

**BOARD OF APPEALS  
for  
MONTGOMERY COUNTY**

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<http://www.montgomerycountymd.gov/boa/>

**Case No. A-6941**

**APPEAL OF BRIAN SAMET**

OPINION OF THE BOARD

(Hearing held November 19, 2025; Board decision rendered December 3, 2025)  
(Effective Date of Opinion: January 21, 2026)

Case No. A-6941 is an administrative appeal filed September 15, 2025 by Brian Samet (the “Appellant”). The Appellant charges error on the part of Montgomery County’s Department of Permitting Services (“DPS”) in the September 9, 2025 Informal Appeal Decision denying well and septic approval at the Appellant’s property (the “Property”). See Exhibit 3. The subject Property is located at Lot 2, Block A, Janwood Subdivision, 25605 Jari Drive, Gaithersburg, Maryland, 20882, in the RC Zone.

The Appellant asserts that he should have been awarded well and septic approval after receiving a variance from the Board issued on March 26, 2025 for the accessory building he had constructed on the Property. See Exhibit 4. In support of this assertion, the Appellant alleges that his application meets all of the requirements for well and septic. See Exhibit 4.

Pursuant to section 59-7.6.1.C of the Zoning Ordinance,<sup>1</sup> the Board held a public hearing on November 19, 2025, and issued their decision, pursuant to Board Rule 8.0, at a Worksession on December 3, 2025. The Appellant was represented by Michele McDaniels Rosenfeld, Esquire. Assistant County Attorney Elana M. Robison represented Montgomery County.

Decision of the Board:      Administrative appeal **DENIED**. The decision of DPS to affirm its initial action denying the Appellant’s well and septic application is **AFFIRMED**

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<sup>1</sup> All references to the Zoning Ordinance refer to the Montgomery County Zoning Ordinance (2014), unless otherwise indicated.

## **FINDINGS OF FACT**

### **The Board finds by a preponderance of the evidence that:**

1. The Appellant applied for well and septic approval with DPS several times: on March 31, 2025, denied on April 2, 2025; on April 9, 2025, denied on April 17, 2025; and on May 14, 2025, denied on May 16, 2025. See Exhibit 7(j).

2. The Appellant appealed the denials, and on September 9, 2025, the Director of DPS notified the Appellant that his informal appeal request was denied. See Exhibit 3.

3. At the Board's hearing, Heidi Benham testified that she is the manager of the well and septic section of DPS. She testified that in this role she oversees the well and septic section, which has five employees consisting of three claim reviewers and two field inspectors. Ms. Benham testified that her job includes managing day to day permitting for well and septic, which involves permit claim review and inspections for new septic systems, repair of existing septic systems, new and replacement septic wells, and building permits served by well and septic systems. She testified that she has worked for DPS for over 11 years.

Ms. Benham testified that she is familiar with the Property, due to a building permit denial issued by DPS. She testified that once a permit application is denied, the property owner can request an exception to the regulation the denial was based on. Ms. Benham testified that DPS staff reviews the application and issues a decision to the property owner. She testified that if the request is then denied by staff, the property owner can make an informal appeal to the DPS Director pursuant to County regulations.

Ms. Benham testified that in January of 2024 (almost two years ago), the Appellant applied for building permit for a 30-by-50 metal pole building with a three-car garage on a concrete slab. She testified that DPS never reviewed that application because the Appellant never uploaded items required for review. Instead,, in April of 2024, Appellant submitted a new application for a 40-by-62 outbuilding. Ms. Benham testified that well and septic approval for the Property was denied three times, ultimately denied on May 9, 2024.

Ms. Benham testified that at the time of this hearing, the building that is the subject of the permit denials has been substantially constructed. Referring to Exhibit 7(f) (also introduced at the hearing as Hearing Exhibit 2),<sup>2</sup> Ms. Benham testified that the exhibit is photographs taken of the accessory structure constructed on the Property in February or March of 2025. She testified that DPS's well and septic

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<sup>2</sup> At the hearing, Ms. Robison, on behalf of the County, provided the Board with copies of exhibits already included in her prehearing submission. These exhibits will be referenced as both the file's Exhibit List number and their Hearing Exhibit number, which are the same exhibits.

section was not aware that the Appellant had received a variance for the accessory structure until it was already granted, and that she believes the variance would have been denied had the Board known about the unsatisfied septic requirements for the structure.

