

**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-6895**

**PETITION OF JACOB AND KIRA HARTMAN**

**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, **on Wednesday, the 20<sup>th</sup> day of November, 2024, at 9:30 a.m.**, 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 swimming pool requires a variance as it is located on the side of the principal building. The required location for accessory structures is behind the rear building line of the principal building, in accordance with Section 59.4.4.7.B.2.a of the Zoning Ordinance.

The subject property is Lot 33, Block J, Gayfields Subdivision, located at **1926 Merrifields Drive, Silver Spring, Maryland 20906** in the R-200 Zone. (Tax Number Account No. 13-03015430)

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

**Jacob and Kira Hartman**

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 Jay  
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- 6895  
Date Filed 10-7-24  
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): Jacob and Kira Hartman

Address of Petitioner(s): 1926 Merrifields Dr. City Silver Spring Zip 20906

Description of property involved: Lot 33 Block J Parcel \_\_\_\_\_ Subdivision \_\_\_\_\_

Street and No. 1926 Merrifields Dr. City Silver Spring Zip MD Zone Classification R-200

Appellant's present legal interest in above property (check one): Tax Account No. \_\_\_\_\_  
 Owner (including joint ownership) \_\_\_\_\_ Other (describe) \_\_\_\_\_

If not owner, name and address of owner:  
\_\_\_\_\_

What variance is requested, and what is the pertinent section of the Zoning Ordinance? See attached.

Check existing reason(s) why the Ordinance requirement(s) would result in practical difficulties for property owner:  
 narrowness  shallowness  shape  topography  other extraordinary situations or conditions peculiar to this property.

Describe this property's extraordinary situation or peculiar conditions compared to neighboring properties: See attached.

How will the peculiar condition described above result in practical difficulty if the requested variance is not granted? See attached.

Date of recording of plat of present subdivision: \_\_\_\_\_; or, if property is un-subdivided, date on which deed recorded, or state that such deed was first recorded prior to March 6, 1928: October 14, 2016

Has any previous variance application involving this property been made to the Board of Appeals? If so, give Case Number(s): No.

I have read the instructions on the reverse side of this form and am filing all required accompanying information. I hereby affirm that all of the statements and information contained in or filed with this petition are true and correct.

Name of Attorney/Agent (Print Name next to Signature) \_\_\_\_\_

Signature of Petitioner(s) (Print Name next to Signature) \_\_\_\_\_

Address of Attorney \_\_\_\_\_

1926 Merrifields Drive, Silver Spring, MD, 20906

Address of Petitioner \_\_\_\_\_

Phone Number (OVER) \_\_\_\_\_

Email Address \_\_\_\_\_

443.315.7666  
Home Phone

202.326.7989  
Work Phone

hartman.jake@gmail.com  
Email Address

## **Supplement to Hartman Variance Application**

### **What variance is requested, and what is the pertinent section of the Zoning Ordinance?**

The permit in question seeks a pool in the back yard of our property, a single family home zoned as R-200. We understand that pursuant to Section 59-4.4.7.B.2.a the pool must be located behind the principal building, in this case, our single family home. However, the Department of Permit Services informs us that under the definition applied for purposes of this section, the “rear building line” is defined in reference to road on which it sits. Our home is located at least 325’ off of Merrifield Drive, down a long driveway, and the angle of our home is not parallel with the road. As a result, but the definition relevant to the pertinent section, the selected location from the pool – which is a practical matter is located nearly in the center of our sizeable back yard – is considered in the “side yard.”

We thus seek approval to place this structure in the “side yard” as defined by the code. We note that, because of the angle of our home and driveway, the pool will not be visible from the street, and will be located a considerable distance from any neighboring property. In contrast, the location that the Department of Permit Service has identified as acceptable would be more visible from the street and much closer to neighboring property.

### **Describe this property’s extraordinary situation or peculiar conditions compared to neighboring properties:**

As noted above, unlike neighboring properties, our home was not constructed in parallel with the road. Instead, as a result of our long and curved driveway, our home is both much father from the adjacent road (Merrifields Drive) than neighboring properties, and also (unlike neighboring properties), sits at an angle to the adjacent road.

