BOARD OF APPEALS for MONTGOMERY COUNTY

100 Maryland Avenue, Suite 217 Rockville, MD 20850 (240) 777-6600 http://www.montgomerycountymd.gov/boa/

CASE NO. A-6891

PETITION OF DIANE AND CHRIS JACKSON

NOTICE OF HEARING

Please take notice that the Board of Appeals for Montgomery County, Maryland, will hold a public hearing in the Stella B. Werner Council Office Building Second Floor Davidson Memorial Hearing Room, at 100 Maryland Avenue, Rockville, Maryland, <u>on</u> <u>Wednesday, the 20th day of November, 2024, at 9:30 a.m.</u>, or as soon thereafter as this matter can be heard, on the application filed pursuant to Section 59.7.3.2.A of the Zoning Ordinance. As a property owner applying for the variance, you must attend the public hearing or have counsel appear on your behalf. If you have an architect, contractor, or engineer, they are welcome to appear and testify at the hearing, but can only do so if you or your attorney are present.

The construction of a single-story addition requires a variance of 5.50 feet as it is within 24.50 feet of the rear lot line. The required setback is thirty (30) feet, in accordance with Section 59.4.4.7.B of the Zoning Ordinance.

The subject property is Lot 7, Block L, Layhill Village Subdivision, located at <u>13629</u> <u>North Gate Drive, Silver Spring, Maryland 20906</u> in the R-200 Zone. (Tax Number Account No. 13-01439936)

Notices forwarded this <u>21st day of October 2024</u>, to:

Diane and Chris Jackson Michael R. Naugler Cliff Royalty, Associate County Attorney Elana Robison, Associate County Attorney Washington Suburban Sanitary Commission State Highway Administration County Board of Education Contiguous and confronting property owners Local Citizens Associations

County Board of Appeals

Barbara Jav

Executive Director

All parties who make submissions, after an initial filing, in Special Exception, Variance and Administrative Appeals cases, must furnish copies of the submission to all other parties in the case. For the purpose of this requirement, a party includes: (1) Counsel of record who have formally entered their appearance; (2) Any person to whom the Board of Appeals has granted Intervener status; and (3) The Applicant, Petitioner or Appellant in the case.

Submissions must be accompanied by a written statement certifying that copies have been sent to all parties. Effective September 6, 2002, failure to supply such written certification will result in refusal of the submission.

Case files are available for public review at the office of the Board of Appeals, Monday through Friday, 8:30 a.m. – 4:00 p.m.

BOARD OF APPEALS FOR MONTGOMERY COUNTY, MARYLAND (240) 777-6600

Docket No.	A- 6891
Date Filed	10-3-24
Hearing Date	11-20-24
Time	9:30 a.m.

(Please Note Instruc	JNDER ZONING ORDINANCE tions on Reverse Side) E PRINT)
Name of Petitioner(s): <u>Diane and Christopher JACKSO</u>	N
Address of Petitioner(s): <u>13629 North Gate Dr</u>	City Silver Spring Zip 20906
Description of property involved: Lot 7 Block	ParcelSubdivision0164
Street and No. 13629 N Gate Dr City	ver Spring Zip 20906 Zone Classification RES
Appellant's present legal interest in above property (cher XXOwner (including joint ownership)O If not owner, name and address of owner:N/A	ck one): Tax Account No ther (describe)
What variance is requested, and what is the pertinent se Rear setback is 30', change to 25' for addition to be	ction of the Zoning Ordinance? built as is for ease of access for disabled husband
Check existing reason(s) why the Ordinance requiremen	t(s) would result in practical difficulties for property owner:
	betopographyother extraordinary
situations or conditions peculiar to this property.	
Describe this property's extraordinary situation or peculia	r conditions compared to neighboring properties:
	y spouse, 53-years-old and now physically disabled from
How will the peculiar condition described above result in	practical difficulty if the requested variance is not granted?
county regulations to street. This addition builds to the back for single level living with our split-level house. Also, design with the outside patio/ landing area.	arrowness of the lots. We cannot build toward the road due to k of our house on the same level as the kitchen and dining room h of the addition aligns with connecting an external ADA ramp
Date of recording of plat of present subdivision: <u>9/13/19</u> recorded, or state that such deed was first recorded prior	<u>96</u> ; or, if property is un-subdivided, date on which deed to March 6, 1928:
Has any previous variance application involving this prop	erty been made to the Board of Appeals?
I have read the instructions on the reverse side of this for I hereby affirm that all of the statements and information	m and am filing all required accompanying information. contained in or filed with this petition are true and correct. Diane and Chris Jackson
Name of Attorney/Agent (Print Name next to Signature)	Signature of Petitioner(s) (Print Name next to Signature)
	13629 N Gate Dr, Silver Spring, MD 20906
Address of Attorney	Address of Petitioner
Phone Number	301-385-7146 Home Phone Work Phone
	/ER)

3

Statement of Justification

Date: 09/27/24

Chairman, Montgomery County, MD, Board of Appeals

Council Office Building, 100

Maryland Avenue, Room 217

Rockville, Maryland, 20850

Phone: 240-777-6600

Property: 13629 N Gate Drive Silver Spring MD, 20906

Petitioner: Diane Jackson

Request: Variance to Rear of Primary Structure required setback is 30.0 ft in accordance with section 4.4.7.2.B

Zone: R-200, Lot 7, Block L

Background

I, Diane Jackson, hereby submit this petition for a variance in relation to my proposed construction project. I seek to build an addition measuring 21 feet by 26 feet, intended to accommodate a sunroom, laundry room, covered porch, and master bedroom.

