

Mayer "Chuck" Schofer
Robyn Schofer
903 Nora Drive
Silver Spring, MD 20904
301-622-2709 (h)

September 13, 2024

Office of Zoning and Administrative Hearings (OZAH)
Montgomery County Council Office Building
100 Maryland Avenue
Rockville, MD 20850

RE: E-mail Notice Entitled "CASE NO. ADO 25-01, OBJECTION TO ACCESSORY DWELLING (CORRECTED NOTICE) UNIT LICENSE NO. 95924"

To Whom It May Concern:

The purpose of this letter is to join our fellow neighbors in voicing our objections to the approval of a proposed Accessory Dwelling Unit (ADU) located at 907 Nora Drive, and the subsequent issuance of a building permit.

We believe that the Department of Housing and Community Affairs (DHCA) and Department of Permitting Services (DPS) ignored their own rules and approved the applications without consideration of the realities of this matter. In addition to the reasons provided by our other neighbors and for the reasons given below, the applicant's (Arlton "Eddie" Santos) requests for licensing and permits should be revoked/denied.

[DISCLAIMER: We own and reside in the house that was Chuck's childhood home. Chuck's parents were the previous owners. We have a vested interest in the quality of life within our community. We are NOT professional investigators with the time, tools, and/or general knowledge that might be required to prosecute this case. Our intent is merely to present pertinent information to the best of our abilities.]

As you read this, please keep the following themes in mind:

1. The applicant, Arilton "Eddie" Santos has always lived at 904 Nora Drive since he purchased his home 20-some years ago. He purchased 907 Nora Drive approximately ten years ago, and has expressed an interest in buying other nearby homes if/when they become available. As a landlord/developer, it is reasonable to think that he would want to try to make as much money as he possibly can from his investment...

Exhibit 22
OZAH Case No: ADO 25-01

and in fact, that is what he does by renting the house (or portions thereof) at 907 Nora Drive. We have seen many different people come and go over the years.

2. As we have recently learned, Eddie has a long history of skirting – if not outright violating – the rules and regulations with respect to rental properties and zoning. He knows what he is doing and is skilled at evasion/flying under the radar of monitoring authorities. We no longer believe that his statements and assertions are trustworthy.

SALIENT POINTS

- A. Our neighborhood (including the properties in the vicinity of 907 Nora Drive) is in Residential Zone R-90. Per the R-90 Zone Fact Sheet (see Exhibit D in this letter, Detached Accessory Structures are permitted, but cannot exceed 20 feet in height.

Please see Exhibit A at the end of this letter, which shows a Detached Accessory Structure at 904 Nora Drive which is clearly in excess of the 20' height limit. Also see Exhibit G which shows other violations.

- B. According to DHCA's Affidavit Form (see Exhibit F), DHCA has a few different requirements for Accessory Dwelling Units (ADUs), such as:

- The ADU must be at the owner's primary residence.
- The ADU may not be on a lot that has any of the following:
 - Guest room for rent
 - Boarding house
 - More than one accessory apartment
 - Registered Living Unit
 - Any other residential rental use

As we and others neighbors contend, 907 Nora Drive is NOT Mr. Santos's primary residence – he lives at 904 Nora Drive. It is our understanding that other neighbors will provide information to show this, but we would like to call to your attention the Narrative on the Cover Sheet dated 06/03/24 from the approved building plans (see Exhibit B for further details). The first paragraph from the Narrative on the Architectural Site Plan reads (verbatim):

CLIENT CURRENTLY RENTS THE HOUSE AND WOULD LIKE TO BUILD A GARAGE WITH ADU ABOVE IN REAR YARD OF A CORNER LOT. HE PLANS TO MOVE INTO THE NEW APARTMENT AND USE THE GARAGE AND STORAGE IN THE FUTURE HIS DAUGHTER MAY OCCUPY THE HOUSE.

This is a clear admission that Mr. Santos does not meet the requirements for an ADU.

- C. We are concerned that Mr. Santos's prior behavior (see Exhibit G) is an indication of the need for "common sense" scrutiny. Accordingly, we would like to call to your attention the second paragraph of the same Cover Sheet Narrative reads (verbatim):

BY LINKING THE NEW BUILDING WITH THE EXISTING HOUSE IT BECOMES PART OF THE MAIN HOUSE, SUBJECT TO MAIN BUILDING SETBACKS AND HEIGHT ALLOWANCES IT IS NOT AN ACCESSORY STRUCTURE.

