

OFFICE OF ZONING AND ADMINISTRATIVE HEARINGS
FOR MONTGOMERY COUNTY

-----x
: PETITION OF : Case No. CU 15-09
: DR. RADEK A. BRABLEC :
: :
: :
-----x

A hearing in the above-entitled matter was held on
September 25, 2015, commencing at 9:37 a.m., at the Stella
B. Werner Council Office Building, 100 Maryland Avenue,
Second Floor RDMHR, Rockville, Maryland 20850 before:

Martin Grossman, Hearing Examiner

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A P P E A R A N C E S

Page:

WITNESSES:

Dr. Radek A. Brablec, Applicant 6

Cynthia Lundy, Housing Inspector 10
 Division of Housing and Code Enforcement
 100 Maryland Avenue
 Rockville, Maryland 20850

E X H I B I T S

Exhibit No.:	Marked:	Admitted:
Exhibit No. 1	--	23
Exhibit No. 2	--	23
Exhibit No. 3	--	23
Exhibit No. 4	--	23
Exhibit No. 5	--	23
Exhibit No. 6	--	23
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Exhibit No. 11	--	23
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Exhibit No. 26	6	23
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Exhibit No. 27B	16	23
Exhibit No. 27C	17	23
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1 address is 4528 Rosedale Avenue, Bethesda, Maryland 20814.
 2 MR. GROSSMAN: Okay.
 3 MS. LUNDY: Cynthia Lundy, Department of Housing
 4 and Community Affairs, Housing and Code Enforcement.
 5 MR. GROSSMAN: All right, Ms. Lundy. I see a
 6 gentleman in the audience. Sir, are you here to participate
 7 in the hearing?
 8 MR. JERMAIN: No, sir.
 9 MR. GROSSMAN: Okay. All right. Then there's
 10 nobody else here either for or against. Let me proceed to
 11 describe the nature of these proceedings.
 12 First of all, this is an application for a
 13 conditional use, a conditional use is not a variance, it
 14 doesn't vary from the statute, it is a statutorily permitted
 15 use if certain conditions are met that are specified in the
 16 statute, conditions that apply to almost all conditional
 17 uses, and ones that apply specifically to this kind of use.
 18 Also, our proceedings here are relatively formal, but they
 19 have elements of informality, they're formal in the sense
 20 that all witnesses are sworn in, they're subject to cross-
 21 examination if there were people here to cross-exam,
 22 everything is taken down by a court reporter and there will
 23 be a transcript of these proceedings. We operate pretty
 24 much the way a courtroom does, you have an opportunity for
 25 an opening statement, to testify, and then for closing, and

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P R O C E E D I N G S

1 MR. GROSSMAN: This is a public hearing in the
 2 matter of Radek Brablec, OZAH number 15, that's CU 15-09, an
 3 application for conditional use to allow an attached
 4 accessory apartment in the basement of a one-family detached
 5 home at 4528 Rosedale Avenue in Bethesda, Maryland. The
 6 subject property is identified as Lot 4, Block 9, Rosedale
 7 Park Subdivision located in the R-60 Zone.
 8 The hearing is conducted on behalf of the Office
 9 of Zoning and Administrative Hearings. My name is Martin
 10 Grossman, I'm the Hearing Examiner, which means I will take
 11 evidence here and write a report and decision in the case.
 12 The Department of Housing and Community Affairs declined an
 13 accessory apartment permit because the subject site has only
 14 265 square feet of on-site parking, and thus does not have a
 15 parking area large enough to meet the statutory
 16 requirements, which are 480 square feet. That's Exhibit 3
 17 in the file. The Applicant therefore filed an application
 18 for an attached accessory apartment conditional use under
 19 Zoning Ordinance Section 59.3.3.3(a) and (b) which allow a
 20 deviation from that standard where the Hearing Examiner
 21 determines that adequate on-street parking is available.
 22 Will the parties identify themselves, please, for
 23 the record? Sir, state your full name and address, please.
 24 DR. BRABLEC: My name is Radek Brablec, the

