

BOARD OF APPEALS
for
MONTGOMERY COUNTY

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

(240) 777-6600

Case No. S-2464

PETITION OF KOCH K. THANKACHEN

OPINION OF THE BOARD

(Hearings held June 5 and Oct. 31, 2001)
(Effective Date of Opinion: June 28, 2002)

Case No. S-2464 is a petition for a special exception pursuant to Section 59-G-2.26 (Group Home) of the Montgomery County Zoning Ordinance to permit an increase in the number of residents from 8 to 15 in an existing group home. The Board of Appeals held hearings on the petition on June 5 and Oct. 31, 2001, pursuant to Section 59-A-4.11 of the Zoning Ordinance.

Gary I. Silverman, Esquire, appeared on behalf of the Petitioner, Koch K. Thankachen. He called Mr. Thankachen and his wife, Rosy Thankachen, as witnesses.

The Board also heard testimony in opposition to the Petition from community residents Gustavo Restrepo, Jack Rogers, Louis Jones, Roger Whalen, Vernon Wolverton, and Clinton Goody.

Martin Klauber, People's Counsel, also appeared in opposition to the Petition.

Eight letters were received in support of the petition [Exhibit Nos. 23.1-23.8], and eight letters were received in opposition [Exhibit Nos. 20.1-20.7, 30].

Decision of the Board: Special Exception **Denied**.

EVIDENCE PRESENTED

1. The subject property is Part of Lot 22, Ednor View Subdivision, located at 17904 Ednor View Terrace, Ashton, Maryland. The property is 2 acres in size and is in the RC (Rural Cluster) Zone.

2. The surrounding neighborhood is comprised of single-family detached homes. Other Special Exceptions previously approved in the area include: S.E. 551 on Lot 16 to permit a private riding stable, approved in 1975, and S.E.-620 on Lot 21 to permit a private riding stable, approved in 1977 [Exhibit 5 at 2].
3. The Petitioner proposes to expand the number of residents from 8 to 15 in his existing group home for the elderly. [Exhibit Nos. 32(h)-(i) and Transcript of June 5, 2001 (T1 at 5-6)]. The home currently operates by right, and the Petitioner seeks a Special Exception to expand the operation to a large group home, under which he would be permitted to house from 9 to 16 residents.
4. The existing group home has been in operation for five years and is home to residents aged 62 to 90. Most residents suffer from dementia and have physical disabilities [T1 at 8].
5. Mr. and Mrs. Thankachen are the primary caregivers. On Monday thru Friday, two people are in the house from 7am to 7pm, with one person remaining from 7pm to 7am. Typically, the petitioner and his wife work these shifts. On weekends, either Mr. or Mrs. Thankachen will be at the house from 7am to 7pm, with a part-time employee present from 7am to 7am the following day. There are currently two part-time employees [T1 at 36 and Exhibit No. 32(h)].
6. If the special exception is approved, the operation would expand to 15 residents, and Mr. and Mrs. Thankachen will work from 7am to 7pm on weekdays, and 7am to 7pm one day each on weekends. A new full-time employee will provide overnight care on Monday thru Friday. The proposed schedule for part-time employees on weekends will remain the same, with each employee working one 24-hour shift (7am-7am). As is currently the case for the existing group home, two employees would be present from 7am to 7pm, and one employee would remain overnight [T1 at 37-39, Transcript of October 31, 2001 (T2) at 17, 43, and Exhibit No. 32(i)]. Petitioner testified that part-time employees would arrive at 7pm on Friday and depart at 7pm on Sunday. This statement contradicts the submitted staffing plan [T1 at 39 and Exhibit No. 32(i)].
7. Petitioner testified that state licensing requirements do not set out a specific ratio of caregivers to residents of group senior assisted housing. Staffing is required to be "adequate" [T1 at 34].
8. Petitioner testified that resident rooms are equipped with an auditory child monitoring system which is kept on to allow caregivers to hear residents throughout the house [T1 at 41].

