

OFFICE OF ZONING AND ADMINISTRATIVE HEARINGS
FOR MONTGOMERY COUNTY

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: PETITION OF OTTO O. TROXLER FOR : OZAH No. CU 15-01
ACCESSORY APARTMENT :
: :
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A hearing in the above-entitled matter was held on
May 15, 2015, commencing at 9:35 a.m., at the Office of
Zoning and Administrative Hearings, 100 Maryland Avenue,
Rita Davidson Memorial Hearing Room, Rockville, Maryland
20850 before:

Tammy CitaraManis
Hearing Examiner

C O N T E N T S

E X H I B I T S

Exhibit No.	Marked	Received
Exhibit No. 11 A	30	101
Exhibit No. 39	48	101
Exhibit No. 40	50	101
Exhibit No. 41	63	101

1 So, I'll start with the petitioner. State your name and
2 your address.
3 MR. TROXLER: Good morning. I'm Otto O. Troxler
4 and my address is 9605 Rockville Pike.
5 MS. CITARAMANIS: Okay.
6 MS. FERREYRA: Good morning, my name is Dr.
7 Gabrielle Ferreyra. I'm owner of the house on 9605.
8 MS. CITARAMANIS: Okay. Great.
9 MR. ELOISA: I'm a housing code inspector, Caesar
10 Ivan Eloisa --
11 MS. CITARAMANIS: Okay.
12 MR. ELOISA: -- Montgomery Counting housing code
13 enforcement.
14 MS. CITARAMANIS: Okay, great. And we'll start
15 with the lady closest to the door. Just so everybody knows,
16 this is being recorded. These are not for amplification,
17 they're just for recording. If you see the court reporter
18 waive her hand that means she can't hear you. So, if you
19 could tell me what your name is and your address and if
20 you're here in support or in opposition or if you're just
21 here to observe.
22 MS. NEUSTADT: I am Marla Neustadt. I live at
23 9704 Bellevue Drive and I am in opposition.
24 MS. CITARAMANIS: Ms. Neustadt, okay, all right.
25 MS. BERGGREN: My name is Deborah Berggren. I

P R O C E E D I N G S

1 MS. CITARAMANIS: Okay, I'm going to open up this
2 petition. This is a public hearing in case number CU 15-01
3 for the petition of Otto O. Troxler for a conditional use
4 pursuant to Sections 59 3.3.3(a) and (b) and Section 59
5 7.3.1 of the Zoning Ordinance to permit an accessory, an
6 attached accessory apartment in the basement of an existing
7 single family dwelling located at 9605 Rockville Pike,
8 Bethesda, Maryland 20814. The property is lot 11, block 8
9 of the Locust Hill Estates subdivision located in the R-60
10 zone. The tax account number for the property is 00598185.
11 My name is Tammy CitaraManis and I'm the hearing examiner in
12 this matter. What does that mean? That means I'm going to
13 conduct this hearing, I'll take evidence, I will write an
14 opinion and a decision, approving or approving with
15 conditions or denying petitioner's application for a
16 conditional use for an accessory apartment. I will write
17 that, it will issue within 30 days after the record closes.
18 We'll discuss that more when we get to the end. This
19 hearing was noticed in a hearing notice issued on January
20 29th, 2015 as required by Section 59 7.5.2 within five days
21 after the application was filed which was January 22nd,
22 2015. What I'm going to do first is I'm going to ask the
23 parties to identify themselves and then I'm going to ask the
24 individuals in the back to individually identify yourself.

1 live at 9619 Bellevue Drive and I'm here in opposition.
2 MS. CITARAMANIS: Could you spell your last name?
3 MS. BERGGREN: B-E-R-G-G-R-E-N, Berggren.
4 MS. CITARAMANIS: Okay. Thank you. Okay, next
5 lady in the blue?
6 MS. PROESTEL: Edna Proestel. I live at 9706
7 Bellevue Drive and I'm opposed to it.
8 MS. CITARAMANIS: And also spell your name as
9 well.
10 MS. PROESTEL: P-R-O-E-S-T-E-L.
11 MS. CITARAMANIS: Okay. Thank you, Ms. Proestel.
12 MS. YANGAS: I'm Linda Yangas and I'm at 9717
13 Bellevue Drive and I'm here in opposition.
14 MS. CITARAMANIS: And go ahead and spell your name
15 as well. And I'm actually going to come back and get your
16 name spelled correctly for the record.
17 MS. YANGAS: The spelling of my name?
18 MS. CITARAMANIS: Yes, please.
19 MS. YANGAS: Y-A-N-G-A-S.
20 MS. CITARAMANIS: Okay.
21 MR. PROESTEL: Robert Proestel, 9706 Bellevue
22 Drive, opposition.
23 MS. CITARAMANIS: Okay. Thank you. And everybody
24 in the back wishes to make a statement? Is that what I'm
25 hearing or are you just here to observe?

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1 MS. NEUSTADT: I will be making a statement.
2 MS. CITARAMANIS: Ms. --
3 MS. NEUSTADT: Neustadt.
4 MS. CITARAMANIS: -- Neustadt, okay. All right.
5 So let me explain the nature of these proceedings. This is
6 a formal but orderly proceeding which means it's recorded,
7 all testimony will be under oath, all individuals testifying
8 will be subject to cross-examination, evidence will be
9 presented marked and entered into the record. I can only
10 consider what is formally in the record and the hearing will
11 follow a specific order. Everybody's already provided their
12 name. I will swear you in when it comes time. Actually,
13 I'm going to swear everybody in here first but individuals,
14 if individuals testify I'll swear them in then. The
15 petitioner can make an opening statement or he can waive it.
16 Do you have any, do both of you plan on testifying or do you
17 have any other witnesses that we're expecting?
18 MR. TROXLER: It's just us.
19 MS. CITARAMANIS: Just the two of you?
20 MR. TROXLER: We brought a couple of pieces of
21 paperwork when it comes to the letter that we received from
22 the county when it comes to that modification --
23 MS. CITARAMANIS: You have more documents?
24 MR. TROXLER: Yeah, yes, two more.
25 MS. CITARAMANIS: Okay. And what will happen is I

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1 will mark those documents and we'll make more copies.
2 MR. TROXLER: Yeah.
3 MS. CITARAMANIS: Okay?
4 MR. TROXLER: Uh-huh.
5 MS. CITARAMANIS: Again, individuals, they will be
6 able to speak. I will also give an individual, if anybody
7 has any questions after we've made direct testimony, after
8 you've said something, if I have any questions I'll ask you
9 questions and I will allow an individual, if they have a
10 question based on your testimony -- and just to explain to
11 everybody, that won't be your opportunity to make your
12 statement in opposition. All it is is you heard something
13 that you either want clarification on from the petitioners,
14 so try to remember that because I will stop you if you start
15 making your statement. I'll just say, we're not at that
16 point yet. We'll hear from Mr. Eloisa as well. And then
17 you'll make a closing or you can waive that as well. So the
18 nature of the petition here, this is an application for a
19 conditional use which was filed on January 22nd, 2015 based
20 on a referral notice from the Department of Housing and
21 Community Affairs dated December 2nd, 2014 advising
22 petitioner that the property did not meet the on-site
23 parking requirements for a Class 3 accessory apartment
24 license under Chapter 29-19. Specifically, the reason for
25 that is this property does not have a driveway. The

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1 requirements to get the license, one of them is that you be
2 able to provide at least one parking space for the accessory
3 apartment use and one space for the main dwelling. There's
4 a technical staff report and it lays out the criteria. I
5 need to follow the criteria for use standards for all
6 accessory apartment, the general standards for all
7 conditional uses and the limited standards with regards to
8 making a ruling on their request to deviate from the on-site
9 parking requirement because that's why it was sent here to
10 us to decide whether there's enough parking to allow you to
11 deviate and not have to comply with the on-site
12 requirements. And basically how that is worded is the, to
13 find it inadequate, the available on-street parking for
14 residents within 300 feet of the proposed accessory
15 apartment would not permit a resident to park on street near
16 his or her residence on a regular basis and the proposed
17 accessory apartment is likely to reduce the available on-
18 street parking within 300 feet of the proposed accessory
19 apartment. So basically the issue here today is the
20 adequacy of parking. So, I want to hear from everybody,
21 obviously you will talk about parking and I'm sure other
22 people will raise issues with regards to that. With that
23 said, do you have any other preliminary matters that you
24 need to address now?
25 MR. TROXLER: No.

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1 MS. CITARAMANIS: I know --
2 MR. TROXLER: Just let us know when we can give
3 you the, if this is in regarding the letter that we received
4 yesterday about the modifications that we need to make.
5 MS. CITARAMANIS: Oh, okay. Well, all right. So,
6 I do have, just as a, so I don't forget, you've already
7 signed the affidavit, Ms. Ferreyra?
8 MS. FERREYRA: Yes.
9 MS. CITARAMANIS: Okay. And the affidavit of
10 posting, I see you have signed that. The one thing I did
11 not notice in your application, the submittal of a landscape
12 and lighting plan, if it was missed I need you to give it to
13 me, if not I'm going to have to ask you to submit one or we
14 can actually, you can modify the plat of the property and
15 mark and identify where the path is, where the lighting is,
16 and I mean, I don't think --
17 MR. TROXLER: Yeah, I wasn't notified about --
18 MS. CITARAMANIS: Well, it's one of the
19 requirements --
20 MR. TROXLER: Okay.
21 MS. CITARAMANIS: -- and obviously somebody
22 overlooked it but that is not in there. And we can rectify
23 it here today or --
24 MR. TROXLER: Sure.
25 MS. CITARAMANIS: -- leave the record open so you

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1 can submit it. Okay. So, with that I'm going to ask the
2 three of you to raise your right hand. This is going to be
3 under the penalty of perjury.
4 (Witnesses sworn.)
5 MS. CITARAMANIS: Okay. I've had an affirmative
6 for the petitioners and Mr. Eloisa. So, this is how we
7 begin. This is your opportunity to make your presentation
8 about your application, why you're doing it, and then we'll
9 talk about the staff report and the housing report. So, who
10 would like to go first?
11 MR. TROXLER: I can go first.
12 MS. CITARAMANIS: Mr. Troxler?
13 MR. TROXLER: Yes.
14 MS. CITARAMANIS: Okay.
15 MR. TROXLER: We would like to be able to use the
16 basement space that we don't use in our house to probably
17 rent it to NIH personnel. She works at NIH. So, we know
18 that there is a lack of units in the area. And when it
19 comes to the modifications we talked to an inspector already
20 and we contacted the electrician and another general
21 contractor in order to modify the situation that we have in
22 the apartment. And also there is a requirement that says
23 that we need 76 inches in the passage in the bathroom and we
24 have 75 inches and a quarter. I would like to ask the
25 inspector if that can be waived or if we need to modify the

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1 height of the passage in the bathroom.
2 MS. CITARAMANIS: Okay. Well, when we get to him
3 to talk --
4 MR. TROXLER: Because, yeah.
5 MS. CITARAMANIS: -- report we can do that.
6 MR. TROXLER: Okay, okay.
7 MS. CITARAMANIS: And I'm, just so that we're
8 clear --
9 MR. TROXLER: Uh-huh.
10 MS. CITARAMANIS: You're right now talking about
11 the inspection report --
12 MR. TROXLER: Uh-huh.
13 MS. CITARAMANIS: -- dated May 5th, 2015?
14 MR. TROXLER: Yes.
15 MS. CITARAMANIS: Okay. And I have it marked as
16 Exhibit No. 36.
17 MR. TROXLER: Oh, okay.
18 MS. CITARAMANIS: And periodically I will make
19 sure that we're on the same exhibit.
20 MR. TROXLER: Uh-huh.
21 MS. CITARAMANIS: Okay?
22 MR. TROXLER: Okay.
23 MS. CITARAMANIS: All right.
24 MR. TROXLER: And you mentioned the parking on, I
25 can quote what I was sent from the County that the parking

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1 was --
2 MS. CITARAMANIS: Well tell me what you're --
3 MR. TROXLER: Oh.
4 MS. CITARAMANIS: -- what you're quoting from.
5 MR. TROXLER: I'm quoting from page number 12 --
6 MS. CITARAMANIS: Of what?
7 MR. TROXLER: -- from the, I don't know how to
8 call this.
9 MS. CITARAMANIS: Okay, well let me ask you this.
10 Yes, okay.
11 MR. TROXLER: Okay.
12 MS. CITARAMANIS: So, what you're getting ready to
13 quote from is the technical staff report.
14 MR. TROXLER: Technical staff report, okay.
15 MS. CITARAMANIS: Your application was reviewed,
16 they're required to review it using the standards that I
17 just mentioned --
18 MR. TROXLER: Okay. Uh-huh.
19 MS. CITARAMANIS: -- in my opening. It's marked
20 as Exhibit No. 34. It was completed May 5th and submitted
21 here on the 4th. Have you read this document?
22 MR. TROXLER: Yes.
23 MS. FERREYRA: Yes.
24 MS. CITARAMANIS: Both of you have read this
25 document?