The existing residence comprises 50% slab-on-grade and 50% basement, with the basement housing all essential utilities. Upon consultation with the Department of Permitting Services (DPS), under Permit #1081945 and Variance #405762, it has been determined that a variance is required due to the proposed addition's encroachment into the designated 30-foot rear setback. Specifically, the addition would extend 4 feet and 6 inches into the setback, resulting in a distance of 25 feet and 6 inches from the rear property line.

This request for a variance is made with the intent to enhance the livability of my home while ensuring compliance with all applicable regulations. I appreciate your consideration of this matter.

Reason For Appeal

This appeal seeks to permit the proposed addition to be situated in a manner that enables it to share a wall with the existing basement, thereby facilitating the integration of plumbing with the current system. The addition of the master bedroom suite is specifically designed to accommodate my disabled husband, who experiences significant difficulty navigating the stairs and is presently residing on the second story of the house.

By allowing this variance, we aim to enhance accessibility and comfort for my husband, thereby improving our overall living conditions

Evidence Supporting Variance

(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 property is situated on a corner lot and is constructed with a foundation that is 50% slab-on-grade, lacking a basement or any associated plumbing. The side of the property containing the basement and all essential utilities, including electrical and plumbing connections, is adjacent to the proposed addition.

The constraints imposed by front and side setback regulations, as well as the location of the electrical meter and the existing patio, further complicate the placement of the addition. Relocating the addition would necessitate the repositioning of the electrical meter and the demolition of the patio, which my husband and I value greatly for its contribution to our quality of life.

In light of these considerations, we respectfully request the approval of this variance to facilitate the proposed addition while preserving the integrity of our existing structures and outdoor spaces.

(b) Special circumstances or conditions are not a result of actions by the petitioner

The original structure of the home was constructed only 15 feet from the right-side property line. This side of the house contains the electrical panel and plumbing infrastructure that connects to the public sewage system. Conversely, the opposite side of the residence lacks access to both plumbing and electrical utilities.

Given my husband's health as my foremost priority, it is essential that we provide him with a living space that is level with the first floor of the home, facilitating access to the kitchen and other necessary areas without the need to navigate stairs. The construction of this addition would significantly enhance his quality of life and overall well-being. (c) Requested variance is the minimum necessary to overcome practical difficulties that full compliance would impose due to the unusual or extraordinary situations or conditions on the property.

The requested minimum variance of 25 feet and 6 inches is critical to facilitate the seamless construction of the proposed addition. This variance would ensure convenient access to all necessary utilities while preserving the existing electrical meter and our cherished patio. By approving this variance, we aim to enhance our quality of life without the significant disruption that would arise from relocating these essential components

(d) Such variance can be granted without substantial impairment to the intent, purpose and integrity of the general plan or any duty adopted and approved area master plan affecting the subject property.

