BOARD OF APPEALS
for
MONTGOMERY COUNTY

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(www.montgomerycountymd.gov/mc/council/board.html)

Case No. A-6413
APPEAL OF THOMAS JACKSON

OPINION OF THE BOARD

(Hearing held July 31, 2013)
(Effective Date of Opinion: September 5, 2013)

Case No. A-6413 is an administrative appeal filed by Thomas Jackson (the "Appellant"), who resides at 205 Primrose Street in Chevy Chase, Maryland. The Appellant charges error on the part of Montgomery County's Department of Permitting Services ("DPS") in issuing Building Permit Number 633603, dated May 2, 2013. Specifically, the Appellant asserts that this Building Permit, which allowed basement renovations including the expansion of a window well, at residential property located at 203 Primrose Street, Chevy Chase, Maryland (the "Property"), was issued in error. Appellant is concerned about the proximity of the window well to the driveway he shares with the owners of the subject Property, and contends that the projection of the window well from the side of the house is not allowed under the County's Zoning Ordinance.

Pursuant to Section 59-A-4.4 of the Montgomery County Zoning Ordinance, codified as Chapter 59 of the Montgomery County Code (the "Zoning Ordinance"), the Board held a public hearing on the appeal on July 31, 2013. David W. Brown, Esquire, represented the Appellant, and Associate County Attorney Terri Jones represented DPS. Joseph E. Hainline, Esquire, represented Thomas and Melissa Loughney, the owners of the subject Property, who were permitted to intervene in the proceeding (the "Intervenors").

Decision of the Board: Administrative appeal **DENIED.**

FINDINGS OF FACT

The Board finds by a preponderance of the evidence that:

1. The Property, located at 203 Primrose Street, Chevy Chase, MD 20815, and also known as Lot P2, Block D in Chevy Chase Village, Section 7, is an R-60 zoned parcel.

2. The subject Property is rectangular in shape. A 4 foot strip along the right/east side of

the subject Property, and a 4 foot strip along the left/west side of the Appellant's property, are both encumbered by a perpetual right-of-way, creating an 8 foot right-of-way for a shared driveway between the two properties. See Exhibit 11, page 1. Per Appellant's testimony, the actual width of the shared driveway is 8½ feet.

3. On May 2, 2013, DPS issued Building Permit No. 633603 for basement renovations at the subject Property. See Exhibit 3.

4. On June 3, 2013, the Appellant filed this timely appeal.

5. Mr. James Sackett, a Field Supervisor for Residential Inspection with DPS, testified for Montgomery County. Mr. Sackett testified that he has been in his current position for two years, and has been with DPS for eight years.

Mr. Sackett testified that he is familiar with the subject Property, and has visited it on two occasions (June 25, 2013, and July 30, 2013). He testified that his initial visit was a follow-up to an inspection performed by DPS Inspector Donald Holloway pursuant to a complaint that the scope of the work at the subject Property exceeded what was approved in the building permit. He testified that while he was on site at the subject Property, he observed the construction of the wall that comprised the window well, and that he took measurements and photographs. He explained that the photograph at Exhibit 7, page 18, was taken from the front of the shared driveway; the Intervenors' home is on the left and the Appellant's home is on the right. He testified that the window well at issue in this appeal is visible in the center left of that photo. Mr. Sackett testified that the wall comprising this window well extends 33¼ inches from the wall of the house, and that the window well is 53½ inches wide. He testified that these dimensions are smaller than the 3 foot (36 inch) by 5 foot (60 inch) dimensions shown on the plans. See Exhibit 7, page 17. He testified that the portion of the wall that parallels the shared driveway is 6 inches higher than the driveway on the low/front side, and 9½ inches higher than the driveway on the high/rear side. See Exhibit 7, page 19.

