

OFFICE OF ZONING AND ADMINISTRATIVE HEARINGS  
FOR MONTGOMERY COUNTY

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ACCESSORY APARTMENT LICENSE : Case No. AAO-14-02  
OBJECTIONS :  
:  
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A hearing in the above-entitled matter was held on  
May 16, 2014, commencing at 9:51 a.m., at the Office of  
Zoning and Administrative Hearings, 100 Maryland Avenue,  
Rita Davidson Memorial Hearing Room, Rockville, Maryland  
20850 before:

Lynn A. Robeson  
Hearing Examiner

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P R O C E E D I N G S

1 MS. ROBESON: This is a public hearing in the  
 2 matter of an accessory apartment objection filed by Anne M.  
 3 Scott and Benjamin and Susan Overbey, separate objections,  
 4 Case No. AAO-14-02 to a conditional finding made by DHCA,  
 5 the Department of Housing and Community Affairs, to approve  
 6 an accessory apartment license, License No. 83032 for  
 7 property at 16820 Westbourne Terrace, Gaithersburg, Maryland  
 8 20878.

9 The purpose of the hearing -- this hearing was  
 10 scheduled for today because we are required by statute to  
 11 hold a hearing within 20 days of the date the objection is  
 12 filed. We have multiple objections. One filed by Ms.  
 13 Scott, and one filed by Mr. and Mrs. Overbey. We have  
 14 attempted -- we got a postponement request from Ms. Scott  
 15 stating that she could not make the May 16th, this hearing  
 16 date, but she would be available on May 19th. We got a,  
 17 received from Mr. Hubbard, the applicant, a request to  
 18 extend the hearing date because he could not make the May  
 19 19th hearing date.

20 Our office, OZAH, has been back and forth with the  
 21 applicants. I indicated to them on May 14th that I would  
 22 convene this hearing solely to postpone the case, and  
 23 requested the parties to come up with a new hearing date  
 24 prior to this hearing so it could be announced at the  
 25

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1 hearing.

2 I then received e-mails from both the objectors  
 3 and Mr. Hubbard, stating that he could make this date. Ms.  
 4 Hartman is deployed in Afghanistan, and one of the problems  
 5 in this case is that Ms. Hartman is in Afghanistan, and does  
 6 not receive the e-mails quickly. The other problem is that  
 7 Mr. Hubbard works in a secure facility, and has limited  
 8 access to e-mail during the day. So with those time frames,  
 9 I received an e-mail -- verbally, we had confirmation from  
 10 Ms. Hartman, according to staff, we had confirmation from  
 11 Ms. Hartman that she could make a proposed June 2nd date. I  
 12 received an e-mail at 7:57 on May 15th, 7:57 p.m. on May  
 13 15th, that she would not be able to attend the hearing  
 14 because of operations.

15 Therefore, and we've also been through multiple  
 16 attempts to come up with a date, and personal or other  
 17 commitments of the objectors and the applicants, have  
 18 prevented us from coming up with a hearing date that is as  
 19 close as possible to the May 16th, the 20 day time frame.  
 20 The statute does allow the hearing examiner to postpone the  
 21 case if the parties are unable to attend the hearing within  
 22 the 20 day time period.

23 Therefore, I am going to postpone this case to  
 24 June 26th at 9:30 a.m. I expect I am also going to ask Ms.  
 25 Forbes, of our office, to forward available hearing dates

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1 earlier than that, and request that the parties, if they can  
 2 agree on a hearing date earlier than that, to waive, to  
 3 allow notice of the hearing to be sent by e-mail, given that  
 4 Ms. Hartman is in Afghanistan. So, today, Ms. Forbes is  
 5 going to e-mail all the parties available hearing dates  
 6 prior to the 26th. If the parties, the 26th should give all  
 7 the parties sufficient time to make whatever arrangements  
 8 with their jobs or their personal commitments in order to  
 9 attend the hearing. I expect the hearing to be a priority  
 10 so that this case does not drag on.

11 So, Ms. Forbes will e-mail them the dates. If  
 12 they can agree on a date prior to the 26th, we will send  
 13 notice of the hearing by e-mail provided that all the  
 14 parties agree to receive the notice by e-mail. I am not  
 15 inclined to postpone this further given the purpose of the  
 16 statute, which was to expeditiously address these licenses.  
 17 With that, I am going to continue this case to June 26th at  
 18 9:30 a.m. We are now adjourned.

19 (Whereupon, at 9:58 a.m., the hearing was  
 20 concluded.)  
 21  
 22  
 23  
 24  
 25

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C E R T I F I C A T E

1 DEPOSITION SERVICES, INC., hereby certifies that  
 2 the attached pages represent an accurate transcript of the  
 3 electronic sound recording of the proceedings before the  
 4 Office of Zoning and Administrative Hearings for Montgomery  
 5 County in the matter of:  
 6  
 7 Accessory Apartment License Objections  
 8 AAO-14-02  
 9  
 10  
 11 By:  
 12  
 13  
 14  
 15 Keena Lukacinsky  
 16 Transcriber  
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 20  
 21  
 22  
 23  
 24  
 25

**Accessory Apartment License Objections  
AAO-14-02**

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**Accessory Apartment License Objections  
AAO-14-02**

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