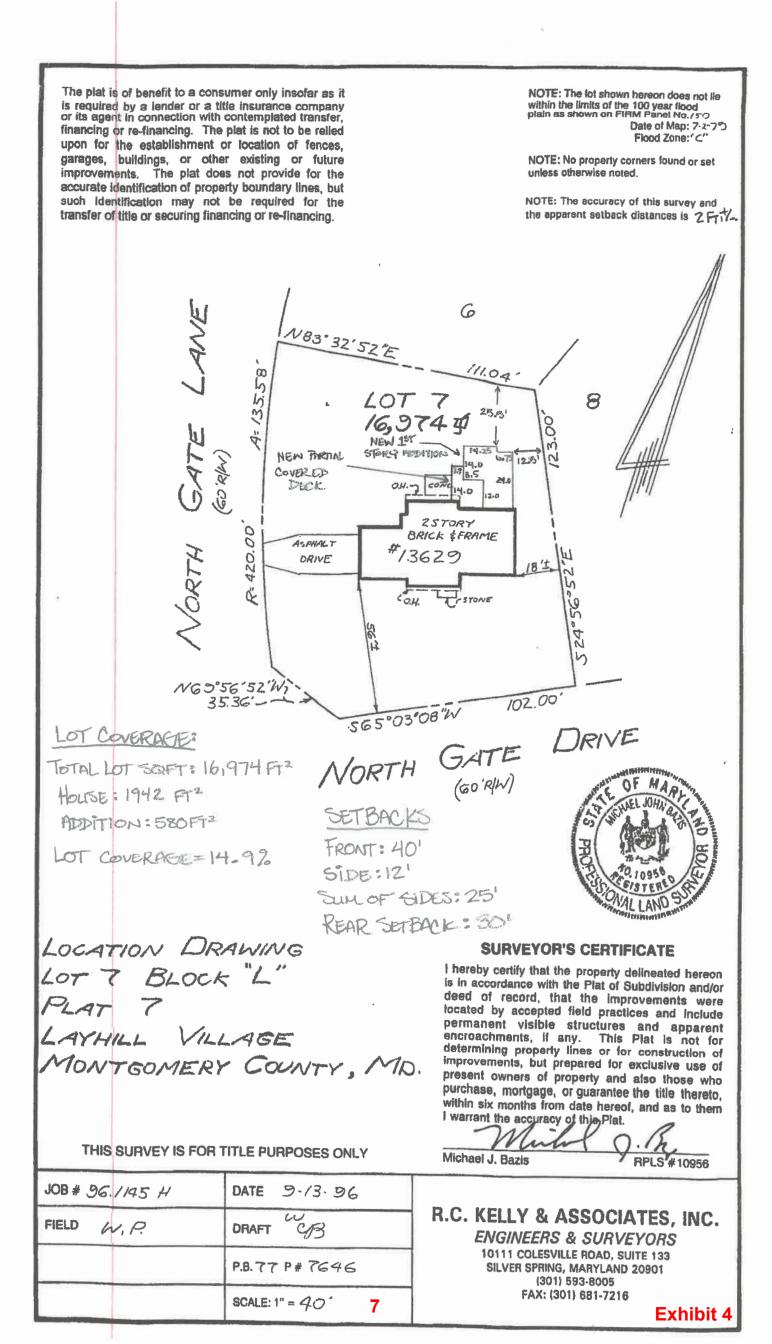
The proposed addition to the residence will result in a total lot coverage of merely 15% of the overall property. The addition will encroach upon the setback by only 4 feet and 6 inches, thereby ensuring that neighboring properties will not be adversely affected by this expansion. Furthermore, relocating the addition would necessitate the repositioning of the electrical service to the home, which would disrupt the existing master plan and infrastructure.

(e) Such variance will not be detrimental to the use and enjoyment of adjoining or neighboring properties.

The property is partially fenced, which will ensure minimal visibility from any roadway within the development. These factors contribute to the compatibility of the addition with the surrounding neighborhood while maintaining the aesthetic integrity of the area.

Sincerely,

Marefaellon 9127/2024





DEPARTMENT OF PERMITTING SERVICES

Marc Elrich County Executive Rabbiah Sabbakhan Director

BUILDING PERMIT DENIAL

ZONE: R-200

PROPOSED STRUCTURE

NON-COMPLYING

The Department of Permitting Services cannot issue a building permit for the property indicated below without a variance from the Montgomery County Board of Appeals.

Y

Ν

NAME: CHRISTOPHER P & D T JACKSON

ADDRESS: 13629 NORTH GATE DR SILVER SPRING, MD 20906

LOT - BLOCK: 7 - L

THE VARIANCE REQUEST IS FOR

- N EXISTING STRUCTURE
- N NON-CONFORMING
- N NEW SINGLE-FAMILY DWELLING

TYPE OF CONSTRUCTION:

Y	ROOM ADDITION	N	SWIMMING POOL
N	PORCH	Ν	DECK
N	SHED	Ν	FENCE/RETAINING WALL
Ν	ACCESSORY STRUCTURE	Ν	GARAGE/CARPORT
Ν	OTHER		

The proposed construction requires a 5.50 ft. variance as it is within 24.50 ft. of the rear lot line.

The required setback is 30.00 ft. in accordance with Section 59-4.4.7.B.

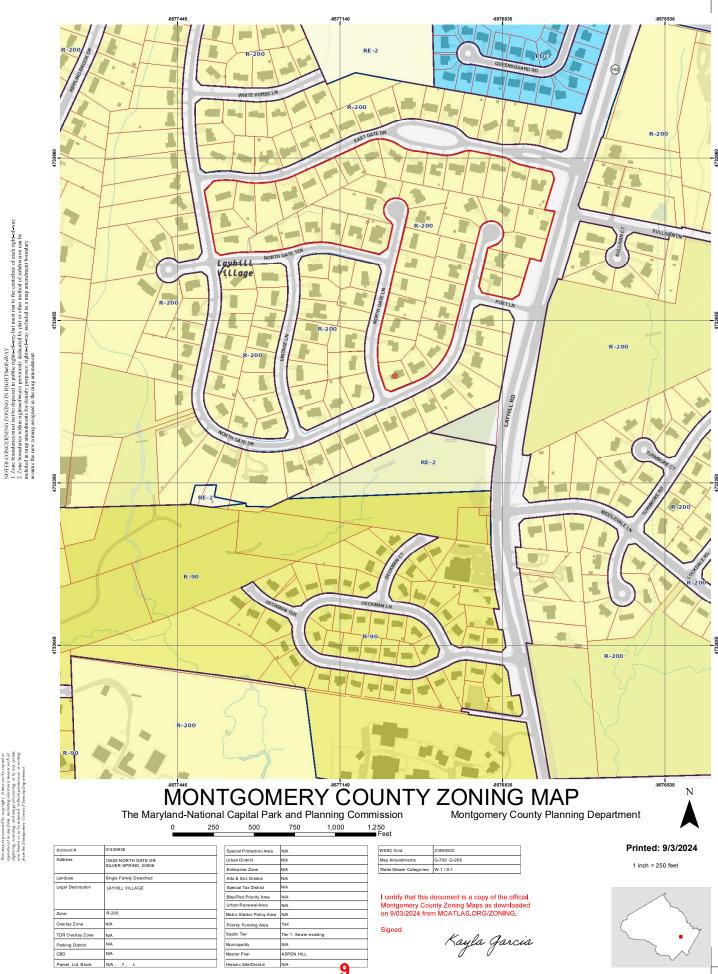
The proposed construction is to build a single story addition on rear of house.

