

OFFICE OF ZONING AND ADMINISTRATIVE HEARINGS  
FOR MONTGOMERY COUNTY

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:  
PETITION OF KELLY TRIPPE and : OZAH No. AA-14-15  
STEVEN AITKEN : AA License No. 36324  
:  
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A hearing in the above-entitled matter was held on  
March 23, 2015, commencing at 9:58 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

A P P E A R A N C E S

Kelly Trippe

Steve Morris, Housing Code Inspector, III

E X H I B I T S

Exhibit No.	Marked/Received
52 Modified floor plan	12
53 Affidavit of Steven Aitken	12

P R O C E E D I N G S

1 MS. CITARAMANIS: It's 10 o'clock, the 23rd of  
2 March. This is a continuation of the original hearing which  
3 was January 30th. At that time we continued it to February  
4 26th, and as we know, we had to continue that because of  
5 snow. This was re-noticed. A new notice of hearing went  
6 out March 6th, Exhibit 47, noticing the hearing for today.  
7 I know I swore you in at the last one, but we also have a  
8 new inspector, so I'll just go ahead and re-swear everybody  
9 in. Before we get started, I'm just going to ask you to  
10 identify yourself for the record, because this is another  
11 transcript, and then we'll go forward. So, go ahead, Ms.  
12 Kelly.  
13 MS. TRIPPE: Kelly Trippe.  
14 MS. CITARAMANIS: Just state your address too, I'm  
15 sorry.  
16 MS. TRIPPE: 4107 Maryland Avenue, Bethesda,  
17 20816.  
18 MS. CITARAMANIS: Great.  
19 MR. MORRIS: Steve Morris, Montgomery County  
20 Housing Inspector.  
21 MS. CITARAMANIS: Okay, great. And, I'm Tammy  
22 CitaraManis, I'm the Hearing Examiner. I was the Hearing  
23 Examiner earlier. And you're here on behalf of Mister?  
24 MR. MORRIS: Mr. Eloisa.

1 MS. CITARAMANIS: Eloisa, who was here at the  
2 original hearing.  
3 MR. MORRIS: Right. Yeah, he's off today.  
4 MS. CITARAMANIS: Yeah, he's off. Okay, so let me  
5 just do some preliminary. Want to make sure we're -- I see  
6 that you have filed your amended floor plan.  
7 MS. TRIPPE: There are two different proposed  
8 ones.  
9 MS. CITARAMANIS: Okay. And, that was what I was  
10 going to ask you, because you submitted one that looks like  
11 it was -- it's actually marked as 46(a). But then today you  
12 came in and handed Ms. --  
13 MS. TRIPPE: Yeah, one is the, the one 46(a). The  
14 other one is another one that my builder suggested.  
15 MS. CITARAMANIS: So, we'll just go off of what  
16 you brought in today.  
17 MS. TRIPPE: That's fine. I just wanted to make  
18 sure, in case we went with this second plan, that both were  
19 in the record.  
20 MS. CITARAMANIS: Okay. And, what I'm going to  
21 need for you -- you don't have both of these, do you?  
22 MR. MORRIS: No, I don't --  
23 MS. CITARAMANIS: You gave him a copy?  
24 MS. TRIPPE: Uh-huh.  
25 MS. CITARAMANIS: Perfect.

1 MR. MORRIS: Yeah, I have one now.  
2 MS. CITARAMANIS: Okay, so we have that. We'll  
3 work off of that one, and I'll mark it in a minute. And, I  
4 also see that you brought an affidavit for your husband. If  
5 we need to take a moment for him, because basically I'm  
6 going to need his testimony that everything on there is good  
7 to go. If it's not, he'll let us know. So, you have read  
8 the inspection report?  
9 MR. MORRIS: Yeah, I've read the inspection  
10 report. I haven't been there, though.  
11 MS. CITARAMANIS: Okay, well he -- okay, well, you  
12 have read the inspection report, and certainly can off of  
13 what -- I mean, there shouldn't be anything outside that  
14 because Mr. Eloisa was, I think, put everything in there.  
15 MR. MORRIS: Right.  
16 MS. CITARAMANIS: All right. So, at this point,  
17 do you need further explanation as to how we're going to  
18 proceed?  
19 MS. TRIPPE: No.  
20 MS. CITARAMANIS: I didn't think so, but I thought  
21 I'd ask. So basically, what we have is, we have the  
22 Technical Staff Report. They issued their report dated  
23 January 8th, 2015, recommending approval. Of course, there  
24 was some conditions. Let me just -- I can't remember if I  
25 read them for the record -- but I'll just put them on the

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1 record right now. Exhibit 39 and the conditions are on page  
2 2, No. 1, the applicant is bound by all submitted statement  
3 and materials of record; No. 2, the applicant must occupy  
4 one of the dwelling units on the lot where the accessory  
5 apartment is located; No. 3, the applicant must extinguish  
6 the existing registered living unit with the Department of  
7 Housing and Community Affairs prior to the issuance of  
8 permits for accessory apartment use; (4) the applicant must  
9 obtain approval from the Board of Zoning Appeals for a  
10 variance of one foot from the required side yard setback of  
11 7 feet along the southern property line; and (5) the  
12 accessory apartment is limited to no more than two occupants  
13 who are residing at any one time.

14 Okay. So have you read this? Oh, let me swear  
15 everybody in real quick.  
16 (Witnesses sworn.)  
17 MS. CITARAMANIS: So, Ms. Trippe, you have read  
18 the Technical Staff Report?  
19 MS. TRIPPE: Uh-huh.  
20 MS. CITARAMANIS: Okay, you're going to have to  
21 verbalize because this is --  
22 MS. TRIPPE: Yes.  
23 MS. CITARAMANIS: Yes. And, do you accept and  
24 adopt the facts and recommendations and conditions in this  
25 report as your own?

