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# Transcript of Administrative Hearing

**Date:** April 10, 2020

**Case:** Dante Figeroa

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Transcript of Administrative Hearing  
Conducted on April 10, 2020

1 (1 to 4)

1	1	3
1	MONTGOMERY COUNTY	1 Present:
2	OFFICE OF ZONING AND ADMINISTRATIVE HEARINGS	2
3		3 Dante Figueroa, Applicant
4	-----X	4 Jon S. Frey
5	IN RE: )	5 Austin McNamara
6	Request for Waiver of )	6 Nana Johnson
7	Accessory Dwelling On-Site ) ADU 20-10	7
8	Parking Requirements )	8
9	License Application No. 116560)	9
10	-----X	10
11		11
12	Transcript of Proceedings	12
13	Conducted virtually	13
14	Friday, April 10, 2020	14
15	9:58 a.m.	15
16		16
17	Before:	17
18	LYNN A. ROBESON HANNAN,	18
19	Administrative Hearing Officer	19
20		20
21		21
22		22
23	Job No.: 293870	23
24	Pages 1 - 32	24
25	Reported by: Dianna C. Kilgalen	25
2	2	4
1	Transcript of Proceedings in the above-	1 C O N T E N T S
2	captioned matter, conducted virtually.	2 EXAMINATION OF DANTE FIGUEROA PAGE
3		3 By HEARING OFFICER ROBESON: 6
4		4
5		5 EXAMINATION OF AUSTIN McNAMARA: PAGE
6		6 By HEARING OFFICER ROBESON: 28
7		7
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12		12
13	Pursuant to agreement, before Dianna C.	13
14	Kilgalen, Notary Public for the State of	14
15	Maryland.	15
16		16
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2 (5 to 8)

<p>5</p> <p>1 HEARING OFFICER ROBESON: This is the 2 case of ADU 20-01, a parking waiver -- a request 3 for a parking waiver for an accessory dwelling 4 unit pending License 116560 at 2714 East West 5 Highway, Chevy Chase, Maryland. 6 Today we have on this hearing 7 Mr. Figueroa. In addition to Mr. Figueroa, we 8 have Jon Frey who is monitoring the hearing. He 9 is a specialist in Microsoft Teams. So he's here 10 to make sure we can get through the hearing 11 smoothly. We also have a court reporter and we 12 also have Nana Johnson of our office who I think 13 you have spoken with. 14 MR. FIGUEROA: Yes, ma'am. 15 HEARING OFFICER ROBESON: Okay. Please 16 identify yourself for the record and spell your 17 name and home address. 18 MR. FIGUEROA: Yes. Ms. Hannan, my name 19 is Dante -- 20 HEARING OFFICER ROBESON: Wait. I 21 forgot -- I forgot to swear you in. I'm not used 22 to this new -- 23 MR. FIGUEROA: I know. 24 HEARING OFFICER ROBESON: Please raise 25 your right hand.</p>	<p>7</p> <p>1 property to -- to be able to park. All right? 2 What I would like you to do is I had a 3 question about the on-site parking. I think you 4 have some photographs. 5 MR. FIGUEROA: Yes, ma'am. 6 Q. Now, you should have the exhibit list 7 and I'm going to scroll to some of the 8 photographs. So maybe it would be best if you 9 can describe these photographs and tell us what 10 these are. 11 Can you see them? 12 A. Yes. There. Very well. 13 HEARING OFFICER ROBESON: Okay. 14 A. There. There. Yes. 15 Q. Okay. So this is first -- well, let's 16 go through these photographs and that may answer 17 the questions I have. Okay? 18 So can you -- did you take this 19 photograph which is marked as Exhibit 8 (a)? 20 A. Yes, ma'am, I did. 21 Q. And does it fairly and accurately 22 describe the conditions at the time you took the 23 photographs? 24 A. Yes, ma'am. As of two days ago, 25 Wednesday, April the 8th, around probably 9 a.m.,</p>
<p>6</p> <p>1 DANTE FIGUEROA, having been duly sworn, 2 testified as follows: 3 EXAMINATION BY HEARING OFFICER ROBESON 4 BY HEARING OFFICER ROBESON: 5 Q. Okay. Go ahead and state your name and 6 address for the record. 7 A. My name is Dante Figueroa. I will spell 8 my last name. F-I-G-U-E-R-O-A. My residence is 9 located at 2714 East West Highway, Chevy Chase, 10 Maryland 20815. 11 Q. Thank you. Just one word before we 12 begin your -- I'm going to be asking you -- first 13 of all, I don't know, is there anyone else 14 besides the people I have named who has joined 15 the public hearing from the link on the website? 16 Okay. Hearing none, let me just say 17 that for the purposes of the court reporter, 18 please pause if -- please don't interrupt each 19 other so she can get an accurate count -- an 20 accurate transcript. Okay? 21 A. Yes. 22 HEARING OFFICER ROBESON: Now, as you 23 know, the criteria for approval here is that 24 there's enough parking, on-street parking, for 25 the people on street within 300 feet of this</p>	<p>8</p> <p>1 I took them with my own camera and downloaded 2 them on my own personal computer and no third 3 parties have intervened in this picture. 4 Q. Okay. Thank you. Tell us what you -- 5 what we are seeing here. 6 A. Yes, ma'am. This picture is taken -- it 7 has been taken looking from west to east and -- 8 in the coming months. On your left, the larger 9 street that you see is East West Highway, which 10 usually in a normal situation is very crowded at 11 the time of the day, on any day. 12 But as you can see, because of the 13 current situation, it was empty at the time of 14 the day. So that's the long street that you see 15 on the left. 16 On the right is what is called a service 17 road, for the lack of a better -- better 18 understanding of the exact nomenclature for these 19 cases. And I will refer to that later. 20 And to the right you cannot see, but the 21 section is called -- the street's called Colston 22 Drive, which is around the first -- the street. 23 It's sort of a curve and it goes parallel to the 24 service road. 25 Q. Can you spell Colston?</p>