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1 so on. All right. Let me ask you to raise your right
 2 hands, please, I'm going to swear you in.
 3 (Witnesses sworn.)
 4 MR. GROSSMAN: Okay. All right. Now, let me
 5 start out, have you received a copy of the report of the
 6 Technical Staff of the Maryland-National Capital Park and
 7 Planning Commission?
 8 DR. BRABLEC: Yes, I did.
 9 MR. GROSSMAN: Okay. Good. And we always rely
 10 heavily on that, do you, have you had a chance to read it
 11 over, sir?
 12 DR. BRABLEC: Yes.
 13 MR. GROSSMAN: All right. And do you accept the
 14 findings and conclusions contained in that report?
 15 DR. BRABLEC: I do, yes.
 16 MR. GROSSMAN: As your own evidence?
 17 DR. BRABLEC: Yes.
 18 MR. GROSSMAN: All right. And there were also
 19 conditions recommended in the report if the conditional use
 20 is grated, do you accept those conditions?
 21 DR. BRABLEC: Yes.
 22 MR. GROSSMAN: Okay. And we usually, if we grant
 23 a conditional use we usually impose those and a few others
 24 that essentially require that all regulations,
 25 administrative regulations and laws are followed.

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1 All right. I see you have an affidavit of
2 posting, it's an affidavit indicating that the property had
3 the sign posted for the required period of time, and that's
4 been marked by my Staff as Exhibit 26.
5 (Exhibit No. 26 was marked for
6 identification.)
7 MR. GROSSMAN: They're always at least one step
8 ahead of me. Okay. All right. Do you have any other
9 preliminary matters? Any procedural matters before we
10 begin?
11 DR. BRABLEC: No.
12 MR. GROSSMAN: Okay. Do you wish to make an
13 opening statement? In this case it would be under oath, or
14 do you wish to just go and testify, I presume you're going
15 to call yourself as a witness?
16 DR. BRABLEC: Oh, well, if only I can say the
17 house was built in 2009, and with the aim of having an
18 apartment for rent.
19 MR. GROSSMAN: Okay.
20 DR. BRABLEC: Everything was built by the Code,
21 inspected by the County, but something has changed in the
22 parking space in front of the house is impossible to comply
23 with because the total parking space, total front yard --
24 MR. GROSSMAN: Yes.
25 DR. BRABLEC: -- is smaller than the required 480

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1 square feet.
2 MR. GROSSMAN: Right.
3 DR. BRABLEC: That's the only problem I had. So,
4 that's why I had to go through all this, proceedings, and
5 conditions, and whatever. So, that's the only reason.
6 MR. GROSSMAN: All right.
7 DR. BRABLEC: Apartment is finished, furnished
8 for the last six years.
9 MR. GROSSMAN: Okay.
10 DR. BRABLEC: But again, I did not want to go
11 illegally to rent it, I wanted to go by the law. I'm a
12 lawyer and also that's why I'm here, going through those.
13 MR. GROSSMAN: Okay. Good. All right. Let me
14 just make sure that we've identified the various items in
15 the file here as being accurate. All right. Exhibit 11 is
16 identified in the file as being your site plan. Does that
17 exhibit accurately reflect your property?
18 DR. BRABLEC: Yes, it does.
19 MR. GROSSMAN: Okay. And are you going to be
20 making any changes externally to your property as a result
21 of this accessory apartment?
22 DR. BRABLEC: Just to fix the pathway, but it's --
23 no, nothing else.
24 MR. GROSSMAN: Okay. And when you say fix the
25 pathway what are you going to do?

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1 DR. BRABLEC: Put blue dust, basically, fix the
2 tiles going into the parking.
3 MR. GROSSMAN: There are tiles outside the house?
4 DR. BRABLEC: No, no, this just -- if you look at
5 a picture over here --
6 MR. GROSSMAN: No, well, first of all, I'm talking
7 about externally, outside the house, are you --
8 DR. BRABLEC: No. No.
9 MR. GROSSMAN: No changes?
10 DR. BRABLEC: No, no, no.
11 MR. GROSSMAN: No changes in the lighting?
12 DR. BRABLEC: No, no.
13 MR. GROSSMAN: Okay. And I take it that your
14 lighting is all residential and that lighting?
15 DR. BRABLEC: Yes.
16 MR. GROSSMAN: Okay. Now, also, you have a floor
17 plan indicated in Exhibit 13.
18 DR. BRABLEC: Yes.
19 MR. GROSSMAN: Is that a floor plan, this is the
20 floor plan of the accessory apartment?
21 DR. BRABLEC: Yes, it's correct.
22 MR. GROSSMAN: All right. And does that
23 accurately reflect the floor plan?
24 DR. BRABLEC: Yes, sir.
25 MR. GROSSMAN: Okay. All right. You also