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1 MS. TRIPPE: Yes.  
2 MS. CITARAMANIS: Okay, good. That's good,  
3 because they did a pretty thorough report. And, I also note  
4 that the variance approval came through.  
5 MS. TRIPPE: Yes.  
6 MS. CITARAMANIS: So, you have satisfied condition  
7 no. 4. With regards to number three, you plan to -- have  
8 you extinguished the --  
9 MS. TRIPPE: Not yet.  
10 MS. CITARAMANIS: Okay, but you will?  
11 MS. TRIPPE: We will.  
12 MS. CITARAMANIS: You agree to do that?  
13 MS. TRIPPE: Uh-huh.  
14 MS. CITARAMANIS: And the other ones are self-  
15 explanatory, and you agree to be bound by those as well,  
16 correct?  
17 MS. TRIPPE: Uh-huh.  
18 MS. CITARAMANIS: You have to answer yes.  
19 MS. TRIPPE: Yes.  
20 MS. CITARAMANIS: Because it'll show up as  
21 inaudible or --  
22 MS. TRIPPE: Yes.  
23 MS. CITARAMANIS: All right. So the issue that we  
24 have really today is -- I just want you to describe the  
25 parking out front, and the other issue is the accessory

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1 apartment within 300 -- there was another approved accessory  
2 apartment within 300 feet. Technical Staff didn't find that  
3 to be a problem and felt that a waiver of that would be  
4 applicable. So, I don't really know that you can address  
5 that issue. We'll go with staff. But, in terms of the  
6 parking, I'm just going to ask you to describe what -- how  
7 the front is and, you know, generally, what type of parking,  
8 if it's a lot of parking on the street. And then, just tell  
9 me about the accessory apartment itself.

10 And then, we'll go to Mr. Morris, and he'll talk  
11 about the inspection report, if there's anything he wants to  
12 add, we understand he did not inspect it but, I think for  
13 purposes of this hearing, really, we need his testimony with  
14 regards to approving the amended floor plan showing the  
15 egress window, which was the problem at the last time, which  
16 I'm sorry to say that, that you didn't get that before then.  
17 So, I do feel bad for that. But you've been very patient, I  
18 have to tell you that. And, thank you. Okay, so, if you  
19 want to -- this is your opportunity to expound on anything  
20 in the staff report, but address those things I just  
21 mentioned.

22 MS. TRIPPE: Parking, specifically, we've never  
23 had a problem with parking our two cars in front of the  
24 house. And when there's been road work, and we've needed to  
25 park elsewhere, everyone on the entire street has been able

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1 to just park at the end of the block. There's a lot of  
2 parking within a half a block of the house because we have  
3 the green area that's -- that we call it the green -- that  
4 no one lives on, and it's paved along there, so you get --  
5 people have large parties, they park 50 extra cars within a  
6 block of my house. And so, it's never been an issue.

7 MS. CITARAMANIS: And when you say this green  
8 area, is it like a median or?  
9 MS. TRIPPE: Yeah. It's where the street car  
10 tracks used to go through, so it's sort of an open park  
11 area.

12 MS. CITARAMANIS: Oh, okay.  
13 MS. TRIPPE: Yeah, and it's just for general use.  
14 But, it's a block from the house and it goes on for a  
15 quarter mile in either direction, and you can park along  
16 there.

17 MS. CITARAMANIS: So it provides extra  
18 unrestricted parking?  
19 MS. TRIPPE: Lots and lots of unrestricted  
20 parking.  
21 MS. CITARAMANIS: Okay. And you don't need a  
22 permit to park on your street?  
23 MS. TRIPPE: You don't need a permit to park  
24 anywhere in our neighborhood.  
25 MS. CITARAMANIS: Okay. Well, there's some

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1 neighbors in that area that have to have a permit.  
2 MS. TRIPPE: Not in our neighborhood. And, in  
3 fact, in the back there's a road, an unpaved road, that goes  
4 back to a park, which also has unrestricted parking. It's  
5 directly behind the house, so people who have stayed with us  
6 have parked there and just walked in our back gate. So  
7 there's lots of parking.  
8 MS. CITARAMANIS: Okay. But, the criteria is that  
9 the addition of another car for your house isn't going to  
10 impact --  
11 MS. TRIPPE: No.  
12 MS. CITARAMANIS: -- those that are within 300  
13 feet of you. It's not going to take parking away from them,  
14 is the issue.  
15 MS. TRIPPE: Yeah. No, the two, the people who  
16 live right next to ours, park under their house, because  
17 there's a driveway that goes in.  
18 MS. CITARAMANIS: I was going to ask you, garages,  
19 okay.  
20 MS. TRIPPE: They have dedicated parking.  
21 MS. CITARAMANIS: That's right next to you on the  
22 left or the right?  
23 MS. TRIPPE: As do the people across the street  
24 have a garage. The people next to them have a garage.  
25 Across the street those are two across the street. The

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1 person directly next door, to the north, have a garage, so  
2 they don't park on the street.  
3 MS. CITARAMANIS: Oh, okay. So, the people to the  
4 south would --  
5 MS. TRIPPE: They don't have a garage, and they do  
6 park on the street.  
7 MS. CITARAMANIS: Okay. But everybody else it  
8 seems like in the circle has got their own garage, on  
9 street, I mean, off street parking.  
10 MS. TRIPPE: Exactly.  
11 MS. CITARAMANIS: Okay, that's good to know. And,  
12 further up the street north, do they have garages?  
13 MS. TRIPPE: Yes.  
14 MS. CITARAMANIS: I know --  
15 MS. TRIPPE: Further up the street to the north on  
16 my side of the street, they do. The house is under  
17 construction right now, so there's dumpster's in their  
18 parking area, but yeah, they do.  
19 MS. CITARAMANIS: Okay. All right. And, you have  
20 two cars that you park on --  
21 MS. TRIPPE: We do.  
22 MS. CITARAMANIS: All right. Why don't you -- I  
23 dropped it. Would someone mind picking that up for me.  
24 MS. TRIPPE: Actually, let me give you a corrected  
25 one.

