



Code Words

Volume 10, Issue 1 *Montgomery County Code Enforcement news from the Office of the County Attorney* January 2007

Isiah Leggett, County Executive

Marc P. Hansen, Acting County Attorney

OFFICE OF THE COUNTY ATTORNEY

The Office of the County Attorney is the legal arm of the Montgomery County government. The County Attorney's staff exclusively advises and represents County agencies, including the Council. The Office of the County Attorney also serves the citizens of Montgomery County directly. Although staff cannot offer legal advice to individuals, we can offer guidance on the application of Montgomery County law, including code enforcement matters, and can help to direct those with questions to appropriate agencies. We can be reached at (240) 777-6700.

CODE ENFORCEMENT UNIT

The Code Enforcement Unit serves the community by helping to fairly and reasonably enforce our County Code and helping to solve the problems leading to citations. If you have a question regarding County Code enforcement, a specific Code enforcement case, or would like to schedule a speaker for or meeting with your community group, please contact James Savage, Division Chief, at (240) 777-6779 or james.savage@montgomerycountymd.gov.

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An Introduction to the Board of Appeals

Barbara Jay

Associate County Attorney

The Montgomery County Board of Appeals is a five-member, quasi-judicial body, comprised of Montgomery County citizens who are appointed by the County Council for staggered, four-year terms. Members can serve no more than two full four-year terms. Current Board members are: Donna Barron (Republican), Allison I. Fultz (Democrat), Caryn Hines (Democrat), Wendell M. Holloway (Democrat), and Catherine Titus (Republican).

The authority and jurisdiction of the Board of Appeals are, generally, set forth in section 2-112 of the County Code and section 59-A-4.11 of the County's Zoning Ordinance (Chapter 59 of the County Code). The Board of Appeals has authority to hear cases on applications for variances and special exceptions. The legal standards for granting a variance are set forth in section 59-G-3.1 of the Zoning Ordinance. The general legal standards for granting a special exception are contained in section 59-G-1.21, and the specific standards and requirements applicable to individual special exception uses are found in Division 59-G-2. The Board also has the authority to modify special exceptions and to hold show cause hearings for the revocation of special exceptions. Finally, the Board has authority to hear administrative appeals from various actions of the County Government. Most of these actions are listed in section 2-112 of the County Code. Unlike variance and special exception hearings, which are conducted under the Board's Rules of Procedure, administrative appeals are conducted pursuant to the

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County's Administrative Procedures Act (Chapter 2A of the County Code). The Board's Opinions are legally binding, but can be appealed to the Circuit Court (and beyond).

The Board holds public hearings every Wednesday, beginning at 9:30 a.m., except during the month of August, on the day before Thanksgiving, and during the week between Christmas Day and New Years Day, when hearings are generally not held. All hearings are held in the Rita Davidson Memorial Hearing Room of the Council Office Building (100 Maryland Avenue, Rockville). The agenda for the week is posted outside the hearing room, and is also available from the Board offices. Every other Wednesday, the Board begins the day by holding a work session to address those matters that do not require a public hearing.

The Board has County-wide jurisdiction, except for the municipal corporations of Brookeville, Poolesville, Laytonsville, Rockville, Barnesville, Gaithersburg, and Washington Grove. 🏠

Zoning in Montgomery County

Mac Spicer

Associate County Attorney

What is zoning? Zoning is a local government's tool to regulate the use and development of land, buildings, and structures. It establishes uses that are allowed or permitted by right and certain other uses that are only allowed by special exception. The special exception uses are also known as conditional uses, because they are allowed subject to certain conditions.

The Montgomery County Zoning Ordinance is contained in Chapter 59 of the County Code. Each zone contains a list of uses allowed by right (permitted) or allowed by special exception. A special exception use is allowed only if it is approved by the County Board of Appeals after a public hearing.

The Zoning Ordinance also establishes standards for each zone that controls the location of structures,

building heights, setbacks from property lines, and other land development standards. If the strict application of these standards or regulations to a particular piece of property results in a peculiar or unusual practiced difficulty, the property owner can seek a variance from the Board of Appeals. The Board of Appeals may grant the variance after a public hearing, if the property owner has satisfied the very strict and demanding requirements. Variances are not easily obtained because a variance changes the "rules" that all other property owners must follow. 🏠

Questions to Ask Before Getting a Pet

- 🐾 **What kind of pet do I want?**
- 🐾 **Can I afford the cost of purchasing a pet?**
- 🐾 **Can I afford the cost of caring for a pet (food and grooming, regular health checks, illness)?**
- 🐾 **Do I have time to care for a pet?**
- 🐾 **Do I have the proper environment for the pet?**
- 🐾 **What type of extra housing or equipment will I need for the pet?**
- 🐾 **How will my children handle a new pet?**
- 🐾 **How will other pets in my household react to a new pet?**
- 🐾 **Does anyone in the household have allergies?**

Selected from "About...Choosing and Caring for a Pet," A Life Advice Pamphlet Published by Metlife's Consumer Education Center Lists to Live By, Compiled by Alice Gray, Steve Stephens, John Van Diest



IMPORTANT PHONE NOS.