9. Petitioner testified that there are no deliveries to the home. Mr. Thankachen testified that he and his wife do all the grocery shopping for the home. Petitioner did not specifically testify whether he would continue to do all the grocery shopping for the proposed expanded home [T1 at 32].
10. Petitioner testified that the residents do not drive and are not permitted to keep cars [T1 at 7-8].
11. Petitioner testified that residents receive visitors very infrequently, and that he requires visitors to call in advance to schedule visits [T1 at 8-9].
12. Petitioner testified that, under applicable laws, the expanded home will have sufficient living space, common areas and bathrooms to accommodate 15 residents [T1 at 6].
13. Petitioner testified that, based on his current experience, he anticipates the existing septic system will be sufficient to accommodate the increased resident and staff population. He added that six of the eight current residents are incontinent and therefore do not use the bathroom much [T1 at 12].
14. The home is laid out as follows: (a) First Floor: Foyer, Family Room, Kitchen, Dining Room, one double room for residents, one single room for residents, one half-bath, full bath, laundry area; (b) Second Floor: One double room for residents with dedicated full bath, two single rooms for residents, one staff room, one full bath; (c) Basement: one single resident room, common area, office, employee lounge, one full bath, utility room; (d) Garage: three-car garage [Exhibit Nos. 32(e)-(g)].
15. Applicant's attorney, Mr. Silverman, read into the record the applicable requirements of Code of Maryland Administrative Regulations (COMAR), Title X, Department of Health and Mental Hygiene, Section .40 regarding Assisted Living Programs: "Buildings with 9 or more occupants shall have a minimum of one toilet for every four residents and a minimum of one toilet per floor on which a resident room is located. Bathtubs and showers: One tub or shower for every eight residents." [T2 at 41].
16. The Board took notice of the proposed physical layout of the First and Second Floor: On the First Floor, the three double resident rooms would share a single toilet, sink and shower in a bath accessed from the laundry area; a second toilet and sink are located in a powder room adjacent to the foyer in the main portion of the house. On the Second Floor, two residents would share a toilet, bath, shower and sink in a bathroom dedicated to their room; the remaining five residents share a toilet, bath and two sinks in a bathroom located off the stair hall [Exhibit Nos. 32(b), (c)].

17. The record contains the following documentation with respect to the existing facility's licenses: (1) a Certificate to Operate Group Senior Assisted Housing issued by the Maryland Department of Aging on August 16, 1998, with an expiration date of July 31, 1999, (Exhibit No. 11); (2) a Group Home License issued by Montgomery County Health and Human Services Licensure and Regulatory Services, effective July 30, 1999, with an expiration date of July 30, 2000, [Exhibit No. 12]; and, (3) A Certificate of Use and Occupancy dated October 30, 1995 [Exhibit No. 13].
18. Petitioner proposes to alter portions of the existing garage and portions of the first floor and basement of the existing house. No additions to the house are planned in connection with the proposed special exception [Exhibit Nos. 8(a)-(c), 28 and 32(b)-(g), T1 at 6].
19. Proposed First Floor alterations: (a) Existing House: (i) Existing resident double room would become a living room; (ii) existing resident double room would become a staff room; (iii) dining room, kitchen, family room, foyer, and half-bath would not change; (b) Garage alterations: (i) The car bay closest to the main house would remain; (ii) the balance of the garage would be altered to accommodate three double rooms for residents, a resident lounge, and an egress corridor; (iii) the existing laundry area and full bath would remain. Resident population on the first floor would increase from three to six, with all resident rooms being shifted to the renovated garage. The main portion of the house on this floor would be converted to the common use of all residents [Exhibit Nos. 32(b) 32(e), T1 at 17-20, 23].
20. Proposed Second Floor alterations: No changes would be made to the physical layout of the rooms. The spaces would be reapportioned as follows: (a) one resident single will become a double room; (b) the staff room would become a resident double. Resident population on the second floor would increase from four to seven [Exhibit Nos. 32(c), 32(f), T1 at 21].
21. Proposed Basement alterations: No changes would be made to the physical layout of the rooms. The existing resident single would become a double room. All other areas would remain the same. Resident population in the basement would increase from one to two [Exhibit Nos. 32(d), 32(g), T1 at 22]. The staff room is intended for overnight accommodation of staff [T1 at 23-25].
22. Petitioner testified that the house currently has five off-street parking spaces [T1 at 14], and that, in connection with the proposed expansion, six off-street spaces would be provided [T1 at 7].
23. Petitioner testified that, because residents do not keep cars and receive infrequent, scheduled, visits, no on-street parking is or will be required [T2 at 47].