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3 (9 to 12)

<p>9</p> <p>1 A. Yes, ma'am. It's C-O-L-S-T-O-N, Drive. 2 Q. Okay. All right. And which house -- 3 can you give me an approximate idea of which 4 house is yours? 5 A. Yes, ma'am. If you -- I see you have 6 the mouse, right? 7 HEARING OFFICER ROBESON: Yes. 8 A. If you -- the last car in the picture is 9 a gray color, you see? Okay. So if you go the 10 one before that one, you cannot see -- yeah, that 11 one, the gray-ish, and then you move one more 12 space, it's -- then there is a red car. Yeah. 13 That red car is exactly -- not exactly because 14 there's still I would say four, five feet between 15 car, the red -- the small red car and the 16 boundary line between the -- my neighbor's 17 property. 18 So in other words, the property -- my 19 property begins where the red car is. 20 HEARING OFFICER ROBESON: Okay. Thank 21 you. I'm taking notes which is why I'm quiet. 22 A. Yes, ma'am. 23 Q. Okay. May we go to the next picture? 24 A. Yes, ma'am. 25 Q. And all these pictures -- just so we</p>	<p>11</p> <p>1 actually living in my house now, whose van is 2 parked there. 3 And then you have another large truck 4 because the car -- the house -- sorry -- next to 5 mine to the east of -- we are looking 6 west-east -- is still under construction. In 7 other words, there is a larger number of cars 8 parked on this street. 9 HEARING OFFICER ROBESON: I see. 10 A. Yes, ma'am. 11 Q. And the house to the east, is that where 12 the spot-a-pot is? 13 A. Correct. It's right in the -- in the -- 14 in between our two. Actually they are 15 encroaching my property. But that's another 16 story. Yes, ma'am. It's between our two 17 properties. 18 Q. Okay. Let's go to Exhibit 8 (c). Can 19 you see this? 20 A. Not well, ma'am. 21 Q. Okay. How about that? 22 A. I would like to see the number at the 23 bottom that says Exhibit 8 (c), because I do not 24 see it. 25 Q. How's that?</p>
<p>10</p> <p>1 shorten this, all these pictures fairly and 2 accurately describe the conditions at the time 3 you took them? 4 A. Yes, Ms. Hannan. 5 Q. Okay. Now Exhibit 8 (b) we are looking 6 at, can you describe what this is? 7 A. Yes, ma'am. This is a picture that I 8 took from the same -- in the same direction, but 9 probably ten yards closer to my property, as if 10 we were walking toward my property. 11 And what I wanted to show you is that on 12 the right behind the gray car, the last car 13 parked on the right, there's still approximately, 14 I can estimate, three to four spaces available. 15 And -- 16 HEARING OFFICER ROBESON: Okay. 17 A. I'm sorry. 18 HEARING OFFICER ROBESON: No. I 19 shouldn't have said okay. Go ahead. 20 A. Okay. And if you can see, I mean, of 21 course, or I could relate to you, this is an 22 initial number of cars parked on this street. 23 And the reason is that in the other pictures we 24 show is that two cars ahead of my car, there is 25 the car that my contractor who is a friend</p>	<p>12</p> <p>1 A. Yes. I can see it now. Thank you. 2 Q. Okay. Can you tell me what this is? 3 A. Yes, ma'am. This -- this picture shows 4 the -- I guess a better glimpse of my house. And 5 as you can see, I was estimating between four to 6 five yards at the boundary line where the bushes 7 are between my neighbor to the west and my own 8 house. 9 So that's where the house begins after 10 to the porta-potty that you see to the far left 11 in the green corner and the big house that is 12 next to mine. So this is -- I would say this 13 represents -- this picture represents fairly the 14 current status of construction of my house. 15 Q. Okay. Thank you. Okay. We are going 16 to move to 8 (d). Now, let me know -- 17 A. I can see that. Yes. I can see that. 18 So this picture is -- if you wouldn't mind moving 19 a little bit to the left of the screen so I can 20 see the bushes on the right. I'm sorry. Looking 21 at the front of the house. 22 Q. Is that the right way? 23 A. No. The other side. So they have -- 24 yes. Exactly. Thank you. Thank you very much. 25 What I -- what I tried to show you with this</p>

