

OFFICE OF ZONING AND ADMINISTRATIVE HEARINGS
FOR MONTGOMERY COUNTY

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:
PETITION OF : Case No. CU-16-15
JENNIFER FREEMAN :
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A hearing in the above-entitled matter was held on September 12, 2016, commencing at 9:37 a.m., at the Office of Zoning and Administrative Hearings, 100 Maryland Avenue, Rita Davidson Memorial Hearing Room, Rockville, Maryland 20850 before:

Lynn A. Robeson
Hearing Examiner

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C O N T E N T S

Witnesses:	Direct	Cross	Redirect	Recross
Jennifer Freeman	4	--	--	--

1 trials on TV?
2 MS. FREEMAN: Yeah.
3 MS. ROBESON: Well, this is a trial type hearing,
4 but it's not going to be as wild as TV. So, we're here
5 today on an application for a conditional use, as you know.
6 It's permitted by statute as long as the use meets certain
7 requirements, and those requirements are set out in the
8 Staff report. Have you had a chance to read the Staff
9 report?
10 MS. FREEMAN: Yes.
11 MS. ROBESON: And, do you agree with its findings
12 and do you want to adopt that as your own testimony?
13 MS. FREEMAN: Yes, I agree, yes.
14 MS. ROBESON: Okay. And you've seen the
15 conditions of approval?
16 MS. FREEMAN: Yes.
17 MS. ROBESON: Do you agree to abide by those
18 conditions?
19 MS. FREEMAN: Yes.
20 MS. ROBESON: Okay. Now, did you see -- Staff --
21 I had some questions about some fairly technical things.
22 Did you see Staff's response?
23 MS. FREEMAN: I didn't. I just replied.
24 MS. ROBESON: Oh, I just realize, she didn't cc
25 you.

P R O C E E D I N G S

1
2 MS. ROBESON: This is a public hearing in the
3 matter of Jennifer Freeman, OZAH Case No. 16-15, an
4 application for a conditional use for an equestrian facility
5 at 14975 Sugarland Road, Poolesville, Maryland, land in the
6 R-200 zone under Section 59-324 of the zoning ordinance.
7 The property is also described as Parcel 914, Tax Map CS61.
8 My name's Lynn Robeson. I'm the hearing examiner, and what
9 I'm going to do today is take all the evidence that you want
10 to say, and I write a decision. If you disagree with my
11 decision, then you have 10 days to request oral argument to
12 the Board of Appeals. If you don't request oral argument,
13 the decision is -- my decision is final.
14 Now, a little bit about this hearing. It's formal
15 with certain informalities. It's informal, but we do have
16 certain formalities. Your testimony is under oath. And,
17 what I'm going to do now is swear you in.
18 (Witness sworn.)
19 MS. ROBESON: Can you please identify yourself for
20 the record?
21 MS. FREEMAN: Jennifer Freeman.
22 MS. ROBESON: Do you want to introduce the other
23 person at the table?
24 MS. FREEMAN: It's my daughter, Jenna Pilch.
25 MS. ROBESON: Welcome Jenna. Do you ever watch

1 MS. FREEMAN: Yeah, I didn't get the response.
2 MS. ROBESON: If you can please come up for a
3 moment. This is her response. She agrees that it is an
4 agricultural use.
5 MS. FREEMAN: Uh-huh.
6 MS. ROBESON: All right. She believes -- she
7 estimates that the height is about 20 feet.
8 MS. FREEMAN: Uh-huh. Yes. I agree. The
9 drawings are to scale, and I also measured that off because
10 there were two heights given. There's like a height here,
11 and there's another height, and you're just missing the
12 angle of the building. But by scale, it -- I calculated 18,
13 but it could be 20.
14 MS. ROBESON: I calculated 18.5.
15 MS. FREEMAN: Okay. So --
16 MS. ROBESON: But the problem is -- yeah, the
17 problem was the zoning ordinance has a very technical way of
18 how you measure height. And so, for some reason, that
19 measurement was not shown on the drawings. But, I -- as you
20 said, she scaled it, and you scaled it, I scaled it, so
21 we're well under 35 feet, I think. And then screening.
22 This is just saying, I just needed the legal citation --
23 MS. FREEMAN: Oh, okay.
24 MS. ROBESON: If you want to take a look. There's
25 two ways to get a waiver from screening. And, one is --

Page 6

1 it's more a legal question. So, do you have any issues with
2 these?
3 MS. FREEMAN: The response to your question, no.
4 MS. ROBESON: Okay. And then I also got -- oh,
5 she did cc you on this, some corrections.
6 MS. FREEDMAN: Yes.
7 MS. ROBESON: Yeah. Okay. All right. You can
8 have a seat. And, is there anything, just very brief. I
9 shouldn't have told you to have a seat. Why don't you come
10 up. Would you like to come up, Jenna?
11 MS. PILCH: Uhn-uh.
12 MS. ROBESON: Okay. Can you just -- this is the
13 site plan in the case. Can you just describe what you're
14 showing here?
15 MS. FREEMAN: So this -- okay. That's the house.
16 MS. ROBESON: That's labeled "existing house"?
17 MS. FREEMAN: Yeah, exactly. So the new barn
18 would be here --
19 MS. ROBESON: That's labeled new barn.
20 MS. FREEMAN: Exactly.
21 MS. ROBESON: With a chicken coop.
22 MS. FREEMAN: Right.
23 MS. ROBESON: I have one question. Is this the
24 only compost? It says small compost. And I didn't know if
25 that meant there's a bigger one.

