

**BOARD OF APPEALS  
for  
MONTGOMERY COUNTY**

Stella B. Werner Council Office Building  
100 Maryland Avenue  
Rockville, Maryland 20850  
[www.montgomerycountymd.gov/content/council/boa/index.asp](http://www.montgomerycountymd.gov/content/council/boa/index.asp)

(240) 777-6600

**Case No. S-2827**

**PETITION OF AMPAI REDDING**

OPINION OF THE BOARD

(Opinion Adopted February 6, 2013)  
(Effective Date of Opinion: February 14, 2013)

Case No. S-2827 is an application for a special exception, under Section 59-G-2.00 of the Zoning Ordinance, to permit an accessory apartment. The subject property is Lot 45, Block N, Forest Knolls Subdivision, located at 1109 Loxford Terrace, Silver Spring, Maryland 20901, in the R-60 Zone. The Hearing Examiner for Montgomery County held hearings on the application on April 12, 2013 and December 17, 2012, closed the record in the case on December 27, 2012, and on January 24, 2013, issued a Report and Recommendation for approval of the special exception.

Decision of the Board:

Special Exception **Granted** Subject to  
The Conditions Enumerated Below.

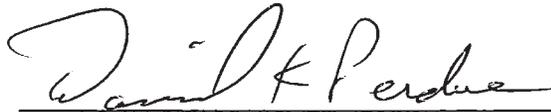
The Board of Appeals considered the Hearing Examiner's Report and Recommendation at its Worksession on February 6, 2013. After careful consideration and review of the record in the case, the Board adopts the Report and Recommendation and grants the special exception subject to the following conditions:

1. The Petitioner is bound by her testimony, representations and exhibits of record, to the extent that such testimony and evidence are identified in the Hearing Examiner's Report and Recommendation and in this opinion;
2. The Petitioner must comply with the conditions set forth in the Memorandum of Unray Peters, Housing Code Inspector, Division of Housing and Code Enforcement (Exhibit 19):

- a. The walkway entrance of accessory apartment needs to have secured and leveled stones so they are not a trip hazard.
  - b. All of the exterior solid waste must be removed[;] this is to include bricks, broken stone, wood, branches, untagged/derelect motorcycle, auto parts and any other solid waste found throughout.
  - c. The bedroom would need to have all walls painted and repaired of any small holes.
  - d. The exterior fence needs to be repaired in the rear of the house.
  - e. The front yard must be properly landscaped to avoid further erosion and holes.
  - f. The owner [must not resume] renting out a . . . unit in the main house that [had been] occupied by two (2) tenants.
3. Petitioner must comply with the determination of the Housing Code Inspector as to limits on occupancy in the accessory apartment (up to two persons) and must comply with any other directions of the Housing Code Inspector to ensure safe and code-compliant occupancy;
  4. Petitioner must not have a guest room for rent, a boardinghouse or a registered living unit, in addition to the accessory apartment.
  5. Petitioner must occupy one of the dwelling units on the lot on which the accessory apartment is located;
  6. Petitioner must not receive compensation for the occupancy of more than one dwelling unit; and
  7. Petitioner must obtain and satisfy the requirements of all licenses and permits, including but not limited to building permits and use and occupancy permits, necessary to occupy the special exception premises and operate the special exception as granted herein. Petitioner shall at all times ensure that the special exception use and premises comply with all applicable codes (including but not limited to building, life safety and handicapped accessibility requirements), regulations, directives and other governmental requirements.

On a motion by Carolyn J. Shawaker, seconded by John H. Pentecost, with Stanley B. Boyd and David K. Perdue, Vice-Chair, in agreement and Catherine G. Titus, Chair, necessarily absent, the Board adopted the following Resolution:

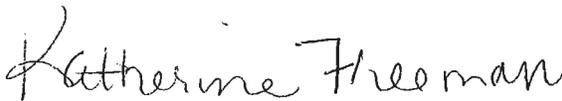
**BE IT RESOLVED** by the Board of Appeals for Montgomery County, Maryland that the opinion stated above is adopted as the Resolution required by law as its decision on the above-entitled petition.



---

David K. Perdue  
Vice-Chair, Montgomery County Board of Appeals

Entered in the Opinion Book  
of the Board of Appeals for  
Montgomery County, Maryland  
this 14<sup>th</sup> day of February, 2013.



---

Katherine Freeman  
Executive Director

**NOTE:**

Any request for rehearing or reconsideration must be filed within fifteen (15) days after the date the Opinion is mailed and entered in the Opinion Book (See Section 59-A-4.63 of the County Code). Please see the Board's Rules of Procedure for specific instructions for requesting reconsideration.

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, in accordance with the Maryland Rules of Procedure. It is each party's responsibility to participate in the Circuit Court action to protect their respective interests. In short, as a party you have a right to protect your interests in this matter by participating in the Circuit Court proceedings, and this right is unaffected by any participation by the County.

See Section 59-A-4.53 of the Zoning Ordinance regarding the twenty-four months' period within which the special exception granted by the Board must be exercised.

(1)

(2)

(3)