

**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-2723

PETITION OF ELIZABETH KNOX AND WILLIAM HUTCHINS

OPINION OF THE BOARD
(Opinion Adopted June 25, 2008)
(Effective Date of Opinion: July 3, 2008)

Case No. S-2723 is an application 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 May 2, 2008, closed the record in the case on May 7, 2008, and on June 12, 2008, issued a Report and Recommendation for approval of the special exception.

The subject property is Lot 5, Block 12, located at 7108 Holly Avenue, Takoma Park, Maryland, 20912, in the R-60 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 June 25, 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, Petitioners are bound by their testimony and exhibits of record.
2. The accessory apartment may be inhabited by no more than two people.
3. Petitioner must make the repair identified in DHCA's inspection memoranda, Exhibits 16 and 22: scrape and paint rusty, exterior handrail.
4. Tenants in the accessory apartment are limited to one vehicle to be parked in the area of the subject property. The owners of the home must park two of their cars

in their driveway at all times when the accessory apartment is occupied by a tenant who keeps a car in the neighborhood.

5. Per Code § 59-G-2.00(b)(1), at least one of the Petitioners must occupy one of the dwelling units on the subject property.
6. Per Code § 59-G-2.00(b)(3), Petitioners must not receive compensation for more than one dwelling unit on the subject property.
7. Petitioners must obtain and satisfy the requirements of all licenses and permits, including but not limited to building permits or use-and-occupancy permit, necessary to implement the special exception as granted herein. Petitioners shall at all times ensure that the special exception use and facility 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 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 3rd day of July, 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.