

C O N T E N T S

Witnesses:	Direct	Cross	Redirect	Recross
Cesar Eloisa	8	9	--	--
Neal Cohen	7	--	25	--

E X H I B I T S

Exhibit No.		Marked/Received
20(f)(I)	Modified exhibit	17
20(c)(I)	Modified exhibit	17

1 2015, and you are applicant, Mr. Cohen, is requesting to
 2 deviate from the on-site parking requirements. And my job
 3 is to make a determination whether there is adequate on-
 4 street parking to accommodate the proposed use, basically
 5 giving you approval to go back to DHCA to get a basically
 6 modified license allowing you to deviate from the on-site
 7 parking requirements.

8 The hearing notice was issued July 20th, 2015 and
 9 I just received a signed copy of the affidavit of posting.
 10 So I'm going to ask the parties at this point to identify
 11 yourselves for the record. We'll start with Mr. Cohen, I'm
 12 assuming?

13 MR. COHEN: Good morning. My name is Neal Cohen
 14 and I am the applicant for this conditional use application.

15 MS. CITARAMANIS: And go ahead and state your
 16 address.

17 MR. COHEN: Sure. My address for the record is 13
 18 Columbia Avenue, Takoma Park, Maryland 20912.

19 MS. CITARAMANIS: Okay.

20 MR. ELOISA: Good morning, I'm Cesar Ivan Eloisa,
 21 Housing Code Inspector with Montgomery County Housing Code
 22 Enforcement.

23 MS. CITARAMANIS: Okay. I see that there is
 24 nobody in the room with the exception of our court reporter.
 25 Are we waiting for any witnesses, attorneys, anybody else,

P R O C E E D I N G S

1 MS. CITARAMANIS: Good morning. This is a public
 2 hearing in Case No. CU conditional use 16-02, which is an
 3 application by Neal S. Cohen for conditional use pursuant to
 4 Sections 59-3-33(A) and (B) of the zoning ordinance, to
 5 permit the applicant to create an accessory apartment in the
 6 basement of a rear addition to an existing single family
 7 dwelling located at 13 Columbia Avenue, Takoma Park,
 8 Maryland. The property is identified as Lot 17, Block 18 of
 9 the BF Gilbert Subdivision, which is located in the R-60
 10 zone. The tax account number for the property is 01069418.

11 This is a public hearing conducted on behalf of
 12 the Office of Zoning and Administrative Hearings. My name
 13 is Tammy CitaraManis and I am the hearing examiner. I will
 14 conduct this hearing which means I'm going to take evidence
 15 and write a report and decision within 30 days after the
 16 record closes. This case reached our department based on a
 17 referral notice from the Department of Housing and Community
 18 Affairs. They referred you to this office to apply for
 19 conditional use because the property did not met the on-site
 20 parking requirements for a Class III accessory apartment
 21 license. Specifically, the on-site parking must be at least
 22 480 square feet in size and, I believe, you said it was
 23 about 380 square feet in size. So, you were referred here.
 24 This application was filed, I think, July 13,

25

1 or is this it?

2 MR. COHEN: From my perspective, this is it. My
 3 wife I spoke with, Ellen, I don't know her last name.

4 MS. CITARAMANIS: Yes.

5 MR. COHEN: And, we will be providing a
 6 supplemental affidavit from my wife, who couldn't be here.
 7 She's with our children.

8 MS. CITARAMANIS: Right, and I was going to
 9 explain that to you that because it is a jointly owned
 10 property, while one can file for the conditional use, if
 11 it's approved, whoever is on the deed needs to be able -- it
 12 needs to be enforceable against both property owners.

13 MR. COHEN: Absolutely.

14 MS. CITARAMANIS: So it's a real simple matter.
 15 It's have her sign it. It has to be notarized. And bring
 16 it back to Ellen.

17 MR. COHEN: That's fine.

18 MS. CITARAMANIS: Okay, I'm going to swear
 19 everybody in at this point, and then I'll do a few
 20 preliminary matters and we'll start with your case. I know
 21 Mr. Eloisa has another engagement so we're going to try and
 22 work him in so he can get out. Okay?

23 MR. ELOISA: Thank you.

24 (Witnesses sworn.)

25 MS. CITARAMANIS: So this is a conditional use

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1 which is a statutorily permitted use if your application
2 meets the conditions required for all conditional uses. And
3 for conditions specific to an accessory apartment use. In
4 this case, an attached accessory apartment. As you can see,
5 the hearing is being recorded. All testimony is under oath.
6 All individuals testifying will be subject to cross-
7 examination and evidence will be presented marked and
8 entered into the record. We'll let you go first, it's your
9 case. Unless, of course, you have any problem with us
10 having Mr. Eloisa do his part?
11 MR. COHEN: I know that he has other obligations,
12 so if he wants to go first, I'm happy to let him do that.
13 MS. CITARAMANIS: Okay. Yeah, and he has brought
14 his report.
15 MR. COHEN: He provided a copy of it to me.
16 MS. CITARAMANIS: And that will be your
17 opportunity to ask him any questions. And, before you
18 leave, you will have a affidavit to take to your wife to
19 bring back. I will be leaving the record open for receipt
20 of that and any other information that I might need that we
21 discover as we go through.
22 MR. COHEN: Sure.
23 MS. CITARAMANIS: You'll have an opportunity to
24 make a closing argument. You don't have to. Generally,
25 we're pretty informal, but I have to let you know you have

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1 the option. But really, you're the only witness you're
2 going to call so, it's kind of not necessary. But, it's
3 your option.
4 MR. COHEN: I understand.
5 MS. CITARAMANIS: You have received the Technical
6 Staff Report as well as the Department of Housing and
7 Community Affairs Inspection Report?
8 MR. COHEN: I have.
9 MS. CITARAMANIS: Okay, and have you read both?
10 MR. COHEN: I have.
11 MS. CITARAMANIS: And do you accept the findings
12 and conclusions contained in the Technical Staff Report?
13 MR. COHEN: I do.
14 MS. CITARAMANIS: As your own evidence?
15 MR. COHEN: I do.
16 MS. CITARAMANIS: Okay. And, just so that we're
17 clear, Technical Staff did have four conditions, and I may
18 add more based on the information that I have. And, just
19 for the record, those conditions are -- I'm going to read
20 them -- (1) applicant is bound by all submitted statements
21 and materials of record; (2) the number of occupants
22 residing in the accessory apartment who are 18 years or
23 older is limited to two; (3) no other rental residential
24 uses are allowed to be located on the subject site; and (4)
25 the applicant needs to comply with the approved historic

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1 area work permit application no. 718842 for any exterior
2 work undertaken on this property. Okay? So, you've agreed
3 to those conditions and any conditions that I will impose.
4 Basically, it's following all the regulations that you need
5 to for an accessory apartment, and because you're in Takoma
6 Park, they'll be different layers of, I think there was a
7 tree --
8 MR. COHEN: We've already secured the tree.
9 MS. CITARAMANIS: Yes, all that stuff. And with
10 regards to the inspection report, you have read that?
11 MR. COHEN: Yes, it was provided this morning, and
12 just looking at one last time, but I think everything is
13 very clear.
14 MS. CITARAMANIS: Okay. All right, and you can
15 ask Mr. Eloisa if you have any questions. We will go
16 through the exhibits to make sure that all the information
17 is correct as of today. And, probably need to modify a few
18 things with regards to a path and lighting. At this point,
19 if it's okay with you, we'll let Mr. Eloisa present his
20 report, and then we'll go from there.
21 MR. COHEN: Thank you.
22 MS. CITARAMANIS: Okay, Mr. Eloisa.
23 MR. ELOISA: Good morning.
24 MS. CITARAMANIS: Good morning.
25 MR. ELOISA: I visited the premises on Thursday,

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1 November 5th. It was, for me, a very simple inspection as
2 this is a non-existent accessory apartment at this time. It
3 is to be located in an addition that is to be constructed.
4 So, at this time it was the rear yard. There is a porch
5 behind the house and that's where the addition is going to
6 be, and the accessory apartment is going to be located
7 inside the addition. The only issue for DHCA was the on-
8 site parking requirement, which is 480 square feet for this
9 property.
10 My measurements of the on-site parking were nine
11 feet by 35 feet, which come to 315 square feet.
12 MS. CITARAMANIS: Okay.
13 MR. ELOISA: In order to obtain the accessory
14 apartment license, the owner must obtain all the permits
15 from DPS, Department of Permitting Services, and WSSC, and
16 they must be inspected and final before DHCA approves a
17 license.
18 MS. CITARAMANIS: Okay.
19 MR. ELOISA: And, that's pretty much it for me.
20 It's very simple. Must get all the licenses and they have
21 to be final, and then we go in and do a final inspection
22 after that.
23 MS. CITARAMANIS: Okay. Did you have any
24 questions?
25 MR. COHEN: Just a couple procedural questions.