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1 produced some photographs.
2 DR. BRABLEC: Yes.
3 MR. GROSSMAN: And we'll take Exhibit 14A, it's
4 got two pictures, one is labeled entrance, and the other is
5 kitchen and basement bar, did you take these photos?
6 DR. BRABLEC: Yes, sir.
7 MR. GROSSMAN: And approximately when did you take
8 them?
9 DR. BRABLEC: Well, it's unchanged, it was taken
10 like two years ago, but it's still the same.
11 MR. GROSSMAN: Still the same?
12 DR. BRABLEC: Yes.
13 MR. GROSSMAN: Okay. And they accurately reflect
14 the area?
15 DR. BRABLEC: Yes.
16 MR. GROSSMAN: Okay. And Exhibit 14B is also two
17 photos, the top on marked laundry room and closet, and the
18 bottom one bathroom.
19 DR. BRABLEC: Yes.
20 MR. GROSSMAN: Did you take these at the same
21 time?
22 DR. BRABLEC: Yes, sir.
23 MR. GROSSMAN: And do these still accurately
24 reflect --
25 DR. BRABLEC: Yes.

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1 MR. GROSSMAN: -- the apartment?
2 DR. BRABLEC: Yes.
3 MR. GROSSMAN: Okay. And the final one is 14C,
4 two photos, the top is living room, the bottom is bathroom
5 and office, do these taken at the same time --
6 DR. BRABLEC: Yes, sir.
7 MR. GROSSMAN: -- also still accurately reflect --
8 DR. BRABLEC: Yes.
9 MR. GROSSMAN: -- the area? Okay. All right.
10 Are you the sole owner of the premises?
11 DR. BRABLEC: Yes.
12 MR. GROSSMAN: Okay. And I take it you built it
13 in 2009, so it's now been in existence for five years?
14 DR. BRABLEC: Yes.
15 MR. GROSSMAN: Okay. All right. Do you have
16 anything else you wish to add?
17 DR. BRABLEC: No.
18 MR. GROSSMAN: All right. Ms. Lundy, have you had
19 occasion to examine these premises, or has somebody else in
20 your office?
21 MS. LUNDY: Yes, Inspector Michelle Hadrick has,
22 was the initial inspector assigned, and then Field
23 Supervisor Robert Goff.
24 MR. GROSSMAN: All right. You said bill
25 supervisor?

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1 MS. LUNDY: No, Field Supervisor.
2 MR. GROSSMAN: Oh, Field Supervisor.
3 MS. LUNDY: Yes.
4 MR. GROSSMAN: Okay.
5 MS. LUNDY: Robert Goff.
6 MR. GROSSMAN: Right. All right. And does the
7 file indicate the results of their inspection?
8 MS. LUNDY: Yes, on 1-14-2015 Inspector Michelle
9 Hadrick -- I apologize, on 1-15-2015 --
10 MR. GROSSMAN: Okay.
11 MS. LUNDY: -- a preliminary inspection was done
12 by Inspector Michelle Hadrick, and she made a note that the
13 accessory apartment doesn't meet the requirements for
14 Housing and Zoning Code, and that the Class 3 accessory
15 apartment should be denied.
16 MR. GROSSMAN: Okay. But what requirements did
17 she say in that, that it did not meet? I don't know if we
18 have a copy of that. I have in the file communications from
19 your office, let's make sure that we have everything we need
20 as to why it was denied. I mean, I have the referral notice
21 indicating the problem with the amount of parking.
22 MS. LUNDY: Yes. And I certainly can give you a
23 copy of this, but what's stated here is that the driveway is
24 265 square feet, which does not meet the minimum requirement
25 of 480 square feet, that's why it was denied.

