

**BOARD OF APPEALS  
for  
MONTGOMERY COUNTY**

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<http://www.montgomerycountymd.gov/content/council/boa/board.asp>

**Case No. A-5957**

**PETITION OF HARRY W. RIDGE, III**  
(Hearings held February 11 and 18, 2004)

**OPINION OF THE BOARD**  
(Effective date of Opinion, March 24, 2004)

This proceeding is a petition pursuant to Section 59-A-4.11(b) of the Zoning Ordinance (Chap. 59, Mont. Co. Code 1994, as amended) for a variance from Section 59-C-1.732(c)(2). The petitioner proposes to construct a one-story addition that requires an eight (8) foot variance as it is within twelve (12) feet of the rear lot line. The required setback is twenty (20) feet.

Harry W. Ridge, III and Bonnie Wienberg appeared at the public hearings.

The subject property is located at 10711 Seven Locks Road, Potomac, Maryland, 20854, in the RT 12.5 Zone (Tax Account No. 16100851147).

Decision of the Board: Requested variance **denied**.

**EVIDENCE PRESENTED TO THE BOARD**

1. The petitioner proposes to construct a 20 x 20 foot one-story garage addition in the southern side yard.
2. The petitioners testified that the property is an oddly-shaped lot, with an angled rear yard boundary. The petitioners testified that the topography of the lot is steeply-sloped in the front and rear yards and that the property's driveway is located at one of the steepest areas of the lot.
3. The petitioners testified that the proposed addition would be built on an existing parking pad and that to add new construction in other areas of the property would require the installation of a retaining wall. The petitioners testified that the garage would permit an easier and safer access to the residence during inclement weather and that the property backs up to and is surrounded by a townhouse development.

**FINDINGS OF THE BOARD**

Based upon the petitioners' binding testimony and the evidence of record, the Board finds that the variance must be denied. The requested variance does not comply with the applicable standards and requirements set forth in Section 59-G-3.1(a) as follows:

*(a) By reason of exceptional narrowness, shallowness, shape, topographical conditions, or other extraordinary situations or conditions peculiar to a specific parcel of property, the strict application of these regulations would result in peculiar or unusual practical difficulties to, or exceptional or undue hardship upon, the owner of such property.*

The Board finds that the while the topography on the petitioner's lot is steeply-sloped, this is a characteristic shared with the neighboring and adjoining properties. The Board further finds that the petitioner's property has no other exceptional conditions peculiar to the property and that new construction could be built on the property without the need for a variance.

*(b) Such variance is the minimum reasonably necessary to overcome the aforesaid exceptional conditions*

The Board finds that the requested variance for the construction of a one-story garage addition is not the minimum reasonably necessary.

The petition does not meet the requirements of Section 59-G-1.3(a) and (b) and the Board did not consider the other requirements in that section for the grant of a variance. Accordingly, the requested variance of eight (8) feet from the required twenty (20) foot rear lot line setback for the construction of a one-story garage addition is denied.

The Board adopted the following Resolution:

On a motion by Louise L. Mayer, seconded by Allison Ishihara Fultz, with Donna L. Barron and Angelo M. Caputo, in agreement, the Board adopted the following Resolution. Board Chairman Donald H. Spence, Jr., was necessarily absent and did not participate in this Resolution.

BE IT RESOLVED by the Board of Appeals for Montgomery County, Maryland, that the Opinion stated above is adopted as the Resolution required by law as its decision on the above entitled petition.

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

I do hereby certify that the foregoing  
Opinion was officially entered in the  
Opinion Book of the County Board of  
Appeals this 24th day of March, 2004.

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Katherine Freeman  
Executive Secretary to the Board

**NOTE:**

Any request for rehearing or reconsideration must be filed within fifteen (15) days after the date of 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.