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Transcript of Hearing

Date: May 24, 2023

Case: Waiver of Parking Requirements for ADU License #143555 (ADW 23-02)

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Transcript of Hearing
Conducted on May 24, 2023

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1 OFFICE OF ZONING AND ADMINISTRATIVE HEARINGS 2 FOR MONTGOMERY COUNTY, MARYLAND 3 -----x 4 IN RE: : 5 Waiver of Parking Requirements : Case No. 6 for ADU License No. 143555 : ADW 23-02 7 -----x 8 HEARING 9 Before Hearing Examiner Kathleen Byrne 10 Conducted Virtually 11 Wednesday, May 24, 2023 12 9:30 a.m. EDT 13 14 15 16 17 18 19 20 21 22 23 Job No. 491856 24 Pages: 1-19 25 Transcribed by: Megan Wunsch, AAERT CET	1 A P P E A R A N C E S 2 3 ON BEHALF OF THE APPLICANT: 4 LOUISE TAKOUGNE, PRO SE 5 JEAN-MARIE TAKOUGNE, PRO SE 6 7 Also Present: 8 Michelle Hadrick, Housing Code Inspector III 9 10 C O N T E N T S 11 TRANSCRIPT OF PROCEEDINGS PAGE 12 Transcript of Proceedings 4 13 14 E X H I B I T S 15 (No exhibits marked) 16 17 18 19 20 21 22 23 24 25
1 Hearing In Re: Waiver of Parking 2 Requirements for ADU License No. 143555, conducted 3 virtually. 4 5 6 7 8 Pursuant to agreement, before Leah Shenfeld, 9 Notary Public in and for the State of Texas. 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25	1 P R O C E E D I N G S 2 HEARING EXAMINER: Okay. We'll go ahead 3 and get started. 4 All right. Welcome this morning. We have 5 a hearing, and what I'd like to do is let's make 6 sure that all the parties can -- can speak, be 7 seen, and be heard. 8 I've heard from Ms. Hadrick already. Our 9 court reporter is here -- Ms. Shenfeld. 10 I believe it's our Applicant -- is it 11 Louise Takougne? 12 LOUISE TAKOUGNE: Takougne. 13 HEARING EXAMINER: Takougne. Thank you 14 very much, Ms. Tak- -- and who else do you have 15 with you? 16 LOUISE TAKOUGNE: Mr. -- Mr. Takougne. 17 JEAN-MARIE TAKOUGNE: Takougne, 18 Jean-Marie. 19 HEARING EXAMINER: Mr. Takougne. Okay. 20 JEAN-MARIE TAKOUGNE: Yes. 21 HEARING EXAMINER: Is it possible to turn 22 your camera on? 23 LOUISE TAKOUGNE: Yes, yes. 24 HEARING EXAMINER: Okay. I just want to 25 make sure that it works.

