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-6892

PETITION OF ANDREW FELDMAN

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 sunroom addition requires a variance of 11.19 feet as it is within 18.81 feet of the rear lot line. The required setback is thirty (30) feet, in accordance with Section 59.4.4.7.B.2 of the Zoning Ordinance.

The subject property is Lot 9, Block E, River Falls Subdivision, located at <u>7708</u> <u>Masters Drive, Potomac, Maryland 20854</u> in the R-200 Zone. (Tax Number Account No. 00893610)

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

Andrew Feldman

Robert Black 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.

BOA Form 2 (Revised 10/29/14)
BOARD OF APPEALS
FOR
MONTGOMERY COUNTY, MARYLAND
(240) 777-6600

Docket No. A-	6892
Date Filed	10-3-24
Hearing Date	11-20-24
Time	9:30 a.m.

PETITION FOR VARIANCE UNDER ZONING ORDINANCE

(Please Note Instructions on Reverse Side)

(PLEASE PRINT)

Name of Petitioner(s): ANDREW & GILIAN FELDMAN	- ,			
Address of Petitioner(s): 7708 MASTERS DRIVE		City_POTOM	AC Zip2	20854
Description of property involved: Lot <u></u> Block <u></u> ■	Parcel	_Subdivisio	RIVER FALLS	
Street and No. 7708 MASTERS DRIVE City PO	ТОМАС	Zip_20854	Zone Classification	R-200
Appellant's present legal interest in above property $\underline{\times}$ Owner (including joint ownership)Other				
If not owner, name and address of owner:				
What variance is requested, and what is the pertin Ordinance?		e Zoning		
Check existing reason(s) why the Ordinance requires owner: <u>×</u>				property
Describe this property's extraordinary situation or properties: UNUSUAL LOT SHAPE, HOW THE HOUSE WAS SITED WITHIN AND TOPOGRAPHY MAKE IT DIFFICULT TO ADD PRACTICAL IMPROVEME	N THE LOT, EXISTING SITE			VALLS & STEPS)
How will the peculiar condition described above re granted? THE COMBINATION OF THE 30' REAR YARD SETBACK, LOCA	ATION OF EXISTING DEC	K FOUNDATION, F	ETAINING WALLS, DRIVEWA	
AND EXISTING FLOOR PLAN CONFIGURATION WILL NOT ALLOW FOR IM	PROVEMENTS IN OTHER	LOCATIONS ON T	HE SITE.	
Date of recording of plat of present subdivision: 197 deed recorded, or state that such deed was first re	or, if ; or, if ; or, if	property is larch 6, 192	un-subdivided, date 3:	on which
Has any previous variance application involving th If so, give Case Number(s):	is property been	made to the	Board of Appeals?	
I have read the instructions on the reverse side of information. I hereby affirm that all of the stateme true and correct.		on contained	in or filed with this	petition are
ROBERT BLACK Koburt Black	ANDREW FELDMAN	An	drew Feldma	n
Name of Attorney/Agent (Print Name next to Signature) 8604 TIMBER HILL LANE, POTOMAC, MD 20854	7008 MASTERS DRIVE, PO	TOMAC, MD 20854	int Name next to Signatu	ure)
Address of Attorney 202-255-6474 ROBERT@RB5DESIGN.COM	Address of Pet	itioner	andrewfeldman87	@gmail.com
Phone Number Email Address (OVER)	Home Phone	Work Pho		

09/08/2024

STATEMENT OF JUSTIFICATION

Property:	7708 Masters Drive Potomac, Maryland Lot 9, Block E River Falls
Zone:	R-200
Petitioner:	Andrew and Gillian Feldman
Request:	Variance request for rear yard setback.

Proposed Work

Variance #1: 11.19 ft variance into the 30' rear yard setback is being requested for a proposed sunroom addition over an existing deck. The existing deck is constructed over masonry and stone piers. The existing structure is sound, of high quality and is bound by extensive stone and masonry retaining walls, steps, patio, HVAC condensers and topography.

Proposed lot coverage is 14% <25% allowed.

Evidence Supporting Variance

Section 59.7.3.2.E.2.a.i – Exceptional narrowness, shallowness, shape, topographical conditions, or other extraordinary conditions peculiar to a specific property.