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1 MS. FERREYRA: Uh-huh.
2 MS. CITARAMANIS: Okay. You have to say yes.
3 MR. TROXLER: Yes.
4 MS. FERREYRA: Yes.
5 MS. CITARAMANIS: Yes, okay. And one thing that
6 you can do as part of your presentation is accept what they
7 said and adopt it as your own evidence, accept part of it
8 and not adopt those parts that you disagree with, of course
9 you've got to let me know what you don't agree with, or you
10 can not accept anything in here but you're going to have to
11 present evidence to prove the criteria.
12 MR. TROXLER: Okay.
13 MS. CITARAMANIS: So, it's up to you. I mean,
14 some people, they just, they accept it and adopt it as their
15 own evidence and then there have been times that they've
16 disagreed with a page and we've clarified that. So, at this
17 point would you like to accept it and adopt it as your own
18 evidence?
19 MR. TROXLER: Yes. That's correct. This is my
20 first hearing so I don't know --
21 MS. CITARAMANIS: No problem.
22 MR. TROXLER: -- what are the procedures. But,
23 yes --
24 MS. CITARAMANIS: Yes.
25 MR. TROXLER: -- I didn't know about that but we

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1 can adopt it as the evidence because it's --
2 MS. CITARAMANIS: So you agree with everything
3 that's in here?
4 MR. TROXLER: I agree with everything, yes.
5 MS. CITARAMANIS: And you would agree to comply
6 with the conditions --
7 MR. TROXLER: Yes, I agree.
8 MS. CITARAMANIS: -- of approval that they've put
9 in here?
10 MR. TROXLER: With everything.
11 MS. FERREYRA: Yes.
12 MS. CITARAMANIS: Yes. And of course I'm allowed
13 to add conditions of approval that I think are necessary as
14 well which will most likely include the housing inspector's
15 items that were noted.
16 MR. TROXLER: Uh-huh.
17 MS. CITARAMANIS: Okay. With that clarification,
18 this is now part of your evidence, you're referring to page
19 number 3, I think you were talking about parking. You were
20 going to address parking.
21 MR. TROXLER: Yes.
22 MS. CITARAMANIS: Okay.
23 MR. TROXLER: You mentioned the parking issue so I
24 was going to quote this evidence on page number 12 where it
25 says that parking on the service road is adequate to serve

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1 both the primary residence and the accessory apartment use.
2 The subject property has 70 feet of frontage on the service
3 road which is enough space to park three cars. Only one
4 other house on the block fronts on the service road so on
5 the street parking demand is relatively low. Furthermore,
6 the property is also serviced by public transportation, the
7 Ride On bus stop is located 350 feet from the property.
8 MS. CITARAMANIS: Okay. So why don't you just
9 describe to me what's in front of your house and where you
10 guys park and any troubles that you have or don't have with
11 parking and then we'll talk about your neighbors around you,
12 what you know and based on your personal experience.
13 MR. TROXLER: Uh-huh. Yeah. We don't have any
14 problem parking in front of our house 99 percent of the
15 times unless there is a party somewhere and we don't have
16 any issues. We always park right in front of our property.
17 MS. CITARAMANIS: You're able to park right --
18 MR. TROXLER: Yes.
19 MS. CITARAMANIS: -- in front?
20 MR. TROXLER: And we have a neighbor right next to
21 us which is a rental unit and they have sometimes five, six,
22 seven cars and there is no problem. They can park all along
23 the service road. We don't have houses in front of our
24 house. We are on Rockville Pike. So, there is a small
25 median and then Rockville Pike. So, we don't have anybody

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1 in front of us.
2 MS. FERREYRA: It's a very long block that only
3 has --
4 MR. TROXLER: Yeah.
5 MS. FERREYRA: -- two houses facing that block.
6 MR. TROXLER: Rockville Pike, yeah.
7 MS. CITARAMANIS: Okay. Only one can talk at a
8 time.
9 MR. TROXLER: Okay.
10 MS. FERREYRA: So, there's plenty of space,
11 usually half of the block has no vehicles parked all the
12 time.
13 MS. CITARAMANIS: Okay. Do you ever need to park
14 around the corner?
15 MR. TROXLER: No.
16 MS. FERREYRA: Never.
17 MS. CITARAMANIS: Okay, one at a time.
18 MR. TROXLER: Never.
19 MS. CITARAMANIS: Never, okay. And the house,
20 would it be to your left or to your right, if you're --
21 MR. TROXLER: Facing it?
22 MS. CITARAMANIS: If you're facing it.
23 MR. TROXLER: The right.
24 MS. CITARAMANIS: Okay. And do they have a garage
25 or driveway?

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1 MR. TROXLER: No.
2 MS. CITARAMANIS: Do any of the houses in your
3 neighborhood have driveways?
4 MR. TROXLER: Yes.
5 MS. CITARAMANIS: Okay.
6 MR. TROXLER: Many houses have driveways or
7 garage, detached garage or attached garages.
8 MS. CITARAMANIS: Okay. Do you know is that the
9 majority of them or are the ones that don't have --
10 MR. TROXLER: I will say that probably 80 or 90
11 percent of the houses in the neighborhood have either a
12 driveway or a garage.
13 MS. CITARAMANIS: Okay. The ones closest to you,
14 let's go, I'm going to pull out, hold on, give me a minute.
15 Okay, I have here it looks like a copy of the zoning map.
16 MS. FERREYRA: Uh-huh.
17 MR. TROXLER: Yes.
18 MS. CITARAMANIS: And so if you're on Asbury
19 Lane --
20 MR. TROXLER: Yes.
21 MS. CITARAMANIS: -- the houses on both sides, do
22 any of those houses --
23 MR. TROXLER: All the houses have driveways and
24 garages.
25 MS. CITARAMANIS: On Asbury Lane?

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1 MR. TROXLER: Yes.
2 MS. CITARAMANIS: How about on Bellevue Drive and
3 I'm going past Asbury up to and we'll just start up there.
4 MR. TROXLER: So we are here? That's where you
5 are?
6 MS. CITARAMANIS: Oh, yes, let me, yes, yes.
7 MR. TROXLER: Okay.
8 MS. CITARAMANIS: So that's at the top.
9 MR. TROXLER: The house at the top, it doesn't
10 have a driveway.
11 MS. CITARAMANIS: The first one?
12 MR. TROXLER: That's the one that's, yeah, right
13 next to the Beltway doesn't have a driveway. Then the other
14 houses all around I think all of them have driveways or a
15 garage.
16 MS. CITARAMANIS: Okay.
17 MR. TROXLER: Uh-huh.
18 MS. CITARAMANIS: All the way down to the
19 intersection of --
20 MR. TROXLER: All the way to --
21 MS. CITARAMANIS: -- Bellevue Drive when it hits
22 355?
23 MR. TROXLER: Rockville Pike, yes.
24 MS. CITARAMANIS: Where it kind of lines up with
25 Alta Vista?

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1 MR. TROXLER: Yes, all of these houses here on
2 both sides, on both sides I believe --
3 MS. CITARAMANIS: Okay.
4 MR. TROXLER: -- that all of them have driveways
5 and garages some of them.
6 MS. CITARAMANIS: Okay. All right. And I was
7 referring to Exhibit No. 9 which is the Zoning map. So,
8 okay. All right. Anything else you want to add?
9 MR. TROXLER: About parking? No, no, no.
10 MS. CITARAMANIS: Okay. Then I have photographs
11 in here.
12 MR. TROXLER: Uh-huh.
13 MS. CITARAMANIS: Okay. I'm going to hand you
14 Exhibits No. 13 A, B, C, D, E, and I believe there's one
15 more. Okay. So I'm going to, in addition to the exhibits I
16 just identified I'm going to give you also 19 A, 30 A and 30
17 B and I want you to tell me if you took these photographs
18 and briefly describe referring to the number what it is and
19 if you can give me a general time when you took these
20 pictures and if they depict the condition of that area as it
21 exists today.
22 MR. TROXLER: Yeah. These are taken approximately
23 at 10:00 a.m., 10:30 a.m. --
24 MS. CITARAMANIS: Just give general day. I mean,
25 was it --

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1 MR. TROXLER: It was a weekday.
2 MS. CITARAMANIS: It was a weekday and it was --
3 MR. TROXLER: It was a weekday around 10:30, 10:00
4 a.m.
5 MS. CITARAMANIS: What time of year?
6 MR. TROXLER: This was taken in February or,
7 February.
8 MS. CITARAMANIS: Okay.
9 MR. TROXLER: Yeah.
10 MS. CITARAMANIS: And so the first one, what is
11 the first one, 13 A?
12 MR. TROXLER: That's the view from my house
13 towards the intersection of Rockville Pike and Bellevue.
14 MS. CITARAMANIS: Okay.
15 MR. TROXLER: Okay, this is Rockville Pike here
16 and this corner here is Bellevue and Rockville Pike.
17 MS. CITARAMANIS: Okay. That's 13 A?
18 MR. TROXLER: That's 13 A. 13 B it's from my
19 house towards the opposite way, towards Asbury Lane.
20 MS. CITARAMANIS: Okay.
21 MR. TROXLER: That's Rockville Pike and that's the
22 median I was referring to.
23 MS. CITARAMANIS: Rockville Pike's on the left,
24 median's in the middle --
25 MR. TROXLER: Yes.

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1 MS. CITARAMANIS: -- and it's pointing towards
2 Asbury, what direction is that, North?
3 MR. TROXLER: Yes.
4 MS. FERREYRA: To the Beltway, yeah.
5 MR. TROXLER: So, it's pointing to the Beltway.
6 MS. CITARAMANIS: Okay.
7 MS. FERREYRA: Because Asbury --
8 MR. TROXLER: Yeah. This one is the front of my
9 house.
10 MS. CITARAMANIS: That's a picture of --
11 MR. TROXLER: That's the, you can see the front
12 gate.
13 MS. CITARAMANIS: Front gate, sidewalk.
14 MR. TROXLER: Uh-huh. Sidewalk that goes to the
15 front of the house.
16 MS. CITARAMANIS: And that comes off of the
17 service road?
18 MR. TROXLER: Yes.
19 MS. FERREYRA: Yes.
20 MR. TROXLER: 13 D is the entrance of the
21 basement.
22 MS. CITARAMANIS: Side or back?
23 MR. TROXLER: Side, it's a side entrance.
24 MS. CITARAMANIS: What side?
25 MR. TROXLER: Right side.

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1 MS. CITARAMANIS: If you're facing the house it's
2 on the right hand side?
3 MR. TROXLER: If you're facing the house it's on
4 the right side.
5 MS. CITARAMANIS: Okay.
6 MR. TROXLER: And it has a driveway, concrete
7 driveway that goes from the front entrance all the way to
8 the entrance of the basement.
9 MS. CITARAMANIS: It's concrete?
10 MR. TROXLER: Yes.
11 MS. CITARAMANIS: Concrete path?
12 MR. TROXLER: Yes. 13 E it's the basement door.
13 MS. CITARAMANIS: Oh, okay, looking --
14 MR. TROXLER: From, looking from the right side of
15 the house.
16 MS. CITARAMANIS: On the other side, okay.
17 MR. TROXLER: And --
18 MS. CITARAMANIS: Is there a light fixture next to
19 the --
20 MS. FERREYRA: Yes.
21 MR. TROXLER: Oh, sorry about that.
22 MS. CITARAMANIS: Is there a light fixture next to
23 the door?
24 MR. TROXLER: There is a light fixture here.
25 MS. CITARAMANIS: Okay, are there any, are there

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1 any light fixtures on the side of the house --
2 MR. TROXLER: There are three light fixtures --
3 MS. CITARAMANIS: Okay.
4 MR. TROXLER: -- on the front of the house. One
5 it's a light bulb in the middle of the front yard.
6 MS. CITARAMANIS: Uh-huh.
7 MR. TROXLER: The other one it's one on the
8 corner, you can see in 13 D on this corner there is a
9 floodlight.
10 MS. CITARAMANIS: Okay.
11 MR. TROXLER: And then the front of my house there
12 is another.
13 MS. CITARAMANIS: And we're going to, I'm going to
14 have you identify those on the plat --
15 MR. TROXLER: Yes, on the --
16 MS. CITARAMANIS: -- and make that your landscape
17 and lighting plan.
18 MR. TROXLER: This Exhibit No. 13 -- sorry, 19 A
19 and 30 D where we first positioned the sign and when we
20 received the notification that we needed to move the sign
21 where the sign was posted. This is the front of the house
22 looking from Rockville Pike.
23 MS. CITARAMANIS: You're standing on the street or
24 from the --
25 MR. TROXLER: Yes.

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1 MS. CITARAMANIS: -- median?
2 MR. TROXLER: On the, on the median.
3 MS. CITARAMANIS: Okay. So, 13 D is --
4 MR. TROXLER: 19 A and --
5 MS. CITARAMANIS: 19 A.
6 MR. TROXLER: -- 30 D.
7 MS. CITARAMANIS: Okay. 30 D is the correction --
8 MR. TROXLER: The correction, yes.
9 MS. CITARAMANIS: -- so that the sign is, okay.
10 Okay.
11 MR. TROXLER: Another picture from the --
12 MS. CITARAMANIS: Is that the --
13 MR. TROXLER: 30 A.
14 MS. CITARAMANIS: Okay.
15 MR. TROXLER: The same, almost the same picture as
16 well.
17 MS. CITARAMANIS: And that was actually taken in
18 March?
19 MR. TROXLER: March.
20 MS. CITARAMANIS: Yeah.
21 MR. TROXLER: March 26.
22 MS. CITARAMANIS: After my letter?
23 MR. TROXLER: Yes.
24 MS. CITARAMANIS: Okay. And these pictures depict
25 the condition of the property as it is today?

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1 MR. TROXLER: As it is today.
2 MS. CITARAMANIS: No changes?
3 MR. TROXLER: No changes.
4 MS. CITARAMANIS: Okay. So, I'm going to hand you
5 your plat and you can either do it now or you can send it in
6 because I'm going to keep the record open because we want it
7 to be right and clean. So, if you need a little time we can
8 do that. But I need you to identify where the lights are
9 and so if you, you know, I'll ask you to describe what kind,
10 show me where the path is and I believe --
11 MR. TROXLER: The path is here.
12 MS. CITARAMANIS: Okay, oh, it's already marked.
13 Okay. It's --
14 MR. TROXLER: Not the one --
15 MS. CITARAMANIS: I need to know the path to the
16 accessory apartment. And I mean, you don't have any
17 landscaping on here. You can use this or, yeah, so if you
18 want to, so identify the document for me by the number at
19 the bottom.
20 MR. TROXLER: Exhibit No. 8 and where it's going
21 to show the concrete path towards the basement apartment.
22 MS. CITARAMANIS: Okay. That is a copy of your --
23 MR. TROXLER: That's a copy of my --
24 MS. CITARAMANIS: -- survey plat.
25 MR. TROXLER: -- survey plat, yeah.

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1 MS. CITARAMANIS: Correct.
2 MR. TROXLER: Excuse me, can I, can I put these
3 dots here and then write down here --
4 MS. CITARAMANIS: Make a key? Absolutely.
5 MR. TROXLER: Yes.
6 MS. CITARAMANIS: Yes, you can --
7 MR. TROXLER: Okay.
8 MS. CITARAMANIS: -- just make a key so you don't
9 have to write lights four times or whatever.
10 MR. TROXLER: Yeah.
11 MS. CITARAMANIS: But just make sure you identify
12 the accessory apartment entrance as well as the path.
13 MR. TROXLER: Yes.
14 MS. CITARAMANIS: And initial next to --
15 MR. TROXLER: Lights, where I --
16 MS. CITARAMANIS: Yeah, just initial that way it
17 shows that you made those changes and for the record the
18 changes are in red felt marker and is it a black or a blue
19 pen?
20 MR. TROXLER: Yeah.
21 MS. CITARAMANIS: Which?
22 MR. TROXLER: The changes I made in black and red.
23 MS. CITARAMANIS: Okay. Okay. Okay, so Exhibit
24 No. 8 has been modified to show the accessory apartment
25 entrance, the concrete path to the main dwelling entrance

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1 and it connects with a concrete path or a stone path?
2 MR. TROXLER: It's all concrete path.
3 MS. CITARAMANIS: It's all concrete path that
4 traverses to the, actually that would be the southeast side
5 it looks like, yeah, to the right if you're standing and
6 looking front. All right. I note in the pictures there was
7 a lot of trees in the front. You have, what's along the
8 front of the property?
9 MR. TROXLER: It's cypresses.
10 MS. CITARAMANIS: And do they --
11 MS. FERREYRA: Behind the cypresses --
12 MR. TROXLER: Behind the cypresses we have a
13 fence, an iron fence.
14 MS. CITARAMANIS: And does the iron fence go all
15 the way around --
16 MR. TROXLER: No.
17 MS. CITARAMANIS: -- the perimeter of the
18 property?
19 MR. TROXLER: We have fence at the front, it's an
20 iron fence and all surrounding the property is wooden
21 fencing, composite fencing on the yard, on the back yard.
22 MS. CITARAMANIS: Okay.
23 MS. FERREYRA: Privacy fence --
24 MR. TROXLER: Privacy fence, six feet tall.
25 MS. CITARAMANIS: Okay. And that, why don't you

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1 come up here and identify because since you have different
2 types of fences.
3 MR. TROXLER: And this one, this is a six feet.
4 MS. CITARAMANIS: The six foot --
5 MR. TROXLER: Yeah.
6 MS. CITARAMANIS: -- the way is fine. And in the
7 front is iron and Leylands. Okay. Thank you. All right,
8 so again, Mr. Troxler, in red, identified six-foot fence,
9 different type of fences, composite towards the rear and
10 along the west side, east side and then wooden fence and
11 iron fence in the front, wooden on one side. And also he
12 has identified his initials with OT to show that these
13 changes were made by you, correct?
14 MR. TROXLER: Yes, they were made by me.
15 MS. CITARAMANIS: They were made by you. Okay.
16 So now I'm going to use that as your landscape and lighting
17 plan. I believe I recall in the technical staff report that
18 no they are not requiring and you are not proposing any new
19 landscaping than what's existing on the property --
20 MR. TROXLER: That's correct.
21 MS. CITARAMANIS: -- and that none is needed to
22 accommodate the accessory apartment.
23 MR. TROXLER: That's correct.
24 MS. CITARAMANIS: That's correct, okay. All
25 right. Let's see, anything else that you would like to add?