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1 MR. GROSSMAN: All right. And, I mean, I see that
2 in the basis for the denial is in the record as Exhibit 2,
3 the question I have is was there anything else noted on the
4 premises as an issue?
5 MS. LUNDY: No.
6 MR. GROSSMAN: Okay. Okay. May I see that
7 document that you --
8 MS. LUNDY: Yes.
9 MR. GROSSMAN: -- are looking at? Is there
10 anything else in the file, by the way, that I should be
11 seeing?
12 MS. LUNDY: Yes, there's a letter mailed to the
13 owner from the Licensing and Registration Department about
14 the Class 3 accessory apartment being denied.
15 MR. GROSSMAN: I have that.
16 MS. LUNDY: Okay.
17 MR. GROSSMAN: Okay. I don't think I, I actually
18 have the memorandum from Michelle Hedrick. Actually, it
19 does say January 14, 2015 on the memorandum itself. Have
20 you seen this, Mr. Brablec?
21 DR. BRABLEC: No, but that's why we are here, no?
22 MR. GROSSMAN: That's why we're here, but I want
23 to make sure that before I mark it as an exhibit --
24 DR. BRABLEC: Sir, I have, I --
25 MR. GROSSMAN: -- that you have an opportunity to

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1 look at it.
2 DR. BRABLEC: -- I just returned from Europe last
3 Tuesday night, you know, so I may not recognize it, I might
4 go through those papers here, no?
5 MR. GROSSMAN: All right. Yes. I don't know if
6 that one was in the file, just in case. I mean, I see
7 the --
8 DR. BRABLEC: Oh.
9 MR. GROSSMAN: Oh, I do have it. I --
10 DR. BRABLEC: I might, I might have it because I
11 talked to Ms. DeJesus, you know, I talked to her, and
12 probably --
13 MR. GROSSMAN: I see I have it also, it's Exhibit
14 2E in the file.
15 DR. BRABLEC: -- I'm, I'm familiar with the denial
16 because no other parking space, but that's why we are here.
17 MR. GROSSMAN: Right. Right. That's true. I
18 just wanted to make sure that I knew of any other issues
19 that might exist, and I'm told now that there are none.
20 DR. BRABLEC: I believe, I --
21 MR. GROSSMAN: Okay.
22 DR. BRABLEC: -- have this one.
23 MR. GROSSMAN: Okay. Okay. Are you familiar, Ms.
24 Lundy, with parking availability in the neighborhood?
25 MS. LUNDY: Yes, I've had the occasion to go to

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1 Rosedale Avenue to look at the street and to assess whether
2 there is on-street parking.
3 MR. GROSSMAN: Okay. And?
4 MS. LUNDY: And the street is a very long street,
5 and there is adequate public parking, they have parking
6 permit signs there, and in front of the address of 4528
7 Rosedale Avenue there is parking for what I estimate to be
8 one vehicle.
9 MR. GROSSMAN: All right.
10 MS. LUNDY: And I've taken pictures, so --
11 MR. GROSSMAN: All right. You have pictures to
12 submit?
13 MS. LUNDY: Yes.
14 MR. GROSSMAN: Okay.
15 MS. LUNDY: And then these were taken yesterday.
16 MR. GROSSMAN: Okay.
17 MS. LUNDY: A few of them are kind of dark because
18 what I wanted to do is get to the neighborhood and
19 guesstimate, you know, the average time families would be
20 home for dinner, and that type of thing, so, it was just --
21 MR. GROSSMAN: I'm not going to make you my
22 wedding photographer for my --
23 MS. LUNDY: Oh, no, no, you don't want to do that.
24 MR. GROSSMAN: -- my grandchildren's wedding.
25 MS. LUNDY: You know, I got it the best I could.

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1 MR. GROSSMAN: All right.
2 MS. LUNDY: Yes. So, different angles give, you
3 know, doctored shots.
4 MR. GROSSMAN: Let's do this, let's pick out some
5 that actually you can see.
6 MS. LUNDY: Sure.
7 MR. GROSSMAN: Here's one. Let me pick out
8 another one. It's the same, pretty much.
9 MS. LUNDY: Yes, but there are a few in there that
10 I took a shot of the property, and then the street right at
11 it, and so --
12 MR. GROSSMAN: Let's see.
13 MS. LUNDY: That's right in front of --
14 MR. GROSSMAN: That's right in front of it?
15 MS. LUNDY: Yes.
16 MR. GROSSMAN: Okay. All right. And this?
17 MS. LUNDY: And then if you put that a few,
18 there's one, because you can see the home and see the sign.
19 MR. GROSSMAN: Can you find that for me, please?
20 MS. LUNDY: Yes. But this was a true gauge of how
21 empty the street is. There it is, these two.
22 MR. GROSSMAN: All right. Okay. So, this one,
23 yes, that's -- all right. So, let's, you can put this back.
24 MS. LUNDY: Okay.
25 MR. GROSSMAN: Right. Let's, I'm going to have

