

Transcript of Public Hearing

Date: July 9, 2024 **Case:** Julia Hart Parking Waiver (ADW 24-2)

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WORLDWIDE COURT REPORTING & LITIGATION TECHNOLOGY

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1 2	MONTGOMERY COUNTY OFFICE OF ZONING	1	A P P E A R A N C E S	
	AND ADMINISTRATIVE HEARINGS			
3 4	x IN RE: :		JULIA HART - Applicant AUSTIN MCNAMARA - Montgomery County Department	
4 5	IN RE: : PARKING WAIVER REQUEST OF APPLICANT :			
6	JULIA HART PURSUANT TO ARTICLE 59, : CASE NO.		of Housing and Community Affairs KHANDIKILE MVUNGA SOKONI - Montgomery County	
7	SECTION 3.3.3.A.2.C.II, RECEIVED BY : ADW 24-2			
	OZAH, RELATED TO AN ACCESSORY DWELLING :		Office of Zoning and Administrative Hearings (observing)	
9	UNIT LICENSE AT 7012 BRAEBURN PLACE, :	9	(observing)	
	BETHESDA, MARYLAND :	10		
11	x	11		
12	Α	12		
13		13		
14		14		
14	PUBLIC HEARING	15		
16	BEFORE KATHLEEN E. BYRNE, HEARING EXAMINER	16		
17	Conducted Virtually	17		
18	Tuesday, July 9, 2024	18		
19	9:38 a.m. EST	19		
20		20		
21		21		
22		22		
	Job No.: 542558	23		
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	Recorded By: Merinda Evans	25		
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1	Public Hearing, conducted virtually	1	CONTENTS PAGE	
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5		5	ЕХНІВІТЅ	
6		6	(Retained by the Court)	
7		7	HEARING EXHIBIT PAGE	
8		8	Exhibit 6 Photographs 10	
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12	Pursuant to agreement, before Merinda Evans,	12		
13	Court Reporter.	13		
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1 PROCEEDINGS	1 only official transcript.
2 (Whereupon, the court reporter was duly	2 If you desire, Ms. Hart, you can make an
3 sworn.)	3 opening statement. If not, you can go ahead with
4 HEARING OFFICER: So now, we will start,	4 the presentation of essentially your case in chief,
5 now that we've had all of the fun beyond behind	5 why you believe the waiver is justified in being
6 us. So this is a hearing, a public hearing, for	6 granted. Then I would ask that the that Mr.
7 the Parking Waiver Request pursuant to Article 59,	7 McNamara through DHCD that he respond, explain what
8 Section 3.3.3.A.2.C.II received by OZAH related to	8 his observations were when he was out at the
9 an accessory dwelling unit license at 7012	9 particular party, and anything else he'd like to
10 Braeburn, B-R-A-E-B-U-R-N, Place in Bethesda,	10 tell me about this particular application, and then
11 Maryland.	11 you'll have an opportunity for a closing statement,
12 Again, my name is Katie Byrne. My	12 if you wish to make one.
13 last name is B-Y-R-N-E. I'm the Hearing Examiner	Again, the approval is set forth on
14 in the case, which means that I'm going to listen	14 Criteria 29-26B6, in particular, that I can waive
15 to testimony, hear evidence, and render an opinion	15 on onsite parking standards if the availability of
16 on whether the application, pursuant to criteria	16 on-street parking for residents within 300 feet of
17 set forth in Article 26, Section 26(b), that	17 the proposed accessory dwelling would permit a
18 there's adequate on-street parking for this	18 resident to park on the street near his or her
19 accessory dwelling unit. If you disagree with my	19 residence on a regular basis. The proposed
20 decision, you may appeal it to the Board of Appeals	20 accessory dwelling is not likely to reduce the
21 within 10 days after the decision is issued.	21 available on-street parking within 300 feet of the
22 So at this point I'm going to	22 proposed accessory apartment, and that is the
23 identify the parties. So I see we have Julia Hart	23 standard upon which I can grant the waiver. Does
24 on the line. Ms. Hart, if you could unmute,	24 anybody have any questions before we begin? No.
25 identify yourself, and make sure that your spelling	25 All right, sounds good. All right. So Ms. Hart,
6	8
1 on the screen is correct for Ms. Evans?	1 what would you like to tell me?
2 MS. HART: Absolutely. I'm Julia Hart.	2 MS. HART: Absolutely. Well, I'm a
3 I'm the homeowner. J-U-L-I-A, H-A-R-T.	3 single parent. I live in this house. Well, I've
4 HEARING OFFICER: Thank you. Mr.	4 been living in this house alone, but my friend, who
5 McNamara, if you could identify yourself for the	5 is planning on living in the accessory dwelling
6 court reporter.	6 unit, has been living with me for the last four
7 MR. MCNAMARA: Sure. I'm Austin	7 years anyways, and so her car has already been
8 McNamara. I work for the Department of Housing and	8 parked on the street in front of the house for
9 Community Affairs. My last name is spelled	9 those four years.
10 M-C-N-A-M-A-R-A.	10 HEARING OFFICER: Okay.
11 HEARING OFFICER: All right. Sounds	11 MS. HART: So it's not necessarily
12 good. So it doesn't look like we have anybody else	12 adding any additional cars to the street; it's just
13 here testifying either in support or opposition.	13 more housing space, basically, for her at this
14 Ms. Hart, do you expect anyone else to join us?	14 point.
15 MS. HART: (No audible response).	15 HEARING OFFICER: Okay.
16 MR. MCNAMARA: All right. So it looks	16 MS. HART: So we also sent in a picture
17 like we're all doing well as far as seeing and	17 of the frontage space and showed that there's
18 hearing each other. I would ask when you are not	18 plenty of space to park three cars along the
19 speaking that you keep your microphone muted.	19 property line on the street, basically.
20 Let's see. The we have our court reporter, so	20 HEARING OFFICER: Okay. And what I can
21 she is going to be documenting the entire	•
	21 do is I can pull up anything that you'd like to
22 proceeding. The transcript generated from the	21 do is I can pull up anything that you'd like to 22 refer to. So we have that exhibit list. If you'd
22 proceeding. The transcript generated from the 23 court reporter will be the official transcript for	
	22 refer to. So we have that exhibit list. If you'd