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1 So, the report says after -- if this is granted -- I go to
2 the Department of Permitting Services, get the building
3 permit, construct it. At that point I return to DHCA or do
4 I do anything before that to DHCA?
5 MR. ELOISA: Once you obtain the permit, you have
6 six months to finish the construction. After you finish all
7 the construction, get all the inspections from DPS, they
8 have their own inspections done through the process. Once
9 everything is final, then DHCA will do a final inspection,
10 basically a move-in ready inspection before you can apply
11 for a license. And the license will be through the City of
12 Takoma Park.
13 MR. COHEN: So, DHCA provides that to Takoma Park,
14 whatever your inspection is, I apply for the license to
15 Takoma Park Housing?
16 MR. ELOISA: Right. You apply to them, and then
17 that'll trigger our inspection. So once it's ready to move
18 in, you go to the City and say I have my apartment ready to
19 move in, and then we do the inspection at the same time.
20 MR. COHEN: Okay. So that's the next time the
21 DHCA will become involved, is that right?
22 MR. ELOISA: Right, at the end, once it's move in
23 ready.
24 MR. COHEN: Okay. And then, just informally, but
25 I guess since we're in a formal setting, No. 7 says the

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1 proposed accessory apartment must meet all requirements for
2 habitability, and the ones you've called out to me are the
3 ceiling height, and the egress window. Are there any other
4 major ones that I'm not considering?
5 MR. ELOISA: Everything else, DPS will tell you,
6 the smoke alarms, where to be located, so that's why ours is
7 very simple because DPS -- it's new construction, so old and
8 new requirements for building apply.
9 MR. COHEN: Okay. I just want to make sure
10 there's no additional DHCA ones. I know it's 7 feet minimum
11 height.
12 MR. ELOISA: Right.
13 MR. COHEN: And the egress window, both of which
14 we've planned for already.
15 MR. ELOISA: Right. And for the smoke alarms,
16 they will tell you exactly what the requirements are,
17 because there are some new changes that come through. So,
18 when you get the permit, you have to provide a floor plan
19 and exactly what you want to do, and then they'll sign off
20 on it and they'll inspect it. They'll do multiple
21 inspections, the property inspection, electrical inspection,
22 plumbing inspection and final.
23 MR. COHEN: Yes. And then, one final question, I
24 think. You mentioned on the phone that it's a 7 foot
25 minimum height and no bulkhead can be below a certain

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1 height. What was the height?
2 MR. ELOISA: The minimum bulkhead is 6'4".
3 MR. COHEN: Okay, that won't be a problem. Okay.
4 I don't think I have any other questions. It all seems
5 perfectly reasonable from my perspective.
6 MS. CITARAMANIS: Okay. We don't hear that very
7 often. Mr. Eloisa, were you able to review the plans? Did
8 you see the plans?
9 MR. ELOISA: I did get a copy of the plans.
10 MS. CITARAMANIS: Okay. The one that, it's I
11 guess called the new basement, the addition.
12 MR. ELOISA: New basement floor plan, yes.
13 MS. CITARAMANIS: And, in the bedroom you see that
14 there is a window. That's the window you're talking about
15 that needs to be egress?
16 MR. ELOISA: Right. And it looks like you have a
17 sliding door also? Is that a glass sliding door to the
18 back?
19 MR. COHEN: You know what, since we filed, we
20 decided to eliminate that window and make this the egress
21 window.
22 MR. ELOISA: Okay.
23 MR. COHEN: I don't know -- I'm pointing for the
24 record.
25 1 MS. CITARAMANIS: Okay, then what we're going to

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1 do is you're going to -- I'm going to give you the original
2 and I'm going to ask you to make those changes, initial
3 them, and then show it to Mr. Eloisa so he and I both know
4 what you're talking about. So, the plan, let me find --
5 MR. COHEN: I hope it's okay to get up and move
6 around.
7 MS. CITARAMANIS: Absolutely. Okay, Mr. Cohen, if
8 you could come up here and make sure I'm looking at the
9 right -- it's easier for me to do it off of what I am going
10 to rely on, unless that it is already, it's already been
11 modified. Has it already been modified?
12 MR. COHEN: It does reflect the change.
13 MS. CITARAMANIS: The new changes. Then we'll make
14 that --
15 MR. COHEN: And we need to provide, make a copy
16 for the record. This is the only copy right now.
17 MS. CITARAMANIS: Okay. Let me just look at it
18 real quick and see.
19 MR. COHEN: Sure. This is the area that you're
20 looking at on your copy. So you see here under the porch
21 there were two windows, we decided there would be no light
22 there anyway, and so instead this is the window, you see we
23 made an egress well.
24 MS. CITARAMANIS: Okay. Actually, this is better
25 than writing it in.

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1 MR. COHEN: Yes.
2 MS. CITARAMANIS: So, we'll have to get Ellen to
3 make us a copy and we'll mark this as the next exhibit,
4 which I will know before we leave. So, go ahead and show
5 that to Mr. Eloisa, and I'm going to look in the exhibit
6 numbers.
7 MR. COHEN: Sure. So, I'll just talk for the
8 record. Again, we decided to eliminate that window there
9 and we're making this the egress, which was the plan anyway,
10 but see we've marked now the egress well, I think that's
11 what it's called.
12 MR. ELOISA: The window well?
13 MR. COHEN: The window well, to make that.
14 MR. ELOISA: Just make sure you get the size
15 requirements for the window well.
16 MR. COHEN: Is that something that the Department
17 of Permitting Services does?
18 MR. ELOISA: Right.
19 MR. COHEN: Yes, we will. I think that's all we
20 have to show you there.
21 MS. CITARAMANIS: Okay. So let the record reflect
22 that the exhibit that has been modified and will be copied
23 is 20(f). Mr. Cohen showed the changes to Mr. Eloisa
24 showing a deletion of two windows in the bedroom, and
25 showing the proposed window well for the bedroom to satisfy

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1 the requirement for an egress window. And Mr. Eloisa, you
2 are asking that he provide those dimensions to make sure
3 that they are correct?
4 MR. ELOISA: When he goes to Permitting Services
5 to obtain the permit to build the structure and the window
6 well, he's going to get all the requirements, all the sash
7 requirements. He just must follow the requirements set by
8 DPS.
9 MS. CITARAMANIS: Okay. So you understand that?
10 MR. COHEN: I do. Actually, if you wish, I also
11 have an external elevation showing the egress window, if you
12 wish to have it for the record.
13 MS. CITARAMANIS: Anything that is going to make
14 it crystal clear.
15 MR. COHEN: Let me show this to you.
16 MS. CITARAMANIS: I would rather you modify now
17 than to later or me later have to send you a letter saying I
18 need clarity.
19 MR. COHEN: Sure. This is the exterior, this will
20 be another exhibit.
21 MS. CITARAMANIS: Is this it?
22 MR. COHEN: Yes, that's it.
23 MS. CITARAMANIS: Okay, so you are referring to a
24 modified version of Exhibit 20(c) which will be marked and
25 entered into the record and will supercede 20(c).

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1 MR. COHEN: For the record, you can see that the
2 side window which was showing here as a double-hung window,
3 is now showing it's a casement window, and shows an external
4 well to provide entrance and egress.
5 MS. CITARAMANIS: Well, what is a casement window?
6 MR. COHEN: It opens sideways.
7 MR. ELOISA: The entire frame -- so that it meets
8 the minimum. In this case, it'll be a 5.7 square feet
9 opening that you need. And if it's double-hung, only half
10 or less than half, about 45 percent of the entire case
11 opens.
12 MS. CITARAMANIS: Okay.
13 MR. ELOISA: If the entire window opens, it's a
14 casement window. It makes it larger egress or rescue
15 opening.
16 MS. CITARAMANIS: Okay. So what he is showing is
17 the correct type of window. It's just make sure that the
18 sizing has to be --
19 MR. COHEN: 5.7 --
20 MR. ELOISA: Square feet opening.
21 MS. CITARAMANIS: Okay. Yes, because I notice
22 there aren't any dimensions on there.
23 MR. COHEN: There is a scale, but it's not
24 annotated on here.
25 MS. CITARAMANIS: Just so that you understand that

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1 it has to be the proper --
2 MR. COHEN: I'm going to show you --
3 MS. CITARAMANIS: Yes, please do. Actually, the
4 two exhibits that are going to be modified I am going to
5 number the first one which is 20(f), I'm going to modify it
6 20(f)(l).
7 (Exhibit No. 20(f)(l) was
8 marked for identification.)
9 MS. CITARAMANIS: And then, the side elevations,
10 new left side elevation which is identified as 20(c) will be
11 modified as 20(c)(l).
12 (Exhibit No. 20(c)(l) was
13 marked for identification.)
14 MS. CITARAMANIS: So that way they'll stay
15 together in the file and the most recent one will reflect
16 the current plan.
17 MR. COHEN: Thank you.
18 MS. CITARAMANIS: Mr. Eloisa, with regards to, I
19 see that there are no dimensions on the floor other than
20 for, in the papers Mr. Cohen, I believe, says roughly the
21 size of the proposed accessory apartment will be 640 square
22 feet approximately?
23 MR. COHEN: I think it was -- the report from
24 Planning said 660, I believe.
25 MS. CITARAMANIS: And based on your review of the