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1 you, we're going to mark these and have you identify these
2 exhibits one at a time.
3 MS. LUNDY: Okay.
4 MR. GROSSMAN: We'll say this will be Exhibit 27A,
5 a photograph.
6 (Exhibit No. 27A was marked
7 for identification.)
8 MR. GROSSMAN: And do you recognize this
9 photograph, Ms. Lundy?
10 MS. LUNDY: Yes.
11 MR. GROSSMAN: All right. Can you tell me what it
12 is and when you took it?
13 MS. LUNDY: Yes, that is a picture of the property
14 at 4528 Rosedale Avenue, and it was taken approximately 7:15
15 p.m. on September 24th of 2015.
16 MR. GROSSMAN: All right. That's last night.
17 MS. LUNDY: Yes.
18 MR. GROSSMAN: And it shows the notice sign --
19 MS. LUNDY: Yes.
20 MR. GROSSMAN: -- posted, as well. Okay. And
21 then we'll do 27B.
22 (Exhibit No. 27B was marked
23 for identification.)
24 MR. GROSSMAN: Do you recognize this photograph?
25 MS. LUNDY: Yes, that is actually a long shot or

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1 long view of the street area just in front of the property
2 located at 4528 Rosedale Avenue.
3 MR. GROSSMAN: All right. So, it's taken from
4 the, in front of the driveway of the property?
5 MS. LUNDY: It's just to the left of the driveway
6 facing the residence. And so, what I was trying to indicate
7 is that --
8 MR. GROSSMAN: Okay.
9 MS. LUNDY: -- there is parking just at that
10 grassy pole area there.
11 MR. GROSSMAN: Okay.
12 MS. LUNDY: Yes, that's enough for a vehicle --
13 MR. GROSSMAN: Okay.
14 MS. LUNDY: -- to fit into.
15 MR. GROSSMAN: Right where the grass is, where the
16 grass is around this telephone pole?
17 MS. LUNDY: Yes, sir.
18 MR. GROSSMAN: Okay. And Exhibit, that's actually
19 a longer view here, Exhibit 27C.
20 (Exhibit No. 27C was marked
21 for identification.)
22 MR. GROSSMAN: Can you tell me what that is?
23 MS. LUNDY: Yes, again, that's another long view
24 to show the driveway that is just at the property at 4528
25 Rosedale Avenue, and then to the left of it, again, that

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1 parking space.
2 MR. GROSSMAN: All right. And where the, I see
3 that there are two cones set in this grassy area, is that in
4 front of the home, or is that --
5 MS. LUNDY: No.
6 MR. GROSSMAN: No. Okay.
7 MS. LUNDY: Actually, those are cones that are to,
8 obviously, there's some kind of construction of something
9 happening there, but if you look --
10 MR. GROSSMAN: Well, is there, the there where
11 there's construction and I see maybe a porta-potty out
12 front.
13 MS. LUNDY: Right, that's --
14 MR. GROSSMAN: Is that next door, or --
15 MS. LUNDY: -- that's -- no, that's a couple of
16 residences down.
17 MR. GROSSMAN: Okay.
18 MS. LUNDY: So, to the right of it is where the
19 parking in front of 4528 would be, 4528 Rosedale Avenue
20 would be.
21 MR. GROSSMAN: In other words, here where I --
22 MS. LUNDY: Exactly.
23 MR. GROSSMAN: -- where it's at? Okay.
24 MS. LUNDY: But I was giving a long view to
25 show --