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1 MS. CITARAMANIS: Thank you, Mr. Morris. Give me  
2 whatever you want to be part of the record.  
3 MS. TRIPPE: That's the one.  
4 MR. MORRIS: Is it the second page one too?  
5 MS. TRIPPE: Yes, both.  
6 MR. MORRIS: Okay.  
7 MS. CITARAMANIS: All right, let me mark it, and  
8 then I'll ask you to describe it. So this will be Exhibit  
9 52, and I'm going to mark the Affidavit of Steven D. Aitken.  
10 That will be Exhibit 53.  
11 (Exhibit Nos. 52 and 53 were  
12 marked for identification.)  
13 MS. CITARAMANIS: So, do you have another copy of  
14 the floor plan?  
15 MS. TRIPPE: I do, I have several.  
16 MS. CITARAMANIS: Okay. Go ahead and you've  
17 identified that these are the modified floor plans, and you  
18 have to pick one. I don't know if, or how you -- do you  
19 need a few minutes to talk with Mr. Morris about it?  
20 MS. TRIPPE: Well, we haven't decided which one.  
21 Our builder has given us two proposals. Both of which meet  
22 the requirements, the building code requirements. And, we  
23 haven't actually decided at this time which one we are going  
24 to do. So, that's why I brought two. We can -- for the  
25 sake of this meeting, decide on one but --

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1 MS. CITARAMANIS: Okay, well, why don't you go  
2 ahead and Exhibit 52, will be the first page, which I  
3 believe it says proposed floor plan one, and then second  
4 page will be 52(a), and that looks like proposed floor plan  
5 two. Why don't you go ahead and describe proposal floor  
6 plan 1, and we'll talk about that.  
7 MS. TRIPPE: Okay. Proposed floor plan one, shows  
8 the addition of an egress window through the foundation wall  
9 above grade in the larger room in the apartment, which is  
10 now marked as bedroom. That's our first proposal, which  
11 would meet the requirement of having an egress window in the  
12 sleeping room.  
13 MR. MORRIS: Right.  
14 MS. TRIPPE: And, the second proposal has the  
15 addition of a hall, so that it bypasses what will now be the  
16 bedroom, which is the smaller of the rooms. The main room  
17 is the larger of the rooms, will not have the egress window,  
18 it'll just have ventilation window, which is currently  
19 there. But this will allow us to bypass the window with a  
20 hallway, currently that was one of the problems.  
21 MR. MORRIS: Right.  
22 MS. TRIPPE: The bedroom as a sleeping room, it  
23 has plenty of egress because it has an exterior door.  
24 However, you needed to go through it to reach the rest of  
25 the apartment. So, it didn't meet that requirement.

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1 MR. MORRIS: Right.  
2 MS. TRIPPE: So, what this does, is it creates a  
3 hall with an outside doorway to bypass that bedroom and  
4 enter directly into the hall.  
5 MR. MORRIS: Okay.  
6 MS. TRIPPE: So that meets both of those  
7 requirements.  
8 MR. MORRIS: Yes.  
9 MS. TRIPPE: And, the reason why this might be  
10 preferable is, according to our builder, it doesn't require  
11 the same kind of permitting, because it doesn't involve any  
12 foundation walls or support structures. So, it might be an  
13 easier, less expensive option.  
14 MR. MORRIS: Option for you folks, right.  
15 MS. TRIPPE: Yeah. So that's the deal. Because  
16 currently where this door is going to go, there's a full  
17 window.  
18 MR. MORRIS: Okay.  
19 MS. TRIPPE: So it's not going to -- it's not  
20 going to change the foundation in any way. It's already  
21 there.  
22 MS. CITARAMANIS: Okay, so the -- I'm looking at  
23 52(a), which is floor plan two, with regards to the hallway.  
24 MS. TRIPPE: Yes.  
25 MS. CITARAMANIS: So, you would be adding a second

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1 door?  
2 MS. TRIPPE: The door -- yes, where our window  
3 currently exists.  
4 MS. CITARAMANIS: So, there will be two side-by-  
5 side doors --  
6 MS. TRIPPE: There's a wall between them.  
7 MS. CITARAMANIS: No. I'm talking about -- into  
8 the yellow area, into the proposed bedroom. There would  
9 still be a door there, and that would serve as your egress,  
10 is that correct?  
11 MS. TRIPPE: From the bedroom.  
12 MS. CITARAMANIS: From the bedroom --  
13 MS. TRIPPE: Only. But not an entrance into the  
14 apartment.  
15 MS. CITARAMANIS: Right. But, and the green  
16 hallway, that would be a new door, so you would have two  
17 back doors on the lower level.  
18 MS. TRIPPE: Yes. Actually, yes.  
19 MS. CITARAMANIS: Okay. And, the hallway is, I  
20 mean, it's going to be a dedicated hallway that -- floor to  
21 ceiling drywall and everything.  
22 MS. TRIPPE: Yes.  
23 MS. CITARAMANIS: Okay.  
24 MS. TRIPPE: And, it currently, what it is on the  
25 other side of the current boundary wall of the apartment.

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1 So there's going to be a solid wall from - well, you can see  
2 it in the floor plan.  
3 MS. CITARAMANIS: Yeah. The floor plan, I mean,  
4 thank you, because some people draw it in and --  
5 MS. TRIPPE: Yeah, it's all to scale, so that's  
6 how it's going to be. And it's the standard three foot  
7 hall.  
8 MS. CITARAMANIS: And that's what I was going to  
9 ask staff with regards to -- I mean, I've never seen anybody  
10 do this, so I'm curious as to whether plan 2 still satisfies  
11 all the rules and the addition of a second door on the back  
12 side is problematic or violating anything. So, let me just  
13 finish with her and then we'll -- we'll stay on the same  
14 floor plan. And you don't know which one you prefer at this  
15 point?  
16 MS. TRIPPE: We're -- no, we don't know which one  
17 we prefer. We're kind of leaning toward the hall one, yeah.  
18 MS. CITARAMANIS: Okay. Well, anything else that  
19 you wanted to add with regards to it. Can you explain your  
20 application with regards to your intent -- you're actually,  
21 it looks like you're for this really to be more of a  
22 vacation type, short term --  
23 MS. TRIPPE: Oh, only for a very short term. We  
24 frequently have visiting scholars, or visiting artists, or  
25 different people who want a place to rent in our

