

**BOARD OF APPEALS  
for  
MONTGOMERY COUNTY**

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(www.montgomerycountymd.gov/mc/council/board.html)

**Case No. A-6344**

**APPEAL OF MAUREEN MCNULTY**

OPINION OF THE BOARD

(Hearing held September 21, 2011)  
(Effective Date of Opinion: October 27, 2011)

Case No. A-6344 is an administrative appeal filed June 3, 2011 by Maureen McNulty (the "Appellant"). The Appellant charges error on the part of the County's Department of Permitting Services ("DPS") in approving revisions to Building Permit No. 545156, which allowed the relocation of an accessory structure/shed. The accessory structure is located at 6 Thorne Road in Cabin John, Maryland 20818 (the "Property"), in the R-60 zone. Specifically, the Appellant charges that the location of the accessory structure allowed by the revised Permit does not meet the required 60-foot setback from the street line, and that the eaves of the proposed roof for the structure project farther into the yard than is allowed. The Appellant also charges that the height of the accessory building is not shown on the site plan, and thus that it is impossible to determine compliance with the pertinent height restrictions.

Pursuant to Section 59-A-4.4 of the Montgomery County Zoning Ordinance, codified as Chapter 59 of the Montgomery County Code (the "Zoning Ordinance"), the Board scheduled a public hearing on the appeal for September 21, 2011. Associate County Attorney Malcolm Spicer represented Montgomery County. The Appellant was represented by Michele Rosenfeld, Esquire. John Allen and his wife, who reside at 6 Thorne Road, were permitted to intervene (the "Intervenors"), and Mr. Allen appeared at the hearing pro se.

Decision of the Board:           Administrative appeal **granted**.

**RECITATION OF FACTS**

**The Board finds, based on undisputed evidence in the record, that:**

1. The Property is known as 6 Thorne Road, Cabin John, Maryland, and is an R-60 zoned parcel in the Cabin John Gardens Coop subdivision.

2. On May 9, 2011, Intervenor John Allen applied for a revision to Building Permit No. 545156, to relocate the accessory structure/shed permitted by the underlying original Permit. See Exhibit 9, pages A1.1 and A1.2. DPS issued revised Building Permit No. 545156 for the relocation of a shed at the subject Property. See Exhibit 9, page A2 (revised Building Permit).

3. On June 3, 2011, the Appellant filed an appeal of the revised permit and of a DPS finding of "no violation" with respect to the existing shed location. See Exhibit 1. The appeal was later amended to encompass only the street line setback, height, and eaves issues that are set forth above, all of which pertain to the revised permit. See Exhibit 6, pages 2-3.

4. Ms. Susan Scala-Demby, Zoning Manager for DPS, testified that she was familiar with the subject Property and with Building Permit No. 545156. She testified that that Permit had been revised to move the accessory structure behind the Intervenor's house. She testified that the site plan at Exhibit 9, page A3 (with a revision date of April 13, 2011) was submitted with the application for the building permit revision, found at Exhibit 9, page A1. Ms. Scala-Demby testified that the relocation was approved by DPS. She testified that DPS looked at this very carefully in granting its approval of the revised permit. She testified that the Zoning Ordinance addresses many different types of lots. In concluding that the subject Property was a "corner lot," she noted that the Zoning Ordinance says that a "corner lot" abuts on 2 or more streets, and that the interior angle at the intersection of those streets does not exceed 135 degrees. Ms. Scala-Demby testified that while the subject Property abuts only one named street, it does curve so as to create a corner, with an interior angle of 130 degrees. She concluded therefore that this lot was equivalent to a corner lot with two different named streets. See Exhibit 10(a), page 20. She testified that the definition of corner lot does not require that the street changes name.

Ms. Scala-Demby testified that she had visited the subject Property and that the survey at Exhibit 10(a), page 20, is a fair representation of the conditions at the site, and that it shows the turn in the street that DPS views as a corner. She testified that she is familiar with the development standards for corner lots set forth in Section 59-C-1.326(b) of the Zoning Ordinance, including the street line setbacks for accessory structures on corner lots. She testified that in the R-60 zone, Section 59-C-1.326(b)(3) requires that accessory structures be set back 15 feet from side streets if there is no residentially zoned lot on the side street with frontage on the side street in the same block and on the same side of the street, which she testified there was not. Ms. Scala-Demby testified that Mr. Allen had measured the distance from the accessory structure to the street for her, and that the accessory structure was set back 23 feet from the road.