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1 new plan, will as proposed contain all of the necessary
2 facilities for habitability?
3 MR. ELOISA: Yes. The only thing is in the new
4 addition, it cannot be more than 800 square feet.
5 MS. CITARAMANIS: And, which this --
6 MR. ELOISA: So, as long as you're under the 800.
7 MS. CITARAMANIS: Under 800. With regards to
8 lighting, I noted that there are no, on the site plan, no
9 indication of lighting and no path.
10 MR. ELOISA: Right.
11 MS. CITARAMANIS: With regards to your approval
12 process --
13 MR. ELOISA: Well, like I said, it doesn't exist
14 right now, so when it's built DPS will require that there's
15 a light outside the door.
16 MS. CITARAMANIS: What type of light?
17 MR. ELOISA: Outside the door has to be one that
18 you can turn on and off from inside the dwelling. And on
19 the path which, whenever it's built, you have to have a
20 path, and you have to have lighting for the path.
21 MR. COHEN: Okay.
22 MR. ELOISA: And we prefer that it be sensor
23 lighting. So that when people use it, you know it comes on
24 and off instead of being on all night. And the door to the
25 accessory apartment must be on the side or rear of the

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1 property, not on the front.
2 MR. COHEN: May I ask you a clarifying -- that
3 makes sense about the lighting in terms of the path, which I
4 know is a question. What are the requirements for the
5 pathway?
6 MR. ELOISA: The code doesn't specify exactly what
7 you have to have. You can have gravel. You can have -- you
8 can pave a driveway or walkway. You can have stones,
9 stepping stones. So it doesn't necessarily say what you
10 have to -- you have to have something so that they're not
11 walking on mud or when it rains, on something slippery.
12 MR. COHEN: Thank you.
13 MS. CITARAMANIS: And, just because it hasn't been
14 built yet, the entrance into -- is it a step down entrance
15 into the accessory apartment?
16 MR. COHEN: It is.
17 MS. CITARAMANIS: Railings and width.
18 MR. ELOISA: All that he will get with the,
19 because it's to be built. So, whenever it's built, or you
20 have to have, if you have three or more risers, you have to
21 have a handrail at least on one side. And all that will be
22 inspected when it's built.
23 MS. CITARAMANIS: Okay. I just wanted to have the
24 record clear. And with regards to the lighting for the
25 path, mounted on the side of the house, correct?

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1 MR. ELOISA: Right.
2 MS. CITARAMANIS: Not freestanding? Is there a
3 certain height that it can't go over, or it doesn't matter?
4 MR. ELOISA: Since he has to get the permits to do
5 it, he's going to have to note it where the light is going
6 to be.
7 MS. CITARAMANIS: He's going to have to note it
8 where the light is going to be here for me too.
9 MR. ELOISA: Right, okay.
10 MS. CITARAMANIS: And, with regards to the type of
11 lighting, it needs to be residential, and the glare has to
12 go down to the lights so that it doesn't intrude .1 candle
13 foots to the next door neighbor. So that there's no
14 intrusion. But the reason for the sensor is so that it's
15 only on when it needs to be on. And somebody's walking by
16 it. Okay. I mean, you don't have an existing light on the
17 side of your house now. I didn't see any in the picture,
18 but that doesn't mean --
19 MR. COHEN: No, we don't. Everything, again,
20 seems reasonable, and that was the idea, was that we're
21 trying to make it pleasant for the tenant to live there.
22 So, we would provide a light and certainly there's a lot of
23 sensor activated lights that we can install. And for the
24 record, I can indicate the approximate location where I
25 think it would make the most sense along the pathway. And

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1 then we'll do it in accordance with any Department of
2 Permitting Services requirements. As to your question,
3 height, for example. And I hear you about also not
4 intruding on the neighbors sort of plain of --
5 MS. CITARAMANIS: Well, it is one of the
6 requirements with regards to lighting. It can't be a
7 certain glare beyond the property line. And the reason is,
8 is you don't want light pollution to your neighbor and vice
9 versa. So, it would have to be shielded downward onto the
10 path. And, generally when that happens, the circle of light
11 is not too broad.
12 MR. COHEN: Right.
13 MS. CITARAMANIS: As opposed to just putting very
14 large spot lights that just go out all over the side of the
15 neighbor.
16 MR. COHEN: Right.
17 MS. CITARAMANIS: Just double checking. All
18 right. So any other questions for Mr. Eloisa in terms of
19 what you need to do? Certainly you know that you can call
20 him at any time.
21 MR. COHEN: Yes.
22 MS. CITARAMANIS: But, now while you have him,
23 because he's a busy man.
24 MR. COHEN: No, I mean, it seems to be mostly
25 follow the Department of Permitting Services requirements,

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1 and the minimum egress and height requirements, all of which
2 I can go on record as saying that we will do.
3 MS. CITARAMANIS: Okay. And the glazing
4 requirements, new windows meet all --
5 MR. ELOISA: DPS, you know eight percent minimum
6 glazing for new construction. But again, when you submit
7 the plans to DPS they'll tell you, okay, this satisfies or
8 if it doesn't, they'll let you know. That's why my report
9 is very simple. Follow DPS requirements at this point. If
10 it was existing then we have to let you know exactly what
11 you need to do. But in this case, it's new construction.
12 Whatever DPS requires, that's what we'll look at, at the
13 end.
14 MR. COHEN: When you say eight percent glazing,
15 you mean that eight percent of the construction at least
16 have a window?
17 MR. ELOISA: Eight percent of each habitable room
18 must have -- each habitable room must have at least eight
19 percent of glazing minimum. But there's some -- DPS has
20 some, if you have, you know, when they look at the lighting
21 installation and the HVAC system, they can reduce that. So,
22 once you provide that, because you have to have some, you
23 know, heat and AC to the unit. So they say basically the
24 heating and the AC you don't need to have the eight percent,
25 then they'll let you know.

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1 MS. CITARAMANIS: What's the minimum size the
2 bedroom has to be?
3 MR. ELOISA: The minimum is 70 square feet. This
4 one doesn't say exactly what the size will be.
5 MS. CITARAMANIS: What's the size of the bedroom?
6 MR. COHEN: Well, it's approximately 14 feet in
7 width, and I would say, I'm just thinking, thinking based on
8 the bathtub there, so the depth is 23 completely, then you
9 take -- a bathtub is five feet, so 23 minus six. So it's
10 approximately 14 by 17 or 14 by 16, which I think would be
11 well in excess of the minimum requirement.
12 MR. ELOISA: That's over 200 square feet.
13 MS. CITARAMANIS: Okay. I just want to make sure,
14 because the last thing you need to do is build a small
15 bedroom and then they say --
16 MR. ELOISA: And they won't let you build it. So
17 if you come with the plans, they'll say, this is -- that's
18 why just follow DPS. Because if they see it's less than 70
19 square feet, they'll tell you that's not a bedroom, that's a
20 closet. So they'll tell you you need to increase the size,
21 so make some changes.
22 MS. CITARAMANIS: Okay. I just want to make sure
23 the record is clear. Okay. With that, if you don't have
24 anymore questions, I'm going to let you go, unless you have
25 any questions?