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1 MR. TROXLER: No.
2 MS. CITARAMANIS: So why don't you describe the
3 interior for me because then we're going to go to Mr. Eloisa
4 and I believe you provided hand drawn, obviously not drawn
5 to scale --
6 MR. TROXLER: Not that good, no.
7 MS. CITARAMANIS: -- but it's marked as Exhibit
8 No. 11. So just describe to me, you've already described
9 the entrance, how it's set up.
10 MR. TROXLER: Okay.
11 MS. CITARAMANIS: Do you need this? Do you need
12 to look at that while you --
13 MR. TROXLER: Well, I need to modify something
14 there.
15 MS. CITARAMANIS: That's fine.
16 MR. TROXLER: But I would like to --
17 MS. CITARAMANIS: Then do it on this. Oh, you
18 have something else you would like to --
19 MR. TROXLER: Yes, I brought a color one now.
20 MS. CITARAMANIS: Okay. Well come up here and
21 I'll mark it. Does Mr. Eloisa have a copy?
22 MR. TROXLER: No.
23 MR. ELOISA: Not at the moment.
24 MS. CITARAMANIS: So we'll, it doesn't have any
25 dimensions on it.

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1 MR. TROXLER: No.
2 MS. CITARAMANIS: Okay.
3 MR. TROXLER: We are going to use the same
4 dimensions on this exhibit.
5 MS. CITARAMANIS: So I'm actually going to mark
6 this as 11 A and the reason being so that it stays with,
7 I'll make sure, so that it stays with the measures that were
8 originally submitted.
9 (Exhibit No. 11 A was marked
10 for the record.)
11 MR. TROXLER: Okay.
12 MS. CITARAMANIS: So, I'm going to make sure, I
13 need to get copy of 11 A as well as 8. So if you want to
14 take that back and describe it. And if you just tell me
15 what you want to do with those documents.
16 MR. TROXLER: Okay. After having an inspector in
17 our house we decided to change the settings of the accessory
18 apartment due to the fact that the previous bedroom area
19 needs a modification on the window --
20 MS. CITARAMANIS: Uh-huh.
21 MR. TROXLER: -- but it cannot be done because the
22 basement window is located at the same height as the
23 concrete driveway --
24 MS. CITARAMANIS: Correct.
25 MR. TROXLER: -- so we cannot lower the --

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1 MS. CITARAMANIS: What driveway?
2 MR. TROXLER: The concrete --
3 MS. FERREYRA: Path.
4 MR. TROXLER: -- path.
5 MS. CITARAMANIS: Path, okay.
6 MR. TROXLER: Sorry, the concrete path, yeah.
7 MS. CITARAMANIS: Yeah.
8 MR. TROXLER: And we cannot go lower due to that
9 fact.
10 MS. CITARAMANIS: Okay.
11 MR. TROXLER: And so we decided to, after talking
12 to the inspector, we decided to change the bedroom area and
13 move it where it was the old living room area.
14 MS. CITARAMANIS: So you're moving the location?
15 You're --
16 MR. TROXLER: Yes. We are not going to use this
17 space shown on evidence 11 as a bedroom. This space is now
18 going to be available for --
19 MS. CITARAMANIS: What's that space going to be?
20 MR. TROXLER: We are not going to use it for the
21 accessory apartment. It's going to be -- what did you say
22 it's going to be now, efficiency --
23 MR. ELOISA: If you, the floor plan you're
24 submitting?
25 MR. TROXLER: Yeah.

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1 MR. ELOISA: We'll make it an efficiency unit, not
2 a one bedroom unit.
3 MR. TROXLER: Okay. That's what the term is.
4 MS. CITARAMANIS: Okay.
5 MR. TROXLER: Instead of a one bedroom unit it's
6 going to be an efficiency unit because like I said we cannot
7 modify the window situation here. And so this section here,
8 I'm going to mark it on 11 A --
9 MS. CITARAMANIS: Is out?
10 MR. TROXLER: -- is not going to be used.
11 MS. CITARAMANIS: So the square footage is going
12 to drop?
13 MR. ELOISA: Right.
14 MR. TROXLER: Yes, that's correct.
15 MR. ELOISA: Right.
16 MS. CITARAMANIS: Okay.
17 MR. TROXLER: Okay. The new bedroom and living
18 area, it's a section of 11 feet by 18 feet, it has four
19 windows and one main door. The three windows are, the three
20 bigger windows are four feet, four inches by three feet, one
21 inch. Then we have a closet that's five feet by seven feet
22 and nine inches. Then we have a bathroom that's five feet
23 by nine feet and seven inches. And the kitchen area it's
24 seven feet, nine inches by eight feet, eight inches. So,
25 this will reduce the apartment to approximately 380 square

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1 feet, approximately. And anything else that you want to
2 add?
3 MS. FERREYRA: No. Give me one of those pictures
4 of the apartment. When you enter to the apartment you have
5 one window to the right that is a big door window that is
6 facing the side of the house.
7 MS. CITARAMANIS: It's a what type of window?
8 MR. TROXLER: It's a big --
9 MS. FERREYRA: It's a big, you know, it's
10 window --
11 MR. TROXLER: It's a window, three --
12 MS. FERREYRA: -- three by two.
13 MS. CITARAMANIS: One at a time.
14 MS. FERREYRA: Three by two window and then there
15 are three windows facing the back yard that are four feet
16 tall, three feet wide. Walking towards the other side of
17 the house there is a path that lead to the kitchen and two
18 doors, one that conducts to the bathroom and the other one
19 to the closet, it's a walk-in closet. The walk-in closet
20 has a small window facing inside the center of the house and
21 the same the bathroom.
22 MS. CITARAMANIS: Okay. And these modifications,
23 you had these modifications or you just got them?
24 MR. ELOISA: I just got the --
25 MS. CITARAMANIS: Okay.

1 MR. ELOISA: -- the new floor plan.
 2 MR. TROXLER: Sorry.
 3 MS. CITARAMANIS: Okay.
 4 MR. TROXLER: I need to cancel or modify.
 5 MS. CITARAMANIS: Okay. What I'm going to ask you
 6 to do, just so that, right now it's, I would like for you to
 7 put the measurements for the rooms on the document, identify
 8 the accessory apartment entrance and the hatch mark
 9 previously identified as the living room slash den is out,
 10 you're not using that space and we are talking about 11 A.
 11 So if you could take a moment and identify, like you did on
 12 this, put it on here --
 13 MR. TROXLER: Yes.
 14 MS. CITARAMANIS: -- so that it's clear and we
 15 don't have to refer to that. So we'll go off the record for
 16 a moment, give them a moment to do that. So there's no
 17 more, it's not being recorded.
 18 (Off the record.)
 19 (On the record.)
 20 MS. CITARAMANIS: I made copies of the exhibits
 21 that were modified and added and looking at 11 A, looks like
 22 you have added the dimensions for the rooms, thank you, and
 23 also identified the windows, existing windows and their size
 24 as well. You've identified the basement entrance door and
 25 the window to the right of that. And so everything else

1 seems to be clearly identified and it's color. So for all
 2 intents and purposes the original handwritten one is of no
 3 value at this point but it still remains in the record.
 4 This new one that you have submitted and you just submitted
 5 that to Mr. Eloisa again and when we get to him I'm going to
 6 see what additional time he needs to review it and if he's
 7 going to have to change his report for anything because it
 8 came after his report was issued. Okay. All right. Any
 9 other documents that you would like to have marked and put
 10 into the record?
 11 MR. TROXLER: No.
 12 MS. CITARAMANIS: Nothing else? Anything else you
 13 want to add? Okay.
 14 MR. TROXLER: No.
 15 MS. CITARAMANIS: All right.
 16 MR. TROXLER: Thank you.
 17 MS. CITARAMANIS: So at this point what I'm going
 18 to do is I'm going to ask anybody if they have any questions
 19 based on your testimony. Again, this is not your
 20 opportunity to make a statement. It's just, I heard
 21 something and could you clarify that or, you know, just a
 22 question. Just make sure, is there anybody in the back who
 23 would like to make, ask a -- so why don't you come forward,
 24 Ms. Neustadt?
 25 MS. NEUSTADT: Where shall I sit, here?

1 MS. CITARAMANIS: Yeah, just a little closer so
 2 you can, you know --
 3 MS. NEUSTADT: I just didn't hear how one would
 4 enter the accessory apartment from the street. It shares
 5 the common path with you and then veers off?
 6 MR. TROXLER: Yes. There is a path that goes from
 7 the front to the, from the front of the lot to the front of
 8 the house and then it goes to the right surrounding the
 9 house and then it goes to the left you would say and it goes
 10 all the way up to the entrance of the apartment.
 11 MS. NEUSTADT: Can I ask another question?
 12 MS. CITARAMANIS: Yes, you can ask questions based
 13 on what he's testified to.
 14 MS. NEUSTADT: Well, I didn't hear anything about
 15 if the basement has walkout capability on the backyard,
 16 could you --
 17 MR. TROXLER: No, it doesn't have.
 18 MS. NEUSTADT: Okay.
 19 MS. CITARAMANIS: Okay.
 20 MS. NEUSTADT: Thanks.
 21 MS. CITARAMANIS: Anybody else have a question?
 22 Okay. Anything else you want to add? Okay. And you all,
 23 they just gave you a copy of the plat so that should show
 24 where the path is located. Okay. If you don't have
 25 anything else we're going to turn it over to Mr. Eloisa and

1 he's going to talk about his inspection report.
 2 MR. ELOISA: Thank you. I performed the
 3 inspection on April 24, 2015 with both of the property
 4 owners. I had no issues parking in front of the house,
 5 walked in, the entrance is to the side of the house, you go
 6 down to the basement. There is proper egress from that
 7 area. It has enough windows for lighting and ventilation.
 8 The report I created is based on the condition of the unit
 9 at the time of the inspection and based on the floor plan
 10 submitted by the owners at that time which is Exhibit No.
 11 11. The bedroom he had marked, it didn't have proper egress
 12 so it's technically not a bedroom. Now that the change has
 13 been made to Exhibit No. 11 A that would suffice and the
 14 issue listed as number one on my report would be taken out
 15 of my report as it doesn't, it wouldn't, it wouldn't apply
 16 any longer. The second issue was the minimum ceiling height
 17 is six feet, four inches for any obstructions or beams or
 18 any other type of duct or obstruction at all. There is an
 19 area that has a six feet, it was one inch at the time, now
 20 he has done some work and tried to raise it up. There is a
 21 way to work with that if there's a shallow door installed in
 22 that area it would take care of that issue. He does need to
 23 obtain an electrical permit for the electrical stuff in the
 24 basement. And now that the floor plan has changed item
 25 number 4 will no longer apply either. This is an area of

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1 the wall that was behind the proposed bedroom. Now that the
2 proposed bedroom is taken out that wall doesn't have to be
3 finished on both sides so number four is no longer an issue
4 with the new floor plan. He does need handrails and install
5 some locks in the unit.
6 MS. CITARAMANIS: Handrails on --
7 MR. ELOISA: To the stairs to the basement door.
8 MS. CITARAMANIS: The accessory apartment --
9 MR. ELOISA: The accessory apartment --
10 MS. CITARAMANIS: -- entrance?
11 MR. ELOISA: -- door.
12 MS. CITARAMANIS: So, one and four are out and
13 everything else remains the same?
14 MR. ELOISA: Correct.
15 MS. CITARAMANIS: Okay. What's the square footage
16 at this point?
17 MR. ELOISA: The square footage at this time, at
18 the time of inspection was a total gross square footage of
19 590 square feet.
20 MS. CITARAMANIS: Uh-huh.
21 MR. ELOISA: Looking at the new floor plan it
22 would take out around 130 square feet so it would come down
23 to a total gross square footage of 460.
24 MS. CITARAMANIS: And can you explain the
25 difference or how you come up with square feet? Because I

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1 notice in technical staff report it's a little different.
2 MR. ELOISA: Right.
3 MS. CITARAMANIS: So if you could just explain why
4 there's that difference?
5 MR. ELOISA: There are two numbers that we use.
6 We have total gross square footage, inhabitable square
7 footage, we go by total square footage which is exterior
8 wall to exterior wall so we count the areas of the walls as
9 part of the unit. For the habitable square footage we use
10 to determine how many people can live in the unit. In this
11 case, given the size of the unit, it will be around, once
12 you take out, because we only use kitchen, living room,
13 bedrooms, we don't take into account habitable space in the
14 bathrooms or closets or hallways, so for the number of
15 people who can reside in the unit we would use around 280
16 square feet which is enough for two occupants.
17 MS. CITARAMANIS: Okay. And also could you
18 clarify, only based, because we had another case with
19 regards to being able to enter into the unit through a
20 bedroom, what's the difference between a one bedroom and
21 a --
22 MR. ELOISA: An efficiency?
23 MS. CITARAMANIS: -- an efficiency?
24 MR. ELOISA: Right. You cannot go to a sleeping
25 room to get to another sleeping room but this one is only

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1 one sleeping area so you can walk into the open, efficiency
2 floor, there's no issue with having to go through a private
3 room to get to another private room.
4 MS. CITARAMANIS: So, okay. So because it's the
5 bedroom slash living area --
6 MR. ELOISA: Exactly, just one area, one open
7 area.
8 MS. CITARAMANIS: -- it's okay? But if there was
9 a wall and the two rooms were bedrooms you couldn't use one
10 to get to the other?
11 MR. ELOISA: Correct.
12 MS. CITARAMANIS: Okay. Or you couldn't use the
13 bedroom to get to the living area?
14 MR. ELOISA: Right. If it's just one open space
15 it's okay.
16 MS. CITARAMANIS: Okay. All right. So, I'm going
17 to ask you to send me a follow-up attaching a copy of the
18 new floor plan and modifying the floor plan, I mean, your
19 report accordingly --
20 MR. ELOISA: Right.
21 MS. CITARAMANIS: -- so that it's clear and we'll
22 send a copy back to staff. I don't think it's going to be
23 an issue with them but at least so that they have it on
24 their records. Okay? Do you have any questions for Mr.
25 Eloisa?

