

**BOARD OF APPEALS  
for  
MONTGOMERY COUNTY**

Stella B. Werner Council Office Building  
100 Maryland Avenue  
Rockville, Maryland 20850  
<http://www.montgomerycountymd.gov/boa/>

(240) 777-6600

**Case No. A-6948**

**PETITION OF CLW REAL ESTATE GROUP LLC  
by Lawrence Smith**

OPINION OF THE BOARD

(Hearing Held: December 3, 2025)

(Effective Date of Opinion: December 10, 2025)

Case No. A-6948 is an application by Petitioner CLW Real Estate Group LLC, by Lawrence Smith, for a variance from the side setback requirement of the Zoning Ordinance, needed for the proposed construction of a three-story addition to an existing building. The proposed construction requires a variance of seven (7) feet as it is within five (5) feet of the side lot line. The required setback is twelve (12) feet, in accordance with Section 59.4.5.4.A.4, Section 59.4.1.8, and Section 59.4.4.8.B.2 of the Zoning Ordinance.

The Board of Appeals held a hearing on the application on Wednesday, December 3, 2025. Matthew Gordon, Esquire, appeared on behalf of Petitioner CLW Real Estate Group LLC. Lawrence Smith, the owner and principal of CLW Real Estate Group, also appeared in support of the requested variance, as did civil engineer Jon Shiancoe.

Decision of the Board: Variance **GRANTED**.

**EVIDENCE PRESENTED**

1. The subject property is Lot P1, Block 4, Derwood Sec 4 Subdivision, located at 15911 Redland Road in Rockville, Maryland, 20855, in the CRT-1.0 C-0.25 R-1.0 H-50 Zone. It is a four-sided corner lot, bordered by Chieftain Road to the west, Derwood Road to the south, and a 14-foot wide public alley to the east. The property has a trapezoidal shape, with a front lot line along Chieftain Road (30.00 feet) that is parallel to and roughly one-third as long as the property's frontage along the public alley (86.47 feet), and with both of those property lines meeting the property's 193.00 foot

northern lot line at a right angle. The result is that the property's 201.09 foot southern lot line, which borders Derwood Road, meets the Chieftain Road lot line at an obtuse angle and the public alley lot line at an acute angle. As a product of this configuration, the property steadily widens from west to east but remains narrow. The property has a total area of 11,240 square feet and is improved with a "vacant historic structure known as the 'The Derwood Store and Post Office'." See Exhibits 3, 4, and 7.

2. The Petitioner's variance Application ("Application") cites the property's narrowness, shape, and "other extraordinary situations or conditions peculiar to this property" as reasons that the strict application of the Zoning Ordinance to the subject property would result in a practical difficulty for the Petitioner. In describing the property's extraordinary conditions relative to neighboring properties, the Application states that "[t]he property's front and back lot line lengths are significantly different, resulting in a trapezoid shape with a varying width that is very narrow on one side," and that "[i]n contrast to the adjoining and confronting properties, the property's narrowness and overall dimensions are unique to the general neighborhood." The Application further states, in describing how this would cause the Petitioner a practical difficulty, that "[t]he property's abnormal shape and narrowness prohibit the construction of a commercial/residential building that will meet the minimum side setback compatibility requirements." The Application states that "[t]he only adjoining property (15909 Chieftain Ave) is in the R-90 zone which requires an 8' side setback," and concludes, as a result, that "pursuant to Section 59-4.1.8.A.2 of the Zoning Ordinance, a new commercial/residential building constructed on the property must provide a  $1.5 \times 8' = 12'$  minimum side setback which is not possible based on the unique conditions of the property." See Exhibit 1.

3. The Petitioner's Statement of Justification ("Statement") states that the subject property is an 11,240 square foot lot (survey) that is "a portion of a recorded lot identified as Lot One (1) in Block Four (4) in the subdivision known as 'DERWOOD' pursuant to plat recorded on March 25, 1889...." The Statement states that the subject property, in its current configuration, was created by deed in 1895. The Statement states that "[a]s a result of the 1895 Deed, the Property's lot widths at the front and back lot lines are significantly different, resulting in a trapezoid shape with a varying width that is very narrow on one side," and that "[i]n contrast to the adjoining and confronting properties, the Property's narrowness and overall dimensions are unique to the general neighborhood." See Exhibit 3.

