

**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-6946

PETITION OF DIANE HENNER BERINSTEIN

NOTICE OF NEW HEARING DATE

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 10th day of December, 2025, 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 proposed construction of an accessory structure (shed) requires a variance of 18.50 feet as it is within 21.50 feet of the front lot line. The required setback is 40 feet in accordance with Section 59.4.4.7.B of the Zoning Ordinance.

The subject property is Lot 6, Block B, River Road Estates Subdivision, located at **9920 Meriden Road, Potomac, Maryland 20854** in the R-200 Zone. (Tax Number Account No. 10-00853853)

Notices forwarded this 6th day of November, 2025, to:

Diane Henner Berinstein

Greg Wiedemann

Corey Talcott, 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- 6946
Date Filed 8-26-25
Hearing Date 11-12-25
Time 9:30 a.m.**

PETITION FOR VARIANCE UNDER ZONING ORDINANCE

(Please Note Instructions on Reverse Side)

(PLEASE PRINT)

Name of Petitioner(s): Diane Henner Berinstein

Address of Petitioner(s): 9920 Meriden Road City Potomac Zip 20854

Description of property involved: Lot 6 Block B Parcel _____ Subdivision 0001

Street and No. 9920 Meriden Road City Potomac Zip 20854 Zone Classification R-200

Appellant's present legal interest in above property (check one): Tax Account No. 00853853
 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? 18.50' Variance as it is within 21.50' of the front lot line. The required setback is 40.0' in accordance with Zoning Ordinance Section 59-4.4.7.B

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: The lot at 9920 Meriden Road has a large number of very mature shade trees including White Oak, Red Oak, Poplar, Holly, Chestnut and Beech. Situating the shed 40 feet from the property line would interfere with the root systems of these mature trees that the homeowners do not want to disturb.

How will the peculiar condition described above result in practical difficulty if the requested variance is not granted? The homeowners do not have sufficient garage space to store bicycles and lawn equipment and would like to be able to store bikes, rakes, shovels and a wheelbarrow in a shed in the back yard. Currently, they cannot store and easily access any of these items.

Date of recording of plat of present subdivision: 11/29/1945; or, if property is un-subdivided, date on which deed recorded, or state that such deed was first recorded prior to March 6, 1928: _____

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.

<u>GREG WIEDENMANN</u> Name of Attorney/Agent (Print Name next to Signature)		<u>Diane Henner Berinstein</u> Signature of Petitioner(s) (Print Name next to Signature)	
<u>5714 BRADLEY BLVD</u> Address of Attorney		<u>9920 Meriden Road</u> Address of Petitioner	
<u>BETHESDA, MD 20814</u> Phone Number	<u>901.768.2356</u> Email Address	<u>(301)213-8140</u> Home Phone	<u>dhberinstein@me.com</u> Work-Phone Cell
<u>gwiedemann@wiedemann</u> <u>architects.com</u>			

Diane Henner Berinstein
9920 Meriden Road,
Potomac, Maryland 20854
(301)213-8140
dhberinstein@me.com
September 26, 2025

Chairman and Members of the Board of Appeals
Montgomery County Board of Appeals
Council Office Building, Room 217
100 Maryland Avenue
Rockville, Maryland 20850

Re: Statement of Justification for Variance Application

Property Address: 9920 Meriden Rd, Potomac, Maryland 20854, Lot 6, Block B, Zone R-200

Applicant: Diane Henner Berinstein

Dear Chairman and Members of the Board of Appeals,

This letter serves as my Statement of Justification in support of the variance application for the corner property located at 9920 Meriden Road, Potomac, MD. I am respectfully requesting a variance from Section 59-4.4.7.B Residential – 200 Zone (R-200) of the Montgomery County Zoning Ordinance to allow for the proposed construction of a shed in the side street setback which requires an 18.50 ft variance as it is within 21.50 ft. of the lot line along Newhall Road. The required minimum side street setback is 40.0 ft. in accordance with Section 59-4.4.7.B.