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1 MS. FERREYRA: No.
2 MS. CITARAMANIS: No? Ms. Neustadt, you have a
3 question for Mr. Eloisa?
4 MS. NEUSTADT: I do.
5 MS. CITARAMANIS: Okay. Come on up.
6 MS. NEUSTADT: Just for clarification.
7 MS. CITARAMANIS: Sure.
8 MS. NEUSTADT: You originally said that the square
9 footage was 590 square feet. Now that's rentable, not
10 usable, correct?
11 MR. ELOISA: That's gross square foot, correct.
12 MS. NEUSTADT: Correct. And the BOMA standard
13 says from exterior wall to exterior wall to calculate that
14 square footage, correct?
15 MR. ELOISA: The gross square feet, correct.
16 MS. NEUSTADT: Okay. Then when he changed it to
17 efficiency it went down to 460 square feet measured the
18 exact same way, correct?
19 MR. ELOISA: I would have to measure it.
20 MS. NEUSTADT: Approximately.
21 MR. ELOISA: Approximately because I have
22 measurements for each room --
23 MS. NEUSTADT: Right.
24 MR. ELOISA: -- so yes.
25 MS. NEUSTADT: Well, in my math schoolhouse 280

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1 times 280 is 560. So that would mean that only one person
2 could be in that area.
3 MS. CITARAMANIS: So, your question to him is, am
4 I adding this incorrectly?
5 MS. NEUSTADT: Am I adding it incorrectly?
6 MR. ELOISA: Well what did you add?
7 MS. NEUSTADT: That there was a change in square
8 footage.
9 MR. ELOISA: Right.
10 MS. NEUSTADT: I went from 590 down to
11 approximately 460.
12 MR. ELOISA: Correct.
13 MS. NEUSTADT: You had said prior that you take
14 approximately 280 square feet per person.
15 MR. ELOISA: No, no, that's the total habitable
16 space for the unit now. You need 115 square feet for the
17 first person and 100 square feet for each additional person.
18 MS. NEUSTADT: And how about circulation? Isn't
19 there a circulation factor?
20 MR. ELOISA: Not in my code.
21 MS. NEUSTADT: Oh, okay. Really? Okay. Thanks.
22 MS. CITARAMANIS: Okay.
23 MS. NEUSTADT: Oh, and the other thing. And what
24 time did you actually inspect the premises to view the
25 parking?

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1 MR. ELOISA: I'd have to look at my inspections.
2 If you don't mind I can check.
3 MS. CITARAMANIS: Sure.
4 MR. ELOISA: I have all my inspections in my --
5 MS. CITARAMANIS: So you want to know what time of
6 day he came --
7 MS. NEUSTADT: Yes.
8 MS. CITARAMANIS: -- to see the parking? Okay.
9 MR. ELOISA: April 24th --
10 MR. TROXLER: 10:00 a.m.
11 MR. ELOISA: April 24th, 10:00 a.m.
12 MS. NEUSTADT: 10:00 a.m., yes.
13 MS. CITARAMANIS: Okay. Do you have anything else
14 that you want to add? Do you understand what I need?
15 MR. ELOISA: Right, I understand what you need.
16 MS. CITARAMANIS: Okay. And based on your
17 calculations maximum occupancy permitted would be two?
18 MR. ELOISA: Two occupants.
19 MS. CITARAMANIS: I mean, that would be the
20 maximum anyway --
21 MR. ELOISA: Right.
22 MS. CITARAMANIS: -- but it's not reduced down to
23 one based on square footage and the change?
24 MR. ELOISA: Correct.
25 MS. CITARAMANIS: So, you can certainly include

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1 that in your report --
2 MR. ELOISA: Okay.
3 MS. CITARAMANIS: -- so that it's clear for
4 everybody. Okay. Anything else before I start asking --
5 MR. TROXLER: Yes, because we need to modify a
6 couple of things --
7 MS. CITARAMANIS: Okay, what --
8 MR. TROXLER: -- and I would like to know when can
9 the inspection, the next inspection can be done?
10 MS. CITARAMANIS: Oh, you're talking about meeting
11 the --
12 MR. TROXLER: Yes.
13 MS. CITARAMANIS: I mean, that would be between
14 you all.
15 MR. TROXLER: Oh, okay.
16 MS. CITARAMANIS: Arrange that on your own,
17 that --
18 MR. TROXLER: No, because I thought that I need to
19 ask you for more time or to finish that.
20 MS. CITARAMANIS: It's my understanding and Mr.
21 Eloisa can certainly correct me that I can still proceed
22 forward, your modifications do not have to be complete for
23 me to do my part. You're just not going to be able to get
24 past them without them because I am going to include his as
25 a condition of approval. So, technically --

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1 MR. TROXLER: I understand.
2 MS. CITARAMANIS: -- if you don't do it you're not
3 going to be able to use it as an accessory apartment because
4 they're not going to give you a license.
5 MR. TROXLER: Understood.
6 MS. CITARAMANIS: Is that correct?
7 MR. ELOISA: That is correct.
8 MS. CITARAMANIS: So, what is, what needs to be
9 fixed will be in the report. He has verbally testified to
10 it today. He's going to update his report so you'll have it
11 in writing and know exactly what you need to do so there is
12 no confusion and I can proceed forward. Unless you think
13 that you're going to modify it even more I absolutely can
14 keep the record open so that you can give me that
15 information. Certainly if the record closes before I issue
16 the report and it's a serious modification that needs to be
17 done I can reopen the record to accept that, I will leave it
18 open to have, you know, anybody to have any comments for it.
19 So, you have options but you don't have to have the
20 modifications done now.
21 MR. TROXLER: Thank you.
22 MS. CITARAMANIS: Okay. All right. Anything
23 else? Any other documents that we need?
24 MR. TROXLER: No.
25 MS. CITARAMANIS: Okay. So at this point is the

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1 opportunity for individuals, we have several neighbors that,
2 let me get, sorry, call everybody by their right name. It's
3 always nice. Okay. Anybody have an order or is one -- Ms.
4 Neustadt, looks like you're up. So come on up, Ms. Neustadt
5 and that way we can all hear you and if they have any
6 questions they'll be able to ask you questions as well based
7 on what statement you're going to make. And if there's
8 anything you want me to see, but, you know, just I'm going
9 to swear you in. So, if you would like to sit there that
10 should be okay.
11 MS. NEUSTADT: I've got stuff.
12 MS. CITARAMANIS: Okay. So, raise your right
13 hand.
14 (Witness sworn.)
15 MS. CITARAMANIS: Okay, again, I'll need you to
16 state your name, your address and give me a general idea how
17 far away you are from the property and I might maybe have
18 you identify it on Exhibit No. 10 which is a map of the
19 zoning map, the County zoning map. So, what is it that --
20 I'm going to hand you Exhibit No. 10, if you could just mark
21 where you live? You're at 9704 Bellevue?
22 MS. NEUSTADT: You want me to put an X?
23 MS. CITARAMANIS: Yeah. And then, and we'll just
24 let the record reflect Ms. Neustadt has identified her
25 location on Bellevue with an X on Exhibit No. 10. So, okay,

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1 now's your opportunity to make your statement.
2 MS. NEUSTADT: Okay. As I stated, I am Marla
3 Neustadt and I live at 9704 Bellevue Drive and I've lived in
4 the neighborhood for approximately 16 years.
5 MS. CITARAMANIS: Okay.
6 MS. NEUSTADT: And I'm here to comment on this
7 case, the accessory permit for 9605 Rockville Pike. And I
8 just want to say that while this is my first time here this
9 is the fifteenth time the residents of Locust Hills have
10 been opposed to multi-tenant dwellings. Currently seven out
11 of 41 homes have this distinction and that does not include
12 extended family dwellings. In fact, there are many homes
13 who have friends, family, neighbors stay who come complete
14 with vehicles. I read the staff report and I will comment
15 on the application for parking space.
16 MS. CITARAMANIS: Okay.
17 MS. NEUSTADT: I did bring a record and I
18 apologize it's so dark but this was taken last night of the
19 many cars that are on the road.
20 MS. CITARAMANIS: Okay. Let me mark it first and
21 then -- yeah, it definitely is pretty dark. I'm going to, I
22 don't know if this will work, okay.
23 MS. NEUSTADT: And I have a photo I just took this
24 morning.
25 MS. CITARAMANIS: Okay. Let me mark this. And

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1 that's a cell phone, unless you want me to keep it --
2 MS. NEUSTADT: Can I send it to a secretary?
3 MS. CITARAMANIS: You can send it later, yes, I'll
4 keep the record open. But I would like for, let's deal with
5 this one first and then we'll deal with that one. So, I've
6 identified a copy of a picture that Ms. Neustadt is going to
7 explain and show to the petitioners. It's Exhibit No. 39.
8 (Exhibit No. 39 was marked for
9 the record.)
10 MS. NEUSTADT: It's very dark, it was at night.
11 MS. CITARAMANIS: Okay. So why don't you tell me
12 about the picture and what it's a picture of, when it was
13 taken and who took it.
14 MS. NEUSTADT: I took this picture a couple nights
15 ago and this is a picture of the cars parked on the
16 accessory road right in front of the applicant's home as
17 well as his neighbor, the adjacent house, in front of that
18 house. It has a little perspective on it and you can see
19 almost to the end of the block and there are one, two,
20 three, four, five, six, seven cars here.
21 MS. CITARAMANIS: Where are you standing, just for
22 perspective?
23 MS. NEUSTADT: I am standing --
24 MS. CITARAMANIS: What's your orientation?
25 MS. NEUSTADT: -- on the accessory road facing

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1 north.
2 MS. CITARAMANIS: On the --
3 MS. NEUSTADT: On the, what do you call it?
4 MS. CITARAMANIS: Access road --
5 MS. NEUSTADT: On the access road.
6 MS. CITARAMANIS: -- or service road. Is it a
7 service road?
8 MS. NEUSTADT: Service road, service road.
9 MS. CITARAMANIS: Okay. So you're standing on the
10 service road but at what end?
11 MS. NEUSTADT: The south end?
12 MS. CITARAMANIS: So, towards --
13 MS. NEUSTADT: The Beltway and Rockville.
14 MS. CITARAMANIS: Okay. I live in Howard County
15 so you're going to have to just remind me of the
16 orientation. Is this the Beltway towards Pooks Hills or is
17 that the Beltway towards --
18 MS. NEUSTADT: The Beltway's up here.
19 MS. CITARAMANIS: So, you're --
20 MS. NEUSTADT: It is right here.
21 MS. CITARAMANIS: So you're standing closer to the
22 intersection of --
23 MS. NEUSTADT: Of Bellevue --
24 MS. CITARAMANIS: -- Bellevue and across the
25 street would be Alta Vista?

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1 MS. NEUSTADT: Right. But it's so wide with
2 Rockville Pike there that it's Bellevue.
3 MS. CITARAMANIS: So you're standing --
4 MS. NEUSTADT: Right there on Rockville Pike --
5 MS. CITARAMANIS: What's the address? What would
6 be the address?
7 MS. NEUSTADT: That is 9600 --
8 MS. CITARAMANIS: Okay, so you're close to --
9 MS. NEUSTADT: -- Bellevue.
10 MS. CITARAMANIS: -- 9600. That gives us
11 perspective of where you're standing.
12 MS. NEUSTADT: 9600.
13 MS. CITARAMANIS: Okay. And I actually marked it
14 wrong, it's Exhibit No. 40.
15 (Exhibit No. 40 was marked for
16 the record.)
17 MS. CITARAMANIS: I'm sorry, what time did you say
18 you took this?
19 MS. NEUSTADT: That was evening, early evening.
20 MS. CITARAMANIS: Like?
21 MS. NEUSTADT: Approximately 6:30, 7:00 p.m. when
22 I came home from work.
23 MS. CITARAMANIS: Okay.
24 MS. NEUSTADT: And my neighbors will attest too
25 that I come home late from work.

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1 MS. CITARAMANIS: Okay.
2 MS. NEUSTADT: And in the staff report I see that
3 parking was a problem but courtesy was made with the
4 applicant's testimony that that road is not often taken up
5 by residents' cars. I would like to correct his statement
6 to say that not everybody has a garage or a driveway on
7 Bellevue drive. When you walk, when you drive in it's very
8 crowded on both sides of Bellevue Drive and if a car is
9 coming, approaching, you know, you just have to wait until
10 it passes to get through, even a small compact car. Okay?
11 As a result, some people in fact do park on that accessory
12 road, on that, what do you call it?
13 MS. CITARAMANIS: Service road.
14 MS. NEUSTADT: Service road.
15 MS. CITARAMANIS: The one that's parallel with --
16 MS. NEUSTADT: Correct.
17 MS. CITARAMANIS: -- 355?
18 MS. NEUSTADT: Correct, because the road is very
19 crowded. And many people already have accessory apartments
20 and they come with cars. There are some neighbors who
21 recently moved in who did in fact have to invest in making a
22 driveway, two or three of them are fairly recent ones in the
23 last couple months because they too did not have a driveway
24 on their property but they invested in it. I think that
25 this acceptance, what the committee wrote saying that

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1 parking was okay shirks the intention of the law. I think
2 that's a serious contention because obviously those who
3 wrote the law I believe understood that vehicles took up
4 space and change the quiet enjoyment of the neighborhood.
5 It's noisy, people are circling the neighborhood. It's so
6 busy in fact in our neighborhood that we have to put orange
7 cones up in the street so when children are playing cars
8 know to slow down. So, parking is very important.
9 Additionally, the applicant, who I don't know, never saw
10 them before actually, I work very long hours, protested
11 against WSSC's repair vehicles that were blocking their
12 accessory road. These people were doing the work for all
13 the citizens in that area and really got very threatening
14 against WSSC even though they had permits. So parking is a
15 touch point, a flashpoint, and I believe the neighborhood
16 parking is bad enough that we don't need any more cars in
17 our neighborhood to protect the children, the bicyclists,
18 the dog walkers, the elderly people of which there are a lot
19 who are taking walks around the neighborhood. The other
20 thing that I'd like to say is that many people come into our
21 neighborhood by mistake. They think it's a cut through to
22 the beltway, they think it's a cut through to get them out
23 of Rockville Pike traffic, so we have a lot of people in our
24 neighborhood who are not familiar with the streets and the
25 kids playing and the dogs walking. The school busses, we

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1 have, you know, four trips by the school bus. The school
2 bus cannot fit on the accessory road if it's fully filled
3 because they have to make a wide turn. So I just think
4 these points really need to be considered.
5 MS. CITARAMANIS: Okay. Can you address the
6 criteria which --
7 MS. NEUSTADT: What page?
8 MS. CITARAMANIS: -- to find inadequacy,
9 inadequate parking there's, my role is to find that the
10 available on-street parking for residents within 300 feet of
11 the proposed accessory apartment would not permit a
12 resident, someone who lives there, to park on the street
13 near his or her residence on a regular basis and the
14 proposed accessory apartment is likely to reduce the
15 available on-street parking within 300 feet of the proposed
16 accessory apartment. And really what that's meaning is the
17 impact of this particular use and displacing people in the
18 neighborhood that won't be able to regularly park on their
19 street because of this use. Can you address that
20 understanding that I know staff looked at how many houses
21 are on there and the availability, where people park?
22 MS. NEUSTADT: A couple things. First of all,
23 I've been hearing that everybody visited the premises in the
24 morning, in the mornings. And the parking situation is very
25 different from, oh I don't know, 9:00 a.m. to 11:00 a.m.