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1 MR. ELOISA: No, I don't have any questions.
2 MR. COHEN: I have no questions.
3 MS. CITARAMANIS: And, if something comes up while
4 you're not here, I can always send an e-mail and ask you to
5 comment on it, and then go from there.
6 MR. ELOISA: Thank you.
7 MS. CITARAMANIS: Thank you very much. Okay. So
8 what I would like to do for a moment, the two documents, are
9 those extra copies or can you give those to me and mark
10 them?
11 MR. COHEN: I think I can -- they're the only
12 copies I have, but I think I can give them to you. That's
13 fine. The architect will have to provide me some copies
14 otherwise.
15 MS. CITARAMANIS: Or, Ellen can make a copy. Make
16 two, one for the file and one for me. I am going to make
17 those --
18 MR. COHEN: I annotated them per your earlier --
19 MS. CITARAMANIS: We're good. Ms. Forbes just
20 came in and brought in the affidavit for your wife. And
21 basically, she's just consenting that everything you're
22 saying is true. She goes with it, and will abide by
23 everything that is in there and conditions. So, just have
24 her sign that, notarized, and bring it back to Ms. Forbes.
25 Of course, you've been under oath since the very beginning,

Page 25

1 so everything you say you're bound by. Your presentation, I
2 mean, I can ask you questions or you can --
3 MR. COHEN: I can simply say that everything I've
4 submitted is true and accurate to my knowledge. And, I'm
5 prepared to rely on the papers that I submitted to -- I
6 forget where I submitted them to, Department of Planning.
7 MS. CITARAMANIS: Department of Planning, yes.
8 MR. COHEN: And, I've reviewed their report, and
9 I've reviewed the four conditions that you read earlier,
10 which again, seem reasonable. And, I can say on the record
11 that we'll comply with those conditions. And, I'm just, as
12 opposed to rehashing it, I'm just prepared to answer any
13 questions you have about it.
14 MS. CITARAMANIS: Okay. Well, I just wanted, or
15 we'll just look at -- because you put in some photographs.
16 I know what I forgot to ask him, a little bit more about the
17 parking. Why don't we go to parking and you can explain to
18 me what your parking is like in front of your home,
19 restricted, unrestricted, number of the houses on the
20 street, other houses, whether they have driveways.
21 MR. COHEN: Columbia Avenue comes off of Carroll
22 Avenue, which is a main street in Takoma Park. On the other
23 side of Carroll Avenue, and beginning on Pine Avenue, there
24 are restricted parking, but Columbia Avenue has no
25 restricted parkings and parking requirements. And I think

1 that was reflected in the e-mail from the City of Takoma
2 Park to Montgomery Planning. There was an e-mail at the end
3 of the package from Rosalyn Grigby (phonetic sp.) that says,
4 the City does not have any comments on the proposal. As the
5 applicant states, the property is not within a parking
6 permitted area, and a resident would not require a permit to
7 park there. It is a non-contributing resource for historic
8 purposes.

9 So, the street is made of -- all the houses on the
10 street are single family homes. Every house, to my
11 knowledge, on the street has its own off-street parking.

12 MS. CITARAMANIS: When you say off-street parking
13 --

14 MR. COHEN: A driveway.

15 MS. CITARAMANIS: Single? Double?

16 MR. COHEN: Yeah, some of them are much longer
17 than mine. Our house has a shared driveway with our
18 immediate neighbor, who presently does not reside at that
19 address, so it's unoccupied, and has been for the seven
20 years we've lived there.

21 MS. CITARAMANIS: It's been unoccupied for seven
22 years?

23 MR. COHEN: It's been unoccupied for more than 20
24 years, but it's been unoccupied for the seven years that
25 we've lived there. And, it's a different story, but --

1 MS. CITARAMANIS: Not relevant here.

2 MR. COHEN: Not relevant. But, it is a -- the
3 dimensions that Mr. Eloisa described, the 9 feet by 35 feet
4 are my half of that driveway. There's a corresponding
5 driveway on the other side. So each of homes has two spots
6 to park in tandem, so you can get four in the driveway.
7 There's a speed bump in front of our home. But, it doesn't
8 inhibit parking. People park there between, along the curb,
9 basically, there's free parking on one side of the street,
10 which is my side of the street all the way down Columbia
11 Avenue. My neighbor to my other side has a carport in the
12 back of his house.

13 MS. CITARAMANIS: When you say the other side, if
14 I'm looking straight at the house, to the right?

15 MR. COHEN: Correct. So, I'm at 13. My neighbor
16 in the unoccupied home with which I share a driveway is 15.

17 MS. CITARAMANIS: Okay.

18 MR. COHEN: And, 11 is to my other side. It's a
19 yellow split level. He has a space in the front of his
20 house, and he has two spaces in the rear of his house.

21 MS. CITARAMANIS: Rear parking?

22 MR. COHEN: Rear parking, carport. And the
23 neighbor next to him which, I believe, for some reason is 7
24 and not 9, also has the same situation. They have, on their
25 driveway, they have a front pad, and they have space for two

1 to three cars in the rear.

2 MS. CITARAMANIS: Okay.

3 MR. COHEN: My neighbors across the street, which
4 actually is a very interesting facility, it used to be a
5 school.

6 MS. CITARAMANIS: I'm looking at Exhibit 6(a),
7 it's the zoning map.

8 MR. COHEN: 8 Columbia?

9 MS. CITARAMANIS: And I was going to ask you about
10 this corner.

11 MR. COHEN: Can I come up and approach so I can
12 see?

13 MS. CITARAMANIS: Absolutely. Okay, so we're
14 looking at Exhibit 6(a), and just tell me where you're
15 referring to?

16 MR. COHEN: Were you asking about this corner
17 here? Yes, is that what you pointed to?

18 MS. CITARAMANIS: Yes, yes. Across the street
19 from you.

20 MR. COHEN: So this is across the street, I
21 believe it numbers 8. It's a historic property. It used to
22 be, just from an interest perspective, it was a school for
23 the Seventh Day Adventist community, which has its history
24 in Takoma Park. Then it was Takoma Park City Hall, and
25 police station, and now it is a private home. But because

1 of its history it has a curb cut on two locations. So, one
2 in front of the house where they have a driveway that can
3 fit four cars, and they have an additional curb cut near the
4 property line as it turns the corner there. And one or two
5 other cars can fit there. And so, they never have any
6 parking issues, and they're also two people who live there,
7 no other people live there. So, I can actually, if you
8 wish, I can go right down the block and describe --

9 MS. CITARAMANIS: I would because, as you know,
10 the criteria for finding inadequacy is if your use, the
11 additional use, will take away regular parking for your
12 neighbors within 300 feet of the property. And if you
13 present me with evidence that shows that it won't impact
14 that. So yes, please go down.

15 MR. COHEN: Sure, and I'll start with the corner
16 at Pine Avenue, I believe it is, and Columbia Avenue. There
17 is another large, I believe, historic house. I'm not sure
18 actually what the address is, but they have on the Pine
19 Avenue side a gravel driveway.

20 MS. CITARAMANIS: So they face Pine, even though
21 they have the corner side is on Columbia?

22 MR. COHEN: Correct. They keep at least four cars
23 there at all times on their driveway. Parking begins about
24 halfway down their property line. There's a no parking sign
25 from there to the corner.

1 MS. CITARAMANIS: Okay.
 2 MR. COHEN: I believe for safety reasons. But
 3 from halfway down the property line, all the way down and
 4 the rest of Columbia Avenue, there is free parking at, past
 5 Hickory Avenue, turning onto Hickory Avenue as well there's
 6 unrestricted parking. On Montgomery Avenue there's also
 7 unrestricted parking. The restrictions are on this side of
 8 -- this is Carroll Avenue here -- restrictions are on the
 9 other side of Carroll Avenue, and along Pine Avenue there is
 10 restricted parking.
 11 MS. CITARAMANIS: All of Pine Avenue or just one
 12 side?
 13 MR. COHEN: I think -- that's a good question.
 14 MS. CITARAMANIS: Permit parking?
 15 MR. COHEN: Yeah, it's permit parking, residential
 16 permit parking. I'm just thinking if you can even park on
 17 both sides of that street. I think you're only allowed to
 18 park on one side. But yes. So, just beginning there. I've
 19 described the next two properties on Columbia as having both
 20 rear --
 21 MS. CITARAMANIS: Seven and 11.
 22 MR. COHEN: Seven and 11, I believe, as having, 7
 23 having two to three cars in the back, one car pad in the
 24 front. The next one having a one car pad in the front, and
 25 two cars in the back carport. The next home showing with

1 the circle is mine, which has the two car tandem parking.
 2 Followed by the other side of that driveway, which also has
 3 two car tandem parking. Continuing on my side of the
 4 street, 13, 15, I believe, 17, they have a large gravel
 5 driveway that can accommodate multiple cars. I mean, I've
 6 seen three to four cars there. It's a widely spread
 7 driveway. The following home, you can see, it's a fairly
 8 larger lot, and they have a garage there that's reflected on
 9 the map. They also have a long driveway. I don't know the
 10 exact square footage but it would probably accommodate three
 11 cars in tandem. And that final house on the corner, and
 12 just to reflect something interesting, as you can see they
 13 have a garage structure behind them on Hickory Avenue. That
 14 was actually condemned and torn down a few years ago, but
 15 that is a driveway as well.
 16 MS. CITARAMANIS: So it's still parking, but it's
 17 not a garage?
 18 MR. COHEN: Yeah, I'm just -- exactly. Anyway, I
 19 walk around a lot. Then, continuing the next house crossing
 20 Hickory Avenue, they again have a two car driveway on this
 21 side of the house, tandem. They have two cars. Then, let's
 22 see, this house also has a driveway, and this house has a
 23 driveway. And that's as far as you can see down on this
 24 side of the street.
 25 MS. CITARAMANIS: Right. On Columbia?