As required by law, this request is based on the following specific circumstances unique to my property that create an unusual practical difficulty, and not on a request for special privilege.

1. Exceptional Conditions Peculiar to the Property

The property contains environmentally sensitive features, specifically mature trees with critical root zones and native plants that will be adversely affected if the shed is built within the required 40 ft. setback. The existing mature trees were on the property before we purchased it; we did not plant them, but we work hard to maintain and protect them.

2. Resulting Practical Difficulty or Hardship

The existence of mature Holly, Oak, Beech and Chestnut trees and the specific root growth pattern of each tree prevent the shed from being located in any other location. The requested setback of 18.50 ft. for the shed placement minimizes impact on the existing mature trees. Locating the shed within required 40 ft. setback would interfere with tree roots and existing water irrigation line.

3. Minimum Necessary Variance

The requested variance of 18.50 ft. is the minimum reasonably necessary to allow for the construction of a functional shed as recommended by Arborist Geoff Favali. Reducing the variance further would cause an adverse effect on the mature trees, and native plants. See attached Arborist letter.

4. No Substantial Impairment to Master Plan

For the past 10 years, we have hired an Arborist and a landscape company to maintain the health of existing mature trees on the property. These professionals have performed annual maintenance of the mature trees and provided all measures to protect and conserve existing mature trees and plantings. We have taken considerable effort in maintaining mature shade trees across the property and have replaced non-native fescue (grass) with more native and drought tolerant plantings along the border of the property. In the opinion of eco-sensitive landscape, in consultation with both Arborist and landscaper, this proposed location of the shed provides the least disturbance overall.

5. No Detriment to Neighboring Properties

We have received 10 letters of support from abutting and confronting neighbors indicating their approval. All neighbors received site plan drawings showing location of proposed shed and proposed design elevations. They have all expressed support of our variance request and find no objection to shed design and location. The proposed shed shall not impact water run-off or create shade in neighboring properties. We have taken careful consideration in the aesthetic design of the shed to match the design character of the existing home and neighboring properties. See attached neighbor letters and proposed shed elevations.

In conclusion, the unique landscape and environmental characteristics of our property make it impossible to comply strictly with the zoning regulations without undue hardship. Granting this variance will allow for reasonable use of our property and shed in a manner consistent with the neighborhood's character, without negatively impacting our neighbors and their properties.

Thank you for time and consideration.

Sincerely,



Diane Henner Berinstein

ZONING SUMMARY

9920 MERIDEN ROAD
POTOMAC, MD

ZONE..... R-200
 LOT DESCRIPTION..... LOT 6; BLOCK B, PLAT 1667
 LOT AREA..... 42,544 SQ. FT.
 LOT COVERAGE..... 10% PROPOSED
 25% ALLOWED
 LIMIT OF DISTURBANCE..... 1,280 SQ. FT.

ACCESSORY STRUCTURE SETBACKS (MIN.):

FRONT YARD AT MERIDEN RD..... 65' MIN.
 SIDE STREET AT NEWHALL RD..... 40' MIN. (SHED NEEDING VARIANCE)
 REAR YARD..... 12' MIN.
 SIDE YARD..... 12' MIN.

NOTE: WE NEED A VARIANCE OF 18'-6" FROM 40' SIDE STREET SETBACK

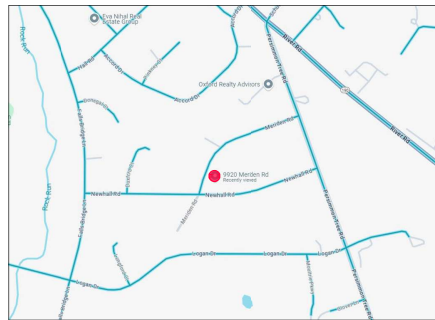
SQUARE FOOTAGE CALCULATIONS

PROPOSED SHED..... 168 SQ. FT.
 EXISTING HOUSE FOOTPRINT..... 4,425 SQ. FT.
 EXISTING HOUSE (ALL FLOORS)..... 6,896 SQ. FT.

