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Community Planning & Development Services

Received

April 26, 2022

PAM2022-00138

Background:

We are looking to continue use of previously approved SPX1993-00208. When we bought the house in 2017, per the agreement of SPX1993-00208 we had to disassemble the Accessory Apartment and re-apply for a permit to continue renting it. At the time we had evict the current tenants, a man, his wife and young daughter because we didn't have the financial means or time to re-apply for the permit.

We now have saved up some money to re-apply and make the needed safety renovations to rent it again. We will work with the city to get permits and make it nice for another renter. We are hoping we can provide housing for a single student, military couple or young professional.

1. The accessory apartment to 1117 Highwood Road is on the basement level. The house is 60 years old. According to the previous owner, Mohinder Singh, in his statement for SPX1993-00208, the Accessory apartment has common masonry wall around. It has a separate entrance to the main road from the main dwelling. The accessory apartment shares common hot and cold water, sewage and refuse facilities, common electricity (with separate panel) and shared national gas with separate cut off switch.
2. There is only one accessory apartment.
3. No other renters or boarders occupying any part of the residence.
4. There is parking off street for the combined occupants of the residence.
5. The main dwelling was constructed 60 years ago, the basement was completed in 1992.
6. The main residence has 3 entrances, one in the front, and one at each side. All separate from the accessory apartment.
7. The accessory apartment and the main dwelling share a common roof line and it appears to be part of the same structure. Structures are constructed of masonry block and have the same shingle color. Many visitors don't even realize that there is an apartment.
8. The property is compatible with surrounding properties.
9. Accessory apartment currently shows address 1117 Highwood Road for convenience of occupant and postal workers.
10. It is understood that no more than 3 adults will occupy the space. We plan to only have one.
11. As part of this special exception, we plan to add a closet, recess lighting, updated appliances to include refrigerator, stove and microwave. All modifications requiring permitting will be submitted to Rockville for approval and installed by the appropriate tradesmen.

Ownership requirements:

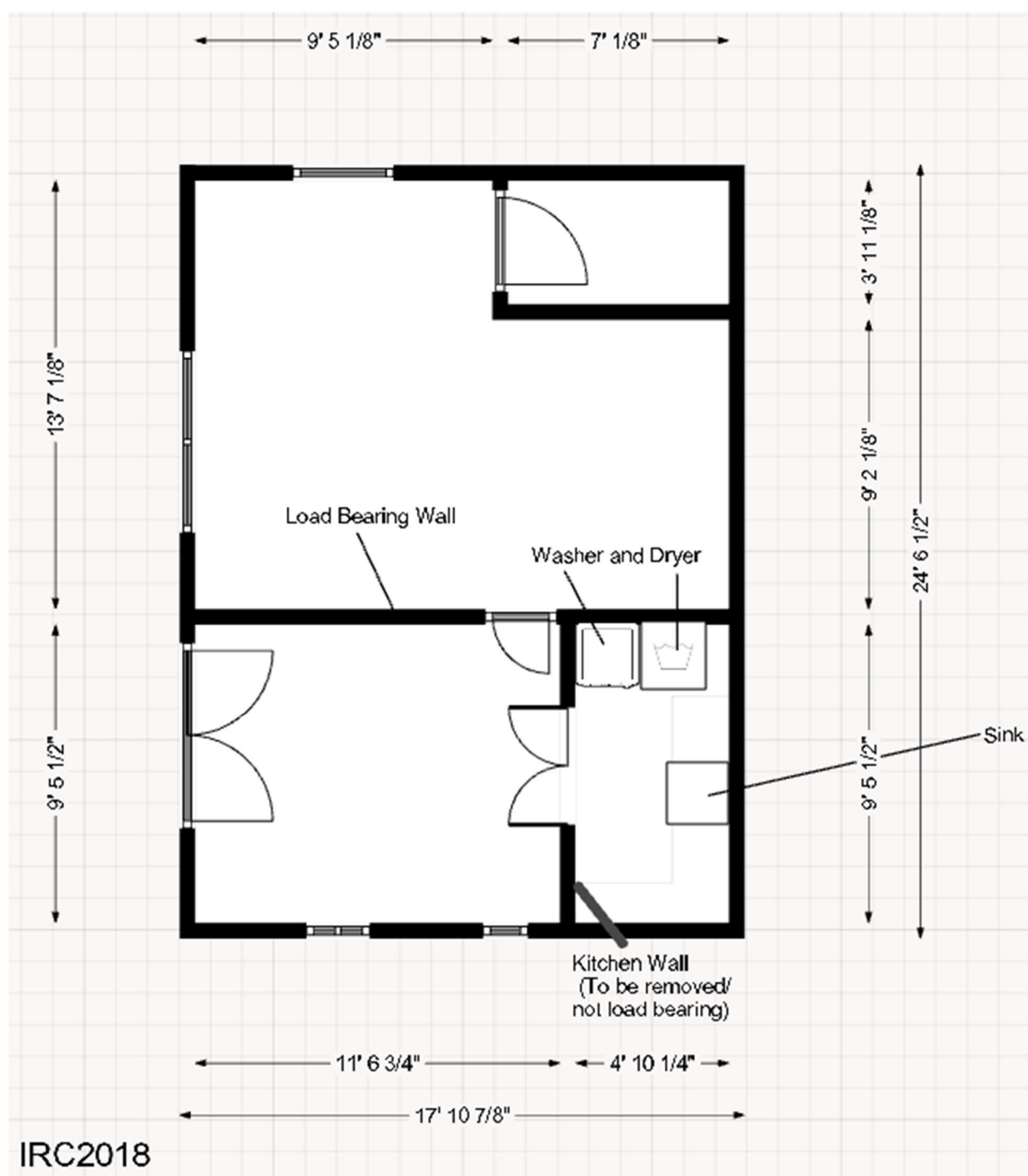
1. The main dwelling is our primary residence and we currently occupy it 12 months out of the year and have for over the last 4 years. We have mail going to this residence, pay all bills on time and are current on all utilities.
2. I am the owner of the property with my wife Michelle Durante.