24. The Technical Staff Report of the Maryland National Capital Park and Planning Commission [Exhibit No. 25] found that petitioner's application proposed five off-street parking spaces. Although a total of nine off-street parking spaces would be required by the Zoning Ordinance in order to provide one space for every two residents and one space for every two employees on the largest shift, staff recommended that a waiver of the nine-space requirement. Staff based their recommendation on petitioner's representation that residents will not operate motor vehicles and a provision of the application that the number of staff would not increase [Exhibit No. 25 at 3, 5].
25. Concurring with its technical staff's recommendation, the Montgomery County Planning Board recommended that the off-street parking requirement of nine spaces be reduced to five on the conditions that (a) residents not drive or keep vehicles on the premises; and (b) that on-street parking in connection with the group home be prohibited [Exhibit 26].
26. Petitioner testified that expanding the group home's operation will not result in a significant increase in traffic because residents do not drive and no on-street parking will be permitted [T1 at 10 and Exhibit No. 25 at 3].
27. Mr. Gustavo Restrepo testified that he was a physician. In his opinion, it was "very hard, almost impossible, for three or four people to take care of seven patients 24 hours a day." [T1 at 47.]
28. Mr. Louis Jones testified that egress and safety regulations required petitioner to construct an exterior stairway on the side of the house in order for the existing group home to operate. Mr. Jones expressed concern about the impact on the neighborhood of changes in the physical appearance of the house as the result of licensing requirements. [T1 at 49.]
29. Mr. Roger Whalen, Mr. Vernon Wolverton, and Mr. Jack Rogers all expressed concerns about the capacity of the septic system and the potential effect on neighboring properties at lower elevations if the system became overloaded. [T2 at 36-37.]
30. The technical staff report dated May 10, 2001, prepared by the Montgomery County Department of Park and Planning for the Maryland-National Capital Park and Planning Commission, noted that the subject property had been granted an exemption from the forest conservation law. Since no exterior construction is proposed, no proposed tree save plan will be required. [Exhibit No. 25 at 4.]
31. Concurring with its technical staff report, the Montgomery County Planning Board recommended approval of the proposed special exceptions with the

conditions that (1) the applicant is bound by all submitted statements and plans; (2) the use is for the elderly and is limited to residents including residing staff, and two employees on the largest shift; (3) the applicant must possess, not later than the issuance date of the use and occupancy certificate, any and all valid State of Maryland and County licenses, certificates or registrations that may be required for a group home; (4) the required number of parking spaces is reduced from nine parking spaces to five parking spaces; (5) with the exception of the resident (sic) employee(s), residents of the group home shall not drive or have vehicles on the premises; (6) on-street parking for the group home is prohibited.

32. Petitioner testified that the letters in the record supporting the petition were signed by residents of J & J Group Home of Ashton but had been written by others. (T1 at 40.) The Board took notice of petitioner's previous testimony that most of the residents in his home suffered from dementia. [T1 at 8.]
33. Although the issue was not addressed in the MNCPPC technical staff report and was not part of the petitioner's case in chief, Mr. Silverman argued that there is a community need throughout Montgomery County for modestly-priced assisted living facilities for the elderly in a residentially scaled setting. [T2 at 47.]
34. The People's Counsel argued that the petition would have an adverse impact both on the neighbors and the residents of the proposed facility: (a) the converted garage makes access through the building difficult for residents and staff because the resident rooms are on the far side of the car bay from the main part of the house; (b) weekend staffing is not proposed to increase despite a near doubling of the occupancy; (c) he does not support the parking waiver proposed by MNCPPC staff because "visits by (residents') relatives are too important a part of the elderly lives to be scheduled for the convenience of any neighborhood;" (d) although not addressed in testimony, the impact of the change in appearance of the renovated garage on the neighborhood is potentially significant; (e) the petitioner has provided a proposed staffing schedule, but not a complete statement of operations as required by Montgomery County Code Section 59-A-4.22(a)(3); a lack of such information in the record might lead to enforcement problems. The People's Counsel recommended denial of the petition.
35. The Board took notice of expert testimony in previous cases concerning elderly care homes about the need to reduce physical barriers between resident rooms and other facilities. It is disorienting for elderly residents to awaken from sleep and negotiate their way to the bathroom or other area without assistance. [T2 at 58.]