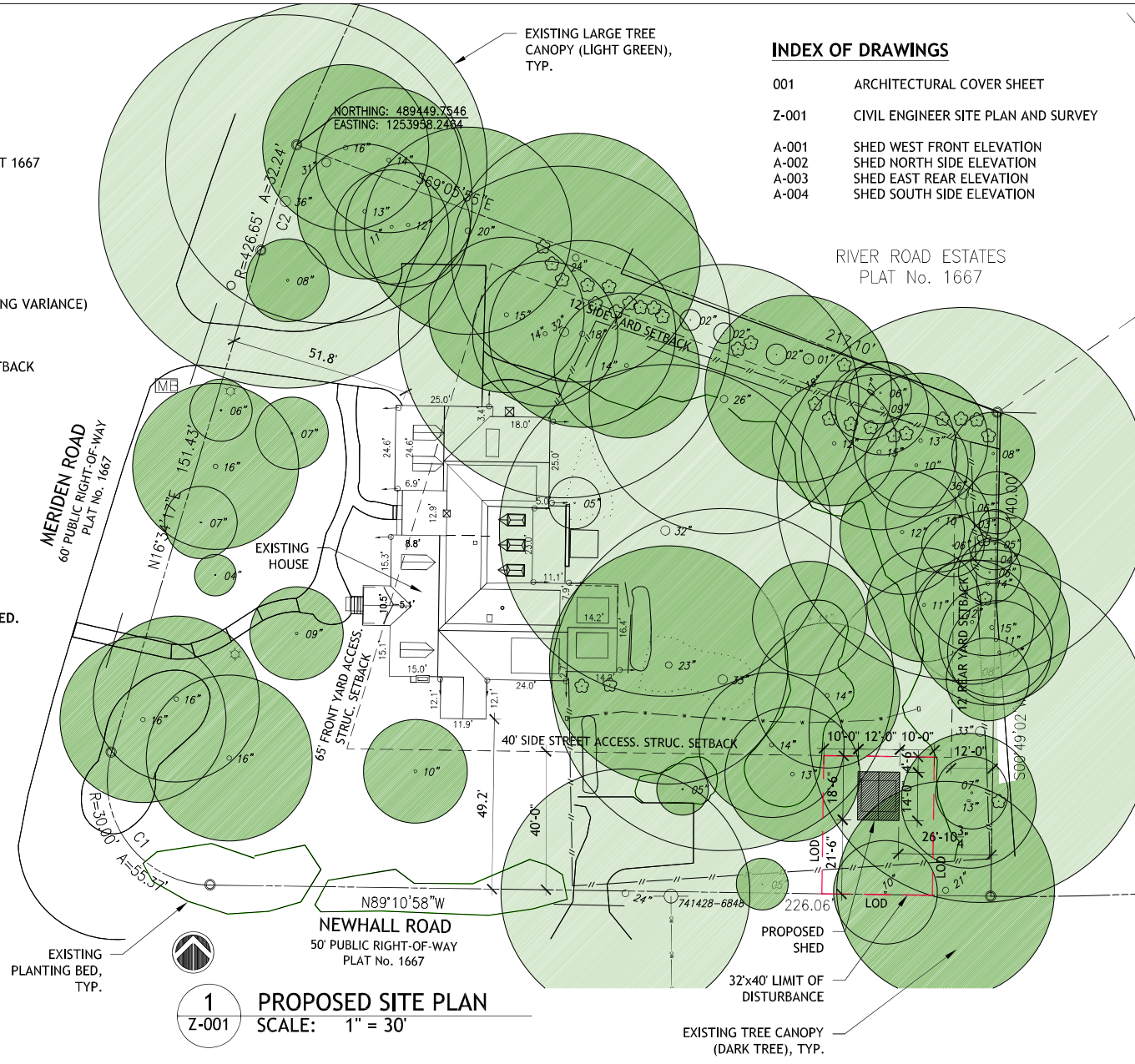
SHED DIMENSIONS..... 14'-0" x 12'-0"
 SHED HEIGHT..... 13'-4"