Additional Findings:

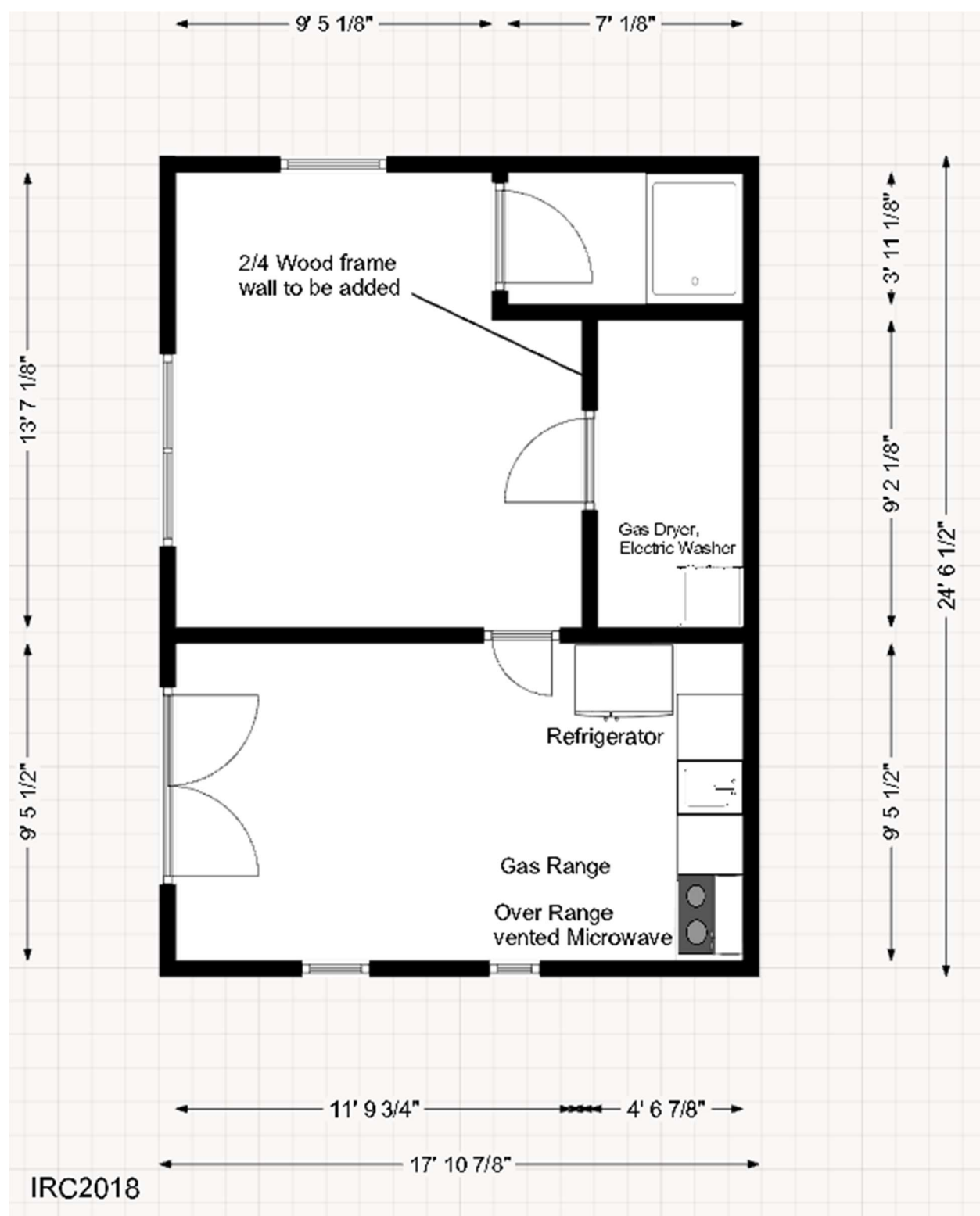
1. The accessory apartment previously did not result in a nuisance.