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1 neighborhood, and they usually, like a month, a couple  
2 weeks, something like that.  
3 MS. CITARAMANIS: Okay.  
4 MS. TRIPPE: And so we wanted to be able to do  
5 that.  
6 MS. CITARAMANIS: Okay.  
7 MS. TRIPPE: Currently my son is using it as his,  
8 you know --  
9 MS. CITARAMANIS: Pad.  
10 MS. TRIPPE: -- teenage pad. So, we're not going  
11 to use it very often for rentals but, just we want to have  
12 the option.  
13 MS. CITARAMANIS: Yeah. And, once you get it  
14 approved, you certainly could change your mind and want to  
15 rent it for a year lease, you can. I mean, that's why  
16 you're having to go through all of these very fine points,  
17 because you will have that flexibility, even though your  
18 intent -- I just noticed that your intent is short term.  
19 MS. TRIPPE: It is short term.  
20 MS. CITARAMANIS: But, that's why I have to get it  
21 right, because you could, with that license, rent it out  
22 long term. Okay. So, it looks like no other changes to any  
23 other rooms. On plan one would just be the egress window,  
24 installation of an egress window. Or, plan two, the  
25 creation of a new door and a hallway that goes into the 10

1 by 3 hall, not directly into the bedroom.  
 2 MS. TRIPPE: Exactly.  
 3 MS. CITARAMANIS: Okay. Mr. Morris, could you  
 4 give us your thoughts on plan one, and then plan two. And,  
 5 tell me that both -- if there's any problem with either one  
 6 of them.  
 7 MR. MORRIS: Right. Yeah, starting with, I guess,  
 8 Exhibit 52, the proposed floor plan number one. That one  
 9 looks good through the drawings, you know, they're putting  
 10 the egress window in, it's the right size of what they have  
 11 listed and everything. So that, I mean, that would work.  
 12 MS. CITARAMANIS: Okay. But, it is the right  
 13 size, that's what I wanted to make sure that the proposed  
 14 open area is the correct --  
 15 MR. MORRIS: Yes.  
 16 MS. CITARAMANIS: -- and is the style of the  
 17 window, casement style, is that --  
 18 MR. MORRIS: Yeah, that's fine, as long as  
 19 there's, you know, it has to have a five square foot opening  
 20 space, which I think Mr. Eloisa probably gave you the specs.  
 21 with that. So that meets it, the window sill, 44 inches off  
 22 the ground. That's what the code says. So, that, you know,  
 23 that would work as far as any code issues with the egress  
 24 windows.  
 25 MS. CITARAMANIS: But that would have to be used

1 as the bedroom?  
 2 MR. MORRIS: Bedroom, yes.  
 3 MS. CITARAMANIS: Yes, and the sitting room would,  
 4 can't be used as a bedroom.  
 5 MR. MORRIS: Right.  
 6 MS. CITARAMANIS: Just wanted to make sure that  
 7 that is clear.  
 8 MR. MORRIS: Yes, ma'am.  
 9 MS. CITARAMANIS: Proposed floorplan number two.  
 10 MR. MORRIS: That works as well. I mean, it's a  
 11 hallway. You have your two means of egress, not leading  
 12 into another room. The one door is leading to the hallway  
 13 which can lead out, and the other one is the door that's  
 14 actually in the, sited in that bedroom that leads to the  
 15 outside. So, I mean, that would work too. The hall  
 16 measurements are --  
 17 MS. CITARAMANIS: Meet code?  
 18 MR. MORRIS: Meet code, per code and everything,  
 19 and just with the new bedroom, you know, you would have to  
 20 make sure that in that 10 by 3 hallway that a smoke detector  
 21 would be installed.  
 22 MS. TRIPPE: There's one now.  
 23 MR. MORRIS: There may even be one now, right.  
 24 So, because I haven't been there, but a smoke detector would  
 25 have to be there, as well as with the new code, inside that

1 bedroom, inside the room itself.  
 2 MS. TRIPPE: There is there. What about in the  
 3 new hall?  
 4 MS. CITARAMANIS: Yeah, that's a good question.  
 5 MS. TRIPPE: Because we could have one installed  
 6 easily.  
 7 MR. MORRIS: Right. It's -- to me, and you could  
 8 never have enough smoke detectors and, I mean, that's a good  
 9 idea, but usually you're not going to get a fire started in  
 10 a hall. I mean, it would be protected with the one inside  
 11 the bedroom, and one inside the 10 by 3 hallway, but one  
 12 right outside in that new hallway that's proposed, the 17 by  
 13 3, would certainly give you added, extra protection, in case  
 14 there was a fire.  
 15 MS. CITARAMANIS: And, let me ask you this with  
 16 regards to -- you haven't been there -- the hallway, I don't  
 17 know if the woodshop area has -- if the ceiling meets the,  
 18 was it six --  
 19 MR. MORRIS: Yeah, 84 inches.  
 20 MS. CITARAMANIS: It does, okay. And, I'm  
 21 certainly, you're not being there, but I just want to make  
 22 sure --  
 23 MR. MORRIS: That that hallway would be the same  
 24 height or higher, right.  
 25 MS. CITARAMANIS: Exactly. And that that's not a

1 problem that, because Mr. Eloisa is not here, you know.  
 2 Because he hasn't seen this, I'm assuming.  
 3 MR. MORRIS: No, not the new one. I think there's  
 4 one in the file that --  
 5 MS. CITARAMANIS: Yeah, but that was the one that  
 6 --  
 7 MR. MORRIS: Yeah, it's the old one, yeah.  
 8 MS. CITARAMANIS: -- that's the old one which  
 9 we're not going off of. So, what I'm probably going to do  
 10 at the end is, I mean, we leave the record open anyway for  
 11 10 days so we get the report, I mean the transcript. I'm  
 12 going to ask you to ask Mr. Eloisa, when he comes back, to  
 13 make sure that he's on board, because he actually visually  
 14 has seen that area, and can say it's fine.  
 15 MR. MORRIS: Right.  
 16 MS. TRIPPE: He might want to come back and do  
 17 another inspection just to -- I don't know if he would want  
 18 to, but that's perfectly all right.  
 19 MS. CITARAMANIS: Yeah.  
 20 MS. TRIPPE: There's nothing really for him to  
 21 inspect since it hasn't been built yet, but he know the  
 22 height that it's, has the capacity for.  
 23 MS. CITARAMANIS: Exactly. And, now, I don't know  
 24 if he actually went into your wood shop area.  
 25 MS. TRIPPE: I don't know that he did, because he

