

**BOARD OF APPEALS  
for  
MONTGOMERY COUNTY**

Stella Werner Council Office Building  
100 Maryland Avenue  
Rockville, Maryland 20850  
([www.montgomerycountymd.gov/mc/council/board.html](http://www.montgomerycountymd.gov/mc/council/board.html))

**CASE NO. S-2551**

**PETITION OF DANIEL ALBERT, JR.**

OPINION OF THE BOARD

(Public Hearing Date: January 10, 2003)

(Record Closed: January 27, 2003)

(Effective Date of Opinion: June 26, 2003)

Case No. S-2551 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 in Section 59-A-4.125 of the Montgomery County Code, the Board of Appeals 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 January 10, 2003, and issued a written Report and Recommendation for approval of the special exception, dated March 14, 2003.

The subject property is Lot 22, Block A, Black Hills Estates Subdivision, located at 14400 Chrisman Hill Drive, Boyds, Maryland, in the R-200 Zone.

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

At its Worksession on April 2, 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. Petitioner shall be bound by his testimony and exhibits of record, including Exhibit Nos. 3, 4, 5 and 6, 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. Based upon the square footage of the apartment and upon the provisions of the Montgomery County Housing Code, occupancy of the accessory apartment is limited to two persons.

3. The Petitioner shall reside at the subject property and shall receive compensation for only one dwelling unit.

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

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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 26<sup>th</sup> day of June, 2003.

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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.