1 MR. COHEN: On Columbia Avenue. And switching
 2 sides on Columbia Avenue beginning with that corner lightly
 3 shaded lot, I've already described that one. The next house
 4 down has a long tandem driveway. The house after that has a
 5 short one car driveway. And then the two houses after that
 6 share a large shared, what you call it?
 7 MS. CITARAMANIS: Parking pad?
 8 MR. COHEN: Parking pad. Thank you. That can
 9 accommodate two on either side, as well.
 10 MS. CITARAMANIS: I think you're here.
 11 MR. COHEN: You're right. Then, each of these
 12 homes here has a long single driveway where you can park in
 13 tandem.
 14 MS. CITARAMANIS: Those are four homes that are
 15 across the street from, or just past Hickory?
 16 MR. COHEN: Correct. Correct. And it continues
 17 in that manner to Poplar, which is the next street. I don't
 18 think there's any home on Columbia that does not have street
 19 parking.
 20 MS. CITARAMANIS: And the remaining houses on
 21 Hickory down towards Montgomery?
 22 MR. COHEN: Sure. If you make a right, let me
 23 just for the record, if you're coming down Columbia away
 24 from Carroll Avenue, and you make a right onto Hickory, on
 25 the right side there's a small Bungalow. She has a driveway

1 and a garage. Followed by another two homes that share a
 2 driveway. And you can see the shared parking structure in
 3 the back there with the property line going right through
 4 the middle. And then you come to the final house on that
 5 side of the street on Columbia, they have a new garage in
 6 the back, but a driveway in front of that as well.
 7 MS. CITARAMANIS: And that faces Hickory? The
 8 corner lot faces Hickory?
 9 MR. COHEN: Right. The driveway faces Hickory.
 10 MS. CITARAMANIS: But the house faces Montgomery
 11 or kind of catty-corner?
 12 MR. COHEN: I guess it's probably mainly facing
 13 Montgomery.
 14 MS. CITARAMANIS: Okay.
 15 MR. COHEN: Yeah. And going back on the other
 16 side of the street starting at the corner, I already
 17 described that as a tandem two car driveway. The next house
 18 also has a tandem driveway down on the side away from
 19 Columbia. The next house, I'm honestly not sure what the
 20 have.
 21 MS. CITARAMANIS: It looks like they have a --
 22 MR. COHEN: Oh, you're right. You're right. It
 23 does look like they have a structure in the back and a
 24 driveway along the fence line with the preceding one.
 25 MS. CITARAMANIS: Right.

1 MR. COHEN: The next property, these are sort of
2 the larger lots in the neighborhood, and very nice driveway
3 reflected in front of the garage near the property line.
4 And the next house after that, although they don't have a
5 garage, also have a driveway in that same --

6 MS. CITARAMANIS: Near the property line?

7 MR. COHEN: Correct. The house after that has a
8 small driveway along the side of the property line there.
9 That has a driveway that currently has rented storage unit
10 in it, this house. That's almost where, I'm sorry, no. I
11 skipped one. I'm not sure about this house. I guess, I
12 can't think of, on the record, I can't think of any home
13 that doesn't have a driveway.

14 MS. CITARAMANIS: Who parks in front of your
15 house?

16 MR. COHEN: Who parks in front of my house? So,
17 let's see.

18 MS. CITARAMANIS: Do you park in front of your
19 house?

20 MR. COHEN: I tend not to park in front of my
21 house. We tend to park -- well, because of the unique
22 situation with our neighbor. She is fine with us parking on
23 her side of the driveway, and so she's given us permission
24 to do that. So we tend to, because we have children to
25 unload. I would say some of the neighbors will sometimes

1 park there to unload. You know, so like if, this house
2 here, sometime they park one of their cars there and one of
3 their cars there.

4 MS. CITARAMANIS: But that's farther down from
5 your house or is it right?

6 MR. COHEN: It's just a little bit down from my
7 house. There are sometimes people who, it's reflected
8 there.

9 MS. CITARAMANIS: So, I'm going to hand you, I
10 have a number of pictures that you've taken, 12(a) through
11 12(f). Did you take all these pictures?

12 MR. COHEN: I did.

13 MS. CITARAMANIS: And, did you take them all at
14 the same time?

15 MR. COHEN: I took them around the same time of
16 day, yes.

17 MS. CITARAMANIS: Unless it's noted. I believe
18 you did put a --

19 MR. COHEN: I did try to note in the, yeah.

20 MS. CITARAMANIS: And, do these pictures
21 accurately reflect the property and the conditions as it
22 exists today?

23 MR. COHEN: Yes.

24 MS. CITARAMANIS: Okay. So, if you want to go
25 ahead and describe, just make sure that you identify the

1 exhibit picture you're referring to and explaining.

2 MR. COHEN: Well, the first appendix (a), 12(a),
3 just shows the front of my home with our minivan in the
4 driveway. And, on the left picture, on the right picture is
5 our second car, which is parked on my neighbor's side of the
6 driveway in this picture, and her home. You can see the
7 empty curb in front of the house. The property line is
8 approximately that tree. So, I'm going to turn to the next
9 exhibit because it might -- yeah, this is better. I'm
10 switching to 12(d). Again, where you can see my recycling
11 out, and you can see the length of the -- you can fit one
12 car clearly right here in front of my home.

13 MS. CITARAMANIS: In front of your home.

14 MR. COHEN: Another car over the speed bump, and a
15 third car behind that in front of my neighbor's house. So,
16 I would say the middle car kind of straddles our two
17 property lines.

18 MS. CITARAMANIS: Okay.

19 MR. COHEN: And, here on the picture below that,
20 you can see someone has parked a taxi. There is a
21 commercial establishment on the corner of Carroll and
22 Columbia Avenue. There is a commercial establishment on the
23 corner of Carroll and Columbia Avenue. It is a, I can
24 reflect it on the map. It's, I don't know how to reflect
25 it, but right here.

1 MS. CITARAMANIS: So it's --

2 MR. COHEN: The second property, it's this one.

3 MS. CITARAMANIS: In the overlay?

4 MR. COHEN: Yes.

5 MS. CITARAMANIS: It's in the Takoma East. It's
6 the corner?

7 MR. COHEN: The corner has their own parking.
8 They're actually unoccupied right now. They have a large
9 gravel lot. And this has their own parking too.

10 MS. CITARAMANIS: Okay.

11 MR. COHEN: But once in a while we get overflow
12 people who park in the area.

13 MS. CITARAMANIS: And, when you say once in a
14 while, infrequently?

15 MR. COHEN: No, I mean, we, I mean fairly
16 frequently. But people come out. They don't park there all
17 day. They go in, they run, they get their cup of coffee.

18 But generally, people park behind. There's adequate parking
19 in the back of the -- it's called the Capital City
20 Cheesecake Cafe. They also have an express spot in the
21 front for people who are just running in and out. And, just
22 keep going?

23 MS. CITARAMANIS: But for purposes of in front of
24 your house, it's more towards the corner and not necessarily
25 in front of your house?

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1 MR. COHEN: Yeah, absolutely. No, it's not, we're
2 not the parking for Capital City Cheesecake.
3 MS. CITARAMANIS: Okay. You're not the overflow
4 parking?
5 MR. COHEN: We are not. And I don't, you know, I
6 don't obviously know who every car is.
7 MS. CITARAMANIS: No, that's fine.
8 MR. COHEN: But again, this is --
9 MS. CITARAMANIS: Just a representation of the
10 actual parking at those times that you put?
11 MR. COHEN: Correct. That's right. Before I
12 leave or when we come home from work.
13 MS. CITARAMANIS: Which is the critical time is so
14 that --
15 MR. COHEN: That's what I believed it would be.
16 MS. CITARAMANIS: It is. It's the critical time
17 to make sure that when everybody comes home, everybody has
18 their space. I mean, it's public parking, obviously, but the
19 accuracy of how many people park, and if you're going to be
20 displacing anybody.
21 MR. COHEN: Right. No, absolutely not. And
22 again, because most people have, everyone has their own
23 driveway.
24 MS. CITARAMANIS: That's what it sounds like.
25 MR. COHEN: So, yeah, these are just random people

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1 parked on the street. I don't recognize those particular
2 vehicles.
3 MS. CITARAMANIS: And what's the one on 12(f), the
4 lower one, left?
5 MR. COHEN: This left here?
6 MS. CITARAMANIS: Yes.
7 MR. COHEN: So, in 12(f) you're asking about the
8 vehicle or what the curb --
9 MS. CITARAMANIS: What's that area?
10 MR. COHEN: Sure. So this is, that's a good
11 question. If you were standing on my driveway and looking
12 across the street, down the street away from Carroll Avenue,
13 you would be looking at a curb cut. Okay, and this is the
14 curb cut that I mentioned earlier for 8 Columbia Avenue.
15 This is their second curb cut.
16 MS. CITARAMANIS: Okay.
17 MR. COHEN: So this is their overflow pad, if you
18 will. They don't really ever use it. They put their
19 garbage over there. But they have two spots when they have
20 parties and stuff.
21 MS. CITARAMANIS: But on the right hand side,
22 that's your side of street, and that's all the available
23 parking?
24 MR. COHEN: Right. And, in fact, you could
25 actually see, it's actually kind of helpful now that I look

