

**BOARD OF APPEALS
for
MONTGOMERY COUNTY**

Stella B. Werner Council Office Building
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Rockville, Maryland 20850
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<http://www.montgomerycountymd.gov/boa/>

Case No. A-6863

APPEAL OF JUSTIN HUGHES

**RESOLUTION TO DISMISS APPEAL
AND REFUND FILING FEE**

(Resolution Adopted April 17, 2024)
(Effective Date of Resolution: May 3, 2024)

Case No. A-6863 is an administrative appeal filed on March 15, 2024 in which Justin Hughes (the "Appellant") charges administrative error on the part of the Montgomery County Department of Permitting Services ("DPS") in its extension of Building Permit No. 1005945. See Exhibit 1. Building Permit No. 1005945 was originally issued for the property located at 6701 Glen Oak Court, Rockville, Maryland 20855 on October 19, 2022, and expired on October 19, 2023. See Exhibit 3(c). The expiration date for the permit was then extended to August 14, 2024. See Exhibit 3(b). After the filing of this appeal, DPS voided Building Permit No. 1005945, and any extension past the permit's expiration date was invalidated/rescinded. See Exhibit 6.

The Board of Appeals considered the voiding of the permit and the invalidation of the extension of the permit at its Worksession on April 17, 2024. Rule 2.3(c) of the Board of Appeals Rules of Procedure (Resolution No. 17-1223, adopted October 7, 2014) gives the Board authority to refund the filing fee in an administrative appeal "if an action of the County Executive, County Council or an administrative board or agency resolves or moots the issues pending before the Board, whether or not the Board has held a public hearing."

The Board finds that DPS's invalidation of the extension of Building Permit No. 1005945 moots the issue in this appeal, which was an appeal of the extension of Building Permit No. 1005945. Therefore, on a motion by John H. Pentecost, Chair, seconded by Richard Melnick, Vice Chair, with Caryn Hines, Alan Sternstein, and Amit K. Sharma in agreement:

BE IT RESOLVED by the Board of Appeals for Montgomery County, Maryland that Case No. A-6863, Appeal of Justin Hughes, is dismissed as moot; and

BE IT FURTHER RESOLVED by the Board of Appeals for Montgomery County, Maryland that the filing fee for this administrative appeal shall be refunded to the Appellant.



John H. Pentecost
Chair, Montgomery County Board of Appeals

Entered in the Opinion Book
of the Board of Appeals for
Montgomery County, Maryland
this 3rd day of May, 2024.



Barbara Jay
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).