Signature

9/17/2024

Date





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Exhibit 7

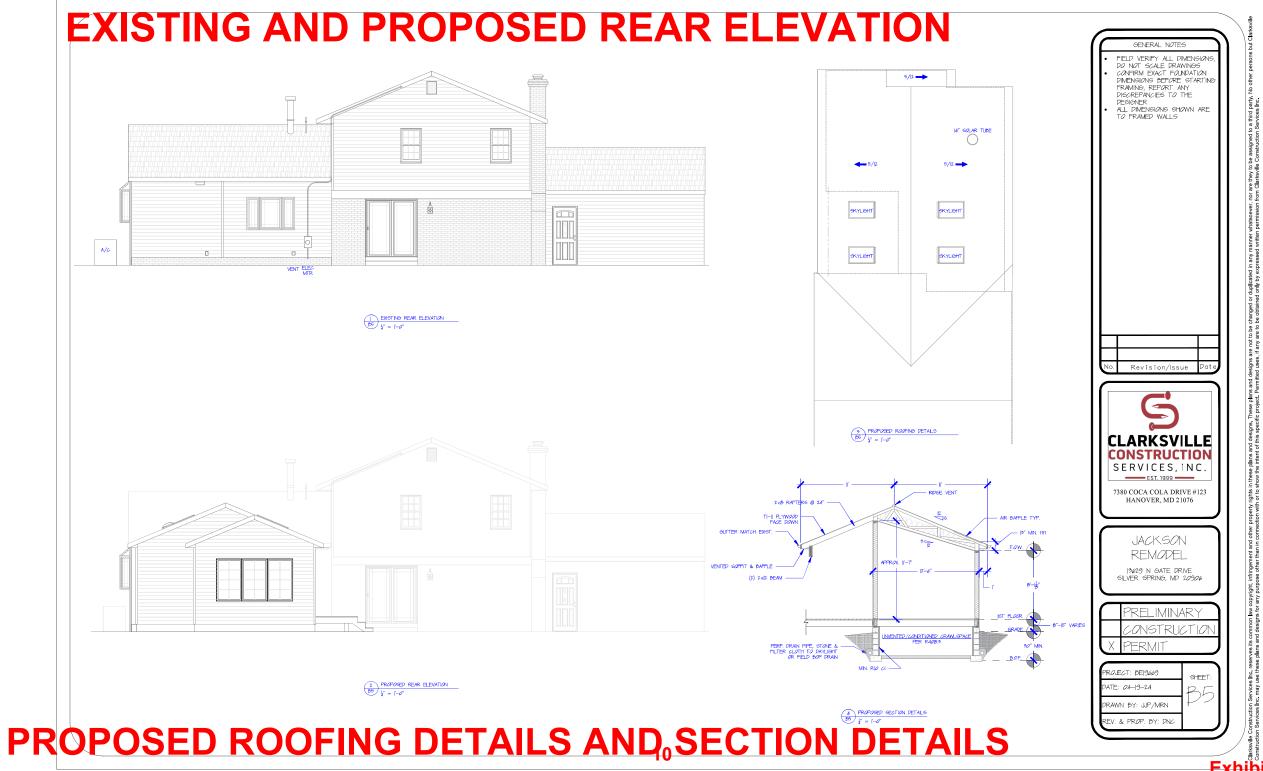
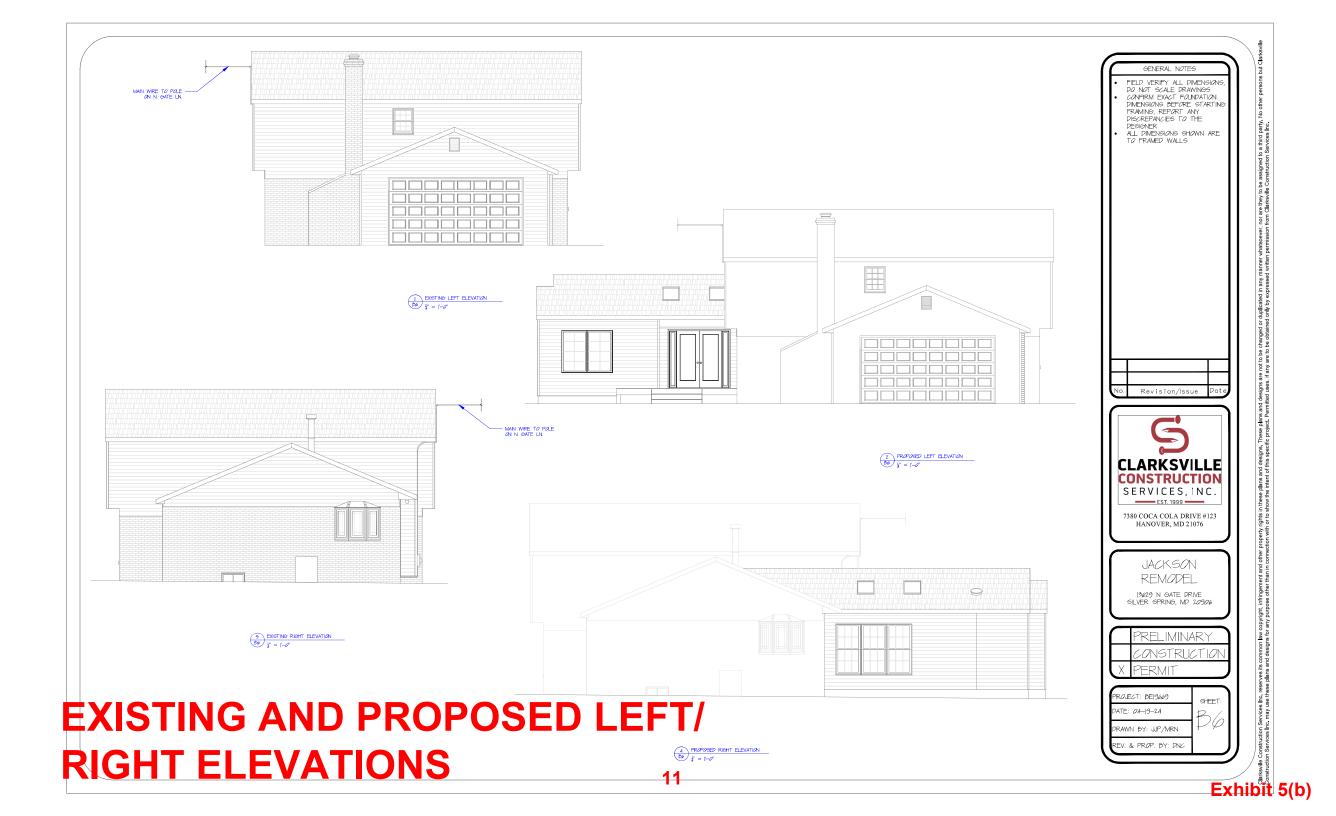
