

OFFICE OF ZONING AND ADMINISTRATIVE HEARINGS
FOR MONTGOMERY COUNTY

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: PETITION OF KELLY TRIPPE : Case No. AA-14-05
: and STEVEN AITKEN :
: :
: :
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A hearing in the above-entitled matter was held on January 30, 2015, commencing at 10:39 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

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A P P E A R A N C E S

On Behalf of the Petitioner:

Kelly Trippe

(pro se)

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1 Bethesda, 20816.
 2 MS. CITARAMANIS: Okay.
 3 MR. ELOISA: My name is Cesar Ivan Eloisa. I'm a
 4 house and code inspector with Montgomery County Department
 5 of Housing and Community Affairs.
 6 MS. CITARAMANIS: Okay. And, Ms. Trippe, are we
 7 waiting for anybody?
 8 MS. TRIPPE: No.
 9 MS. CITARAMANIS: Any witnesses? Any --
 10 MS. TRIPPE: No.
 11 MS. CITARAMANIS: We'll get to it in a few
 12 minutes. Let me just explain the nature of the proceedings.
 13 They're informal with certain formalities. It is recorded.
 14 We have a court reporter so everything that you say is being
 15 recorded. In a minute, I'm going to swear you in so that
 16 everything you say is under oath. All witnesses are sworn
 17 and everybody is subject to cross-examination. It's not
 18 going to really apply here because it's just the two of you,
 19 but I will follow a procedure.
 20 Rules of evidence are more relaxed. I have the
 21 authority to admit and give appropriate weight to the
 22 evidence which possesses probative value commonly accepted
 23 by reasonable prudent persons in the conduct of their
 24 affairs including hearsay which appears reliable. That's
 25 the standard.

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1 P R O C E E D I N G S

2 MS. CITARAMANIS: Welcome. I'm going to open up
 3 public meeting in the matter of Kelly A. Trippe, OZAH No.
 4 AA-14-05, a petition for a special exception to allow an
 5 accessory apartment in accordance with Zoning Ordinance
 6 Section 59-G-2.00.6 in a single-family detached home located
 7 at 4107 Maryland Avenue, Bethesda, Maryland on land zoned R-
 8 60. The property's legal description is lots 71 and 72 and
 9 part of lot 6, block 5 of the Brookmont subdivision. The
 10 tax account number is 0044846.
 11 My name is Tammy CitaraManis. I am the Hearing
 12 Examiner in this matter. I will conduct the hearing, take
 13 evidence and write an opinion, a decision approving or
 14 denying the petition within 30 days after the record closes.
 15 The hearing was originally scheduled in a Notice of Hearing
 16 which was issued July 25th, 2014 for November 6th, 2014 and
 17 rescheduled at the petitioner's request for today. Notice
 18 for this hearing was issued December 12th, 2014.
 19 I'm going to ask the parties to identify
 20 themselves. We'll start with, I'm assuming you're Ms.
 21 Trippe.
 22 MS. TRIPPE: Kelly Trippe.
 23 MS. CITARAMANIS: Okay. Just go ahead and state
 24 your name and your address.
 25 MS. TRIPPE: Kelly Trippe, 4107 Maryland Avenue,

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1 Basically, what we have here, this is the summary
 2 of the case as I see it and when I get to you, you can
 3 correct me if I'm wrong but a special exception may be
 4 granted for an accessory apartment on the same lot as an
 5 existing single-family subject to the provisions of Section
 6 59-G-1 which are the standards for evaluation and general
 7 conditions which would apply, I believe, to the variance
 8 that you needed to apply for.
 9 And Section 59-A-6.20 is, is it 20? I think I
 10 might have that, .20. Just making sure. The application
 11 was filed because the requested use did not meet the onsite
 12 parking requirements or the minimum distance of 300 feet
 13 required from an approved accessory apartment under Section
 14 59-A-6.20. I have it that you applied for a class 3
 15 accessory apartment license November 24th, 2013
 16 MS. TRIPPE: Yes.
 17 MS. CITARAMANIS: '13. I thought I made a
 18 mistake. And then it was denied December 13, 2014, is that
 19 correct? No, '13. Okay. Because of the parking because
 20 you don't have a driveway, and you filed for this petition
 21 on May 27th, 2014 requesting a waiver of the parking. And
 22 then intervening, you learned additionally that over the
 23 minimum distance with regards to an accessory apartment, and
 24 I have listed that the accessory apartment is within the 300
 25 feet is 6425 Broad Street, S-1848.

