

**BOARD OF APPEALS
for
MONTGOMERY COUNTY**

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

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

Case No. S-2714

PETITION OF SHEREASE PRATT LOUIS

OPINION OF THE BOARD

(Opinion Adopted February 6, 2008)

(Effective Date of Opinion: February 15, 2008)

Case No. S-2714 is an application, pursuant to Section 59-G-2.00 of the Montgomery County Zoning Ordinance, for a special exception for an accessory apartment. The Hearing Examiner for Montgomery County held a hearing on the application on January 18, 2008, closed the record in the case on that date, and on January 25, 2008, issued a Report and Recommendation for approval of the special exception.

The subject property is Lot 131, located at 6605 Seven Locks Road, Cabin John, Maryland, 20818, in the R-90 Zone.

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

The Board of Appeals considered the Report and Recommendation at its Worksession on February 6, 2008. After careful consideration, and review of the record in the case the Board adopts the Report and Recommendation and grants the special exception, subject to the following conditions:

1. The Petitioner is bound by her testimony, representations and exhibits of record, to the extent that such testimony and evidence are identified in the Hearing Examiner's Report and Recommendation and in the Opinion of the Board;
2. The Petitioner will take the following steps to comply with the conditions set forth in the Memorandum of Unray Peters, Housing Code Inspector, Division of Housing and Code Enforcement (Exhibit 13):

- a) The accessory apartment bedroom windows at the present time do not meet legal egress requirements. The bedroom windows shall be at least five square feet in net clear opening. Must be openable without the use of a tool with a minimum net clear opening height of twenty-four inches and a minimum net clear opening of twenty inches, with the bottom of the opening not more than forty-four inches above the floor.
 - b) At the present time the unit is still under construction. All work must be completed in accordance with applicable, building, electrical, and plumbing codes. Proper permits must be obtained and finalized prior to occupancy.
 - c) A walkway must be installed from the front of the house to the rear apartment entrance.
 - d) If a special exception for a accessory apartment is granted, the unit must be inspected by Department of Housing and Community Affairs prior to occupancy.
3. Based on habitable space in the apartment (400 square feet), no more than two persons may reside in the accessory apartment;
 4. Petitioner must occupy one of the dwelling units on the lot on which the accessory apartment is located;
 5. Petitioner must not receive compensation for the occupancy of more than one dwelling unit;
 6. Petitioner must make at least one of the off-street parking spaces on her property available to the accessory apartment tenant, and the lease with the tenant must limit the tenant to no more than two vehicles housed in the neighborhood; and
 7. Petitioner 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. Petitioner 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 Wendell M. Holloway, seconded by Catherine G. Titus, Vice-Chair, with Caryn L. Hines, David K. Perdue and Allison Ishihara Fultz, Chair, 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.

Allison Ishihara Fultz
Chair, Montgomery County Board of Appeals

Entered in the Opinion Book
of the Board of Appeals for
Montgomery County, Maryland
this 15th day of February, 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.