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1 wasn't thinking of it that way.  
2 MS. CITARAMANIS: See, because when you think  
3 about it, he wasn't thinking of that so --  
4 MS. TRIPPE: Exactly.  
5 MS. CITARAMANIS: You know, the bulk heads might  
6 be lower --  
7 MR. MORRIS: Lower, yeah, right.  
8 MS. CITARAMANIS: I've had that with cases, so I  
9 think that just to cover our bases, if that is the one  
10 that's cheaper for you and works just fine, that we make  
11 sure, because I would feel horrible if they came out and you  
12 did all that, and then said, well, your ceiling's too low.  
13 MS. TRIPPE: Yeah. No, though currently wouldn't  
14 be any bulk heads at all to deal with, because the reason  
15 why we haven't just jumped right on this is, we are about to  
16 replace our furnace, and this plan requires moving the  
17 furnace a little a bit, so it coincides with us replacing  
18 the furnace, and reorienting the duct work, so there  
19 actually wouldn't be any bulk head in that hall at all.  
20 MS. CITARAMANIS: Okay. Well, that is a good  
21 explanation to know, and that's something to take back and,  
22 all I'm going to -- would need from either you or from Mr.  
23 Eloisa is that the plan has been reviewed and there's no  
24 issue with the height, and all the sizes meet code.  
25 MR. MORRIS: Okay, yes. I'll speak with him

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1 tomorrow.  
2 MS. CITARAMANIS: And, you know, if you can send  
3 us a quick signed letter, and we'll put it in the record,  
4 because I'll leave the record open for that. Ms. Kelly has  
5 had more obstacles come her way that we don't need to do  
6 this, if we can avoid it. Okay, is there anything else you  
7 wanted to add? I mean, because at some point, I mean, I  
8 guess, I mean, I've never had two plans. I guess both plans  
9 can be approved, and if it's something that will pass  
10 inspection, I guess it doesn't really matter which one, just  
11 so long as they meet code, and when you come out to inspect  
12 it when it's all done, I mean, that's when --  
13 MR. MORRIS: Yeah, like I said, they both -- plan  
14 A and plan B, or exhibit one and two, whatever it is, they  
15 both look, you know, that they would pass our standards for,  
16 you know, the apartment.  
17 MS. CITARAMANIS: Okay. All right. And, with  
18 regards to how would the individual gain access? Is there a  
19 -- you have a plat. This being the first conditional use  
20 after the new regulations, even though you're going to --  
21 because you applied before, we'll follow old regulations,  
22 but still, in terms of my review, under the old, had to make  
23 sure that the lighting, that the path was lit. I didn't see  
24 that in his inspection report.  
25 MR. MORRIS: No. I didn't see it either.

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1 MS. CITARAMANIS: Okay, I think I found it.  
2 MS. TRIPPE: It should be marked on the plat.  
3 MS. CITARAMANIS: Twelve.  
4 MS. TRIPPE: The exterior lighting.  
5 MR. MORRIS: Is this the front of the house?  
6 MS. TRIPPE: No, that's the back of the house.  
7 MS. CITARAMANIS: Just give me a moment. We'll go  
8 off the record for one second.  
9 (Discussion off the record.)  
10 MS. CITARAMANIS: Ms. Kelly, Exhibit 12, this is  
11 your landscape and lighting plan?  
12 MS. TRIPPE: Yes, uh-huh.  
13 MS. CITARAMANIS: Okay. Do you have one on you,  
14 just, I wanted him to look at it.  
15 (Discussion off the record.)  
16 MS. CITARAMANIS: We're back on the record.  
17 Looking at Exhibit 12, which is -- this is your landscape  
18 and lighting plan. If you could just describe that this is  
19 accurate as to how the lights will be set up, and then we'll  
20 get to Mr. Morris' question with regards to compliance.  
21 MS. TRIPPE: Yes. We currently have motion  
22 sensitive lighting, and fixed lighting that comes on  
23 actually just in the evening. It has a light sensitive, in  
24 the front of the house and in the back. As marked on here.  
25 And there's a motion sensor light that's on the side of the

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1 house --  
2 MS. CITARAMANIS: Which side?  
3 MS. TRIPPE: The side where the walkway is.  
4 MS. CITARAMANIS: And that's what I was going to  
5 ask you. Where is the walkway on here?  
6 MS. TRIPPE: The walkway is marked on the  
7 floorplan. It shows the path that goes around. It runs  
8 directly adjacent to the green area. Here, that's where the  
9 path would be.  
10 MS. CITARAMANIS: I'm going to ask you to come up  
11 here. Both of you, to come up here. Because we need to  
12 actually -- I would like for you to mark on Exhibit 12, on  
13 the landscape and lighting, if you could go ahead, and then  
14 mark as the path. You have drawn a path on the southwest  
15 side down to the deck patio area.  
16 MS. TRIPPE: Well, the deck is above the patio.  
17 So, it goes down to the patio, and the doors are around the  
18 back of the house.  
19 MS. CITARAMANIS: Correct. And you've identified  
20 it as path. And then you've also added an arrow and marked  
21 something -- you did a circle, marked it as a light. Is it  
22 motion?  
23 MS. TRIPPE: Exterior motion sensor light.  
24 MS. CITARAMANIS: It's motion sensor. Why don't  
25 you go ahead and write motion sensor. And then I'd like you

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1 to initial.  
2 MS. TRIPPE: Well, that's --  
3 MS. CITARAMANIS: Oh, I see. It's an additional  
4 motion sensor. Got it.  
5 MS. TRIPPE: Yeah, right.  
6 MS. CITARAMANIS: And it looks like you have a  
7 light at the door entrance to the bedroom, which won't be  
8 used as the main entrance. And you also have one, two,  
9 three motion sensors underneath the deck in the patio area,  
10 and then you have another motion sensor on the northeast  
11 side closer to the back of the house.  
12 MS. TRIPPE: Uh-huh.  
13 MS. CITARAMANIS: And you've also, it looks like  
14 you've indicated the types of trees and shrubs. Okay. All  
15 right. Anything else you want to add to this?  
16 MS. TRIPPE: Nope.  
17 MS. CITARAMANIS: Any comments on this?  
18 MR. MORRIS: No. It all looks how it should be as  
19 far as the lighting, the lit paths, as well as the entrance  
20 lighting at the entrance. The two doors, it looks like on  
21 plan B, the doors will be right next to each other, so one  
22 light will cover both doors.  
23 MS. CITARAMANIS: Right. okay. You can go ahead  
24 and sit down. Thank you. What is the path made of?  
25 MS. TRIPPE: Big stones.