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4 (13 to 16)

<p>13</p> <p>1 picture is that the bushes that you see on the 2 right are the boundary with my neighbor to the 3 right. 4 Q. I'm sorry. I didn't catch the word. 5 What is it that shows the boundary? 6 A. The bushes that you see on the right, 7 the greenery. 8 HEARING OFFICER ROBESON: Okay. 9 A. Yeah. The boundary with my neighbor to 10 the right and my property. 11 HEARING OFFICER ROBESON: Okay. 12 A. If I might say, as you see, my 13 contractor is -- is working on the rental 14 apartment. And that -- that construction has 15 been suspended pending this hearing, of course. 16 But you can see to the right of it is 17 the -- it's not nice looking, but a black plastic 18 cover with black plastic. 19 HEARING OFFICER ROBESON: Yes. 20 A. That is the bathroom and the entrance to 21 the rental apartment that has already been 22 authorized by the -- 23 Q. Okay. So it's on the side? 24 A. Correct. 25 Q. Okay. Let's move to 8 (e.) Wait a</p>	<p>15</p> <p>1 HEARING OFFICER ROBESON: Okay. 2 A. Yeah. It's almost impossible to gauge 3 the exact distance because of the picture and the 4 materials that are being stored there. 5 Q. Okay. But you measured it and it's 25 6 feet? 7 A. I measured it. 8 Q. So you have one on-site parking space? 9 A. Correct, ma'am. 10 Q. Okay. So that means you need enough 11 room for two on-street parking spaces? 12 A. Correct, ma'am. 13 Q. Okay. So the driveway is 25 feet? 14 A. Yes. Yes. Sorry. 15 Q. That is enough to put one car? 16 A. If I may say, one large car, because in 17 the next picture, if -- if we are going to 18 proceed to them, I would demonstrate the length 19 of the big car. Yes. That car that you are 20 pointing. What exhibit is that? 21 HEARING OFFICER ROBESON: 8 (f). 22 A. 8 (f), that is the -- the van, the SUV 23 that belongs to my contractor, and it's larger 24 than the one -- than the van which is behind it. 25 So ...</p>
<p>14</p> <p>1 minute. What is 8 (e)? 2 A. May I, Ms. Hannan? 3 HEARING OFFICER ROBESON: Yes. 4 A. So this picture is perhaps the one of 5 all the exhibits that represents the current 6 situation of the driveway of my house. It's -- 7 if I may, excuse my lack of knowledge of the 8 specific technical terms, but if you see where 9 the street ends and this line and the water runs 10 there, of course, that is public property, but on 11 the second line is where I will say -- and I am 12 totally open to being corrected -- my property. 13 So therefore, consequently, from that 14 line -- 15 Q. Wait. Let me get -- I need to get 16 straight the lines. So where -- does the private 17 property begin at the first horizontal line from 18 the pavement? 19 A. To my understanding, it's where the 20 mouse is. 21 HEARING OFFICER ROBESON: Okay. 22 A. So -- and if you keep moving forward 23 toward there, the house, all the way up to the 24 end, that -- I measured that distance, and it's 25 about 25 feet.</p>	<p>16</p> <p>1 And the reason I'm stating this is 2 because I measured this large van, as you can 3 see. It's -- I'm not specifically sure what 4 brand it is but it's a Nissan. It's about 21 -- 5 a little over 21 feet long. 6 And as you can see, that large van would 7 fit properly in the driveway as it is. 8 Q. Okay. I'm just writing. So let me -- 9 thank you. Are you ready to move to the next? 10 A. I am. 11 Q. This is 8 (g). 12 A. Okay. Okay. Should I explain this to 13 you? 14 HEARING OFFICER ROBESON: Yes, please. 15 A. This exhibit shows the street, what I 16 call the service road, but now taken from east 17 looking west. 18 And on the first -- on the first level 19 to the left, you see my next-door neighbor's 20 house to the east of my house which has been 21 under remodeling for almost a year. 22 And the reason I'm showing this picture 23 is that you can see that in front of my 24 neighbor's house, there's room, I would estimate, 25 for four to five cars as well.</p>