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1 MR. GROSSMAN: The here is --
2 MS. LUNDY: -- how the parking is on that side of
3 the street.
4 MR. GROSSMAN: -- is to the corner, to the right
5 hand lower corner --
6 MS. LUNDY: Yes.
7 MR. GROSSMAN: -- of the photograph?
8 MS. LUNDY: Yes.
9 MR. GROSSMAN: Okay. All right. Let's see,
10 Exhibit 27D.
11 (Exhibit No. 27D was marked
12 for identification.)
13 MR. GROSSMAN: Tell me what this photograph is?
14 MS. LUNDY: Just another long shot of the street
15 on the side of the, even side of Rosedale Avenue.
16 MR. GROSSMAN: So, that's the opposite side of the
17 street?
18 MS. LUNDY: No.
19 MR. GROSSMAN: Oh, it's the same side of the
20 street?
21 MS. LUNDY: It's the same side.
22 MR. GROSSMAN: Same side of the street? Okay.
23 MS. LUNDY: Yes.
24 MR. GROSSMAN: And does the, does Mr. Brablec's
25 residence appear in this photograph or not?

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1 MS. LUNDY: No, it's not in the photograph because
2 I was shooting the street, the length of the street.
3 MR. GROSSMAN: Okay.
4 MS. LUNDY: But his property is to the right.
5 MR. GROSSMAN: Off, the lower right hand corner,
6 again?
7 MS. LUNDY: Off of -- yes. Yes, sir.
8 MR. GROSSMAN: All right. And Exhibit 27E.
9 (Exhibit No. 27E was marked
10 for identification.)
11 MS. LUNDY: That's a sign just showing that in
12 that neighborhood they do have permit parking --
13 MR. GROSSMAN: All right.
14 MS. LUNDY: -- at those designated hours.
15 MR. GROSSMAN: All right. And I noticed that in
16 the Technical Staff Report they also indicated that there
17 was permit parking, you have parking permits for yourself
18 and somebody else, Mr. Brablec?
19 DR. BRABLEC: I have two parking permits and
20 visitor parking permit.
21 MR. GROSSMAN: Okay.
22 DR. BRABLEC: Plus, I have in-garage parking among
23 the other parking, so --
24 MR. GROSSMAN: So, you have one, you have a one-
25 car garage, or a two car?

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1 DR. BRABLEC: One-car garage.
2 MR. GROSSMAN: And you have, one car fits in the
3 driveway?
4 DR. BRABLEC: Yes.
5 MR. GROSSMAN: And one parking space in front?
6 DR. BRABLEC: Yes.
7 MR. GROSSMAN: And in fact on the street? And do
8 you -- and you are, I noticed one of the conditions
9 suggested by Technical Staff was that you turn over one of
10 your parking permits to your accessory apartment tenant,
11 your --
12 DR. BRABLEC: I can turn two, actually.
13 MR. GROSSMAN: Okay.
14 DR. BRABLEC: Yes. Okay.
15 MR. GROSSMAN: But you're willing to do that?
16 DR. BRABLEC: I -- well, you know --
17 MR. GROSSMAN: Willing to do it at least with one,
18 is that correct?
19 DR. BRABLEC: I'm planning to walk to the NIH, you
20 know, so --
21 MR. GROSSMAN: Okay.
22 DR. BRABLEC: -- I don't plan to have more than
23 one tenant, and a doctor who will go into the Naval
24 Hospital, or the NIH.
25 MR. GROSSMAN: But that person may have a car?

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1 DR. BRABLEC: Yes, but most of them don't.
2 MR. GROSSMAN: Okay. And if they do have a car --
3 DR. BRABLEC: If they do I can give them both
4 9:58:56) parking permits.
5 MR. GROSSMAN: Okay.
6 DR. BRABLEC: I can provide their parking permits.
7 MR. GROSSMAN: Okay. All right. And do you have
8 any comments on the photographs --
9 DR. BRABLEC: No, sir.
10 MR. GROSSMAN: -- that were taken --
11 DR. BRABLEC: No, they're accurate.
12 MR. GROSSMAN: -- by Ms. Lundy? All right. And
13 do you have any cross-examination questions of Ms. Lundy?
14 DR. BRABLEC: No, I have nothing to say.
15 MR. GROSSMAN: Okay. You don't want to brutalize
16 her with a cross-examination?
17 DR. BRABLEC: No, no, no, she does very good job.
18 MR. GROSSMAN: You said you're a lawyer.
19 DR. BRABLEC: Yes.
20 MR. GROSSMAN: So, you're passing up an
21 opportunity here.
22 DR. BRABLEC: But I do mostly foreign laws, you
23 know, so international law.
24 MR. GROSSMAN: Okay.
25 MS. LUNDY: Thank you.