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1 than it is let's say from 3:30 on to the evening. It's just
2 very different. We have to acknowledge that number one.
3 Number two, the adjacent house has many tenants as well.
4 Some people have two cars, some people have three cars.
5 Who's to say that this apartment which was now reduced in
6 square footage won't have two people who each have a car?
7 And then Mr. Troxler's home abuts a corner home that, yes,
8 while they do have a driveway and I'm unclear about the
9 garage --
10 MS. CITARAMANIS: Is that the 9600 one?
11 MS. NEUSTADT: No, the other side, it's Asbury --
12 MR. TROXLER: 4906.
13 MS. NEUSTADT: 4906.
14 MS. CITARAMANIS: Okay. They do have a driveway?
15 MS. NEUSTADT: They do.
16 MS. CITARAMANIS: Okay.
17 MS. NEUSTADT: They do. But they also have a lot
18 of cars.
19 MS. CITARAMANIS: Okay, well --
20 MS. NEUSTADT: And they have a large family who
21 visits. Now, I know they're not residents but nonetheless.
22 MS. CITARAMANIS: Okay. So, 4906 Asbury which is
23 on the corner, they have a driveway. How about the other
24 corner?
25 MS. NEUSTADT: You mean across from --

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1 MS. CITARAMANIS: No, no, not on Asbury but go the
2 other direction --
3 MR. TROXLER: 960 --
4 MS. NEUSTADT: 9600?
5 MR. TROXLER: -- 2 or 9600? They already has a
6 driveway.
7 MS. NEUSTADT: It has a driveway. They have two
8 cars and let's just say they have a high level of auto
9 activity as well. I hesitate to say they're operating a
10 business out of there but it would certainly seem by the
11 traffic.
12 MS. CITARAMANIS: So, the two houses on that
13 service road, Mr. Troxler's and the one to the right do not
14 have driveways --
15 MS. NEUSTADT: Correct.
16 MS. CITARAMANIS: -- is that correct? Okay.
17 MS. NEUSTADT: You had asked me to address the
18 staff's evaluation and they did say there was adequate
19 square footage, I can't remember the exact number, they said
20 a number, what was it, 70, was that the entire block, 70?
21 MS. CITARAMANIS: No, no, that's --
22 MR. TROXLER: 70 is my front --
23 MS. CITARAMANIS: Okay, the --
24 MR. TROXLER: Oh.
25 MS. CITARAMANIS: That's --

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1 MS. NEUSTADT: Right.
2 MS. CITARAMANIS: -- if you look on the plat I
3 believe that's his front line, how wide his property is --
4 MS. FERREYRA: Right.
5 MS. CITARAMANIS: -- 70 feet. A normal house is
6 60 generally.
7 MS. NEUSTADT: Right.
8 MS. CITARAMANIS: His is 70.
9 MS. NEUSTADT: So it would appear that he might be
10 able to make the same investment in a driveway as the other
11 neighbors. The staff report also addressed or estimated
12 peak trips, you know, people coming in and out of the
13 neighborhood, peak trips.
14 MS. CITARAMANIS: Uh-huh.
15 MS. NEUSTADT: And they used something like the
16 addition of two people in their accessory apartment would
17 not go beyond 30 peak trips. I mean, really, excuse me, one
18 of our neighbors, Ms. Yangas, she is a very active retiree,
19 goes in and out of the neighborhood four, six times per day
20 and that sounds like a lot and is a lot. So, using the
21 number 30 peak trips --
22 MS. CITARAMANIS: Well it's a standard. I mean,
23 there's a standard that they follow, I mean, Transportation
24 has, they don't have to do a traffic study unless it goes
25 over a certain number and this really does not.

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1 MS. NEUSTADT: Okay. Perhaps I didn't understand
2 that part except to say there are more retirees coming in
3 and out of the neighborhood than the staff gives credit for
4 number one. And that would be during the course of the day.
5 The other thing I'd like to say is that when it's inclement
6 weather it's a pretty dangerous road that tends to be iced,
7 it slopes a little bit and I could see a scenario where
8 people would be sideswiping some of the cars parked on that
9 street.
10 MS. CITARAMANIS: Okay. But in terms of the
11 criteria?
12 MS. NEUSTADT: I read the criteria and I believe
13 that too many cars would be on that road and it would change
14 the parking habits of those who currently use it.
15 MS. CITARAMANIS: Okay, and based on your location
16 would it change the parking habits of people on the area
17 near you?
18 MS. NEUSTADT: It will not change --
19 MS. CITARAMANIS: Is it going to --
20 MS. NEUSTADT: -- displace anybody who wants to
21 park in front of their house in my particular area. We are
22 the lucky ones --
23 MS. CITARAMANIS: Okay.
24 MS. NEUSTADT: -- who do have garages --
25 MS. CITARAMANIS: Okay.

1 MS. NEUSTADT: -- and driveways and we make use of
2 them even though sometimes it's inconvenient to stack our
3 cars in the driveway and we have to do a little
4 maneuvering --

5 MS. CITARAMANIS: Uh-huh.

6 MS. NEUSTADT: -- because we know how busy the
7 street is and we want to get as many vehicles off the street
8 as possible.

9 MS. CITARAMANIS: Okay. All right. Anything else
10 you'd like to add before I see if the petitioners have any
11 questions for you?

12 MS. NEUSTADT: I just want to make a note for the
13 record that, again, the staff said that another sentence in
14 the code, another portion of the code says that they
15 shouldn't be within 300 feet of other accessory, homes with
16 accessory apartments. There's two and they appear to make
17 an exception and I was unclear by reading the report several
18 times why they felt it was okay to make the exception other
19 than the fact that they're on Bellevue as opposed to the
20 service road. There are so many cars that go in those homes
21 already that again the overflow is on that service road.

22 MS. CITARAMANIS: Okay. Well just to clarify with
23 regard to the 300 feet how they measure, they measure 300
24 feet from the side and from the block face. So, from the
25 side to the next one on the same block there's no accessory

1 apartment within 300 feet. It backs up, the back to back is
2 okay with regards to the 300 feet requirement. The one on
3 Asbury I believe, on the corner, it's not considered the
4 same block face, that's Asbury, I mean, that's a whole
5 another block. What the criteria, there is other criteria
6 that says with regards to, I mean, I have to make a
7 determination as to whether the addition of this one will be
8 an excessive concentration, totally irregardless of how
9 close it is as long as it's in the general neighborhood
10 which I believe the three that you're speaking of are.

11 MS. NEUSTADT: Thank you. We are a neighborhood
12 of single family homes and these multiple accessory
13 apartments, whether it's 300 feet or 400 feet or 600 feet
14 are affecting the environment of our neighborhood with more
15 vehicles, more noise, more guests and we are taxed as a
16 single family dwelling. And it's unfair that our
17 neighborhood is being converted against our will to
18 something it was never intended to be which was single
19 family homes. I'm very concerned how one follows-up after
20 granting a permission and ensuring that only two people are
21 in that space or a different accessory space. Is it based
22 solely on the complaints of the neighbors when they're
23 disturbed? I mean, the potential, we have to think about
24 the potential for all the things that I've mentioned because
25 the risk is just increasing the more accessory apartments

1 that are granted. And can we not talk about background
2 checks on who we're renting to?

3 MS. CITARAMANIS: Yes. We can't, we can't talk
4 about that. I mean, I have to stay with the criteria and
5 the focus. So why don't you give me some instances, I mean,
6 you're talking overall. Give me some instances as to what
7 happens in the neighborhood that these accessory apartments
8 that are already there, to add another one, what are some of
9 the side effects that you see or that have happened. I
10 mean, what's going on in the accessory apartments that are
11 already approved and how will adding this harm it?

12 MS. NEUSTADT: There are currently 41 single
13 family houses --

14 MS. CITARAMANIS: Okay.

15 MS. NEUSTADT: -- there. And when the house is
16 subdivided it brings more people to the neighborhood, for
17 crowded parking, stress on the infrastructure, and how about
18 the children can't even, you know, play in the street or
19 ride their bike in the street. Those are the basic things
20 that I'm concerned about; that more people bring more cars,
21 they bring more friends who bring more cars who bring more
22 social events and noise, trash sometimes.

23 MS. CITARAMANIS: Okay. All right, anything else
24 you would like to add before I ask if the petitioners have
25 any questions for you?

1 MS. NEUSTADT: Can I ask a question about
2 something that was on your exhibit sheet?

3 MS. CITARAMANIS: Me?

4 MS. NEUSTADT: Yes.

5 MS. CITARAMANIS: Yes, sure.

6 MS. NEUSTADT: I think it said on there that the
7 applicant was considering withdrawing his application.

8 MS. CITARAMANIS: Yeah.

9 MS. NEUSTADT: Can I ask why?

10 MS. CITARAMANIS: Well, he didn't, so --

11 MS. NEUSTADT: Okay, it's not relevant.

12 MS. CITARAMANIS: It really isn't --

13 MS. NEUSTADT: Okay.

14 MS. CITARAMANIS: -- relevant.

15 MS. NEUSTADT: Just want information.

16 MS. CITARAMANIS: Yeah, no, that's fine. That's
17 fine, you're given this opportunity. But, you know, it's
18 not relevant. We just have to document everything.

19 MS. NEUSTADT: Okay. Anything else for me?

20 MS. CITARAMANIS: Let me see if, did you have any
21 questions for her? Just wait one second. Hold on. I'll
22 get to you. Did you have any questions for Ms. Neustadt?

23 MR. TROXLER: No, not really.

24 MS. CITARAMANIS: No? Okay, okay. It's more
25 questions, not statements.

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1 MR. TROXLER: Yeah, it's not, they are not
2 relevant to --
3 MS. CITARAMANIS: Okay.
4 MR. TROXLER: -- the case, so.
5 MS. CITARAMANIS: All right. I just --
6 MS. NEUSTADT: It is relevant because these trucks
7 and vehicles were taking up the parking spaces that he is
8 talking about.
9 MS. CITARAMANIS: He didn't say anything that I
10 understood, I think he was saying the question's not
11 relevant, he didn't --
12 MS. NEUSTADT: Oh.
13 MS. CITARAMANIS: -- he didn't pose a question
14 so --
15 MS. NEUSTADT: Okay.
16 MS. CITARAMANIS: Okay. Well, thank you, Ms.
17 Neustadt.
18 MS. NEUSTADT: Thanks.
19 MS. CITARAMANIS: And let's see, who would like to
20 go next? Okay.
21 It's not --
22 MS. CITARAMANIS: Okay, hold on a second, you
23 can't speak until I swear you in. It's important, so if you
24 want to talk which I'd love to hear from you if you want to
25 talk.

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1 Okay.
2 MS. CITARAMANIS: You want to come up here and I'm
3 going to say you're Ms. Proeslet?
4 MS. PROESTEL: Proestel.
5 MS. CITARAMANIS: Proestel, my apologizes.
6 MS. PROESTEL: Proestel. It's okay.
7 MS. CITARAMANIS: Ms. Proestel, I need you to
8 raise your right hand.
9 (Witness sworn.)
10 MS. CITARAMANIS: Okay. Could I ask you to state
11 your address and then like I did with Ms. Neustadt I'm going
12 to ask you to identify on here where you live so that I have
13 an idea how close you are.
14 MS. PROESTEL: Should I do that now?
15 MS. CITARAMANIS: Yes, please. State your address
16 first.
17 MS. PROESTEL: 9706 Bellevue Drive.
18 MS. CITARAMANIS: Okay. So, if you can find
19 your --
20 MS. PROESTEL: I have a better map than this?
21 This is a land plat of our neighborhood and --
22 MS. CITARAMANIS: Well wait a second, before we
23 start talking about it I'm going to mark it and then we have
24 to show it to the petitioner. So we are on Exhibit No. 41.
25 (Exhibit No. 41 was marked for

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1 the record.)
2 MS. CITARAMANIS: And what I would need you to do
3 is describe the document and then show it to the
4 petitioners.
5 MS. PROESTEL: Describe it?
6 MS. CITARAMANIS: Yeah, just tell me what it is.
7 MS. PROESTEL: It's a land plat of our
8 neighborhood --
9 MS. CITARAMANIS: Okay.
10 MS. PROESTEL: -- showing each, the size of the
11 lots and the houses.
12 MS. CITARAMANIS: And where did you get that? Is
13 that something from your records?
14 MS. PROESTEL: Yeah, I think at settlement, when
15 we bought our house --
16 MS. CITARAMANIS: Oh.
17 MS. PROESTEL: -- 50 years ago.
18 MS. CITARAMANIS: Okay. And it looks like it's
19 two documents. What's the second page?
20 MS. PROESTEL: No, that's not a document.
21 MS. CITARAMANIS: It's not?
22 MS. PROESTEL: This is what I wanted to show you,
23 the front page. This just -- this is one thing, in here it
24 says he has --
25 MS. CITARAMANIS: What is the document first,

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1 let's --
2 MS. PROESTEL: It's something --
3 MS. CITARAMANIS: This is his application.
4 MS. PROESTEL: -- what he sent to me, yes, that
5 there's eight off street parkings --
6 MS. CITARAMANIS: Okay.
7 MS. PROESTEL: -- which is not, he doesn't even
8 have off street parking.
9 MS. CITARAMANIS: Okay. So, why don't you show
10 that to them and then you can talk about it and if you want
11 to identify --
12 MS. PROESTEL: Off-street parking --
13 MS. CITARAMANIS: -- your location on there.
14 MR. TROXLER: Yes.
15 MS. PROESTEL: And this is the land plat for our
16 neighborhood.
17 MR. TROXLER: Okay. Now this is not the, that's
18 street parking.
19 MS. CITARAMANIS: Okay. Well, we can follow up
20 with that and you can clarify. So if you want to go ahead
21 and show me where you're located?
22 MS. PROESTEL: I'm right here in the third house.
23 MS. CITARAMANIS: So, looks like you're next to
24 Ms. Neustadt?
25 MS. PROESTEL: Yeah, I am.