### **How will the peculiar condition described above result in practical difficult if the requested variance is not granted?**

If the variance is not granted, we will be left with two poor options. One is to place the desired pool not in the center of our backyard, as this variance requests, but in what for practical purposes would be the side of the yard, as seen in Exhibit A. This location would make building the desired pool at least impractical (give its distance from our home and much closer proximity to our neighbor), if not impossible. The second would be to abandon this project altogether, which would on a personal note leave me deeply disappointed, as it has been my wife’s dream from the moment we put an offer on this house more than 8 years ago to complete our home with a pool.



### Statement of Justification

The proposed project is the simple addition of a pool in the center of the sizable back yard of our single family home. But for the unusual shape of our property, combined by the definition of “rear building line,” in the County’s zoning code, we understand that our application for a permit for this project would be entirely routine and unobjectionable.

Our request for a variance meets the Board’s criteria for the following reasons:

- a) The property at 1926 Merrifields Drive is exceptional in that the property’s shape and the orientation of the home relative to Merrifields Drive itself are unusual and unlike the surrounding properties.
- b) The exceptional nature of the property shape and home orientation are not the result of actions we have taken, but rather how the property was divided and the home constructed decades prior to our acquisition of the property.
- c) The requested variance is the minimum necessary to overcome the practical difficulties that full compliance with the Code would impose, as described in our supplement to our variance application.
- d) To the best of our understanding, the variance can be gran without any impairment to any general plan or applicable master plan.
- e) Granting the variance will not be adverse to the use and enjoyment of any abutting or confronting property. Indeed, if the variance is granted, the proposed pool will be placed in the location *least* likely to impair any of our neighbors use and enjoyment of their own property.

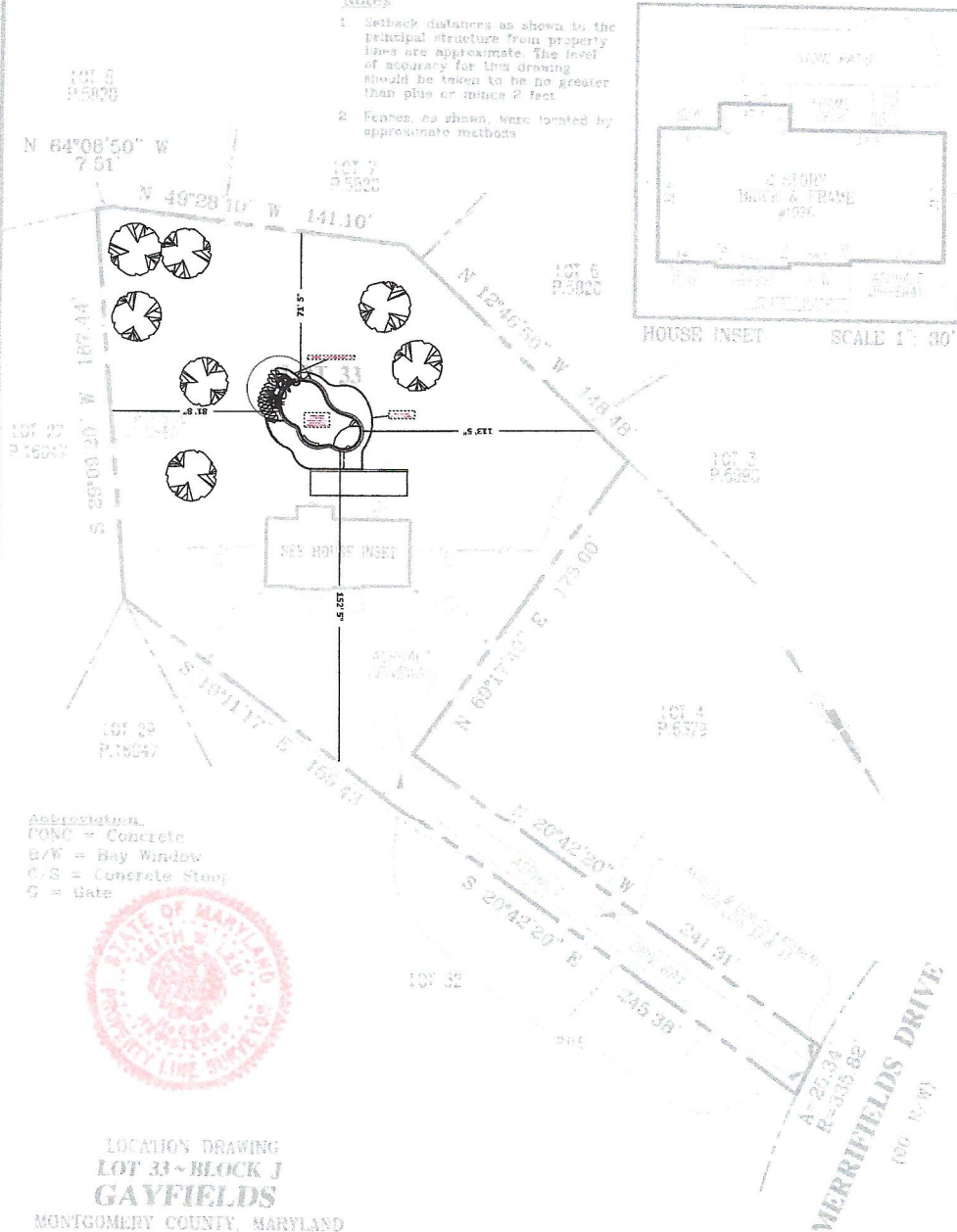
**Hartman**  
**1926 Merrifields Dr**  
**Silver Spring, MD 20906**

