car inside the garage. So where they going to park?</b></p> <p>14 MS. ROSENFELD: And if we could go to Exhibit</p> <p>15 19B.</p> <p>16 HEARING EXAMINER BYRNE: Okay. I believe this</p> <p>17 is it.</p> <p>18 MS. ROSENFELD: Yes.</p> <p>19 BY MS. ROSENFELD:</p> <p>20 Q Mr. Zarrabi, can you -- would this picture</p> <p>21 show the view of the common easement looking from the</p> <p>22 three homes toward the street?</p> <p>23 <b>A That's right.</b></p> <p>24 Q And if there are people parked in that</p> <p>25 driveway area, are you able to easily enter and exit</p>



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1 your property with a vehicle?  
2 **A Very, very difficult to do that. Very**  
3 **difficult. Plus, as you see that I repaired that**  
4 **driveway a lot. And I on the -- so -- even more in**  
5 **right-hand side to my property and left-hand side so**  
6 **make a little bit more space. If you look at it, the**  
7 **flat and everything else, shows that how much is the**  
8 **real driveway. The front of it is like 215 -- and it's**  
9 **ready to go to do -- I got measure myself from -- toward**  
10 **the -- away from our house over there, it's 215.**  
11 HEARING EXAMINER BYRNE: I'm sorry, 215 feet  
12 from the house to the street is that what you just said?  
13 THE WITNESS: 215 inches.  
14 HEARING EXAMINER BYRNE: I think I'm confused.  
15 So --  
16 THE WITNESS: Why you confused, ma'am? If  
17 the -- when you come see that my post that are over  
18 there in entrance, when you get the -- from in the  
19 corner to that corner, it's 215 inches.  
20 HEARING EXAMINER BYRNE: Okay. I'm -- I think  
21 I'm confused as to where your measurement is.  
22 THE WITNESS: Okay.  
23 HEARING EXAMINER BYRNE: So what I'm asking  
24 is --  
25 THE WITNESS: Yes.

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1 HEARING EXAMINER BYRNE: -- the length of the  
2 driveway from your garage to the street.  
3 THE WITNESS: Oh, the length or width? Which  
4 one you're asking, ma'am?  
5 HEARING EXAMINER BYRNE: What I'm asking is,  
6 what is the length of the driveway from your garage to  
7 the street? Do you know that?  
8 THE WITNESS: I think you can look at it. I  
9 think -- about 130 feet or something. I don't know  
10 exactly. I've got to look at the map.  
11 HEARING EXAMINER BYRNE: Okay.  
12 THE WITNESS: You can see them from the map.  
13 HEARING EXAMINER BYRNE: Okay. So  
14 Mr. Zarrabi, what measurement of the 215 inches -- where  
15 is that measurement? What are you talking about for  
16 that?  
17 THE WITNESS: Width. Width. Width.  
18 HEARING EXAMINER BYRNE: Width. Okay. The  
19 width of the driveway is 215 inches. Thank you.  
20 That's -- I thought you were talk -- I didn't hear -- I  
21 didn't hear the word width.  
22 THE WITNESS: Yeah. I'm sorry. It's my  
23 language. I apologize, ma'am.  
24 BY MS. ROSENFELD:  
25 Q And Mr. Zarrabi -- I'm sorry, I don't want to

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1 cut off your questions.  
2 HEARING EXAMINER BYRNE: That was it. I just  
3 wanted to get -- I wasn't sure which -- what we were  
4 talking about. So that helps with clarity.  
5 MS. ROSENFELD: Okay.  
6 BY MS. ROSENFELD:  
7 Q And Mr. Zarrabi, the -- the Twin Valley Street  
8 itself, is that -- can you describe whether or not  
9 that's a wide or a narrow street?  
10 **A Well, the problem of mention in Mrs. Sanchez**  
11 **says that they took a picture and she says that a lot**  
12 **of, abundant driveway always -- no. That's not true.**  
13 **The picture was taken -- it was in the morning, so**  
14 **everybody goes to work. That was -- shows empty. And**  
15 **there's nobody there. There's no cars parked over**  
16 **there. That's not true. Because when emergency come,**  
17 **when the snow coming everybody park the car, driveway,**  
18 **they cannot plow that Twin Valley -- because if somebody**  
19 **park the car over there on the driveway. On the street.**  
20 **Okay. They cannot do that, park the car. Plus, if they**  
21 **are going to park the car, I'm showing you much, I don't**  
22 **know if you can see that on the picture, I don't know,**  
23 **it shows that if you park the car here, it's going to**  
24 **be -- difficulty -- front of the -- the people back up**  
25 **to go over there. Difficulty. That's not -- and then**

