BOARD OF APPEALS
for
MONTGOMERY COUNTY

Stella B. Werner Council Office Building
100 Maryland Avenue
Rockville, Maryland 20850
240-777-6600

(www.montgomerycountymd.gov/BOA/index.html)

Case No. A-6423

APPEAL OF BRIAN MATTES

OPINION OF THE BOARD

(Hearing held January 8, 2014)
Effective Date of Opinion: February 10, 2014)

Case No. A-6423 is an administrative appeal filed October 18, 2013, by Brian S. Mattes (the "Appellant"). The Appellant charges error on the part of Montgomery County's Department of Permitting Services ("DPS") in the September 18, 2013, issuance of Building Permit No. 633583 for the construction of a single family dwelling on property located at 5205 Carleton Street, Bethesda, Maryland 20816 (the "Property"), also known as Lot 19, Block 12, Glen Mar Park subdivision, in the R-60 zone. The subject Property is owned by Dominic and Kimberly Pomponi, who were permitted to intervene in this matter (the "Pomponis"). The Building Permit was issued to Wormald Home Construction, LLC, which was also permitted to intervene ("Intervenor Wormald" or "Wormald").

Specifically, the Appellant asserts that DPS incorrectly issued the subject Building Permit, and that it should have been denied. Appellant asserts first that the Property, which was originally platted in 1947, was vacant prior to the construction, and as a result that Section 59-B-5.1 of the Zoning Ordinance should have been applied to determine the applicable setbacks, not Section 59-B-5.3. Appellant also argues that by operation of the law of adverse possession, the entirety of the subject Property is no longer owned by the Pomponis, and thus that the "property" on which the construction is proposed was no longer platted in 1947, and should be subject to the current development standards.

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 January 8, 2014. The Appellant was represented by David W. Brown, Esquire, of Knopf & Brown. The Pomponis were represented by Robert E. Grant, Esquire, of Furey, Doolan & Abell, LLP. Intervenor Wormald was

represented by Scott C. Wallace, Esquire, of Linowes and Blocher LLP. Assistant County Attorney Terri A. Jones represented Montgomery County.

Decision of the Board: Administrative appeal DENIED.

FINDINGS OF FACT

The Board finds by a preponderance of the evidence that:

1. The Property, known as 5205 Carleton Street in Bethesda, is an R-60 zoned parcel identified as Lot 19, Block 12 in the Glen Mar Park subdivision.

2. On April 23, 2013, representatives of Intervenor Wormald applied to DPS for a building permit to construct a new single-family dwelling at the subject Property. Building Permit No. 633583 was issued on September 18, 2013, for the requested construction. See Exhibit 10, pages 8-9 and 36.

3. On October 18, 2013, Appellant timely filed this appeal, charging error by DPS in its decision to issue Building Permit No. 633583. See Exhibit 1(a).

4. Appellant's adverse possession claim is currently being litigated in the Montgomery County Circuit Court (Case No. 383054-V). See Exhibit 11, pages 57-75.

5. Mr. Robert Bell, a Plan Reviewer and Permitting Services Specialist for the Department of Permitting Services in their Zoning section for the past 12 years,[1] testified on behalf of DPS. Mr. Bell testified that he was familiar with this Property and had reviewed the application for the Building Permit at issue in this case. See Exhibit 10, pages 8-9. He testified that Exhibit 10 contains the documents that he reviewed in connection with this permit application. He testified that review of a permit application by the Zoning section entails a review of the development standards and the Zoning Ordinance.

Mr. Bell testified that according to the Zoning maps and Pictometry (which he explained was basically an electronic zoning map), the subject Property is zoned R-60. He testified that 5205 Carleton Street was recorded by record plat in 1947. See Exhibit 14. Using that plat as a reference, Mr. Bell testified that the rear of the Appellant's lot abuts the rear of the subject Property; the Appellant lives at 5912 Carleton Lane.