The existing two-story house is sited on an interior lot of an unusual shape which makes expanding the house very difficult because of topography, extensive retaining walls and practical location for the improvement. Other locations are not feasible because of the house configuration, driveway location, large trees and side yard setbacks.

2.a.ii - The proposed development uses an existing legal and nonconforming structure.

Yes. The proposed uses an existing nonconforming structure.

2.b - The special circumstances or conditions are not the result of actions by the applicant.

No. The existing deck structure is nonconforming and was in place prior to when the applicant purchased the house.

2.c - The requested variance is the minimum necessary to overcome the practical difficulties that full compliance with this Chapter would impose due to the unusual or extraordinary situations or conditions on the property.

Without the variance, the Petitioner would have to demolish the existing substantial deck structure, stone retaining walls, steps and relocate existing HVAC condensers. This would come at a high cost and is not feasible. Additionally other locations would likely require the removal of large oak trees on the site. The Petitioner is using an adaptive reuse approach by using an existing structure of high quality.

2.d - The variance can be granted without substantial impairment to the intent and integrity of the general plan and the applicable master plan.

The proposed additions have minimal impact on the plan. The addition only increases the lot coverage by 3%. The proposed lot coverage is 14 % which is under the maximum coverage of 25%.

2.e - Granting the variance will not be averse to the use and enjoyment of abutting or confronting properties.

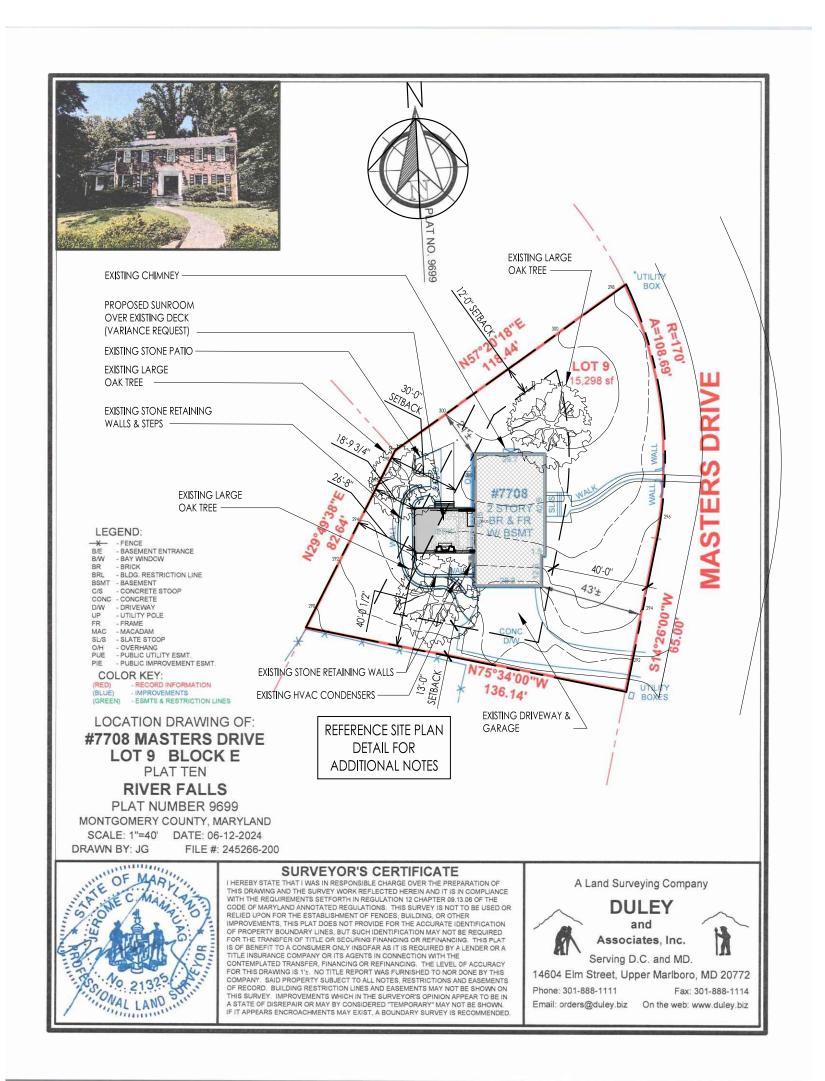
The proposed design has received numerous letters of support from the adjoining property owners. The neighborhood consists of larger sites with openness, and this will be maintained if the variance is granted. The scale of the sunroom addition is appropriate to the main structure. The use of expansive glass creates an open and airy appearance vs. a structure with solid walls and minimal glazing. The roof design is flat to maintain egress from the second-floor windows and to reduce the scale of the addition. The proposed additions aesthetic complements the original neighborhood and architecture.

