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Transcript of Public Hearing

Date: July 9, 2024

Case: Julia Hart Parking Waiver (ADW 24-2)

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Transcript of Public Hearing
 Conducted on July 9, 2024

<p style="text-align: center;">1</p> <p>1 MONTGOMERY COUNTY OFFICE OF ZONING 2 AND ADMINISTRATIVE HEARINGS 3 -----x 4 IN RE: : 5 PARKING WAIVER REQUEST OF APPLICANT : 6 JULIA HART PURSUANT TO ARTICLE 59, : CASE NO. 7 SECTION 3.3.3.A.2.C.II, RECEIVED BY : ADW 24-2 8 OZAH, RELATED TO AN ACCESSORY DWELLING : 9 UNIT LICENSE AT 7012 BRAEBURN PLACE, : 10 BETHESDA, MARYLAND : 11 -----x 12 13 14 15 PUBLIC HEARING 16 BEFORE KATHLEEN E. BYRNE, HEARING EXAMINER 17 Conducted Virtually 18 Tuesday, July 9, 2024 19 9:38 a.m. EST 20 21 22 23 Job No.: 542558 24 Pages: 1 - 15 25 Recorded By: Merinda Evans</p>	<p style="text-align: center;">3</p> <p>1 A P P E A R A N C E S 2 3 JULIA HART - Applicant 4 AUSTIN MCNAMARA - Montgomery County Department 5 of Housing and Community Affairs 6 KHANDIKILE MVUNGA SOKONI - Montgomery County 7 Office of Zoning and Administrative Hearings 8 (observing) 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>
<p style="text-align: center;">2</p> <p>1 Public Hearing, conducted virtually 2 3 4 5 6 7 8 9 10 11 12 Pursuant to agreement, before Merinda Evans, 13 Court Reporter. 14 15 16 17 18 19 20 21 22 23 24 25</p>	<p style="text-align: center;">4</p> <p>1 C O N T E N T S PAGE 2 Proceedings 5 3 4 5 E X H I B I T S 6 (Retained by the Court) 7 HEARING EXHIBIT PAGE 8 Exhibit 6 Photographs 10 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>

