

**BOARD OF APPEALS
for
MONTGOMERY COUNTY**

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**Case No. A-6585
PETITION OF AMY ROSS AND ROBERT WILKOFF**

RESOLUTION TO EXTEND TIME TO IMPLEMENT VARIANCE

(Resolution Adopted January 9, 2020)

(Effective Date of Resolution: January 16, 2020)

Case No. A-6585 is a Petition in which the Board of Appeals, in an Opinion dated November 2, 2018, granted a variance of five (5) feet from the twenty (20) foot rear lot line setback, needed for the construction of a new single family dwelling. The subject property is Lot 21, Block 10, Rosedale Park Subdivision, located at 4411 Maple Avenue, Bethesda, MD, 20814, in the R-60 Zone.

The Board of Appeals has received a letter, dated December 19, 2019, from Petitioner Robert Wilkoff. Mr. Wilkoff states in his letter that because the subject property was leased to a tenant until mid-October, he and Ms. Ross "anticipated beginning construction on our new residence in late October or early November 2019." His letter states that while he "submitt[ed] a complete permit drawing package" to the County's Department of Permitting Services on October 24, 2019, he did not realize that DPS now requires electronic permit submissions for building permits, and that within a few days of completing his electronic submission, he received notice that his variance had expired. Mr. Wilkoff's letter states that he and Ms. Ross "made every effort to initiate and file our permit documents prior to the expiration of the variance," and that they request that the Board "consider these unusual circumstances and allow [them] to continue the permitting process with the Approved Variance # A-6585 still in force." The letter states that the Petitioners believe that these circumstances meet the standard for the grant of an extension set forth in Section 59-7.3.2.G.2 of the Zoning Ordinance, and requests an extension of time to implement the variance.

The Board considered Mr. Wilkoff's request at its Worksession on January 8, 2020. Mr. Wilkoff appeared in support of the request. Section 59-7.3.2.G.2 of the Montgomery County Zoning Ordinance provides that:

2. After approval of a variance, the Board of Appeals may extend the time limit to obtain a building permit or file an application for a site plan or conditional use if the evidence of record establishes that drawing of architectural plans, preparation of

the land, or other factors involved in the particular use will delay the start of construction or the establishment of the use beyond the period of validity. If the Board grants an extension, the Board of Appeals must set a date by which the erection or alteration of the building must be started or the use established.

The Board finds that the request falls within the requirements of Section 59-7.3.2.G.2. Therefore, on a motion by Bruce Goldensohn, Vice Chair, seconded by John H. Pentecost, Chair, with Katherine Freeman and Mary Gonzales in agreement, and with Jon W. Cook necessarily absent:

BE IT RESOLVED by the Board of Appeals for Montgomery County, Maryland that the record in Case No. A-6585 is re-opened to receive Robert Wilkoff's letter dated December 19, 2019, with attachments; and

BE IT FURTHER RESOLVED by the Board of Appeals for Montgomery County, Maryland that the time to implement the variance is extended for one year, until November 2, 2020.


John H. Pentecost
Chair, Montgomery County Board of Appeals

Entered in the Opinion Book
of the Board of Appeals for
Montgomery County, Maryland
this 16th day of January, 2020.


Barbara Jay
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. 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.