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<p>5</p> <p>1 All right. Mr. Takougne, thank you. 2 JEAN-MARIE TAKOUGNE: You're welcome. 3 HEARING EXAMINER: All right. Okay. You 4 can turn it off if you want for right now, but 5 what I wanted to do is just make sure that the -- 6 that I could hear you, that you could speak, that 7 we could see each other. 8 And so what I'm going to do right now is 9 I'm going to get -- kind of go through my 10 introduction and spiel, and that'll give you a 11 little bit more information as to how we're going 12 to go ahead and proceed this morning. Okay? 13 JEAN-MARIE TAKOUGNE: Okay. 14 HEARING EXAMINER: All right. And thank 15 you very much. 16 LOUISE TAKOUGNE: You're welcome. 17 JEAN-MARIE TAKOUGNE: You're welcome. 18 HEARING EXAMINER: So good morning, 19 everyone. This is the public hearing regarding a 20 parking waiver request from the requirements of 21 Article 59, Section 3.3.3.A.2.C.ii. It was 22 received by the Office of Zoning and 23 Administrative Hearings related to an accessory 24 dwelling unit license at the address of 4507 West 25 Frankfort Drive, Rockville, Maryland.</p>	<p>7</p> <p>1 JEAN-MARIE TAKOUGNE: Yeah, Jean -- 2 Jean-Marie Takougne. J-e-a-n, that's Jean, 3 M-a-r-i-e, Marie, Takougne, T-a-k-o-u-g-n-e. 4 HEARING EXAMINER: Thank you very much. 5 It doesn't appear that we have anyone here 6 to testify in opposition to your application, so 7 let me skip ahead a little bit. 8 This hearing will be conducted via 9 Microsoft Teams, which is the application we are 10 using today. So what I ask is that we each take 11 turns speaking, that we not speak over each other 12 or interrupt each other because this means that -- 13 when that happens, the court reporter has 14 difficulty taking notes. She's recording 15 everything, and we don't want any crosstalk. So 16 if you're not speaking, please use the mute 17 button. 18 And let's see. At this point, I am also 19 going to be recording this through -- I'm having 20 difficulty here -- record this through Teams. It 21 doesn't seem to want to let me do that at the 22 moment, which is odd. 23 All right. Ms. Shenfeld, if I can't get 24 this to record, is it going to impact you in any 25 way?</p>
<p>6</p> <p>1 My name is Katy Byrne, and I will be the 2 hearing examiner to hear this case. So what that 3 means is I will listen to testimony, review 4 evidence, and render an opinion on the application 5 pursuant to the criteria that's set forth in 6 Montgomery County Code Article 26 [sic], Section 7 26(b) regarding adequate on-street parking. 8 If you agree -- if you disagree with my 9 decision, you may appeal it to the Board of 10 Appeals within ten days after my decision is 11 issued. 12 So, at this point, I will go ahead and 13 identify the parties. 14 So we have Ms. Louise Takougne and 15 Jean-Marie Takougne. Is that accurate? 16 LOUISE TAKOUGNE: Yes. 17 JEAN-MARIE TAKOUGNE: Yes. 18 LOUISE TAKOUGNE: Takougne. 19 HEARING EXAMINER: All right. Takougne. 20 Thank you. 21 And if you could both spell your first and 22 last names for the court reporter. 23 LOUISE TAKOUGNE: L-o-u-i-s-e, and 24 Takougne is T-a-k-o-u-g-n-e. 25 HEARING EXAMINER: And, Mr. Takougne?</p>	<p>8</p> <p>1 THE REPORTER: No, not at all. 2 HEARING EXAMINER: Okay. All right. 3 Thank you very much. 4 All right. Normally what I would do is I 5 would hit the record button, and it would just be 6 for the benefit of the court reporter. It's not 7 something that I refer to. It's not something 8 that the parties refer to. It just would help the 9 court reporter in the event there was an issue. 10 But for whatever reason, I am unable to record 11 through Teams today. It's always fun when we have 12 virtual hearings sometimes. 13 All right. So if you have any questions 14 while we're going through, please use the "raise 15 your hand" function. But since, really, there's 16 only our inspector from Department of Housing and 17 the Applicant, I don't think we will have an issue 18 with that. 19 You will not be able to screen share 20 through this process. So anything, Mr. or Mrs. 21 Takougne, that you want to refer to or view that's 22 been put into evidence -- so that means -- that's 23 your application; that could be the preliminary 24 inspection report or your site plan -- if you want 25 me to pull that up and you want to talk or speak</p>