We have provided responses to Section 25.15.01 Special Exceptions and Sec. 25.15.02. - Additional requirements for certain special exceptions to help with the decision to approve this special exception.

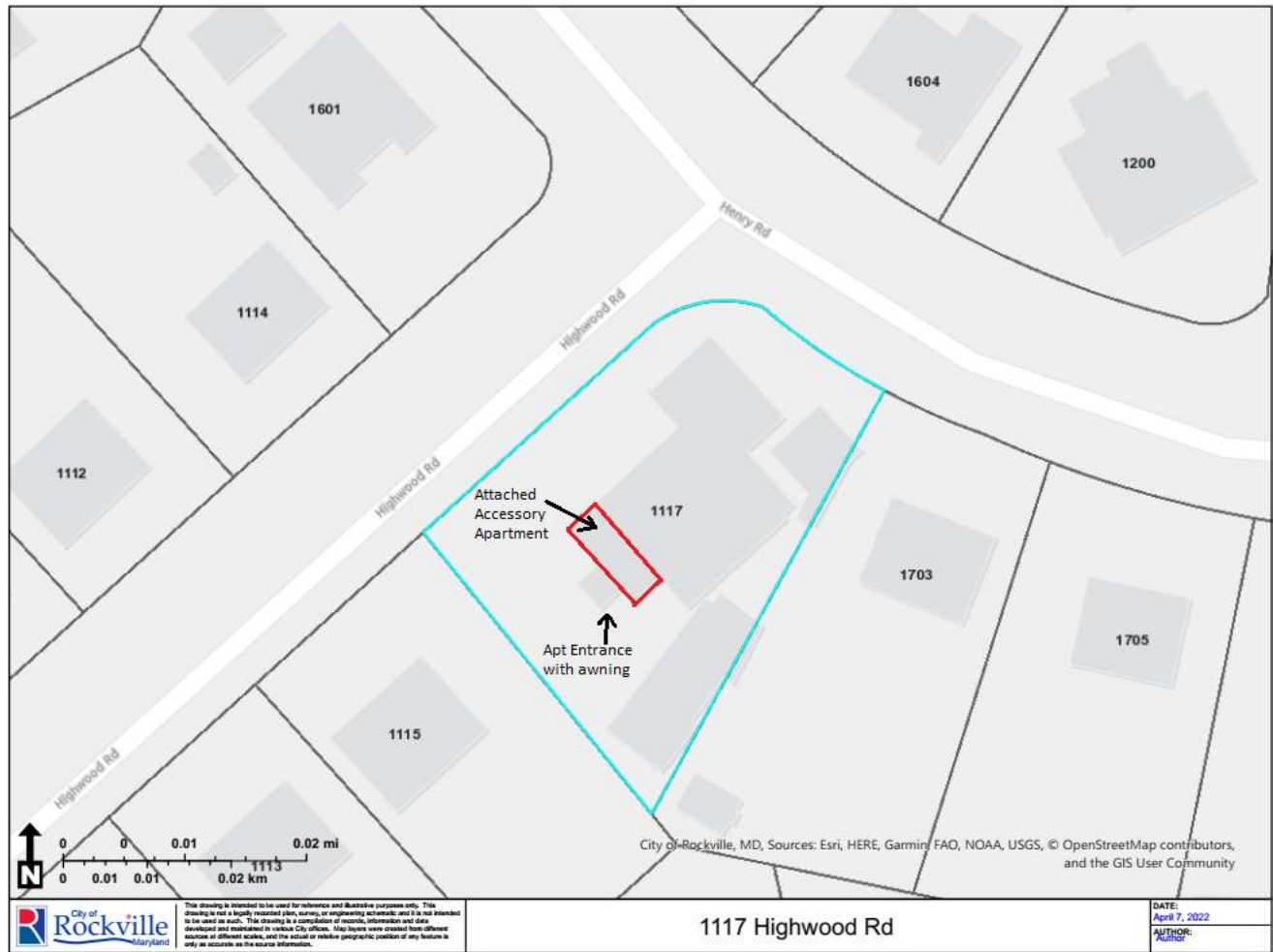
Before Layout Plans



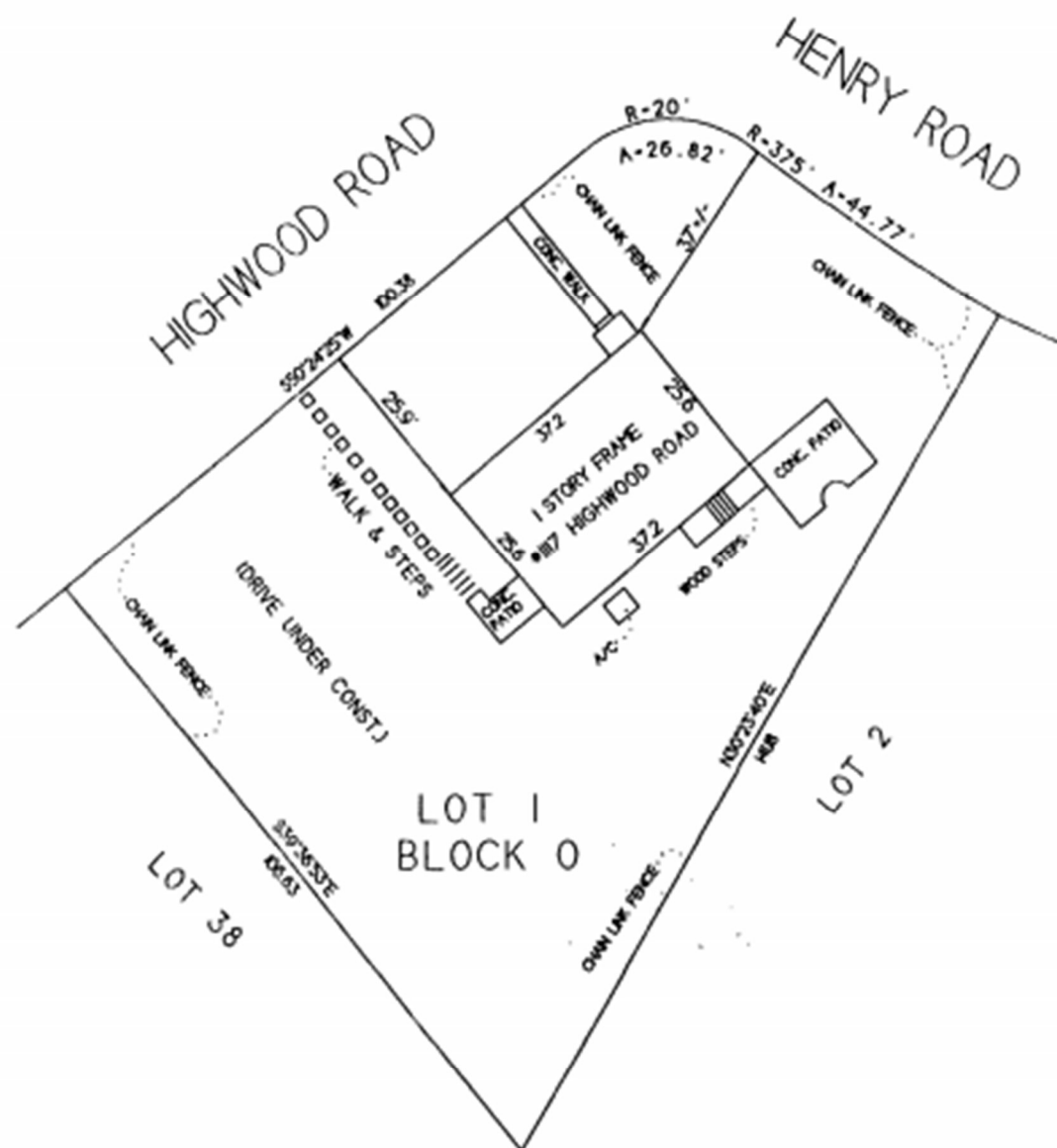
After Modification Layout Plans



Existing Plot, No Exterior Changes Planned







SURVEYOR'S CERTIFICATE

I hereby certify that the property indicated hereon is shown in accordance with the Subdivision Plat recorded in Plat Book 43 as Plat 3188; that the improvements have been located by acceptable field survey practices; and that all visible improvements are shown. The existence of property corner markers is not guaranteed by this survey. This lot is included on the Federal Emergency Management Agency's Flood Insurance Rate Map, Community Plan Number 240051-0004B and is indicated in Zone C (limited flood hazard).