4. The Statement states that the property is improved with a "vacant historic structure known as the 'The Derwood Store and Post Office' that will remain preserved through any development of the remaining site as recommended by the Shady Grove Minor Master Plan Amendment that applies to the Property." The Statement states that "[i]n April 2019, the Montgomery County Council approved the designation [of] The Derwood Store and Post Office as a historic site, protecting it from demolition and preserving it as part of the Master Plan for Historic Preservation." The Statement states that "[t]he vacant historic structure can only be adaptively reused if the Applicant is also permitted to construct an addition to accommodate the twelve (12) for-sale condo units proposed in the development." See Exhibit 3.

5. The Statement states that the property's "abnormal shape and narrowness prohibit the adaptive reuse of the vacant historic structure in a manner that complies with the minimum side yard setback...." The Statement notes that the only property abutting the subject property is in the R-90 Zone and contains a structure that was built on the shared lot line. The Statement states that because of this, "the compatibility requirement set forth in Section 59-4.1.8.A.2. of the Zoning Ordinance requires that the proposed condo units on the Property provide a minimum side setback equivalent to 1.5 x 8 feet (side setback of R-90 zone), or 12 feet total, from the side property line of 15909 Chieftain Avenue," and that "based on the unique conditions of the Property, a 12-foot side setback would prohibit nearly any new building to be constructed while still preserving the historical structure located on the Property." See Exhibit 3.

6. The Statement states that the "varying width" of the subject property "creates a significantly constrained potential building area that only allows for an approximately 5-foot side setback from the property line of 15909 Chieftain Avenue." The Statement states that the Petitioner cannot move the proposed construction further south on the property, towards Derwood Road, "because the Montgomery County Department of Transportation is requiring that a sidewalk with landscape buffer (including street trees) be planted along this frontage." The Statement states that because of this, the Petitioner is requesting a seven (7) foot variance from the required twelve (12) foot side setback for "the proposed condo building on a commercial/residential property abutting a property in a residential detached zone (improved with a single-family detached dwelling)," in accordance with Section 59.4.1.8.A.2 of the Zoning Ordinance. See Exhibit 3.

7. The Statement states that the subject property is unique for the purposes of satisfying Sections 59.7.3.2.E.2.a.i and iv of the Zoning Ordinance. See Exhibit 3. In support of this, the Statement cites the property's extreme narrowness, unusual shape, and other extraordinary conditions, and the fact that the proposed development would adaptively reuse an historic structure, as follows:

The Property is unique in this neighborhood because of its narrowness, shape, and extraordinary conditions peculiar to the history of the Property. As illustrated on the Survey (Exhibit H) [BOA Exhibit No. 3(h)], the Property's lot width at the front lot line is exceptionally small at 30 feet. As comparison, the lot width at the front lot line of the abutting 15909 Chieftain Avenue is approximately 60 feet while other R-90 properties in the neighborhood range from 75 feet to 100 feet based on dimensions listed on the Record Plat (Exhibit "A") [BOA Exhibit No. 3(a)]. The other extraordinary conditions peculiar to the Property is that it contains a historic structure that is required to be preserved. The vacant historic structure can only be adaptively reused if the Applicant is also permitted to construct an addition to accommodate the twelve (12) for-sale condo units proposed in the development.

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The proposed development would preserve the historic structure on the Property (The Derwood Store and Post Office) in accordance with the recommendations of the Shady Grove Minor Master Plan Amendment.

8. The Statement states that the existing structure on the subject property is a legal, nonconforming structure. See Exhibit 3. The Statement further states that the proposed construction would use this structure, in satisfaction of Section 59.7.3.2.E.2.ii of the Zoning Ordinance, as follows:

In April 2019, the Montgomery County Council approved the designation The Derwood Store and Post Office as a historic site, protecting it from demolition and preserving it as part of the Master Plan for Historic Preservation. The proposed development would fulfill the recommendations of the applicable master plan by preserving the legally nonconforming historic structure on the Property (The Derwood Store and Post Office) while adding critically needed housing inventory. In addition to needing to adaptively reuse a vacant historic structure, the Applicant is also responding to the neighboring single-family detached dwelling that is non-conforming under the current R-90 Zone in that it is constructed immediately on the side yard property line and not setback by 8 feet as required by Section 59-4.4.8.B.2 of the Zoning Ordinance.