NOTES:

1. ALL SURVEY & SHED INFORMATION SHOWN ON SITE PLAN IS BASED ON SURVEY BY CPJ ASSOCIATES OF SILVER SPRING, MD, DATED JULY 15, 2025.
 SEE ATTACHED CIVIL ENGINEER'S SURVEY WITH PROPOSED SHED.



2 VICINITY MAP
 Z-001 SCALE: 1/32" = 1'-0"



INDEX OF DRAWINGS

001	ARCHITECTURAL COVER SHEET
Z-001	CIVIL ENGINEER SITE PLAN AND SURVEY
A-001	SHED WEST FRONT ELEVATION
A-002	SHED NORTH SIDE ELEVATION
A-003	SHED EAST REAR ELEVATION
A-004	SHED SOUTH SIDE ELEVATION

RIVER ROAD ESTATES
 PLAT No. 1667



WIEDEMANN ARCHITECTS LLC

5714 BRADLEY BOULEVARD
 BETHESDA, MD 20814
 301-652-4022

www.wiedemannarchitects.com

PROJECT
 BERNSTEIN RESIDENCE
 9920 MERIDEN ROAD
 POTOMAC, MD 20854

ISSUED
 ISSUED FOR BUILDING PERMIT
 15 AUGUST 2025

SHEET

001

COVER SHEET

SCALE: 1"=30'
MARYLAND COORDINATE SYSTEM NAD83 (2011)
NAD83

MERIDEN ROAD
60' PUBLIC RIGHT-OF-WAY
PLAT No. 1667

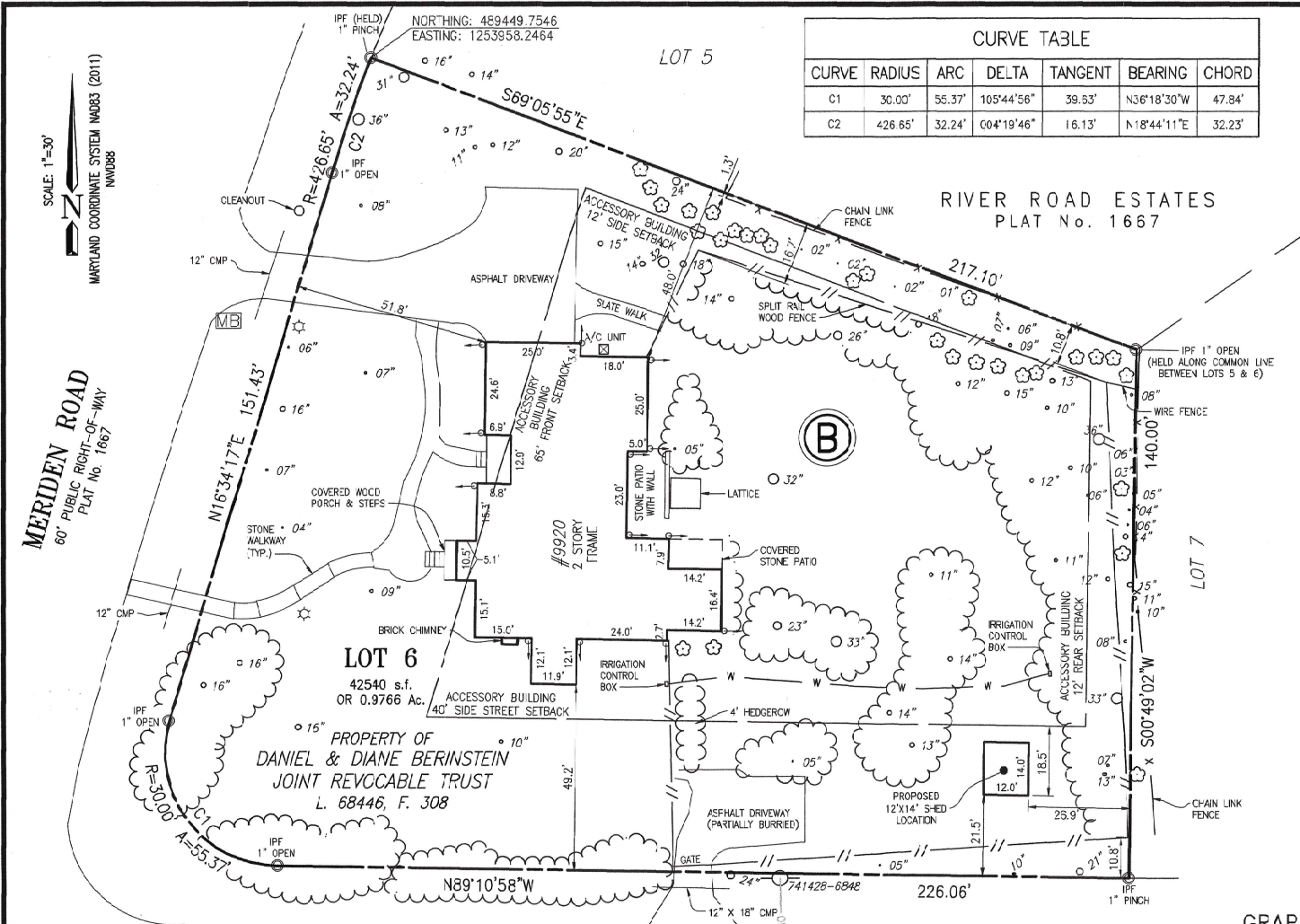
CURVE TABLE						
CURVE	RADIUS	ARC	DELTA	TANGENT	BEARING	CHORD
C1	30.00'	55.37'	105°44'56"	39.53'	N36°18'30"W	47.84'
C2	426.65'	32.24'	604°19'46"	16.13'	N18°44'11"E	32.23'

NOTES:

1. THE PURPOSE OF THIS SURVEY IS TO DEPICT THE LOCATION AND RELATION OF THE EXISTING IMPROVEMENTS TO THE PROPERTY LINES OF LOT 6, BLOCK 3 OF THE RIVER ROAD ESTATES SUBDIVISION, WITH A STREET ADDRESS OF 9920 MERIDEN ROAD, POTOMAC, MARYLAND 20854.
