



**Exhibit 3**  
**OZAH Case No: ADW 25-03**

DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS

Marc Elrich  
*County Executive*

June 11, 2025

Scott Bruton  
*Director*

Jose Menjivar  
9638 COTTRELL TER  
SILVER SPRING, MD 20903

**PRELIMINARY INSPECTION REPORT**  
**Accessory Dwelling Unit (ADU)**  
ADU address: 9638 COTTRELL TER  
Pending License #: 155686  
Housing Code Case #: 192339

Dear Jose Menjivar:

The preliminary inspection for the ADU licensing and registration was conducted on June 11, 2025. The required Licensing Pending ADU sign was posted on the front yard and visible to the public. The new proposed ADU will be located in the basement with the entrance door on the right (Braddock Road), in relation to the primary dwelling entrance door. No on-site parking or a garage is provided. The property lot is NOT located within 1 mile of the Metrorail, Purple Line, or MARC Rail Station. The Principal Dwelling is approximately 1,599 gross square feet, and the Accessory Dwelling Unit is planned to be 1,080 gross square feet.

All applicable building permits must be obtained through Department of Permitting Services (DPS) and/or Washington Suburban Sanitary Commission (WSSC) and finalized before DHCA can approve the license. All repairs, maintenance work, alterations, or installations shall be executed in a workmanlike manner and in compliance with all applicable codes. Provide updated floor plans to DHCA Licensing if the floorplans change at any point during the building process. **Present this inspection report along with a copy of your stamped ADU drawing to DPS for any needed permits.**

The following requirements must be met for the ADU license to be approved:

1. The property must be occupied by the homeowner(s), who may reside in the principal dwelling or in the ADU. The ADU must have the same address as the main house.
2. The ADU may not be occupied by more than two adults (eighteen years or older) and total number of occupants must abide by the square footage limitations under Chapter 26 of the Montgomery County Code.
3. The ADU must be subordinate to the principal dwelling whether attached or detached and shall be the only additional living unit or residential use space on a lot or parcel. No other

**Division of Community Development**

Code Enforcement

Common Ownership Communities

Neighborhood Revitalization

1401 Rockville Pike, 4th Floor • Rockville, Maryland 20852 • 240-777-0311 • 240-777-3701 FAX • [www.montgomerycountymd.gov/dhca](http://www.montgomerycountymd.gov/dhca)



[montgomerycountymd.gov/311](http://montgomerycountymd.gov/311)

240-777-3556 TTY

- tenants, Airbnb's or short-term residential rentals are permitted.
4. Attached ADU – the maximum gross floor area is 1,200 square feet; if only the basement or cellar is used, the maximum gross floor area may equal the square footage of the basement/cellar.
  5. ADU located in finished basements or cellars must have a ceiling height of at least 6'8" except that a beam, girder, duct or other obstruction may project to within 6'4" of the finished floor. The minimum ceiling height for habitable spaces not located in the basement/cellar is at least 7 feet. (Exception for rooms with slopped ceilings where not less than 50 percent of the required floor area shall have a ceiling height of 7 feet).
  6. **ADDITIONAL PARKING REQUIRED:** If there is an existing driveway, one on-site parking space is required in addition to any on-site parking space required for the principal dwelling (Montgomery County Zoning Ordinance 59.6.2.4B); however, if a new driveway must be constructed for the ADU requirement then two onsite parking spaces, total min. 480 sq. ft., shall be provided. If the property is located within one mile of any Metrorail, Purple Line or MARC Rail Station, no on-site parking space is required.
  7. Exterior light fixtures are required to provide adequate lighting for walkway to ADU and outside the ADU entrance door. Motion or photocell fixtures recommended. Exterior lighting shall be installed in a way that is directed away from the windows of adjacent homes.
  8. Walkway path to ADU entrance door must be in good, serviceable, and safe condition.
  9. Each owner of a dwelling unit shall have heating equipment capable of maintaining a temperature of at least 68 degrees Fahrenheit in each habitable room, bathroom, and water closet at a distance of 3 feet above floor level.
  10. The ADU must have a separate entrance located on the side or rear yard. An entrance at the front of the principal dwelling is allowed if it is a single entrance door for both the principal dwelling and the accessory unit. A front entrance solely for the ADU is allowed if it existed before May 20, 2013.
  11. The entrance door shall be side-hinged and have a clear width of not less than 32 inches and a clear height of not less than 78 inches. A viewer must be installed in the entrance door, except for when a window, vision panel, or similar transparent device is located within 2 feet of the door and faces the external area in front of the door.
  12. All doors and windows shall be installed and maintained with a locking mechanism. Entrance doors shall have a deadbolt lock with a minimum one-inch throw or other acceptable locking mechanism. The door locks shall operate with a key from the outside, and all window and door locks must operate by a thumb turn from the inside.
  13. Every sleeping room must have at least one operable outside window or exterior door approved for emergency egress or rescue in accordance with the fire code. A window shall be at least 5 square feet of net clear opening for grade floor or below grade. Above grade windows shall be at least 5'7" square feet of net clear opening. The minimum height of the window opening must be at least 24 inches and the width at least 20 inches. The maximum height from the finished floor to the windowsill shall be not more than 44 inches.
  14. Window well size for emergency escape and rescue opening shall be not less than 9 square feet, with a horizontal projection and width not less than 36 inches. Window well shall allow for the window to be fully opened and may require a drainage system and cover. If the vertical depth is greater than 44 inches, it shall be equipped with a permanent affixed ladder or steps usable with the window in the open position and the ladder shall encroach not more than 6 inches. If installed under a deck or porch, it shall provide a path of not less than 36

#### Division of Community Development

Code Enforcement

Common Ownership Communities

Neighborhood Revitalization

---

1401 Rockville Pike, 4th Floor • Rockville, Maryland 20852 • 240-777-0311 • 240-777-3701 FAX • [www.montgomerycountymd.gov/dhca](http://www.montgomerycountymd.gov/dhca)



inches in height to a yard or court.