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1 Does that sound, we're on the same page as to what
2 we're here for? And I will make note too that technical
3 staff did advise you with regards to the southern line side
4 yard setback.
5 MS. TRIPPE: That's already, we've done that
6 hearing.
7 MS. CITARAMANIS: And you went ahead and filed for
8 the variance, and I see that the hearing was held on the 7th
9 of January.
10 MS. TRIPPE: Uh-huh.
11 MS. CITARAMANIS: And I don't have anything in the
12 file that says it was granted. Have you received --
13 MS. TRIPPE: They told me that they, it was
14 recommended for approval. I think they just needed to sign
15 things.
16 MS. CITARAMANIS: Okay. You don't have the --
17 MS. TRIPPE: I haven't gotten the final.
18 MS. CITARAMANIS: We've gotten verbal
19 confirmation.
20 MS. TRIPPE: That's what I got. That's what I
21 tog.
22 MS. CITARAMANIS: That's what you have.
23 MS. TRIPPE: That's what I have, yes.
24 MS. CITARAMANIS: So you have --
25 MS. TRIPPE: But nothing officially.

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1 MS. CITARAMANIS: Okay.
2 MS. TRIPPE: No.
3 MS. CITARAMANIS: But we did hear that it was, you
4 were granted that. So okay. At this point, what I'm going
5 to do is swear you in, everybody in, because everything that
6 you say will be under oath because as I'm sure you read in
7 the technical staff report, one of the things is that you're
8 bound by everything that you say and the records, the
9 materials that are on record. So if you both could just go
10 ahead and raise your right hand.
11 (Witnesses sworn.)
12 MS. CITARAMANIS: Okay. Both have agreed. All
13 right. So we'll start with preliminary matters. The
14 Affidavit of Posting, Ms. Forbes has given me that. You
15 have signed that.
16 MS. TRIPPE: Uh-huh.
17 MS. CITARAMANIS: And the other thing that I was
18 curious about, I saw that the deeds are in there and that
19 there is another owner.
20 MS. TRIPPE: She's deceased and her, she was my
21 husband's mother and --
22 MS. CITARAMANIS: But your husband, he's on the
23 deed, right?
24 MS. TRIPPE: Yes. And all of her, they've
25 transferred to him. He inherited it from her so.

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1 MS. CITARAMANIS: Right. But with regards, I
2 noticed that he was on the application for the license but
3 he's not signed on for this special exception. Everybody
4 who has an interest in the property has to be --
5 MS. TRIPPE: Oh, we weren't aware of that.
6 MS. CITARAMANIS: Yes. So we'll just have to,
7 after this, get him to --
8 MS. TRIPPE: Okay.
9 MS. CITARAMANIS: -- acknowledge that he would be
10 bound if this is granted.
11 MS. TRIPPE: Oh, sure. He's happy to.
12 MS. CITARAMANIS: Because that would go to the
13 enforcement issue.
14 MS. TRIPPE: Okay.
15 MS. CITARAMANIS: So we'll just modify, get
16 something, it needs to be signed by him. Let's see.
17 MS. TRIPPE: What exactly would it be that he
18 would need to sign?
19 MS. CITARAMANIS: You can have him sign an
20 affidavit or you can have him come in and actually sign the
21 actual petition in front of Ms. Forbes.
22 MS. TRIPPE: It would be easier for him -- he has
23 notaries. He works for the Executive Office of the
24 President so he has notaries there.
25 MS. CITARAMANIS: Perfect.

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1 MS. TRIPPE: And he could just sign something
2 there.
3 MS. CITARAMANIS: Yes.
4 MS. TRIPPE: Okay.
5 MS. CITARAMANIS: And something that just
6 acknowledges that a petition was filed by you and that, you
7 know, what the number is and the address.
8 MS. TRIPPE: Uh-huh.
9 MS. CITARAMANIS: And that he is agreeing to be,
10 he's joining in on that because he's a property owner and
11 agreeing to be bound by the conditions if the special
12 exception -- kind of like the affidavit that you have in
13 here. Similar to that. Basically, he's just -- I think
14 Exhibit 2C, like there's an affidavit in here.
15 MS. TRIPPE: Okay.
16 MS. CITARAMANIS: Understand in full that -- so
17 just if you can get that, that will be something, I'll leave
18 the record open so you can get that in. All right.
19 MS. TRIPPE: And would he need to have that
20 notarized?
21 MS. CITARAMANIS: Yes.
22 MS. TRIPPE: Yes, okay.
23 MS. CITARAMANIS: Yes. Unless he wants to come
24 in.
25 MS. TRIPPE: No, that's fine. He can do that.