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1 **you go see that on the picture they send it over there,**  
2 **all the street is not empty. It's everybody got car and**  
3 **they parking over -- in the morning they took picture,**  
4 **there's no car over there. Yeah. But it's --**  
5 **difficulty -- to find a space and park, and --**  
6 **difficulty -- is going to be that once we say, oh, they**  
7 **can park it, we going to have problem for many years --**  
8 **provided for the next door you have parked the car here,**  
9 **they were doing it -- everything else, we going to have**  
10 **the same problem again. I bought -- if I may say**  
11 **something -- knowing that I wouldn't buy the house if**  
12 **wouldn't sell me that party, because I said I don't want**  
13 **to buy it, because I don't want to share driveway. I**  
14 **don't want to do that, because half doesn't worth that**  
15 **much. You know, if I may --**  
16 Q Mr. Zarrabi --  
17 **A -- show you more detail, when offering 810,000**  
18 **for both, they said no, we are not going to sell that**  
19 **house. I said you keep it, I keep my property.**  
20 Q And Mr. --  
21 **A Then they came up two months later -- they**  
22 **said that you want to buy the other one too? I said**  
23 **\$200,000, I give it to you, if you want it. Otherwise,**  
24 **you keep it. I told them that.**  
25 Q Mr. Zarrabi.

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1 **A You keep that --**  
2 HEARING EXAMINER BYRNE: Mr. Zarrabi --  
3 Mr. Zarrabi, I think your attorney is trying to ask you  
4 a question, so what you're getting into is the history  
5 of your property, and we really want to focus on the  
6 parking waiver.  
7 THE WITNESS: Yes. Yes. Yes. Yeah. Yeah.  
8 MS. ROSENFELD: Thank you.  
9 BY MS. ROSENFELD:  
10 Q Mr. Zarrabi, looking across Twin Valley Lane  
11 to the paved area across the street is, is that  
12 Cranberry Lane? Is that a street directly across from  
13 your driveway?  
14 **A Yeah. Cranberry Lane, yes, yes.**  
15 Q Okay. So in -- would -- would -- in your  
16 opinion, would cars entering and leaving Cranberry Lane  
17 have some difficult maneuvering if there were cars  
18 parked along the street at that location?  
19 **A But -- but -- for example, I mean, the --**  
20 **the -- on the corner which is -- the next house, they**  
21 **have like eight, nine cars. They're a big family. They**  
22 **parking car on the street over there. I'm sure they're**  
23 **going to put driveway, and they have difficulty, yes.**  
24 **They do. They do.**  
25 Q Okay. Thank you.

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1 MS. ROSENFELD: If I could turn to what's been  
2 marked as Exhibit 18 for a moment, please.  
3 HEARING EXAMINER BYRNE: Certainly. One  
4 second. Okay.  
5 MS. ROSENFELD: Okay. This was a print off  
6 made yesterday from the Montgomery County Government  
7 website, their GIS website. So I think this is  
8 something that you also can take judicial notice of. If  
9 you see under the -- where it says ADW23-01, I'm  
10 pointing you that way, because it orients you to the  
11 three properties. And the common driveway. And -- and  
12 the majority of that paved area is beyond the easement  
13 area.  
14 The point of showing you this, you can see  
15 that Twin Valley Drive ends in a cul-de-sac on either  
16 end. It is not a road that has the ability for people  
17 who are parked really to get into very easily. So it --  
18 it provides for further constraints on the street  
19 itself.  
20 And I just -- again, I'm -- I'm showing this  
21 to you so that you have a better -- better understanding  
22 of the overall vicinity beyond what was provided simply  
23 with the application.  
24 HEARING EXAMINER BYRNE: Okay. Thank you.  
25 MS. ROSENFELD: And that is also shown in a