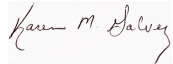
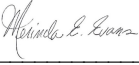
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<p>5</p> <p>1 PROCEEDINGS</p> <p>2 (Whereupon, the court reporter was duly</p> <p>3 sworn.)</p> <p>4 HEARING OFFICER: So now, we will start,</p> <p>5 now that we've had all of the fun beyond -- behind</p> <p>6 us. So this is a hearing, a public hearing, for</p> <p>7 the Parking Waiver Request pursuant to Article 59,</p> <p>8 Section 3.3.3.A.2.C.II received by OZAH related to</p> <p>9 an accessory dwelling unit license at 7012</p> <p>10 Braeburn, B-R-A-E-B-U-R-N, Place in Bethesda,</p> <p>11 Maryland.</p> <p>12 Again, my name is Katie Byrne. My</p> <p>13 last name is B-Y-R-N-E. I'm the Hearing Examiner</p> <p>14 in the case, which means that I'm going to listen</p> <p>15 to testimony, hear evidence, and render an opinion</p> <p>16 on whether the application, pursuant to criteria</p> <p>17 set forth in Article 26, Section 26(b), that</p> <p>18 there's adequate on-street parking for this</p> <p>19 accessory dwelling unit. If you disagree with my</p> <p>20 decision, you may appeal it to the Board of Appeals</p> <p>21 within 10 days after the decision is issued.</p> <p>22 So at this point I'm going to</p> <p>23 identify the parties. So I see we have Julia Hart</p> <p>24 on the line. Ms. Hart, if you could unmute,</p> <p>25 identify yourself, and make sure that your spelling</p>	<p>7</p> <p>1 only official transcript.</p> <p>2 If you desire, Ms. Hart, you can make an</p> <p>3 opening statement. If not, you can go ahead with</p> <p>4 the presentation of essentially your case in chief,</p> <p>5 why you believe the waiver is justified in being</p> <p>6 granted. Then I would ask that the -- that Mr.</p> <p>7 McNamara through DHCD that he respond, explain what</p> <p>8 his observations were when he was out at the</p> <p>9 particular party, and anything else he'd like to</p> <p>10 tell me about this particular application, and then</p> <p>11 you'll have an opportunity for a closing statement,</p> <p>12 if you wish to make one.</p> <p>13 Again, the approval is set forth on</p> <p>14 Criteria 29-26B6, in particular, that I can waive</p> <p>15 on onsite parking standards if the availability of</p> <p>16 on-street parking for residents within 300 feet of</p> <p>17 the proposed accessory dwelling would permit a</p> <p>18 resident to park on the street near his or her</p> <p>19 residence on a regular basis. The proposed</p> <p>20 accessory dwelling is not likely to reduce the</p> <p>21 available on-street parking within 300 feet of the</p> <p>22 proposed accessory apartment, and that is the</p> <p>23 standard upon which I can grant the waiver. Does</p> <p>24 anybody have any questions before we begin? No.</p> <p>25 All right, sounds good. All right. So Ms. Hart,</p>
<p>6</p> <p>1 on the screen is correct for Ms. Evans?</p> <p>2 MS. HART: Absolutely. I'm Julia Hart.</p> <p>3 I'm the homeowner. J-U-L-I-A, H-A-R-T.</p> <p>4 HEARING OFFICER: Thank you. Mr.</p> <p>5 McNamara, if you could identify yourself for the</p> <p>6 court reporter.</p> <p>7 MR. MCNAMARA: Sure. I'm Austin</p> <p>8 McNamara. I work for the Department of Housing and</p> <p>9 Community Affairs. My last name is spelled</p> <p>10 M-C-N-A-M-A-R-A.</p> <p>11 HEARING OFFICER: All right. Sounds</p> <p>12 good. So it doesn't look like we have anybody else</p> <p>13 here testifying either in support or opposition.</p> <p>14 Ms. Hart, do you expect anyone else to join us?</p> <p>15 MS. HART: (No audible response).</p> <p>16 MR. MCNAMARA: All right. So it looks</p> <p>17 like we're all doing well as far as seeing and</p> <p>18 hearing each other. I would ask when you are not</p> <p>19 speaking that you keep your microphone muted.</p> <p>20 Let's see. The -- we have our court reporter, so</p> <p>21 she is going to be documenting the entire</p> <p>22 proceeding. The transcript generated from the</p> <p>23 court reporter will be the official transcript for</p> <p>24 this particular proceeding. I am not recording</p> <p>25 this in any other way or fashion. That will be the</p>	<p>8</p> <p>1 what would you like to tell me?</p> <p>2 MS. HART: Absolutely. Well, I'm a</p> <p>3 single parent. I live in this house. Well, I've</p> <p>4 been living in this house alone, but my friend, who</p> <p>5 is planning on living in the accessory dwelling</p> <p>6 unit, has been living with me for the last four</p> <p>7 years anyways, and so her car has already been</p> <p>8 parked on the street in front of the house for</p> <p>9 those four years.</p> <p>10 HEARING OFFICER: Okay.</p> <p>11 MS. HART: So it's not necessarily</p> <p>12 adding any additional cars to the street; it's just</p> <p>13 more housing space, basically, for her at this</p> <p>14 point.</p> <p>15 HEARING OFFICER: Okay.</p> <p>16 MS. HART: So we also sent in a picture</p> <p>17 of the frontage space and showed that there's</p> <p>18 plenty of space to park three cars along the</p> <p>19 property line on the street, basically.</p> <p>20 HEARING OFFICER: Okay. And what I can</p> <p>21 do is I can pull up anything that you'd like to</p> <p>22 refer to. So we have that exhibit list. If you'd</p> <p>23 like me to pull the -- the picture up, I'm happy to</p> <p>24 do that.</p> <p>25 MS. HART: That would be lovely. Thank</p>