**CONSUMER INFORMATION NOTES:**

1. This plan is a benefit to a consumer insofar as it is required by a lender or a title insurance company or its agent in connection with contemplated transfer, financing or re-financing.
2. This plan is not to be relied upon for the establishment or location of fences, garages, buildings, or other existing or future improvements.
3. This plan does not provide for the accurate identification of property boundary lines, but such identification may not be required for the transfer of title or securing financing or re-financing.
4. Building line and/or Flood Zone information is taken from available sources and is subject to interpretation of originator.
5. No Title Report furnished.

**Notes**

1. Setback distances as shown to the principal structure from property lines are approximate. The level of accuracy for this drawing should be taken to be no greater than plus or minus 2 feet.
2. Fences, as shown, were located by appropriate methods.



Abbreviations:  
 CONC = Concrete  
 B/W = Bay Window  
 C/S = Concrete Stoop  
 G = Gate



**LOCATION DRAWING**  
**LOT 33~BLOCK J**  
**GAYFIELDS**  
 MONTGOMERY COUNTY, MARYLAND

SURVEYOR'S CERTIFICATE	REFERENCES	 <b>SNIDER &amp; ASSOCIATES</b> LAND SURVEYORS 19544 Annapenth Drive Germantown, Maryland 20874 301/948-9100 Fax 301/948-1204 WWW.SNIDERSURVEYS.COM
THE INFORMATION SHOWN HEREON HAS BEEN BASED UPON THE RECORDS OF A FIELD INSPECTION PURSUANT TO THE NEED OF PLAT OF RECORD. EXISTING ADJACENT PROPERTY LINES HAVE BEEN FIELD LOCATED BASED UPON MEASUREMENTS FROM PROPERTY MARKERS FOUND OR FROM EVIDENCE OF USE, OR ADJACENT OCCUPATION.	PLAT BK 168 PLAT NO. 10027	
 MARYLAND PROPERTY LINE SURVEYORS REG. NO. 597 Expires 04 07 2021	DIBER FOLIO	DATE OF LOCATIONS WALL CHECK USE 140: 01-18-03 SCALE 1" = 60' DRAWN BY TON JOB NO. PM-00470-HL

**Scale 1/60" - 1'**



405823

DEPARTMENT OF PERMITTING SERVICES

Marc Elrich  
County Executive

Rabbiah Sabbakhan  
Director

BUILDING PERMIT DENIAL

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: Hartman Kira Gianni Hartman Jacob

ADDRESS: 1926 MERRIFIELDS DR  
SILVER SPRING, MD 20906

LOT - BLOCK: 33 - J

ZONE: R-200

THE VARIANCE REQUEST IS FOR

- N EXISTING STRUCTURE
- Y PROPOSED STRUCTURE
- N NON-CONFORMING
- N NON-COMPLYING
- N NEW SINGLE-FAMILY DWELLING

TYPE OF CONSTRUCTION:

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

The proposed construction requires a variance as it is located on the side of principal building.

The required location for accessory structure is behind the rear building line of the principal building, in accordance with Section 59-4.4.7.B.2.a.

The proposed construction is an accessory structure on side of principal building.