Mr. Bell testified that on May 15, 2013, he gave Zoning approval to the application for Building Permit No. 633583. He testified that the Building Permit covered a new single family detached home, to replace the demolished home. He testified that the site plan that was filed with the Building Permit application bears his signature and a stamp indicating that he had approved it. See Exhibit 10, page 35.

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[1] Mr. Bell testified that he had worked for the County for a total of 32 years.

Mr. Bell testified that Section 59-B-5.3 of the Zoning Ordinance was used to determine the development standards for this Property. See Exhibit 10, pages 4-5. He testified that he has applied Section 59-B-5.3 many times, and that DPS sees applications under this Section frequently, particularly from the lower County. He testified that he has previously discussed this and other sections of the Zoning Ordinance with his colleagues, but that he did not recall discussing this particular Building Permit application with them prior to giving his approval. He testified that when there was a house on a property, his colleagues all use the same Section [Section 59-B-5.3]. Mr. Bell testified that Delvin Daniels holds the same position that he does with DPS, and that the email in the record at Exhibit 12, page 11, reflects Mr. Daniels' determination of the setbacks applicable to the subject Property. He testified that he had not conferred with Mr. Daniels about the setbacks applicable for this Property, and yet that they had independently reached the same conclusions regarding not only the setbacks, but also the fact that the previously existing house could be replaced and that Section 59-B-5.3 applied.

When asked why he didn't use Section 59-B-5.1, Mr. Bell testified that Section 59-B-5.1 applies to lots, whereas Section 59-B-5.3 applies to lots that have previously been improved with a dwelling. He testified that because there was previously a dwelling on the subject Property, Section 59-B-5.3 applied, even though the previous dwelling had been demolished several years ago.[2] Mr. Bell testified that in this case, he knew there had previously been a dwelling on the subject Property because the site plan shows the foundation, and the application indicates that a demolition permit had been issued. He later testified that this was sufficient for his needs. He further testified that when he had worked as a housing inspector for the County, he had actually worked on the demolition of the original house. He testified in response to a Board question that a portion of the foundation wall remains on the Property. Mr. Bell testified that because this Property was platted in 1947, Section 59-B-5.3 allows a 25 foot front or an established building line setback, seven (7) foot side setbacks, and an average rear setback of 20 feet (no closer than 15 feet at any one point), in accordance with the 1941 Zoning Ordinance. He testified that per the site plan, the actual setbacks are 29.2 feet from the front, seven (7) feet from the left side property line, 7.6 feet from the right side property line, and an average of 20.17 feet from the rear line, with the closest point being 18.4 feet. See Exhibit 10, page 35.

A Board member asked Mr. Bell about the minimum side yard setbacks set forth in DPS's "Development Standards for R-60 Zone." The Board member described this document as indicating that the side setback currently required is a total of 18 feet (8 feet on one side), and that the side setback for a lot recorded before January 1, 1954 is 7 feet on each side. See Exhibit 10, pages 6-7. He then asked Mr. Bell to read and explain footnote 6 on that document, applicable to the 7 foot side setback. Mr. Bell explained

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[2] When asked by a Board member if a pioneer house built in 1750 would count as a previous improvement, Mr. Bell testified that if the pioneer house had been constructed on a legally recorded plat/lot, he would count it. When asked by Counsel for the County if he could recall any other instances in which there had been a "gap" in time between the demolition of the previously existing house and the issuance of a Building Permit pursuant to Section 59-B-5.3, Mr. Bell testified that he was sure that there had been, but that he could not recall any specifics.