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<p>9</p> <p>1 you. I don't know what the number is. I'm sorry. 2 HEARING OFFICER: That's okay. It's all 3 right. We've got it. I want to say it's Exhibit 4 6. So this is the Exhibit you submitted? 5 MS. HART: Yes. So that's showing the 6 -- the -- our two cars, and then our neighbor's 7 car, in front of our house, just to exhibit that we 8 could show -- we could fit three cars in front of 9 the house with still adequate space for the fire 10 hydrant that's right where the trash cans are, 11 basically, a little bit (crosstalk) those trash 12 cans. 13 HEARING OFFICER: Okay. All right. So 14 I can -- so that's the closeup of the same -- 15 MS. HART: Yeah. 16 HEARING OFFICER: -- and then looking 17 back in the opposite direction. Okay. 18 MS. HART: Yeah. And so, right now, 19 there's only the two of us living here permanently, 20 so there's just the two cars most days anyways. 21 HEARING OFFICER: Okay. 22 MS. HART: There is adequate space for 23 three cars, should we need a third car to be parked 24 in front of the house. 25 HEARING OFFICER: Okay.</p>	<p>11</p> <p>1 inspected the property, I -- it was in the middle 2 of the day, so it's possible people were at work, 3 but I had no issue at all parking. As a matter of 4 fact, I parked in the area shown in the -- the 5 previous pictures directly in front of the house, 6 and I -- the County vehicle is a -- a pickup truck, 7 so it's not a compact or small vehicle. And again, 8 I had no -- no issue parking directly in front of 9 the house. 10 As far as the accessory dwelling 11 unit itself, it's not built yet, so I can't give 12 much information there. But the plans show, you 13 know, a -- a -- a unit that is -- has been accepted 14 by the County going through the permitting process 15 and the building process. But as far as the 16 parking goes, again, it's a -- like Ms. Hart said, 17 it's a -- it's a small -- or it's not a busy 18 street. It's a -- there's no permit parking on the 19 street and I had, again, no issue parking directly 20 in front of the house. And I did observe multiple 21 other spots in the general vicinity for parking for 22 either the -- a new tenant or other occupants of 23 the street. 24 HEARING OFFICER: Okay. Jumping back to 25 you, Ms. Hart, when do you expect construction to</p>
<p>10</p> <p>1 MS. HART: In addition to that, there's 2 plenty of other space on the same street, that we 3 -- that was the view that we took for the photos. 4 HEARING OFFICER: Okay. All right. 5 Anything else that you'd like me to pull up, or was 6 that the only exhibit? 7 MS. HART: That was the only exhibit we 8 had to show. 9 (Exhibit 6 was marked.) 10 HEARING OFFICER: Okay. 11 MS. HART: Yeah, it's a -- it's a small 12 street, but it's -- there's -- you know, everyone 13 is very lovely and doesn't seem to have many 14 parking issues in general. 15 HEARING OFFICER: Okay. All right. 16 Okay. 17 MS. HART: Thank you. 18 HEARING OFFICER: All right, Mr. 19 McNamara? 20 MR. MCNAMARA: Yes. 21 HEARING OFFICER: Can you tell me about 22 your observations when you went out to the property 23 and what your observations essentially of the 24 accessory dwelling unit and parking availability? 25 MR. MCNAMARA: Sure. So when I</p>	<p>12</p> <p>1 begin and be completed? 2 MS. HART: We're hoping for later this 3 summer. I'm honestly not sure how long the process 4 will take, you know, because construction, they say 5 one thing, and then it usually it takes longer. 6 HEARING OFFICER: Right. 7 MS. HART: But we're hoping within a few 8 months. 9 HEARING OFFICER: Okay. All right. Are 10 there any other issues with the application, Mr. 11 McNamara? 12 MR. MCNAMARA: No. Like I said, the 13 application was accepted by the Licensing Division 14 of Department of Housing. My inspection showed, 15 like I said, the property without the construction 16 begun, but the area is obviously available. Ms. 17 Hart and her contractor or architect, or whoever it 18 may be, is going through the permitting process 19 with Permitting Services to allow for all the 20 proper construction to be taking place. But no, no 21 -- no issues outstanding that I know of, other than 22 the -- the construction itself. 23 HEARING OFFICER: Okay. All right. 24 Sounds good. All right. So anything else anyone 25 else would like to tell me before we complete this</p>

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<p>13</p> <p>1 hearing? No? Ms. Hart, any last -- any last words? 2 MS. HART: No. I just appreciate your 3 time today. Thank you very much. 4 HEARING OFFICER: Okay. All right. 5 Thank you so much. Ms. Evans, let's see. Do you 6 have all the spellings that you need? 7 THE REPORTER: Yes. Thank you. 8 HEARING OFFICER: All right. All right. 9 Thank you so much. That essentially concludes our 10 hearing today on this particular matter. The 11 transcript will be completed within the next 10 12 days. I have 30 days within which to issue my 13 decision. I'll try to issue it as quickly as 14 possible. I'll wait for the -- the record will 15 remain open until the transcript is completed. 16 Once the -- I receive the transcript in 10 days, 17 the record will close and my decision will be 18 issued shortly after that. All right. Okay. 19 Well, thank you all so much for your time and 20 participating today. 21 MS. HART: Thank you. 22 HEARING OFFICER: And this concludes our 23 Hearing. Thank you. 24 MS. HART: Thank you. 25 (Off the record at 9:48 a.m.)</p>	<p>15</p> <p>1 CERTIFICATE OF TRANSCRIBER 2 I, Karen M. Galvez, do hereby certify 3 that this transcript was prepared from the digital 4 audio recording of the foregoing proceeding; that 5 said proceedings were reduced to typewriting under 6 my supervision; that said transcript is a true and 7 accurate record of the proceedings to the best of 8 my knowledge, skills, and ability; and that I am 9 neither counsel for, related to, nor employed by 10 any of the parties to the case and have no 11 interest, financial or otherwise, in its outcome. 12 13  14 _____ 15 KAREN M. GALVEZ 16 PLANET DEPOS, LLC 17 July 18, 2024 18 19 20 21 22 23 24 25</p>
<p>14</p> <p>1 CERTIFICATE OF COURT REPORTER - NOTARY PUBLIC 2 I, Merinda Evans, the officer before whom 3 the foregoing proceedings were taken, do hereby 4 certify that any witness(es) in the foregoing 5 proceedings were fully sworn; that the proceedings 6 were recorded by me and thereafter reduced to 7 typewriting by a qualified transcriptionist; that 8 said digital audio recording of said proceedings 9 are a true and accurate record to the best of my 10 knowledge, skills, and ability; and that I am 11 neither counsel for, related to, nor employed by 12 any of the parties to this case and have no 13 interest, financial or otherwise, in its outcome. 14 15  16 _____ 17 MERINDA EVANS, NOTARY PUBLIC 18 FOR THE STATE OF NORTH CAROLINA 19 July 18, 2024 20 21 22 23 24 25</p>	

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