9. The Statement asserts that the proposed construction would substantially conform with the established historic development pattern of the neighborhood, in satisfaction of Section 59.7.3.2.E.2.a.v of the Zoning Ordinance, stating that “[t]he adaptive reuse of the historic structure and addition will further the Shady Grove Minor Master Plan Amendment, which necessitates relief from the side yard setback, as modified by Section 59-4.4.8.B.2 of the Zoning Ordinance, and the resulting development substantially conforms to the established historic development pattern of the neighborhood.” In support of this assertion, the Statement states that “[a] review of the zoning map (Exhibit ‘E’) [BOA Exhibit 3(e)] illustrates that several of the single-family residential dwellings in the R-90 Zone are built on or very close to their respective side property line (including the neighboring house located at 15909 Chieftain Avenue),” and that “[t]he proposed side yard setback for this development is substantially similar to this historic development pattern, as well as the standards applicable to the surrounding properties that are zoned industrial and commercial residential.” See Exhibit 3.

10. The Statement states that the special circumstances and conditions that make the subject property unique for the purpose of granting a variance are not due to any actions by the Petitioner, but rather “were created by the prior owners of the Property and had existed for over 100 years at the time the Applicant took title to the Property in 2005.” See Exhibit 3.

11. The Statement states that “the requested variance is the minimum necessary to overcome the practical difficulties that full compliance with this Chapter would impose due to the unusual or extraordinary situations or conditions on the property,” explaining that “[t]he requested variance is the minimum necessary to overcome the practical difficulties that complying with the compatibility requirements set forth in Section 59-4.1.8.A.2 of the Zoning Ordinance would impose on this exceptionally small and narrow Property.” In addition, the Statement states that “there are extraordinary conditions peculiar to the

Property that have existed since 1895 resulting in a substandard parcel relative to the surrounding properties,” and that “[t]he requested variance is the minimum necessary to allow for the Property to be improved with twelve (12) for-sale condo units while preserving The Derwood Store and Post Office.” See Exhibit 3.

12. The Statement states that “[t]he requested variance is necessary to fulfill the recommendations of the Shady Grove Minor Master Plan Amendment and provide critically needed housing...,” and that “the proposed development will be compatible with the surrounding neighborhood.” See Exhibit 3. The Statement goes on to explain in detail why the requested variance can be granted without substantial impairment to the intent and integrity of the general plan and the applicable master plan, as follows:

Granting the requested variances will not cause impairment to the intent and integrity of the General Plan (“Thrive 2050”) or Shady Grove Minor Master Plan Amendment (the “Master Plan”). The Master Plan rezoned the Property to CRT specifically to permit “the [Derwood Store and Post Office] building’s historic adaptive reuse, renovation and some additional residential development with a minimal amount of commercial density to fulfill the requirements of the Optional Method of Development of the CRT zone.” (Master Plan, p. 43). Furthermore, the Master Plan recommends planning staff “[s]upport flexibility to the development standards where permissible, including waiving some development standards of the zone that would permit preservation and reuse of this building.” (Master Plan, p. 43). The requested Variance would reduce the side yard setback from 12 to 5 feet and is necessary to permit preservation and reuse of the vacant historic building with for-sale condo units. Additionally, Thrive 2050 encourages “the production of more housing to better match supply with demand” and planning “for a wide range of housing types and sizes to meet diverse needs.” (Thrive 2050, p. 132). The approval of the requested Variance will further and advance the intent and integrity of both Thrive 2050 and the Master Plan by preserving an important historic landmark while adding critically needed housing inventory. The Variance will also allow for the Applicant to construct a sidewalk lined with a landscape buffer on Derwood Road to enhance pedestrian connectivity in the neighborhood.