See elevation renderings and existing photos included with the application.

Thank you for your consideration.

Andrew Feldman Andrew Feldman

Date: 9/11/24



ZONING ANALYSIS FOR:		EXISTING LOT COVERAGE EXISTING HOUSE ROOF AREA:	1,630 S.F.				
708 MASTERS DR		LOT AREA:	1,650 S.F. 15,298 S.F.				
OTOMAC, MD		EXISTING LOT COVERAGE CALCULATIO	N.				
.OT 9, BLOCK E							
RIVER FALLS		1,630 S.F. / 15,298 S.F. = 11% (< 25%)					
MONTGOMERY COUNTY, MARYLAND		PROPOSED AREA CALCULATION:	PROPOSED AREA CALCULATION:				
LOT AREA: 15,298 S.F. (PER PLAT) ZONE: R-200 - RESIDENTIAL, ONE-FAMILY DETACHED		EXISTING HOUSE ROOF AREA:	1,630 S.F.				
		PROPOSED ROOF AREA INCREASE: ROOF AREA TOTAL:	425 S.F. 2,055 S.F.				
MAXIMUM LOT COVERAGE:	25%	EXISTING LOT AREA:	15,298 S.F.				
MAXIMUM HEIGHT: 40' (ROOF PEAK)		PROPOSED LOT COVERAGE CALCULA	PROPOSED LOT COVERAGE CALCULATION:				
35' (ME	35' (MEAN HEIGHT)	2,055 S.F. (ROOF AREA TOTAL) / 15,298	S.F. (SDAT LOT AREA) = 14%				
PROPOSED HEIGHT:	13'		. ,				

Exhibit 4(a)