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1 MS. CITARAMANIS: So, you're, are you on the same
2 side? Yes. Okay. So why don't you put on Exhibit No. 10
3 another star, why don't you just, you know.
4 MS. PROESTEL: Right here?
5 MS. CITARAMANIS: Correct.
6 MS. PROESTEL: I don't have my glasses.
7 MS. CITARAMANIS: That's good, that's good.
8 You're right next door to each other so that makes it easy.
9 And I, you want me to keep this? You want this part of the
10 record?
11 MS. PROESTEL: Could you make a --
12 MS. CITARAMANIS: Oh, no, I'll make a copy.
13 MS. PROESTEL: Okay.
14 MS. CITARAMANIS: But if you want it part of the
15 record I need --
16 MS. PROESTEL: I want, yeah, it can be part of the
17 record.
18 MS. CITARAMANIS: Okay. Go ahead and sit down and
19 tell me what it is you want to talk about.
20 MS. PROESTEL: I used to live next door to 9604 --
21 MS. CITARAMANIS: Okay.
22 MS. PROESTEL: -- Bellevue and there's an
23 accessory apartment there. Next to, when she got that
24 accessory apartment we were told there wouldn't, it was, the
25 first one was easy but after that would be more difficult

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1 and you don't give an accessory apartment within the view of
2 the one they just granted. They granted one next door,
3 9602. This, the people that are applying now, they back
4 onto 9604.
5 MS. CITARAMANIS: Okay.
6 MS. PROESTEL: The house on the corner is rented,
7 they say a business, I don't know what's going on there, but
8 the traffic, when you come onto Bellevue --
9 MS. CITARAMANIS: Uh-huh.
10 MS. PROESTEL: -- you have to pull to the side to
11 pass, the cars are just right on top of each other. That
12 accessory apartment was awful. They rented the upstairs,
13 the woman lives in the basement, she rented it to four guys,
14 medical students at NIH. They had parties, we have a shared
15 driveway, they parked at one point all the way across the
16 driveway. I couldn't get out. They backed out, renters
17 don't care, they backed out over my lawn, my shrubberies and
18 stuff. It was always something. And anyone thinks that
19 letting a single family home become a duplex is out of their
20 mind. We have one at the end of Bellevue. They said we
21 have three. We have one at the end of Bellevue, the very
22 end house which is, of course the owner's living there, but
23 it's terrible. He has something propped up, a shed over his
24 window like a shed in a barn and it's been there. It's a
25 real eyesore. The men that lives next door to that house --

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1 MS. CITARAMANIS: Okay, you're going to have to
2 give me the addresses because I'm going to go back and
3 review this and I need to know --
4 MS. PROESTEL: I don't have the address.
5 MS. CITARAMANIS: Okay, let's see if we can find,
6 I think I might have a map that has the numbers on them.
7 MS. NEUSTADT: 9721.
8 MS. PROESTEL: 9721.
9 MS. CITARAMANIS: 9721? Let me just, give me two
10 seconds and see if I have something that might be helpful
11 for, because this doesn't show it. No, that doesn't show it
12 either. Okay, I don't, guess I don't have it.
13 MR. TROXLER: I obtained a map from the Zoning
14 Department, the big map that's presented in the evidence as
15 well I think that --
16 MS. CITARAMANIS: Let me check.
17 MR. TROXLER: -- can have the address.
18 MS. CITARAMANIS: Let me -- yeah, unfortunately it
19 doesn't --
20 MR. TROXLER: Oh, okay.
21 MS. CITARAMANIS: -- it doesn't have the address
22 number which is what I'm, I just want to make sure that I'm
23 on the same page that -- let's go off the record for a
24 minute.
25 (Off the record.)

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1 (On the record.)
2 MS. CITARAMANIS: -- record and --
3 MS. PROESTEL: This is the addresses of some of
4 them.
5 MS. CITARAMANIS: Okay, okay. So, I am, you can
6 keep that because it's in the record --
7 MS. PROESTEL: Okay.
8 MS. CITARAMANIS: -- we received it and it's
9 identified as Exhibit 33 A. So, what's this letter about?
10 It identifies the addresses you're talking about?
11 MS. PROESTEL: Yes, of where accessory apartments
12 are. Let's see, accessory apartments currently exist at
13 4909 Asbury Lane, 4906 Asbury Lane, 9602 Bellevue, 9604
14 Bellevue, 9611 Bellevue, 9707 Bellevue and 9721 Bellevue.
15 MS. CITARAMANIS: So you're saying they're all
16 approved accessory apartments?
17 MS. PROESTEL: No, they're not.
18 MS. CITARAMANIS: Okay. So, because in the record
19 it only shows up as three.
20 MS. PROESTEL: I know.
21 MS. CITARAMANIS: So, I can really only consider
22 what is approved.
23 MS. PROESTEL: Right. Why aren't they in the
24 record? Because people lie. They plain old lie.
25 MS. CITARAMANIS: Yeah.

1 MS. PROESTEL: Call it like it is. The last one
 2 across the street, she's a very nice lady, very nice little
 3 family, there's a full kitchen, full basement, the same
 4 square footage as the top, they ask her did you, did the
 5 people, did they have a kitchen, would they be cooking, no,
 6 if they cook, if they're eating with her upstairs it's okay.
 7 So they didn't have to apply as an accessory apartment.
 8 This is not telling the truth. We also have someone doing
 9 carpentry, he's a construction worker, out of his house.
 10 Trucks, when you go by, if the garage door is open it's full
 11 of construction material which is loaded in in the morning,
 12 the people that are leaving for work see the workers there
 13 loading and unloading things. That's terrible. We have a
 14 car repair shop that's been there for years. He was across
 15 the street from the two accessory apartments --
 16 MS. CITARAMANIS: On Bellevue?
 17 MS. PROESTEL: -- that you listed.
 18 MS. CITARAMANIS: On Bellevue?
 19 MS. PROESTEL: On Bellevue.
 20 MS. CITARAMANIS: The ones that are identified
 21 actually in licensing's --
 22 MS. PROESTEL: Right.
 23 MS. CITARAMANIS: -- records?
 24 MS. PROESTEL: He's done it for years, apparently
 25 he isn't doing it now, he isn't well, and but it's been

1 there. I lived right across the street from it and you
 2 could hear the tools going whenever they'd take tires off or
 3 whatever and it shouldn't go on in the neighborhood.
 4 MS. CITARAMANIS: Okay. Well, we have to stay
 5 focused on the effects of this --
 6 MS. PROESTEL: That's why I don't want another
 7 one.
 8 MS. CITARAMANIS: Okay. And I understand. But in
 9 terms of the effect that it would have, would it displace
 10 people in the neighborhood because they would not be able to
 11 park within 300 feet of their property because of the
 12 addition of --
 13 MS. PROESTEL: Why do they keep permitting more
 14 accessory apartments when it's zoned R-60 single family
 15 homes? They're making them into two dwellings. There's
 16 also one next to the car place that's been on the market for
 17 sale. It was sold and whomever bought it made the basement
 18 a full, it's a lovely, they did a beautiful job, apartment
 19 down there. It has a lovely kitchen, lovely several
 20 bedrooms, bath, everything, walkout basement. And it was
 21 rented then. There was, the lady who lives next door was,
 22 it was really bad, he ran a business out of the house, the
 23 last straw was there were drugs involved and the police was
 24 in the -- I'm telling you what happened in an accessory
 25 apartment. I'm not just dwelling on him. I don't know him.

1 But I am so opposed to what accessory apartments do to our
 2 neighborhood and I think we have more than our share of
 3 them.
 4 MS. CITARAMANIS: Okay, so you --
 5 MS. PROESTEL: Regardless of his parking or off-
 6 street parking, we don't need any more accessory apartments
 7 and construction and car repairs.
 8 MS. CITARAMANIS: Okay.
 9 MS. PROESTEL: You think I made it clear?
 10 MS. CITARAMANIS: Yes, I --
 11 MS. PROESTEL: I mean, I am --
 12 MS. CITARAMANIS: -- am just making sure the
 13 record is clear because it's important what you're saying
 14 and it's important that I know what you're saying.
 15 MS. PROESTEL: Okay.
 16 MS. CITARAMANIS: So any follow-up questions are
 17 not meant to, you know, anything other than for me to get
 18 clarity.
 19 MS. PROESTEL: Okay.
 20 MS. CITARAMANIS: Because I don't live there --
 21 MS. PROESTEL: I do and I've been there for 52
 22 years.
 23 MS. CITARAMANIS: Okay. And I'm just trying to
 24 also guide you towards specific circumstances with regards
 25 to how it will impact the neighborhood, specifically the

1 addition of parking from this accessory apartment displacing
 2 other neighbors. Because what we're talking about here,
 3 what I'm hearing from your two issues is the parking and the
 4 over concentrations of accessory apartments --
 5 MS. PROESTEL: Absolutely.
 6 MS. CITARAMANIS: -- in this neighborhood and
 7 you're telling me that you believe that the addition of one
 8 more would be an excessive concentration or at least --
 9 MS. PROESTEL: We already have it.
 10 MS. CITARAMANIS: You --
 11 MS. PROESTEL: We already have --
 12 MS. CITARAMANIS: And I think you did ask a
 13 question how did they get approved, I don't know. They were
 14 a long time ago and each case is taken on its own merit and
 15 I believe that one was '98, one was '99 and 2000 something.
 16 MS. PROESTEL: It's in the letter.
 17 MS. CITARAMANIS: Yeah. And as far as the other
 18 ones that are not licensed that's not my department, that
 19 would be --
 20 MR. TROXLER: Right.
 21 MS. CITARAMANIS: -- I guess you'd call, you'd
 22 call --
 23 MS. PROESTEL: I'm just explaining what is
 24 happening to our neighborhood.
 25 MS. CITARAMANIS: All right. And I'm listening.

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1 MS. PROESTEL: And I don't know how it gets in the
2 record. Apparently the man came and applied and they eat
3 upstairs with us and it is accepted. So what do you do with
4 that?
5 MS. CITARAMANIS: Well, I think Mr. Eloisa --
6 MR. ELOISA: Well I can tell you, number one, if
7 you know of unlicensed accessory apartments, you mentioned a
8 couple of possible unlicensed --
9 MS. PROESTEL: Yeah.
10 MR. ELOISA: -- call us, we don't know, I don't
11 know what's out there in your neighborhood or any
12 neighborhood. Once we get a complaint, give us a specific
13 address we can go out there and investigate and if there is
14 an unlicensed accessory apartment we can have either, if
15 they qualify to go through the process --
16 MS. PROESTEL: You accepted the fact --
17 MR. ELOISA: -- or to eliminate it.
18 MS. PROESTEL: You accepted the fact this man said
19 they eat upstairs with me and they've got a kitchen in the
20 basement. Apparently no one checked that house. Well you'd
21 would have to see the kitchen down stairs.
22 MR. ELOISA: Well, we haven't, I don't know which
23 property you're referring to but if you make a complaint on
24 that property we'll open a case and we'll investigate.
25 MS. PROESTEL: All right.

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1 MS. CITARAMANIS: So he's just saying that
2 whatever happened in the past, bring it current. If you
3 still think it's illegal or whatever, you have a complaint,
4 call licensing, they'll open up a case, they'll investigate,
5 they'll make a determination. And if it is a violation then
6 they'll have to go through the same process if, you know,
7 they don't meet the criteria. But that's, for handling the
8 problem ones you might want to, that's a place to start.
9 That would not be what I would be able to handle. Mine is
10 focusing on the criteria.
11 MS. PROESTEL: That criteria is that we don't need
12 any more accessory apartments. We'd like to keep it single
13 family homes.
14 MS. CITARAMANIS: Uh-huh.
15 MS. PROESTEL: We like as much quiet as you can
16 get between the roar of the Beltway and the roar of
17 Rockville Pike. We are hemmed in and we don't need any more
18 traffic and when you start turning our homes into two family
19 homes, I'd like for Mr. Leggett to come live next door to
20 9604. I understand he lives in a beautiful home. I don't
21 know Mr. Leggett but I could give him a piece of my mind
22 about accessory apartments. Apparently he's for accessory
23 apartments but he doesn't live in a neighborhood that has,
24 that's again, overrun with accessory apartments.
25 MS. CITARAMANIS: Okay.

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1 MS. PROESTEL: Anything else?
2 MS. CITARAMANIS: Do you have any follow-up
3 questions, otherwise we will --
4 MR. TROXLER: No, no questions.
5 MS. CITARAMANIS: Okay. You want to give me that?
6 MS. PROESTEL: Okay.
7 MS. CITARAMANIS: We'll put it in the record. You
8 have any problem with bringing that in?
9 MR. TROXLER: No, no problem.
10 MS. CITARAMANIS: And before you leave we'll get
11 you a copy.
12 MS. PROESTEL: Okay.
13 MS. CITARAMANIS: Okay? Thank you.
14 MR. ELOISA: Ms. CitaraManis?
15 MS. CITARAMANIS: Yes?
16 MR. ELOISA: May I be excused? I have actually an
17 appointment for another apartment.
18 MS. CITARAMANIS: I don't think we have anything
19 else that you are --
20 MR. ELOISA: Not in the same neighborhood.
21 MS. CITARAMANIS: Yes.
22 MS. PROESTEL: You'd better not bring anymore
23 applications for accessory apartments on Bellevue Drive.
24 MS. CITARAMANIS: Thank you. Does anybody else?
25 All right. Come on up. Hopefully you won't have any

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1 questions for Mr. Eloisa though. If you do we'll have you
2 send him a letter or something. But otherwise we're going
3 to release Mr. Eloisa. Do you want to ask, Ms., I'm going
4 to say, Mangas?
5 MS. YANGAS: Yangas.
6 MS. CITARAMANIS: Yangas.
7 MR. TROXLER: If she's going to ask something to
8 the inspector it needs to be on the record I think.
9 MS. CITARAMANIS: It's fine. All right. So,
10 raise your right hand.
11 (Witness sworn.)
12 MS. CITARAMANIS: Okay. Thank you. Identify
13 yourself and your address and again we'll see where you
14 live --
15 MS. YANGAS: Okay.
16 MS. CITARAMANIS: -- in relationship to this. You
17 can have a seat. It's okay.
18 MS. YANGAS: Okay. I'm Linda Yangas and I live in
19 9717 Bellevue Drive.
20 MS. CITARAMANIS: Okay. And on this map where
21 would you be located? And again, I'm looking at Exhibit No.
22 10 and it looks like, you see where Ms. Neustadt and Ms.
23 Proestel.
24 MS. YANGAS: I'm across from Edna.
25 MS. CITARAMANIS: Okay.