1 you. I don't know what the number is. I'm sorry. 1 inspected the property, I — it was in the middle 2 HEARING OFFICER: That's okay, It's all 2 of the day, so it's possible poople werent work, 4 6. So this is the Exhibit you submitted? 5 of the day, so it's possible poople werent work, 5 MS. HART: Yes. So that's showing the 6 of the day, so it's possible poople werent work, 6	9	11
2 HFARING OFFICER: That's okay. It's all 2 of the day, so it's possible people were at work, 4 right. Wey got it. 1 sum to say it's Exhibit 3 but Had no issue all parking. As a matter of 4 6. So this is the Exhibit you submitted? 5 but Had no issue all parking. As a matter of 5 - the - our to cars, and then our neighbor's 6 and 1 - the county schice is a - a pickup truck, 7 ex ould show - we could fit three cars in front of 9 the house, wit's sol adequate space for the fire 10 hydraut that's right where the trush cans are, 10 As far as the accessory dwelling 11 unit itself, it's not built yet, so I can't give 12 and I - the house. 12 ans. 13 kit's - an antit that is - has been accepted 14 the town weight's - has been accepted 14 14 14 so the's joing here permanently. 15 and I - the house. 15 MS. HART: Yeah. And so, right now, 18 street. T's a - there's no permit parking on the 16 HEARING OFFICER: Okay. 17 it's a - the's a see adequate space for 21		
 3 right. We've got it. I swart to say it's Schibit 4 6. So this is the Exhibit you submitted? 4 6. So this is the Exhibit you submitted? 4 fact, I parked in the area shown in the the 5 MS. HART: Yes. So that's showing the 6 the our two cars, and then our neighbor's 7 are, 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 free 10 hydrant that's right where the trash cans are, 11 batically, a little bit (crosstalk) those trash 12 cars. 13 HEARING OFFICER: Okay. All right. So 14 HEARING OFFICER: - and then looking 15 mK. HART: Tech. And so, right now, 16 HEARING OFFICER: - and then looking 16 parking goes, again, if's a like Ms. Hart said, 17 if a if's a thar was the our posite directly. 20 in front of the house. 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. 10 MS. HART: In addition to that, there's 21 PLARING OFFICER: Okay. 22 MS. HART: That was the only exhibit we 3 had the own own star was the only exhibit? 3 hadk HERNG OFFICER: Okay. 10 HEARING OFFICER: Okay. 11 MS. HART: That was the only exhibit we 3 hadk NARNG OFFICER: Okay. 11 MS. HART: That was the only exhibit we 3 hadk Inthe only exhibit? 3 hadk MART: Yesh, if's a if's a small - of' is a so obler is sue with the application, Mr. 11 MS. HART: That was the only exhibit we 3 hadk Inthe only exhibit? 3 hadk Inthe only exhibit? 3 hadk Inthe only exhibit? 4 MS. HART: That was the only exhibit we 4 had to show. 9 HEARING OFFICER: Okay. 10 HE		
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MS. HART: Yes. So thar's showing the 5 previous pictures directly in front of the house, out, in front of our house, just to exhibit that we so t's not a compact or small whicle. And again, 8 could show - we could fit three cars in front of 8 9 the house with still adequate space for the fire 9 10 hydrant that's right where the trash cans are, 10 11 hasically, a little bit (crosstalk) those trash 10 12 cars. 10 14 trans of the onposite direction. Okay, 11 15 MS. HART: Yeah. 11 16 HEARING OFFICER: - and then looking 11 17 has far as the accessory dwelling 11 18 metal's the closcore and so anyways. 15 19 here's only the two or as most days anyways. 16 20 ther's is not buily et wood us living prevery mermently, 10 20 ther's should we need a third car to be parked 21 21 MS. HART: The addition to that, there's 12 22 ther the only cashibi? 14 3		