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1 slightly different way in Exhibit 12 which you don't  
2 need to pull up. I just wanted to reference that for  
3 you.  
4 HEARING EXAMINER BYRNE: Okay.  
5 BY MS. ROSENFELD:  
6 Q And Mr. Zarrabi, in your experience at this  
7 time, is there -- is there -- do the -- do the owners  
8 park in the driveway?  
9 **A Yeah. His truck parked there -- street.**  
10 Q Okay. And the owners do have the ability to  
11 park in the driveway under the easement; correct?  
12 There's -- there's -- there's not a --  
13 **A Yeah. But --**  
14 Q -- prohibition?  
15 **A I do not understand the question.**  
16 Q Okay. The owner -- the owners are allowed to  
17 park in the driveway; correct? There's -- there's --  
18 **A What driveway?**  
19 Q In the -- in the easement area.  
20 **A Owner. No. They cannot park the car over**  
21 **there.**  
22 Q Okay. And so in your view, the ingress egress  
23 easement is solely to allow cars to drive back and  
24 forth; is that correct?  
25 **A Not correct.**

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1 Q Okay.  
2 MS. ROSENFELD: I have no further questions.  
3 I think that ends our case-in-chief.  
4 HEARING EXAMINER BYRNE: Okay. Mr. And Mrs.  
5 Sanchez, you have the opportunity to ask questions of  
6 Mr. Zarrabi.  
7 MS. SANCHEZ: Yes. If you look at the  
8 timestamp on our photographs, they were taken in the  
9 middle of the day. And I would challenge Mr. Zarrabi to  
10 submit a photograph where there was a lot of cars parked  
11 on the street, because I do not think he will be able to  
12 submit that because it's just never a situation here.  
13 The situation here is that --  
14 HEARING EXAMINER BYRNE: Okay. Ms. Sanchez,  
15 you -- that -- that would be part of your rebuttal that  
16 you can say at the end, but if you have specific  
17 questions that you've like to ask Mr. Zarrabi --  
18 MS. SANCHEZ: No. I have no questions, ma'am.  
19 HEARING EXAMINER BYRNE: Okay. All right. So  
20 all of that, you can say -- so everything, you know, at  
21 the end when we conclude, you can say that; okay? All  
22 right. Thank you.  
23 All right. So if there's no cross-examination  
24 then I would ask Ms. Hadrick. All right. And  
25 Mr. Zarrabi, if you could mute, please, sir.

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1 THE WITNESS: Say again.  
2 HEARING EXAMINER BYRNE: If you could push  
3 your mute button.  
4 THE WITNESS: I don't know how to -- let me  
5 see that.  
6 HEARING EXAMINER BYRNE: Look for the little  
7 microphone, and then click on it.  
8 THE WITNESS: No. This is not.  
9 HEARING EXAMINER BYRNE: Perfect. Thank you.  
10 You've got it. All right. Ms. Hadrick, if you could  
11 raise your right hand, please.  
12 Whereupon,  
13 MICHELLE HADRICK,  
14 being first duly sworn or affirmed to testify to the  
15 truth, the whole truth, and nothing but the truth, was  
16 examined and testified as follows.  
17 HEARING EXAMINER BYRNE: All right. So  
18 Ms. Hadrick, what can you tell us about this  
19 application?  
20 THE WITNESS: When I arrived to do the  
21 inspection, I was met by Mr. Ali, and he was adamant  
22 trying to show me where the driveway was his and what  
23 part of the driveway was the applicant's. The applicant  
24 also had a discussion with me about the driveway and  
25 showed me, I guess it was a site plan where it said the

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1 driveway was ingress egress.  
2 Mr. Ali stated that he did not want anyone  
3 parking in the driveway as it was his driveway. There  
4 were no property stakes or anything to indicate where  
5 the property lines were from, you know, for me to take a  
6 look at it.  
7 HEARING EXAMINER BYRNE: Okay. How did you --  
8 how did you come up with the 130 square feet.  
9 THE WITNESS: I was measuring in front of the  
10 driveway where they both agreed the fence was pretty  
11 close to where the property line was.  
12 HEARING EXAMINER BYRNE: Okay.  
13 THE WITNESS: And the garage.  
14 HEARING EXAMINER BYRNE: Okay. So basically  
15 from -- you kind of like sliced down from the fence to  
16 like where the driveway narrows?  
17 THE WITNESS: I didn't even go all the way  
18 down. I went to the grass area.  
19 HEARING EXAMINER BYRNE: To the grass area.  
20 Okay.  
21 THE WITNESS: Yes.  
22 HEARING EXAMINER BYRNE: And would you  
23 describe -- let me -- let me see if I can see. I think  
24 this photograph number three that I've just pulled up --  
25 so see, the Sanchez's house is here on the right, is