Mr. Sackett testified that he took additional measurements when he visited the Property on July 30, 2013. He testified that the total drop from the top of the wall to the bottom of the window well is 44 inches, and that 38 inches of earth is retained by the wall at the driveway level. He testified that the drop from the top of the wall to the bottom of the footing is 50 inches. Mr. Sackett testified that in Montgomery County, a building permit is required for a retaining wall that is over 54 inches, as measured from the bottom of the footing to the top of the wall, and agreed with a Board observation that a permit was not needed for this wall.[1] Mr. Sackett testified that Mr. Gregory McClain of DPS' Zoning Office had reviewed the location drawing submitted with this permit application, and had approved it with respect to zoning (setbacks, etc.) on May 2, 2013. Mr. Sackett then testified that the walls constructed pursuant to this permit are all less than 6½ feet tall,[2] noting again that the measurement from the bottom of the window well to the top of the wall was 44 inches and the measurement from the driveway to the top of the wall was 9½ inches. He then testified that DPS' plan review required certification by a

[1] At this point counsel for the County indicated that while the permit at issue in this appeal may not have been needed for construction of this wall, a permit was needed for some of the interior work not at issue in this appeal.
[2] Section 59-B-2.1(c) of the Zoning Ordinance provides that the setback requirements do not apply to walls or fences that are 6½ feet or less in height.

professional engineer that the new construction was structurally sound, which was provided. See Exhibit 7, page 16 ("Based on my evaluation of constructed window well's [w]all and footing, it is my professional opinion that the new window well footing and wall are structurally sound and in good condition and there is no need for any correction measures.").

On cross-examination, Mr. Sackett testified that the annotation depicting the window well on Exhibit 7, page 17 was probably added to this 2009 location drawing by an architect or engineer. When asked if the new window well wall was attached to the foundation of the existing house, Mr. Sackett testified that it was attached to the wall of the house, and that it had its own foundation.

Mr. Sackett further testified on cross-examination that based on his measurements of the wall as constructed, it did not exceed the scope of the permit. He testified that the wall does not encroach on the Appellant's property, but that it does abut the driveway. See Exhibit 7, page 22. When asked if the wall did not need a permit, Mr. Sackett testified that one could argue that since the wall is less than 54 inches high, but that in the event that a permit was needed, a permit had been issued in this case. When asked to review the location drawing at Exhibit 7, page 17, Mr. Sackett testified that this document was approved by DPS for zoning, and that nothing he has seen would lead him to believe that this permit was improperly approved. He suggested later that the fact that the actual driveway was wider than the right-of-way for the driveway could possibly explain the reason for the gap shown on location drawing between the window well and the driveway. He reiterated that he was not a zoning person, and that his job was to ensure that the actual construction did not exceed the approved plans.

Mr. Sackett testified in response to a Board question that the window well in question was not an egress window well, and that the building code does not have dimensional requirements for normal (non-egress) window wells. He testified that this window well would require a guardrail or grate before the building permit could be made final because the fall distance was greater than 36 inches.

On re-direct, Mr. Sackett testified that he is familiar with the exemption for fences and walls from setback requirements of the Zoning Ordinance. He testified that he had discussed this exemption with DPS Zoning Manager Susan Scala-Demby before going to the subject Property. He testified that this exemption provides that walls or fences that are 6½ feet or less in height are exempt from setback requirements, and that based on his measurements of the height of this wall, it is exempt. See Exhibit 7, page 4.

6. Appellant Thomas Jackson testified that he and his wife have lived at 205 Primrose Street, next door to the subject Property, for 15 years. He testified that according to SDAT records, Lots 2 and 3 of Plat 259 were developed after June 1923. He testified that his property consists of Part of Lot 2 and Lot 3, and that the Intervenors' Property consists of Part of Lot 2. He further testified that he owns all of Lot 3, which is 55 feet wide, and a 3 foot wide strip of Lot 2, and that the Intervenors own the remainder of Lot 2, which is 57 feet wide. Mr. Jackson testified that his house was built in 1928; he testified that he believed the subject Property was created by deed on October 10, 1929, and a house was built on that Property in 1930.

Mr. Jackson testified that the shared driveway between his property and the subject

Property is 8½ feet wide. He testified that the joint driveway easement shown on the Intervenors' deed was created in 1931, and includes 4 feet on each side of the shared property line (8 feet total). Mr. Jackson testified that when he first moved into his house, the driveway was constructed of asphalt and filled with potholes. He testified that with the permission of the previous owners of the subject Property, he replaced the driveway with a concrete driveway, lined with Belgian blocks. He noted that if a person were to veer off the 8½ foot driveway they would hit the Belgian blocks instead of a garden.[3] He testified that Exhibit 10, page 37, is a photograph showing the driveway he installed. He stated that the driveway widens and becomes asphalt once it gets beyond the foundations of the houses.