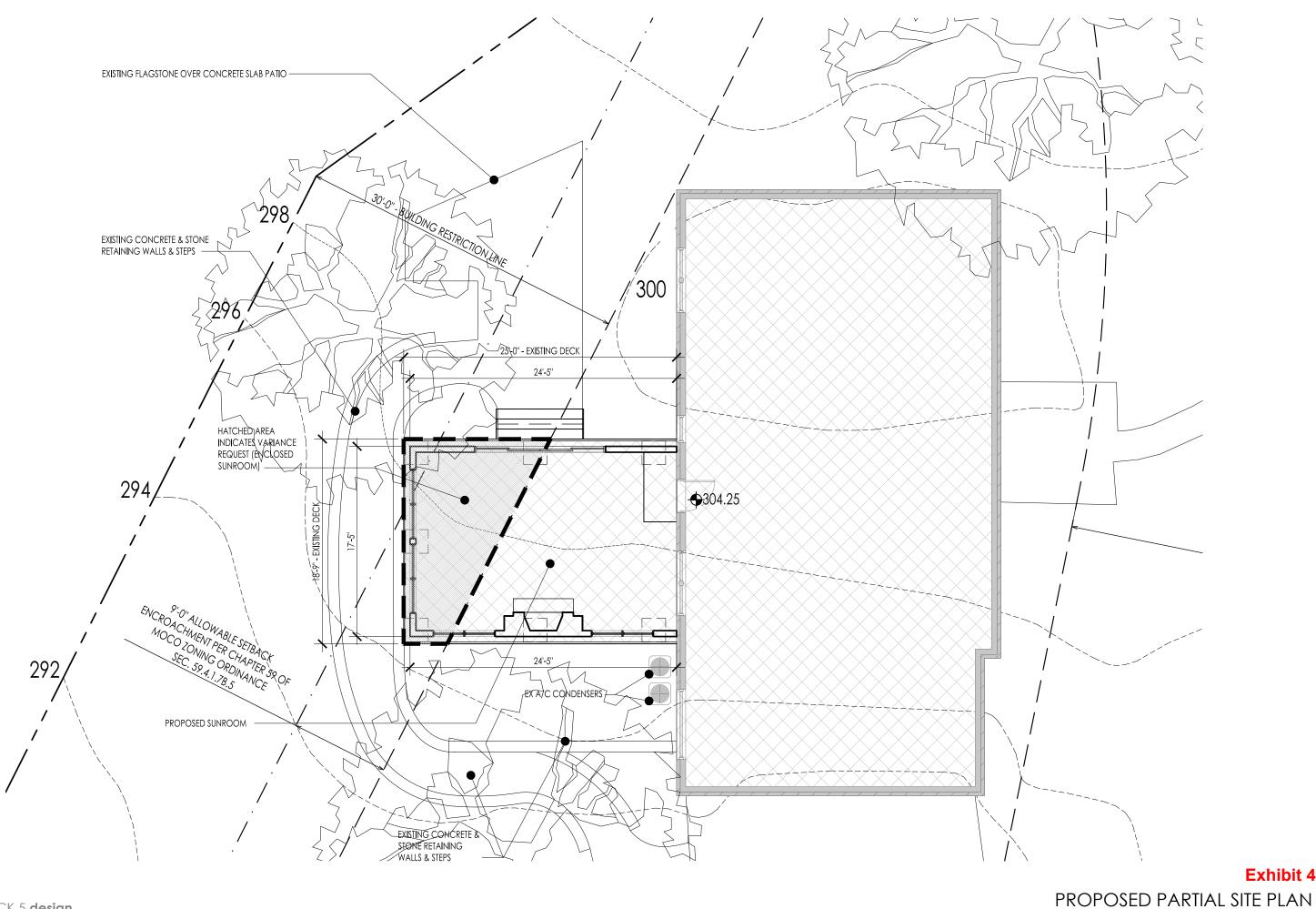
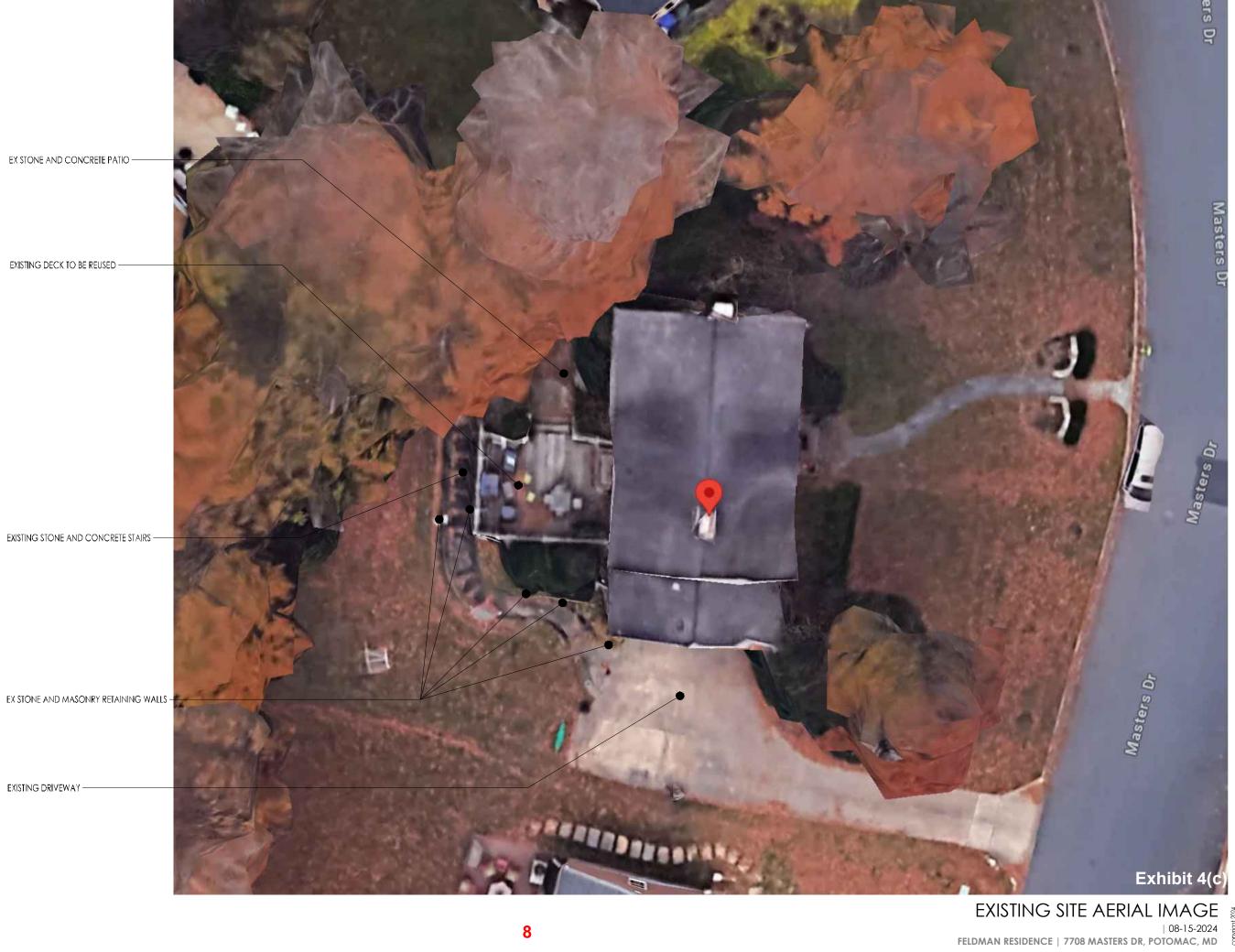