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5 (17 to 20)

<p>17</p> <p>1 And this large truck that you see here</p> <p>2 parked in front of the house is -- it's a large</p> <p>3 truck. Therefore, it's more than -- it's the</p> <p>4 size more above the average of the size of the</p> <p>5 cars that are usually parked in my area or</p> <p>6 neighborhood, which is a residential area very</p> <p>7 close to the Rock Creek Elementary School.</p> <p>8 Therefore, it's -- it's not the regular</p> <p>9 size of trucks that you can see around my</p> <p>10 neighborhood.</p> <p>11 Q. Okay. So you say the neighbor's</p> <p>12 property normally has four to five spaces in</p> <p>13 front of it?</p> <p>14 A. Correct, ma'am. And in addition, if you</p> <p>15 would please move the picture to the right of the</p> <p>16 screen, the other side, excuse me, I'm sorry, I</p> <p>17 apologize, the other side, yes, you can see that</p> <p>18 neighbor has two parking spaces and they -- in</p> <p>19 his driveway.</p> <p>20 You cannot actually tell from that</p> <p>21 picture. But in front of this car, this car to</p> <p>22 the left, there is another space for a Honda</p> <p>23 Odyssey, also gray color that they own. They</p> <p>24 have three children, two of them with special</p> <p>25 needs, and they park their cars there. So that</p>	<p>19</p> <p>1 A. Yes, ma'am.</p> <p>2 Q. Whoops. Sorry. I'm getting used to</p> <p>3 this. Okay. We are on 8 (h). Do you want to</p> <p>4 tell us what this shows?</p> <p>5 A. Yes, ma'am. This picture shows or</p> <p>6 tries -- intends to show the large parking space</p> <p>7 that is available -- that was available on</p> <p>8 Wednesday morning when I took the pictures.</p> <p>9 Behind the large truck that is -- was</p> <p>10 parked in front of my neighbor's house --</p> <p>11 Q. That was the black truck you showed on</p> <p>12 another photo?</p> <p>13 A. Correct, ma'am, yes -- so still there</p> <p>14 was room for two cars, one fully in front of my</p> <p>15 neighbor's to the east, their house, and probably</p> <p>16 half of another car in his property and half in</p> <p>17 front of my contractor's van that you can see.</p> <p>18 Therefore, the purpose of this picture</p> <p>19 is to see that there was two parking spaces</p> <p>20 available between these two trucks.</p> <p>21 Q. Okay. So let's move to very nice</p> <p>22 tulips.</p> <p>23 A. Thank you, ma'am.</p> <p>24 Q. Okay. This is 8 (i).</p> <p>25 A. Right.</p>
<p>18</p> <p>1 would be an additional parking space.</p> <p>2 Q. Okay. Now, do most of the homes on the</p> <p>3 service road within 300 feet, do most of them</p> <p>4 have driveways?</p> <p>5 A. All of them, ma'am. All of them. And I</p> <p>6 can --</p> <p>7 Q. Do you know, by any chance, if they are</p> <p>8 one space or two spaces?</p> <p>9 A. I do not know for sure.</p> <p>10 HEARING OFFICER ROBESON: Yes. That's</p> <p>11 fine.</p> <p>12 A. Okay. But at least -- let me say this,</p> <p>13 at least one all of them, of course, but at least</p> <p>14 the house to the east of my neighbor's house, the</p> <p>15 one that you are seeing first to the east, was</p> <p>16 also totally remodeled and doubled in size about</p> <p>17 a year ago.</p> <p>18 And that house I am sure, I'm positive</p> <p>19 it has two -- at least two parking spaces in that</p> <p>20 driveway. I cannot say with certainty about all</p> <p>21 the other houses in the area.</p> <p>22 Q. Okay. But the two houses on the east</p> <p>23 and west have two-car driveways?</p> <p>24 A. Correct.</p> <p>25 Q. Okay. Are you ready to keep going?</p>	<p>20</p> <p>1 Q. Tell us what -- it looks like you are</p> <p>2 measuring something.</p> <p>3 A. Right. And if you go all the way toward</p> <p>4 the house, if you move the picture the other way,</p> <p>5 yes, you can see -- I don't know if it's possible</p> <p>6 to see, but I hooked the tape of the -- the tape</p> <p>7 measure to the edge of the extension --</p> <p>8 HEARING OFFICER ROBESON: I see.</p> <p>9 A. Right -- so as to show that I was</p> <p>10 measuring the actual space that would be</p> <p>11 available, and not just the -- the -- the length</p> <p>12 of the driveway.</p> <p>13 But since the knowledge -- I think</p> <p>14 because it is blurry, the tape measure doesn't</p> <p>15 show the --</p> <p>16 Q. Do you -- can you testify what the --</p> <p>17 what the length was?</p> <p>18 A. Yes, ma'am. But if you move to the next</p> <p>19 picture, I believe I tried to take a close-up</p> <p>20 picture, yeah.</p> <p>21 Q. Okay. So what is -- this is -- let me</p> <p>22 just get the exhibit number. This is 8 (i).</p> <p>23 A. 8 (i). Okay. Yes. The number that you</p> <p>24 see to the -- by the way, this picture was taken</p> <p>25 a few seconds after the previous picture.</p>