FINDINGS OF THE BOARD

STANDARD FOR EVALUATION

Section 59-G-1.2.1 sets forth the standard that the Board must use to evaluate a special exception. That standard requires that a special exception be evaluated based on its inherent and non-inherent adverse effects at the particular location proposed, irrespective of adverse effect if elsewhere established in the zone [Zoning Text Amendment No 99004, Opinion, page 4].

Section 59-G-1.2.1. Standard for Evaluation:

A special exception must not be granted absent the findings required by this Article. In making these findings, the Board of Appeals, Hearing Examiner, or District Council, as the case may be, must consider the inherent and non-inherent adverse effects of the use on nearby properties and the general neighborhood at the proposed location, irrespective of the adverse effects the use might have if established elsewhere in the zone. Inherent adverse effects are the physical and operational characteristics necessarily associated with the particular use, regardless of its physical size or scale of operations. Inherent adverse effects alone are not a sufficient basis for denial of a special exception. Non-inherent adverse effects are physical and operational characteristics not necessarily associated with the particular use, or adverse effects created by unusual characteristics of the site. Non-inherent adverse effects, alone or in conjunction with inherent adverse effects, are a sufficient basis to deny a special exception.

The Board interprets this section to require the following analysis. The Board must:

- (1) Make a determination as to the general neighborhood affected by the proposed use.
- (2) Establish those generic physical and operational characteristics associated with a given use, in this case a group home for adults, to create an evaluation standard. The evaluation standard does not include the actual physical size and scale of operations of the use proposed.
- (3) Determine separately the physical and operational characteristics of the use proposed, in this case, the expansion of an existing group home.
- (4) Compare the generic characteristics of the evaluation standard with the particular characteristics of the use proposed. Inherent adverse effects are those characteristics of the use proposed consistent

with the generic characteristics of the evaluation standard. Non-inherent adverse effects are those characteristics found in the proposed use but not in the evaluation standard.

Applying the above analysis to this case, the Board finds as follows:

(1) The General Neighborhood

The Board finds that the general neighborhood for the proposed special exception is that portion of the Ednor View subdivision located east of New Hampshire Avenue and the Patuxent River Watershed Conservation Park, and bounded on the west by Tucker Lane, on the south by Patuxent Drive.

(2) Evaluation Standard – Physical and Operational Characteristics

The Board recognizes that Maryland National Capital Park and Planning Commission (MNCPPC) technical staff has, in prior cases, employed seven criteria to establish the physical and operational characteristics of a use. These are size, scale, scope, lighting, noise, traffic, and environment.

The Board finds that typical characteristics for a group home include the presence of 9 to 16 residents in a single family home, together with some additional activity, including traffic, associated with that number of residents, their visitors and the required number of caregivers. Sufficient on-site parking is also to be expected. There may be lighting associated with parking areas. Environmental impacts could include runoff from any additional impervious surfaces, as well as impacts on water supply and septic or sewer service.

(3) Proposed Use – Physical and Operational Characteristics

The instant request is for a group home for 16 elderly residents, including resident staff, plus two additional employees. The Petitioner testified as to the proposed schedule for staffing [Evidence Presented, Paragraph 6]. Section 59-G-2.26 requires a total of nine off-street parking spaces for the proposed number of residents and employees. The Petitioner testified that none of the residents would have cars, and that they receive visitors infrequently. Five off-street parking spaces are available, and the Petitioner requested a waiver from the required number of spaces, stating that five would be adequate. No expansion to the residence is proposed, although some alteration to the existing garage and other internal renovations are.

(4) Comparison of Characteristics:

(a) Inherent Adverse Effects

Having compared the generic characteristics of group homes, and comparing them with the physical and operational characteristics of the instant application, the Board finds that, except for the required 9 parking spaces, and with the possible exception of the proposed renovations to the garage, all of the physical and operational characteristics of the group home would be inherent adverse effects.

(b) Non-Inherent Adverse Effects

The Board finds that construction of nine parking spaces on the site would constitute a non-inherent adverse effect [See Evidence Presented Paragraphs 28 and 34]. The Board finds that exterior renovations to the garage could constitute a non-inherent adverse effect, the application fails to prove that it would not.

59-G-1.21. *General Conditions.*

(a) *A special exception may be granted when the Board, the Hearing Examiner, or the District Council, as the case may be, finds from a preponderance of the evidence of record that the proposed use:*

(1) *Is a permissible special exception in the zone.*

A large group home is a permitted special exception use in the RC zone.