2. THE FIELDWORK FOR THIS SURVEY WAS STARTED ON JANUARY 17, 2025 WITH THE LAST DATE OF FIELDWORK BEING MAY 20, 2025.
3. ACCORDING TO DELVIN DANIELS, ZONING SPECIALIST WITH MONTGOMERY COUNTY, THE SUBJECT PROPERTY IS ZONED R-200.
4. COORDINATES SHOWN HEREON WERE ESTABLISHED USING TRIMBLE'S REAL-TIME KEYNETGS AND THEIR VIRTUAL REFERENCE STATION SYSTEM (VRS) AND ARE BASED ON THE MARYLAND COORDINATE SYSTEM NAD83 (2011) DATUM. THE AVERAGE SCALE FACTOR FOR THE SUBJECT PROPERTY IS 0.99995258. THE AVERAGE PROPERTY ELEVATION BASED UPON NAVD83 VERTICAL DATUM IS 369 FEET, FOR AN ELEVATION FACTOR OF 0.99998748. THE COMBINED FACTOR FOR THE SUBJECT PROPERTY IS 0.99934006. ALL BEARINGS AND DISTANCES SHOWN ARE BASED ON GRID COORDINATES.
5. BEARINGS SHOWN HEREON ARE SUBJECT TO A 2'31.43" COUNTER CLOCKWISE ROTATION FROM PLAT MERIDIAN (PLAT No. 1667) INTO MARYLAND COORDINATE SYSTEM NAD83 (2011) DATUM.
6. PERPENDICULAR DISTANCE TIES FROM THE BUILDING TO THE PROPERTY LINES ARE PLUS OR MINUS TWO-TENTHS OF A FOOT (±0.2').
7. THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT.
8. ACCESSORY STRUCTURE BUILDING RESTRICTION LINES (BRL) SHOWN FOR THE R-200 ZONE.