Page 7

1 MS. FREEMAN: No, no. That would be the compost
2 for, you know, for the manure. And I'm having -- there's
3 going to be a vegetable garden here.
4 MS. ROBESON: Just, where's the north arrow, just
5 north of --
6 MS. FREEMAN: Yeah. This is, this is south, and
7 this is north.
8 MS. ROBESON: The existing -- the label for
9 existing septic seal?
10 MS. FREEMAN: Right. Exactly. So that's where --
11 and so this, once it's composted, after a year you can put
12 it on the vegetables and it's great, so, you know. It's
13 really good.
14 MS. ROBESON: Okay.
15 MS. FREEMAN: And it's only two horses, so that's
16 like a perfect amount. And then anything extra, you can
17 also just put back on the pastures, too. So there's -- it's
18 a rotation.
19 MS. ROBESON: Okay. Now, she recommended four
20 horses.
21 MS. FREEMAN: That's the maximum she said I could
22 have, because of the open space.
23 MS. ROBESON: Right.
24 MS. FREEMAN: So, because of the acreage, it could
25 have up to four.

Page 8

1 MS. ROBESON: Would your composting plan
2 accommodate four horses?
3 MS. FREEMAN: It would.
4 MS. ROBESON: Okay. That was my question.
5 MS. FREEMAN: Yeah. Definitely, yeah.
6 MS. ROBESON: All right. Well, thank you. Is
7 there -- okay, go ahead. And those are all my questions.
8 Is there something you would like to say?
9 MS. FREEMAN: No. That's all, I think. Thank
10 you, for doing this.
11 MS. ROBESON: Well, this is too easy. All right.
12 Now, Jenna, you're not under oath. But, is there something
13 you would like to say?
14 MS. PILCH: No.
15 MS. ROBESON: No? Okay. All right. With that, I
16 believe I've got everything I need. And you did put in a
17 new septic system?
18 MS. FREEMAN: Uh-huh. It's finished. Yeah,
19 that's finished.
20 MS. ROBESON: Okay.
21 MS. FREEMAN: Which is even farther away from the
22 fields and everything. So there's even less, you know,
23 connection.
24 MS. ROBESON: I saw that. It's closer to the
25 road.

Page 9

1 MS. FREEMAN: Right.
2 MS. ROBESON: Okay. All right.
3 Well with that, I am going to close the hearing, adjourn the
4 hearing. We have 30 days to write a report and
5 recommendation. I leave the record open. We have a
6 transcript that we have to cite to in our report, so we
7 leave the record open for 10 days to get the transcript in
8 the record. And then we have 30 days from that date to
9 write our report. We try not to take the full 30 days
10 because I know you're anxious to probably get your horses.
11 So, you know, I will try to get it out. But we don't always
12 have control over our own workloads.
13 MS. FREEMAN: Okay. I understand.
14 MS. ROBESON: In any event, that's the rest of the
15 process. So, with that I'm going to adjourn the hearing and
16 I'm going to keep the record open for 10 days to get the
17 transcript, and then I have a maximum of 30 days to write
18 the report.
19 MS. FREEMAN: So that puts us in end of October or
20 something like that, I guess, more or less?
21 MS. ROBESON: Yes. But as I said, we try to get
22 them out more quickly. You will get a notification and a
23 copy of the report. And again, if you disagree with my
24 decision, you have the ability to appeal or request oral
25 argument before the Board of Appeals.

1 MS. FREEMAN: Okay. Thank you. I appreciate it.
2 MS. ROBESON: Okay. Thank you so much.
3 (Whereupon, at 9:47 a.m., the hearing was
4 concluded.)
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1 C E R T I F I C A T E
2 DEPOSITION SERVICES, INC., hereby certifies that
3 the attached pages represent an accurate transcript of the
4 electronic sound recording of the proceedings before the
5 Office of Zoning and Administrative Hearings for Montgomery
6 County in the matter of:
7 Petition of Jennifer Freeman
8 Case No. CU-16-15
9
10 By:
11
12
13
14 Keena Lukacinsky, Transcriber
15
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25