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18 MS. HÅRT: Yeah. And so, right now, 18 street. It's a there's no permit parking on the 19 there's only the two of us living here permanently, 20 in front of the house. 20 in front of the house. 21 HEARING OFFICER: Okay. 21 other spots in the general vicinity for parking for 23 three cars, should we need a third car to be parked 24 in front of the house. 21 other spots in the general vicinity for parking for 25 HEARING OFFICER: Okay. 22 either the a new tenant or other occupants of 25 HEARING OFFICER: Okay. 22 either the a new tenant or other occupants of 25 HEARING OFFICER: Okay. 10 10 MS. HART: In addition to that, there's 1 2 plenty of other space on the same street, that we 2 MS. HART: We're hoping for later this 3		
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13 1 hearing? No? Ms. Hart, any last any last words?	1 CERTIFICATE OF TRANSCRIBER	15
2 MS. HART: No. I just appreciate your	2 I, Karen M. Galvez, do hereby certify	
3 time today. Thank you very much.	3 that this transcript was prepared from the digital	
4 HEARING OFFICER: Okay. All right.	4 audio recording of the foregoing proceeding; that	
5 Thank you so much. Ms. Evans, let's see. Do you	5 said proceedings were reduced to typewriting under	
6 have all the spellings that you need?	6 my supervision; that said transcript is a true and	
7 THE REPORTER: Yes. Thank you.	7 accurate record of the proceedings to the best of	
8 HEARING OFFICER: All right. All right.	8 my knowledge, skills, and ability; and that I am	
9 Thank you so much. That essentially concludes our	9 neither counsel for, related to, nor employed by	
10 hearing today on this particular matter. The	10 any of the parties to the case and have no	
11 transcript will be completed within the next 10	11 interest, financial or otherwise, in its outcome.	
12 days. I have 30 days within which to issue my	12	
13 decision. I'll try to issue it as quickly as		
14 possible. I'll wait for the the record will	13 Karn M. Balver	
15 remain open until the transcript is completed.	15 KAREN M. GALVEZ	
16 Once the I receive the transcript in 10 days,	16 PLANET DEPOS, LLC	
17 the record will close and my decision will be	17 July 18, 2024	
18 issued shortly after that. All right. Okay.	18	
19 Well, thank you all so much for your time and	19	
20 participating today.	20	
21 MS. HART: Thank you.	21	
22 HEARING OFFICER: And this concludes our	22	
23 Hearing. Thank you.	23	
24 MS. HART: Thank you.	24	
25 (Off the record at 9:48 a.m.)	25	
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 proceedings6 were recorded by me and thereafter reduced to		
6 were recorded by me and thereafter reduced to7 typewriting by a qualified transcriptionist; that		
 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 coursel 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 Helinda, E. Roma		
16 Mohada E. Ziana 16		
17 MERINDA EVANS, NOTARY PUBLIC		
18 FOR THE STATE OF NORTH CAROLINA		
19 July 18, 2024		
20		
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