June 12, 1993

John R. Witmer
JOHN R. WITMER
Professional Land Surveyor, MD No. 10668



HOUSE LOCATION PLAT

LOT 1, BLOCK 0

WARREN'S 2ND ADDITION

ROCKCREST

MONTGOMERY COUNTY, MARYLAND

SCALE 1"=30' JUNE, 1993

LANIER/WITMER ASSOCIATES

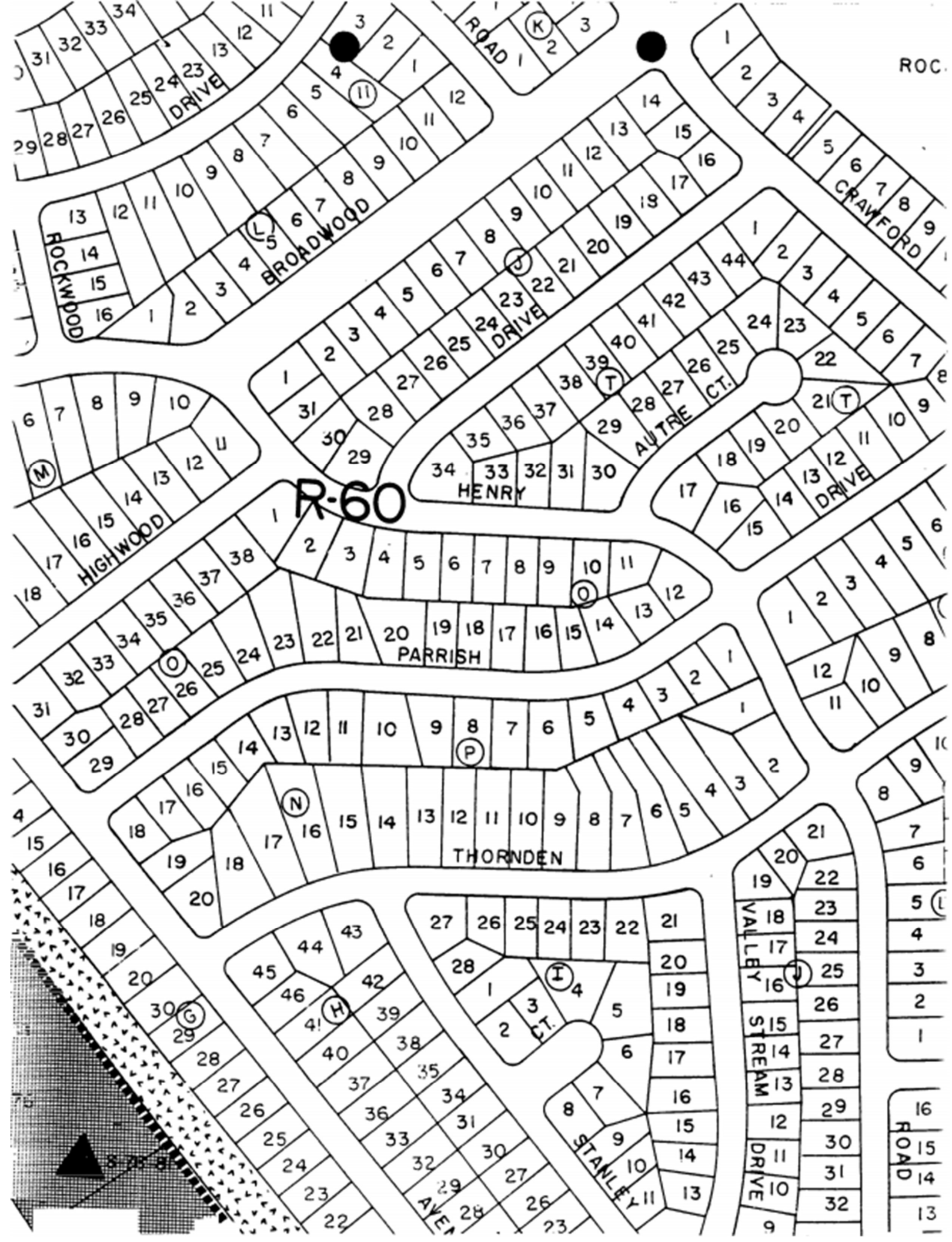
ENGINEERING • LAND SURVEYING • PLANNING

224 NORTH ADAMS STREET

ROCKVILLE, MARYLAND 20850

(301) 258-6730

L/WMA PROJECT NO. 93011



Responses to Sec. 25.15.01. - Special exceptions:

The proposed use at the location selected will not:

(i) Adversely affect the health and safety of residents or workers in the area;

- We have met with an inspector from Rockville for recommendations/requirements on safety in the Apartment. We will be getting permits and inspections for any new plumbing, electrical, framing and/or gas work to ensure that Rockville makes sure the work performed is up to safety standards. We will be upgrading existing smoke detectors in each room to be compliant with Maryland standards as well as include CO detectors at ground level in each room per recommendation by Rockville Volunteer Fire Department.

(ii) Overburden existing and programmed public facilities as provided in [article 20](#) of this chapter and as provided in the adopted adequate public facilities standards manual;

- Our current plan is to lease the apartment to no more than one adult at any given time to comply with not overburdening existing public facilities.

(iii) Be detrimental to the use or development of adjacent properties or the neighborhood;

- We will enforce Rockville quiet hours per the terms of our lease and ensure that tenants are aware that they must be respectful of adjacent properties. No additional exterior modifications are being made at this time that would affect property values or create an eyesore.

(iv) Change the character of the neighborhood in which the use is proposed considering services currently provided, population density, character, and number of similar uses; and