that footnote 6 applies to lots that are substandard in width, i.e. that are not at least 60 feet wide, stating that footnote 6 allows you to use 7 foot side setbacks under Section 59-B-5.1 if the lot is substandard (less than 60 feet wide and 6,000 feet in area). He noted that unlike Section 59-B-5.1, Section 59-B-5.3 does not say that you have to use the current standard. When asked if DPS' distinction between improved and unimproved lots was written down anywhere, Mr. Bell testified that that distinction was uniformly applied by his section of DPS. He went on to testify that DPS does consider whether a lot meets the current size requirement for purposes of Section 59-B-5.1, but that Section 59-B-5.3 does not require you to look at that. He testified that Section 59-B-5.1 talks about lots, whereas Section 59-B-5.3 talks about single family dwellings on lots.[3] He testified that DPS has to verify that there was a dwelling on a lot before they can use Section 59-B-5.3. He noted that Section 59-B-5.1 does not talk about replacement dwellings (as Section 59-B-5.3 does). Mr. Bell then testified in response to further Board questioning that the subject Property does meet the current lot width and area requirements. He testified that he regards the applicability of Sections 59-B-5.1 and 59-B-5.3 as an "either/or," and not as an "and," explaining that Section 59-B-5.1 talks about "[a]ny lot" whereas Section 59-B-5.3 talks about "[a]ny one-family dwelling" on a lot. He later testified on cross-examination that this either/or interpretation is the way that DPS interprets and applies these two provisions.

On cross-examination, when asked what would lead a Permit Technician to enter "New Home on Vacant Lot" on the Building Permit, Mr. Bell replied that he did not know, and that he had no role in that. He testified that he had concluded that there had previously been a dwelling on the Property, noting that there was an annotation on the site plan showing a "partially demolished home foundation." See Exhibit 10, page 8. He testified in response to a Board question that at the time he reviewed this, he only had the information on the permit application, adding that he did not recall looking up the demolition permit for this Property prior to issuance of this Building Permit. He acknowledged that although he had worked on the demolition of the previous house, he did not realize that this was the same Property when reviewing the Building Permit application, and that he did not know if the demolished house met the current R-60 development standards or when the demolished structure had been built.[4] With respect to the rear yard setback, Mr. Bell testified that he had verified that the calculation in the diagram showing the average setback was correct. When asked how he determines where to make the measurements, Mr. Bell testified that they are made at the closest points, as was done in this case, and that the same procedure was used that he follows when he calculates the average setback.

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[3] On cross-examination, when asked what the difference was between a "buildable lot," the term used in Section 59-B-5.1, and an improved lot, Mr. Bell again explained that there is a distinction between a buildable lot which has never been improved, and one that has. He said that that is the difference between Sections 59-B-5.1 and 59-B-5.3.

[4] He later testified that there was no need to know when the previous house had been built, explaining that Section 59-B-5.3 does not have a time frame.

6. At the close of Mr. Bell's testimony, following the observation of one Board member that there was no dispute that there had previously been a house on this lot, the parties stipulated to that fact.

7. Appellant Brian S. Mattes testified that he resided at 5912 Carleton Lane in Bethesda, and that he had purchased that property in July, 2011. He testified that his property backs to the Pomponi Property.

Mr. Mattes testified that work began at the subject Property on October 1, 2013. He testified that he was familiar with the state of the subject Property prior to that time, describing it as a wild, unkempt, forested lot. He testified that the Property contained large trees, vines and critters. He testified that the brush on the Property was cleared once or twice a year. He testified that when the brush was cleared, he did not see a foundation, but did see a small stone formation (8-10 stones) which appeared to be a retaining wall. He testified that this was about 20 feet away from the construction. On cross examination, he testified that there seemed to be a reference to the stones on the site plan where it says "ex. retaining wall to remain." See Exhibit 10, page 35; Exhibit 15.

Mr. Mattes testified that in the course of researching his adverse possession claim, one of his neighbors had given him a folder of documents concerning the subject Property. He testified that the house that had previously been on that Property had been abandoned in 1990, and that it had been demolished in the fall of 1998.

When asked on cross-examination whether his concern was that the proposed house was too wide for the Property, Mr. Mattes testified that his concern was ensuring that the house comported with current law.

8. Mr. Fred Eisenhart, a Vice President with Wormald, testified that he oversees this type of work, stating that he is responsible for the whole process. He testified that this Property was brought to him by an architect. He testified that he filled out the Building Permit application with help from his assistant.