Exhibit 4(b)

08-15-2024 FELDMAN RESIDENCE | 7708 MASTERS DR, POTOMAC, MD



ROBERT BLACK 5 **design** A R C H I T E C T U R E www.robertblack5design.com



405372

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.

NAME:	Feldman Gillian Revocable Trust ET Feldman
	Andrew Revocable Trust

ADDRESS: 7708 MASTERS DR POTOMAC, MD 20854

LOT - BLOCK: 9 - E

THE VARIANCE REQUEST IS FOR

Ν	
Ν	
Ν	

EXISTING STRUCTURE

NEW SINGLE-FAMILY DWELLING

TYPE OF CONSTRUCTION:

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

The proposed construction requires a 11.19 ft. variance as it is within 18.81 ft. of the rear lot line. The required setback is 30.00 ft. in accordance with Section 59-4.4.7.B.2.

The proposed construction is sunroom addition in rear.

Signature

8/28/2024

Date

Exhibit 6



Exhibit 8

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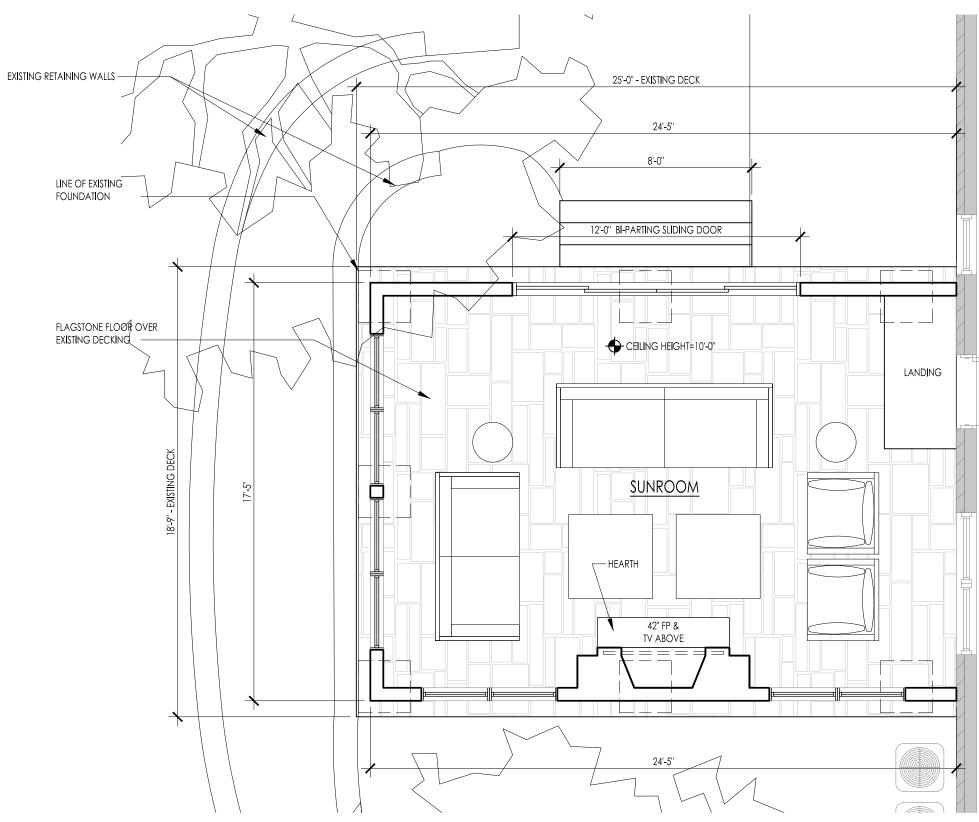




