

**Before the  
Commission on Common Ownership Communities**

June 27, 1994

In the Matter of	x	
Isabella Quakyi, Owner	x	
10309 Montrose Avenue	x	
Bethesda, Maryland 20814	x	
	x	
Complainant	x	
	x	Case 206-O
Vs.	x	
	x	
Parkside Condominium, Inc.	x	
Carmine J. Capozzola, President	x	
Board of Directors	x	
10520 Montrose Avenue	x	
Bethesda, Maryland 20814	x	
	x	
Respondent	x	

**DECISION AND ORDER**

The above-captioned case having come before the Commission on Common Ownership Communities for Montgomery County, Maryland, pursuant to Sections 10B-5(i), 10B-9(a), 10B-10, 10B-11(e), 10B-12, and 10B-13 of the Montgomery County Code, 1984, as amended, and the Commission having considered the testimony and evidence of record, it is therefore this 27th day of June, 1994, found, determined and ordered as follows:

On November 12, 1992, Isabella Quakyi, owner of 10309 Montrose Avenue, Bethesda, Maryland (hereinafter the "Complainant"), filed a formal dispute with the Office of Common Ownership Communities. The Complainant alleged that the Board of Directors, Parkside Condominium, Inc. (hereinafter the "Respondent"), improperly found the storage of a washer and dryer in her unit to be in violation of Article VII, Section B of the Parkside Condominium Rules and Regulations. The Complainant further alleged that the Respondent improperly denied her request for an exception to the Rules and Regulations which prohibit laundry equipment in the units.

The Respondent contends that the Complainant is in violation of Article VII, Section B of the Rules and Regulations which prohibit laundry equipment in the units.

Inasmuch as the matter was not resolved through mediation, this dispute was presented to the Commission on Common Ownership Communities for action pursuant to Section 10B-11(e). On May 18, 1994, the Commission conducted a public hearing in this cause before a panel consisting of Commissioners, Pat Huson, Anne Mehler, and Panel Chair, Jonathan Bromberg.

### FINDINGS OF FACT

Based on the stipulations of the parties and the testimony and evidence of record, the Commission makes the following findings:

1. The Complainant is the owner of unit 101 at 10309 Montrose Avenue, Bethesda, Maryland 20814, a unit within Parkside Condominium.
2. Parkside Condominium is a community consisting of 954 units.
3. The plumbing system and equipment in the Parkside Condominium are not designed for or capable of supporting in-unit laundry equipment, and are susceptible to a condition called "cross-over", which poses a danger to the unit owners from unexpectedly hot water resulting from fluctuations in the water supply during use of laundry equipment.
4. Article VII, Section B of the Parkside Condominium Rules and Regulations in effect from 1985 to the present particularly provides that "Privately owned clothes washers/dryers are not allowed in the units."
5. By correspondence dated November 18, 1985, the Complainant was notified by the Respondent that having a washer and dryer in her unit was in violation of the Parkside Condominium Rules and Regulations.
6. By correspondence dated December 1, 1985, the Complainant advised the Board that the washer and dryer in her unit were inoperable and would be enclosed in order to add additional counter space, and further that she preferred to store the equipment in her unit rather than in an unsecured storage area provided by the Respondent.
7. By correspondence dated February 21, 1992, the Complainant was notified by the Respondent that the Parkside Condominium Rules and Regulations prohibit laundry equipment in the units, and she was requested to abate the violation within 15 days.
8. By correspondence dated March 7, 1992, the Complainant advised the Board that the laundry machines serve only as counter space and are non-functional as laundry equipment. The Complainant further stated that she had not enclosed the washer and dryer units.
9. Minutes from a special Board meeting on October 22, 1992, reveal that the Board found the Complainant to be in violation of Article VII, Section B of the Parkside Condominium Rules and Regulations for failing to remove laundry equipment from her unit. The Board imposed a fine of \$5.00 a day until the equipment was removed.
10. By correspondence dated November 5, 1992, the Complainant was notified that the Board denied her request for an exception to the Parkside Condominium Rules and Regulations.
11. Complainant testified that she does not use the washer and dryer in her unit but, rather, uses the community laundry facilities provided by Parkside Condominium.

12. No evidence was presented to indicate that the washer and dryer, if connected to sources of water and electricity, are incapable of being used for their intended functions.

13. As of the date of the Hearing, the washer and dryer were still located in Complainant's unit.

### CONCLUSIONS OF LAW

Accordingly, the Commission concludes based upon a preponderance of the evidence, that:

1. Respondent's rule prohibiting in-unit washers and dryers is reasonable in light of the circumstances at the Parkside Condominium, because the plumbing system cannot safely accommodate such equipment.

2. The application of the rule to washers and dryers not actively used is reasonable because the large number of units in the Condominium prohibits the Respondent from efficiently monitoring use of washers and dryers, which can be easily connected and disconnected to water and electricity sources.

3. The application of the rule to washers and dryers not actively used is reasonable furthermore because the Respondent provides alternative equipment for laundering and because the Respondent provides alternative space for storing privately owned equipment.

4. The Commission concludes that the Complainant's request to be exempted from the rule was properly rejected because her washer and dryer, although not in active use, have not been rendered so incapable of operation as to completely preclude their involvement in creation of the danger to which the rule is addressed.

5. The Commission concludes that the existence of the washer and dryer (whether or not actively used) within the Complainant's Condominium Unit violates the legitimately enacted Rule of Parkside Condominium.

6. Notwithstanding the above, the Commission concludes that the Complainant's belief that she was not in violation of the rule was in good faith, and that the passage of more than six years from the time the Respondent initially contacted the Complainant on this matter further contributed to her good faith belief that she was not in violation of the rule.

### ORDER

In view of the foregoing, and based on the evidence of record, the Commission orders that:

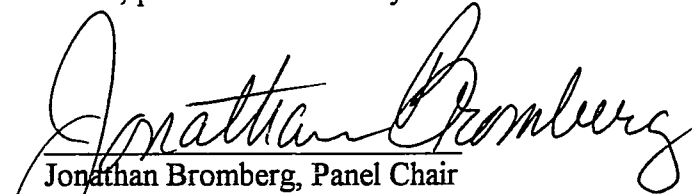
1. The Complainant shall remove the washer and dryer from her Condominium Unit within thirty (30) days of the date of this Order.

2. Should Complainant remove her washer and dryer within thirty (30) days of the date of the Order, she is not to pay any fine to Parkside Condominium.

3. Should Complainant fail to remove her washer and dryer from her Condominium Unit within thirty (30) days of the date of the Order, the fine imposed by Parkside Condominium shall accrue at the daily rate of \$5.00 per day from the date of this Order until the date the washer and dryer are removed from the Condominium Unit.

The foregoing was concurred in by panel members Huson, Mehler, and Bromberg.

Any party aggrieved by the action of the Commission may file an administrative appeal to the Circuit Court of Montgomery County, Maryland, within thirty (30) days from the date of this Order, pursuant to the Maryland Rules of Procedure governing administrative appeals.

  
Jonathan Bromberg, Panel Chair  
Commission on Common  
Ownership Communities