- Previously the apartment was rented to two adults and one child, no known issues were found during that time that they inhabited the apartment. No additional exterior modifications are being made at this time.

(v) Constitute a nuisance because of noise, traffic, number of people, or type of physical activity; and

- We will include Rockville noise laws as terms of our lease, plan to limit the residence to no more than 2 adults related to each other at any given time, provide instructions for parking only in front our residence or driveway. No additional exterior modifications are being made at this time.

The proposed use complies with all applicable requirements of this chapter, including, but not limited to, the special requirements contained in [section 25.15.02](#) and the general purposes of this chapter contained in [section 25.01.02](#).

3. Imposition of terms, conditions, and restrictions. The Board of Appeals may impose terms, conditions, and restrictions upon the grant of any special exception that are reasonably necessary to protect adjacent properties, the neighborhood, and the residents and workers in the vicinity. Compliance with all such terms, conditions, and restrictions are deemed to be continuing conditions imposed upon the grant of the special exception.

Response to Sec. 25.15.02. - Additional requirements for certain special exceptions.

a. Accessory apartments.

1. General requirements. Accessory apartments must:

(a) Be contained in the same building as a single unit detached dwelling; and

- Dwelling is contained within same footprint as main house.

(b) Contain facilities for:

(i) Cooking;

- We are requesting the ability to install a gas range with microwave vent to provide tenants the ability to cook and warm up food. Gas range to be installed by licensed plumber, permitted and inspected by Rockville.

(ii) Eating;

- Next to kitchen there will be space for an eating area.