Ms. Scala-Demby testified that the roof overhang of the accessory structure, shown on Exhibit 9, page A3, is shown as being three feet, and that per Section 59-B-3.3 of the Zoning Ordinance, the maximum overhang permitted is 30 inches. She testified that she had talked with Mr. Allen about this, and that he had agreed to modify the eaves to meet the Ordinance requirement. She testified that the roof was not installed when she visited the Property.

On cross-examination, Ms. Scala-Demby was asked to review the building permit application at Exhibit 9, page A1, against the DPS publication entitled "Zoning Review/Site Plan Requirements One Story Additions, Decks & Sheds," in the record at Exhibit 13. Ms. Scala-Demby testified that as required by Exhibit 13, the site plan in the record at Exhibit 9, page A3, did have a scale. When asked if the scale was accurate, she testified that she had not personally checked it, but that her staff would have checked it. She testified that the copy of the site plan in the record is just that – a copy – and that copying changes scale. She said that she did not have a full-size copy. When asked if the site plan shows the property lines, as required by Exhibit 13, Ms. Scala-Demby testified that this Property does not have property lines per se, but that the site plan does show some lines, including streets and existing and proposed structures. She testified that she cannot tell the dimensions by scale on the version of the site plan that is in the record (because it has been photocopied), and that the site plan does not show the height of the proposed structure. She testified in response to questioning that the "height" originally entered on the building permit application had been crossed out, that the Zoning Ordinance did limit height, and that you cannot tell the height of the accessory structure from the submissions. See Exhibit 9, page A1. When asked if the site plan showed the setbacks for the accessory structure, Ms. Scala-Demby testified that it showed that the accessory structure was 5 feet from the rear line, but that it didn't show how far it was setback from the front.

Ms. Scala-Demby was asked on cross-examination whether she was familiar with Chapter 8, Article III of the County Code, entitled "Permits." She replied that she was generally familiar with that Article. When told that Section 8-24(f)(2) requires that the names and widths of abutting streets be shown on the site plan, and asked if the site plan submitted in connection with this building permit complied with that requirement, Ms. Scala-Demby testified that the site plan showed the name of the abutting street. When asked if the front and rear yard widths were shown on the site plan, as required by Section 8-24(f)(5), Ms. Scala-Demby said no. When asked if the setback from the street was shown on the site plan, Ms. Scala-Demby said no, but added that the setback from the rear of the Property was shown.

When asked on cross-examination if the eaves and roof for the accessory structure were shown on the application for the original building permit, Ms. Scala-Demby testified that she did not know if the original building permit had a roof. When asked, if the roof were new, if that would also be a revision to the building permit, Ms. Scala-Demby replied in the affirmative, and when asked if this could increase the height of the accessory structure, Ms. Scala-Demby testified that that was possible.

In response to questioning on cross-examination, Ms. Scala-Demby testified once again that she viewed the Property as a corner lot abutting a street whose name did not change. When asked if she viewed the end of Thorne Road functionally as a cul-de-sac, Ms. Scala-Demby testified that the road ended, but that she didn't know if it functioned as a cul-de-sac. When asked if Thorne Road got wider at its terminus, Ms. Scala-Demby testified that it did. See Exhibit 14. When asked if there was a house at 7 Thorne Road, Ms. Scala-Demby replied that there was. When asked if her view that the subject Property is a corner lot would change if there were a vacant property between 6 Thorne Road and 7 Thorne Road, which was proffered to be a vacant parcel called 9 Thorne Road, Ms. Scala-Demby testified that it would not.

When asked if Exhibit 15, a DPS diagram entitled "Minimum Setback Requirements – Lot with No Side Yards," depicts a situation where a street wraps around a property, Ms. Scala-Demby testified that it did. When asked if such a property could be considered a corner lot, Ms. Scala-Demby testified that she would have to look at the property in relation to others around it, but that the bottom of Exhibit 15 states that such a lot is not a corner lot. In response to questioning, Ms. Scala-Demby testified that different setbacks for accessory structures would apply to such a lot than would apply to a corner lot. She went on to testify that per Section 59-C-1.326(a)(3)(A) of the Zoning Ordinance, an accessory structure on such a lot would need to set back 60 feet from the street line in the R-60 zone. See Exhibit 16. When asked, in looking at the site plan in the record at Exhibit 9, page A3, if she could identify the distance between the accessory structure and the nearest street line, Ms. Scala-Demby stated that the Zoning Ordinance doesn't say the "nearest" street line, and testified that the accessory structure is set back the required 60 feet from the Thorne Road street line at the front of the Property. When asked why she thought that the reference to street line meant the front street line, Ms. Scala-Demby testified that she assumed the intent was to refer to the front, since the Ordinance contained separate setback requirements from the side and rear. At the request of Counsel, Ms. Scala-Demby read the Zoning Ordinance definition of "street line" into the record, and testified that the definition is not limited to the front of the property. See Exhibit 16.