Referring to an email that Ms. Benham sent to the Appellant's architect, she testified as to its contents, which specify four basis for the denial of the well and septic permit. See Exhibit 7(d) (also Hearing Exhibit 4). She testified that the denial was based on several factors: the lack of area that remains on the Property for a future septic system repair; and that the new building would require its own septic area.

Ms. Benham testified that a seepage pit is an absorption system wherein water flows out of a home into the septic tank, the solids settle out, and then from the septic tank flow into a seepage pit. She testified that a seepage pit is typically ten to twelve feet deep, 9 to twelve feet in diameter, and built with cinder blocks surrounded by gravel. Ms. Benham testified that DPS considers the building at issue on the Property as more than just a storage building because it was not constructed entirely on a concrete slab and the ceiling exceeded seven feet, with a full second story, not just a loft area. She testified that, therefore, it would require its own septic area.

Ms. Benham testified that first the DPS Director denied the Appellant's appeal because he agreed with staff that there was no compelling evidence of a hardship that would outweigh the long-term needs at the Property for sewage based on public health and safety. See Exhibit 7(a) (also Hearing Exhibit 1). She testified that the first basis for the denial of the appeal was that the new building is located in the ideal location for a replacement septic system for the existing home on the Property and was the only area likely to be able to accommodate a new drain, field based on topography and existing conditions on the Property.

Ms. Benham referred to DPS's policy for septic review for accessory structures such as the one built on the Property, noting that it aligned with County and State regulations. See Exhibit 7(l) (also Hearing Exhibit 5). She testified that a shed, which does not require septic treatment, is considered a single-story building under the regulations and must have slab on grade foundation, with no basement or crawl space. Ms. Benham testified that the structure at issue on the Property is not entirely slab on grade and is not single story, so is not considered a shed. She testified that this structure has a second floor, not a loft; for a structure to be classified as a loft, the stairs must be on the inside of the building, and the head space cannot be more than seven feet.

Ms. Benham further testified that the accessory structure on the Property has or will have heating, ventilation, and air conditioning ("HVAC") and does not meet the 20-foot setback from the absorption area for a seepage pit. Referring to the Code of Montgomery County Regulations ("COMCOR"), section 27A.00.01.05, she

testified that (H)(2) of that section requires that the total absorption area for an on-site sewage disposal system must be “[a]t least 20 feet removed from any building. See Exhibit 8(f)(ii) (also Hearing Exhibit 6). Ms. Benham testified that inspection by DPS staff determined that there is a violation of this requirement for the accessory structure on the Property.

Ms. Benham testified that Appellant’s site plan for the Property was resubmitted several times and that it was not to scale because it did not depict the locations, separation distances and sizes of the accessory structure accurately. She testified that DPS inspection showed that the building is closer to the property line and septic system than depicted on the site plans. Ms. Benham testified that, as of the date of the hearing, DPS had not received an accurate site plan to scale, and that the only site plan to scale was the one that she created after inspection and sent to the Appellant’s architect. See Exhibit 7(d), p. 3 (also Hearing Exhibit 4). She testified that an accurate site plan submitted by the Applicant is required under County law.

In response to questions from the Board, Ms. Benham testified that, to create an accurate site plan, she took what the Appellant had submitted and re-did that plan. She testified that no one, including Appellant, disagreed with the site plan she had created. Ms. Benham testified that where the accessory structure was constructed and where the driveway is on the Property preclude any future use of those areas for septic systems.

In response to further questions from the Board, Ms. Benham testified that, to determine the 20-foot outer limits of absorption in older seepage pits, it would require digging up the lid of the pit, which is about nine to 12 feet in diameter. She testified that any dwelling in the County that would be constructed today would require a septic area of at least 10,000 square feet and must accommodate an initial septic system and then two or three replacement systems, depending on the area. Ms. Benham testified that in this case, because the main house was built in the 1960’s, and the Property is 28,000 square feet, 20,000 square feet of septic use would be required, and there is not enough area to accommodate both structures (the main building and the accessory structure) on the Property.