We would also like to call to your attention the Floor Plan from the same building plans (see Exhibit B). The plans suggest that Mr. Santos's true intent is to build what effectively would be a second house on the property that will add two rental units at 907 Nora Drive.

- a. The presence of a bathroom/shower on both levels with an otherwise "blank slate" on the "garage" level suggests that Mr. Santos would be able to easily create livable space when he is no longer subject to rigid scrutiny. (Given Mr. Santos's propensities – see Exhibit G -- "livable" does not necessarily imply "legal.") As we saw on 05/02/24 (see Exhibit C), Mr. Santos is quite capable of clearing a building very quickly in the event of a complaint-triggered inspection.
- b. The presence of a 32' passageway in the plans (and accompanying narrative) is a clear indication that it exists for the sole purpose of circumventing the rules for Accessory Structures.

We put an addition on our home before we moved in to enlarge our floor space. Even though our yard is roughly the same size as 907 Nora Drive, we didn't see a need to put that much distance between our additional space and the main house.

- c. There is a concern that if allowed to build, Mr. Santos will make it appear as if he moved in – but only for as long as it takes to pass inspection. If Mr. Santos actually lived at 907 Nora Drive as he claims, he wouldn't be able to rent out the space, which is antithetical to the goal of making money. It should be no surprise to see him "move" out as soon as he thinks the proverbial coast is clear.

Furthermore, it seems implausible that Mr. Santos would want to move from a roughly 2,500 sq.ft. home at 904 Nora Drive (where his wife, daughter, son-

in-law, and grandchild currently live) to a roughly 800 sq.ft. apartment over a garage at 907 Nora Drive, particularly when his own plans indicate the possibility that his daughter might occupy the house.

In summary, we believe that the request for an ADU and building permit should be DENIED. Thank you for your consideration.

Sincerely,



Mayer Schofer
cschofer@gmail.com
240-686-5807 (cell)



Robyn Schofer
robyn.schofer@gmail.com
240-686-5806 (cell)