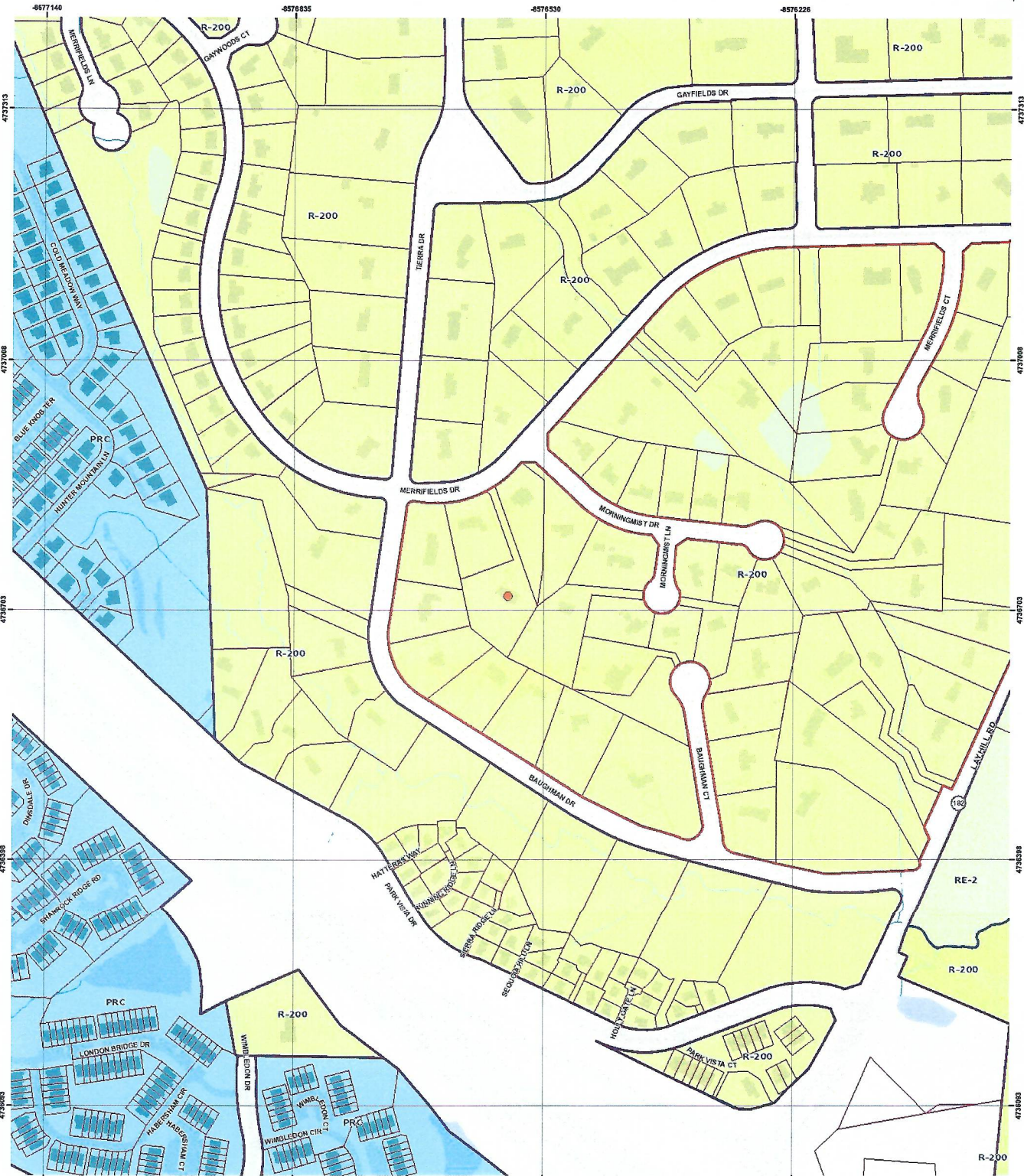
*Amy Zou*

9/19/2024

Signature

Date





**NOTES CONCERNING ZONING IN RIGHTS-OF-WAY**  
 1. Zone boundaries must not be depicted in public rights-of-way but must run to the centerline of each right-of-way.  
 2. Zone boundaries within rights-of-way previously delineated by plat or other method of subdivision can be shown as a line of way indicated in a map amendment boundary assures the new zoning assigned in the map amendment.

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 from the Montgomery County Planning Department.

