

**BOARD OF APPEALS
for
MONTGOMERY COUNTY**

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www.montgomerycountymd.gov/content/council/boa/board.asp

Case No. S-2687

PETITION OF PAUL AND PATRICIA GASKIN

OPINION OF THE BOARD

(Opinion Adopted February 7, 2007)

(Effective Date of Opinion: February 23, 2007)

Case No. S-2687 is a petition for a special exception, pursuant to Section 59-G-2.00 of the Zoning Ordinance to permit an accessory apartment. The Hearing Examiner for Montgomery County held a hearing on the application on January 5, 2007 and on January 24, 2007 issued a Report and Recommendation for approval of the special exception.

The subject property is Lot 51, Block 13, Norbeck Woods Subdivision, located at 16613 Summertree Court, Rockville, Maryland, 20853, in the RE-1 Zone.

Decision of the Board: Special Exception **Granted** Subject
To Conditions Enumerated Below.

The Board of Appeals considered the Hearing Examiner's Report and Recommendation at its Worksession on February 7, 2007. After careful consideration and review of the record, the Board thanks the Petitioners for submitting a clear and complete application, adopts the Report and Recommendation, and grants the special exception, subject to the following conditions:

1. The Petitioners shall be bound by all of their testimony, representations and exhibits of record identified in the Hearing Examiner's Report and Recommendation and in the Opinion of the Board;

2. The Petitioners shall take the following steps to comply with the items set forth in the Memorandum of Bill Calloway, Housing Code Inspector, Division of

Housing and Code Enforcement (Exhibit 13):

- a. A walkway must be installed to provide access to the accessory apartment entrance door. [This walkway should be residential in nature, have a hard surface and run along the side of the house from the driveway to the rear patio.]
- b. The accessory apartment contains 573 square feet of habitable space and can be occupied by no more than two persons.
3. Petitioners must occupy one of the dwelling units on the lot on which the accessory apartment is located;
4. Petitioners must not receive compensation for the occupancy of more than one dwelling unit;
5. Petitioners must make one off-street parking space available for their accessory apartment tenant; and
6. Petitioners must obtain and satisfy the requirements of all licenses and permits, including but not limited to building permits and use and occupancy permits, necessary to occupy the special exception premises and operate the special exception as granted herein. Petitioners shall at all times ensure that the special exception use and premises comply with all applicable codes (including but not limited to building, life safety and handicapped accessibility requirements), regulations, directives and other governmental requirements.

On a motion by Catherine G. Titus, seconded by Wendell M. Holloway, with Caryn L. Hines and Allison Ishihara Fultz, Chair 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 petition.

Allison Ishihara Fultz
Chair, Montgomery County Board of Appeals

Entered in the Opinion Book
of the Board of Appeals for
Montgomery County, Maryland
this 23rd day of February, 2007.

Katherine Freeman
Executive Director

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.