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1 MR. GROSSMAN: All right.
2 DR. BRABLEC: Unless she commits a crime in
3 Germany or something.
4 MS. LUNDY: No chance of that.
5 MR. GROSSMAN: No, I can tell you I've known her
6 awhile, she's okay, she's not going to do that. All right.
7 Let's see, was there anything else that we should be
8 covering here? Okay. Are there any other parking
9 restrictions other than that?
10 DR. BRABLEC: No.
11 MR. GROSSMAN: And do you agree with Ms. Lundy's
12 assessment that there's parking available on your street?
13 DR. BRABLEC: Yes.
14 MR. GROSSMAN: Okay. All right. You have no
15 additional exhibits, is that correct?
16 DR. BRABLEC: No.
17 MR. GROSSMAN: Okay. So, let's -- I assume you
18 want all of these exhibits that are in the record, that's
19 Exhibits 1 through 27, and their subparts admitted into
20 evidence?
21 DR. BRABLEC: Yes.
22 MR. GROSSMAN: All right, then they are admitted
23 into evidence.
24 (Exhibit Nos. 1-27 were
25 admitted into evidence.)

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1 MR. GROSSMAN: This is the first accessory
2 apartment conditional use hearing I have conducted under the
3 new Code. As you may know, the Code has --
4 DR. BRABLEC: Yes.
5 MR. GROSSMAN: -- switched and everybody's taking
6 a little bit of time to get used to the requirements of the
7 new Code. I'll ask both of you, this is one of the
8 questions that's posed by the Code, is there any evidence
9 that if a resident parks, if an apartment dweller in Mr.
10 Brablec's apartment parks on the street that there would be
11 inadequate on-street parking so that residents living within
12 300 feet of the proposed accessory apartment would not be
13 able to park near their residence on a regular basis?
14 MS. LUNDY: No.
15 MR. GROSSMAN: Okay. And I take it other than
16 this one potential additional car in the street the proposed
17 accessory apartment would not be likely to reduce available
18 on-street parking within 300 feet of the proposed accessory
19 apartment?
20 MS. LUNDY: No.
21 MR. GROSSMAN: Okay. All right. Is there any
22 reason why this conditional use should be denied?
23 MS. LUNDY: No.
24 MR. GROSSMAN: Okay. All right. Is there
25 anything further, Mr. Brablec?

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1 DR. BRABLEC: No.
2 MR. GROSSMAN: Okay. Why don't we -- we've
3 admitted all the exhibits, and we'll just say that the
4 record in this case will close upon the receipt of the
5 transcript in 10 days, then my report and decision is due
6 within 30 days after that. If you're dissatisfied with the
7 report and decision you can request oral argument before the
8 Board of Appeals, you have 10 days to ask for that from the
9 date that my decision is issued. Okay. Let's see, today's
10 the 25th, so that would be the 5th of October, and let's
11 just make sure that's not a weekend, I don't think it is,
12 but I guess it couldn't be right, if this is a Friday? Just
13 a quick look at the calendar.
14 MS. LUNDY: It's a Monday.
15 MR. GROSSMAN: Right. Okay. Is that satisfactory
16 to you, sir?
17 DR. BRABLEC: Yes, sir.
18 MR. GROSSMAN: All right. Then the record will
19 close on that day. If there's anything else, or we will
20 adjourn. All right. Then we are adjourned.
21 MS. LUNDY: Thank you.
22 MR. GROSSMAN: Thank you.
23 DR. BRABLEC: Thank you.
24 (Whereupon, at 10:04 a.m., the hearing was
25 concluded.)

Digitally signed by Paula Underwood

ELECTRONIC CERTIFICATE

DEPOSITION SERVICES, INC., hereby certifies that the attached pages represent an accurate transcript of the electronic sound recording of the proceedings before the Office of Zoning and Administrative Hearings for Montgomery County in the matter of:

Petition of Dr. Radek A. Brablec
Case No. CU 15-09

By:

Paula Underwood,
Transcriber

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