15. A sleeping room cannot be installed in an area that is adjacent to a utility room containing fuel burning furnaces and/or water heaters that use the sleeping area for combustion air.
16. Dwelling Units shall be separated from each other by wall and ceiling assemblies of finished interior drywall. If a door separates the main dwelling from the ADU, it shall have a locking device.
17. Smoke alarm Maryland law requires the replacement of any battery-only alarms with new smoke alarms powered by a sealed-in, long-life battery. All electric and hard-wired smoke alarms must be replaced if over 10 years old; hard-wired alarms must remain hard-wired.
18. Carbon monoxide alarms are required outside each sleeping area and on every level to include the basement in homes that contain any fuel burning equipment, wood burning appliance or have an enclosed attached garage.
19. Stairs of four or more risers must have a handrail on at least one side. Handrails must have minimum height of 34 inches and a maximum height of not more than 38 inches as measured vertically from the nosing (outside portion of stair treads).
20. Porches, balconies, decks or raised floor surfaces located more than 30 inches above the floor or grade below must have guardrails not less than 36 inches in height. Open sides of stairs must have a guardrail installed to prevent passage of an object four or more inches in diameter.
21. ADU must contain a room or space with the following equipment and facilities to store, prepare, and cook food. Cooking range (top burners and oven, at least 24 inches wide), storage cabinets, countertop space for food preparation, a standard-size refrigerator with freezer, sink connected to hot and cold running water, and approved sewer system installed and maintained as prescribed by applicable County and WSSC regulations.
22. ADU must be equipped with a complete bathroom fixture group, consisting of a flush water closet, lavatory basin, and bathtub or shower in good working condition, connected to hot and cold running water, and approved sewer system installed and maintained as prescribed by applicable County and WSSC regulations.
23. Every habitable room must have electric service and outlets or fixtures, or both. Every cooking area must be supplied with two circuits rated for at least 20-amp service capacity. GFCI outlets in bathroom and kitchen as required by building code.
24. Applicant shall provide copies of the finalized applicable building, electrical and plumbing permits from the Department of Permitting Services (DPS) and the Washington Suburban Sanitary Commission (WSSC). For more detailed information on DPS permit requirements and permit application guidance for ADUs, please visit <https://www.montgomerycountymd.gov/DPS/Resources/Files/RCI/ADUGuidelines.pdf>.

A re-inspection will be conducted on **June 11, 2026**. If you have any questions or need

**Division of Community Development**

Code Enforcement

Common Ownership Communities

Neighborhood Revitalization

---

1401 Rockville Pike, 4th Floor • Rockville, Maryland 20852 • 240-777-0311 • 240-777-3701 FAX • [www.montgomerycountymd.gov/dhca](http://www.montgomerycountymd.gov/dhca)



additional information, please feel free to contact me.

Sincerely,



David Johnson  
Housing Code Inspector III  
(240) 777-3695  
David.Johnson@montgomerycountymd.gov

cc: DHCA Licensing and Registration

**Division of Community Development**

Code Enforcement

Common Ownership Communities

Neighborhood Revitalization

---

1401 Rockville Pike, 4th Floor • Rockville, Maryland 20852 • 240-777-0311 • 240-777-3701 FAX • [www.montgomerycountymd.gov/dhca](http://www.montgomerycountymd.gov/dhca)





# Licensing And Registration

## Director's report of findings on Accessory Apartment Class 3 license application

Application reference number	155686
Application Status	FC
Director's finding	FC
Date of finding	06/16/2025
Sign Pick-up Date	06/03/2025
Property address	9638 COTTRELL TER, SILVER SPRING, MD 20903
Structure type	Accessory Dwelling Unit Class 3 – New Attached
Owner	Jose Menjivar

Primary residence	<input checked="" type="checkbox"/>	Apartment entrance passed	<input checked="" type="checkbox"/>
Document used to validate primary residency	MD Driver's License	Entrance location	Side
Year built	1951	Existed prior to 5/20/2013	
Parking passed	<input type="checkbox"/>	Address same as house	<input checked="" type="checkbox"/>
Driveway square footage (160 sq ft / car)	0	Detached apartment requirement passed	
Parking spaces required by Zone, age of house, and accessory apartment law	3	Other residential uses passed	<input type="checkbox"/>
Size of apartment passed	<input checked="" type="checkbox"/>	Other residential uses	<input type="checkbox"/>
Application sent to OZAH		Housing Code	192339
ADUs permitted in Zone	<input checked="" type="checkbox"/>	Enforcement case number	
Apartment square footage	1080	Application Sent to Code	05/22/2025
House square footage	1599	Code Initial Inspection	06/11/2025
		Code Final Inspection	

Individuals who disagree with the findings in the Director's Report or who believe that on-street parking is inadequate to accommodate the accessory apartment may object to the granting of the license and request a hearing with the Office of Zoning and Administrative Hearings (OZAH) within 30 days of the date the Director's Report of Findings is issued.

[http://montgomerycountymd.gov/OZAH/Accessory\\_Apartments.html](http://montgomerycountymd.gov/OZAH/Accessory_Apartments.html)

The Office of Zoning and Administrative Hearings  
Stella B. Warner Council Office Building  
100 Maryland Avenue, Room 200  
Rockville, MD 20850  
240-777-6660  
[ozah@montgomerycountymd.gov](mailto:ozah@montgomerycountymd.gov)