Exhibit 5(a) PROPOSED FLOOR PLAN

| 08-15-2024 FELDMAN RESIDENCE | 7708 MASTERS DR, POTOMAC, MD



SUNROOM - TRADITIONAL SCHEME 2 VARIANCE APPLICATION FELDMAN RESIDENCE, 7708 MASTERS DR

Exhibit 5(b)



SUNROOM - TRADITIONAL SCHEME 2 VARIANCE APPLICATION FELDMAN RESIDENCE, 7708 MASTERS DR

Exhibit 5(c)



SUNROOM - TRADITIONAL SCHEME 2 VARIANCE APPLICATION FELDMAN RESIDENCE, 7708 MASTERS DR

Exhibit 5(d)



SUNROOM - TRADITIONAL SCHEME 2 VARIANCE APPLICATION FELDMAN RESIDENCE, 7708 MASTERS DR





202 255 6474 www.robertblack5design.com

SUNROOM - TRADITIONAL SCHEME 2 VARIANCE APPLICATION FELDMAN RESIDENCE, 7708 MASTERS DR

Exhibit 5(f)



VIEW OF EXISTING DECK FROM PATIO



VIEW OF EXISTING DECK



VIEW OF EXISTING DECK



VIEW OF EXISTING STAIRS DOWN TO DRIVEWAY



VIEW OF EXISTING STAIRS



VIEW OF EXISTING STAIRS AND RETAINING WALLS

- HVAC CONDENSERS



EXISTING SITE IMAGES

| 08-15-2024 FELDMAN RESIDENCE | 7708 MASTERS DR, POTOMAC, MD



Robert Black <robert@rb5design.com>

Thu, Aug 22, 2024 at 10:20 AM

Thu, Aug 22, 2024 at 12:03 PM

Fwd: Support for Screened-In Porch Project - 7708 Masters Drive 4 messages

Andrew Feldman <andrewfeldman87@gmail.com> To: robert@rb5design.com Cc: Andrew Feldman <andrew@hyrup.co>

Neighbor response

------ Forwarded message -------From: Emily Ernest <emilyoernest@gmail.com> Date: Thu, Aug 22, 2024 at 10:18 AM Subject: Re: Support for Screened-In Porch Project - 7708 Masters Drive To: Andrew Feldman <andrewfeldman87@gmail.com>

I fully support this project and think it will add to the curb appeal of your home and our beautiful neighborhood.

On Thu, Aug 22, 2024 at 9:32 AM Andrew Feldman <andrewfeldman87@gmail.com> wrote:

Hi Neighbors

We're in the process of obtaining a permit to build a screened-in porch over our existing deck. However, due to the shape of our property line, we'll be receiving a Zoning Denial letter. To move forward, we'll need to submit a rebuttal (variance) explaining why we should be allowed to proceed, given the structure of our current deck.

Your support as neighbors is an important part of this process. I've attached the designs for your reference, and if you're comfortable with us building the screened-in porch, a quick reply with a few words of support would be greatly appreciated. Feel free to text me if you have any questions.

Thanks in advance!

