

**BOARD OF APPEALS
for
MONTGOMERY COUNTY**

Stella B. Werner Council Office Building
100 Maryland Avenue
Rockville, Maryland 20850

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

(240) 777-6600

Case No. S-1239

PETITION OF ERNESTINE AND JEWEL JOHNSON

**RESOLUTION TO RE-OPEN THE RECORD
AND REINSTATE THE SPECIAL EXCEPTION**

(Resolution Adopted April 2, 2008)

(Effective Date of Resolution: May 8, 2008)

The Board of Appeals has received an Opinion and Order from the Circuit Court for Montgomery County Maryland which was entered on March 13, 2008. The Court reverses the Board of Appeals' March 1, 2007 revocation of the special exception and orders that the special exception be reinstated.

The subject property is Parcel 224, Snowden Mill Subdivision, located at 2805 Briggs Chaney Road, Silver Spring, Maryland in the R-200 Zone.

The Board of Appeals considered the Court's Opinion and Order at its Worksession on April 2, 2008. On a motion by Caryn L. Hines, seconded by Wendell M. Holloway, with David K. Perdue, Catherine G. Titus, Vice-Chair and Allison Ishihara Fultz, Chair, in agreement:

BE IT RESOLVED by the Board of Appeals for Montgomery County, Maryland that the record in Case No. S-1239, Petition of Ernestine and Jewel Johnson, is re-opened to receive the Opinion and Order from the Circuit Court for Montgomery County Maryland which was entered on March 13, 2008; and

BE IT FURTHER RESOLVED by the Board of Appeals for Montgomery County, Maryland that pursuant to the Court's order, the special exception in Case No. S-1239, which the Board of Appeals granted to Ruby Johnson on January 31, 1986 and transferred to Ernestine and Jewel Johnson by Resolution dated March 12, 2004, is **reinstated**.

Allison Ishihara Fultz
Chair, Montgomery County Board of Appeals

Entered in the Opinion Book
of the Board of Appeals for
Montgomery County, Maryland
this 8th day of May, 2008.

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. It is each party's responsibility to participate in the Circuit Court action to protect their respective interests. In short, as a party you have a right to protect your interests in this matter by participating in the Circuit Court proceedings, and this right is unaffected by any participation by the County.