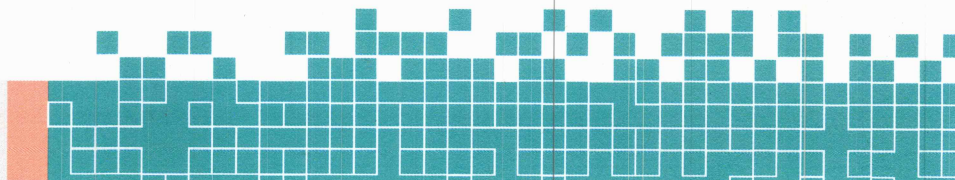
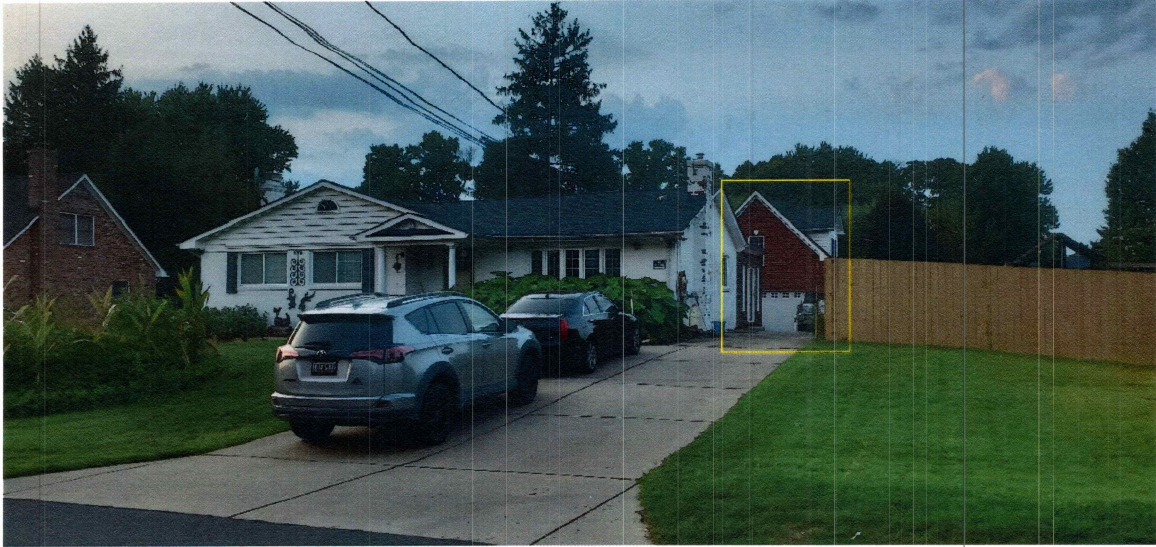
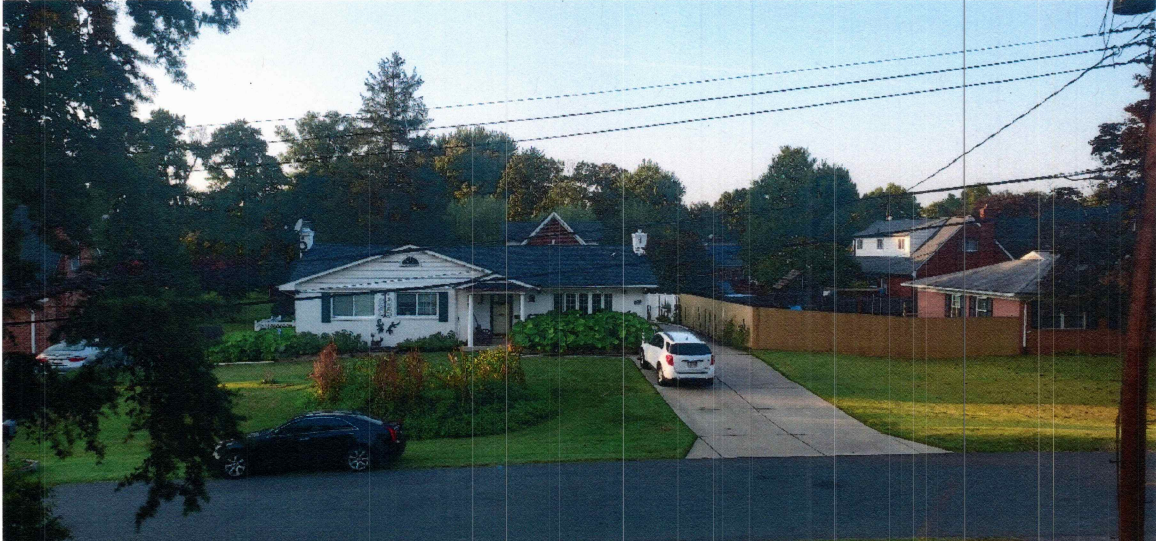