Andrew & Gillian Feldman - 7708 Masters Drive 301-437-9055 andrewfeldman87@gmail.com

Andrew Feldman <andrewfeldman87@gmail.com> To: robert@rb5design.com Cc: Andrew Feldman <andrew@hyrup.co>

2nd Neighbor response

Forwarded message ------From: Hunter Anderson <andersoh711@gmail.com> Date: Thu, Aug 22, 2024 at 11:14 AM Subject: Re: Support for Screened-In Porch Project - 7708 Masters Drive To: Andrew Feldman <andrewfeldman87@gmail.com> Cc: Gillian Ruttkay <gruttkay@gmail.com>, Christina Anderson <christina.anderson0807@gmail.com>

Hi Andrew and Gillian,

Christina and I fully support the construction of your screened in-porch. That would be such a great use of space! Let us know if there is anything else we can do to support your project.

Thanks!

Hunter and Christina Anderson 7709 Masters Dr 404-668-3626

On Aug 22, 2024, at 9:32 AM, Andrew Feldman <andrewfeldman87@gmail.com> wrote:

Hi Neighbors

We're in the process of obtaining a permit to build a screened-in porch over our existing deck. However, due to the shape of our property line, we'll be receiving a Zoning Denial letter. To move forward, we'll need to submit a rebuttal (variance) explaining why we should be allowed to proceed, given the structure of our current deck.

Your support as neighbors is an important part of this process. I've attached the designs for your reference, and if you're comfortable with us building the screened-in porch, a quick reply with a few words of support would be greatly appreciated. Feel free to text me if you have any questions.

Thanks in advance!

Andrew & Gillian Feldman - 7708 Masters Drive 301-437-9055 andrewfeldman87@gmail.com

<2024-023_7708 Masters Dr_to DPS_240821.pdf>

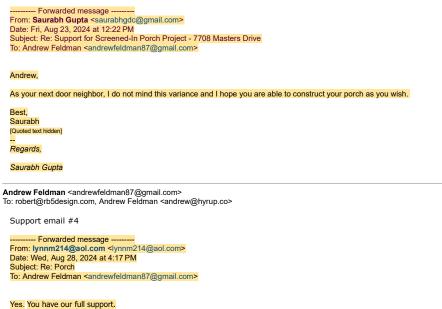
Andrew Feldman <andrewfeldman87@gmail.com> To: robert@rb5design.com, Andrew Feldman <andrew@hyrup.co> Fri, Aug 23, 2024 at 1:30 PM

Andrew Feldman andrewfeldman87@gmail.com

The information transmitted is intended only for the person or entity to which it is addressed and may contain confidential and/or privileged material. Any review, re transmission, dissemination or other use of, or taking of any action in reliance upon, this information by persons or entities other than the intended recipient is prohibited. If you received this in error, please contact the sender and delete the material from any computer.

Exhibit 7(a)

Wed, Aug 28, 2024 at 4:40 PM



Good luck with your project.

Lynn McConnell

Sent from the all new AOL app for iOS [Quoted text hidden]

2024-023_7708 Masters Dr_to DPS_240821.pdf 5781K



Robert Black <robert@rb5design.com>

Tue, Sep 17, 2024 at 2:15 PM

Fwd: Support for Screened-In Porch Project

2 messages

Andrew Feldman <andrewfeldman87@gmail.com> To: robert@rb5design.com, Andrew Feldman <andrew@hyrup.co>

Support from direct neighbor

------ Forwarded message ------From: **Stefan Simons** <simi.simons@yahoo.com> Date: Tue, Sep 17, 2024 at 12:17 PM Subject: Re: Support for Screened-In Porch Project To: <andrewfeldman87@gmail.com> Cc: Lori Starzec <lori.starz@yahoo.com>

Hi Andrew, We support this build.

Stefan, Lori

------ Forwarded message ------From: **Stefan Simons** <simi.simons@yahoo.com> Date: Sat, Sep 14, 2024 at 7:17 PM Subject: Re: Support for Screened-In Porch Project To: <andrewfeldman87@gmail.com> Cc: Lori Starzec <lori.starz@yahoo.com>

Hi there, Andrew!

This is Stefan, Lori's fiancé. Lori told me about your project and asked me to write to you to see how we can help? Best, Stefan Sent from my iPhone. Please excuse typos. Audeamus!