Animal Services	(240) 773 – 5925
Abandoned Cars	(301) 840 – 2454
Air Pollution Incidents	(240) 777 – 7770
Building Permits	(240) 777 – 6370
Building Code Inspections	(240) 777 – 6210
Consumer Affairs	(240) 777 – 3636
County Information	(240) 777 – 1000
Electrical Licenses & Permits	(240) 777 – 6240
Environmental Protection	(240) 777 – 7770
Fire-Code Violations	(240) 777 – 2457
Housing & Code Enforcement	(240) 777 – 3785
Illegal Dumping	(240) 777 – 7770/DUMP
Untagged Cars	(240) 777 – 3785
Noise Control	(240) 777 – 7770
Recycling/Leaf Collection	(240) 777 – 6410
Snow Removal & Pot Holes	(240) 777 – ROAD
Solid Waste	(240) 777 – 6410
Street Lights	(240) 777 – 2190
Use & Occupancy Permits	(240) 777 – 6210
Vendor Information	(240) 777 – 6240
Water Pollution Incidents	(240) 777 – 7770
Weed Control	(240) 777 – 3785
Zoning Information	(240) 777 – 6240
Zoning Complaints	(240) 777 – 6259

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To be placed on our mailing list or to submit questions or comments, please contact us at the above address or mcgatty@montgomerycountymd.gov. Please include your name, address, and telephone number or e-mail address. *Code Words* is published quarterly.

New Appointments Announced

James Savage

Division Chief

Montgomery County’s Code Enforcement staff works with many agencies, but two of the most significant agencies involved are the Department of Housing and Community Affairs and the Department of Permitting Services. County Executive, Isiah Leggett, recently named heads of those departments, along with the directors of the Department of Health and Human Services and the Office of Procurement.

Richard Nelson was named Director of the Department of Housing and Community Affairs. Mr. Nelson brings 30 years of experience with the National Association of Housing and Redevelopment Officials (NAHRO), a membership organization of more than 18,000 housing and community development agencies and professionals from throughout the country. In that organization, he served in a variety of roles, including Chief Administrative Officer, Director of Housing and Community Development Services, and Executive Director. Prior to joining NAHRO, Nelson served as an Urban Renewal Representative with the U.S. Department of Housing and Urban Development. Since 2003, he has been the chair of the County’s Housing Opportunities Commission (HOC) and has served on the HOC since 1991.

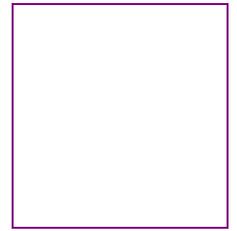
Richard Nelson earned his A.B. from San Francisco State University and a Juris Doctor degree from Temple University School of Law. He lives with his wife in Wheaton.

Carla Joyner will head the Department of Permitting Service. She has worked for the Washington Suburban Sanitary Commission for the past 20 years, most recently as Interim General Manager, from 2004 to 2005, and Deputy General Manager, from 2005 to 2006. She managed the day-to-day operation of WSSC, including permitting services, government and customer relations, information technology, and business development. She also served as the Chief of Mission and Chief of Customer Care at WSSC.

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Office of the County Attorney
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ADDRESS CORRECTION REQUESTED

New Appointments

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Carla Joyner holds a Bachelor of Science in Civil Engineering from Howard University and an MGA in Human Resources Management from the University of Maryland in College Park. She lives in Hyattsville.

Ms. Joyner and Mr. Nelson, along with Uma S. Ahluwalia, appointed to head the Department of Health and Human Services, and David E. Dise, appointed to head the Office of Procurement, will be presented to the Council for their approval. They all are expected to be at their new posts within one month.

The Office of the County Attorney's Code Enforcement Unit looks forward to the leadership of the new appointees and working to assist County

citizens. We have enjoyed a long history of cooperation and teamwork between the Department of Housing and Community Affairs, the Department of Permitting Services, and the Code Enforcement Unit, which is expected to continue in the future. 🏡