In response to further questions from the Board, Ms. Benham testified that the need to accommodate additional septic systems is to sustain the long-term sewage disposal needs for a property. She testified that this new accessory structure has electric, HVAC, the potential for plumbing, and other attributes that indicate it is an accessory dwelling unit. Ms. Benham testified that County regulations require habitable spaces in detached buildings on a lot have separate onsite sewage disposal areas and systems.

Ms. Benham testified that, according to section COMCOR 27A.00.01.03.L of the County Code (Exhibit 8(f)(iii), also Hearing Exhibit 7), guest houses, bedrooms, or other habitable space in separate and detached buildings would require their own

on-site sewage disposal systems. She testified that because this accessory structure will be an air-conditioned building with electricity, it is considered a habitable space. Referring to Code of Maryland Regulations (“COMAR”) 26.04.02.03.F.4 (Exhibit 8(f)(i), also Hearing Exhibit 8), Ms. Benham explained that DPS cannot issue a building permit or use permit until DPS has certified that the existing septic system can treat and dispose of both existing sewage flows, water demand, and any reasonable foreseeable increases. She testified that, in this case, DPS cannot certify an increase in sewage flows or water demand at the Property because the current system is 60 years old and serves the building originally built on the Property.

Ms. Benham testified that the fourth reason for the denial was that the Appellant’s request did not meet the requirements for a hardship exemption, because the Applicant could have constructed a storage building that would have complied with regulatory requirements. She testified that both she and the permit reviewer communicated the issues with the application to the Appellant several times. Referring to Exhibit 7(c), also Hearing Exhibit 9, Ms. Benham testified that this exhibit is an email to the Appellant in April of 2024, informing him that his building permit was denied due to the second-level ceiling height of the building and because the setback requirements for the septic system had not been met.

In response to questions from the Board, Ms. Benham testified that the circle on the above-mentioned exhibit indicates where the DPS reviewer drew the location of the septic system. She testified that seepage pit number 2 was indicated as located 29.9 feet from the corner of the seepage pit in the exhibit. Referring to Exhibit 7(k) (also Hearing Exhibit 10), Ms. Benham testified that this exhibit depicts an ariel view of the Property from March of 2025, and that the circled buildings in the exhibit depict three properties on the same street that have detached accessory buildings that were approved as unfinished one-story buildings for storage, classified as garages or sheds.

Ms. Benham testified that even if the accessory structure on the Property met all of DPS’s requirements, it would still require a review by DPS because the Property is served by a well and septic system. She testified that even if this structure had met the criteria for a storage building, DPS would have to consider that the Property is a smaller lot and that the structure creates a situation where the Property would not have the space required for future septic replacement.

In response to further questions from the Board, Ms. Benham testified that, although the requirement for a replacement septic system did not exist on the Property when the house was built in 1960, DPS evaluates the Property to determine when the septic system will fail and will not allow construction if there is no place to put a replacement system. She testified that the issue in this case is that the accessory structure is both taking up area on the Property that will be needed for future septic use by the existing house and would require its own septic system,

which counsel clarified that even if the structure were not habitable it would not resolve the issue of the structure being too close to potential septic areas.

In response to cross-examination, Ms. Benham testified that the structure's second floor has a seven-foot-high ceiling, and that, pursuant to the construction drawings, it does not have a full concrete slab underneath it. She testified that the building permit did not indicate whether the structure would include a sink, toilet, shower, or other water or septic use. Referring to Exhibit 7(d) (also Hearing Exhibit 4), page 3, Ms. Benham testified that she made notations and markings on the drawing attached to the exhibit.

Ms. Benham testified that, based on the site visit conducted by DPS, seepage pit number 1 had been uncovered, and the distance from the pit to the accessory structure was measured through measuring tape from the front corner of the building to the outer edge of the pit. She testified that the circle drawn on Exhibit 7(d) (also Hearing Exhibit 4) was scaled based on this site visit measurement. Ms. Benham testified that the 20-foot septic building restriction line ("SBRL") she drew onto the exhibit she added using an engineer scale and then included the dotted lines on the exhibit to portray the distance.