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<p>9</p> <p>1 to it, please just let me know and I'm happy to do 2 that and we will screen share so that everyone can 3 see it. 4 Let's see. The -- the procedure will go 5 as follows. If you want to make an opening 6 statement, Mr. and Mrs. Takougne, you can; you 7 don't have to. Or you can just jump right in and 8 tell me why you want the waiver, what the basis of 9 your request for the waiver is. Tell me about the 10 adequacy of on-street parking. And then, after 11 you're done, the representative of the Department 12 of Housing will speak. 13 Mr. and Mrs. Takougne, you will then have 14 another opportunity to speak if you so wish and 15 make any kind of closing statement that you want. 16 You also have an opportunity to ask Ms. Hadrick a 17 question if you would like to. 18 The approval is based on, as I said 19 earlier, the criteria set forth in Section 20 29-26(b)(6). So all testimony should address that 21 criteria. So, essentially, let's focus on the 22 on-street parking for residences -- for residents 23 within 300 feet of the proposed accessory dwelling 24 unit, and that's what we have. 25 All right. So without any further ado, we</p>	<p>11</p> <p>1 HEARING EXAMINER: On Frankfort. And 2 what's -- 3 JEAN-MARIE TAKOUGNE: Yeah. So, also -- 4 sorry. Also, I have -- I have -- the house is on 5 the corner of Frankfort and Marianna. 6 HEARING EXAMINER: Okay. 7 JEAN-MARIE TAKOUGNE: So we have 8 additional parking on the side on Marianna as 9 well. 10 HEARING EXAMINER: Okay. And where is the 11 entrance to the accessory dwelling unit apartment? 12 JEAN-MARIE TAKOUGNE: It's -- it's on 13 Frankfort. 14 HEARING EXAMINER: It's on the Frankfort 15 side? Okay. 16 JEAN-MARIE TAKOUGNE: Yeah, on side. 17 HEARING EXAMINER: All right. So how many 18 spaces would you estimate that are available in 19 front of your house and on the side street? 20 JEAN-MARIE TAKOUGNE: On the side street, 21 we have -- it can be -- side street, both street 22 -- two, two. So two on Marianna and two in front 23 of Frankfort. 24 HEARING EXAMINER: Okay. And do other 25 people in your neighborhood park on the street in</p>
<p>10</p> <p>1 can go ahead and get started. 2 So, Mr. and Mrs. Takougne, if you could, 3 please, turn your camera on, and if you could both 4 raise your right hand for me. 5 Okay. Do you both promise to tell the 6 truth, the whole truth, and nothing but the truth? 7 JEAN-MARIE TAKOUGNE: I do. 8 LOUISE TAKOUGNE: I do promise to tell the 9 truth, whole truth and -- 10 HEARING EXAMINER: Thank -- thank you very 11 much. 12 Okay. So, whoever wishes to go first, 13 please tell me about your accessory dwelling unit 14 and the availability of on-street parking. 15 JEAN-MARIE TAKOUGNE: Yeah. I was -- I 16 was requesting to have the tenant have -- on my -- 17 on-the-street parking in front of my house or in 18 the parking lot whenever it's available. 19 HEARING EXAMINER: Okay. 20 JEAN-MARIE TAKOUGNE: There's no problem 21 with me for that. 22 HEARING EXAMINER: All right. So your 23 plan is to have the tenant park on the street in 24 front of your house. And is that on Frankfort? 25 JEAN-MARIE TAKOUGNE: It's on Frankfort.</p>	<p>12</p> <p>1 front of their house? 2 JEAN-MARIE TAKOUGNE: Yes, but not -- not 3 very often. 4 HEARING EXAMINER: Okay. 5 JEAN-MARIE TAKOUGNE: Only when they get 6 -- they have guests. 7 HEARING EXAMINER: And do you -- who parks 8 in the driveway? 9 JEAN-MARIE TAKOUGNE: We do. 10 HEARING EXAMINER: Okay. And how many 11 cars do you have? 12 JEAN-MARIE TAKOUGNE: We have -- we have 13 two cars. 14 HEARING EXAMINER: And do you put -- fit 15 both cars in the driveway or just the one? 16 JEAN-MARIE TAKOUGNE: No, just one on the 17 driveway. 18 HEARING EXAMINER: And where are you in 19 the process with your application? 20 JEAN-MARIE TAKOUGNE: Almost everything is 21 now done. We're just waiting for the -- for the 22 inspector to come out and check it. 23 HEARING EXAMINER: Okay. So you have to 24 -- still have to do your final inspection, but 25 you've done pretty much everything? So you're</p>