13. The Statement states that granting the requested variance will not be adverse to the use and enjoyment of neighboring properties, but would actually “enhance and improve the use and enjoyment of the abutting and confronting properties by allowing the Property to be improved with a long-envisioned residential component while preserving The Derwood Store and Post Office that is such a critical part of the area’s history.” The Statement further states that even with the grant of the variance, “the proposed development will provide a greater setback (5 feet) than what currently exists on the neighboring single-family residential property (15909 Chieftain Avenue).” Finally, the Statement notes that “the granting of the Variance will allow for the Applicant to construct a sidewalk lined with a landscape buffer on Derwood Road, which will enhance the use and enjoyment of abutting and confronting property owners.” See Exhibit 3.

14. The record contains a letter from Rebecca Ballo, Historic Preservation Division Chief, Montgomery County Planning Department, expressing support for the grant of the requested variance. See Exhibit 9. Ms. Ballo's letter also describes the difficulty in reusing this historic site and the work that has been done to date, as follows:

The site's shape, coupled with the historic building's nonconforming location, has made rehabilitating the building and putting it into productive use a challenge, which is why the Derwood Store and Post Office has been vacant for decades. The applicant has been working with Montgomery Planning's Historic Preservation Division and the Historic Preservation Commission for several years to develop a scheme that will result in an economically viable proposal that will ensure the long-term preservation of this Master Plan Site.

Work completed on the historic building includes demolishing a non-historic addition, installing a historically appropriate metal shingle roof, replacing the windows, installing new wood siding, and reconstructing the front porch. These improvements are remarkable, and we applaud the work Mr. Smith has completed to date.

Granting the variance will allow this redevelopment project to move forward, preserving the historic building and creating more housing opportunities. I am happy to support this proposal and am excited to see the Derwood Store and Post Office occupied.

15. At the hearing, Mr. Gordon stated that Mr. Smith purchased the subject property in 2005, and has spent significant time and resources on its redevelopment. Mr. Gordon stated that the subject property is "unique," as is required for the grant of a variance, for several reasons. He stated that the property contains the Derwood Store and Post Office, which is a historic structure that must be preserved. Mr. Gordon stated that the property is also exceptionally narrow, noting that it is only 30 feet wide at the front lot line. Lastly, Mr. Gordon stated that the historic Derwood Store and Post Office building is a legal nonconforming structure that was built into the side yard setback.

Mr. Gordon stated that the Petitioner has been working closely with the Planning Department and Historic Preservation Commission ("HPC") on the redevelopment of this property, and that the HPC supports the grant of the requested variance. He stated that the Petitioner had worked through the Shady Grove Minor Master Plan Amendment process to ensure that the site could be redeveloped and adaptively reused while preserving the historic building. Mr. Gordon stated that the only economical way to reuse this property is to leave the historic structure where it is, and to extend the existing structure to the rear.

Mr. Gordon stated that the subject property was originally developed in conjunction with the abutting property to the north, and that the house on the abutting property is located on the shared lot line. He stated that the front of the subject property along Chieftain Road is very narrow, and that the property is "pinched" along its Derwood Road

frontage because the County is requiring sidewalk improvements and a planting strip. Mr. Gordon stated that this is a long, narrow lot, and that there is no other room for the proposed construction. He noted that the property's current zoning contemplates low-rise, multifamily housing such as the housing being proposed. Mr. Gordon stated that the proposed development matches the commercial and industrial uses in the neighborhood.

Mr. Gordon stated that the requested variance is the minimum needed to overcome the practical difficulties posed by full compliance with the Zoning Ordinance. He stated that the Petitioner is seeking a reduction in the required side setback from twelve (12) feet to five (5) feet, and noted that if the abutting property had not been zoned residential, but rather had been in the CRT Zone, like the subject property, no setback would have been required. Mr. Gordon stated that the abutting neighbor to the north supports the proposed redevelopment of the subject property.

Mr. Gordon further stated with respect to Master Plan compliance that at present, there are virtually no multifamily building permits being pulled in the County, and that Thrive 2050 encourages this type of housing. He stated that the units Mr. Smith is trying to provide are not in the market now, and that the price point for these units will allow people who otherwise may not be able to get into the housing market to do so.

16. Mr. Smith testified that he has worked with the Historic Preservation Commission since he began this project. He recounted the improvements he has already made to the historic building, including tearing down an existing non-historic addition (with HPC approval). He testified that the proposed new addition has been conceptually approved by the HPC. Mr. Smith stated that he has a meeting with the HPC in mid-December for final approval of the project. He stated that without the variance and HPC approval, he cannot get the plans for the proposed addition to the County's Department of Permitting Services ("DPS") so that they can start their review.

