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Transcript of Hearing

Date: May 22, 2025

Case: Gebresilassie (ADW 25-02)

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WORLDWIDE COURT REPORTING & LITIGATION TECHNOLOGY

Transcript of Hearing
Conducted on May 22, 2025

2 (5 to 8)

<p>5</p> <p>1 PROCEEDINGS</p> <p>2 MS. SOKONI: Okay.</p> <p>3 THE VIDEOGRAPHER: On the record.</p> <p>4 MS. SOKONI: Good morning, everyone.</p> <p>5 It's Thursday, May 22nd, and my name is Khandikile</p> <p>6 Mvunga Sokoni. I am the hearing examiner with the</p> <p>7 Office of Zoning and Administrative Hearings for</p> <p>8 Montgomery County. We are convening here for a</p> <p>9 hearing on the request for a waiver of an</p> <p>10 accessory dwelling unit on-site parking</p> <p>11 requirement.</p> <p>12 Pursuant to Montgomery County Code,</p> <p>13 Section 29-16, 29-19, and 29-26 A, a request has</p> <p>14 been presented by the applicant seeking the waiver</p> <p>15 of requirements of the zoning ordinance Sections</p> <p>16 59.3.3.3.A.2C2. For on-site parking in order to</p> <p>17 permit the granting of an accessory dwelling unit,</p> <p>18 which we will refer to as ADU. There is an ADU</p> <p>19 license application number 156287, that was filed</p> <p>20 on March 17, 2025. I'll call upon the applicant.</p> <p>21 MS. SOKONI: If you could kindly</p> <p>22 identify yourself, please give us your full name</p>	<p>7</p> <p>1 virtual-only hearing. I would like to come -- if</p> <p>2 you could kindly raise your right hand, Ms.</p> <p>3 Gebresilassie, if you could raise your right hand</p> <p>4 and take an oath?</p> <p>5 Whereupon,</p> <p>6 TIGIST GEBRESILASSIE,</p> <p>7 being first duly sworn in or affirmed to testify</p> <p>8 to</p> <p>9 the truth, the whole truth, and nothing but the</p> <p>10 truth, was examined and testified as follows:</p> <p>11 MS. SOKONI: Okay. Thank you. This is</p> <p>12 an administrative hearing, so it's somewhat</p> <p>13 informal. It's virtual only, although anyone,</p> <p>14 it's an -- it's an open forum. You know, it's</p> <p>15 open to the public, so anyone from the public</p> <p>16 could join. At -- at present, I see no one except</p> <p>17 the court reporter, the applicant, and -- and Mr.</p> <p>18 Johnson, the housing inspector.</p> <p>19 MS. SOKONI: Ms. Gebresilassie, you have</p> <p>20 the -- you have the burden of proving that you</p> <p>21 qualify for the relief that you seek. I know we</p> <p>22 have an application, and we have some exhibits.</p>
<p>6</p> <p>1 and the spellings.</p> <p>2 MS. GEBRESILASSIE: Okay. So the full</p> <p>3 name is Tigist Girma Gebresilassie, T-I-G-I-S-T,</p> <p>4 G-I-R-M-A, G-E-B-R-E-S-I-L-A-S-S-I-E.</p> <p>5 MS. SOKONI: And could you kindly</p> <p>6 pronounce your last name for me? I want to make</p> <p>7 sure I can get that right.</p> <p>8 MS. GEBRESILASSIE: Right, it's</p> <p>9 Gebresilassie.</p> <p>10 MS. SOKONI: Gebresilassie. Okay.</p> <p>11 Thank you very much. And we also have present, I</p> <p>12 believe, from the Department of Housing, DHCA, is</p> <p>13 that David Johnson?</p> <p>14 MR. JOHNSON: That's correct. David.</p> <p>15 MS. SOKONI: Okay. And David Johnson is</p> <p>16 the code inspector, the housing inspector that</p> <p>17 conducted the inspection.</p> <p>18 MR. JOHNSON: Correct.</p> <p>19 MS. SOKONI: Thank you so much.</p> <p>20 MR. JOHNSON: Thank you.</p> <p>21 MS. SOKONI: Okay. So we'll -- we'll</p> <p>22 get started, just to explain this is a</p>	<p>8</p> <p>1 It's fairly informal. But if you could -- I'll</p> <p>2 present it to you, if you could explain to us what</p> <p>3 you're seeking. And of course, if you're seeking</p> <p>4 a parking waiver, then you have to show -- the</p> <p>5 requirement is that you should show that you have</p> <p>6 alternate, you know, the adequate, on-street</p> <p>7 available and restricted parking.</p> <p>8 MS. SOKONI: So I'll turn it over to</p> <p>9 you. Just make your presentation, and I should</p> <p>10 mention we do have exhibits up on the website. If</p> <p>11 you want to refer to any of your exhibits, just</p> <p>12 call it out, and I'll pull it up and share the</p> <p>13 screen.</p> <p>14 MS. GEBRESILASSIE: Okay.</p> <p>15 MS. SOKONI: And I also ask that when</p> <p>16 people are not speaking, if you could just have</p> <p>17 yourself on mute? But anyone who speaks will have</p> <p>18 to have their video on.</p> <p>19 MS. GEBRESILASSIE: Thank you. Thank</p> <p>20 you so much for the opportunity. Just for a</p> <p>21 little bit of a context, we are planning to build</p> <p>22 an ADU at the back of the property, and we have</p>