Mr. Jackson testified that the new window wall was built on April 22, 2013.[4] He testified that there had previously been a window well and a smaller (3 feet x 1½ feet) window in the location of the new construction, but that the old window well was only about 2 feet deep and projected about 2 feet from the house. He testified that there was no cover over the old window well, and that it was flush to the ground. He stated that he was not concerned about the former window well.

When asked why the current construction was a problem, Mr. Jackson testified that his family has a Mercedes and a Saab, both of which have low clearances. He testified that it is conceivable that these vehicles could slip off the driveway. Mr. Jackson testified that on two occasions in the past, cranes have had to traverse the shared driveway to access and remove trees. He testified that these are two or three ton vehicles that are wider than the driveway, and testified that he was concerned that with the new construction, a crane could not fit down the driveway or would fall into the window wall opening.

Mr. Jackson testified that Intervenor Thomas Loughney had approached him in April and said that he needed to install an emergency ingress/egress window,[5] and that he would use the area between his house and the driveway. He testified that at that time, they agreed the driveway would be sacrosanct. He testified that he was home on April 29, 2013,[6] a Monday, and was concerned to see a hole in the ground, about 8 feet deep and 3 feet wide, between the Intervenors' house and the driveway. He testified that he submitted an internet complaint to the County, and that Inspector Holloway appeared two or three days later. He testified that by that time, the hole had become the structure shown at Exhibit 10, pages 37-39. He testified that gravel was put in the bottom of the hole to cover the dirt. Mr. Jackson testified that he did not know if there was a foundation under the side walls, and restated his concerns that a car could fall into the hole and that a crane could not fit up the driveway. Mr. Jackson testified that he spoke to the Intervenors about resolving this matter, and that he met with Intervenor Thomas Loughney the following Saturday to discuss it. He testified that at that meeting, he voiced his disappointment that the wall reached the driveway, and that it was as high as it was. He testified that he told Intervenor Thomas Loughney that he wanted the window well to extend only 24

[3] Mr. Jackson testified on cross-examination that the Belgian blocks serve as a rumble strip when a car leaves the driveway.

[4] Mr. Jackson initially testified that the wall was built on April 28, 2013, but on being informed that his complaint was dated April 22, 2013, he revised his dates.

[5] Mr. Jackson later testified that this was his understanding of Intervenor Thomas Loughney's statement, but that he was not sure that the Intervenor had actually used the term "egress."

[6] The dates cited by Mr. Jackson in his testimony were later corrected. See footnote 4.

inches from the Intervenors' home, so that there would be a nine inch gap between the driveway and the new wall. Mr. Jackson testified that Intervenor Thomas Loughney agreed to make this change but said that it would take time. He testified that as of last Friday, no changes had been made. Mr. Jackson asserted that he should have a free right to use his driveway, prompting a Board member to ask if the construction encroached on the driveway easement, to which Mr. Jackson responded that it did not. Mr. Jackson went on to explain that the driveway was 8½ feet wide instead of the 8 feet granted by the easement, and again asserted that it was not large enough for a crane or large vehicle.

Mr. Jackson testified that he showed the Intervenors the standards for egress windows and informed them that their window did not meet these requirements. In response to a Board question, counsel for the County clarified that there was no requirement that this window/window well meet egress standards, and counsel for the Intervenor stated that the window and window well were intended to let more light into the basement, not to provide egress.

On cross-examination, Mr. Jackson stated that the on-line complaint, dated April 22, 2013 and in the record at Exhibit 10, page 34, was the complaint he had initially filed. He then testified that Inspector Holloway had come to the subject Property two times, noting that the second time was the day the building permit was granted.

Mr. Jackson confirmed on cross-examination that he was concerned about the impact of the construction on his ability to use the driveway, and on the ability of large equipment like cranes to use the driveway. He testified that he has not seen any cranes or large vehicles on the driveway since the construction was completed. He testified that he and his wife have been using the driveway since April and have not driven into the new wall/window well during that time. When asked if his concern was therefore speculative, Mr. Jackson stated that his concern would not be speculative in the snow, stating that if snow surrounded the window wall, he would not be able to see it.[7]

Still on cross-examination, Mr. Jackson testified that there was nothing in the record which would indicate an intent by the Intervenors to cover the window well. When asked if he was certain that the previous window well was flush to the ground, Mr. Jackson testified that he thought it was; when asked if the height of the new window well/wall was the same as the height of the window well that had been replaced (an assertion put forth by counsel for the Intervenors), Mr. Jackson did not address the height of the window wall/well, but rather replied that the new window wall/well was wider than the original, and projected farther from the house. He testified that he was concerned about the below-ground space, and stated that a toddler could fall into it, a concern which he testified would be alleviated by a cover.