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1 that correct, Ms. Hadrick?  
2 THE WITNESS: Yes.  
3 HEARING EXAMINER BYRNE: All right. So you  
4 measured from this property -- from the fence line down  
5 to the grass? That's how you got the 130 square feet  
6 essentially?  
7 THE WITNESS: Yes. If you pull up the picture  
8 with the red truck, you can see the fence a little bit  
9 better, and how --  
10 HEARING EXAMINER BYRNE: Okay.  
11 THE WITNESS: -- I measured it. It kind of  
12 cuts the truck in half. You see the little grass area  
13 right --  
14 HEARING EXAMINER BYRNE: I do.  
15 THE WITNESS: -- in the middle? That's  
16 where --  
17 HEARING EXAMINER BYRNE: Yeah.  
18 THE WITNESS: -- there's a -- to the fence.  
19 HEARING EXAMINER BYRNE: From here to the  
20 fence. Okay. And that's how you got the 130 square  
21 feet.  
22 THE WITNESS: That is correct.  
23 HEARING EXAMINER BYRNE: All right. Very  
24 helpful. Thank you. All right. Have you been to the  
25 property since, Ms. Hadrick?

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1 THE WITNESS: For the preliminary inspection.  
2 That was the only time I was there.  
3 HEARING EXAMINER BYRNE: Just for the  
4 preliminary inspection? All right. I'm going to pull  
5 up -- let me see -- I'm pulling up the preliminary  
6 inspection report. And I'm going to share with you.  
7 So -- here we go. All right. So the -- we have the  
8 measurement of the driveway square footage is 130. We  
9 just reviewed that. Two parking spaces is required.  
10 Now, I see the detached apartment requirement passes  
11 other residential uses pass other residential uses.  
12 These boxes are not checked. Just for my own  
13 information and education, when -- how -- how does --  
14 what happens next, I guess?  
15 THE WITNESS: What you pulled up is the  
16 application for the ADU, the preliminary inspection  
17 report is the -- a lot longer.  
18 HEARING EXAMINER BYRNE: Right. So your  
19 letter. So we've got -- so you've got about 22  
20 different conditions. So this is essentially for when  
21 you go back out for the reinspection, this is  
22 essentially your checklist; correct?  
23 THE WITNESS: That is correct. What they have  
24 to do is pull the permits to begin the construction  
25 work. The Department of Permitting Services holds those