**MONTGOMERY COUNTY ZONING MAP**  
 The Maryland-National Capital Park and Planning Commission  
 Montgomery County Planning Department



Account #	00015430
Address	1928 MERRIFIELDS DR SILVER SPRING, 20906
Landuse	Single Family Detached
Legal Description	GAYFIELDS
Zone	R-200
Overlay Zone	N/A
TDR Overlay Zone	N/A
Parking District	N/A
CBD	N/A
Parcel, Lot, Block	N/A, 33, J

Special Protection Area	N/A
Urban District	N/A
Enterprise Zone	N/A
Arts & Ent. District	N/A
Special Tax District	N/A
Bike/Ped Priority Area	N/A
Urban Renewal Area	N/A
Metro Station Policy Area	N/A
Priority Funding Area	Yes
Septic Tier	Tier 1: Sewer existing
Municipality	N/A
Master Plan	ASPEN HILL
Historic Site/District	N/A

WSSC Grid	220NW02
Map Amendments	G-709 G-956
Water/Sewer Categories	W-1 / S-1

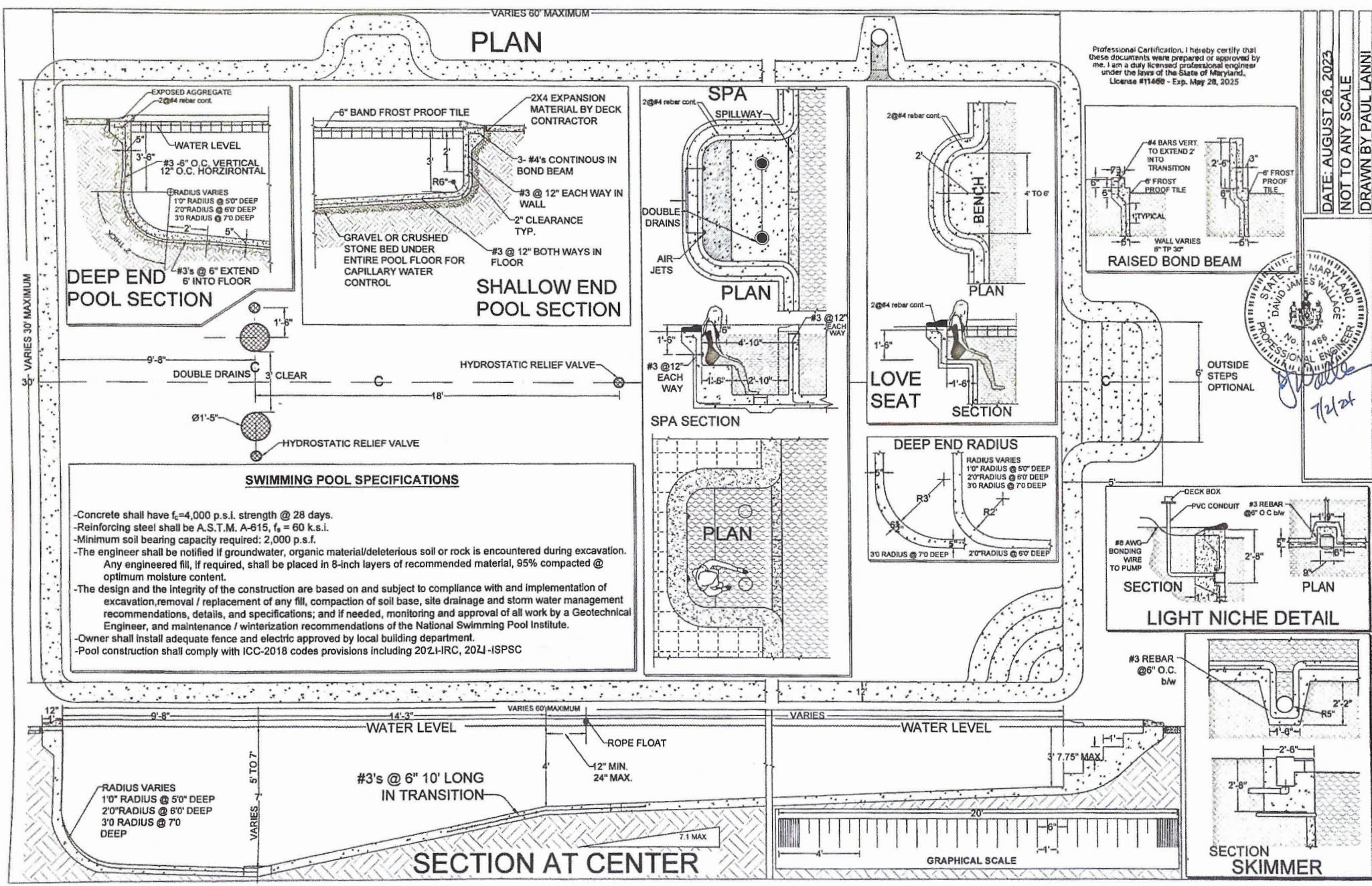
Printed: 10/2/2024  
 1 Inch = 250 feet

I certify that this document is a copy of the official Montgomery County zoning maps as downloaded on 10/2/2024 from [mcatlas.org/](http://mcatlas.org/) zoning.