On cross-examination, Mr. Jackson reiterated his earlier statement that with the consent of the previous owners, the driveway was built to a width of 8½ feet. He acknowledged that the construction at issue in this appeal is wholly on the Intervenors' Property.

When asked on cross-examination about his assertion that Intervenor Thomas Loughney

[7] Mr. Jackson then testified that when it snows, he and the Intervenors work together to clear the driveway.

had told him that he wanted to construct an egress window, Mr. Jackson testified that he was not sure that Intervenor Thomas Loughney had used the term "egress," but explained that he thought that the Intervenors were seeking to construct a window similar to one at his home (which presumably is an egress window). Mr. Jackson testified that when they met the Saturday following the commencement of construction (April 27), he gave Intervenor Thomas Loughney a copy of the egress window requirements. He then testified that he had not seen anything in writing to indicate that this was an egress window, but that Intervenor Melissa Loughney had said that it was.

7. Intervenor Melissa Loughney testified that she is a mother and part-time physician. She testified that she and her husband have owned and resided at the subject Property for four years. She testified that they intend to place a protective grate over the window well. Dr. Loughney[8] testified that she and her husband had never referred to this window as an egress window, stating that their intention was simply to improve the space so that it did not feel like a basement. She testified that there is no living space downstairs, that this recreation room space was already constructed when they moved into their house, and that they were simply updating it.

Dr. Loughney testified that construction on the window well/wall began on April 22, 2013, and that the wall was completed on April 24th. She testified that the following morning (April 25th), the Appellant's wife telephoned to tell her that she was concerned about the height of the window well. Dr. Loughney then testified that an hour later, Mr. Jackson telephoned to tell Dr. Loughney that she and her husband should not do anything, and to ask Dr. Loughney if she and her husband could meet with him to discuss the matter. Dr. Loughney testified that she told Mr. Jackson they could meet on Saturday (April 27th). On April 26, 2013, Dr. Loughney testified that the Appellant contacted Chevy Chase Village to complain about the new window well/wall. She testified that Ms. Ellen Sands, the permit coordinator and code enforcement officer for Chevy Chase Village, came out to their Property, inspected the construction, and said that no permit was needed. Dr. Loughney then testified that after a number of subsequent complaints, Ms. Sands reached out to them (the Loughneys) and asked if they could provide her with the materials necessary to issue a permit so that the matter could be closed. Dr. Loughney testified that building permits were issued by both Chevy Chase Village and Montgomery County.

On cross-examination, when told that the May 6, 2013, email from Ms. Sands seemed to state that as long as the construction was no more than the height of one brick above ground level it was acceptable, Dr. Loughney testified that that was what the email said, and stated that the wall was a little more than one brick high. See Exhibit 11, page 23.

In response to a Board question, Dr. Loughney testified that contrary to the testimony of Mr. Jackson, she and her husband did not agree to reduce the projection of the window well to 24 inches from their house, and that they are not interested in that. She went on to testify that they had tried to work with the Appellant and his wife, but that the Appellant and his wife continued to file complaints. Dr. Loughney testified that she and her husband finally realized that no

[8] As used herein and for the sake of convenience, any reference to "Dr. Loughney" is intended to refer to Dr. Melissa Loughney, who testified at this hearing. The Board notes that both of the Intervenors are doctors.

matter what actions they took to appease the Appellant and his wife, they would not be happy. She noted that the Appellant and his wife were moving.

Dr. Loughney testified that she had spoken with her contractor, who has an oversized truck with a trailer; she testified that he could maneuver the driveway. She testified that her van is six feet wide, and that there is still more than a foot on each side of her van when she uses the driveway.

CONCLUSIONS OF LAW

1. Section 2-112(c) of the Montgomery County Code provides the Board of Appeals with appellate jurisdiction over appeals taken under specified sections and chapters of the Montgomery County Code, including Section 8-23.