Mr. Eisenhart testified that his first visit to this Property was in January or February of 2013. He testified that the Property was overgrown and that there was no evidence of the previous foundation. He testified that there were substantial retaining walls along the entire right side of the Property, and for approximately 10 – 15 feet along the back corner. He testified that the wall was made of stacked stone with no mortar, and is in good enough condition to remain on the property.

Mr. Eisenhart testified that although the foundation wall was not evident when he first walked the lot, after some brush was removed and the lot excavated in places, the front wall of the foundation was located. He testified that he had an engineering firm survey the foundation after it was found. He further testified that when they excavated to build the house, they had to pay to have the old foundation removed.

When asked by counsel for the County whether he had indicated to DPS that this was a replacement building, Mr. Eisenhart testified that he may have spoken to Mr. Bell, but he was not sure. He testified that he spoke to two architects and an engineer, and that all of them had told him that the way DPS was applying the Zoning Ordinance to this Property was standard and allowed him to move forward with the development of the Property.

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 Building Permit No. 633583 was properly issued.

5. Section 59-B-5.1 of the Zoning Ordinance reads as follows:

Sec. 59-B-5.1. Buildable lot under previous ordinance.

Any lot that was recorded by subdivision plat before June 1, 1958, or any lot recorded by deed before June 1, 1958 that does not include parts of previously platted properties, and that was a buildable lot under the law in effect immediately before June 1, 1958, is a buildable lot for building a one-family dwelling only, even though the lot may have less than the minimum area for any residential zone. Any such lot may be developed under the zoning development standards in effect when the lot was recorded, except that:

(a) a one-family dwelling on a lot recorded before March 16, 1928 in the original Maryland- Washington Metropolitan District must meet the front, side, and rear yard provisions of the 1928 Zoning Ordinance; if such lot is smaller than 5,000 square feet in land area and adjoins another lot in common ownership on November 8, 2012 or any time thereafter, the lots must be resubdivided under Section 59-B-5.4(c);

(b) any new one-family dwelling on a lot legally recorded by deed or subdivision plat before June 1, 1958, in the Upper Montgomery County Planning District must comply with the standards set forth in Section 59-B-5.3(b);

(c) the maximum building height and maximum building coverage for any building or structure must comply with the current standard of the zone in which the lot is now classified. In addition to compliance with the maximum building height and the maximum building coverage standards, any building or structure constructed pursuant to a building permit issued after August 24, 1998 that conforms to the lot area and width standards of the zone in which the lot is classified must comply with the current yard requirements of the zone in which the lot is classified; and

(d) an established building line setback must conform to the standards for determining the established building line in effect for the lot when construction occurs. Any building permit issued before November 23, 1997 must conform to the development standards in effect when the lot was recorded.

6. Section 59-B-5.3 of the Zoning Ordinance reads as follows:

Sec. 59-B-5.3. One-family dwelling on a single lot.

Any one-family dwelling in a residential zone or agricultural zone that was built on a lot legally recorded by deed or subdivision plat before June 1, 1958 is not a nonconforming building. The dwelling may be altered, renovated, enlarged, or replaced by a new dwelling on the single lot, under the zoning development standards in effect when the lot was recorded, except that:

(a) a one-family dwelling on a lot recorded before March 16, 1928 in the original Maryland- Washington Metropolitan District must meet the front, side, and rear yard provisions of the 1928 Zoning Ordinance;

(b) one-family dwellings and accessory structures on a lot legally recorded by deed or subdivision plat before June 1, 1958, in the Upper Montgomery County Planning District must comply with the setback, yard, and area coverage standards applicable to the lot in the 1956 Zoning Ordinances for the Upper Montgomery Planning District;

(c) the maximum building height and maximum building coverage in effect when the building is altered, renovated, enlarged, or replaced by a new dwelling applies to the building; and

(d) an established building line setback must conform to the standards for determining the established building line in effect for the lot when any alteration, renovation, enlargement, or replacement by a new dwelling occurs.