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3 (9 to 12)

<p style="text-align: right;">9</p> <p>1 submitted the initial drawings for the ADU, 2 including the parking spot. Upon inspection -- 3 David and I have been working together for almost 4 two months now. 5 Upon inspection, it came to my attention 6 that the street the driveway I have attached to 7 the property is not adequate enough for three 8 vehicles as required by the -- the code. I think 9 it falls short by 80 square feet to accommodate 10 three vehicles. 11 MS. GEBRESILASSIE: I was given the 12 options -- I was -- it was explained to me that I 13 have options. One would be extending the existing 14 driveway to accommodate three vehicles or to 15 request a waiver to have the -- the street as a 16 parking option. As I've shared with you through 17 images, pictures from the neighborhood, you can 18 pull up that picture if you'd like to, the 19 availability of street parking. 20 MS. GEBRESILASSIE: I examined the 21 surrounding. We -- we are a very quiet 22 neighborhood. We don't have a lot of traffic. My</p>	<p style="text-align: right;">11</p> <p>1 MS. GEBRESILASSIE: Right, so can I 2 continue? 3 MS. SOKONI: Yes, you may. 4 MS. GEBRESILASSIE: Okay. So, I already 5 have two-car parking driveway. That's the picture 6 in the middle, and the other pictures show the 7 open street. And, although I used to feel really 8 bad about not having fire hydrants so close to my 9 house, it looks like this is something of an 10 opportunity, in this instance. You can see this 11 is -- throughout the day, you can see the street 12 is open like that. This is in front of -- I took 13 the picture from across the street and also 14 showing the direction from north to south. 15 MS. GEBRESILASSIE: There is a court, 16 there is Bauer Court. You can see a few -- a few 17 vehicles around there, but that is another street. 18 And I believe we can accommodate one extra vehicle 19 if we were to build the ADU without extending the 20 driveway. 21 MS. SOKONI: Thank you very much. Mr. 22 Johnson, any reaction? You know, do you have</p>
<p style="text-align: right;">10</p> <p>1 property extends 75 linear foot on the front, and 2 there is no traffic around there. We don't park 3 at all. It's open. There are no public 4 facilities. There are no fire hydrants around or 5 in front of the property or even across the 6 street. So -- 7 MS. SOKONI: If you could pause for one 8 second, I'm just trying to pull up the -- I just 9 want to make sure I can pull up the -- the exhibit 10 you're referring to, which is the photographs. 11 MS. GEBRESILASSIE: Right. 12 MS. SOKONI: Just one second. I'm 13 trying to share my screen here. Are those visible 14 to everybody? The collection of photographs, and 15 I believe that is Exhibit -- 16 MS. GEBRESILASSIE: Yes, so -- 17 MS. SOKONI: Just one second. For the 18 record, that is Exhibit 6. It's the collection of 19 photographs that were presented. 20 (EXHIBIT 6 MARKED) 21 MS. GEBRESILASSIE: That's correct. 22 MS. SOKONI: By the applicant.</p>	<p style="text-align: right;">12</p> <p>1 anything? Are you able to confirm the numbers? I 2 saw those were listed in your -- I'll pull up your 3 report. We have your report in the record. The 4 AD preliminary inspection report is Exhibit 3. 5 (EXHIBIT 3 MARKED) 6 MR. JOHNSON: Yes, so -- 7 MS. SOKONI: Kind of give us a summary 8 of the shortfalls and -- and whether you are 9 satisfied with the proposal. 10 MR. JOHNSON: So I am satisfied with the 11 proposal. That's the top line. To get into the 12 -- the details is that when we measured the 13 driveway, the property owner is correct. It was 14 measured at 360 feet. We require 480. That's 15 essentially 80 feet shy of the requirement. So, 16 essentially, with our calculations, we're looking 17 at that driveway as being suitable for two 18 vehicles. So, essentially, we would need an 19 additional third. 20 I've made -- have driven by the property 21 a number of times, but stopped to inspect on two 22 occasions. On both of those occasions, I took</p>