Horse Barn

<p style="text-align: center;">A</p>	<p>3:12;9:25 brief (1) 6:8</p>	<p>3:11;9:4,7,8,9,16,17 decision (5) 3:10,11,13,13;9:24</p>	<p>four (3) 7:19,25;8:2 FREEDMAN (1) 6:6</p>	<p>9:16</p>
<p>abide (1) 4:17 ability (1) 9:24 accommodate (1) 8:2 acreage (1) 7:24 adjourn (2) 9:3,15 adopt (1) 4:12 again (1) 9:23 agree (4) 4:11,13,17;5:8 agrees (1) 5:3 agricultural (1) 5:4 ahead (1) 8:7 always (1) 9:11 amount (1) 7:16 angle (1) 5:12 anxious (1) 9:10 appeal (1) 9:24 Appeals (2) 3:12;9:25 application (2) 3:4;4:5 appreciate (1) 10:1 approval (1) 4:15 argument (3) 3:11,12;9:25 arrow (1) 7:4 away (1) 8:21</p>	<p>building (1) 5:12</p>	<p>Definitely (1) 8:5</p>	<p>Freeman (34) 3:3,21,21,24;4:2,10, 13,16,19,23;5:1,5,8,15, 23;6:3,15,17,20,22;7:1, 6,10,15,21,24;8:3,5,9, 18,21;9:1,19;10:1</p>	<p style="text-align: center;">L</p>
	<p style="text-align: center;">C</p>	<p>describe (1) 6:13</p>	<p>full (1) 9:9</p>	<p>label (1) 7:8</p>
	<p>calculated (2) 5:12,14 Can (7) 3:19;5:2;6:7,12,13; 7:11,16 Case (2) 3:3;6:13</p>	<p>described (1) 3:7 disagree (2) 3:10;9:23 drawings (2) 5:9,19</p>	<p style="text-align: center;">G</p>	<p>labeled (2) 6:16,19 land (1) 3:5 leave (2) 9:5,7 legal (2) 5:22;6:1</p>
	<p>cc (2) 4:24;6:5 certain (3) 3:15,16;4:6 chance (1) 4:8 chicken (1) 6:21 citation (1) 5:22 cite (1) 9:6 close (1) 9:3 closer (1) 8:24 compost (3) 6:24,24;7:1 composted (1) 7:11 composting (1) 8:1 concluded (1) 10:4 conditional (2) 3:4;4:5 conditions (2) 4:15,18 connection (1) 8:23 control (1) 9:12 coop (1) 6:21 copy (1) 9:23 corrections (1) 6:5 CS61 (1) 3:7</p>	<p style="text-align: center;">E</p> <p>easy (1) 8:11 end (1) 9:19 equestrian (1) 3:4 estimates (1) 5:7 even (2) 8:21,22 event (1) 9:14 evidence (1) 3:9 exactly (3) 6:17,20;7:10 examiner (1) 3:8 existing (3) 6:16;7:8,9 extra (1) 7:16</p>	<p>garden (1) 7:3 given (1) 5:10 good (1) 7:13 great (1) 7:12 guess (1) 9:20</p>	<p>less (2) 8:22;9:20 little (1) 3:14 long (1) 4:6 look (1) 5:24 Lynn (1) 3:8</p>
	<p>date (1) 9:8 daughter (1) 3:24 days (7)</p>	<p style="text-align: center;">F</p> <p>facility (1) 3:4 fairly (1) 4:21 farther (1) 8:21 feet (2) 5:7,21 FEREEMAN (1) 9:13 fields (1) 8:22 final (1) 3:13 findings (1) 4:11 finished (2) 8:18,19 formal (1) 3:14 formalities (1) 3:16</p>	<p style="text-align: center;">H</p> <p>hearing (8) 3:2,8,14;4:3;9:3,4, 15;10:3 height (4) 5:7,10,11,18 heights (1) 5:10 horses (4) 7:15,20;8:2;9:10 house (2) 6:15,16</p>	<p style="text-align: center;">M</p> <p>manure (1) 7:2 Map (1) 3:7 Maryland (1) 3:5 matter (1) 3:3 maximum (2) 7:21;9:17 meant (1) 6:25 measure (1) 5:18 measured (1) 5:9 measurement (1) 5:19 meets (1) 4:6 missing (1) 5:11 moment (1) 5:3 more (3) 6:1;9:20,22 much (1) 10:2</p>
<p style="text-align: center;">B</p> <p>back (1) 7:17 barn (2) 6:17,19 believes (1) 5:6 bigger (1) 6:25 bit (1) 3:14 Board (2)</p>	<p style="text-align: center;">D</p>	<p style="text-align: center;">I</p> <p>identify (1) 3:19 informal (1) 3:15 informalities (1) 3:15 introduce (1) 3:22 issues (1) 6:1</p>	<p style="text-align: center;">J</p> <p>Jenna (4) 3:24,25;6:10;8:12 Jennifer (2) 3:3,21</p> <p style="text-align: center;">K</p> <p>keep (1)</p>	<p style="text-align: center;">N</p> <p>name's (1) 3:8 need (1) 8:16 needed (1)</p>