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1 MS. CITARAMANIS: Like slate stones?  
2 MS. TRIPPE: Flagstone.  
3 MS. CITARAMANIS: Flagstone, okay. Is it already  
4 in place?  
5 MS. TRIPPE: Yes. It was built to meet the  
6 requirements of the application.  
7 MS. CITARAMANIS: Okay. And it connects to the  
8 front path?  
9 MS. TRIPPE: Yes. It connects from the front path  
10 to the patio, which is a solid flagstone and cement patio  
11 directly outside of the apartment.  
12 MS. CITARAMANIS: That's was what I was going to  
13 ask you. Okay, so it's a connection all the way around.  
14 MS. TRIPPE: Connects all the way around.  
15 MS. CITARAMANIS: And, I'm sure Mr. Eloisa saw  
16 that.  
17 MS. TRIPPE: He did, yes.  
18 MS. CITARAMANIS: Okay. All right, and that  
19 certainly you can just double check with Mr. Eloisa, or  
20 whoever. Looking at this, looks like there's plenty of  
21 lighting.  
22 MR. MORRIS: Yes, ma'am, it does.  
23 MS. CITARAMANIS: But, we don't want to be the  
24 first case out and miss something.  
25 MR. MORRIS: Right.

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1 MS. CITARAMANIS: So, I think we're good to go  
2 based on, you know, past cases that I've done, but I just  
3 wanted to make sure because really, I'd like for this to go  
4 a little smoother for Ms. Kelly. Okay, anything else that  
5 you -- any other changes that you need to make? Looks like  
6 you've clearly identified everything. I'm going to ask you  
7 to come back up here to, and just since you handwrote on the  
8 second proposed plan, which is 52(a), it's your handwriting,  
9 I want you to initial that so that there's no -- yeah,  
10 that's it. Okay, good. And there's also photos. Did you  
11 submit photos or is it just in staff's -- oh, you did submit  
12 photos. And I have them identified as 16(a), (b), 17(a),  
13 (b), (c), (d)(1), (d)(2). Did you take these pictures? You  
14 have to verbalize.  
15 MS. TRIPPE: Yes.  
16 MS. CITARAMANIS: You did take these pictures.  
17 And do they accurately reflect the condition of the property  
18 --  
19 MS. TRIPPE: Yes.  
20 MS. CITARAMANIS: -- as depicted in these  
21 photographs?  
22 MS. TRIPPE: Yes.  
23 MS. CITARAMANIS: Okay. And, I think you've  
24 identified -- you've accurately identified them, what they  
25 represent. The first one, photos of apartment interior,

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1 kitchen, living room, dining room, bedroom, outside exit  
2 door, two windows, bathroom, entrance. I am going to ask  
3 you -- on 17(a) at the bottom, I see entrance door to  
4 apartment. I'm assuming you don't have all of it over here,  
5 but the new door will be up that step?  
6 MS. TRIPPE: Yes. Just up that step.  
7 MS. CITARAMANIS: Just a little bit up that step,  
8 and kind of in the general area that looks like there's a --  
9 MS. TRIPPE: It's just a toy cart.  
10 MS. CITARAMANIS: Okay. So that's where the new  
11 door will go. Okay. It kind of looks, and if I'm looking  
12 at the top, it kind of looks like it will go under where the  
13 steps are.  
14 MS. TRIPPE: Exactly.  
15 MS. CITARAMANIS: Okay. Looking at the street  
16 pictures, parking in front of house. So this would be 17(c)  
17 and (d). These pictures accurately depict the parking in  
18 front of your house and down the street it looks like?  
19 MS. TRIPPE: Yes.  
20 MS. CITARAMANIS: And, when were these photos  
21 taken? You don't have to give me an exact date, just  
22 generally.  
23 MS. TRIPPE: They were taken at different times of  
24 day. Some taken in the morning and some in the evening.  
25 MS. CITARAMANIS: Okay. What time of the year?

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1 We have leaves, so it must have been in --  
2 MS. TRIPPE: The Summer. Well, in the Spring, I  
3 guess, when I first applied, did the application. So, it  
4 would have been in the Spring.  
5 MS. CITARAMANIS: Okay. And yours has the picket  
6 fence around it?  
7 MS. TRIPPE: Yes.  
8 MS. CITARAMANIS: Oh, I see. And the green area  
9 is farther down this --  
10 MS. TRIPPE: Exactly. It's at the end of the  
11 block.  
12 MS. CITARAMANIS: It's always nice to have a true  
13 vision. But I see the garage, or the driveway aprons, where  
14 your neighbors across the street.  
15 MS. TRIPPE: You don't see the one for the  
16 neighbor to the north because they actually use the right-  
17 of-way that goes behind their house and under their house.  
18 MS. CITARAMANIS: Okay. Just so long as I have  
19 that fact that I can --  
20 MS. TRIPPE: Both they and the neighbors next to  
21 them use the right-of-way that goes behind the house to park  
22 under their house.  
23 MS. CITARAMANIS: Rear parking, interesting.  
24 Okay. Were these pictures taken on a weekday?  
25 MS. TRIPPE: Yes.