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41	<p>1 permits. They will ensure that the work is done to 2 compliance on the 22 items. I just go and verify the 3 measurements for like the stove, the kitchen, the 4 windows, things like that. 5 HEARING EXAMINER BYRNE: All right. And you 6 were able to verify that you're not -- the property is 7 not within a mile of the metro rail, purple line or mark 8 rail extension; correct? 9 THE WITNESS: That is done for me by 10 licensing. 11 HEARING EXAMINER BYRNE: Okay. All right. 12 And when you went out to the property, what time of day 13 were you out at the property? Do you remember? 14 THE WITNESS: It was during the morning hours. 15 HEARING EXAMINER BYRNE: Okay. And did you 16 observe any cars parked on the street at that time? 17 THE WITNESS: No, I did not. 18 HEARING EXAMINER BYRNE: How would you 19 describe traffic when you were there? 20 THE WITNESS: I didn't see any traffic on the 21 street while I was there. 22 HEARING EXAMINER BYRNE: Okay. All right. 23 Thank you, that's very helpful. So Ms. Sanchez, you can 24 ask Ms. Hadrick questions, and then Ms. Rosenfeld can 25 also ask Ms. Hadrick questions. So Ms. Sanchez, we'll</p>	43	<p>1 rebuttal. But if you have no other specific questions 2 for Ms. Hadrick, okay. Thank you. All right. 3 Ms. Rosenfeld, do you have specific questions for 4 Ms. Hadrick? 5 MS. ROSENFELD: No. Thank you. 6 HEARING EXAMINER BYRNE: All right. Thank you 7 Ms. Hadrick. So now we are at the rebuttal portion. So 8 Ms. Sanchez, Mr. Sanchez, you've already said a little 9 bit, but if you could repeat all the things that you'd 10 like to say here, and anything that you have in response 11 to Mr. Zarrabi's testimony or Ms. Hadrick's testimony. 12 MS. SANCHEZ: Yes, ma'am. For the record, the 13 inspector -- I thought it was midmorning, but the 14 inspector said she was out here about 2:00 p.m. 15 HEARING EXAMINER BYRNE: Okay. 16 MS. SANCHEZ: The conditions that she observed 17 which is minimal, very little traffic, no cars parked on 18 the street, that's the typical condition of the 19 neighborhood. So while Mr. Zarrabi says these were 20 taken early in the morning, if you look at the 21 timestamp, they were not. They were taken in the middle 22 of the day. I would say if he says that it's true, then 23 he should submit a photograph where he sees that there's 24 all these cars parked on the street, because he will not 25 be able to submit such a photograph, because it's not</p>
42	<p>1 start with you. 2 MS. SANCHEZ: No. I was just commenting that 3 the inspector came out midmorning. So -- 4 HEARING EXAMINER BYRNE: Midmorning? 5 MS. SANCHEZ: Yeah. It was midmorning. 6 THE WITNESS: I just pulled up my calendar and 7 it says I was there at 14:00. 8 HEARING EXAMINER BYRNE: Okay. 9 THE WITNESS: So I stand corrected. 10 MS. SANCHEZ: So two? 11 MR. SANCHEZ: 2:00 p.m. no. 12 HEARING EXAMINER BYRNE: Yeah. That would be 13 2:00 in the afternoon; right? 14 THE WITNESS: That is correct. That is 15 correct. That's -- 16 MS. SANCHEZ: Okay. So it was -- it was the 17 middle of the day, and as she said, there's no cars 18 parked on the street. There's very little traffic. 19 HEARING EXAMINER BYRNE: Okay. 20 MS. SANCHEZ: There's very little traffic all 21 the time. There's not traffic and there's not cars on 22 the street. And that's -- 23 HEARING EXAMINER BYRNE: Okay. All right. 24 Ms. Sanchez, you can -- you can add all that at the end. 25 That would be great. So keep that as part of your</p>	44	<p>1 possible, because it doesn't happen. There's not cars 2 parked on the street. The people in this park in their 3 garages. They park on their driveways. There's an 4 abundance of parking always. There's never -- even when 5 people have parties, there's not a situation where 6 people cannot find a parking spot on the street. So 7 very little traffic, abundance of legal parking on the 8 street. That's the typical situation. It's a -- it's a 9 closed neighborhood with three streets and a cul-de-sac. 10 If you don't need to be here and you don't live here, 11 you're not here. So there's not traffic. There's not 12 congestion. You'd be hard pressed to find a house that 13 doesn't have if not a garage, at least a driveway. And 14 the people that have them do not park on the street. So 15 if you come out here any time, any time, weekend, 16 weekday, day or night, you're not going to find cars 17 parked on the street. There will be one or two cars on 18 the three streets, but not such that it would create an 19 issue. 20 MR. SANCHEZ: Service cars. 21 MS. SANCHEZ: Yeah. So not such that it would 22 create a problem for any resident. I'm 100% certain any 23 renter would be able to park directly in front of our 24 mailbox. 25 HEARING EXAMINER BYRNE: Okay. All right.</p>

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1 Thank you. Ms. Rosenfeld.  
2 MS. ROSENFELD: Just one or two questions. Do  
3 you anticipate that the residents of the accessory  
4 dwelling unit would be parking during the middle of the  
5 day?  
6 HEARING EXAMINER BYRNE: Ms. Sanchez.  
7 MS. SANCHEZ: Well, I anticipate the residents  
8 would probably be typically -- my -- I would -- I would  
9 anticipate they'd be a young engineer that would work at  
10 The Nuclear Regulatory Commission which is eight miles  
11 away in Rockville. So they would be going into  
12 Rockville on the days that they work in the office.  
13 However, we have a very generous telework policy, and so  
14 there would be days where they would be working from  
15 home, working remotely. On those days they would  
16 probably be parked right out in front of my house, you  
17 know, right out in front of the house on the days where  
18 they'd be teleworking. On the days --  
19 MS. ROSENFELD: So -- so --  
20 MS. SANCHEZ: -- where they'd be going into  
21 the NRC, they would be driving in -- into the NRC and  
22 not be -- they would be gone during the work day.  
23 MS. ROSENFELD: So on the days that they go  
24 into the office, would you expect them to be parking  
25 after typical work hours and overnight through the