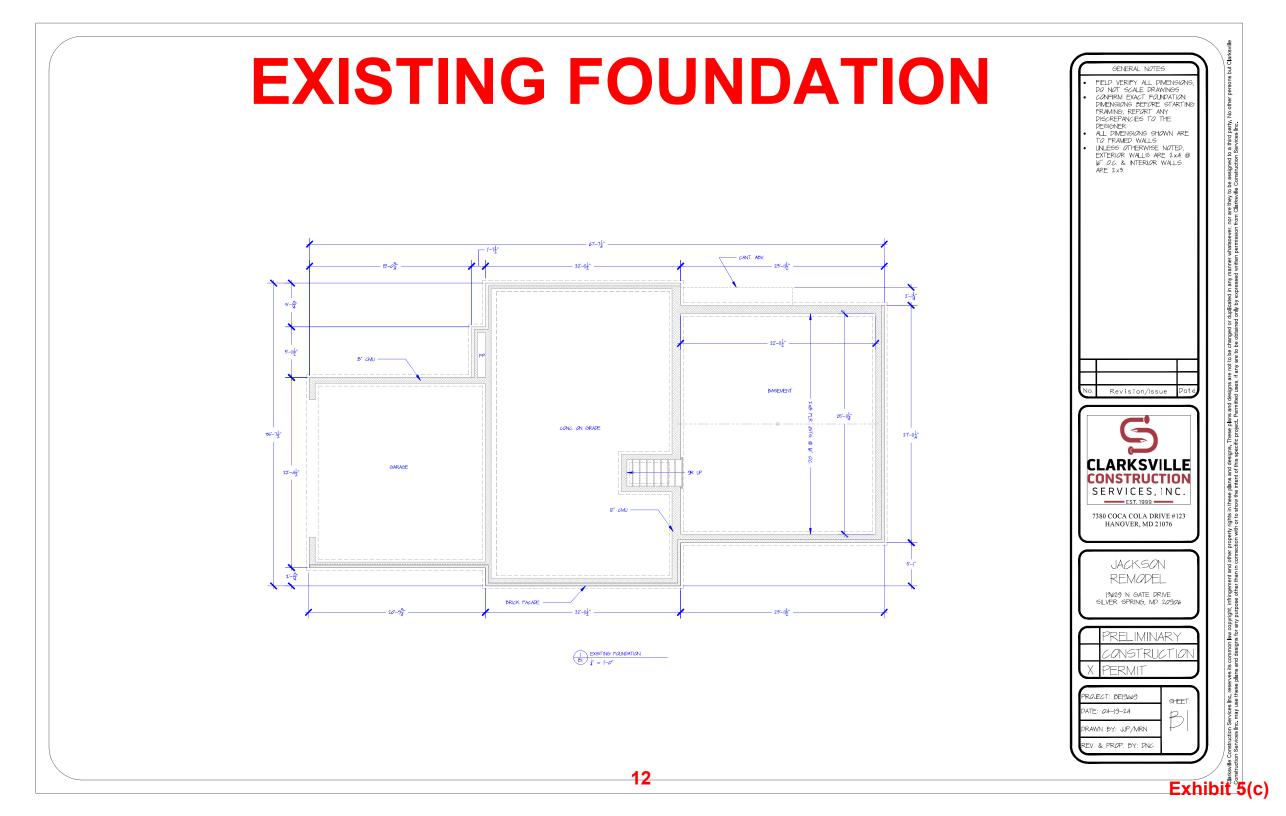
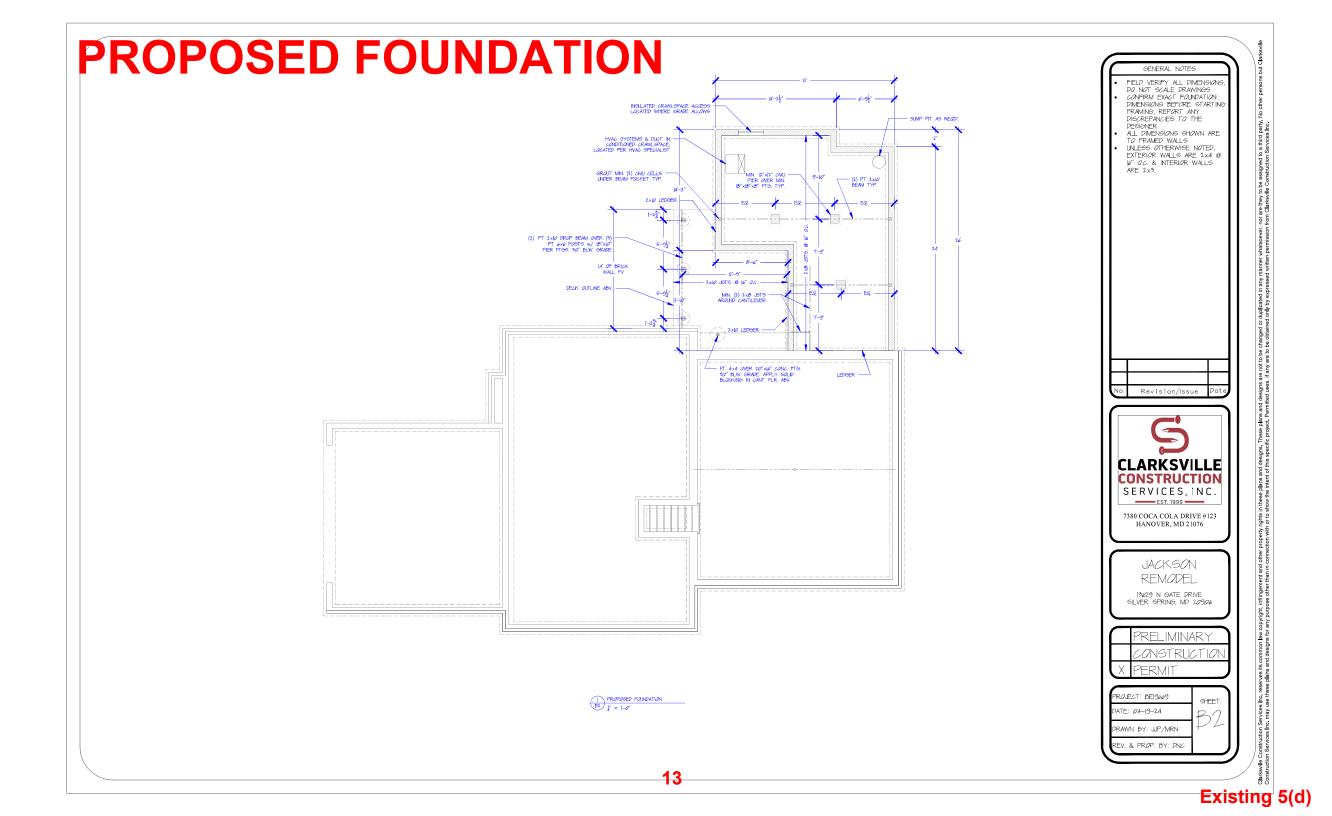