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1 MS. CITARAMANIS: In the morning or the evening,  
2 or both?  
3 MS. TRIPPE: Both.  
4 MS. CITARAMANIS: Okay.  
5 MR. MORRIS: May I just say also --  
6 MS. CITARAMANIS: Absolutely.  
7 MR. MORRIS: I drove by the property this morning  
8 about 7 o'clock. And there is plenty on-street parking.  
9 It's a wide street. There's no signs posted that require a  
10 permit or anything, and there was no, I was there at 7:30 or  
11 8 o'clock this morning, and there was plenty of open spaces  
12 at that time, but there was, you know, still cars there.  
13 So, I mean, there's plenty on-street parking.  
14 MS. CITARAMANIS: So, based on what you saw, you  
15 don't think that she would displace, within 300 feet, would  
16 displace any of her neighbors by this accessory apartment?  
17 MR. MORRIS: Not at all, no, no. And, it's  
18 actually a wide street too. It's not like, you know,  
19 someone would have to pull over to a spot to let another car  
20 pass. I mean, even with the cars parked on the side, you  
21 can still drive up and down.  
22 MS. CITARAMANIS: Doesn't impede traffic at all?  
23 MR. MORRIS: No, not at all.  
24 MS. CITARAMANIS: Okay. All right, well that's  
25 good to know. Thank you for adding that, because any issue

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1 with regards to that, I mean, I can only go based on what's  
2 in here and your testimony, firsthand testimony, especially  
3 in the morning and evening. Well, you didn't do the  
4 evening, but that's very helpful. Okay, anything else that  
5 you would like to add, Ms. Kelly?  
6 MS. TRIPPE: No.  
7 MS. CITARAMANIS: Okay. And with regards to -- do  
8 you have anything that you would like to add, Mr. Morris?  
9 MR. MORRIS: No, ma'am.  
10 MS. CITARAMANIS: Okay. So, at this point, I'm  
11 assuming that you would like to have all of the exhibits  
12 entered into the record, that have just been marked.  
13 MS. TRIPPE: Yes.  
14 MS. CITARAMANIS: Okay. So, they have been. I  
15 will enter into the record all of the exhibits that you have  
16 submitted as well as that I have received from other, and I  
17 believe we're up to Exhibit 53. I will leave the record  
18 open -- how much time do you think you will need for Mr.  
19 Eloisa to -- because I think he said he's off until Tuesday.  
20 MR. MORRIS: Yeah, he'll be back tomorrow, I  
21 believe.  
22 MS. CITARAMANIS: Okay. So, 10 days is plenty for  
23 a follow-up quick letter saying that either he wants to go  
24 out and see the property for plan number two, to make sure  
25 that the wood --

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1 MR. MORRIS: Woodshop.  
2 MS. CITARAMANIS: Thank you. It's not woodshed,  
3 woodshop. That we don't have any issues with the ceiling.  
4 MR. MORRIS: Ceiling height, yes.  
5 MS. CITARAMANIS: Because that would be the only  
6 thing that I would think. And, that jump up, I don't know  
7 if it would make any difference with the back of the house,  
8 if that has any -- now that I've seen the picture, I don't  
9 know if that would -- you know, so he can address that.  
10 MR. MORRIS: Yes.  
11 MS. CITARAMANIS: And just clear the record to  
12 make sure that what she -- they are planning, is spot on and  
13 will meet the regulations or the code.  
14 MR. MORRIS: I'll speak with him tomorrow morning,  
15 and probably have a -- he'll do a report probably within  
16 tomorrow and walk it down to you.  
17 MS. CITARAMANIS: Okay. So 10 days will be plenty  
18 of time.  
19 MR. MORRIS: Yes.  
20 MS. CITARAMANIS: And that'll also give time for  
21 the transcript to be transcribed. And I don't think we have  
22 any other loose ends. So, let me pull out my calendar.  
23 Because once I close the record, I can't accept any more  
24 evidence. That doesn't mean that if something comes up and  
25 you need to change something, to provide it we don't have to

1 ask staff for their approval, I can always reopen the  
2 record, not a problem. But, once the record closes, that's  
3 when my timeframe, my 30-day period, starts that I need to  
4 get a decision out. But, what's most important is that the  
5 record is clear. So the record would close -- 10 days is  
6 Thursday, April 2nd. I mean, we could make it until the end  
7 of the week, and that would be the 3rd, and that way it's  
8 clean.

9 MR. MORRIS: That works.

10 MS. CITARAMANIS: But, April 2nd works for  
11 everybody, okay. So the record will close April 2nd by  
12 close of business. So, if you can need anything to be put  
13 into the record, it needs to be here by close of business  
14 the 2nd of April, and then my 30 days will start from that  
15 and I will try and get it out as soon as possible. In the  
16 meantime, you need to keep your signs up. And certainly if  
17 you have any questions that you need from me during that 10  
18 day period, you can let Ellen know, and she'll get ahold of  
19 me. I don't work out of the office here. I write the  
20 decisions at home. But she can get me very easily. Okay, I  
21 think we have addressed everything. Again, thank you. It's  
22 10:43. Thank you for coming out and thank you for waiting,  
23 and hopefully everything will go smooth from here on.

24 MS. TRIPPE: Thank you.

25 MS. CITARAMANIS: Okay, thank you.

1 MR. MORRIS: Thank you.  
2 (Whereupon, at 10:41 a.m., the hearing was  
3 concluded.)  
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C E R T I F I C A T E

1  
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 Petition of Kelly Trippe and Steven Aitken