Any building permit issued before November 23, 1997 must conform to the development standards in effect when the lot was recorded.

7. The Appellant asserted two alternate bases for his appeal. The first was grounded in Sections 59-B-5.1 and 59-B-5.3 of the Zoning Ordinance; the second involved the effect of an unresolved adverse possession claim on the development standards applicable to the subject Property. The Board noted at the outset of the hearing that the adverse possession claim is currently pending at the Circuit Court. The Board further noted that even if the adverse possession claim were not pending at the Circuit Court (which would have divested the Board of jurisdiction if it had such jurisdiction), the Board has no authority to decide such claims itself, and cannot consider the effect of an alleged, but as-of-yet undecided, adverse possession claim on the issuance of this Building Permit. Thus on a motion by Vice Chair David K. Perdue, seconded by Chair Catherine G. Titus, the Board voted 5-0 at the outset of the hearing to dismiss the Appellant's adverse possession argument as a grounds for this appeal.

8. The Board finds that a house previously existed on the subject Property. This finding is grounded in the stipulation of the parties to that fact, on the testimony of Mr. Bell that he worked on the demolition of the previous house, on the testimony of Mr. Eisenhart that the clearing of brush and excavation had revealed foundation walls of the previously existing house (which had to be removed), on the annotations showing a foundation on the site plan, and on the reference on the Building Permit application to a demolition permit. The Board further finds that the subject Property was recorded on Plat 2008 in 1947, as indicated by the Appellant, the County, and Intervenor Wormald in their written submissions, as testified to by Mr. Bell, and as confirmed by Mr. Daniels of DPS via email. See Exhibit 1(b), Exhibit 10, page 37, Exhibit 11, page 3, and Exhibit 12, pages 1 and 11. Finally, because it has determined that it cannot address Appellant's adverse possession argument, the Board finds that there are no outstanding issues pertaining to the recording date (1947) or composition (Lot 19, Block 12, Glen Mar Park) of the subject Property.

9. The Board notes that with the exceptions set forth in subsections (a) through (d) of Section 59-B-5.3 of the Zoning Ordinance, per the unambiguous language in the introductory paragraph of that Section, "[a]ny one-family dwelling in a residential zone ...that was built on a lot legally recorded by deed or subdivision plat before June 1, 1958 is not a nonconforming building," and that dwelling may be "replaced by a new dwelling on the single lot, under the zoning development standards in effect when the lot was recorded." Because the subject Property, which is located in a residential (R-60) zone, was legally recorded in 1947, the Board finds that the dwelling that was previously located on that Property can be "replaced by a new dwelling" under the zoning development standards of the 1941 Zoning Ordinance, in accordance with the language of Section 59-B-5.3. This is consistent with the conclusion reached by DPS (both by Mr. Bell and Mr. Daniels, acting independently), and with DPS' long-standing interpretation of this provision.

The Board further notes that Mr. Bell testified regarding the development standards of the 1941 Zoning Ordinance (25 foot front or EBL setback, seven (7) foot side setbacks, and an average rear setback of 20 feet (no closer than 15 feet at any one point)), and to the fact that the site plan submitted with the Building Permit application showed that the proposed construction complied with all of these setbacks (29.2 feet from the front, seven (7) feet from the left side property line, 7.6' from the right side property line, and an average of 20.17 feet from the rear line, with the closest point being 18.4 feet). See Exhibit 10, pages 6, 7 and 35. Based on this testimony and these Exhibits, the Board finds that the proposed construction complies with the applicable development standards, and that Building Permit No. 633583 was properly issued.