Ms. Benham testified that she used the document that the Appellant had submitted (Exhibit 7(d), also Hearing Exhibit 4) and then had to manipulate it to get it to scale. She testified that, while she is not a surveyor or engineer, she is a licensed environmental health specialist and has a bachelor's degree in public health. Ms. Benham testified that when considering a permit application, DPS looks not to the intended use but to the most basic definition of what the proposed structure could be used for. She testified that a habitable space would be one that enables living, sleeping, eating, or cooking, as well as spaces that that is heated and cooled, but does not necessarily have plumbing.

Ms. Benham testified that, according to Exhibit 7(d) (also Hearing Exhibit 4), seepage pit number 2 did not meet the required 20-foot setback for an absorption area. Referring to COMCOR 27A.00.01.05(F)(1), she testified that this section would apply for a building permit if the building had area for an initial absorption area and at least two recovery absorption areas. She testified that she was not aware of any COMCOR law that would outline the use of the structure. Ms. Benham testified that COMAR 26.04.02.03(F) requires consideration of the reasonable potential increase of sewage flow when issuing a permit.

Ms. Benham testified that she determined that the site plan submitted by the Appellant was not to scale because she measured it using an engineer scale by hand on paper. She testified that the plan also did not measure correctly using DPS's electronic permitting system. A permit

On redirect, Ms. Benham testified that she made handmade corrections to the Appellant's site plan as a courtesy to show the Appellant why the plan did not

meet DPS's requirements. See Exhibit 7(d) (also Hearing Exhibit 4). She testified that at the time of the Board's hearing, DPS had not received an official new site plan from the Appellant, which is the Appellant's responsibility. In response to further questions from the Board, Ms. Benham testified that seepage pit number 1 did not have a setback issue; it was only seepage pit number 2 that caused the setback issue for the Property.

Ms. Benham was later recalled and testified on further direct examination that DPS ensures that a site plan that is being submitted is correct by either using an electronic permitting system with a scaling feature or taking a paper copy of the submitted plan and using a physical engineer scale to measure if it matches the measurement shown on the plan. She testified that she has conducted these measurements thousands of times during her career. Ms. Benham testified that none of the plans that the Appellant submitted were correct.

Ms. Benham testified that she had never seen the Young and Septic Systems report that the Appellant introduced at the hearing until the day of the Board's hearing, and she had no knowledge that anyone at DPS had ever seen the report. See Exhibit 8A (also Hearing Exhibit 11). She testified that a permit applicant would submit documents to DPS through their ePlans system or through an email to a staff member. Ms. Benham testified that when a homeowner needs to expose any part of their septic system, which requires heavy equipment, the homeowner will contact a private company, and that company will call a DPS inspector to come to the property to document and confirm the measurements at the time the system is dug up. She testified that following these measurements, DPS would then ask the property owner to put and submit the measurements on a scaled site plan. She testified that DPS was never able to take a measurement of seepage pit number 2 on the Property.

In response to questions from the Board, Ms. Benham testified that DPS informs a property owner that they need to inform DPS 24-48 hours in advance if they are going to have someone come out and dig up a seepage pit. She reiterated that DPS did not know the Appellant had hired Young and Septic Systems. Ms. Benham testified that DPS does not accept third-party inspections on their own as certification of locations. She testified that even if the report had been submitted to DPS it would not have made a difference in DPS's decision.

In response to further cross-examination by Ms. Rosenfeld, Ms. Benham testified that on May 20, 2025, the Appellant received a response from a DPS inspector to resubmit certain documents. She testified that at the time of the Board's hearing, there has been no activity by the Appellant in this case, and that it has been 107 days. See Exhibit 7(j), page 2.

4. Kimberly Beall testified that she works at DPS as an environmental health specialist. She testified that her job includes inspection and the issuance of permits for both new and replacement water wells and septic systems, inspections for

complaints and for building permit-related setback questions, and issues for ensuring that invoices are valid. Ms. Beall testified that she has worked for the County for 24 years. She testified that she is familiar with the Property and conducted a site visit there on April 9, 2025. Ms. Beall testified that she conducted the site visit after receiving a call from Jack Lizmi, the architectural designer for the Appellant's accessory structure, who informed her that they wanted DPS to inspect the septic system at the Property.

