

**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-2737

PETITION OF MARVIN HESEOK SUO AND HE SUNG SUO

OPINION OF THE BOARD

(Opinion Adopted February 11, 2009)
(Effective Date of Opinion: March 5, 2009)

Case No. S-2737 is an application for a special exception, pursuant to Section 59-G-2.00 of the Zoning Ordinance, to permit an existing accessory apartment. The Hearing Examiner for Montgomery County held a hearing on the application on December 19, 2008, closed the record in the case on December 26, 2008, and on January 6, 2009 issued a Report and Recommendation for approval of the special exception.

The subject property is Lot 9, Block DD, Good Hope Estates Subdivision, located at 15708 Evesham Place, Silver Spring, Maryland, 20905, in the RE-1 Zone

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

The Board of Appeals considered the Report and Recommendation at its Worksession on February 11, 2009. 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 Petitioners shall be bound by all of their testimony, representations and exhibits of record identified in this report and in the opinion of the Board of Appeals.
2. The Petitioners shall comply with the determination of Cynthia Lundy, Housing Code Inspector, Division of Housing and Code Enforcement (Exhibit 17) that the accessory apartment may be occupied by no more than two persons.

3. Petitioners shall make the following repairs required by the Housing Code Inspector:
 - a) An operable exterior light must be provided at the entrance/exit door.
 - b) The clothes dryer exhaust air must ventilate to the exterior of the dwelling.
 - c) Exterior - excessive solid waste (branches/ brush/ litter) must be removed.
4. Petitioners must occupy one of the dwelling units on the lot on which the accessory apartment is located.
5. All occupants of the main dwelling unit, except occasional guests, must be related to Petitioners, and Petitioners must not receive rentals from any party living in their home other than the accessory apartment tenants.
6. Petitioners must make available at least one parking space on their driveway for the accessory apartment tenants. Petitioners must include, in their lease agreement with any accessory apartment tenants, a provision that limits the accessory apartment tenant or tenants to no more than a total of two vehicles.
7. 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 Carolyn J. Shawaker, seconded by David K. Perdue, Vice-Chair, with Walter S. Booth, Stanley B. Boyd and Catherine G. Titus, 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.

Catherine G. Titus
Chair, Montgomery County Board of Appeals

Entered in the Opinion Book
of the Board of Appeals for
Montgomery County, Maryland
this 5th day of March, 2009.

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.