10. With respect to the Appellant's argument that the development standards for this Property should have been determined under Section 59-B-5.1 of the Zoning Ordinance because the subject Property should be regarded as vacant and because it complies with the minimum width and area standards in the current Zoning Ordinance for the R-60 zone, the Board is not persuaded. Mr. Bell testified that DPS consistently applies Section 59-B-5.3—not Section 59-B-5.1—when there was previously a house on a property, and that the distinction between improved lots (to which Section 59-B-5.3 would apply) and unimproved lots (to which Section 59-B-5.1 would apply) was uniformly applied by the Zoning section of DPS. He clearly testified that one or the other of these Sections, but not both, would be applied to lots that were legally recorded before June 1, 1958. Pursuant to Section 2-42B(a)(2)(A) of the Montgomery County Code, DPS is responsible for administering, interpreting and enforcing the zoning law. 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)). In light of this and for reasons that will be further explained below, the Board finds that DPS's interpretation is reasonable and owed deference.

Even if this were not the practice of DPS, the Board notes that it would have reached the same conclusion. The provisions and exceptions in Sections 59-B-5.1 and 59-B-5.3 are very similar to each other, except that Section 59-B-5.1 applies to "[a]ny lot" recorded by deed or subdivision plat before June 1, 1958, and Section 59-B-5.3 applies to "[a]ny one-family dwelling" on a lot legally recorded by deed or subdivision plat before that date. Indeed, subsection (a) of both Section 59-B-5.1 and Section 59-B-5.3 contains identical language pertaining to dwellings on lots recorded before March 16, 1928.[5] Subsection (b) of each Section contains a provision applying the same set of development standards to dwellings in the Upper Montgomery County Planning District. Subsection (c) of each Section makes the current maximum height and lot coverage limitations applicable; Section 59-B-5.1(c) then proceeds to make the current development standards applicable to a lot that meets the current area and width requirements, a provision notably absent from Section 59-B-5.3(c). Finally, subsection (d) of each Section makes the current established building line applicable to construction undertaken with Building Permits issued on or after November 23, 1997.

[5] Section 59-B-5.1(a) also contains newly added additional language pertaining to the required resubdivision of substandard lots adjoining other lots in common ownership.

General principles of statutory construction require that all pertinent parts, provisions and sections of a statute be viewed in context and so as to assure a construction consistent with the entire legislative scheme. *Ford Motor Land Development v. Comptroller*, 68 Md. App. 342, 346, 511 A.2d 578, 580, *cert. denied*, 307 Md. 596, 516 A.2d 567 (1986). To this end, no part of a statute may be "rendered surplusage, superfluous, meaningless, or nugatory." *Rossville Vending Machine Corporation v. Comptroller*, 97 Md. App. 305, 315, 629 A.2d 1283, 1288, *cert. denied*, 333 Md. 201, 634 A.2d 62 (1993). The substantial overlap in the language found in Sections 59-B-5.1 and 59-B-5.3 cannot be presumed accidental, and the repeated provisions (whether verbatim or in substance) should not be deemed surplusage; rather, a construction should be forged which would give meaning to and explain the necessity for having two independent Sections with substantially similar provisions. DPS has done just that with its historic interpretation of these Sections, interpreting Section 59-B-5.1 to apply to lawfully recorded lots which have never been improved, and Section 59-B-5.3 to apply to lots which have been improved. Reading these provisions to apply to separate and distinct categories of properties explains the need for what would otherwise be redundant instructions pertaining to lots recorded before March 28, 1928, to dwellings in the Upper Montgomery County Planning District, and to the invocation of the current height, lot coverage, and established building line provisions. DPS's interpretation of these provisions is therefore not only reasonable, but squares with commonly accepted principles of statutory construction. As such, the Board concludes that it should be respected.

11. Based on the foregoing, the Board finds that DPS HAS met its burden of demonstrating by a preponderance of the evidence that Building Permit No. 633583 was properly issued.

The appeal in Case A-6423 is **DENIED**.

On a motion by Chair Catherine G. Titus, seconded by Member Stanley B. Boyd, with Member John H. Pentecost in agreement, and Vice Chair David Perdue and Member Carolyn J. Shawaker not in agreement, the Board voted 3 to 2 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 10th day of February, 2014.

Katherine Freeman

Katherine Freeman
Executive Director

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 2A-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 in accordance with the Maryland Rules of Procedure (see Section 2-114 of the County Code).