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1 morning?  
2 MS. SANCHEZ: Yes. They would --  
3 MS. ROSENFELD: Okay.  
4 MS. SANCHEZ: -- probably be parked right in  
5 front of my house --  
6 MR. SANCHEZ: On the street.  
7 MS. SANCHEZ: On the street.  
8 MS. ROSENFELD: Okay. I -- I'm -- I'm -- I'm  
9 just trying to get a sense of timing. I'm not -- I'm  
10 not trying to challenge where they're going to park.  
11 And -- and -- but -- and for those -- the people would  
12 have the ability to work remotely, they may be parked  
13 one or more days, 24 hours on the street?  
14 MS. SANCHEZ: Yes, ma'am. That would be  
15 correct.  
16 MS. ROSENFELD: Okay. Thank you.  
17 HEARING EXAMINER BYRNE: Ms. Rosenfeld,  
18 anything further?  
19 MS. ROSENFELD: No. Thank you. I have no  
20 further questions.  
21 HEARING EXAMINER BYRNE: Okay. Ms. Hadrick,  
22 hearing all the rebuttal, is there anything else you'd  
23 like to tell me?  
24 MS. HADRICK: No. I don't have anything else.  
25 HEARING EXAMINER BYRNE: All right. Thank you


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1 so much. We appreciate your time.  
2 So now we've come to the end of the hearing  
3 and all of the exhibits are going to be deemed admitted.  
4 Is there anybody that would like to make a closing  
5 statement? Mr. and Mrs. Sanchez? Would you like to say  
6 anything further?  
7 MR. SANCHEZ: I just would like to point out  
8 that I'm a general contractor, licensed in the State of  
9 Maryland, and my work schedule obviously changes. So I  
10 normally leave the house before 8:00 a.m., and I don't  
11 have a time when I come back. So the picture that shows  
12 my truck on the outside is just something that doesn't  
13 happen all the time. Okay. And for the -- after that,  
14 we don't have anything else. Thank you so much.  
15 HEARING EXAMINER BYRNE: Okay. Thank you.  
16 Ms. Rosenfeld, any closing?  
17 MS. ROSENFELD: Yes, thank you. I'd like to  
18 start by pointing you to Exhibit 15 which does show the  
19 three properties. Mr. Zarrabi owns Lot 77 and Lot 76,  
20 and of course, Mr. and Mrs. Sanchez own Lot 75. That  
21 does clearly show the common ingress/egress and utility  
22 easement that is shared between the three properties.  
23 It is an ingress egress easement, it is not -- the  
24 testimony that you heard from Mr. Zarrabi is that it is  
25 intended to allow vehicular access to the three

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1 properties and is not -- does not allow for parking by  
2 anyone on the driveway within the ingress egress  
3 boundaries.  
4 I always would like you to point to -- refer  
5 again to Exhibit 19A which is the exhibit that shows the  
6 red truck. It's consistent. It -- it shows the area  
7 that Ms. Hadrick described as being the 130 feet  
8 available for parking associated with the Sanchez  
9 property. And as she noted, the -- the line between the  
10 driveway available for Mr. and Mrs. Sanchez and the  
11 ingress egress easement cuts the truck in half. It's  
12 clear that there's not enough parking for a vehicle to  
13 be parked solely within -- within their property.  
14 So again, I -- I just want to remind you that  
15 this is a unique situation. We -- we have put forward  
16 testimony. We think that there is not adequate safe  
17 parking on the property. However, if you are inclined  
18 to grant this -- this requested waiver, this is a unique  
19 situation. The applicants are looking for a waiver of  
20 the minimum parking standards that are required by the  
21 zoning ordinance. They are seeking a waiver in  
22 connection with properties that have a shared ingress  
23 egress easement. We are not looking for restrictions  
24 that are more stringent than the restrictions that apply  
25 to the primary owners of the -- of the property.