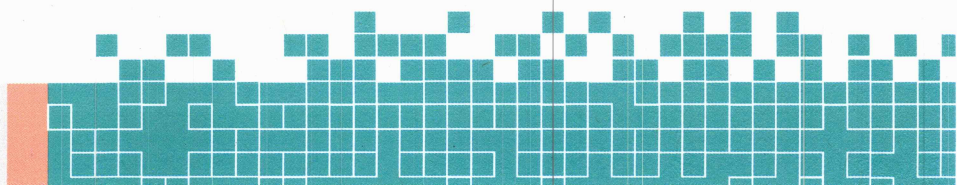
EXHIBIT A: DETACHED ACCESSORY STRUCTURE AT 904 NORA DRIVE

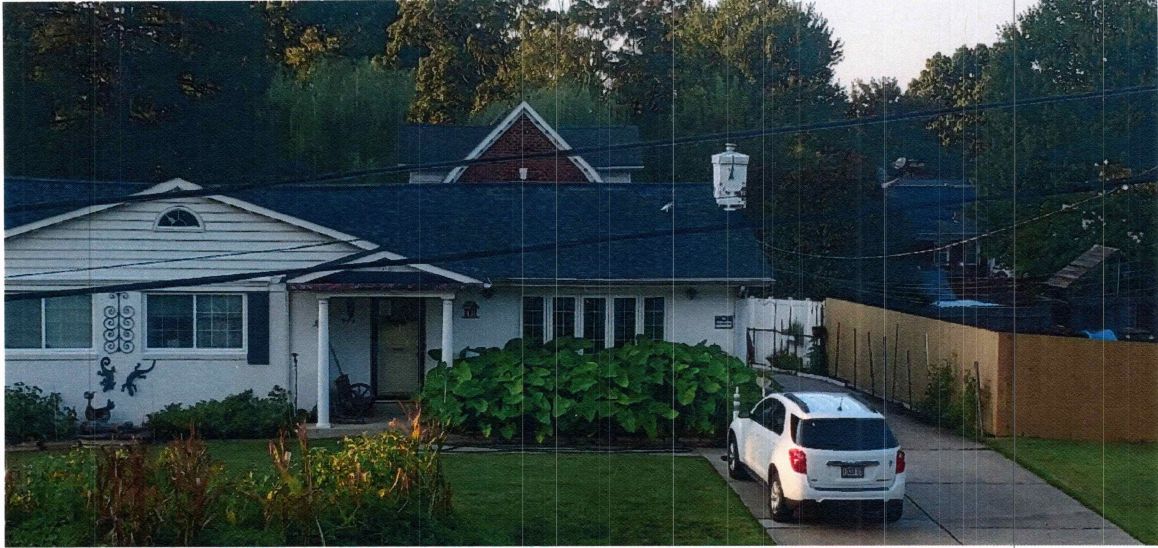


Street View Photo Highlighting Accessory Structure -- 904 Nora Dr.

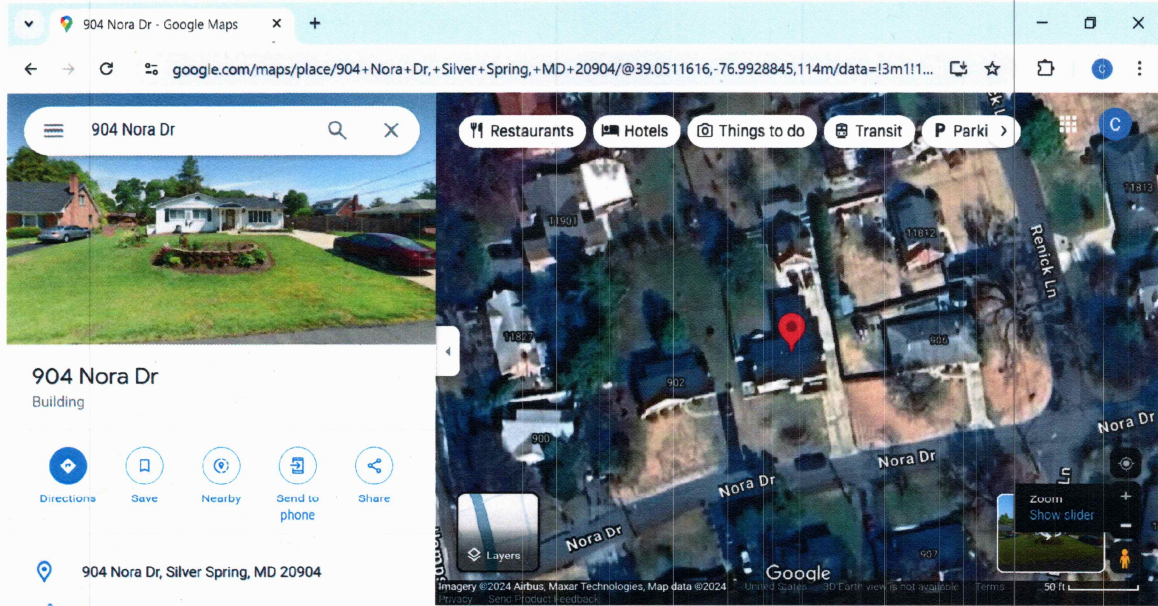


Overview of 904 Nora Drive





“Close up” Photo of 904 Nora Drive with Accessory Structure



Aerial

Aerial View of 904 Nora Drive (from Google Maps)