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1 MS. YANGAS: The fourth one in I believe. So I'm
2 right here.
3 MS. CITARAMANIS: Across the street, fourth, one,
4 two, three, four. You are here?
5 MS. YANGAS: Three.
6 MS. CITARAMANIS: Three in?
7 MS. YANGAS: I'm three.
8 MS. CITARAMANIS: There you go.
9 MS. YANGAS: Something like that.
10 MS. CITARAMANIS: That's good.
11 MS. YANGAS: Thank you.
12 MS. CITARAMANIS: Tell us, what do you want me to
13 know?
14 MS. YANGAS: Oh, I would just like to share the
15 sentiment of 32 people who signed a letter that was sent to
16 the hearing examiner's office.
17 MS. CITARAMANIS: Okay.
18 MS. YANGAS: May I just repeat what has been said
19 because I'd like our neighbors to hear it.
20 MS. CITARAMANIS: When you say repeat, you do not
21 need to read this --
22 MS. YANGAS: I have the letter.
23 MS. CITARAMANIS: You can, and certainly if you
24 have stuff to add it would be more helpful --
25 MS. YANGAS: Well, just I think, I think repeating

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1 would highlight --
2 MS. CITARAMANIS: You can --
3 MS. YANGAS: -- the significance of what has been
4 discussed here.
5 MS. CITARAMANIS: You can join in with their
6 sentiment --
7 MS. YANGAS: Yes.
8 MS. CITARAMANIS: -- and then --
9 MS. YANGAS: Yes, and add and highlight what has
10 been said. Is that okay?
11 MS. CITARAMANIS: Uh-huh.
12 MS. YANGAS: All right.
13 MS. CITARAMANIS: But you don't need to just go
14 through and read this --
15 MS. YANGAS: No, I know, I'm just picking out, I
16 highlighted.
17 MS. CITARAMANIS: Okay.
18 MS. YANGAS: Because here this is what the letter
19 said. When we purchased our homes, our streets, when we
20 purchased our homes some of us 30, 40 or 50 years ago, and
21 we purchased our house in 1981 and so as recently as one to
22 two years ago, Montgomery County stated in our plats and
23 county records that Locust Hill Estates was a community of
24 single family homes. A single family homes is defined
25 within land records as one in which a single family resides.

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1 The County did not define the homes in our neighborhood as
2 duplexes, condominium suites, town houses which are designed
3 to have more than one family reside. For the County to
4 continue to reframe our neighborhood by granting these
5 accessory apartments is to violate the terms set forth in
6 the County land records under which premise we purchased our
7 properties and continue to pay County property taxes. The
8 continued granting of these requests is changing the nature
9 of our neighborhood for the worse, not for the better. And
10 this is why the addition of the accessory apartment will
11 result in a change in the harmony and general character of
12 the neighborhood as it results in severe traffic problems
13 and parking conditions as well as this apartment will
14 increase the number of accessory apartments to over 20
15 percent of our neighborhood. I think we would like to share
16 the peace and harmony in the neighborhood without all these
17 distractions. The addition of the accessory apartment will
18 be detrimental to the use, peaceful enjoyment and economic
19 value of the surrounding properties due to the increase in
20 the number of occupants, cars and traffic as well as
21 changing the neighborhood character to duplexes, townhomes,
22 versus single family homes. The addition of the accessory
23 apartment will cause more noise, congestion and increased
24 physical activity at the subject site as it will increase
25 the number of vehicles, level of traffic and risk that a

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1 child or someone walking in the street may be injured and
2 there are a lot of children in our neighborhood. The
3 addition of the accessory apartment will adversely affect
4 the safety and general welfare of the residents of the
5 neighborhood as the increased traffic will increase the risk
6 that someone walking in the street may be hurt. As stated
7 above, due to the negative impact that granting yet another
8 accessory apartment would have on our lives, not only from a
9 traffic and congestion standpoint but also on our property
10 values we hereby request that the accessory apartment do not
11 be granted. Again, we would like to state our strong
12 opposition and believe that Montgomery County should stand
13 behind their agreement with the citizens residing on
14 Bellevue Drive and Asbury Lanes when we purchased our homes.
15 So this is signed by the residents of Locust View Estates,
16 Bellevue Drive and Asbury Lane.
17 MS. CITARAMANIS: Did you sign this?
18 MS. YANGAS: Yes, I did.
19 MS. CITARAMANIS: Okay. So you're familiar
20 with --
21 MS. YANGAS: And there are 32 signatures in it.
22 So, that is the general sentiment in the community, in the
23 neighborhood. And we would like to share with Mr. Troxler
24 that this peacefulness in our neighborhood and if we add
25 more it will just change and it will not be as peaceful a

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1 neighborhood. And we would like to be neighborly to
2 everyone. That's all.
3 MS. CITARAMANIS: Okay. Let me see if they have a
4 question for you.
5 MR. TROXLER: Nice to meet you by the way.
6 MS. YANGAS: Nice to meet, I am so sorry.
7 MR. TROXLER: First time in eight years that I
8 meet you.
9 MS. YANGAS: Oh I'm so sorry we didn't have, I'm
10 sorry we had to meet in this situation.
11 MR. TROXLER: Yeah, that's okay, it's life.
12 MS. YANGAS: But we would like to share --
13 MR. TROXLER: I understand.
14 MS. YANGAS: -- what we have.
15 MR. TROXLER: All the conditions that you
16 mentioned, I have a son --
17 MS. YANGAS: Yeah.
18 MR. TROXLER: -- so I know what are the dangers.
19 MS. YANGAS: Yeah, so you know what it is.
20 MR. TROXLER: And I don't know if you know but I
21 also work for Montgomery County Police.
22 MS. YANGAS: Oh, well, I'm so glad that we have a
23 police in the neighborhood.
24 MS. CITARAMANIS: Do you have a question? I mean,
25 I think it's great that you're talking --

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1 MR. TROXLER: Yes, I have a question.
2 MS. CITARAMANIS: -- but I need --
3 MR. TROXLER: Because I received two calls from
4 neighbors yesterday night.
5 MS. CITARAMANIS: Okay.
6 MR. TROXLER: And they told me that they didn't
7 want their names there.
8 MS. YANGAS: Yeah.
9 MS. CITARAMANIS: Okay.
10 MR. TROXLER: So I want to see if I can have a
11 copy.
12 MS. YANGAS: Uh-huh.
13 MS. CITARAMANIS: Oh, yeah, absolutely you can
14 have copy --
15 MS. YANGAS: Sure.
16 MS. CITARAMANIS: -- but you can, I'll ask you
17 that question after.
18 MR. TROXLER: Okay.
19 MS. CITARAMANIS: But do you have any specific
20 questions --
21 MR. TROXLER: No.
22 MS. CITARAMANIS: -- for her?
23 MR. TROXLER: No.
24 MS. CITARAMANIS: Okay. Do you have anything else
25 you want to add? Okay. Thank you very much.

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1 MS. YANGAS: You're welcome.
2 MS. CITARAMANIS: Okay.
3 MR. TROXLER: Nice to meet you.
4 MS. CITARAMANIS: Would you like to speak as well?
5 MS. BERGGREN: Yes.
6 MS. CITARAMANIS: Okay. So you must be Ms.
7 Berggren?
8 MS. BERGGREN: Mrs. Berggren.
9 MS. CITARAMANIS: Okay.
10 MS. CITARAMANIS: Okay, Ms. Berggren, have a seat
11 and then we'll --
12 (Witness sworn.)
13 MS. CITARAMANIS: Okay. Have a seat. Say your
14 name and your address and then we'll put you on the map.
15 MS. BERGGREN: Deborah Berggren, 9619 Bellevue
16 Drive, right there on the, right --
17 MS. CITARAMANIS: There's Asbury.
18 MS. BERGGREN: Is this Bellevue?
19 MS. CITARAMANIS: No, this is Bellevue.
20 MS. BERGGREN: Okay.
21 MS. CITARAMANIS: That's the service road and 355.
22 MS. BERGGREN: My house is here, just right there
23 at the confluence.
24 MS. CITARAMANIS: Oh, okay. You're at the corner
25 of --

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1 MS. BERGGREN: Asbury --
2 MS. CITARAMANIS: -- Asbury and --
3 MS. BERGGREN: -- and Bellevue.
4 MS. CITARAMANIS: -- I think that would probably
5 be the south side?
6 MS. BERGGREN: No, actually it's, this is the
7 access to the old part of, that's where I am. I'm across
8 the street.
9 MS. CITARAMANIS: Okay. So I'm just going to
10 write --
11 MS. BERGGREN: Okay. May I just say something?
12 MS. CITARAMANIS: Please.
13 MS. BERGGREN: Have you ever thought maybe about
14 just putting a, a --
15 MS. CITARAMANIS: Okay --
16 MS. BERGGREN: -- a driveway in so you people
17 could park there rather than -- I'd love to have you as
18 neighbors but it's just a question of the traffic is so bad.
19 If you would just consider putting just a little, like the
20 people did, that round thing or something that would just go
21 in the side of your yard where people could park?
22 MR. TROXLER: Nice to meet you by the way. I
23 didn't meet you, this is the first time in eight years that
24 I see you. And there are 230 feet of road --
25 MS. BERGGREN: Yeah.

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1 MR. TROXLER: -- on our block.
2 MS. BERGGREN: That's length, not width.
3 MR. TROXLER: Length.
4 MS. BERGGREN: Yeah.
5 MR. TROXLER: You can park 19 cars there.
6 MS. BERGGREN: Yeah, I know --
7 MS. CITARAMANIS: Okay.
8 MR. TROXLER: And believe me, I've never seen one
9 neighbor parking there, never.
10 MS. BERGGREN: Well I never have either but I --
11 MS. FERREYRA: And the reason why we decided not
12 to put a driveway is because we have a really nice cypress
13 line and I think that we want to keep as many trees as we
14 can in the neighborhood, also it's just for being
15 environmentally friendly, we want to keep our trees.
16 MS. BERGGREN: Okay. Well, that's all I had to
17 say.
18 MS. CITARAMANIS: Okay.
19 MS. BERGGREN: Yes, just that I was thinking that
20 would be an alternative.
21 MR. TROXLER: Thank you.
22 MS. CITARAMANIS: Okay.
23 MS. BERGGREN: You're welcome.
24 MS. CITARAMANIS: Okay. Your husband doesn't want
25 to, or the gentleman?

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1 MS. PROESTEL: He's heard enough.
2 MS. CITARAMANIS: He's heard enough, okay. All
3 right. So, everybody has had an opportunity to speak and at
4 this point Mr. Eloisa is gone. Since you had the dialogue,
5 could you just, I wasn't, I didn't get it all with regards
6 to your decision not to put in a driveway or to, your
7 thoughts about it --
8 MR. TROXLER: Yes. There is the 70 feet are
9 almost covered by 12 cypresses and we don't want to bring
10 down any trees. Also, even if we put a driveway in our
11 property it's going to be too tight and too close to the
12 house. When we bought the house we thought about it eight
13 years ago but then we decided not because we want the front
14 yard as it is right now, an enclosed space where we lock the
15 gate and our dog can run inside and my son and his friends
16 can play inside the house. We don't want any driveway.
17 MS. CITARAMANIS: Okay. So you did consider it?
18 MR. TROXLER: We did consider it eight years ago.
19 MS. FERREYRA: Yeah, the other reason that we
20 considered not to put in driveway is because we don't want
21 to cover more land with concrete. That is really impacting.
22 Montgomery County is coming with an idea that, you know,
23 they try to get not properties having driveways and surface
24 covered with concrete because that has a very bad impact on
25 the land. So, being 230 feet on the street and enough space

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1 to park 19 cars in front of the house, from all the
2 houses --
3 MS. CITARAMANIS: What's the 230 feet?
4 MR. TROXLER: The length of the service --
5 MS. FERREYRA: The length of the service --
6 MR. TROXLER: -- on our block.
7 MS. FERREYRA: -- on our block.
8 MS. CITARAMANIS: Just your block in front of your
9 house is what you're saying?
10 MS. FERREYRA: Yeah. And we are only two houses.
11 We decided there's no, any reason to cut trees or cover land
12 with concrete for parking that is not needed right now.
13 MS. CITARAMANIS: Okay. And how many cars do you
14 park on the street?
15 MR. TROXLER: Three.
16 MS. CITARAMANIS: In front of your house?
17 MR. TROXLER: Uh-huh.
18 MS. FERREYRA: Uh-huh.
19 MS. CITARAMANIS: Okay. And the next door
20 neighbors that don't have a driveway --
21 MR. TROXLER: Two.
22 MS. CITARAMANIS: They have two? And any other
23 vehicles that aren't from your house or the next door
24 neighbor's house, residents park --
25 MR. TROXLER: Nobody parks in front of the, on the

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1 service road.
2 MS. CITARAMANIS: And can you park on both sides
3 of the service road?
4 MR. TROXLER: No, just the --
5 MS. CITARAMANIS: Okay, just one side, just on the
6 side of the house?
7 MR. TROXLER: Yes.
8 MS. CITARAMANIS: Okay. And that, it's
9 unrestricted parking?
10 MR. TROXLER: Yes.
11 MS. CITARAMANIS: There's no permit required?
12 MR. TROXLER: No permit.
13 MS. CITARAMANIS: Okay. And looking at the
14 exhibit Ms. Neustadt put in, Exhibit No. 40.
15 MR. TROXLER: Yes. Yeah, that night it had a
16 noisy party.
17 MS. CITARAMANIS: Can you come up and tell me if
18 this, where your house is --
19 MR. TROXLER: My house is --
20 MS. CITARAMANIS: -- or general --
21 MR. TROXLER: Yes. My house is here. This is my
22 car, one of my cars, these five cars parked here are the
23 neighbor's cars. Well, this, this one and --
24 MS. CITARAMANIS: So you're --
25 MR. TROXLER: And the other four cars are belong

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1 to friends.
2 MS. CITARAMANIS: So, the very --
3 MR. TROXLER: The very, the very end --
4 MS. CITARAMANIS: -- very first one closest to --
5 MR. TROXLER: -- that's my wife's car.
6 MS. CITARAMANIS: -- Asbury is yours and the rest
7 are --
8 MR. TROXLER: Neighbors.
9 MS. CITARAMANIS: -- somebody was, this was --
10 MR. TROXLER: Yeah, they had a --
11 MS. CITARAMANIS: -- last night there was a party?
12 MR. TROXLER: Well, two nights ago.
13 MS. CITARAMANIS: Okay.
14 MR. TROXLER: They did and they do yoga.
15 MS. CITARAMANIS: Who does yoga?
16 MR. TROXLER: The neighbor.
17 MS. CITARAMANIS: Your next door neighbor?
18 MR. TROXLER: Yeah, so they gather over there and
19 do the yoga after work.
20 MS. CITARAMANIS: Okay. Okay. And with regards
21 to your application I note on under number of off-street
22 parking spaces, off-street means on site, just --
23 MR. TROXLER: Just my site?
24 MS. CITARAMANIS: Yes, it's always confusing. On-
25 site --

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1 MR. TROXLER: Yeah, and that's --
2 MS. CITARAMANIS: -- is off-street parking meaning
3 it's not, you're not parking on the street. So, you put
4 eight.
5 MR. TROXLER: Oh.
6 MS. CITARAMANIS: It really should be zero because
7 you don't have any on-site parking. You can't park on your
8 property.
9 MR. TROXLER: It says on-site?
10 MS. FERREYRA: For off-site.
11 MS. CITARAMANIS: It says number of off-street
12 parking spaces.
13 MR. TROXLER: Off the street is on the -- oh.
14 MS. CITARAMANIS: It's on the property.
15 MR. TROXLER: It's a driveway.
16 MS. CITARAMANIS: It's not on the street.
17 MR. TROXLER: Okay.
18 MS. FERREYRA: Okay.
19 MS. CITARAMANIS: Versus on-street --
20 MR. TROXLER: Okay, okay.
21 MS. CITARAMANIS: -- parking.
22 MR. TROXLER: Yeah, it should be zero.
23 MS. CITARAMANIS: It throws everybody off so
24 that's why I wanted to --
25 MR. TROXLER: Yes.

