

OFFICE OF ZONING AND ADMINISTRATIVE HEARINGS  
MONTGOMERY COUNTY GOVERNMENT  
100 MARYLAND AVENUE, ROOM 200  
ROCKVILLE, MARYLAND 20850  
(240) 777-6660

OZAH No. AAO-25-02
Date Filed 11/4/2024
Hearing Date 12/9/2024
Time 9:30 a.m.

**OBJECTION TO DHCA DECISION REGARDING ACCESSORY DWELLING UNIT (ADU)**

Pursuant to Montgomery County Code Sections 29-16, 29-19 and 29-26, OBJECTION is hereby made to the decision and/or findings of the Department of Housing and Community Affairs (DHCA), issued on 10/09/2024, regarding Accessory Dwelling Unit (ADU) License Application No. 151423, filed on 9/08/2024.

License Applicant: Flavia Fauali  
First Name Middle Initial Last Name  
Address: 4222 Kennedy Street Hyattsville, MD 20781  
Street City & Zip Code Telephone No.  
E-mail Address: FLAVIA4222@COMCAST.NET

Objector: Carressa D. Bennet  
First Name Middle Initial Last Name  
Address: 7705 Oldchester Rd Bethesda, MD 20817 240-604-7239  
Street City & Zip Code Telephone No.  
E-mail Address: cbennet@bennetlaw.com

Proposed Use (Check one):  
 Attached Accessory Dwelling Unit  Detached Accessory Dwelling Unit

Description of Property for Proposed Use:  
Address: 7709 Oldchester Road Bethesda, MD 20817  
Lot: 5 Block: 6 Parcel No.: \_\_\_\_\_; Subdivision English Village  
Size of Property: (In acreage or square feet) 10,500 Current Zoning: R-90  
Number of Off-Street Parking Spaces: \_\_\_\_\_  
Description of vehicular parking available on the street abutting the subject site and generally in the neighborhood:  
\_\_\_\_\_

License Applicant's Present Legal Interest in Subject Property (Check one):  
 Owner  Other (describe) \_\_\_\_\_

Owner of Property (If not License Applicant):  
Name \_\_\_\_\_ Address \_\_\_\_\_ Zip Code \_\_\_\_\_

Has any previous application involving this property been made to this office, or to the Board of Appeals, by this applicant, or by anyone else to this applicant's knowledge? Yes If so, give Case Number(s): OZAH Case No. AAO 23-06

Basis for Objection (attach additional sheets as needed):  
Ms. Flavia Fauali does not reside at the property permanently.  
Not enough parking See Attached Declaration of Carressa D. Bennet

I hereby affirm that all of the statements and information contained in or filed with this Objection are true and correct.

Signature of Attorney - (Please print next to signature) \_\_\_\_\_  
Signature of Objector(s) - (Print next to signature) Carressa D. Bennet

Address of Attorney \_\_\_\_\_ Telephone Number \_\_\_\_\_  
Attorney's E-mail Address \_\_\_\_\_

### DECLARATION OF CARESSA D. BENNET

I, Caressa D. Bennet, declare under penalty of perjury under the laws of the United States that I reside at 7705 Oldchester Road, in Bethesda, Maryland. I have lived at this address for 27 years and it is my primary residence.

I object to the application of Flavia Favali for an ADU license for the property located at 7709 Oldchester Road, Bethesda, Maryland. To the best of information, belief and knowledge, Flavia Favali does not permanently reside at 7709 Oldchester Road, Bethesda, Maryland and her application does not comply with Section 29-19 of the County Code, as well as the Zoning Ordinance requirements. She claims on her ADU application that this is her primary residence, yet her vehicle, a Mitsubishi Eclipse, is licensed in South Carolina. I have not observed her living in the house on a regular basis and believe this request for a license to build an ADU as set forth in Ms. Favali's application is a ruse to add additional rental space to the house.

There are also numerous vehicles often with out of state license plates that are not registered parked in the driveway and a constant change of tenants that appear to be temporarily living at the house. It is my belief based on my observations that Ms. Favali is using the home for short term rentals to multiple tenants and that she pretends to reside there after she attempted and failed to get a permit for an ADU last year. Over the years, there has also been issues with street parking by vehicles not registered in the state of Maryland.

I hereby request a hearing on my objections.

  
\_\_\_\_\_

Executed this 1<sup>st</sup> day of November 2024.