Mr. Smith testified that the HPC wants this project to happen. He testified that staff from the Planning Department have told him that they want trees, a sidewalk, and a green strip along the property's Redland Road frontage. Mr. Smith testified that DPS wants to expand the width of the alley on the east side of the property from 14 feet to 21 feet, further encroaching into the subject property and constraining the area available for construction.

In response to a Board question asking how the trapezoidal shape of the property impacts development, Mr. Smith testified that if he had purchased the subject property with nothing on it, he would still have needed variances because of the required setbacks, adding that basically nothing can be built on the property as it is now. In response to a Board question asking why a lesser variance would not be appropriate, Mr. Smith testified that he is requesting the minimum relief necessary to allow him to develop condominiums of a size that is responsive to market demands. He testified that one-bedroom condominiums are difficult to sell because most people want two-bedroom units. In response to a Board question asking the size of the smallest unit being proposed, Mr. Smith testified that it is about 900 square feet. In response to further Board

questioning regarding the size of units that could be developed without variance relief, Mr. Smith testified that they would be about 700 or 800 square feet in size. Finally, in response to a Board question asking if he had spoken with his neighbor, Mr. Smith testified that he had, and that his neighbor had no objection to the proposed improvements.

## **FINDINGS OF THE BOARD**

Based on the binding testimony and evidence of record, the Board finds that the requested variance can be granted. The requested variance complies with the applicable standards and requirements set forth in Section 59.7.3.2.E as follows:

1. *Section 59.7.3.2.E.2.a - one or more of the unusual or extraordinary situations or conditions exist:*

*Section 59.7.3.2.E.2.a.i. - exceptional narrowness, shallowness, shape, topographical conditions, or other extraordinary conditions peculiar to a specific property;*

The Board finds, based on the Statement, Site Plan, and Zoning Vicinity Map, that the subject property has an unusual trapezoidal shape, with three sides of differing lengths set at right angles to one another and a lengthy, angled fourth side that abuts Derwood Road. The Board further finds that the property's western property line is only 30 feet long, and that it is less than one-third as long as its eastern property line and less than one-sixth the length of the property's northern and southern property lines. As a result, the Board finds that the subject property is narrow, despite widening from west to east. See Exhibits 3, 4, and 7. The Board finds that these circumstances, taken together, give the property an unusual and narrow shape, and constitute an extraordinary condition peculiar to the property, in satisfaction of this element of the variance test.

*Section 59.7.3.2.E.2.a.ii. – the proposed development uses an existing legal nonconforming property or structure;*

*Section 59.7.3.2.E.2.a.iv. – the proposed development contains a historically significant property or structure; or*

The Board finds, based on the Statement, the Site Plan, the letter from Ms. Ballo, and the statements of Mr. Gordon, that the subject property contains an historically designated, nonconforming structure (the Derwood Store and Post Office) that extends into the required side setback. The Board further finds, based on the elevations and other drawings, that the proposed construction is an addition to this nonconforming structure. See Exhibits 3, 4, 5(a)-(e), and 9. Thus the Board finds that the property development satisfies both Section 59.7.3.2.E.2.a.ii and Section 59.7.3.2.E.2.a.iv of the Zoning Ordinance.

2. *Section 59.7.3.2.E.2.b. the special circumstances or conditions are not the result of actions by the applicant;*

The Board finds, based on the Statement, that the subject property was created by deed in 1895, and is "a portion of a recorded lot identified as Lot One (1) in Block Four (4) in the subdivision known as 'DERWOOD' pursuant to plat recorded on March 25, 1889...." The Board further finds, based on the Statement, that the special circumstances and conditions that make the subject property unique for the purpose of granting a variance, including the property's unusual and narrow shape, and the presence of the non-conforming, historical structure on the property, are not due to any actions by the Petitioner, who took title to the property in 2005, but rather were created by prior owners of the property. See Exhibit 3. Accordingly, the Board finds that this element of the variance test is satisfied.