Ms. Beall testified that a portion of seepage pit number 1 had been dug up when she conducted her site visit, but seepage pit number 2 had not been. She testified that therefore she could not inspect seepage pit number 2. Ms. Beall testified that the Appellant permitted her to inspect the accessory structure, and that she took the picture depicted in Exhibit 7(f), page 4 (also Hearing Exhibit 2, page 4). She testified the structure includes windows on both floors, and a single-bay residential garage door on the front of the building. Ms. Beall testified that she would not classify the second story of the structure as a loft.

Ms. Beall testified that the Appellant told her the accessory structure would be wired for electricity and for HVAC. She testified that the structure was constructed without a permit and that she had concerns about where the existing and future replacement septic system was or would be placed for the existing house relative to the structure. Ms. Beall acknowledged that her notes from the site visit do not accurately reflect the placement of seepage pit number 1 because she did not have paperwork at the time and went to the Property as quickly as possible to assist the Appellant. See Exhibit 7(g). She testified that she was not present when Young and Septic Systems conducted an inspection of the Property.

5. Brian Samet, the Appellant, testified that the accessory structure is to support his electrical contracting business. Specifically, he needs storage for light fixtures and other materials until he can install them at various construction sites.. He testified that he orders lighting from specific manufacturers, and that he also needs storage for ladders that are between 14 feet and 8 feet. The Appellant testified that he only planned to put a heater in the garage of the structure to work on his vehicles. He testified that he had Young and Septic Systems come out and inspect the sewage pits that he had dug up. The Appellant testified that he had drains put into the pits to take water out of them without digging them up.

The Appellant testified that the upstairs of the accessory structure is 7 feet, and that based on this he felt the structure had been built to code. He testified that his building plans for the structure do not include putting in a toilet, shower, sink, or HVAC system. The Appellant testified that the structure is all on a slab and there is no basement, and that this fact is reflected in the construction plans he filed. He testified that after the Board approved his variance application, he applied for a building permit on March 31, 2025, took his variance approval to DPS, and was told by someone at the office that well and septic had passed his accessory structure.

The Appellant testified that he tried to come up with ways to solve his septic issues for the accessory structure, but that DPS did not accept his suggestions. Over objections from the County Attorney, he testified that an employee of Young and Septic Systems, who was not present at the hearing, inspected his seepage pits and that he was present for part of the inspection. See Exhibit 8A (also Hearing Exhibit 11). The Appellant testified he sent this exhibit to DPS, and that Young and Septic Systems found that seepage pit number 2 was 23 feet away from the accessory structure.

The Appellant testified that Young and Septic Systems determined that seepage pit number 1 was a quarter full and seepage pit number 2 was empty. He testified that DPS did not permit him to do a percolation (“perc”) test. In response to questions from the Board, he testified that he put electricity in the accessory structure because he needs lights and outlets to see at night, and that there are studs in the building. He testified that his architect estimated, without digging up the system, that seepage pit number 2 was 28 feet from the accessory structure (see Exhibit 8(b), also Hearing Exhibit 11) and that he observed Young and Septic Systems, after digging up the systems, concluding that seepage pit number 2 was 23 feet from the structure.

In response to further questions from the Board, the Appellant testified that his building permit application did not include the fact that the accessory structure would include electricity. He testified that he has no affiliation with Young and Septic Systems. The Appellant testified that he never received any documentation that his well and septic had been approved.

On cross-examination by the County Attorney, the Appellant testified that he is a licensed electrician who has done electrical work and submitted permits with the County, and that he constructed the accessory structure without a permit. He testified that he did not call DPS to observe the seepage pits on the Property. He testified that he submitted Young and Septic Systems report to DPS through an email, and that DPS acknowledged receipt of the report through a telephone conversation. The Appellant testified that he wrote “This is correct” on Exhibit 8(b), (also Hearing Exhibit 11).

On redirect, the Appellant testified that he did not think the distance between seepage pit number 2 would be in dispute. He testified that DPS never told him he had to have someone from DPS on-site to inspect the seepage pits when Young and Septic Systems dug up the pits.

### **CONCLUSIONS OF LAW**

1. 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.