Exhibit 5(a)







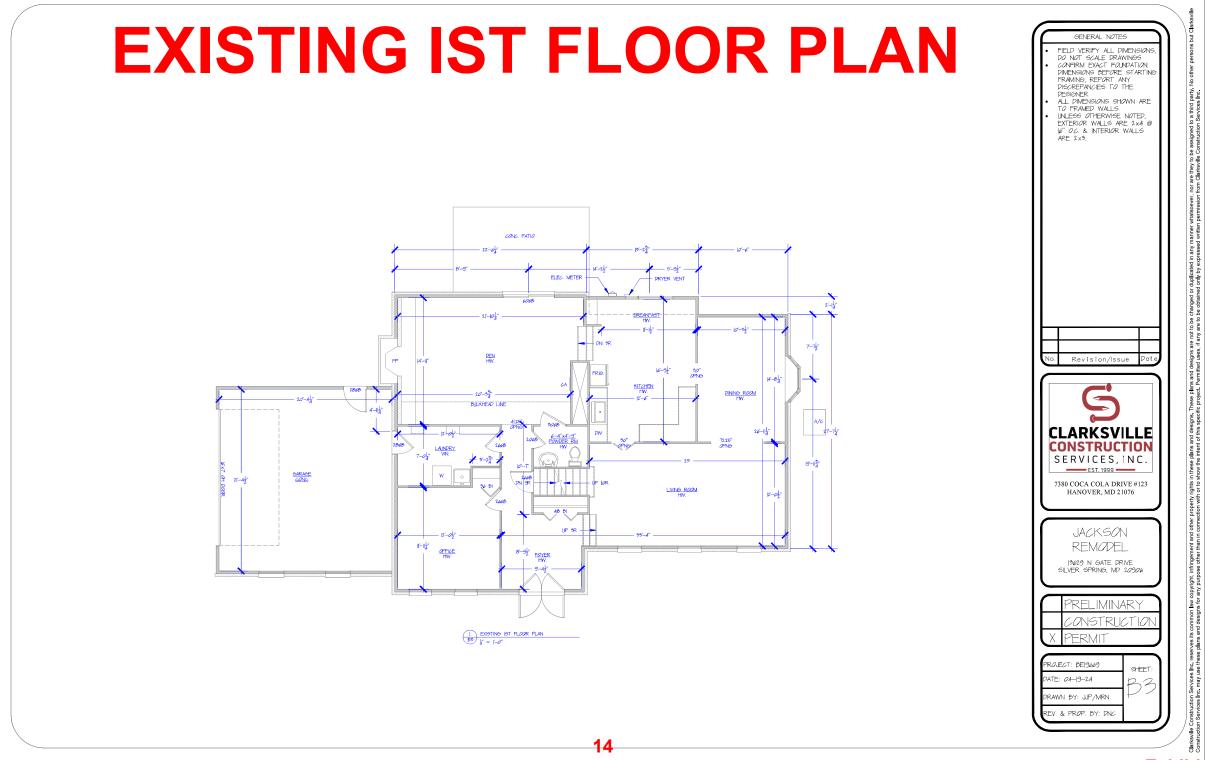
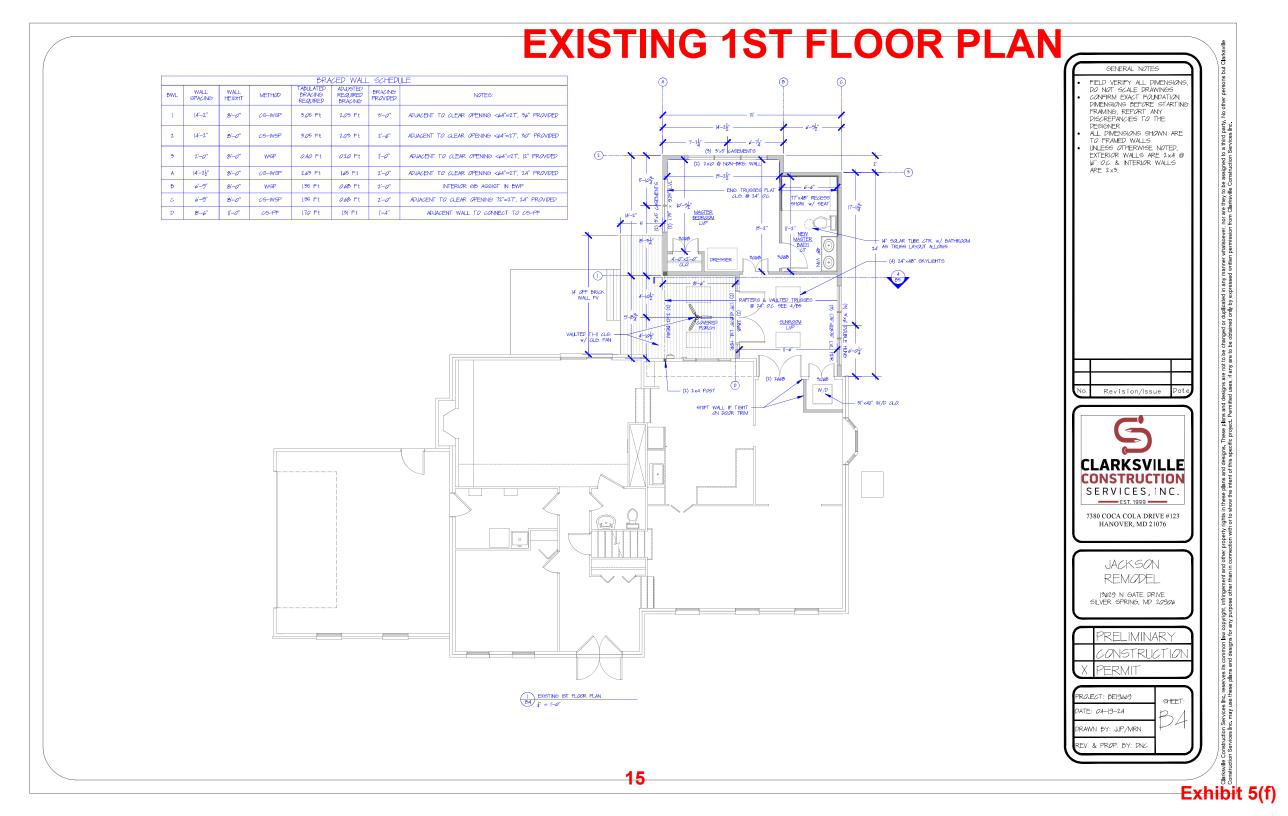


