

BOARD OF APPEALS
for
MONTGOMERY COUNTY

Stella B. Werner Council Office Building
100 Maryland Avenue
Rockville, Maryland 20850
(240) 777-6600

Case No. S-2514

PETITION OF ANNIE S. BLACKWELL

OPINION OF THE BOARD

(Hearing Date: November 18, 2002)

(Effective Date of Opinion: February 21, 2003)

Case No. S-2514 is an application for a special exception pursuant to Section 59-G-2.00 (Accessory Apartment) of the Zoning Ordinance to permit an accessory apartment. Pursuant to the authority contained in Section 59-A-4.125 of the Zoning Ordinance, the Board of Appeals referred the case to the Hearing Examiner for Montgomery County to conduct the public hearing. The Hearing Examiner convened a public hearing on November 18, 2002, and on January 6, 2002, issued a written Report and Recommendation to the Board.

The subject property is Lot 30, Block 2, Strathmore at Bel Pre Subdivision, located at 13507 Rippling Brook Drive, Silver Spring, Maryland, in the R-90 Zone.

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

At its Worksession on January 22, 2003, The Board of Appeals voted to adopt the Hearing Examiner's Report and Recommendation, and grant the special exception subject to the following conditions:

1. Petitioner shall be bound by her testimony and exhibits of record, to the extent that such evidence and representations are identified in the Hearing Examiner's Report and Recommendation and in the opinion of the Board.
2. Petitioner shall reside at the subject property.
3. A window that meets code standards for emergency egress must be installed in the rear left bedroom (looking at the floor plan with the kitchen at the rear, [See Exhibit No. 7]). For egress the window must have a minimum of five (5) square feet in net clear opening with a minimum height measurement of 22

inches and a minimum width measurement of 20 inches. The window sill must not be higher than 44 inches from the floor.

4. The rooms labeled "Office" and "Family Room" on Exhibit 7 have no windows. These rooms cannot be used as habitable areas and may only be used for storage until windows that meet code standards are installed.
5. A kitchen type range must be installed in the kitchen area.
6. The clothes dryer must be vented to the outside or removed.
7. A single cylinder (key operated from the outside, thumb turn on the inside) deadbolt lock is required for the apartment entrance door.
8. Occupancy of the unit is limited to two persons.
9. An additional smoke detector must be installed adjacent to the entrance of the bedroom.
10. Three off-street parking spaces must be available without impeding the sidewalk.
11. The special exception is granted to Petitioner only.

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

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 21st day of February, 2003.

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.