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1 at it, if you look to the right you can see a car parked by
2 that white fence.
3 MS. CITARAMANIS: Correct.
4 MR. COHEN: That is the parking that I was
5 describing earlier, this large gravel path that that home
6 has. And so you can see how far back it goes from the
7 street. And then the house, which is the house with the
8 first garage closer to Hickory.
9 MS. CITARAMANIS: Two houses down from there?
10 MR. COHEN: Two houses down. That's reflected in
11 12(f). You see a Subaru there.
12 MS. CITARAMANIS: That's that lot?
13 MR. COHEN: Right. And then you can see, which
14 actually, just interesting, is the lots get deeper because
15 of the way the road turns. So I actually have the
16 shallowest lot because of the way the road goes.
17 MS. CITARAMANIS: Okay.
18 MR. COHEN: And so, you can see it's a fairly deep
19 driveway both for that one and the house behind it. That's,
20 I guess, helpful to reflect.
21 MS. CITARAMANIS: That's helpful. And what time
22 was that taken 8:15?
23 MR. COHEN: 8:15 in the morning. And then,
24 looking above that on 12(f), that's facing towards Columbia
25 Avenue.

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1 MS. CITARAMANIS: Okay, the other direction.
2 MR. COHEN: You can see a Prius parked there.
3 That's the neighbor's front parking pad that I described
4 earlier, the ones with the parking pad on the right. You
5 can see the curb cut for the other, 8 Columbia.
6 MS. CITARAMANIS: Across the street?
7 MR. COHEN: Across the street as well. There's no
8 parking allowed on that side of the street.
9 MS. CITARAMANIS: So it's only on your side?
10 MR. COHEN: Correct. And, you can see one car
11 parked there, and you can see right above it the sign where
12 it doesn't permit parking behind that. You have to really
13 squint. I took them before and after I left to work and
14 various times as I was preparing this application.
15 MS. CITARAMANIS: Okay. That's very helpful. I
16 think that you have -- when Mr. Eloisa was here, you
17 described the new exhibits, 20(f)(I) and 20(c)(I). These
18 are the most current plans?
19 MR. COHEN: They are.
20 MS. CITARAMANIS: And, I note that they don't have
21 actual dimensions, but you guesstimated that the bedroom,
22 what the size of the bedroom is.
23 MR. COHEN: Well, we know, the scale is written on
24 the side, but it's not printed in the full architectural
25 paper. If it was in the full architectural pieces of paper,

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1 a quarter inch equals one foot. And it's reflected on the
2 bottom right hand corner above where it says, sheet A4 and
3 A5. A little above there, below the date. Actually, on
4 page A4 it says, date, October 11, 2015, scale one quarter
5 equals one foot. That's on the 20(f)(l) exhibit. Would you
6 like me to show you?
7 MS. CITARAMANIS: Right. 20(f)(l) okay.
8 MR. COHEN: Would you like me to approach and show
9 you where that is?
10 MS. CITARAMANIS: Sure. You probably could just
11 stay up here, since nobody else is here.
12 MR. COHEN: I know. It's fine. Right there.
13 MS. CITARAMANIS: Okay, I see.
14 MR. COHEN: And I know, because of all our
15 discussions, our permit would be, Takoma Park Arborist
16 exactly how far it is from the house unless we intrude on
17 the root structure of the tree. So, just to be clear, while
18 I'm up here, this, from the present structure, which is this
19 area here, this is the addition. This side is 23 feet, and
20 then there's a wall there, about halfway through the house,
21 which is about 14 feet. Then the side is about 25 feet. And
22 it's the same for the basement. So this is 23 feet, this is
23 25 feet. This is approximately 14 feet, and this is
24 approximately 14 feet. So, I was able to, knowing that this
25 is 23 feet, and knowing that a bathtub is five feet.

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1 MS. CITARAMANIS: Right. Guesstimate. And, I
2 think Mr. Eloisa made it clear that you'll -- they will not
3 you let build it if it doesn't meet the correct dimensions.
4 MR. COHEN: I have no doubt.
5 MS. CITARAMANIS: And, the entrance is going to be
6 on the left side?
7 MR. COHEN: When you're looking at the house from
8 the street, yeah, the entrance is on the left side. That's
9 correct.
10 MS. CITARAMANIS: It will be on the left side.
11 And, it will have a little roof over it?
12 MR. COHEN: Correct. Otherwise, unenclosed.
13 MS. CITARAMANIS: Okay. And, you know you'll have
14 to include -- actually, I'm going to need you to mark at
15 least a proposed location, certainly can be adjusted.
16 MR. COHEN: For the lighting?
17 MS. CITARAMANIS: For the lighting.
18 MR. COHEN: Sure.
19 MS. CITARAMANIS: Because I note that you --
20 MR. COHEN: That was back on 20(c)(l). It would
21 be the appropriate exhibit to show you.
22 MS. CITARAMANIS: Okay. So, right now we have in
23 front of us, what is Exhibit 7? Can you just describe that
24 for me?
25 MR. COHEN: Sure. Exhibit 7 is a hand drawn

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1 sketch of the proposal that I put together for the arborist
2 so he could see where the trees were. We have one large
3 tree that we particularly have to care for. And it just
4 shows sort of like from a helicopter perspective what the
5 addition would look like on the property.
6 MS. CITARAMANIS: Okay, so it's basically the
7 landscaping identification of the location of the trees and
8 shrubs, or is it just trees?
9 MR. COHEN: Right. And also -- it's trees only,
10 and it also shows where we would put tree protection, a
11 fence, during the construction. So that any heavy machinery
12 would not cross over that fence line.
13 MS. CITARAMANIS: Okay.
14 MR. COHEN: That's a requirement in Takoma.
15 MS. CITARAMANIS: But that's a temporary?
16 MR. COHEN: Correct. And it also reflects, as did
17 the plans on the left side, where the entrance, the proposed
18 entrance, the apartment would be.
19 MS. CITARAMANIS: Okay.
20 MR. COHEN: Which is on the side, that you stated,
21 the left side.
22 MS. CITARAMANIS: All right. And, number 16?
23 MR. COHEN: Sixteen is the plat of the home that
24 we got when we purchased the home. And again, it's
25 basically the same thing, I put it together, showing key

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1 trees. I think I did this for the benefit of this hearing,
2 just consistent with the tree protection device. Showing
3 the property line. How far back everything is. And again,
4 where the large or notable trees are that require
5 protection. It also reflects the driveway, as well. You
6 can see it says asphalt drive, right there.
7 MS. CITARAMANIS: Okay. What I am going to ask
8 you to do on this, and we'll use a red pen. If you could
9 identify, just with a circle, those locations of existing
10 lighting on, all the way around, and then we'll do an X for
11 the proposed addition at the entrance, and on the side of
12 the house for the path.
13 MR. COHEN: So the zero shows --
14 MS. CITARAMANIS: The existing, existing lighting.
15 MR. COHEN: Existing. There is a existing sconce,
16 I guess you would say, right by the front door on to the
17 porch there. There are, and that's on all night. There are
18 also lights on the porch, like built in.
19 MS. CITARAMANIS: Recessed?
20 MR. COHEN: Recessed. I don't know if you want me
21 to reflect those.
22 MS. CITARAMANIS: Go ahead.
23 MR. COHEN: Those are turned on, on occasion, for
24 sitting out there. But those are not usually on. That's
25 all that there is. I'm sorry, there is an existing light on

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1 the rear, outside the rear enclosed porch, right there.
2 MS. CITARAMANIS: Okay. Do you have a pole light?
3 MR. COHEN: On the street?
4 MS. CITARAMANIS: Do you have a pole light on --
5 MR. COHEN: No, we don't.
6 MS. CITARAMANIS: -- along your walkway?
7 MR. COHEN: We do not.
8 MS. CITARAMANIS: And do you have a street light
9 in your view?
10 MR. COHEN: There is lots of street lighting. In
11 fact, I mean, to the point where it's a pretty well lit
12 neighborhood. I mean, obviously, we're going to do it, but
13 when you stand on the asphalt driveway, it's fine. I think
14 you need a light by the rear proposed entrance to the
15 apartment because it's darker in the rear, obviously.
16 MS. CITARAMANIS: Okay. So, now --
17 MR. COHEN: Where would we put the lights?
18 MS. CITARAMANIS: Well, we can just put an X, I
19 believe Mr. Eloisa said it needs, just like your front door,
20 it needs to --
21 MR. COHEN: Right. So there'd be a, so the stairs
22 come down --
23 MS. CITARAMANIS: It would be to the left of the
24 door or to the right of the door?
25 MR. COHEN: Right. So approximately where this 10