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1 MS. CITARAMANIS: Yes. An affidavit has to be
2 notarized, and we'll just amend it to the petition. You've
3 received the technical staff report, which I have listed as
4 Exhibit 39, dated January 2nd, 2015 recommending approval
5 with conditions. Those conditions, this is on page 2 and
6 I'll just read them for the record, no. 1, the applicant is
7 bound by all submitted statements and materials of record;
8 no. 2, the applicant must occupy one of the dwelling units
9 on the lot where the accessory apartment is located; no. 3
10 the applicant must extinguish the existing registered living
11 unit with the Department of Housing and Community Affairs
12 prior to the issuance of permits for accessory apartment
13 use; 4, the applicant must obtain approval from the Board of
14 Zoning Appeals for a variance of one foot from the required
15 side yard setback of seven feet along the southern property
16 line; and 5, the accessory apartment is limited to no more
17 than two occupants residing at one time.
18 Okay. You've reviewed this other thing --
19 MS. TRIPPE: Uh-huh.
20 MS. CITARAMANIS: -- so you understand what the
21 standard is of what it is that you need to show in order for
22 me to grant the request to deviate from those two sections.
23 MS. TRIPPE: Uh-huh.
24 MS. CITARAMANIS: Okay. And because it is being
25 recorded, you have to answer in verbal because --

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1 MS. TRIPPE: Yes.
2 MS. CITARAMANIS: -- non-verbals don't get picked
3 up. All right. And after reviewing this, do you have any
4 objection to anything we said or would you like to adopt
5 these findings and conclusions of staff as part of your
6 presentation?
7 MS. TRIPPE: Well, I -- no. I suppose not. I
8 wasn't aware of these particular requirements until now.
9 MS. CITARAMANIS: I think what you're probably
10 looking at is the one from --
11 MS. TRIPPE: From his inspection.
12 MS. CITARAMANIS: Yes. I'm talking about the
13 technical staff report from Ms. Reilly.
14 MS. TRIPPE: Oh, yes. Right.
15 MS. CITARAMANIS: Yes.
16 MS. TRIPPE: Yes. That, yes.
17 MS. CITARAMANIS: I'm going to get to --
18 MS. TRIPPE: Okay. Got it.
19 MS. CITARAMANIS: -- to the inspection in a
20 second. From Ms. Reilly.
21 MS. TRIPPE: Yes. I have no, no comments on that.
22 That, I understand that, yeah.
23 MS. CITARAMANIS: But do you accept or --
24 MS. TRIPPE: Yes.
25 MS. CITARAMANIS: You agree.

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1 MS. TRIPPE: Yes.
2 MS. CITARAMANIS: Because what that does is now
3 that makes that part of your testimony that, and if there
4 was something in there that you didn't agree with, you would
5 have to raise that now.
6 MS. TRIPPE: Okay, yes.
7 MS. CITARAMANIS: Okay. All right. And then the
8 next is you just received a copy of the home inspection.
9 MS. TRIPPE: Uh-huh.
10 MS. CITARAMANIS: Dated today. Unfortunately, it
11 didn't get here until today. Obviously, a mix-up somewhere
12 along the line. You have had an opportunity to review?
13 MS. TRIPPE: Just now.
14 MS. CITARAMANIS: Just now. Okay.
15 MS. TRIPPE: I've just seen it for the first time,
16 yes.
17 MS. CITARAMANIS: Okay. So obviously, that poses
18 some issues with this because the criteria, one of the
19 criterias for is having a license, being able to have a
20 license for granting the special exception and right now,
21 with the way that I'm reading this, you wouldn't be able to
22 get a license.
23 MS. TRIPPE: Uh-huh.
24 MS. CITARAMANIS: Mr. Eloisa will -- am I saying
25 that correctly?