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6 (21 to 24)

<p>21</p> <p>1 HEARING OFFICER ROBESON: Okay.</p> <p>2 <b>A. Right. And I was holding it. And you</b></p> <p>3 <b>can see to the far left of the tape measure is</b></p> <p>4 <b>the number 24.</b></p> <p>5 HEARING OFFICER ROBESON: Yes.</p> <p>6 <b>A. 288 inches. Therefore, because the tape</b></p> <p>7 <b>measure was exhausted at that point, it wouldn't</b></p> <p>8 <b>go any farther.</b></p> <p>9 HEARING OFFICER ROBESON: Right.</p> <p>10 <b>A. Right. But so this is to show that I --</b></p> <p>11 <b>I was not able to reach to the farther-most line</b></p> <p>12 <b>of the property. So that's the reason I'm</b></p> <p>13 <b>estimating, with a very reasonable basis, that</b></p> <p>14 <b>length of the drive that's east with the</b></p> <p>15 <b>construction would be -- would measure out to 25</b></p> <p>16 <b>feet.</b></p> <p>17 Q. All right. Let me -- Mr. Figueroa, can</p> <p>18 you see this exhibit? I'm trying to minimize it,</p> <p>19 but I'm not doing well here.</p> <p>20 <b>A. Your Honor, it's probably -- yes.</b></p> <p>21 Q. It's Exhibit 8 (k).</p> <p>22 <b>A. Yes. I see it, ma'am.</b></p> <p>23 Q. I apologize. Where do you want me to</p> <p>24 go? What are you showing here?</p> <p>25 <b>A. Yes. I'm showing there -- actually, if</b></p>	<p>23</p> <p>1 <b>correct.</b></p> <p>2 Q. So this is --</p> <p>3 <b>A. No, it's not. That is the one, yes.</b></p> <p>4 HEARING OFFICER ROBESON: Okay.</p> <p>5 <b>A. That is the one.</b></p> <p>6 Q. So this is -- okay. K?</p> <p>7 <b>A. If I may suggest that you go to the next</b></p> <p>8 <b>one, I might have taken a picture close up of the</b></p> <p>9 <b>tape measuring.</b></p> <p>10 Q. I see. This is 8 (l).</p> <p>11 <b>A. 8 (l). Okay. So 8 (l) shows 192</b></p> <p>12 <b>inches, which I will need a little bit of help.</b></p> <p>13 Q. 16, isn't that -- above the 192, isn't</p> <p>14 that 16 feet?</p> <p>15 <b>A. Correct. Correct.</b></p> <p>16 Q. So 16 feet 8 and a half inches?</p> <p>17 <b>A. Correct. That is the length of that</b></p> <p>18 <b>large SUV.</b></p> <p>19 Q. Now, why are you showing us the length</p> <p>20 of the large SUV?</p> <p>21 <b>A. It is to show the -- to show you that</b></p> <p>22 <b>even this large SUV would fit properly in to the</b></p> <p>23 <b>driveway.</b></p> <p>24 HEARING OFFICER ROBESON: I see. I see</p> <p>25 what you're saying.</p>