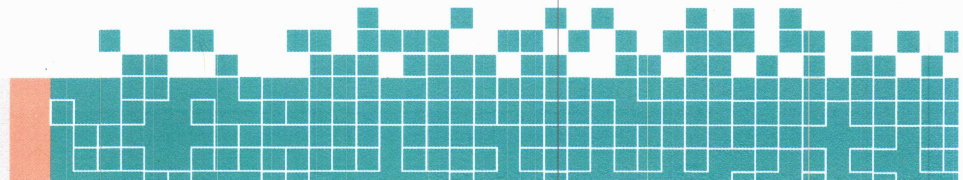




EXHIBIT B: APPROVED BUILDING PLANS FOR 907 NORA DRIVE

We obtained a copy of the approved building plans for 907 Nora Drive through a Records Request on the Department of Permitting Services (DPS) website. Unfortunately, the PDF files in the plans we received are formatted in a way that doesn't print well with our printer. Relevant files attached to our submission and incorporated by reference.

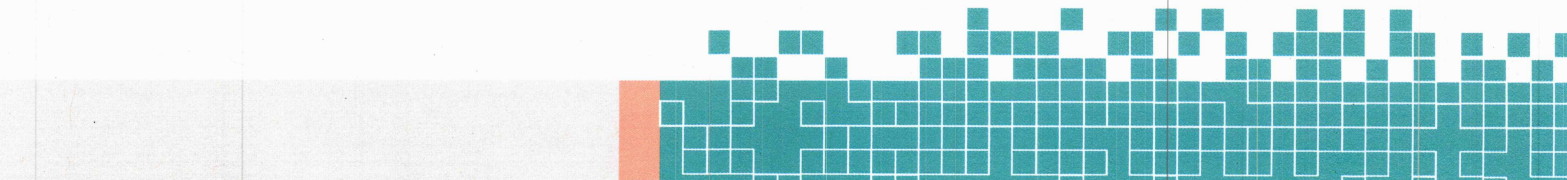


EXHIBIT C: MOVE-OUT AT 907 NORA DRIVE

On 05/02/2024, we and our neighbors witnessed a massive move-out party involving dozens of people (including children). Mr. Santos's tenants on the top floor and in the basement cleared out the entire house in the span of a few hours! Logistically speaking, it was a sight to behold.

We don't know the specific circumstances for this sudden and unexpected move-out, but we suspect that it was the result of an inspection that David Johnson (DHCA) scheduled at around this time. These two photos don't show the true scale of the effort (which was winding down at the time these photos were taken), but do show that a move-out occurred.

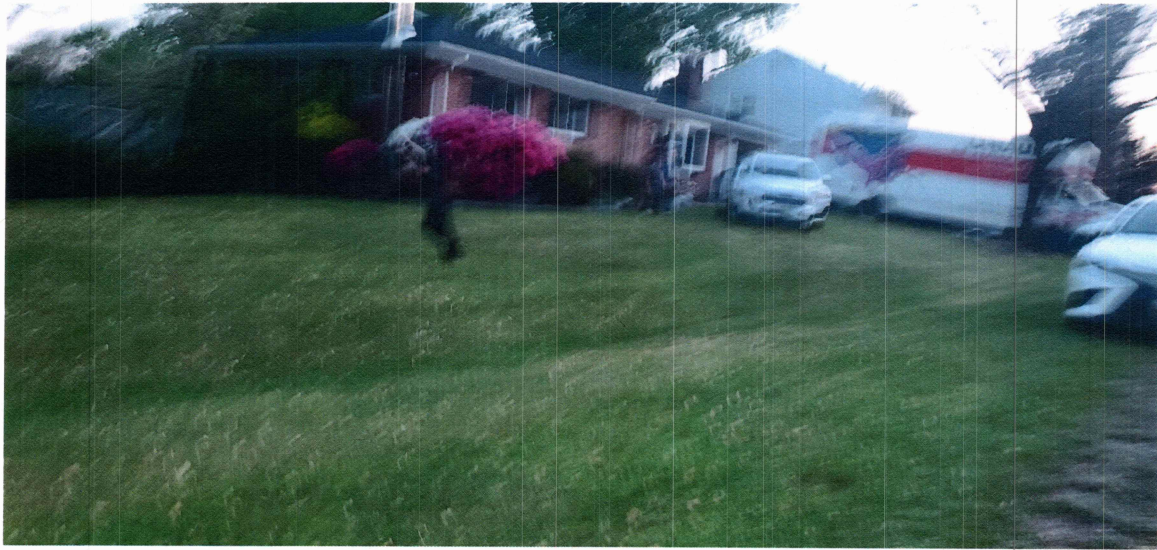


Photo 1: Move-Out at 907 Nora Drive (taken at ~8p on 05/02/24)

