Case No. S-2537 is an application for a special exception pursuant to Section 59-G-2.00 (Accessory Apartment) of the Zoning Ordinance to permit an existing accessory apartment.

Pursuant to the authority contained in Section 59-A-4.125 of the Montgomery County Code, the Board referred the case to the Hearing Examiner for Montgomery County to conduct a public hearing on the application. The Hearing Examiner held a public hearing on September 23, 2002, but the record was left open pending receipt of the Technical Staff Report. Following receipt of that report, the record was closed on March 14, 2003, and on April 7, 2003 the Hearing Examiner issued a written Report and Recommendation for approval of the special exception.

The subject property is Part of Parcel N-192 on Tax Map JR43, also known as Part of Parcel A in the “Parcel A, The Beachhead” subdivision, located at 14610 Old Lyme Drive, Silver Spring, Maryland 20905, in the R-200 Zone.

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

At its Worksession on April 30, 2003, the Board of Appeals voted to adopt the Hearing Examiner’s Report and Recommendation and approve the special exception subject to the following conditions:

1. The Petitioners shall be bound by all of the Petitioners’ testimony and exhibits of record, including, but not limited to, Exhibits 4, 22, and 24, and are bound by the testimony of the Petitioners’ witnesses and attorney’s representations, to the extent that such evidence and representations are
identified in the Hearing Examiner's Report and Recommendation and in
the Board's Opinion granting the special exception.

2. The accessory apartment must be maintained in compliance with the
Montgomery County Housing Code including, but not limited to, the
requirements that:

   a. The loose electrical connections in the laundry room must be
      wired according to National Electric Code Standards.

   b. A smoke detector must be installed in the hallway.

   c. The floor in the hallway bathroom shower stall must be
      repaired.

   d. The double cylinder deadbolt lock (key operated on both
      sides) on the front entrance door must be replaced with an
      approved single cylinder (key operated from the outside,
      thumb turn on the inside) deadbolt lock.

   e. The loose electrical connections located adjacent to the
      electric panel must be wired according to National Electric
      Code Standards.

3. The Petitioner, Barbara W. Gaffigan, must reside in one of the dwelling
   units.

   On a motion by Donna L. Barron, seconded by Louise L. Mayer, with
   Angelo M. Caputo and Allison I. Fultz in agreement:

   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 17th day of May 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 of 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.