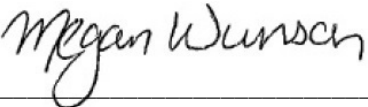

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<p>13</p> <p>1 waiting on parking? You're waiting for your final 2 inspection? 3 JEAN-MARIE TAKOUGNE: That's correct. 4 HEARING EXAMINER: Okay. Okay. Is there 5 anything else you'd like to tell me? 6 JEAN-MARIE TAKOUGNE: No. 7 HEARING EXAMINER: Okay. 8 JEAN-MARIE TAKOUGNE: Nothing else. 9 (Laughter.) 10 HEARING EXAMINER: Pretty straightforward? 11 JEAN-MARIE TAKOUGNE: Yeah. 12 HEARING EXAMINER: All right. All right. 13 Thank you very much. 14 JEAN-MARIE TAKOUGNE: Thank you. 15 HEARING EXAMINER: So if you can go ahead 16 and hang tight, and you can go ahead and mute if 17 you want. You can keep your camera on or off, up 18 to you, and now we'll switch to Ms. Hadrick. 19 MICHELLE HADRICK: Hello. 20 HEARING EXAMINER: Hi. How are you? 21 MICHELLE HADRICK: I'm good. And you? 22 HEARING EXAMINER: Good. If you could 23 raise your right hand for me. 24 Do you promise to tell the whole truth and 25 nothing but the truth?</p>	<p>15</p> <p>1 MICHELLE HADRICK: There wasn't a lot of 2 traffic. I mean, when I did go -- for school 3 times, I did notice there was an increase in 4 volume, but as I stated, there was plenty of 5 space. 6 HEARING EXAMINER: Plenty of parking. 7 Okay. All right. Anything else you'd like to 8 tell me? 9 MICHELLE HADRICK: No, nothing at all. 10 HEARING EXAMINER: All right. Thank you 11 very much. 12 Okay. Mr. and Mrs. Takougne, anything in 13 closing or anything else that you'd like to add? 14 JEAN-MARIE TAKOUGNE: No, ma'am. No. 15 HEARING EXAMINER: Less -- less is more; 16 right? 17 JEAN-MARIE TAKOUGNE: Yeah. 18 (Laughter.) 19 HEARING EXAMINER: In this -- in this 20 situation. 21 JEAN-MARIE TAKOUGNE: Like you said. 22 Thank you. Nothing else to add. 23 HEARING EXAMINER: Okay. All right. 24 Sounds good. Well, this is probably one of the 25 faster hearings that I've held. So I appreciate</p>
<p>14</p> <p>1 MICHELLE HADRICK: Yes, I do. 2 HEARING EXAMINER: Thank you very much. 3 All right. Ms. Hadrick, can you tell me 4 about the preliminary inspection report and what 5 your observations were when you went to the 6 property with regard to parking. 7 MICHELLE HADRICK: There are -- there is 8 parking on both sides of Frankfort. 9 HEARING EXAMINER: Okay. 10 MICHELLE HADRICK: There -- I went at 11 different times of the day and didn't see a 12 problem. There were plenty of parking spaces on 13 Frankfort. There is a school about a block away, 14 but I didn't see any problems. 15 HEARING EXAMINER: Okay. All right. Did 16 you observe anybody else parked on the street as 17 you were driving through the neighborhood? 18 MICHELLE HADRICK: Yes, I noticed people 19 parked on both sides. 20 HEARING EXAMINER: Okay. All right. 21 That's good to know. And how would you 22 characterize this street? Is it quiet, busy, 23 normal suburban street? 24 MICHELLE HADRICK: Normal suburban street. 25 HEARING EXAMINER: Right.</p>	<p>16</p> <p>1 everyone coming in, participating. 2 And what I'll do is I'll try to get this 3 out as quickly as possible. Normally we leave the 4 record open for ten days in order for the court 5 reporter to provide a transcript, but we're 6 looking at basically a 15-minute meeting here. 7 So let me just do kind of a -- my 40-day 8 calculation out, which would be the furthest date 9 out that we would have this back. So the latest 10 that this hearing -- that this would -- the latest 11 that this -- that my opinion would come out would 12 be July 3rd. It will definitely be before July 13 3rd given the -- how short this hearing was. 14 So thank you, all, for participating. 15 And what will happen is we'll now keep the 16 record open again for ten days to allow the court 17 reporter to give me the transcript. Then I'll 18 generate a final decision regarding the waiver 19 application. The latest date we'll be out again 20 is July 3rd, but it will definitely be out before 21 then, and you will receive a copy via email from 22 Ms. Johnson. 23 Okay. All right. Well, that -- 24 JEAN-MARIE TAKOUGNE: Okay. Thank -- 25 HEARING EXAMINER: -- that -- that will --</p>

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<p>17</p> <p>1 JEAN-MARIE TAKOUGNE: -- thank you very 2 much. 3 MICHELLE HADRICK: Thank you. 4 HEARING EXAMINER: You're welcome. 5 JEAN-MARIE TAKOUGNE: Thank you. 6 HEARING EXAMINER: That concludes the 7 hearing, and we're off the record. 8 (Off the record at 9:44 a.m.) 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>	<p>19</p> <p>1 CERTIFICATE OF TRANSCRIBER 2 I, Megan Wunsch, do hereby certify that 3 the foregoing transcript is a true and correct 4 record of the recorded proceedings; that said 5 proceedings were transcribed to the best of my 6 ability from the audio recording and supporting 7 information; and that I am neither counsel for, 8 related to, nor employed by any of the parties to 9 this case and have no interest, financial or 10 otherwise, in its outcome. 11 12 13  14 15 16 Megan Wunsch, AAERT CET 17 May 25, 2023 18 19 20 21 22 23 24 25</p>
<p>18</p> <p>1 CERTIFICATE OF COURT REPORTER 2 I, Leah Shenfeld, the officer before whom 3 the foregoing proceedings were taken, do hereby 4 certify that said proceedings were electronically 5 recorded by me; and that I am neither counsel for, 6 related to, nor employed by any of the parties to 7 this case and have no interest, financial or 8 otherwise, in its outcome. 9 IN WITNESS WHEREOF, I have hereunto set 10 my hand and affixed my notarial seal this 25th day 11 of May, 2023. 12 13  14 15 16 Leah Shenfeld, Court Reporter 17 18 19 20 21 22 23 24 25</p>	

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