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1 MR. ELOISA: Yes. Perfectly.
2 MS. CITARAMANIS: Mr. Eloisa will explain it
3 further to you so but I wanted to make sure you one, have a
4 copy and you've read it. Do you have any exhibits or any
5 other documents that you intend to enter into the record?
6 MS. TRIPPE: No. I was kind of blindsided because
7 I didn't know about this.
8 MS. CITARAMANIS: Yes.
9 MS. TRIPPE: And I didn't know about these
10 requirements either. My understanding was that the bedroom
11 needed to have outside egress, and that's why the bedroom
12 was where it was located, from what I read when I was
13 reviewing all the requirements on line. But I didn't, I was
14 not aware that every room had to have those large enough
15 windows for people to leave from.
16 MS. CITARAMANIS: Okay.
17 MR. ELOISA: If I may, the bedroom is required to
18 have an egress, egress door or window. The issue in this
19 particular unit is that the bedroom egress is the one door
20 that's used as entry and exit for the entire unit. So if
21 you wanted to get to the kitchen, if you're coming in from
22 the outside, you have to go through the bedroom to get to
23 the rest of the unit or if you're inside and trying to get
24 out, you have to go through the bedroom to get out.
25 MS. TRIPPE: Yeah. And it was set up that way

1 when it was a registered living unit and there wasn't --
 2 MR. ELOISA: Right. That was back in 1992 I
 3 believe.
 4 MS. TRIPPE: And the rules have changed since
 5 then?
 6 MR. ELOISA: And there's been, and now there's a
 7 change in use and change in occupancy, and we have to look
 8 at all the requirements.
 9 MS. TRIPPE: Uh-huh. I wasn't able to find that
 10 in the requirements. I guess I didn't -- yeah.
 11 MS. CITARAMANIS: Okay. Well, at this point, it's
 12 your burden to put forth evidence
 13 MS. TRIPPE: Uh-huh.
 14 MS. CITARAMANIS: So we have the staff report,
 15 which is pretty thorough, and she did elaborate as to the
 16 reasons why she would, is recommending approval.
 17 MS. TRIPPE: Uh-huh.
 18 MS. CITARAMANIS: But this would be your
 19 opportunity to, you know, summarize what it is that you're
 20 looking for and why -- I'll need some more information on
 21 the parking in front of your house and --
 22 MS. TRIPPE: I'm not sure I really understand
 23 because if it is impossible to use this apartment because of
 24 the fact that it would need construction to enlarge windows,
 25 that's how I'm understanding what I'm reading here, then I

1 don't understand the purpose of going forward with a
 2 discussion of the parking.
 3 MS. CITARAMANIS: Well, we can do I guess one of
 4 two things. We can, at this point, because of this, you can
 5 ask for a postponement of the hearing and we can reschedule
 6 it at another time and then you can, that way you can decide
 7 whether you actually want to do this.
 8 MS. TRIPPE: Yeah.
 9 MS. CITARAMANIS: I mean, it might be something
 10 that you say you know what? I'm going to abandon it and
 11 then you just withdraw your special exception request and
 12 it's over.
 13 MS. TRIPPE: Uh-huh.
 14 MS. CITARAMANIS: Or if, because I feel bad that
 15 you're just now getting this and finding this information on
 16 the day of the hearing, that you want to go home, talk it
 17 over with your husband, say, weigh your pros and cons
 18 whether you want to do the changes that are required to get
 19 the license and to get a clear inspection, then, you know,
 20 we can go forward or not. It's up to you so.
 21 MS. TRIPPE: I think that's what I, I mean, since
 22 I haven't had an opportunity to review any of this and had
 23 no idea that any of this was going to be an issue --
 24 MS. CITARAMANIS: Right.
 25 MS. TRIPPE: -- I have to have time to --

1 MS. CITARAMANIS: Think about it.
 2 MS. TRIPPE: Yeah. To see what our options might
 3 be.
 4 MS. CITARAMANIS: Okay. Well, so you -- how much
 5 time do you think you would like or need?
 6 MS. TRIPPE: Um.
 7 MS. CITARAMANIS: Because how this will work is
 8 since we've opened the record and people have already had
 9 notice that today is the hearing, you had to give at least
 10 30 days notice so, which we did, I think we gave notice in
 11 December, I can postpone the hearing. And the notice is
 12 what we're saying here today and you don't have to, there
 13 won't be written notices so.
 14 MS. TRIPPE: Would it be reasonable to postpone it
 15 for two weeks?
 16 MS. CITARAMANIS: Yes. What I would like to do
 17 though is go and check with staff and see what hearing dates
 18 are available in two, three weeks and then you would come
 19 back with --
 20 MS. TRIPPE: In the meantime, would I be, would it
 21 be advisable for me to talk with the licensing office? I'm
 22 not sure who I would need to go to to begin that process.
 23 Or do I need -- I don't understand this.
 24 MS. CITARAMANIS: Okay.
 25 MS. TRIPPE: Yeah.