When asked by the Intervenor if there was a provision in the County Code which said that structural drawings were not required for sheds under 200 square feet, Ms. Scala-Demby stated that that was not a zoning issue but rather a building code matter. When asked by Counsel for the Appellant if the application for a residential building permit asked for the height of the proposed building, Ms. Scala-Demby testified that it did. When asked if Chapter 8 of the County Code also requested height for a building permit, Ms. Scala-Demby testified that she did not know.

In response to a question from Counsel for the County, Ms. Scala-Demby testified that Section 59-G-4.21 of the Zoning Ordinance applied to this Property. See Exhibit 17. When asked if there was anything in that Section that would apply to any development of the proffered parcel 9 Thorne Road, Ms. Scala-Demby testified that Section 59-G-4.21 states that the number of dwelling units in the housing project must not be increased, which she said suggested that no additional houses could be built. When asked by the

Board if there was any indication that Section 59-G-4.21 was the basis for the approval of this permit revision, Ms. Scala-Demby replied that there was not. When asked how the approval of a revision to a building permit is evidenced, Ms. Scala-Demby testified that the site plan would bear a stamp showing the date of the revision and the person who reviewed it.

In response to further questioning from the Board, Ms. Scala-Demby testified, using the full-sized site plan that was submitted with the approved permit (provided at the hearing by the Intervenor) that the accessory structure was 20 feet long, and that the distance from the northwest corner of that structure to the front property line was 75 feet. See Exhibit 18. She further testified that the northwest corner of the accessory structure was located 23 feet from the nearest point of the dashed Property line. She highlighted the front property line in pink on Exhibit 18, and marked the point of measurement with an "X." When asked by Counsel for the Appellant why she picked this particular point, Ms. Scala-Demby testified that she simply took the line straight up from the accessory structure, and that she could have taken any point. When asked by Counsel for the Appellant to mark the east-west delineation of the front yard in yellow on Exhibit 18, Ms. Scala Demby did so. When asked to measure the distance from the northwest corner of the accessory structure to the point where the front yard line, marked in yellow, intersected the street, Ms. Scala-Demby testified that the distance was 55 feet. Counsel for the County made clear, in response to a Board question, that this was where the "front yard" intersected the street, but that the street had turned prior, and the County considered the street a "side street" at that point.

5. Ms. Maureen McNulty testified that she resides at 7 Thorne Road. She testified that she was familiar with the accessory structure, and that based on her observations, it was located less than 60 feet from the nearest street line. She testified that she was a member of the Cabin John Gardens cooperative and that Lot 9/9 Thorne Road has been up for discussion at the membership meetings for a long time, and that it is sometimes referred to as a common area. She testified that if it were added, lot 9 would be located between 6 Thorne Road and 7 Thorne Road, around the cul-de-sac. She testified that an additional lot would mean an additional membership and more money for the corporation. She testified that there are procedures that would have to be followed if lot 9 were to be developed, including going before the County Council, at which point, pursuant to an objection from Counsel for the County, all of the testimony related to lot 9 was struck as being speculative.

6. Mr. John Allen testified that because there are no real property lines in Cabin John Gardens, the property lines and street lines shown on Exhibit 10(a), page 18, and other maps are not as well defined as they might be in other areas.

Mr. Allen testified that the shed has always been behind his house, but that the Board of Cabin John Gardens had asked that he relocate it from the finger-shaped area of his property to the rear corner.

When asked by the Board if he had a permit when he first placed the sea container on his property, Mr. Allen testified that when the structure first arrived, he intended to use it to store materials used for the construction of his house. He then testified that eight or ten months later, after his house was completed, he sought a permit to retain the structure for use as a shed.

