

**From:** [Byrne, Kathleen E.](#)  
**To:** [Bil Chen](#); [Office of Zoning and Administrative Hearings](#); [Johnson, Nana](#)  
**Cc:** ["Flavia Favali"](#); [david.johnson@montgomerycountymd.gov](mailto:david.johnson@montgomerycountymd.gov); [Bouma, Clifton](#)  
**Subject:** Re: OZAH Case No. ADO 25-02  
**Date:** Tuesday, December 3, 2024 5:19:54 PM  
**Attachments:** [Exhibit 5. ADU Application Acceptance Letter.pdf](#)

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Mr. Chen,

Section 29-19(b)(1)(A) requires the sign to be posted within 5 days of the date of the letter at a location and for a period of time as determined by the Director. The attached letter dated 9/10/24 from Mr. Clifton Bouma with DHCA informed Ms. Favali that her application was accepted. Per the instructions in the letter she was to post the property within 5 days of the date of the letter and the sign was required to be posted for a period of "at least 30 days". Mr. Bouma confirmed that Ms. Favali's daughter picked up the sign on 9/10/24. Mr. Johnson confirmed in his report that the sign was posted during his inspection on September 30, 2024. Nothing in the Code nor OZAH's rules requires the application sign be posted beyond the required 30 days.

OZAH accepted the objections as timely received. Section 29-26(b)(4) requires the Hearing Examiner send notice of an adjudicatory hearing to the applicant and any aggrieved person who filed an objection within 10 days after the objection is received and schedule a hearing within 30 days of receipt of the objection. Nothing in Section 29-26 or OZAH's rules require posting on the property for an adjudicatory hearing on an objection. While I'm sympathetic to Ms. Georgia Jaitly's desire to participate, she did not file an objection within the time required by the Code upon the original posting of the property. With that said, she can still submit her signed testimony in writing via email by close of business on Friday, December 6, 2024 and I will accept it into evidence.  
Katy Byrne

*Kathleen "Katy" Byrne  
Hearing Examiner  
Office of Zoning and Administrative Hearings  
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**From:** Bil Chen <[wjc@cwtm.net](mailto:wjc@cwtm.net)>  
**Sent:** Tuesday, December 3, 2024 3:02 PM  
**To:** Office of Zoning and Administrative Hearings <[OZAH@montgomerycountymd.gov](mailto:OZAH@montgomerycountymd.gov)>; Byrne, Kathleen E. <[Kathleen.Byrne@montgomerycountymd.gov](mailto:Kathleen.Byrne@montgomerycountymd.gov)>; Johnson, Nana <[Nana.Johnson@montgomerycountymd.gov](mailto:Nana.Johnson@montgomerycountymd.gov)>  
**Cc:** 'Flavia Favali' <[flavia4222@comcast.net](mailto:flavia4222@comcast.net)>; [david.johnson@montgomerycountymd.gov](mailto:david.johnson@montgomerycountymd.gov) <[david.johnson@montgomerycountymd.gov](mailto:david.johnson@montgomerycountymd.gov)>  
**Subject:** OZAH Case No. ADO 25-02

**[EXTERNAL EMAIL]**

Madam Examiner: This letter and its attachments are submitted on behalf of my clients Caressa D. Bennet, Dan Chappell, Britlan Malek, David R. Goodfriend, Roger D. Winston, Kenneth E. Mack, and Frederic Malek to electronically transmit the following exhibits:

1. Declaration of Georgia Jaitly,
2. 2023 Hearing Examiner's Report & Decision in OZAH Case No. ADO 23-06,
3. Photograph of sign posted for the 2023 ADU license application of Flavia Favali,
4. Rental listings for 7709 Oldchester Road,
5. Photos of vehicles in the driveway of 7709 Oldchester Road,
6. Photos of 7709 Oldchester Road,
7. Court cases of Flavia Favali,
8. Court cases of Flavia Moskaitis,
9. Court cases of Caleb Moskaitis,
10. Court cases of Felipe Moskaitis,
11. Photos of 2007 Mitsubishi Eclipse,
12. Stolen vehicle record for 2016 Subaru,
13. Flavia Favali email,
14. Singles on Sailboats record (November 2024),
15. Board of Directors nomination notice of The Arc Montgomery County,
16. Transcript of OZAH hearing in OZAH Case No. ADO 23-06 (including adoption of all exhibits by reference).

The pending ADU license application was required to be posted pursuant to Section 29-19(b)(1)(A) of the County Code (copy attached) for at least 30 days in the front yard of 7709 Oldchester Road (OZAH Exhibits 5 and 6). There is no record of where a sign was posted in this case or the period of time when the sign was posted. In this regard, the Examiner is referred to the Declaration of Georgia Jaitly. Consequently, the OZAH hearing should be postponed until the required sign for the ADU license application is properly posted at 7709 Oldchester Road.

The record reveals that the license approval process was not compliant with legal requirements.

The Objectors reserve the right to present a rebuttal case presentation and to produce and submit additional exhibits to respond to the case presentation of Ms. Favali.

Respectfully submitted,

J. Chen, Jr.

William

Enclosures.