1 MS. CITARAMANIS: You're not alone. The
 2 licensing, I mean, they've changed the regulations and how
 3 you are here before me -- because normally, they try to
 4 streamline so that it goes to the licensing department, and
 5 the criteria is parking and of course, the inspection, but
 6 parking and the 300 feet --
 7 MR. ELOISA: Right.
 8 MS. CITARAMANIS: -- accessory apartment. They
 9 made a decision that you didn't qualify so, because the
 10 qualification was the parking. You're not going to be able
 11 to meet the parking at any point so you actually need a
 12 special exception saying your circumstances are different
 13 enough to grant you a waiver in this particular situation.
 14 The general rule is you have to have onsite parking.
 15 MS. TRIPPE: Uh-huh.
 16 MS. CITARAMANIS: This is the exception in your
 17 circumstances so you have to come here for a hearing to show
 18 why you can't have a driveway and that there's plenty of on-
 19 street parking and that the fact that you are asking for an
 20 accessory apartment, the fact that it's within 300 feet of
 21 another one. The policy is not to have an excessive number
 22 of accessory apartments in a single-family neighborhood
 23 because then it changes the density and the nature of the
 24 neighborhood.
 25 MS. TRIPPE: That part I do understand.

1 MS. CITARAMANIS: So because your circumstances,
 2 you have both of those. I mean, you actually had three, you
 3 had that variance issue but you were able to, to get that.
 4 MS. TRIPPE: Uh-huh.
 5 MS. CITARAMANIS: So this is like when you went
 6 for the variance, this is the special exception. You go
 7 back to licensing saying I got the special exception and of
 8 course, it's contingent on getting a license, and I passed
 9 inspection, and then they look at it again and you get your
 10 license.
 11 MS. TRIPPE: Oh, I see.
 12 MS. CITARAMANIS: Yes. So it's because of your
 13 different circumstances, it's a little more complicated than
 14 it was intended. Did you want to add anything to that, Mr.
 15 Eloisa?
 16 MR. ELOISA: No. What I want to say, this --
 17 MS. CITARAMANIS: Just so she's clear so --
 18 MR. ELOISA: Right.
 19 MS. CITARAMANIS: To make an informed decision.
 20 MR. ELOISA: Right. And number one, I was, this
 21 was assigned to me on Tuesday the 27th. That day I called
 22 you, we set up the inspection for yesterday, did the
 23 measurements. Have to come back, make sure you met all the
 24 requirements by the code and the property maintenance, and
 25 those are the two issues that came up.

1 And I did talk to my supervisor and we spoke about
 2 the fact that it was a registered living unit or you have a
 3 registered living unit and it's been inspected as such but
 4 this was granted back in 1992 and since then, we've adopted
 5 the International Code Council, since 2000, and that has new
 6 regulations. So anytime there's a change in use, occupancy
 7 or an addition alteration, we have to take those into
 8 account.
 9 MS. TRIPPE: Well, we renewed our registered --
 10 that was in 2008 when we renewed the registered living unit.
 11 MR. ELOISA: Uh-huh.
 12 MS. TRIPPE: My mother-in-law. And it wasn't
 13 mentioned to us at that time.
 14 MR. ELOISA: It wasn't a change in use. It was
 15 the same use. Now, you want to have an apartment. Now, it
 16 is --
 17 MS. TRIPPE: I see. It's different people but the
 18 same use.
 19 MR. ELOISA: Right. And now it is basically --
 20 MS. TRIPPE: I understand.
 21 MR. ELOISA: It's a business and it's regulated.
 22 MS. TRIPPE: I understand. And is there any, from
 23 what you've seen, your understanding, where this door is and
 24 this door is. Do you have any recommendations for how we
 25 might be able to address --