Mr. Allen testified that he had applied for the original building permit, and that he was not sure why the height of the shed was crossed out. He testified that the original building permit did not show the same roofline as the roofline depicted on the drawings submitted with the revised permit, and that this was a modification to the original approval. Mr. Allen testified in response to questioning that he was not sure if there were other improvements on his Property that were not shown on the site plan when he applied for the permit revision because he was constantly working on the house. Mr. Allen testified in response to questioning that the shed was eight feet in height, and that he would like to add a green roof, for a total of 12' or 13' at the peak (one foot for the structure, two or three feet for plants). He testified that at present, the shed does not have a roof. Finally, he testified that he would reduce the width of the eaves to no more than two and one half feet, to comply with the Zoning Ordinance.

7. Mr. Mark Smith testified on behalf of the Intervenors. Mr. Smith is the President of Cabin John Gardens Inc. Mr. Smith testified that the need to revise the original building permit for the shed became apparent when Mr. Allen applied for approval of a fence on December 6, 2010. He testified that the revision was necessary because the area of the cul-de-sac [where the shed was originally located] imposed on the neighbors and therefore was not appropriate for a shed. He testified that Cabin John Gardens tried to balance Mr. Allen's need for a shed with the needs of others in the community. He testified that they asked Mr. Allen to move the shed further to the east, and that Mr. Allen took their guidance regarding the new placement of the shed and followed it to the best of his ability.

Regarding the process for permit approval in Cabin John Gardens, Mr. Smith testified that Mr. Allen's revised permit required approval from Cabin John Gardens and the County. With respect to approval by Cabin John Gardens, Mr. Smith testified that Mr. Allen first had to submit a yard improvement form, and then a neighbor input form. He testified that the Board of Cabin John Gardens then used this information to reach their decision to approve the shed's new location. Mr. Smith testified that the Board can veto a project, but that the Bylaws do not give a lot of guidance regarding denials.

Mr. Smith testified that if the County's R-60 development standards were strictly applied in Cabin John Gardens, a large percentage of its residents would not be able to add on to their houses or have accessory structures, adding that the R-60 zoning standards were not taken into account when Cabin John Gardens was laid out by the Navy. When asked on cross-examination if he was saying that if the Zoning Ordinance were strictly applied in Cabin John Gardens that many structures could not meet the standards set forth in the Ordinance, Mr. Smith confirmed that that was the case, and that if those structures were torn down, they could not be replaced. Mr. Smith then read Section 59-G-4.21 of

the Zoning Ordinance into the record, which grandfathers these structures and which, Mr. Smith testified, allows for some repairs, alterations and additions.

When asked on cross-examination to explain how the property boundaries were defined in Cabin John Gardens, Mr. Smith testified that Cabin John Gardens has "reserved use boundaries," not lots. He testified that a member's reserved use boundary was essentially his yard, but that the Corporation actually owns the land. He testified that 99% of the side yards are demarcated by fences because the community has no plat with which to work. Mr. Smith testified that after two Commission on Common Ownership Communities complaints, Cabin John Gardens realized that fences don't work to define front yard boundaries, and as a result they now use the pavement (street) to mark the front of a reserved use area, and fences for the rest.

When asked on cross-examination if construction in Cabin John Gardens had to comply with the setbacks set forth in the Zoning Ordinance, Mr. Smith testified that Cabin John Gardens is challenged when it comes to zoning, and has to use the County Zoning Ordinance as their "backstop." He later clarified in response to a Board question that Cabin John Gardens tries to maintain an awareness of the County's zoning standards when they issue their approvals. He added that Cabin John Gardens will not approve something that they know violates the zoning standards. When asked if he has to look at the Zoning Ordinance, he testified that they choose to look at it but don't have to, under their bylaws. He testified that the community has no zoning authority. He testified that they issue home/yard modification approvals but not building permits, which he testified come from DPS. Mr. Smith testified that Cabin John Gardens is often concerned that the County misunderstands the nature of their community. He testified that there have been instances where the County has used the perimeter of the Cabin John Gardens community [because it is a single lot] to determine setbacks, and that they have had to tell County officials to use the reserved use boundaries. He testified that they try to come up with a balanced approach to allow people to have their additions.