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1 MS. CITARAMANIS: -- make, when you put eight, I'm
2 like, well we wouldn't be here if you had eight spaces.
3 MR. TROXLER: If we had eight spaces we would not
4 be here, yeah.
5 MS. CITARAMANIS: So, for the record --
6 MR. TROXLER: Yes, zero.
7 MS. CITARAMANIS: -- you want to modify that --
8 MR. TROXLER: I want to modify it to zero.
9 MS. CITARAMANIS: We're modifying your application
10 that it shows zero.
11 MR. TROXLER: yes.
12 MS. CITARAMANIS: Okay. All right.
13 MR. TROXLER: I think I was confused with the
14 block number too because it's section, parcel 11, block 8 --
15 MS. CITARAMANIS: Right.
16 MR. TROXLER: -- yeah, but I want it to say zero.
17 MS. CITARAMANIS: So you're number 11, number 10
18 is the lady who does yoga?
19 MR. TROXLER: Yes.
20 MS. CITARAMANIS: Okay. It looks like on Bellevue
21 number eight and number seven I believe are the, or maybe
22 it's seven and six that are --
23 MR. TROXLER: 9600 Bellevue's a rental house.
24 MS. CITARAMANIS: -- that have accessory
25 apartments and then number 10 on Asbury I believe is the

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1 lot. Okay. Okay, everybody, did you have anything you
2 wanted to add? I'm going to -- Ms. Neustadt and --
3 MS. PROESTEL: Proestel.
4 MS. CITARAMANIS: Proestel, I want to call it
5 Proesler, I'm sorry.
6 MS. PROESTEL: It's okay.
7 MS. CITARAMANIS: I'm so sorry. Ms. Neustadt, did
8 you have a question? Not a statement, a question for Mr.
9 Troxler or -- how do you say your last name?
10 MR. TROXLER: Dr. Ferreyra.
11 MS. FERREYRA: Dr. Ferreyra.
12 MS. CITARAMANIS: Dr. Ferreyra.
13 MS. NEUSTADT: I will phrase it as a question like
14 Jeopardy. How can it be that you say nobody ever parks on
15 that street when that's not what I see?
16 MS. CITARAMANIS: Can you answer that question?
17 MR. TROXLER: Yes.
18 MS. CITARAMANIS: Okay.
19 MR. TROXLER: Sometimes I have friends at home and
20 we have 10 cars. Sometimes the neighbor has a party and he
21 has 20 cars or 10 cars. But those cars doesn't count. If I
22 count all the police cruisers that come to my house to visit
23 me, well we have more than 30 cars and that's not what we
24 are talking here. We're talking about the cars that we have
25 in my house, my household or the neighbor's cars. He has

1 two cars, I have four cars but I don't park my four cars
 2 there, I park three. But I cannot count all the friends
 3 that come to my house to visit. If you take a picture when
 4 I have all my friends, yes, we're going to have 10 cars in
 5 the front of the house.
 6 MS. CITARAMANIS: Okay.
 7 MR. TROXLER: But that's not the regular
 8 situation. During the morning hours, when I wake up and I
 9 take my son to school at 7:30 there are four cars or five
 10 cars --
 11 MS. CITARAMANIS: Parked in front of your --
 12 MR. TROXLER: -- parked in front of my house and
 13 the neighbor's house.
 14 MS. CITARAMANIS: Okay.
 15 MR. TROXLER: At midnight, when I come from work,
 16 I come from work at 1:00 a.m. there are four cars.
 17 MS. CITARAMANIS: Okay. Another question?
 18 MS. NEUSTADT: Trying to phrase it as a question.
 19 MS. CITARAMANIS: Okay. Well, I mean --
 20 MS. NEUSTADT: How can it be with all these
 21 accessory apartments and overflow parking that you still
 22 maintain there are no cars on that space because I see lots
 23 of cars when I go to work at 6:00 a.m. and when I come home
 24 at 8:00 p.m.?
 25 MS. CITARAMANIS: Uh-huh.

1 MS. NEUSTADT: Some days I even go to work at 4:30
 2 a.m. Is it possible that before any decision is made that
 3 we can have a survey of that area and get true figures?
 4 MS. CITARAMANIS: Well, I'm not sure how that
 5 would be done other than, I mean, I can certainly pose that
 6 question to staff. But, I mean, I can certainly pose that
 7 to staff and see if that's something that they will do. But
 8 I mean I can't go out there. I can go only based on what we
 9 hear today and any additional information comes in. But if
 10 I understand your question correctly you're just wondering
 11 how it can be that only four park there, I think he was
 12 saying that it can be more when there's a party or something
 13 like that.
 14 MS. NEUSTADT: My real question is, how is that we
 15 both see two different things?
 16 MS. CITARAMANIS: Well --
 17 MS. NEUSTADT: That's the question.
 18 MS. CITARAMANIS: -- we could be here for a very
 19 long time.
 20 MS. NEUSTADT: You asked me to pose it as a
 21 question.
 22 MS. CITARAMANIS: No, no, I appreciate that. I do
 23 appreciate that. And I get what you're saying and I
 24 definitely get your point. But I can't answer that question
 25 because if I could, man I could probably make a lot of

1 money. My children wouldn't like it because they already
 2 say, why do you know everything, or you don't, mom. Anyway.
 3 Did you have another question?
 4 COURT REPORTER: I'm sorry, could I ask them to
 5 come up to the microphone?
 6 MS. CITARAMANIS: I'm sorry. Okay. If you wanted
 7 to ask another question you need to come closer because the
 8 court reporter is having a hard time hearing everybody.
 9 MS. PROESTEL: I'm having a hard time
 10 understanding how people can say, this is the corner of
 11 Asbury, his apartment, his house is here. This is a corner
 12 house. This front foot benefit really all belongs to that
 13 house. They pay property taxes for that. And when people
 14 want to use it, he says he has all this parking space, no
 15 one's parked there. Each of us stay in front of our houses
 16 because most of them are about 70 foot. We park our cars
 17 within that perimeter. That's ours. This corner lot,
 18 because he has a side, side street here doesn't give anyone
 19 else the right to feel that that can be his parking.
 20 MS. CITARAMANIS: So you're asking whether he
 21 feels like he's entitled to all that space?
 22 MS. PROESTEL: I am. Right.
 23 MR. TROXLER: It's public parking.
 24 MS. CITARAMANIS: It's public street. Okay?
 25 Thank you. Anybody else? Okay. What I'm going to do at

1 this point, let me just double check my notes so that, I've
 2 heard a lot of information. I want to make copies of this.
 3 MR. TROXLER: And can you make a copy of the
 4 petition too, please? Because like I said, a couple of
 5 neighbors called me last night and their name was included
 6 there without their knowledge.
 7 MS. CITARAMANIS: Oh, yeah, why don't you --
 8 MS. PROESTEL: That's not true.
 9 MS. CITARAMANIS: Okay, everybody, everybody,
 10 whatever his testimony is is his testimony and I certainly
 11 will be the arbiter of whether I believe it or not. And
 12 again, it will be based on the evidence that I have. So,
 13 what clarification did you want to --
 14 MR. TROXLER: They presented a petition, two
 15 neighbors called me last night saying that their name was
 16 included there and they don't want their names on the, on
 17 there.
 18 MS. CITARAMANIS: Okay. And are they here
 19 tonight?
 20 MR. TROXLER: No.
 21 MS. CITARAMANIS: I mean today.
 22 MR. TROXLER: No.
 23 MS. CITARAMANIS: And do you know their names?
 24 MR. TROXLER: Yes, James Turner and Maria Turner.
 25 MS. CITARAMANIS: Okay. So you're saying that

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1 they told you they didn't want it to be on there?
2 MR. TROXLER: Yes.
3 MS. CITARAMANIS: Okay. But yet they signed it?
4 MR. TROXLER: Yes, well, Maria signed it and then
5 when Jim talked to Maria, Jim is her husband --
6 MS. CITARAMANIS: Okay.
7 MR. TROXLER: -- he called I think Ms. Neustadt or
8 somebody to, so his name can be removed from that list.
9 MS. CITARAMANIS: Okay. Well I'm not going to
10 remove anybody's name --
11 MR. TROXLER: Okay.
12 MS. CITARAMANIS: -- and it's certainly, if that's
13 what you recall a conversation, they are not here to change
14 it, they have not submitted any written documentation
15 saying, oh by the way take my name off, so I've heard your
16 testimony --
17 MR. TROXLER: Okay.
18 MS. CITARAMANIS: -- and I'll give it the weight
19 that I think it deserves. But at the same time that is part
20 of the record.
21 MR. TROXLER: Uh-huh.
22 MS. CITARAMANIS: And these two documents, if I
23 recall, you don't have any problem them being part of the
24 record either?
25 MR. TROXLER: No.

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1 MS. CITARAMANIS: We identified them --
2 MR. TROXLER: No, ma'am.
3 MS. CITARAMANIS: -- they're just more for
4 clarity. Do amend your application to put zero, not eight,
5 easy enough to do. Let's see. Is the sign still posted?
6 MR. TROXLER: Yes.
7 MS. CITARAMANIS: Okay. It needs to stay up until
8 this is resolved. So just keep it up in its location.
9 MR. TROXLER: I want my money back, but --
10 MS. CITARAMANIS: I know, I'm sure you'll get it.
11 Okay. So this is where we are. We're at the end of this
12 hearing. I am going to submit the modified plan and
13 landscaping plan, the plat with the landscaping that you
14 modified as well as the floor plan back to staff and see if
15 they have any comments. They'll get that back and so the
16 record's going to be left open. It probably won't take them
17 too long but I'm going to leave it open for at least 15
18 days. Where's my calendar? And in that time certainly if
19 you have additional information or somebody wants to send in
20 any comments on anything they can understanding that they
21 will have an opportunity to comment back and you know,
22 respond to if anybody sends in a letter or anything like
23 that. So, today is the 15th. So we're looking at June 1st
24 because the 15th day falls on the 30th. So, I'm going to --
25 unless you think you need more time?

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1 MR. TROXLER: No.
2 MS. CITARAMANIS: Okay.
3 MR. TROXLER: Thank you.
4 MS. CITARAMANIS: So I'm going to leave the record
5 open. It will close by the close of business which I think
6 here is 5:00 or 5:30 but it will close June 1st and what
7 that does is that starts the time, the 30 day period for me
8 to render my decision. And how that works is once I render
9 my decision, and this will be in any decision, the decision,
10 regulations allow you, you or any interested party who has
11 participated if they're not happy with my decision, they
12 don't want my decision, when it changed or whatever, they
13 have an opportunity to file a written request for oral
14 argument before the Board of Appeals. If you don't file
15 that written request and at the end of 10 days and nobody's
16 requested it my decision becomes final. And then any appeal
17 after that will be a judicial appeal. But at this point
18 it's that 10-day period if, you know, there's something in
19 there that I put that you don't like and you want somebody
20 else to review it that would be who would do it and you
21 would have to file that written request within that 10-day
22 period from the date of my opinion. And then it would
23 become final if nobody requests an oral argument. And then
24 the Board has the procedures that they would follow. They
25 can adopt what I say, they can modify it or they can remand

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1 it back to me if enough information wasn't gathered. So,
2 I'm just giving everybody a heads up so you know to be aware
3 that it is time sensitive once that decision is issued. And
4 with that, I think, if you want to hang around I'll have
5 Ellen make copies of this and certainly if there's anything
6 else you need but I think we gave copies of everything else
7 you --
8 MR. TROXLER: Yes.
9 MS. CITARAMANIS: -- changed. And if you all want
10 a copy you can, or actually this is your picture so you
11 don't need that and --
12 MR. TROXLER: I don't need a copy of that either.
13 MS. CITARAMANIS: You don't need a copy of, do you
14 need a copy of that?
15 MR. TROXLER: No.
16 MS. CITARAMANIS: I mean, ultimately it's going to
17 come out black because we don't have color.
18 MR. TROXLER: No, that's fine, I don't need it.
19 Thank you.
20 MS. CITARAMANIS: So, and at this point I am also
21 going to admit all of the exhibits into the record unless
22 you have any objection to any of them, I'm assuming up until
23 now you want everything in there?
24 MR. TROXLER: Yes, that's correct.
25 (Exhibit Nos. 11 A, 39-41 were

1 admitted into the record.)
 2 MS. CITARAMANIS: And just in case I didn't get
 3 your testimony, you agree to follow any of the conditions of
 4 approval from Department of --
 5 MR. TROXLER: Yes, I agree.
 6 MS. CITARAMANIS: -- Housing?
 7 MR. TROXLER: Yes, we agree.
 8 MS. CITARAMANIS: Right, so, okay. That being the
 9 case then we are adjourned and thank you everybody for
 10 coming out. It's 11:50.
 11 (Whereupon, at 11:48 a.m., the hearing was
 12 concluded.)
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1 C E R T I F I C A T E
 2 DEPOSITION SERVICES, INC., hereby certifies that
 3 the attached pages represent an accurate transcript of the
 4 electronic sound recording of the proceedings before the
 5 Office of Zoning and Administrative Hearings for Montgomery
 6 County in the matter of:
 7
 8 Petition of Otto O. Troxler for Accessory Apartment
 9 OZAH No. CU 15-01
 10
 11 By:
 12
 13
 14 Brandon Fields, Transcriber
 15
 16
 17
 18
 19
 20
 21
 22
 23
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 25

A				
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