1 MR. ELOISA: Well, there's different ways, you
 2 know. You have to -- it will take more time to kind of look
 3 at it, look at the measurements. You do, you could, you
 4 actually mentioned it to me, you could put a wall to divide
 5 the bedroom from the hallway.
 6 MS. TRIPPE: Uh-huh.
 7 MR. ELOISA: It is doable. You have to make sure
 8 that you don't make it too small. You have to have 70
 9 square feet at least for a bedroom. Less than that, it's
 10 not a bedroom. It's a closet.
 11 MS. TRIPPE: Uh-huh
 12 MR. ELOISA: So make sure you have the
 13 requirements. If you change the sleeping area from the
 14 front room to the rear room, then you don't have the issue
 15 of entering through the bedroom but then you have to get an
 16 egress window on this area.
 17 MS. TRIPPE: Uh-huh.
 18 MR. ELOISA: You have to have an egress window
 19 from the sleeping room.
 20 MS. TRIPPE: Uh-huh.
 21 MR. ELOISA: So there's different options. It's
 22 just a matter for you to look at it and decide what to do.
 23 I can't tell you what to do.
 24 MS. TRIPPE: Um-huh. But those are two options.
 25 MR. ELOISA: Those are two options.

1 MS. TRIPPE: Uh-huh. Okay. Well, that's -- okay.
 2 Thank you. And I'll explore this.
 3 MR. ELOISA: Right.
 4 MS. CITARAMANIS: Okay. So at this point, would
 5 you like to make a request to postpone the hearing?
 6 MS. TRIPPE: Yes, please.
 7 MS. CITARAMANIS: So I'm going to take a few
 8 minute break and go into the office and check the calendar.
 9 MS. TRIPPE: Okay.
 10 MS. CITARAMANIS: And see what we can do and in
 11 the meantime, if you wanted to still have more conversation,
 12 we'll go off the record --
 13 MS. TRIPPE: Okay.
 14 MR. ELOISA: Okay.
 15 MS. CITARAMANIS: -- but you can talk with Mr.
 16 Eloisa and maybe get some ideas.
 17 MS. TRIPPE: Okay.
 18 MS. CITARAMANIS: And I'll be right back.
 19 MS. TRIPPE: Thank you.
 20 (Whereupon, at 11:02 a.m., a brief recess was
 21 taken.)
 22 MS. CITARAMANIS: Okay. So I have, the earliest
 23 available is January 26th. Wait a minute.
 24 MS. TRIPPE: No.
 25 MS. CITARAMANIS: Not January. February.

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1 MS. TRIPPE: That's better.
2 MS. CITARAMANIS: February 26th or March 3rd.
3 MS. TRIPPE: Excuse me. What day of the week is
4 February 26th?
5 MS. CITARAMANIS: That is a Thursday.
6 MS. TRIPPE: That would be fine.
7 MS. CITARAMANIS: Thursday?
8 MS. TRIPPE: Uh-huh.
9 MS. CITARAMANIS: I don't know how I could forget
10 it coming from here to here. Okay. So given the
11 circumstances, I am going to grant your request to postpone
12 the hearing until Thursday, February 26, 10:30.
13 MS. TRIPPE: That sounds good.
14 MS. CITARAMANIS: Here in the same, at this
15 location. Let me just -- 100 Maryland Avenue, second floor
16 hearing room. At this point, if you can, if you decide
17 before then that you're not going to do this and you'd like
18 to withdraw your special exception, then you just write that
19 and say that we've changed our mind. If you do want to
20 continue with the hearing, make sure you have the affidavit
21 with your husband's signature and we'll come forth and we'll
22 do the hearing. I can't imagine it's going to be very long
23 because if you've decided to deal with the issue, then
24 we'll, that will be, your testimony will be that you are
25 going to fix it and it will be contingent on that.

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1 MS. TRIPPE: Okay. So it wouldn't have had to
2 have been done in advance of the hearing.
3 MS. CITARAMANIS: Mr. Eloisa?
4 MR. ELOISA: No. In the past, what's happened is
5 the issue I think at hand first was the parking, right?
6 MS. TRIPPE: Correct.
7 MR. ELOISA: And if you guys pass that, you still
8 have to make the changes to get the house in code
9 requirements, but you would have another step done
10 basically.
11 MS. TRIPPE: Uh-huh.
12 MR. ELOISA: It would be approved and now you
13 still have to do it before it gets approved.
14 MS. TRIPPE: But that's a separate process from
15 this.
16 MR. ELOISA: But it's -- well, it's the same
17 process but they look at it as two different steps.
18 MS. TRIPPE: Okay. But just to answer my
19 question, I wouldn't have to have the changes made before we
20 had the postponed hearing.
21 MR. ELOISA: No.
22 MS. TRIPPE: Okay.
23 MR. ELOISA: You would have to have them before it
24 gets licensed.
25 MS. TRIPPE: Okay. Got it.