LEGEND

- LANDSCAPE AREA
- WOOD FENCE
- METAL FENCE
- OVERHEAD WIRE
- APPROX BURIED WATER LOCATION PER OWNER
- ROOF DRAIN SPOUT
- UTILITY POLE
- LIGHT
- MAILBOX
- IRON PIPE FOUND
- AIR CONDITIONER
- SINGLE TREE WITH SIZE
- TWIN TREE WITH SIZE
- TRIPLE TREE WITH SIZE
- BUSH



SURVEYOR'S CERTIFICATE:

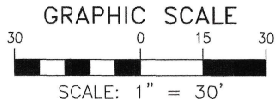
I HEREBY CERTIFY THAT THE INFORMATION SHOWN HEREON WAS OBTAINED USING ACCEPTED LAND SURVEYING PRACTICES; THAT THE BOUNDARY INFORMATION SHOWN HEREON IS TAKEN FROM AVAILABLE DEEDS AND RECORDS; THAT THIS PLAT AND THE SURVEY ON WHICH IT IS BASED WERE PREPARED UNDER MY RESPONSIBLE CHARGE AND ARE IN COMPLIANCE WITH COMAR REGULATION 09.13.06.12.

DATE: 7/15/2025

DocuSigned by:
William L. Pugh
WILLIAM L. PUGH
PROFESSIONAL LAND SURVEYOR
MD LIC. # 21941 EXP. 04/24/2027



NEWHALL ROAD
50' PUBLIC RIGHT-OF-WAY
PLAT No. 1567



UTILITY STATEMENT:

THE UNDERGROUND UTILITIES SHOWN HEREON (IF ANY) HAVE BEEN LOCATED FROM FIELD SURVEY INFORMATION, MAPS AS MAY BE AVAILABLE FROM MUNICIPALITIES OR UTILITY COMPANIES, AND EXISTING DRAWINGS. THE SURVEYOR MAKES NO WARRANTY THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. THE SURVEYOR FURTHER DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED, ALTHOUGH HE DOES STATE THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM INFORMATION AVAILABLE. UNLESS OTHERWISE NOTED, THE SURVEYOR HAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTILITIES.

SPECIAL PURPOSE SURVEY
PROPERTY LINE EXHIBIT
9920 MERIDEN ROAD
LOT 6, BLOCK B
RIVER ROAD ESTATES
POTOMAC (10TH) ELECTION DISTRICT
MONTGOMERY COUNTY, MARYLAND

CPJ Associates
Charles P. Johnson & Associates, Inc.
Civil and Environmental Engineers - Planners - Landscape Architects - Surveyors
1791 Epton Rd., Ste. 300 Silver Spring, MD 20905 301-434-7000 Fax: 301-434-6954
www.cpja.com • Silver Spring, MD • Annapolis, MD • Greenbelt, MD • Frederick, MD • Pikesville, MD

CLIENT: DANIEL BERNSTEIN PROPOSED MERIDEN ROAD POTOMAC, MD 20854	REVISIONARY PLANNING	SHEET NO:
DATE: 07/15/2025	DATE: 07/15/2025	1
SCALE: 1" = 30'	FILE NO: 2025-10-0918	



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: DANIEL M & DIANE H BERINSTEIN

ADDRESS: 9920 MERIDEN RD
POTOMAC, MD 20854

LOT - BLOCK: 6 - B ZONE:R-200

THE VARIANCE REQUEST IS FOR

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

TYPE OF CONSTRUCTION:

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

The proposed construction requires a 18.50 ft. variance as it is within 21.50 ft. of the front lot line.

