

**OFFICE OF ZONING AND ADMINISTRATIVE HEARINGS**  
for  
**MONTGOMERY COUNTY**

**Stella B. Werner Council Office Building**  
**100 Maryland Avenue, Room 200**  
**Rockville, Maryland 20850**  
**<http://www.montgomerycountymd.gov/ozah/index.html>**  
**Phone:(240) 777-6660; Fax (240) 777-6665**

**CASE NO. AAO-14-06**

**HEARING EXAMINER'S DISMISSAL ON GROUNDS OF MOOTNESS OF ALL  
OBJECTIONS TO THE FINDINGS OF DHCA ON THE ACCESSORY APARTMENT  
LICENSE APPLICATION (NO. 47848) OF ABDERRAHMAN AND ZAKIA ROBANA**

**OPINION**

Effective May 20, 2013, the Montgomery County Council established new procedures for licensing accessory apartments in the County. *See* Bill 31-12, which amended County Code §§2-140, 29-16, 29-19 and 29-26; and Ordinance 17-28 (Zoning Text Amendment No. 12-11), by which the District Council amended Divisions 59-A, 59-C and 59-G of the Zoning Ordinance. The new procedures require an applicant for an accessory apartment to apply to the Department of Housing and Community Affairs (DHCA) for an accessory apartment license. After an inspection of the property, the DHCA Director must enter formal findings regarding the application. Under the new statutory scheme, a license applicant or an aggrieved party may challenge DHCA's findings by filing a formal objection with the Office of Zoning and Administrative Hearings for Montgomery County (OZAH) within 30 days after the DHCA Director issues his findings. *Code* §29-26. Under County Code §29-26, OZAH may decide only the issues raised in the objection.

On May 16, 2014, Abderrahman and Zakia Robana filed an application with DHCA, seeking a Class III Accessory Apartment Rental License (License Application No. 47848) for their single family home, which is located at 4717 Oxbow Road, Rockville, Maryland 20852, in the R-60 Zone (Tax Account Number 00071165). Exhibit 1.

The property was inspected on June 4, 2014, by Housing Code Inspector Robert Goff, who reported his findings in a memorandum dated June 10, 2014 (Exhibit 4). On June 18, 2014, the Director of DHCA issued a "Report of Findings" (Exhibit 5) listing his finding as "Finding Conditional," presumably meaning that the DHCA Director's approval of any license would be conditioned on Applicants correcting any problems noted during the housing inspection.

On June 23, 2014, objections to the DHCA Director's findings (and to the proposed accessory apartment, in general) were filed by three neighbors, (a) Carol Watts – 4718 Oxbow Road; (b) Cynthia Wolff – 4718 Oxbow Road; and (c) Angelina Beckmann – 4801 Oxbow Road. (Exhibit 6). The objections were assigned OZAH Number AAO 14-6.

On June 26, 2014, additional objections were received from Elizabeth and Guy Beltz of 4712 Oxbow Road. Exhibit 7. All objections were consolidated into OZAH AAO 14-6.

On June 27, 2014, before notice could be issued to establish a hearing date, Ada DeJesus of DHCA informed OZAH that Applicants Abderrahman and Zakia Robana had filed a letter with DHCA withdrawing their application on June 24, 2014. DHCA letter of June 27, 2014, acknowledging the withdrawal of the application is included in OZAH's file as Exhibit 8.


The Hearing Examiner finds that the withdrawal of the Robana's license application has rendered this case moot. In other words, there are no remaining issues to be decided by OZAH, and therefore no need for a hearing on the case. When developments after a case has been filed render a case moot, the appropriate remedy is dismissal. *Arundel Corp. v. Board of Zoning Appeals*, 255 Md. 78, 257 A.2d 142 (1969). In light of this development, all the pending objections must be dismissed as moot.

### DECISION

Accordingly, based on the foregoing findings and conclusions, all objections contained in OZAH Case # AAO 14-06, to License Application # 47848 for an Attached Accessory Apartment are hereby dismissed as moot.

Dated: July 1, 2014

Office of Zoning and Administrative Hearings

by:   
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Martin L. Grossman  
Director/Hearing Examiner

### NOTICE OF RIGHT TO APPEAL

Any aggrieved party who objected under subsection 29-26(b) may request the Circuit Court to review the Hearing Examiner's final decision under the Maryland Rules of Procedure. An appeal to the Circuit Court does not automatically stay the Director's authority to grant a license.

cc: Applicants Abderrahman and Zakia Robana  
All Objectors:  
Carol Watts, Cynthia Wolff, Angelina Beckmann  
Elizabeth and Guy Beltz  
Rick Nelson, DHCA  
Dan McHugh, DHCA  
Ada DeJesus, DHCA  
Robert Goff, DHCA