When asked on cross examination to show the Board where the common area was between 6 and 7 Thorne Road, Mr. Smith indicated that it was west of Mr. Allen's reserved use boundary and south of Ms. McNulty's reserved use boundary. He testified that the land between reserved use boundaries is maintained by the corporation. When asked if Thorne Road could be extended, Mr. Smith testified that it could not because it would take Mr. Allen's reserved use boundary. When asked if there was a fence along the western side of Mr. Allen's reserved use boundary, Mr. Smith testified that the boundary is currently marked by a line of four-by-fours/railroad ties on the ground. He testified that Ms. McNulty's reserved use boundary is marked by two colored metal spikes in the ground, and that he would be using the same to mark Mr. Allen's area.

When asked by the Board if the document in the record entitled "Standard Procedures for Members Modifying a Home or Yard, April 2005" was created by the corporation, Mr. Smith testified that it was. See Exhibit 10(a), pages 42-45. When asked if this document set forth the procedures that were in effect when Mr. Allen requested his approval, Mr. Smith testified that he believed the procedures were more stringent now

than those listed on the exhibit in the record because now other residents are required to initial the construction drawings to make the process more robust. When asked what the basis was for the statement on page 2 of that document which says “Please note that Montgomery County setback codes do not apply to our neighborhood,” Mr. Smith testified that that statement says that the reserved use boundaries in the Cabin John Gardens cooperative are not hard and fast, but that they try to apply the R-60 guidelines. See Exhibit 10(a), page 43. He went on to restate this, saying that if the streets and fences were real plat lines, the Board would try to comport with the R-60 boundaries to the best of their understanding. He then testified that the Board felt that the location of Mr. Allen’s shed met the R-60 guidelines because it was five feet from the fence line. When asked if he had considered Mr. Allen’s property to be a corner lot when determining the appropriate location for the shed, Mr. Smith testified that Mr. Allen had told him that DPS viewed it that way, but that he did not understand the provisions for corner lots well enough to apply them.

**CONCLUSIONS OF LAW**

1. Section 2-112(c) of the Montgomery County Code provides the Board of Appeals with appellate jurisdiction over appeals taken under specified sections and chapters of the Montgomery County Code, including Section 8-23.

2. Section 2A-2(d) of the Montgomery County Code provides that the provisions in Chapter 2A govern appeals and petitions charging error in the grant or denial of any permit or license or from any order of any department or agency of the County government, exclusive of variances and special exceptions, appealable to the County Board of Appeals, as set forth in Section 2-112, Article V, Chapter 2, as amended, or the Montgomery County Zoning Ordinance or any other law, ordinance or regulation providing for an appeal to said board from an adverse governmental action.

3. Section 8-23(a) of the County Code provides that “[a]ny person aggrieved by the issuance, denial, renewal, or revocation of a permit or any other decision or order of the Department under this Chapter may appeal to the County Board of Appeals within 30 days after the permit is issued, denied, renewed, or revoked, or the order or decision is issued.”

4. Section 59-A-2.1 of the Zoning Ordinance provides the following definitions:

Lot, corner: A lot abutting on 2 or more streets at their intersection, where the interior angle of the intersection does not exceed 135 degrees.

\* \* \* \* \*

Street line: A line defining the edge of a street right-of-way and separating the street from abutting property or lots. If on a master plan of streets and highways duly adopted by the commission, a street is scheduled for future widening, the proposed right-of-way line shown on the master plan shall be the street line.

\* \* \* \* \*

5. Section 59-B-3.3(a) of the Zoning Ordinance provides that cornices and eaves can project a maximum of 2 ½ feet, as follows:

Sec. 59-B-3.3. Cornices, eaves, outside stairways, chimneys, air conditioners and heat pumps.

(a) Cornices and eaves may project 2 ½ feet or less over any court or yard, but such projection shall be not less than 2 feet from the vertical plane of any lot line. Where a wall is located on a lot line, such projections may extend across the lot line in accordance with provisions contained in section 50-20 of the subdivision regulations concerning limitations on issuance of building permits.

6. Sections 59-C-1.326(a)(3)(A), (B) and (C) provide that for all lots, an accessory building or structure in the R-60 zone must be setback back from the lot lines a minimum of 60 feet from the street line, 5 feet from a rear lot line, and 5 feet from a side lot line.