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1 foot line is. So that's where a sconce would be, by the
2 door.
3 MS. CITARAMANIS: Which? This so long as you have
4 one, it's residential and it's either to the right or to the
5 left. I'm not sure what they require. But, you'll do
6 whatever they require.
7 MR. COHEN: And, if additional pathway lighting is
8 required, it would seem --
9 MS. CITARAMANIS: It will be required.
10 MR. COHEN: Okay. So, the question is, how much
11 will be required, I guess, is the question. On this exhibit
12 20, this one here, you can see on the top -- for the record,
13 20(c)(1), the top side. You want me to draw it?
14 MS. CITARAMANIS: Yeah, you can.
15 MR. COHEN: So, again, you can see the door. So
16 I'm going to, for these purposes, assume that the sconce is
17 on the right. The sconce will probably be on the left
18 actually.
19 MS. CITARAMANIS: Probably be on the left.
20 MR. COHEN: From the way the door opens. Right.
21 So let's put an X to the left of the door where the sconce
22 would be.
23 MS. CITARAMANIS: Red X.
24 MR. COHEN: And you can see that that's actually
25 fairly close already to the stairs. So, I think that you

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1 would probably want some sort of lighting in this space from
2 the driveway.
3 MS. CITARAMANIS: Correct. That would be my, I
4 mean, in past cases that I've dealt with, it's usually some
5 type of a, in the middle of the house. Just so long as, I
6 mean, at this point, you have that lighting. You just need
7 to be able to -- they need to be able to get from the front
8 to the back.
9 MR. COHEN: Correct.
10 MS. CITARAMANIS: And, was it your intention that
11 the pathway be on the left or are you going to make them go
12 around?
13 MR. COHEN: No, that's my intention that they
14 would go up the driveway.
15 MS. CITARAMANIS: They would come up the driveway,
16 and from the driveway you would need to put in -- people
17 have put in, like you said --
18 MR. COHEN: A motion activated light.
19 MS. CITARAMANIS: Motion activated light, but also
20 with regards to the path, it can be flat stepping stones.
21 It just needs to be a safe, level area --
22 MR. COHEN: And egress.
23 MS. CITARAMANIS: Yeah. So that a person can get
24 there. So whether you do -- you just have to let us know
25 what you're going to do.

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1 MR. COHEN: Sure.
2 MS. CITARAMANIS: Whether it be a stepping stones,
3 or you're actually going to put in a concrete pad.
4 MR. COHEN: I think my intention, as I indicated
5 to Ms. Forbes in an e-mail last week, is to do stepping
6 stones, just so there's less, more permeability for rain
7 runoff and stuff.
8 MS. CITARAMANIS: Okay.
9 MR. COHEN: Just not to keep paving everything.
10 But we'll provide adequate walkway around to the entrance of
11 the apartment, and we'll put a light facing down on the side
12 of our home. The height, I think, will be determined by
13 what the Department of Permitting Services tells me. But I
14 think it would probably approximately be pretty much where
15 the old house and the new house meet.
16 MS. CITARAMANIS: Yeah.
17 MR. COHEN: I'll indicate it for now, here. I
18 think.
19 MS. CITARAMANIS: That's fine.
20 MR. COHEN: Which is, just for the record, kind of
21 right where the old house meets the proposed addition.
22 MS. CITARAMANIS: And if it's needed possibly on
23 the front of the house, or the corner --
24 MR. COHEN: Yeah, I thought we'd want that anyway
25 for our own personal.

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1 MS. CITARAMANIS: Right. So you can mark that as
2 well.
3 MR. COHEN: I will. I'll be happy to. And we
4 may, I mean, I'm personally hoping, just because of crime
5 and whatnot, to probably put one on the rear corner anyway,
6 for the same reasons, the rear corner of the house.
7 MS. CITARAMANIS: You can certainly mark that as
8 well, and with the understanding that it needs to be
9 residential. It can't be commercial.
10 MR. COHEN: Right.
11 MS. CITARAMANIS: I'll just read the section.
12 This is Section 644(e) for conditional uses, outdoor
13 lighting for a conditional use must be directed, shielded,
14 and/or screened to ensure that the illumination is 0.1 foot
15 candles or less at any lot line that abuts a lot with a
16 detached house building type are not located in a
17 commercial/residential or employment zone. So, you're an R-
18 60 residential zone. This applies. And basically, as I was
19 explaining, the spread of the light, it can't offer any
20 glare or intrusion into the next, because part of the
21 criteria asks is it excessive lighting. And because Staff, I
22 don't, since this wasn't presented to Staff, I'm going to
23 notify Staff and let them know, and make sure they don't
24 have any comment with regards to what else they would need.
25 Because generally, the lighting is not needed if it's

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1 existing. But because you're doing an addition and this is
2 all new, this section applies. It does apply. And I don't
3 believe, I'll go back, but I don't believe Staff addressed
4 it with regards to lighting. So, because we are, this a new
5 zoning ordinance and this is like the third case. And this
6 is the first addition, so you know, we're all making sure
7 we're applying the correct standard. But based on this
8 language, and this is an addition, you do have to provide
9 it.
10 MR. COHEN: Okay.
11 MS. CITARAMANIS: So, I will send that back to
12 Staff for their comment. Again, I'm going to leave the
13 record open to make sure. Let me just ask you to, it might
14 be easiest if you could -- I'm looking at Exhibit 16, and if
15 you could just draw or at least identify where a path would
16 go.
17 MR. COHEN: Sure.
18 MS. CITARAMANIS: And then, explain to me at the
19 corner, I see that you have a porch. If somebody, if you're
20 going to have them walk up the driveway, explain to me that
21 there's enough space for them to safely get past your
22 vehicle, or your vehicle will be parked down a little bit,
23 or how you want to address that.
24 MR. COHEN: Sure.
25 MS. CITARAMANIS: Because the path needs to be

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1 unobstructed and, you know, from looking at the plat, you
2 just describe in real life what --
3 MR. COHEN: So, just on Exhibit 16 you can see
4 there's an existing walkway. We don't have a pole light
5 because the street lights are sufficient for all of this.
6 Likewise, to the left of the walkway, and before the asphalt
7 drive annotation, there's a small tree and some small
8 shrubbery, and there is asphalt to walk up alongside the
9 vehicles there, as well. And, adequate space to walk around
10 the corner of the porch. The way that, and presently
11 there's asphalt going all the way back. I think that's
12 historical, just historical asphalt. But, because the lot,
13 I think, used to be an impound lot for the police station
14 across the way, plus that we constantly find things in our
15 yard. But we will be, at the time, once the construction is
16 done, we're going to be repaving this because it is not in
17 great condition. And we're going, I believe, the intention
18 is to extend the asphalt or concrete, whatever we end of
19 doing, almost to where, basically to the end of the existing
20 structure. Which, I guess I can mark here, right? Sorry.
21 MS. CITARAMANIS: Yeah. And then you can just
22 identify it as asphalt. And then from that point, up to
23 the, it can be stepping stones.
24 MR. COHEN: Exactly. So that was my intention.
25 This particular 16 doesn't actually show the staircase, but

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1 the staircase I'm going to draw, it will be approximately
2 there. And then, I would hope to have stepping stones to
3 the base of the staircase.
4 MS. CITARAMANIS: Okay. So if you could just
5 identify that as paved asphalt.
6 MR. COHEN: Sure. And then the stepping stones?
7 MS. CITARAMANIS: And then stepping stones,
8 correct. And then just initial.
9 MR. COHEN: I don't know if I date it. I'm
10 probably going to date it to.
11 MS. CITARAMANIS: The 9th.
12 MR. COHEN: Thank you.
13 MS. CITARAMANIS: And, you just put --
14 MR. COHEN: So initial?
15 MS. CITARAMANIS: Yeah, just say it's proposed
16 lighting. Let me just double check my notes to make sure
17 that we have everything. You haven't had any comments from
18 your neighbors?
19 MR. COHEN: None.
20 MS. CITARAMANIS: Because I noted in the Staff
21 report they haven't received anything either.
22 MR. COHEN: No, I haven't either.
23 MS. CITARAMANIS: Nobody's verbally complained?
24 MR. COHEN: No one has verbally complained.
25 MS. CITARAMANIS: Well, I mean, nobody's here

1 generally. When they are unhappy they show up. Which is
2 the whole reason for this process. Okay. All right. So, I
3 think that I have asked all of my questions. At this point
4 I'm assuming you would like to admit all the exhibits in the
5 file?

6 MR. COHEN: Yes, please.

7 MS. CITARAMANIS: And, including the modified
8 exhibits which we can certainly get you a copy if you want.
9 You have an opportunity to make a closing statement, if you
10 want.