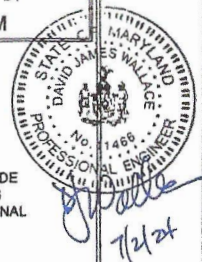
*Jonathan Jones*







Professional Certification. I hereby certify that these documents were prepared or approved by me. I am a duly licensed professional engineer under the laws of the State of Maryland. License #11469 - Exp. May 28, 2025



DATE: AUGUST 26, 2023  
 NOT TO ANY SCALE  
 DRAWN BY PAUL LANNI

**CASE NO. A-6895**

**PETITION OF JACOB AND KIRA HARTMAN**

**EXHIBIT LIST**

1. Application
2. List of adjoining/confronting property owners
3. Statement of Justification
4. Site Plan
5. Plan
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. \_\_\_\_\_
14. \_\_\_\_\_
15. \_\_\_\_\_

## Real Property Data Search ( )

## Search Result for MONTGOMERY COUNTY

[View Map](#)[View GroundRent Redemption](#)[View GroundRent Registration](#)**Special Tax Recapture:** None**Account Identifier:** District - 13 Account Number - 03015430**Owner Information**

**Owner Name:** HARTMAN JACOB  
HARTMAN KIRA GIANNI  
**Use:** RESIDENTIAL  
**Principal Residence:** YES

**Mailing Address:** 1926 MERRIFIELDS DR  
SILVER SPRING MD 20906  
**Deed Reference:** /53008/ 00496

**Location & Structure Information**

**Premises Address:** 1926 MERRIFIELDS DR  
SILVER SPRING 20906-0000  
**Legal Description:** GAYFIELDS

**Map:** JS11 **Grid:** 0000 **Parcel:** 0000 **Neighborhood:** 13210136.16 **Subdivision:** 0136 **Section:** J **Block:** 33 **Assessment Year:** 2023 **Plat No:** **Plat Ref:**

**Town:** None

**Primary Structure Built:** 1994 **Above Grade Living Area:** 3,804 SF **Finished Basement Area:** 1350 SF **Property Land Area:** 51,411 SF **County Use:** 111

**Stories:** 2 **BasementType:** YES **STANDARD UNITFRAME/5** **ExteriorQuality:** 5 **Full/Half Bath:** 1 **Garage:** 1 **Last Notice of Major Improvements:** Attached

**Value Information**

	Base Value	Value		
		As of 01/01/2023	As of 07/01/2024	As of 07/01/2025
<b>Land:</b>	203,500	203,500		
<b>Improvements</b>	497,200	890,500		
<b>Total:</b>	700,700	1,094,000	962,900	1,094,000
<b>Preferential Land:</b>	0	0		

**Transfer Information**

**Seller:** MOORE LINDA S **Date:** 10/14/2016 **Price:** \$765,000  
**Type:** ARMS LENGTH IMPROVED **Deed1:** /53008/ 00496 **Deed2:**

**Seller:** ALLWIN OF POPTOMAC RIDGE LLC **Date:** 07/15/1994 **Price:** \$405,010  
**Type:** ARMS LENGTH IMPROVED **Deed1:** /12775/ 00434 **Deed2:**

**Seller:** FRANK C-F & Y-F CHEN **Date:** 10/08/1993 **Price:** \$95,000  
**Type:** ARMS LENGTH IMPROVED **Deed1:** /11861/ 00315 **Deed2:**

**Exemption Information**

Partial Exempt Assessments:	Class	07/01/2024	07/01/2025
<b>County:</b>	000	0.00	
<b>State:</b>	000	0.00	
<b>Municipal:</b>	000	0.00 0.00	0.00 0.00

**Special Tax Recapture:** None**Homestead Application Information****Homestead Application Status:** Approved 12/07/2023**Homeowners' Tax Credit Application Information****Homeowners' Tax Credit Application Status:** No Application **Date:**