7. Paragraph (1) of Section 59-C-1.326(b), pertaining to setbacks from streets for corner lots, provides that an accessory building or structure must not be closer to a street line than a main building as established in 59-C-1.323 and "as listed below." Paragraph (3) of that Section provides that "if there is no residentially zoned lot on the side street with frontage on the side street in the same block and on the same side of the street, the setback from the side street line is" 15 feet in the R-60 zone.

8. The Board finds that the subject Property does not meet the Zoning Ordinance definition of corner lot, despite having an interior angle that does not exceed 135 degrees, because by definition a corner lot abuts "2 or more streets at their intersection," and the subject Property abuts only one street, Thorne Road. The Board is not persuaded by the County's argument that the subject Property should be viewed as a corner lot because the sharp bend in Thorne Road renders the shape of the subject Property more akin to a corner lot than to an interior lot. The Board notes that on cross examination, Ms. Scala-Demby acknowledged that some lots are effectively "wrapped" by a street as shown in the DPS diagram at Exhibit 15, and that while Ms. Scala-Demby stated that she would have to look at the facts to determine if such a lot were a corner lot, she acknowledged that Exhibit 15 states that such a lot is not a corner lot. The Board also notes that Ms. Scala-Demby testified that instead of the setbacks for accessory structures on corner lots, the setbacks in Section 59-C-1.326(a)(3)(A) would apply to an accessory structure on such a lot, and, in the R-60 zone, would require that the structure be set back 60 feet from the street line.

9. Having determined that the subject Property is not a corner lot and in light of the testimony of Ms. Scala-Demby, the Board finds that the accessory structure on this Property must meet the setbacks set forth in Section 59-C-1.326(a)(3) of the Zoning Ordinance, including the 60 foot setback from the street line mandated by Section 59-C-1.326(a)(3)(A). The Board finds that the accessory structure is only set back 23 feet from the street, per the testimony of Ms. Scala-Demby. See Exhibit 18. The Board finds that

Ms. McNulty also testified that the structure did not appear to her to be set back 60 feet from the street.

10. The Board finds based on the testimony of Ms. Scala-Demby and Mr. Allen that the eaves proposed for the accessory structure would have exceeded the 2 ½ foot overhang permitted by Section 59-B-3.3(a) of the Zoning Ordinance. The Board further finds, pursuant to the testimony of Ms. Scala-Demby and Mr. Allen, that Mr. Allen has indicated that he will reduce the projection of the eaves to no more than 2 ½ feet, thus bringing them into compliance with the Zoning Ordinance.

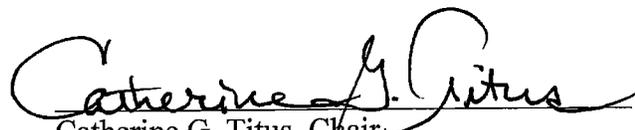
11. The Board finds based on the testimony of Ms. Scala-Demby that the application for the permit revision did not set forth the height of the accessory structure, as required by DPS' "Zoning Review/Site Plan Requirements," in the record at Exhibit 13. The Board credits the testimony of Mr. Allen that the height of the structure was about 8 feet, and that with a green roof, it would be about 12 or 13 feet high, which is well under the height restrictions for accessory structures in the R-60 zone. The Board notes that while it would appear that the roofing details were new to the permit revision, the primary purpose of this permit revision was to reflect the new location of the accessory structure.

12. For the reasons stated herein, most particularly in paragraphs 8 and 9, the Board finds that DPS has not shown by a preponderance of the evidence that the revisions to Building Permit No. 545156 were correctly approved; the revised permit should therefore be revoked.

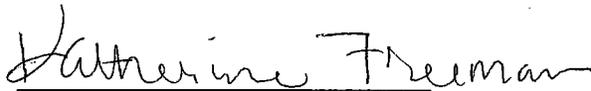
13. The appeal in Case A-6344 is therefore **GRANTED**.

On a motion by Vice Chair David K. Perdue, seconded by Member Walter S. Booth, with Member Carolyn J. Shawaker in agreement, and with Chair Catherine G. Titus and Member Stanley B. Boyd opposed, the Board voted 3 to 2 to grant the appeal, and 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 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 27<sup>th</sup> day of October, 2011.



Katherine Freeman  
Executive Director

NOTE:

Any request for rehearing or reconsideration must be filed within ten (10) days after the date the Opinion is mailed and entered in the Opinion Book (see Section 2A-10(f) of the County Code).

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 (see Section 2-114 of the County Code).