On Sep 13, 2024, at 13:04, Lori Starz <lori.starz@yahoo.com> wrote:

Sent from my iPhone

Begin forwarded message:

From: Andrew Feldman <andrewfeldman87@gmail.com> Date: September 11, 2024 at 5:05:26 PM EDT To: lori.starz@yahoo.com Subject: Support for Screened-In Porch Project

Hi Lori, Andrew & Gillian Feldman here from 7708 Masters. We're in the process of obtaining a

CASE NO. A-6892

PETITION OF ANDREW FELDMAN

EXHIBIT LIST

- 1. Application
- 2. List of adjoining/confronting property owners
- 3. Statement of Justification
- 4. (a) Site Plan (b) Proposed Site Plan
 - (c) Existing Site Aerial Image
- 5. (a) Proposed Floor Plan
 (b)-(f) Sunroom Traditional Scheme 2
 (g) Existing Site Images
- 6. DPS building permit denial
- 7. (a)-(b) Letters of Support from Neighbors
- 8. Zoning Vicinity Map
- 9. (a) Envelope showing date notice mailed(b) Notice of hearing scheduled for November 20, 2024

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Real Property Data Search () Search Result for MONTGOMERY COUNTY

View Map	View GroundRent Redemption			View GroundRent Registration		
Special Tax Recapture: N	None					
Account Identifier:	District - 10	Account Numbe	er - 008936	10		
		Owner Info	rmation			
Owner Name:						
Owner Name:		NDREW REVOC			al Resider	RESIDENTIA nce:YES
Mailing Address:	7708 MASTE	ERS DR		•	eference:	
	POTOMAC N	MD 20854-3857				
	Locati	on & Structu	ure Infor	mation		
Premises Address:	7708 MASTE POTOMAC 2			Legal D	Description	n: RIVER FALL
Map: Grid: Parcel: Neig	hborhood: Sub	division: Section	on: Block	: Lot: Assessm	ent Year:	Plat No: 969
FN32 0000 0000 1003	30019.16 0019	9	E	9 2023		Plat Ref:
Town: None						
Primary Structure Built	Above Grade Liv	ing Area Finish	ed Basemo	ent Area Prope	erty Land /	Area County Us
-	2,873 SF	800 SF		15,29	-	111
Stories Basement Type	Exterio	or Quality Full/Ha	lf Bath Gar	age Last Not	ice of Mai	or Improvement
•••	ARD UNIT BRICK	•		ttached	,	
		Value Infor	motion			
		value initi	mation			
	Base Valu	e Value		Phase-in Ass	essments	i
		As of	2022	As of 07/01/2024	As	of /01/2025
Land:	504,000	01/01/2 504,00		07/01/2024	077	01/2025
Improvements	564,000	744,70				
Total:	1,068,000	1,248,7		1,188,467	1.5	248,700
Preferential Land:	1,008,000	0	700	1,100,407	1,2	48,700
roloronda Lana.		-				
		Transfer Info	ormation	า		
Seller: FELDMAN GILLIA	NR	Date: 03/25/20	e: 03/25/2024 Price: \$0			
Type: NON-ARMS LENG	TH OTHER	Deed1: /67850	ed1: /67850/ 00080 Deed2:			
Seller: COLEMAN JOSEF	PH M JR	Date: 01/26/20	023	Pr	rice: \$1,48	0,000
Type: ARMS LENGTH IM	PROVED	Deed1: /66691	1/00132	De	eed2:	
Seller: BURNS DAVID P 8	& CHRISTINA C	Date: 06/13/20	013	Pr	rice: \$1,25	0,000
Type: ARMS LENGTH IM	PROVED	Deed1: /46993	3/ 00451	De	eed2:	
	E	xemption In	formatio	on		
Partial Exempt Assessm	ents:Class			07/01/2	024	07/01/2025
County:	000			0.00		
State:	000			0.00		
Municipal:	000			0.00 0.0)0	0.00 0.00
Special Tax Recapture: N	None					
	Homest	ead Applica	tion Info	ormation		
Homestead Application	Status: No Applica	ation				
H	lomeowners'	Tax Credit A	pplicati	on Informat	ion	
Homeowners' Tax Credit	Application Stat	us: No Application	n	Date:		
		phicado				