3. *Section 59.7.3.2.E.2.c. the requested variance is the minimum necessary to overcome the practical difficulties that full compliance with this Chapter would impose due to the unusual or extraordinary situations or conditions on the property;*

The Board finds, based on the Statement, the Site Plan, Ms. Ballo's letter, and the testimony of Mr. Smith, that the unusual and narrow shape of the property creates a significantly constrained buildable envelope that does not allow for the subject property to be redeveloped while adhering to the required twelve (12) foot setback from the side lot line shared with 15909 Chieftain Avenue. See Exhibits 3, 4, and 9. The Board finds that the inability to redevelop this property in a manner that allows for the adaptive reuse of the existing, nonconforming historic building, in accordance with the Shady Grove Minor Master Plan Amendment and the Master Plan for Historic Preservation, without first obtaining a variance causes the Petitioner a practical difficulty. The Board further finds, based on the Statement and the testimony of Mr. Smith, that the requested seven (7) foot variance is the minimum needed to allow for the proposed adaptive reuse and redevelopment of this historic property, and addition of housing units of a marketable size to the property, and is thus the minimum needed to overcome the practical difficulties that strict adherence to the Zoning Ordinance would cause. Finally, the Board find, based on the Statement, the Survey, and the representations of Mr. Gordon, that even with the grant of the requested variance, the resultant construction will still be farther from the shared lot line than the structure on the abutting property is from that lot line. See Exhibits 3 and 3(h). In light of the foregoing, the Board finds that this element of the variance test is satisfied.

4. *Section 59.7.3.2.E.2.d. the variance can be granted without substantial impairment to the intent and integrity of the general plan and the applicable master plan; and*

The Board finds, for the reasons set forth in the Statement and recounted herein, that granting the requested variance will not cause impairment to the intent and integrity of Thrive Montgomery 2050 or Shady Grove Minor Master Plan Amendment. See Exhibit 3. The Board further finds, based on Ms. Ballo's letter, that the variance will further the preservation of the existing historical structure in a manner that will ensure its long-term preservation, consistent with the Master Plan for Historic Preservation. See Exhibit 9. Accordingly, the Board finds that this element is satisfied.

5. Section 59.7.3.2.E.2.e. granting the variance will not be adverse to the use and enjoyment of abutting or confronting properties.

The Board finds, based on the Statement, that the proposed construction will not be adverse to the use and enjoyment of neighboring properties, but will actually “enhance and improve the use and enjoyment of the abutting and confronting properties by allowing the Property to be improved with a long-envisioned residential component while preserving The Derwood Store and Post Office that is such a critical part of the area’s history.” The Board further finds, based on the Statement, that granting the requested variance will allow the Petitioner to construct a sidewalk and landscape buffer along Derwood Road, which will benefit surrounding properties. See Exhibit 3. In addition, the Board notes that the Petitioner has testified that the owner of the abutting property to the north does not object to the proposed redevelopment of the subject property. Finally, the Board finds that despite the property being properly posted, the record contains no letters of opposition to the grant of the requested variance, and that no one appeared in opposition at the hearing. In light of the foregoing, the Board finds that the grant of this variance will not be adverse to the use and enjoyment of abutting or confronting properties.

Accordingly, the requested variance from the side setback requirement, needed for the proposed construction of a three-story addition to an existing historic building, is **granted**, subject to the following conditions:

1. Petitioner shall be bound by the testimony and exhibits of record; and
2. Construction shall be substantially in accordance with Exhibits 4 and 5(a)-(e) (exterior only).<sup>1</sup>

Therefore, based upon the foregoing, on a motion by Richard Melnick, Vice Chair, seconded by Alan Sternstein, with Caryn L. Hines, Chair, and Donald Silverstein in agreement, 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.

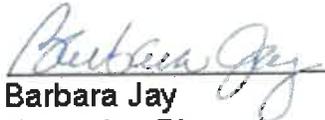
  
Caryn L. Hines

Chair, Montgomery County Board of Appeals

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<sup>1</sup> The Board recognizes that the drawings submitted with this application are conceptual.

Entered in the Opinion Book  
of the Board of Appeals for  
Montgomery County, Maryland  
this 10th day of December, 2025.



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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.

See Section 59.7.3.2.G.1 of the Zoning Ordinance regarding the twelve (12) month period within which the variance granted by the Board must be exercised.