Exhibit 5(e)



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CASE NO. A-6891

PETITION OF DIANE AND CHRIS JACKSON

EXHIBIT LIST

- 1. Application
- 2. List of adjoining/confronting property owners
- 3. Statement of Justification
- 4. Site Plan
- 5. (a) Existing & Proposed Front and Right Elevations
 (b) Existing & Proposed Rear Elevation, and Roofing and Section Details
 (c) Existing & Proposed Basement and First Floor Plans
 (d) Proposed Foundation
 (e)-(f) Existing 1st Floor Plans
 (g) Cover Sheet
- 6. DPS building permit denial
- 7. Zoning Vicinity Map
- 8. (a) Envelope showing date notice mailed(b) Notice of hearing scheduled for November 20, 2024

9.	
10.	
11.	
12.	
13	
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15	

Real Property Data Search () Search Result for MONTGOMERY COUNTY

View Map	View GroundRent Redemption		View GroundRent Registration				
Special Tax Recapture: I	re: None						
Account Identifier:	District - 1	3 Account Number	01439936				
	(Owner Informat	ion				
Owner Name:	JACKSON CHRISTOPHER P JACKSON DIANE TAMAI		Use: Principal Residen	RESIDENTIAL ce: YES			
Mailing Address:		RTH GATE DR PRING MD 20906-	Deed Reference:	/14396/ 00503			
	Locatio	n & Structure Ir	formation				
Premises Address:		RTH GATE DR PRING 20906-0000	Legal Description	: LAYHILL VILLAGE			
•	ighborhood: Subd 220164.16 0164	livision: Section:	Block: Lot: Assess	sment Year: Plat No: Plat Ref			
Town: None							
Primary Structure Built	Above Grade Living 2.446 SF	Area Finished Bas	sement Area Proper 16.974	ty Land Area County Us			
StoriesBasementType 2 NO SPLIT I	Exterior LEVEL1/2 BRICK FRAM FRAME	QualityFull/Half E ME/4 2 full/ 1 ha	-	tice of Major Improveme			
		Value Informati	on				
	Base Value	Value		Phase-in Assessments			
		As of 01/01/2023	As of 07/01/2024	As of 07/01/2025			
Land:	192,000	192,000					
Improvements	201,800	354,000					
Total:	393,800	546,000	495,267	546,000			
Preferential Land:	0	0					
	Т	ransfer Informa	tion				
		Date: 09/27/1996 Deed1: /14396/ 0050		rice: \$210,000 Deed2:			
Seller: Type: ARMS LENGTH IM	ARMS LENGTH IMPROVED Deed1: /0475		Price: \$95,000 Deed2:				
Seller: Type:		Date: Deed1:	-	rice: Deed2:			
	Ex	emption Inform	ation				
Partial Exempt Assessm	ents: Class		07/01/2024	07/01/2025			
County:	000		0.00				
State:	000		0.00				
Municipal:	000		0.00 0.00	0.00 0.00			
Special Tax Recapture: I							
	Homeste	ad Application	Information				

Homeowners' Tax Credit Application Information

Date:

Homeowners' Tax Credit Application Status: No Application