2. Sections 8-23(a) and (b) of the County Code provide that:

(a) Any 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.

(b) After notice and hearing, the Board may **affirm, remand, modify, or reverse** the action of the Department.

3. COMAR 26.04.02.03(F) states:

A person may not construct or alter any structure, residence, floating home, or commercial establishment served or to be served by an on-site sewage disposal system or private water supply system, and a county or municipality may not issue, if applicable, a building permit or a use permit for the desired new construction or alteration, until the Approving Authority has:

(1) Issued both an on-site sewage disposal permit and a well construction permit for facilities served by an on-site sewage disposal system and a private water supply system;

(2) Issued an on-site sewage disposal permit for facilities served by an on-site sewage disposal system and a public water supply system;

(3) Issued a well construction permit for facilities served by a private water supply system and public sewerage; or

(4) Certified the existing on-site sewage disposal and water supply systems as capable of treating and disposing the existing sewage flows and meeting the water demand and any reasonably foreseeable increase in sewage flows or water demand. The Approving Authority shall consider the number of bedrooms, total enclosed living space and changes that affect the volume or character of the wastewater in making this determination.

4. COMCOR 27A.00.01.05(H)(2) provides that the total absorption area for a well and septic system must be at least 20 feet removed from any building. Section (F)(1) provides that:

Each building site utilizing on-site sewage disposal must meet one of the following requirements:

1. Existing parcels of land without change in lot configuration since March 3, 1972 and subdivided lots recorded prior to March 3, 1972, on which percolation tests have not been approved by the Approving Authority, must have sufficient area for the initial absorption area and at least 2 recovery absorption areas. The total absorption area or mound disposal area, which includes the initial mound system and 2 replacements, must not be less than 10,000 square feet of useable area.

5. COMCOR 27A.00.01.03(L)(7) states that a “[g]uest house, bedroom or other habitable space in separate and detached buildings require separate on-site sewage disposal and on-site water supply systems.”

6. The Board finds that issues have been ongoing on the Property for almost two years, including the height of the accessory structure, the submittal of numerous inaccurate site plans, and the failure to show and establish the 20-foot setback requirement for the second seepage pit. The Board finds that, per DPS policy, this accessory structure has a second floor that is heated and electrified and therefore is not a garage or a shed. Thus, the Board finds that this structure constitutes habitable living space under COMCOR 27A.00.01.03(L)(7) of the County Code and requires its own on-site sewage disposal, for which there is not adequate area on the Property.

The Board further finds that DPS has not received a proper site plan or any documentation establishing that seepage pit number 2 meets the 20-foot setback requirement outlined in COMCOR 27A.00.01.05(H)(2), requiring the total absorption area to be at least 20 feet removed from any building. The Board notes that DPS was not present, as required, when Young and Septic Systems conducted their inspection and further that there is no evidence that DPS ever received their report before its final denial of a permit. Nor is the report sufficiently documented, in accordance with regulatory requirements, in order to be acceptable.

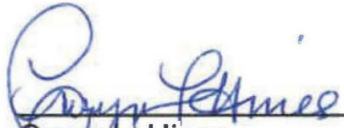
The Board further finds that, pursuant to COMAR 26.04.02.03.(F)(4), due to the accessory structure there is no room for a future septic area for the existing home, and that there is also no room for a separate septic area for the accessory structure. The Board notes that the question before it is whether DPS erred in denying well and septic on September 9, 2025, and finds that DPS did not err because it did not have proper site plans.

7. Based on the foregoing, the Board concludes that DPS properly issued an informal appeal decision denying a well and septic permit for the accessory structure at the Property on September 9, 2025, and that the decision of DPS should be **AFFIRMED**.

The appeal in Case A-6941 is **DENIED**.

On a motion by Chair Caryn L. Hines, seconded by Vice Chair Richard Melnick, with Members Alan Sternstein and Don Silverstein in agreement, the Board voted 4 to 0 to affirm the decision of DPS 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.

  
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Caryn L. Hines  
Chair, Montgomery County Board of Appeals

Entered in the Opinion Book  
of the Board of Appeals for  
Montgomery County, Maryland  
this 21st day of January, 2026.

  
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Barbara Jay  
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).