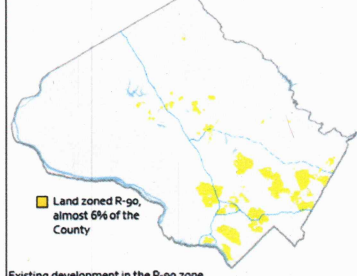


Photo 2: Move-out at 907 Nora Drive (taken at ~8:15p on 05/02/24)

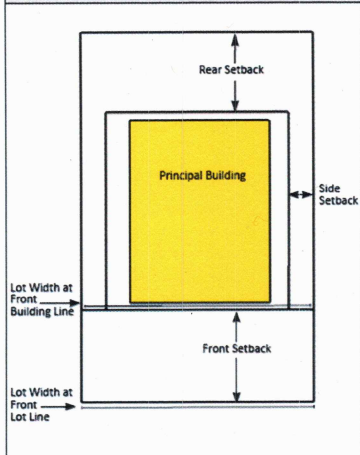
EXHIBIT D: R-90 RESIDENTIAL ZONE FACT SHEET

R-90 Residential Zone

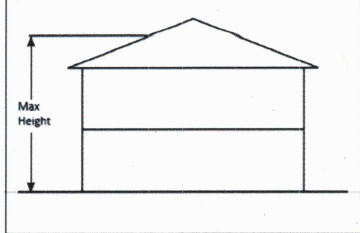
The intent of the R-90 zone is to provide designated areas of the County for moderate density residential uses. In the R-90 zone, the predominant use is residential in a detached house. A limited number of other building types may be allowed under the optional method of development.



Illustrative Depiction of Standards for Detached House* Building Type



Side Section of Structure (Principal Building)
Height is measured from the average grade to the mean height level between eaves and ridge of a gable, hip, mansard, or gambrel roof or to the highest point of roof surface of a flat roof.



Standard Method of Development for Detached House* Building Type

A. Lot	R-90
Lot Area (min)	9,000 sf
Lot Width (min)	
At front building line	75'
At front lot line	25'
Density (max)	
Density (units/acre)	4.84 u/a
B. Placement	
Principal Building (min)	
Front setback	30"
Side street setback, abutting lot fronts on the side street and is in a Residential Detached zone	30"
Side street setback, abutting lot does not front on the side street or is not in a Residential Detached zone	15'
Side setback	8'
Sum of side setbacks	25'
Rear setback	25'
Coverage (max)	
All roofed buildings and structures (including accessory structures)	30%**
C. Height	
Principal Building (max)	
Measured to highest point of a flat roof	35**
Measured to mean height between eaves and ridge of a gable, hip, mansard, or gambrel roof	30**
^ Subject to Established Building Line	
^^ Residential Infill Compatibility standards apply	
** 40' if approved by Planning Board through site plan	
Accessory Structures	
For development standards regarding accessory structures, see Accessory Structures Fact Sheet (R-90) on the next page. For all development standards for a detached house and any accessory structure, see Section 4.4.8 of the zoning ordinance.	

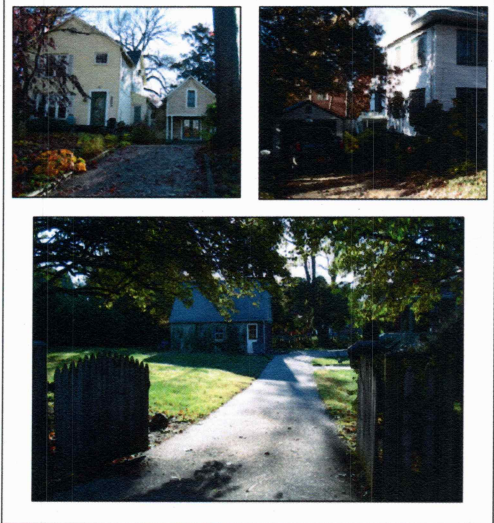
GERMANTOWN PLAN TOWN SECTOR ZONE

* Full name: Detached House or a Building for a Cultural Institution, Religious Assembly, Public Use, or a Conditional Use allowed in the zone

6/2019

Accessory Structures: R-90

An accessory structure is a structure, including a building, that is subordinate to and located on the same lot as a principal building, the use of which is incidental to the use of the principal building or to the use of the land. In the R-90 zone, the maximum footprint of an accessory building on a lot where the main building is a detached house is 50% of the footprint of the main building or 600 square feet, whichever is greater. Buildings for an agricultural use are exempt from this size restriction.