<p>22</p> <p>1 <b>you wouldn't mind to -- to make the picture a</b></p> <p>2 <b>little more smaller so you can see the whole</b></p> <p>3 <b>context of what is being measured.</b></p> <p>4 Q. Yeah. That's what I'm trying to do.</p> <p>5 Oh, okay. Let me try this. Can you still see?</p> <p>6 <b>A. I still see my tape measure in my hand</b></p> <p>7 <b>but it's not the full picture. Oh, yes. Yes.</b></p> <p>8 <b>Yes, ma'am.</b></p> <p>9 <b>So the purpose of this picture -- and as</b></p> <p>10 <b>you can see, I left my contractor's face out of</b></p> <p>11 <b>the picture.</b></p> <p>12 HEARING OFFICER ROBESON: That's okay.</p> <p>13 <b>A. So the purpose of this picture,</b></p> <p>14 <b>Ms. Hannan, is to measure his large -- his SUV</b></p> <p>15 <b>which is the larger of the two SUVs parked in</b></p> <p>16 <b>front of the house --</b></p> <p>17 HEARING OFFICER ROBESON: Okay.</p> <p>18 <b>A. -- so as to show that even that large</b></p> <p>19 <b>SUV would fit properly in the driveway as is with</b></p> <p>20 <b>the 25 inches [sic]. And if you please would go</b></p> <p>21 <b>to my -- focus the picture on my hand and the</b></p> <p>22 <b>measuring tape, tape measure. I don't know if</b></p> <p>23 <b>you can see. Oh, yes. Yes. If you see --</b></p> <p>24 Q. Well, this is -- this is 8 (l).</p> <p>25 <b>A. No. No. This his -- this is -- yes,</b></p>	<p>24</p> <p>1 <b>A. Right. Because it would have been</b></p> <p>2 <b>different to show -- to measure the small Miata,</b></p> <p>3 <b>the two-door car, because that car fits anywhere.</b></p> <p>4 <b>You can possibly --</b></p> <p>5 HEARING OFFICER ROBESON: Right.</p> <p>6 <b>A. Right. But in order to show the -- to</b></p> <p>7 <b>strengthen the argument. I guess I would put it</b></p> <p>8 <b>that way.</b></p> <p>9 Q. Okay. I think that's the end of the</p> <p>10 photographs.</p> <p>11 <b>A. Yes, ma'am.</b></p> <p>12 Q. Okay. Now I have a few questions that I</p> <p>13 have to ask. Let me go back here. Have you</p> <p>14 reviewed the director's report which says that</p> <p>15 you meet all the zoning criteria except for the</p> <p>16 number of parking spaces?</p> <p>17 <b>A. I have.</b></p> <p>18 Q. And do you wish to adopt the director's</p> <p>19 findings as your own testimony?</p> <p>20 <b>A. Yes, with the caveat that I respectfully</b></p> <p>21 <b>request a waiver when it comes to the --</b></p> <p>22 Q. Right. He said to give you a waiver.</p> <p>23 But what I have to do is to -- I want you to</p> <p>24 testify that you meet all -- I want -- if you</p> <p>25 want to adopt his findings that you meet all</p>

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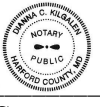
7 (25 to 28)