(iii) Sanitation; and

- Kitchen will have sink to wash dishes and other items. Existing bathroom includes, shower, toilet and sink.

(iv) Sleeping.

- Space already includes separate bedroom sleeping area. Walk in closet with laundry to be added per plans.

2. Specific requirements.

(a) Limitation to one (1). Only one (1) accessory apartment may be created in, or attached to an existing single unit detached dwelling.

- Property will only have the one accessory apartment listed in this request.

(b) Lot requirements. Accessory apartments may only be created on a lot:

(i) Which is occupied by a family of related persons;

- This will be enforced by our lease agreements.

(ii) Which contains no other rental residential use;

- Does not apply to this lot.

(iii) Which does not contain rooms for rent or a boarding house; and

- Does not apply to this lot.

(iv) Which does not contain a major home-based business enterprise.

- Does not apply to this lot.

3. Ownership requirements. The owner of a lot on which an accessory apartment is located must occupy one (1) of the dwelling units, except for bona fide temporary absences not exceeding six (6) months in any 12-month period. The period of temporary absence may be increased by the Board at any time upon a finding that a hardship would otherwise result. Any request for an extension of the period of temporary absence made subsequent to the initial grant of the special exception must be made in compliance with the procedures for a minor modification of a condition of a special exception in subsection 25.15.01.b.(1).

- 1117 Highwood Road Rockville MD 20851 is our primary residence that we occupy more than 6 months out of a 12-month period. We have no plans to change this at this time and have lived at this residence for over 4 years now.

4. Development requirements.

(a) Both the main dwelling and the accessory apartment must comply with all current development standards, including off-street parking requirements.

- Driveway was expanded by previous owner and can accommodate 4 cars easily. Property also includes a two-car garage as well.

(b) No variance may be granted to accommodate an accessory apartment.

- Request does not include variance.

5. Design requirements.

(a) Separate entrance. Any separate entrance to the accessory apartment must be located so that the appearance of a single unit detached dwelling is preserved.

- The entry is to the right (Southwest) side of the property so as to limit visibility from the road.

(b) External modifications and improvements. All external modifications and improvements to the single-unit detached dwelling in which the accessory apartment is to be created, or to which it is to be added, must be compatible with the existing dwelling and surrounding properties.

- No external modifications will be completed at this time.

(c) Street address. The accessory apartment must have the same street address (house number) as the main dwelling.

- Apartment will have the same address as the house.

(d) Occupancy limitation. The accessory apartment must house no more than three (3) persons and must be subordinate to the main dwelling.

- We will make this a condition of our lease agreement.

6. Additional findings for special exception approval. The Board must make the following additional findings:

(a) That such use will not constitute a nuisance because of traffic or number of people, and will cause no objectionable noise, odors, or physical activity; and

- We plan to include this in the lease agreement to ensure tenants comply with these requirements.

(b) That such use will not adversely impact the parking or traffic situation in the neighborhood.

- We plan to include this in our rental agreement to restrict parking to in front of our house or in our driveway.

7. Additional restrictions for special exceptions. The following restrictions on special exceptions for accessory apartments apply:

(a) The owner must comply with the certification requirements of [chapter 5](#), article XII of the Code;

(b) The special exception is granted solely to the owner/applicant and does not run with the land;

- Exception requested due to this clause as we are the new owners and previous owner had this previously permitted.

(c) The special exception automatically expires when either of the following occurs:

(i) The owner/applicant sells the property on which the accessory apartment is located; or

(ii) The owner/applicant no longer occupies any portion of the single-unit dwelling in which the accessory apartment is located; and

(d) The accessory apartment must be removed, dismantled, or otherwise rendered inoperative within thirty (30) days of the expiration of the special exception.

- Will convey this to the new owners at such time as we will sell residence.

8. Additional conditions. The Board may impose additional conditions deemed necessary to protect and limit any adverse impact on adjacent properties and the neighborhood, including, but not limited to one (1) or more of the following:

(a) Restricting the number of people that may occupy the accessory apartment;

- Planning no more than 2 residences at this time, ideally only 1.

(b) Prohibiting rental of the accessory apartment;

(c) Limiting the total number of motor vehicles that may be parked on the lot; and/or

- Addressed in 6b

(d) Limiting the total number of vehicles that may be used and parked on-street by the occupants of both the accessory apartment and the main dwelling.

- Addressed in 6b