8 OZAH No. AA-14-15

9 AA License No. 36324

10  
11 By:  
12  
13  
14

15 Keena Lukacinsky, Transcriber  
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25

<b>A</b>	<p><b>allow (1)</b> 13:19</p> <p><b>along (3)</b> 6:11;9:4,15</p> <p><b>always (2)</b> 30:12;34:1</p> <p><b>amended (2)</b> 4:6;8:14</p> <p><b>apartment (15)</b> 6:5,8,12;8:1,2,9; 13:9,25;15:14,25; 23:16;27:11;28:25; 29:4;31:16</p> <p><b>Appeals (1)</b> 6:9</p> <p><b>applicable (1)</b> 8:4</p> <p><b>applicant (4)</b> 6:2,3,5,8</p> <p><b>application (3)</b> 16:20;27:6;30:3</p> <p><b>applied (2)</b> 23:21;30:3</p> <p><b>approval (4)</b> 5:23;6:9;7:4;34:1</p> <p><b>approved (3)</b> 8:1;17:14;23:9</p> <p><b>approving (1)</b> 8:14</p> <p><b>April (4)</b> 34:6,10,11,14</p> <p><b>aprons (1)</b> 30:13</p> <p><b>area (15)</b> 9:3,8,11;10:1;11:18; 15:8;18:14;20:17; 21:14,24;25:8,15;26:9; 29:8;30:8</p> <p><b>around (5)</b> 25:7,17;27:13,14; 30:6</p> <p><b>arrow (1)</b> 25:20</p> <p><b>artists (1)</b> 16:24</p> <p><b>assuming (3)</b> 21:2;29:4;32:11</p> <p><b>Avenue (1)</b> 3:17</p> <p><b>avoid (1)</b> 23:6</p> <p><b>away (1)</b> 10:13</p>	<p><b>based (3)</b> 28:2;31:14;32:1</p> <p><b>bases (1)</b> 22:9</p> <p><b>basically (2)</b> 5:5,21</p> <p><b>bathroom (1)</b> 29:2</p> <p><b>bedroom (17)</b> 13:10,16,22;14:3; 15:8,11,12;18:1;19:1,2, 4,14,19;20:1,11;26:7; 29:1</p> <p><b>behalf (1)</b> 3:24</p> <p><b>behind (3)</b> 10:5;30:17,21</p> <p><b>Bethesda (1)</b> 3:17</p> <p><b>Big (1)</b> 26:25</p> <p><b>bit (2)</b> 22:17;29:7</p> <p><b>block (5)</b> 9:1,2,6,14;30:11</p> <p><b>Board (2)</b> 6:9;21:13</p> <p><b>both (14)</b> 4:18,21;12:5,21; 14:6;18:5;23:8,13,15; 25:11;26:22;30:20; 31:2,3</p> <p><b>bottom (1)</b> 29:3</p> <p><b>bound (2)</b> 6:2;7:15</p> <p><b>boundary (1)</b> 15:25</p> <p><b>brought (3)</b> 4:16;5:4;12:24</p> <p><b>builder (3)</b> 4:14;12:21;14:10</p> <p><b>building (1)</b> 12:22</p> <p><b>built (2)</b> 21:21;27:5</p> <p><b>bulk (3)</b> 22:5,14,19</p> <p><b>business (2)</b> 34:12,13</p> <p><b>bypass (2)</b> 13:19;14:3</p> <p><b>bypasses (1)</b> 13:15</p>	<p><b>can (22)</b> 5:12;8:4;9:15;12:24; 16:1,19;17:15;19:13; 21:14;23:2,6,9;26:23; 27:19;30:19;31:21; 32:1;33:9;34:1,12,18, 20</p> <p><b>capacity (1)</b> 21:22</p> <p><b>car (3)</b> 9:9;10:9;31:19</p> <p><b>cars (5)</b> 8:23;9:5;11:20; 31:12,20</p> <p><b>cart (1)</b> 29:9</p> <p><b>case (3)</b> 4:18;20:13;27:24</p> <p><b>casement (1)</b> 18:17</p> <p><b>cases (2)</b> 22:8;28:2</p> <p><b>ceiling (4)</b> 15:21;20:17;33:3,4</p> <p><b>ceiling's (1)</b> 22:12</p> <p><b>cement (1)</b> 27:10</p> <p><b>certainly (6)</b> 5:12;17:14;20:13,21; 27:19;34:16</p> <p><b>change (3)</b> 14:20;17:14;33:25</p> <p><b>changes (2)</b> 17:22;28:5</p> <p><b>cheaper (1)</b> 22:10</p> <p><b>check (1)</b> 27:19</p> <p><b>circle (2)</b> 11:8;25:21</p> <p><b>CITARAMANIS (139)</b> 3:2,15,19,22,23;4:1, 4,9,15,20,23,25;5:2,11, 16,20;6:17,20,23;7:2,6, 10,12,14,18,20,23;9:7, 12,17,21,25;10:8,12, 18,21;11:3,7,11,14,19, 22;12:1,7,13,16;13:1; 14:22,25;15:4,7,12,15, 19,23;16:3,8,18;17:3,6, 9,13,20;18:3,12,16,25; 19:3,6,9,17;20:4,15,20, 25;21:5,8,19,23;22:2,5, 8,20;23:2,17;24:1,3,7, 10,13,16;25:2,4,10,19, 24;26:3,6,13,17,23; 27:1,3,7,12,15,18,23; 28:1,16,20,23;29:7,10, 15,20,25;30:5,8,12,18, 23;31:1,4,6,14,22,24; 32:7,10,14,22;33:2,5, 11,17,20;34:10,25</p>	<p><b>clean (1)</b> 34:8</p> <p><b>clear (3)</b> 19:7;33:11;34:5</p> <p><b>clearly (1)</b> 28:6</p> <p><b>close (5)</b> 33:23;34:5,11,12,13</p> <p><b>closer (1)</b> 26:11</p> <p><b>closets (1)</b> 34:2</p> <p><b>code (10)</b> 12:22;18:22,23; 19:17,18,18,25;22:24; 23:11;33:13</p> <p><b>coincides (1)</b> 22:17</p> <p><b>coming (1)</b> 34:22</p> <p><b>comments (1)</b> 26:17</p> <p><b>Community (1)</b> 6:7</p> <p><b>compliance (1)</b> 24:20</p> <p><b>concluded (1)</b> 35:3</p> <p><b>condition (2)</b> 7:6;28:17</p> <p><b>conditional (1)</b> 23:19</p> <p><b>conditions (3)</b> 5:24;6:1,24</p> <p><b>connection (1)</b> 27:13</p> <p><b>connects (3)</b> 27:7,9,14</p> <p><b>construction (1)</b> 11:17</p> <p><b>continuation (1)</b> 3:3</p> <p><b>continue (1)</b> 3:5</p> <p><b>continued (1)</b> 3:4</p> <p><b>copy (2)</b> 4:23;12:13</p> <p><b>corrected (1)</b> 11:24</p> <p><b>County (1)</b> 3:20</p> <p><b>couple (1)</b> 17:1</p> <p><b>course (1)</b> 5:23</p> <p><b>cover (2)</b> 22:9;26:22</p> <p><b>creates (1)</b> 14:2</p> <p><b>creation (1)</b> 17:25</p> <p><b>criteria (1)</b></p>
	<b>B</b>			
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