<p>25</p> <p>1 other criteria. Can you do that?</p> <p>2 <b>A. Yes, ma'am. I -- I do.</b></p> <p>3 Q. Now, I want to ask you prior to all the</p> <p>4 construction -- you have two houses under</p> <p>5 construction on your street. Prior to all the</p> <p>6 construction, did you -- oh, we have the zoning</p> <p>7 inspector here, too. Good morning. I didn't</p> <p>8 realize you were here.</p> <p>9 <b>A. I'm --</b></p> <p>10 MR. McNAMARA: Good morning.</p> <p>11 HEARING OFFICER ROBESON: For the record</p> <p>12 Mr. Austin McNamara, who is the housing inspector</p> <p>13 assigned to this case, is in the meeting. Thank</p> <p>14 you for coming, Mr. McNamara.</p> <p>15 BY HEARING OFFICER:</p> <p>16 Q. Mr. Figueroa, before all this</p> <p>17 construction began, did -- was there more parking</p> <p>18 on the street without all the trucks and</p> <p>19 everything that are in your pictures?</p> <p>20 <b>A. No, ma'am. No, ma'am. This is, as I</b></p> <p>21 <b>was saying before in this hearing, this is a</b></p> <p>22 <b>residential area. And where most peoples -- we</b></p> <p>23 <b>have two working parents in most houses. And as</b></p> <p>24 <b>far as normally, the next-door neighbors to the</b></p> <p>25 <b>west, they have two working parents, two</b></p>	<p>27</p> <p>1 <b>situation. So this is not a neighborhood where</b></p> <p>2 <b>you see many people coming and going. It's</b></p> <p>3 <b>definitely not.</b></p> <p>4 <b>And occasionally, as I said, you have</b></p> <p>5 <b>some people who confuse, let's put it this way,</b></p> <p>6 <b>that this service road is East West Highway and</b></p> <p>7 <b>try to cut across traffic and go back, but this</b></p> <p>8 <b>is the occasional person.</b></p> <p>9 MR. McNAMARA: Okay.</p> <p>10 <b>A. Yes.</b></p> <p>11 Q. Now, is there parking permitted on the</p> <p>12 street? Is parking restricted?</p> <p>13 <b>A. It is permitted. Yes. Like other</b></p> <p>14 <b>counties in Maryland or DC, it is permitted. So</b></p> <p>15 <b>anybody can park. No permit required.</b></p> <p>16 HEARING OFFICER ROBESON: Okay. Thank</p> <p>17 you. What I'm going to do is move on to</p> <p>18 Mr. McNamara, and I'm going to ask Mr. McNamara</p> <p>19 to -- well, first I'm going to -- I'm learning</p> <p>20 this -- so you have to please forgive me. There</p> <p>21 we go.</p> <p>22 Mr. McNamara, can you please raise your</p> <p>23 right hand?</p> <p>24 AUSTIN McNAMARA, having been duly sworn,</p> <p>25 testified as follows:</p>
<p>26</p> <p>1 <b>children, two cars, two driveway -- two space for</b></p> <p>2 <b>two cars in their driveway.</b></p> <p>3 <b>My neighbors to the east, immediate</b></p> <p>4 <b>neighbors to the east, they are working parents</b></p> <p>5 <b>as well and have three children. Two of them</b></p> <p>6 <b>have special needs. And they have two cars and</b></p> <p>7 <b>their driveway holds their two cars.</b></p> <p>8 <b>And next to that, you have I believe</b></p> <p>9 <b>also two working parents. For sure, I do not</b></p> <p>10 <b>know, two or three children, at least two parking</b></p> <p>11 <b>spaces in their driveway as their house was under</b></p> <p>12 <b>remodeling for about a year and finished probably</b></p> <p>13 <b>a year ago.</b></p> <p>14 <b>So behind me, which is not -- none of</b></p> <p>15 <b>the pictures shows, you have also two working</b></p> <p>16 <b>parents. She's a nurse and he works with</b></p> <p>17 <b>financial stuff, and children and a driveway also</b></p> <p>18 <b>with two cars.</b></p> <p>19 <b>And all of this is to say, Ms. Hannan,</b></p> <p>20 <b>that this is a residential area where there are</b></p> <p>21 <b>no parties or people that we see. People are</b></p> <p>22 <b>just trying to drive themselves to work or their</b></p> <p>23 <b>kids to their various activities.</b></p> <p>24 <b>I myself am married. I have two</b></p> <p>25 <b>children, come and go because of my current</b></p>	<p>28</p> <p>1 EXAMINATION BY HEARING OFFICER ROBESON</p> <p>2 BY HEARING OFFICER ROBESON:</p> <p>3 Q. Please state your name and business</p> <p>4 address for the record.</p> <p>5 <b>A. Sure. I'm Austin McNamara. I work at</b></p> <p>6 <b>1401 Rockville Pike, 4th Floor, for the</b></p> <p>7 <b>Department of Housing and Community Affairs.</b></p> <p>8 Q. Can you present the results of your</p> <p>9 inspection? And if you have any input on</p> <p>10 on-street parking, can you summarize that?</p> <p>11 <b>A. Sure. My inspection showed, as stated,</b></p> <p>12 <b>consistently with the director's findings, that</b></p> <p>13 <b>there were no zoning issues, no -- no code</b></p> <p>14 <b>enforcement issues at this time.</b></p> <p>15 <b>Construction is still currently</b></p> <p>16 <b>underway, as shown in the pictures. As far as</b></p> <p>17 <b>the parking goes, there was the one on-site</b></p> <p>18 <b>parking space available in the driveway, which</b></p> <p>19 <b>would be freed up after the construction is</b></p> <p>20 <b>completed.</b></p> <p>21 <b>On my visits, as Mr. Figueroa stated,</b></p> <p>22 <b>there was a fairly large vehicle parked there</b></p> <p>23 <b>comfortably. So that parking space is adequate</b></p> <p>24 <b>for at least one car. In addition, there is</b></p> <p>25 <b>on-street parking.</b></p>