Transcript of Hearing  
Conducted on March 14, 2023

<p style="text-align: right;">49</p> <p>1 Under Section 29-266, it says the Hearing 2 Examiner may waive onsite parking standards if -- if 3 certain standards are met. It doesn't say that you 4 shall, you have discretion to deny the waiver. If you 5 are inclined to grant the waiver 29-267 says that you 6 may impose other conditions to assure adequate parking 7 on granting the waiver. So given the fact that this is 8 a very property-specific situation with a legal 9 encumbrance on the property that applies to three 10 separate property owners. I think that you certainly 11 have the discretion to ensure that all of the 12 surrounding property owners are protected if the waiver 13 is granted. This is not a situation where the waiver 14 affects only the primary applicant. I suspect that 15 typically, you're faced with a waiver request or a stand 16 alone single family home lot with a driveway that serves 17 a single residence cannot accommodate parking on that 18 property. That is not the situation that we have here. 19 We have three highly affected property owners. 20 And so we would ask that you deny the waiver, 21 because the -- the appropriate standards are not met. 22 And if you do grant the waiver, I would ask that you 23 adopt the conditions that I read into the record 24 earlier, and I'm happy to e-mail them to you and all of 25 the parties following the close of the hearing, if -- if</p>	<p style="text-align: right;">51</p> <p>1 leave the record open. So the record will be open not 2 only to accept the document that -- prepared by 3 Ms. Rosenfeld which she will be sending to all of us, 4 and will become Exhibit 23, but it will be held open for 5 ten days, ten calendar days in order for the court 6 reporter to generate a transcript. Once that transcript 7 is generated and received, then the record will be 8 closed. So 30 days from the closing of the record will 9 be when a decision is due. And let me see, let's do the 10 math together, shall we. I have a nice little 11 calculator here that helps me do the math. So the 12 decision will be due, if the record closes in ten days, 13 the decision will be due by April 24th. 14 All right. Again, thank you all. I 15 appreciate it. Ms. Rosenfeld, we'll look forward to 16 your e-mail. And everyone, have a great day. 17 MS. ROSENFELD: Thank you. 18 HEARING EXAMINER BYRNE: Thank you all. 19 (Off the record at 10:34 a.m.) 20 21 22 23 24 25</p>
<p style="text-align: right;">50</p> <p>1 it would be helpful for you to see them in writing. 2 Thank you. 3 HEARING EXAMINER BYRNE: That would be great. 4 So what you -- if you could e-mail that to all of the 5 parties and then what I will do is give you, you know -- 6 I'm sure you have them right there, so you could 7 probably do it today. 8 MS. ROSENFELD: I will. 9 HEARING EXAMINER BYRNE: If you could do that, 10 and we'll make that part of the record. We'll make that 11 an actual exhibit. So that would be Exhibit 23. 12 MS. ROSENFELD: Okay. 13 HEARING EXAMINER BYRNE: So if you could 14 e-mail that to all of us and also include Nana Johnson. 15 So that she can then upload that, I would appreciate 16 that. Thank you. 17 MS. ROSENFELD: Thank you. I'll get those 18 into you today. 19 HEARING EXAMINER BYRNE: Awesome. All right. 20 Is there anything further, Ms. Rosenfeld? 21 MS. ROSENFELD: No, thank you. That concludes 22 my closing argument. 23 HEARING EXAMINER BYRNE: Okay. So thank you 24 all today for participating. I appreciate your time. 25 This is -- the hearing has been concluded. I'm going to</p>	<p style="text-align: right;">52</p> <p>1 CERTIFICATE OF COURT REPORTER - NOTARY PUBLIC 2 I, Brendon Cuenca, the officer before whom the 3 foregoing deposition was taken, do hereby certify that 4 said proceedings were electronically recorded by me; and 5 that I am neither counsel for, related to, nor employed 6 by any of the parties to this case and have no interest, 7 financial or otherwise, in its outcome. 8 IN WITNESS WHEREOF, I have hereunto set 9 my hand and affixed my notarial seal this 14th day of 10 March, 2023. 11  12 _____ 13 Brendon Cuenca, Notary Public 14 for the State of Maryland 15 16 17 18 19 20 21 22 23 24 25</p>

1 CERTIFICATE OF TRANSCRIBER

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

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12 *Janine Thomas*

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14 Janine Thomas  
15 March 19, 2023

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