The required setback is 40.00 ft. in accordance with Section 59-4.4.7.B.

The proposed construction requires a variance from the Exemption from Controls, Section 59-B as follows:

Does not meet the 40' front required setback for accessory structures

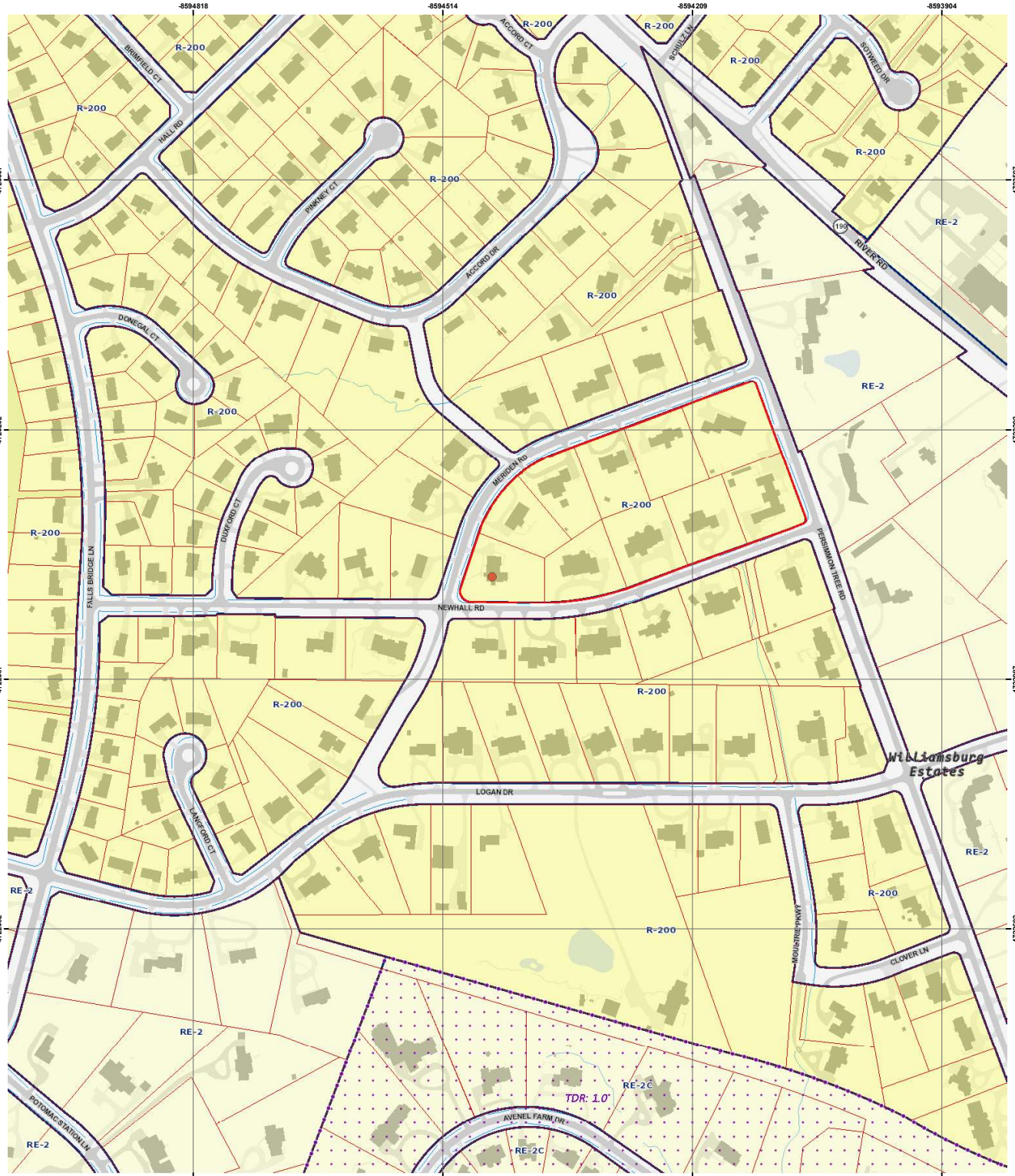
The proposed construction requires an exception of 18.5' toward the front setback