(2) *Complies with the standards and requirements set forth for the use in Division 59-G-2.26. The fact that a proposed use complies with all specific standards and requirements to grant a special exception does not create a presumption that the use is compatible with nearby properties and, in itself, is not sufficient to require a special exception to be granted.*

The use does not comply with all standards of Section 59-G-2.26. See discussion below.

(3) *Will be consistent with the general plan for the physical development of the District, including any master plan adopted by the commission. Any decision to grant or deny special exception must be consistent with any recommendation in an approved and adopted master plan regarding the appropriateness of a special exception at a particular location. If the Planning Board or the Board's technical staff in its report on a special exception concludes that granting a particular special exception at a particular location would be inconsistent with the land use objectives of the applicable*

master plan, a decision to grant the special exception must include specific findings as to master plan consistency.

The Sandy Spring / Ashton Master Plan, approved and adopted in 1998, does not provide specific guidance on large group homes. The proposed expanded operation will not be consistent with the physical development of residential uses in the RC zone. [See Findings of Fact paragraphs 24, 28, 34, and 36.]

- (4) *Will be in harmony with the general character of the neighborhood considering population density, design, scale and bulk of any proposed new structures, intensity and character of activity, traffic and parking conditions, and number of similar uses.*

The proposed use would not be in harmony with the general character of the neighborhood. [See Findings of Fact paragraphs 24, 28, 34, and 36]

- (5) *Will not be detrimental to the use, peaceful enjoyment, economic value or development of surrounding properties or the general neighborhood at the subject site, irrespective of any adverse effects the use might have if established elsewhere in the zone.*

The petition fails to demonstrate that the proposed use will not have an adverse impact on surrounding properties if established on this site. [See Findings of Fact paragraphs 28, 29, 34-36.]

- (6) *Will cause no objectionable noise, vibrations, fumes, odors, dust, illumination, glare or physical activity at the subject site, irrespective of any adverse effects the use might have if established elsewhere in the zone.*

With the exception of the impact of the required level of off-street parking on neighboring properties, no objectionable noise, vibrations, fumes, odors, dust, illumination or glare are likely to result from the proposed use. [See Findings of Fact paragraphs 34 and 36.]

- (7) *Will not, when evaluated in conjunction with existing and approved special exceptions in any neighboring one-family residential area, increase the number, intensity or scope of special exception uses sufficiently to affect the area adversely or alter the predominantly residential nature of the area. Special exception uses that are consistent with the recommendations of a master or sector plan do not alter the nature of an area.*

Not applicable: there are no large group home special exceptions existing in the surrounding area. The two approved special exceptions identified in the record are both for private riding stables. (*See Findings of Fact paragraph 2.*)

- (8) *Will not adversely affect the health, safety, security, morals or general welfare of residents, visitors or workers in the area at the subject site, irrespective of any adverse effects the use might have if established elsewhere in the zone.*

The petition fails to demonstrate that the proposed use will not adversely affect the health, safety, security, morals and general welfare of the residents of the large group home. The physical layout of the facility would demand that the residents receive more assistance than the proposed number of staff would be able to provide; resident rooms are scattered throughout the house, and residents are required to negotiate convoluted corridors and stairs in order to reach shared areas of the residence. [*See Findings of Fact paragraphs 11, 16, 17, 27, 32, and 34-37*]

- (9) *Will be served by adequate public services and facilities including schools, police and fire protection, water sanitary sewer, public roads, storm drainage and other public facilities.*
- (i) *If the special exception use requires approval of a preliminary plan of subdivision, the adequacy of public facilities must be determined by the Planning Board at the time of subdivision review. In that case, subdivision approval must be included as a condition of the special exception.*

Not applicable.

- (ii) *With regard to findings relating to public roads, the Board, the Hearing Examiner, or the District Council, as the case may be, must further determine that the proposal will have no detrimental effect on the safety of vehicular or pedestrian traffic.*

The volume of traffic anticipated by the proposed use will not have a detrimental effect on the safety of vehicular or pedestrian traffic. (*See Findings of Fact paragraphs 9, 10, and 22-26.*)

- (b) *Nothing in this Article relieves an applicant from complying with all requirements to obtain a building permit or any other authorization or approval*

required by law, nor does the Board's finding of facts regarding public facilities bind any other governmental agency or department responsible for making a determination relevant to the authorization, approval or licensing of the project.