2. Section 2A-2(d) of the Montgomery County Code provides that the provisions in Chapter 2A govern appeals and petitions charging error in the grant or denial of any permit or license or from any order of any department or agency of the County government, exclusive of variances and special exceptions, appealable to the County Board of Appeals, as set forth in Section 2-112, Article V, Chapter 2, as amended, or the Montgomery County Zoning Ordinance or any other law, ordinance or regulation providing for an appeal to said board from an adverse governmental action.

3. Section 8-23(a) of the County Code provides that "[a]ny person aggrieved by the issuance, denial, renewal, amendment, suspension, or revocation of a permit, or the issuance or revocation of a stop work order, under this Chapter may appeal to the County Board of Appeals within 30 days after the permit is issued, denied, renewed, amended, suspended, or revoked or the stop work order is issued or revoked. A person may not appeal any other order of the Department, and may not appeal an amendment of a permit if the amendment does not make a material change to the original permit. A person must not contest the validity of the original permit in an appeal of an amendment or a stop work order."

4. Section 59-A-4.3(e) of the Zoning Ordinance provides that any appeal to the Board from an action taken by a department of the County government is to be considered *de novo*. The burden in this case is therefore upon the County to show that the building permit was properly issued.

5. Section 59-B-5.3 of the Zoning Ordinance generally requires that alterations or renovations to a one-family dwelling built on a lot legally recorded before June 1 1958, meet the zoning development standards in effect when the lot was recorded.

6. Section 59-B-2.1 of the Zoning Ordinance provides that building line and yard requirements do not apply to walls or fences that are 6½ feet or less in height, and reads as follows:

Sec. 59-B-2.1. Walls or fences.
The building line and yard requirements of this chapter do not apply to:
(a) retaining walls where changes in street grade, width or alignment have

made such structures necessary,

(b) deer fencing in:

(1) all agricultural zones; and

(2) the rear and side yards of all non-agricultural zones unless the lot or tract adjoins a national historical park.

(3) the rear and side yards of all non-agricultural zones if the lot or tract adjoins a national historical park and the deer fence is located at least 100 feet from a national historical park boundary.

(c) other walls or fences that are 6 ½ feet or less in height and are not on a lot or tract adjoining a national historical park,

(d) rustic fences on a lot or tract adjoining a national historical park,

(e) boundary fences on the rear and side yards if the lot or tract is located within 100 feet of a parking lot in a national historical park.

(f) deer and other fences not over 8 feet in height if the property is farmed and agriculturally assessed.

On a corner lot in any residential zone, a deer fence must not be located closer to the street than the face of the building.

Fence height is measured from the lowest level of the ground immediately under the fence. On a corner lot in any residential zone a fence, wall other than a retaining wall, terrace, structure, shrubbery, planting or other obstruction to vision must not have a height greater than 3 feet above the curb level for a distance of 15 feet from the intersection of the front and side street lines.

See Exhibit 7, page 3. A wall that is 6½ feet or less in height may therefore be placed up to the lot line, as noted in DPS Code Interpretation Policy ZP0928-2. See Exhibit 7, page 4.

7. Sections R105.1 and R105.2 of the International Residential Code, 2012, read in relevant part as follows:

SECTION R105 PERMITS

R105.1 Required. Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the *building official* and obtain the required *permit*.

R105.2 Work exempt from permit. *Permits* shall not be required for the following. Exemption from *permit* requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this *jurisdiction*.

Building:

* * * * *

3. Retaining walls that are not over 4 feet (1219 mm) in height measured from the bottom

of the footing to the top of the wall, unless supporting a surcharge.
* * * * *

See Exhibit 7, page 7.

8. Section R105.2.3 of the International Residential Code, 2012, was amended by Montgomery County Executive Regulation 8-12 to strike the reference to "4" feet and insert in its place a reference to "4½" feet. See Exhibit 7, page 5.

9. Based on the testimony of Mr. Sackett and the photographs in the record at Exhibit 10, pages 37-39, the Board finds that the wall at issue in this appeal holds back 38 inches of soil from the area around the Intervenors' basement window; accordingly, the Board accepts DPS's characterization of this wall as a retaining wall.[9] Based on the as-built Section of this wall and the engineer's certification, the Board finds that this retaining wall is structurally sound. See Exhibit 7, pages 14 and 16.