11 MR. COHEN: I will waive that.

12 MS. CITARAMANIS: Okay. So, since we have a few
13 things, I do want to send the information with regards to
14 the lighting back, because you modified that to show that,
15 and I don't know if it was an oversight or whatever. But I
16 need to make sure that Staff has an opinion that it's
17 residential, and if they need anything else.

18 MR. COHEN: Right. I mean, my impression from Mr.
19 Eloisa was that, that's something that Department of
20 Permitting Services would make me do anyway.

21 MS. CITARAMANIS: I'm talking about the Staff that
22 wrote the big report. The long report.

23 MR. COHEN: Okay. Planning staff.

24 MS. CITARAMANIS: I think it's Ms. Riley. And
25 also, I don't think I have -- I think we've adequately

1 addressed all the issues with DHCA, Mr. Eloisa. So, with
2 that in mind, when were you anticipating construction, just
3 out of curiosity?

4 MR. COHEN: Well, that's, I mean, we have sailed
5 past any initial ideas. At this point, my question was kind
6 of to you, as the hearing officer, I understand you now
7 write an opinion.

8 MS. CITARAMANIS: Right. I write a report and a
9 decision. The decision is with me at this point. So, and
10 how that works is, I have to have it to you within 30 days
11 after the record closes. We're going to leave the record
12 open, I'm going to decide that in a minute, how long. And
13 then the time clocks starts from there. Once you get the
14 report, I'm going to be sending it back to, it'll go to
15 Staff, and I believe DHCA, and the Board of Appeals. You
16 have 10 days after my decision, if you don't like my
17 decision, or you want my decision modified, you have a right
18 to basically appeal it to the Board of Appeals. And it's
19 basically on the record. That's why we have to make sure
20 everything is gone over, because it's the record, it's not a
21 new hearing. But you have to notify us within 10 days after
22 that. That's your period. If we receive no notice from you
23 that you want to appeal it, then it becomes a final
24 decision. And you proceed how you want to.

25 MR. COHEN: Right. One final question which is,

1 just, because I'm trying to figure out when we, figure out
2 if and when we can build this, and obviously, so far there's
3 been no neighbors who have any issues with the proposal.
4 But is there an additional, I think, Ms. Forbes said I had
5 to leave the sign up for an additional 30 days after some
6 date. What is that date?

7 MS. CITARAMANIS: After, I believe, the 10 day
8 period. I think you need to leave it up 30 days after that.

9 MR. COHEN: Because I have 10 days if I need to
10 appeal this?

11 MS. CITARAMANIS: You have 10 days.

12 MR. COHEN: But then the neighbors have, or the
13 public has an additional 30 days?

14 MS. CITARAMANIS: Basically. I'm not exactly sure
15 whether the 30 day would -- the 30 days from the date of my
16 decision includes or does not include the 10 days for the
17 sign. To be safe, just keep the sign up.

18 MR. COHEN: Realistically, I don't know how long
19 it takes for a typical decision like this to be issued. I
20 mean, we didn't realistically think we could break ground in
21 this calendar year anyway. But we're hoping to break ground
22 early next calendar year.

23 MS. CITARAMANIS: Yeah. Just with the impending
24 weather and the holidays, that's what I was thinking. But I
25 just wanted to --

1 MR. COHEN: No. I mean, I just, I would love for
2 the, I mean, if all the appeals and everything were done,
3 the period of appeals were done around the New Year, that
4 would be fine.

5 MS. CITARAMANIS: Oh no. Short of anything
6 happening, I mean, things have happened. Plan A is we'll
7 leave the record for a certain period. Once that's done,
8 the record closes. I will get it to you as soon as
9 possible, within that 30 day. Hopefully, it'll be sooner
10 than later, but life happens.

11 MR. COHEN: Well, we appreciate it. I mean, I
12 know that I owe you the affidavit from my wife during the
13 open record.

14 MS. CITARAMANIS: Correct. Right. I knew there
15 was another thing I wanted to -- you need to submit that
16 affidavit. So what I'm going to do, I'm thinking I'm going
17 to leave the record open for 15 days. That will provide you
18 with time to get the affidavit. That will also provide me
19 to send the information to Staff, and get any comments back
20 from them. And they might come back and say, that's fine,
21 we have no comments, provided it's residential and --

22 MR. COHEN: Meets the code, right.

23 MS. CITARAMANIS: You meet that, it's residential
24 in style. And then, the 30 days will start from then. So,
25 today is the 9th. So, the 24th, I mean that's two days

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1 before Thanksgiving.
2 MR. COHEN: That's fine with me.
3 MS. CITARAMANIS: Okay. So, I will leave the
4 record open for 15 days. It will close by the close of
5 business Tuesday, November 24th. What that means is I can't
6 take any other information unless I reopen the record.
7 Which I can and have done before. If, once I get into the
8 meat of all of this and find oh, I forgot to ask that
9 question and need the answer, and sometimes it's just as
10 simple as sending an e-mail, and asking for clarification.
11 Opening the record for that information, just to get it in.
12 But, we're going to shoot for December 24th --
13 MR. COHEN: November 24th, I think you said.
14 MS. CITARAMANIS: November 24th, correct.
15 November 24th, not December. And, then the 30 day period
16 will, the clock will start from then.
17 MR. COHEN: And, I'm sorry, the 30 days for your
18 decision?
19 MS. CITARAMANIS: Yes.
20 MR. COHEN: And then after that there's a 30 day
21 period?
22 MS. CITARAMANIS: Just to keep the sign up.
23 MR. COHEN: Correct. But keeping the sign up
24 just, I don't anticipate any problems. But there, a member
25 of the public could appeal the decision following --

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1 MS. CITARAMANIS: Ten days. Interested parties --
2 MR. COHEN: Oh. They have 10 days, I have 10
3 days?
4 MS. CITARAMANIS: Everybody. But nobody has shown
5 --
6 MR. COHEN: I don't anticipate any problem, I just
7 want to understand the sign stays up longer than the actual
8 10 day period.
9 MS. CITARAMANIS: I believe the sign needs to stay
10 up 30 days after my decision.
11 MR. COHEN: Ms. Forbes said she will tell me the
12 dates. I have no doubt.
13 MS. CITARAMANIS: She'll give you the final, leave
14 it up. But once my decision comes out, you have 10 days.
15 That 10 days is when you can decide whether you like my
16 decision or not.
17 MR. COHEN: Uh-huh.
18 MS. CITARAMANIS: And, if no problem, then it will
19 become a final decision. And you can proceed on your merry
20 way to the rest of the --
21 MR. COHEN: Hopefully, it'll be merry.
22 MS. CITARAMANIS: -- administrative process.
23 MR. COHEN: That's true, because we won't even get
24 to start, we still have to go through Department of
25 Permitting Services, and that probably will take three weeks

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1 or so.
2 MS. CITARAMANIS: Well, my only recommendation to
3 you is just to keep track, because as Mr. Eloisa is one of
4 just a few handful of inspectors, so they're all very busy.
5 Just be your own advocate --
6 MR. COHEN: Yeah.
7 MS. CITARAMANIS: -- and keep going so that you
8 can get this through. Okay. If we have no other business,
9 then we are adjourned for the day. The record will close on
10 the 24th of November.
11 MR. COHEN: Oh, and just for one, I have no
12 further business, I just want to clarify, the only item that
13 I owe the record, or our family owes the record is the
14 affidavit, is that right?
15 MS. CITARAMANIS: That's all that I see, because
16 we have modified the exhibits satisfactory to me. And I
17 will double check with Staff to see if they need anything
18 else. Whether they need a picture of what you're proposing
19 so that they can make a decision on the residential style.
20 But, I'm going based on your representations what type of
21 lighting it will be. Okay?
22 MR. COHEN: Okay, thank you very much.
23 MS. CITARAMANIS: Thank you. If you want copies
24 --
25 MR. COHEN: I don't need copies at this time. If I

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1 need copies later, I can contact Ms. Forbes.
2 MS. CITARAMANIS: Okay. When you come back.
3 Exactly. All right. Good enough. Thank you.
4 MR. COHEN: Thank you.
5 MS. CITARAMANIS: And it's 10:57, or something
6 like that. Thank you.
7 (Whereupon, at 10:52 a.m., the hearing was
8 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:

Application of Neal Cohen for Accessory Apartment
CU 16-02

By:

Keena Lukacinsky, Transcriber

<p style="text-align: center;">A</p>	<p>51:23 addressed (2) 51:3;55:1</p>	<p>58:24;59:6 anticipating (1) 55:2</p>	<p>45:10;48:12;49:10; 52:9;57:3 asphalt (9) 45:6;46:13;52:6,8, 11,12,18,22;53:5</p>	<p>behind (6) 9:5;31:13;36:15; 37:18;40:19;41:12 below (3) 11:25;36:19;42:3 benefit (1) 45:1</p>
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