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4 (13 to 16)

<p>13</p> <p>1 photographs. There was no parking on the street 2 at that time. There are no parking restrictions, 3 no posted parking restrictions, no fire hydrants. 4 The cut-ins for the driveway, of course, would 5 reduce the parking directly in front of the 6 property. 7 But my measurements indicate that in 8 front of the property, we have approximately 50 9 feet of parking. So, I would calculate that with 10 parallel parking as being able to park 11 approximately two average vehicles. On the 12 opposing side of the street, I calculate 13 approximately 80 feet, and that is just directly 14 in front of the property. There's also additional 15 parking left on the opposite side of the street as 16 well. I would calculate it at 80 feet, so we 17 could park approximately three vehicles on the 18 other side of the street. 19 I've gone into our historic records, 20 specifically our aerial views for that property. 21 I've looked at years 2015, 2017, 2019, 2020, 2021, 22 2023, and 2024, and a review of those snapshots in</p>	<p>15</p> <p>1 MS. SOKONI: Thank you very much. And, 2 Mr. Johnson, I just realized I did not administer 3 an oath for you, so do that at the back end of 4 things, and then you can just confirm that 5 everything you said was true. If you could kindly 6 raise your right hand? 7 MS. SOKONI: Do you promise to tell the 8 truth, the whole truth, and nothing but the truth? 9 MR. JOHNSON: Yes, I do. 10 MS. SOKONI: And you have been speaking 11 on the record. We will have a transcript to show 12 the testimony you provided. Are you able to 13 confirm that everything you spoke, even though it 14 was not under oath, that -- that -- that -- that 15 was the truth, the whole truth, and nothing but 16 the truth? 17 MR. JOHNSON: Yes, it was, yeah. 18 MS. SOKONI: Thank you very much. My 19 apologies for not administering the oath. Are -- 20 are you aware on -- on the street or the 21 surrounding area, do you have a sense of whether 22 there are other waivers in place? Are there any</p>
<p>14</p> <p>1 time, which are aerial photos of that property and 2 the adjoining -- and the street and the adjoining 3 properties. 4 I was only able to find, I believe, two 5 occasions where there was any parking in front of 6 the house. And on those two occasions, it was 7 limited to one vehicle, which would still allow 8 sufficient parking in front of that property. 9 There's sufficient sight lines, and my 10 measurements also included, again, the cut-ins for 11 a driveway, and on the other side of the street 12 directly in front of the property owner's 13 property, there is no cut-ins. 14 There are no driveways, so it's a 15 complete, as the property owner described, 75 16 feet. My measurement on the other side of the 17 street was approximately 80, so I think we're 18 within ballpark of being able to park those three 19 vehicles, and that's just on the opposite side of 20 the street. So no, the county does not oppose the 21 property owner's position on this. We do believe 22 that there's adequate street parking.</p>	<p>16</p> <p>1 other properties within close proximity that have 2 similar waivers that are also relying on -- on the 3 street parking or is that -- is that something you 4 know or not? 5 MR. JOHNSON: That is something that I 6 would be able to determine, but would require a 7 bit of research. I -- I don't have that 8 information at my fingertips now, but I could 9 report back on that. But it does not appear to 10 impact, you know, from my several inspections, and 11 also a review of digital documentation that the 12 county has taken of the aerial photographs. I see 13 no parking issues there. 14 Again, after looking at a total of one, 15 two, three, four, five, six, seven years, two 16 occasions, I saw one vehicle parked, I believe 17 once on the street, the side of the street where 18 the property in question is located, and the other 19 on the opposite side of the street, still with 20 plenty of parking. 21 MS. SOKONI: Okay. That -- that's 22 sufficient based on your -- at least on your</p>