The Board notes that the petitioner's existing group home is subject to licensing and approval by the State of Maryland and Montgomery County. [See *Findings of Fact* paragraph 17].

- (c) *The applicant for a special exception has the burden of proof to show that the proposed use satisfies all applicable general and specific standards under this Article. This burden includes the burden of going forward with the evidence, and the burden of persuasion on all questions of fact.*

The applicant has failed to meet the required burden of proof. [See *Findings of Fact* paragraph 35].

The Board finds that the petition fails to meet the requirements of the following provisions of Section 59-G-2.26 and 59-G-1.2:

Sec. 59-G-2.26. Group Home.

- (a) *When allowed: In addition to the general conditions required in Division 59-G-1, a group home may be allowed upon a finding by the board of appeals:*
- (1) *That such use will not constitute a nuisance because of the number of residents, noise, vehicle traffic or parking, or any other type of physical activity.*

The Board disagrees with MNCPPC's finding in favor of a parking waiver. The Board finds that the importance of visits directly affects the safety, welfare, morals and health of residents, and that, therefore, it is necessary to be certain to have adequate parking to accommodate such visits. The necessarily unimpeded nature of these visits to fifteen residents conflicts with the requirement that the proposed use not create a nuisance in the neighborhood. Construction of nine off-street parking spaces on the site as required by the Zoning Ordinance will create a nuisance because of the impact of the parking area and associated activity on the surrounding residential neighborhood. (See *Findings of Fact* paragraphs 24, 34, and 36.) The application also failed to demonstrate that there would not be an adverse effect on the surrounding residential neighborhood resulting from changes to the exterior appearance of the house. (See *Findings of Fact* paragraphs 28, 34.)

- (2) *That the applicant must possess, not later than the issuance date of the use and occupancy certificate, any and all valid State of Maryland and County licenses, certificates, or registrations that may be required for a group home.*

The Board is unable to find that the required licenses are currently in effect for the existing group home. All of the licensing information in the record bore expiration dates previous to the date of the June 5, 2001 hearing. [See Findings of Fact paragraph 17.]

- (3) *That any property to be used for a group home is of sufficient size to accommodate the proposed number of residents and staff.*

The petition fails to demonstrate that the proposed facility will be adequately sized. The record is silent on the specific space requirements for assisted living programs except with respect to toilet and bath facilities. The proposed layout of the expanded facility is convoluted and does not allow convenient access from resident rooms to bath facilities and common areas. [See Findings of Fact paragraphs 12, 15, 16, 19-21, 35, 36, and 37.]

- (4) *That the site to be used as a group home for children provide ample outdoor play space, free from hazard and appropriately equipped for the age and number of children to be cared for.*

Not applicable.

- (5) *That off-street parking must be provided in the amount of one parking space for every 2 residents and one space for every 2 employees on the largest work shift. The board may decrease the off-street parking where the method of operation or clientele indicates the decrease is warranted.*

Although the Planning Board, based on MNCPPC technical staff's evaluation, recommended that a waiver be granted to reduce the required number of spaces from nine to five, the petition failed to demonstrate that five off-street parking spaces were adequate to allow reasonably unrestricted visits to residents. [See Findings of Fact paragraphs 10, 11, 22-26, 31, 34, and 36.]

- (b) *Decision to be expedited. In order to expedite a decision regarding a proposed group residential facility, the board must give priority consideration in scheduling a public hearing and in deciding petitions for such a facility.*

The Petitioner did not request that this case be expedited.

Based upon the foregoing, the Board finds that the requested special exception to permit a major home occupation must be **DENIED**.

On a motion by Allison Ishihara Fultz, seconded by Donna Barron, with Donald H. Spence, Jr., Chairman, Louise L. Mayer and Angelo M. Caputo 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 be adopted as the Resolution required by law as its decision in the above-entitled case.

Donald H. Spence, Jr.
Chairman, Montgomery County Board of Appeals

Entered in the Opinion Book
of the Board of Appeals for
Montgomery County, Maryland,
this 28th day of June; 2002.

Katherine Freeman
Executive Secretary to the Board

NOTE:

Any request for reconsideration or rehearing 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.