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1 MS. CITARAMANIS: Right. But at the hearing,
2 that's where your testimony would be that you are going to
3 do that and that would be a condition of the special
4 exception --
5 MR. ELOISA: Right.
6 MS. CITARAMANIS: -- to make sure that you do what
7 you say you're going to do because then otherwise, it
8 doesn't really matter. If you're not going to do that,
9 you're not going to get a license.
10 MS. TRIPPE: Uh-huh.
11 MR. ELOISA: Right.
12 MS. TRIPPE: Okay.
13 MS. CITARAMANIS: Too many moving parts, right?
14 So with that in mind, then at this point, I do have -- so
15 we'll see you back here. And I have your report and if
16 you're going to submit any new documents, you need to submit
17 them like ten days before. I mean, that's what the
18 prehearing --
19 MS. TRIPPE: What might those documents be?
20 MS. CITARAMANIS: It's whatever you think you
21 need. I don't know that there's anything else you need but
22 if there's anything else you want me to consider. The staff
23 report is pretty complete and the only other thing that I
24 saw was the affidavit from your husband.
25 MS. TRIPPE: Uh-huh.

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1 MS. CITARAMANIS: You have everything else in
2 here. Certainly if you change the floorplan, if you decide
3 to do that, you would have to submit a new --
4 MR. ELOISA: Uh-huh.
5 MS. CITARAMANIS: -- floorplan, yes. That's --
6 see, if we talk this out.
7 MS. TRIPPE: Uh-huh.
8 MS. CITARAMANIS: You would have to submit the new
9 configuration showing the egress window and the location of
10 the bedroom and the separate --
11 MS. TRIPPE: And those would be presented as
12 planned changes --
13 MS. CITARAMANIS: Yes.
14 MS. TRIPPE: -- because were not already in
15 existence. They won't already be there.
16 MS. CITARAMANIS: Correct.
17 MS. TRIPPE: Okay.
18 MS. CITARAMANIS: But your, your floorplan that
19 you put in here, it will be different.
20 MS. TRIPPE: Uh-huh. Uh-huh.
21 MS. CITARAMANIS: So that's why you'll have to put
22 in a new one.
23 MS. TRIPPE: Uh-huh.
24 MS. CITARAMANIS: So we'd have to bring that into
25 the record showing what's --

1 MS. TRIPPE: I just want to make sure that it's
 2 understood it's a proposed and it won't actually be --
 3 MS. CITARAMANIS: Oh, correct.
 4 MS. TRIPPE: -- how it is.
 5 MR. ELOISA: Right.
 6 MS. CITARAMANIS: Correct
 7 MS. TRIPPE: Because currently, you've got one
 8 that actually is there.
 9 MS. CITARAMANIS: Correct.
 10 MS. TRIPPE: Okay.
 11 MS. CITARAMANIS: No. It would be proposed, yes.
 12 MS. TRIPPE: Okay.
 13 MS. CITARAMANIS: It's kind of like if your, let's
 14 say if your landscaping wasn't the way it was supposed to be
 15 or the path wasn't the way it was supposed to be, you'd have
 16 to show how it is going to be and that would, the condition
 17 is that you would do it the way you say you're going to do
 18 it.
 19 MS. TRIPPE: Got it.
 20 MS. CITARAMANIS: So, yes. You would have to
 21 update the plan, the floorplan but I don't think anything
 22 else would need to be updated. And really, your testimony
 23 would just talk about what the, what the street looks like.
 24 I mean, I have the staff's description but at the same time,
 25 you live there.

1 MS. TRIPPE: Uh-huh.
 2 MS. CITARAMANIS: You know, what the parking
 3 situation is like, so okay? Again, I apologize for this
 4 happening on the day of the hearing, but we will see you in,
 5 on February 26th.
 6 MS. TRIPPE: Okay.
 7 MS. CITARAMANIS: Thank you very much.
 8 MR. ELOISA: Thank you.
 9 MS. TRIPPE: Thank you.
 10 MS. CITARAMANIS: Thank you.
 11 (Whereupon, at 11:11 a.m., the hearing was
 12 concluded.)
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C E R T I F I C A T E

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 Kelly Trippe and Steven Aitken
 Special Exception No. AA-14-05

By:

 Josephine Hayes, Transcriber

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