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5 (17 to 20)

<p>17</p> <p>1 visual inspections and the rec -- on the digital 2 records, you have searched, that's sufficient. 3 There will be no need to -- to -- to -- to do that 4 research. I'd like to turn back to the applicant. 5 You -- have you had a sign posted anywhere on your 6 property alerting your neighbors to the fact that 7 any of this is going on or that you have an ADU 8 application pending? 9 MS. GEBRESILASSIE: I have. By law, I 10 -- I think it was a 30-days notice, and I had the 11 notice for 42 days. I think 41 or 42 days. So, 12 yes. 13 MS. SOKONI: Okay. But -- but -- but 14 the -- the sign has been removed now? 15 MS. GEBRESILASSIE: Yes. 16 MS. SOKONI: Okay. Did you -- did you 17 receive any -- were you were approached by any of 18 your neighbors? Did you receive any 19 correspondence or any input from your neighbors 20 about this? 21 MS. GEBRESILASSIE: No, I have not. 22 MS. SOKONI: Are you aware of any</p>	<p>19</p> <p>1 THE VIDEOGRAPHER: Yeah, this is -- 2 MS. SOKONI: Have a good day. 3 THE VIDEOGRAPHER: This is the recorder, 4 may I actually ask a few quick questions? So, you 5 would actually like to order a copy of the 6 transcript, is what I'm gathering? 7 MS. SOKONI: Yes, it's -- it's an 8 administrative hearing, so we -- we -- we have a 9 standing order for the transcript, yes. 10 (Off the record at 9:48 a.m.) 11 12 13 14 15 16 17 18 19 20 21 22</p>
<p>18</p> <p>1 concerns with you having an ADU or the parking? 2 MS. GEBRESILASSIE: No, not that I'm 3 aware of. 4 MS. SOKONI: Thank you. Unless there -- 5 did -- Mr. Johnson, did you have any questions for 6 the applicant? Any -- any clarifying information 7 you would like? 8 MR. JOHNSON: No, thank you. 9 MS. SOKONI: I think I have all the 10 information I need to make a decision. The record 11 will -- will remain open for ten days just so that 12 the court reporter can give us a transcript. And 13 then, within 30 days of that, I will issue a 14 written decision. 15 MS. GEBRESILASSIE: Thank you. Thank 16 you so much. 17 MS. SOKONI: Thank you all so much for 18 your time. And this hearing -- the hearing is 19 concluded. The hearing is closed, but the record 20 will remain open for ten business days for receipt 21 of the transcript. 22 MS. GEBRESILASSIE: Thank you.</p>	<p>20</p> <p>1 CERTIFICATE OF COURT REPORTER - NOTARY PUBLIC 2 I, KYLAN BARRY, the officer 3 before whom the foregoing proceedings were 4 taken, do hereby certify that any witness(es) in 5 the foregoing proceedings were fully sworn; 6 that the proceedings were recorded by me and 7 thereafter reduced to typewriting by a 8 qualified transcriptionist; that said digital 9 audio recording of said proceedings are a 10 true and accurate record to the best of my 11 knowledge, skills, and ability; and that I am 12 neither counsel for, related to, nor employed 13 by any of the parties to this case and have 14 no interest, financial or otherwise, in its 15 outcome. 16 17 18  19 _____ 20 KYLAN BARRY 21 NOTARY PUBLIC FOR THE COMMONWEALTH OF PENNSYLVANIA 22 MAY 29, 2025</p>

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CERTIFICATE OF TRANSCRIBER

I, Julia Klimek, do hereby certify
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accurate record of the proceedings to the best of
my knowledge, skills, and ability; and that I am
neither counsel for, related to, nor employed by
any of the parties to the case and have no
interest, financial or otherwise, in its outcome.

Julia Klimek

JULIA KLIMEK
PLANET DEPOS, LLC
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