10. The Board further finds that per the testimony of Mr. Sackett, the height of this retaining wall, as measured from the bottom of the footing to the top of the wall, is 50 inches. The Board finds that this does not exceed the 54 inch height threshold above which a permit would be required under the International Residential Code, 2012, as amended by Montgomery County Executive Regulation 8-12. See Exhibit 7, pages 5 and 7.

11. The Board finds, again per the testimony of Mr. Sackett, that the above-ground portion of this wall (as measured from the bottom of the window well to the top of the wall) is 44 inches in height. Based on this measurement, the Board notes that this wall is less than 78 inches (6½ feet) in height, and thus the Board finds that per Section 59-B-2.1(c) of the Zoning Ordinance, this wall is not subject to setback requirements. Indeed, per DPS Code Interpretation Policy ZP0928-2, the Board notes that a wall of this height could be placed "up to the lot line." See Exhibit 7, page 4.

12. The Board finds, per Exhibit 11, page 1, that there is an 8 foot right-of-way for the shared driveway, comprised of a 4 foot wide strip on the subject Property and a similar strip on the Appellant's property. The Board further finds that per the testimony of Mr. Jackson, the width of the driveway as constructed and as shown in the photographs of record is 8½ feet. While the photographs in the record illustrate that the retaining wall abuts the as-built driveway, the Board finds, based on the dimensions of the driveway and the testimony of the Appellant, that the wall is wholly located on the subject Property.

13. Because this wall is not subject to setback requirements based on its height and pursuant to Section 59-B-2.1(c), and because a professional engineer certified that the construction of the wall and footing are structurally sound, the Board finds that Building Permit No. 633603 was properly issued with respect to this wall. The Board will not address other

[9] Case law indicates that the expertise of an agency in administering its own statutes should be respected. See *Annapolis Marketplace, LLC v. Parker*, 369 Md. 689, 703, 802 A.2d 1029, 1037 (2002) (quoting *Board of Quality Assurance v. Banks*, 354 Md. 59, 68-69, 729 A.2d 376, 381 (1999)). Under Section 2-42B of the Montgomery County Code, DPS is not only responsible for reviewing building permits, plans, and specifications, but also for administering, interpreting, and enforcing the zoning law and other land use laws and regulations.

construction allowed by this Permit as that was not the subject of this appeal.

With respect to the Appellant's argument that renovations to this house are subject to the development standards of either the 1928 or the 1930 Zoning Ordinance, neither of which contains an exemption from the yard requirements for walls, the Board finds that Section 59-B-2.1(c) exempts walls that are no more than 6½ feet tall from the "building line and yard requirements of this chapter [59]...." The Board further finds that Section 59-B-5.3, which is part of Chapter 59, makes the building line and yard requirements of previous zoning ordinances applicable to present-day renovations of older houses. Because these development standards are specifically made applicable to the renovation of older properties by Section 59-B-5.3, the Board finds that they are requirements "of this chapter."[10] As such, the Board finds that the exemption set forth in Section 59-B-2.1 for walls or fences from the building line and yard requirements "of this chapter" applies to this retaining wall.

14. For the foregoing reasons, the Board finds that DPS properly issued Building Permit No. 633603. The appeal in Case A-6413 is **DENIED**.

On a motion by Vice Chair David K. Perdue, seconded by Chair Catherine G. Titus, with Members Carolyn J. Shawaker, Stanley B. Boyd, and John H. Pentecost in agreement, the Board voted 5 to 0 to deny the appeal and adopt the following Resolution:

BE IT RESOLVED by the Board of Appeals for Montgomery County, Maryland that the opinion stated above be adopted as the Resolution required by law as its decision on the above entitled petition.

Catherine G. Titus

Catherine G. Titus
Chair, Montgomery County Board of Appeals

Entered in the Opinion Book
of the Board of Appeals for
Montgomery County, Maryland
this 5th day of September, 2013.

Katherine Freeman

Katherine Freeman
Executive Director

[10] The Board notes here that the 1928 Zoning Ordinance is included as an attachment to Article 59-B of the Zoning Ordinance.

NOTE:

Any request for rehearing or reconsideration must be filed within ten (10) days after the date the Opinion is mailed and entered in the Opinion Book (see Section 2-A-10(f) of the County Code).

Any decision by the County Board of Appeals may, within thirty (30) days after the decision is rendered, be appealed by any person aggrieved by the decision of the Board and a party to the proceeding before it, to the Circuit Court for Montgomery County on accordance with the Maryland Rules of Procedure.