GERMANTOWN PLAN
TOWN SECTOR ZONE

Standard Method of Development for All Building Types	
A. Placement	R-90
Detached Accessory Structure (min)	
Front setback	60'
Side street setback, abutting lot fronts on the side street and is in a Residential Detached zone	30'
Side street setback, abutting lot does not front on the side street or is not in a Residential Detached zone	15'
Side setback	5'
Rear setback, on a corner lot where abutting lot fronts on the side street and is in a Residential Detached zone	10'
Rear setback, if not otherwise addressed	5'
B. Height	
Detached Accessory Structure (max)	
Overall building height	20'
^ In addition to the front setback minimum, any accessory structure must be located behind the rear building line of the principal building.	
Other Dimensional Standards	
For development standards regarding principal buildings, including density, lot size and coverage, see the R-90 Zoning Comparison fact sheet on the previous page. For all development standards for a detached house and any accessory structure, see Section 4.4.8 of the zoning ordinance.	

6/2018

Fact Sheet: Residential Zone R-90 (Page 2)

(Actual PDF file attached in submission.)

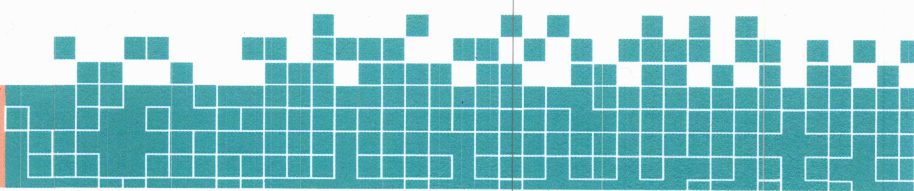


EXHIBIT F: CLASS 3 ACCESSORY APARTMENT UNDERSTANDING

The following is a blank copy of an affidavit form downloaded from DHCA's website which lists several requirements for ADU approval.

AFFIDAVIT

The State of Maryland)
)
) Class 3 Accessory Apartment Understanding
)
)
)
 County of Montgomery,)
 Department of Housing &)
 Community Affairs)

I, _____, of _____, Maryland, UNDERSTAND IN

FULL THAT:

1. The principal dwelling on the lot or parcel required for the proposed accessory apartment is the owner's primary residence.
2. The accessory apartment may not be occupied by more than two persons 18 years of age or older.
3. I understand the accessory apartment must not be located on a lot where any of the following residential uses exist:
 - a. Guest room for rent;
 - b. Boarding house;
 - c. More than one accessory apartment;
 - d. Registered Living Unit; or
 - e. Any other residential rental use.
4. The proposed accessory apartment must be less than 50 percent of the total gross principal dwelling, including any floor area used for an accessory apartment or 1200 square feet, whichever is less.
5. The maximum net gross floor area used for an accessory apartment in a proposed addition to the principal dwelling must not be more than 800 square feet if the proposed addition increases the floor plate of the principal dwelling.
6. The Affidavit does not need to be notarized or sign in front of our staff.

OFFICE USE ONLY:)
RECEIVED on the)
_____ day of)
_____)
_____)
_____)
_____)

AUTHORIZED ADMINISTRATOR
DHCA/Licensing and Registration Unit

AFFIANT DATE

AFFIANT DATE

*Additional owner's must sign on a separate sheet of paper and attach to this document.
Affiant - Owner's Signature*

Department of Housing and Community Affairs, Licensing and Registration Unit
1401 Rockville Pike, 4th Floor, Rockville, Maryland 20852
240-777-0311 • Fax 240-777-3699 • TTD 240-777-3679



EXHIBIT G: MR. SANTOS'S HISTORY OF VIOLATIONS

Please see the "CASE HISTORY" files attached in our email (included by reference because they unfortunately did not print well). These are records obtained from DHCA which confirm Mr. Santos's history of violations.