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<p>29</p> <p>1 I had no trouble parking my service 2 vehicle, which is a fairly large pickup truck, on 3 the street. In addition, I had a partner 4 inspector with me who was also able to park very 5 easily, no problems finding parking, very close 6 to Mr. Figueroa's address. 7 Q. Thank you very much. Is there anything 8 else you want to add? 9 A. No, ma'am. That was -- that was the 10 results of my findings. 11 HEARING OFFICER ROBESON: Thank you very 12 much. 13 THE WITNESS: Sure. 14 HEARING OFFICER ROBESON: Just a minute. 15 I'm unpinning you. Okay. Yeah. 16 Putting it back on Mr. Figueroa, you 17 have had an opportunity -- do you have any 18 questions of Mr. McNamara? 19 MR. FIGUEROA: No, ma'am. 20 HEARING OFFICER ROBESON: You have the 21 benefit of the inspector's report in this case. 22 Do you have -- do you agree to do all the items 23 that he listed as part of the -- as part of your 24 ADU license application? 25 MR. FIGUEROA: Yes, ma'am. And I have</p>	<p>31</p> <p>1 have to wait the ten days for the transcript. 2 But after that, we will try to expedite the 3 decision. All right? 4 MR. FIGUEROA: Will I be notified in 5 writing or by e-mail by your assistant, or how 6 will I be notified of this recommendation or 7 decision? 8 HEARING OFFICER ROBESON: We will post 9 it. We typically -- we must mail it, okay, but 10 we will also -- we post it on our website, and 11 Nana Johnson of our office will e-mail it to you 12 when it's posted. 13 MR. FIGUEROA: Okay. 14 HEARING OFFICER ROBESON: All right. 15 Mr. McNamara, thank you very much. 16 MR. McNAMARA: Thank you. 17 HEARING OFFICER ROBESON: And with that, 18 I'm going to conclude this hearing. 19 MR. FIGUEROA: Good day to everyone. 20 HEARING OFFICER ROBESON: Okay. Thank 21 you. 22 23 (Off the record at 10:38 a.m.) 24 25</p>
<p>30</p> <p>1 given a copy of that report to my contractor and 2 to my architect. Yes, ma'am. 3 HEARING OFFICER ROBESON: Okay. Great. 4 Okay. Do you have anything else you would like 5 to say in support of the request, or have we 6 covered everything? 7 MR. FIGUEROA: I think it has been a 8 thorough hearing, and I thank everyone for this 9 opportunity. 10 HEARING OFFICER ROBESON: All right. 11 With that, let me just explain the procedure 12 right now. We have to leave the record open for 13 ten days in order to get the transcript, ten 14 calendar days. 15 So after that, I will issue a report and 16 recommendation. If you disagree with that report 17 and recommendation, you can appeal that to the 18 Circuit Court. 19 And there will be instructions on the 20 report and recommendation if for some reason 21 this -- this is denied, we don't have a lot -- 22 there's not a huge amount of evidence to deny it, 23 but just I have to -- I have to tell you that. 24 And so we will try to get this out as 25 soon as possible, because I know you are -- so I</p>	<p>32</p> <p>1 CERTIFICATE OF SHORTHAND REPORTER 2 NOTARY PUBLIC 3 I, Dianna C. Kilgallen, the officer 4 before whom the foregoing deposition was taken, 5 do hereby certify that the foregoing transcript 6 is a true and correct record of the proceedings 7 taken; that said proceedings were taken by me 8 stenographically and thereafter reduced to 9 typewriting under my direction; and that I am 10 neither counsel for, related to, nor employed by 11 any of the parties to this case and have no 12 interest, financial or otherwise, in its outcome. 13 IN WITNESS WHEREOF, I have hereunto set 14 my hand and affixed my notarial seal this 17th 15 day of April, 2020. 16 17 18 19 My commission expires June 28th, 2021. 20 21 22  23 NOTARY PUBLIC 24 IN AND FOR THE STATE OF MARYLAND 25 COUNTY OF HARFORD</p>

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