

BOARD OF APPEALS
for
MONTGOMERY COUNTY
Stella B. Werner Council Office Building
100 Maryland Avenue
Rockville, Maryland 20850
(240) 777-6600

Case No. S-2511

PETITION OF DOUGLAS A. HARBIT AND ROBERT F. PATENAUDE

OPINION OF THE BOARD

(Effective Date of Opinion: October 4, 2002)

Case No. S-2511, Petition of Douglas A. Harbit and Robert F. Patenaude is an application for a special exception pursuant to Section 59-G-2.09 (Bed and Breakfast) of the Zoning Ordinance to permit the operation of a bed and breakfast. By Resolution dated March 7, 2002, pursuant to Section 59-A-4.125 of the Montgomery County Zoning Ordinance, the Board of Appeals referred the case to the Hearing Examiner for Montgomery County to conduct a public hearing and render a written Report and Recommendation. A hearing was held on June 11, 2002 and the record in the case closed on July 1, 2002. On August 21, 2002 the Hearing Examiner issued a Report and Recommendation for approval of the special exception, with conditions.

The subject property is Parcel B, , Kilmarock Subdivision, located at 8114 Carroll Avenue, Takoma Park, Maryland, in the R-60 Zone.

Decision of the Board: Special exception **granted**, subject to the conditions enumerated below.

The Board has carefully reviewed the Hearing Examiner's Report and Recommendation. At its Worksession on September 4, 2002, the Board voted to adopt the Report and Recommendation, and grants the special exception subject to the following conditions:

1. Petitioners shall be bound by their testimony and exhibits of record to the extent that such evidence and representations are identified in the Board's opinion granting the special exception.

2. Bed and breakfast use shall be limited to the three guest bedrooms on the second floor as designated in Attachment 1 to the Hearing Examiner's Report and Recommendation.

3. No check-ins to the bed and breakfast are allowed before 9 a.m. or after 6 p.m.
4. Special events will be limited to six per year. When held outdoors, they may take place only between 9 a.m. and 9 p.m.
5. No special event may be held unless Petitioners have previously obtained off-street parking sufficient for the number of cars anticipated.
6. No transient visitor may be lodged for more than two weeks in any one visit.
7. The bed and breakfast will maintain a record of all lodgers. The record will be made available to the Department of Permitting Services or other County agencies at their request.
8. The bed and breakfast must register with the Department of Permitting Services.
9. The display sign for the Davis Warner Inn must include the official house number assigned by the Maryland-National Capital Park and Planning Commission.
10. Parking for overnight guests will be limited to the spaces designated on attachment 2 to the Hearing Examiner's Report and Recommendation.

On a motion by Allison Ishihara Fultz, seconded by Louise L. Mayer, with Angelo M. Caputo and Donald H. Spence, Jr., Chairman in agreement, and Donna L. Barron necessarily absent, 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 case.

Donald H. Spence, Jr.
Chairman, Montgomery County Board of

Appeals

Entered in the Opinion Book
of the Board of Appeals for
Montgomery County, Maryland
this 4th day of October, 2002.

Katherine Freeman
Executive Secretary to the Board

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 (See Section 59-A-4.63 of the County Code). 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.