Handwritten signature of Matthew Makowski

8/28/2025

Signature Matthew Makowski - DPS Zoning Specialist 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 included in map amendments for clarity purposes; rights-of-way included in a map amendment boundary assure the new zoning assigned in the map amendment.



MONTGOMERY COUNTY ZONING MAP

The Maryland-National Capital Park and Planning Commission Montgomery County Planning Department



Printed: 9/16/2025

1 inch = 250 feet

Account #	00853853
Address	9920 MERIDEN RD POTOMAC, 20854
Landuse	Single Family Detached
Legal Description	RIVER ROAD EST
Zone	R-200
Overlay Zone	N/A
TDR Overlay Zone	N/A
Parking District	N/A
CBD	N/A
Parcel, Lot, Block	N/A, 6, B

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	POTOMAC SUBREGION 2002
Historic Site/District	N/A

WSSC Grid	211NW10
Map Amendments	G-247 G-800 G-956
Water/Sewer Categories	W-1 / S-1

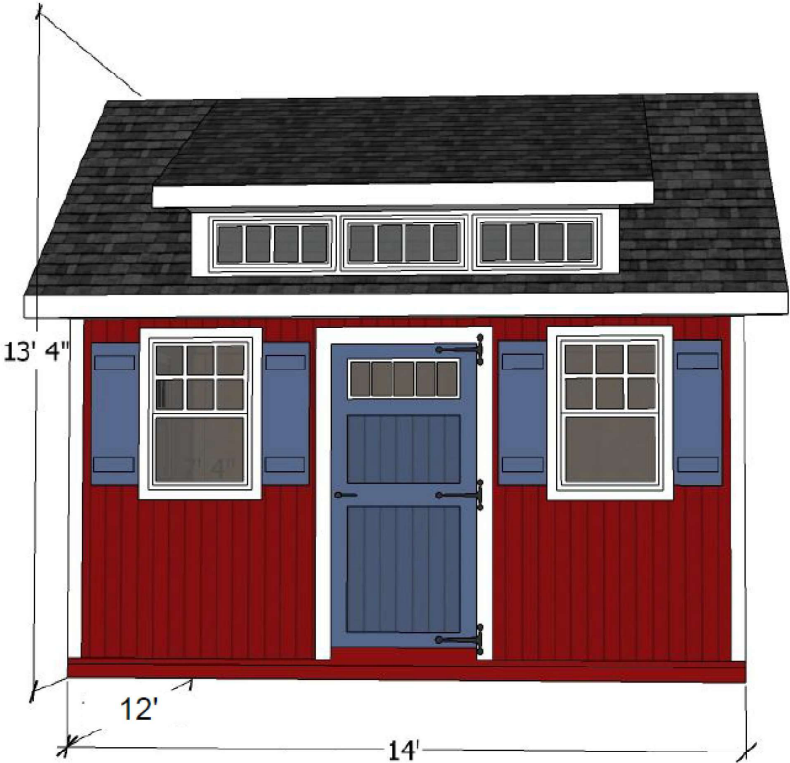
I certify that this document is a copy of the official Montgomery County Zoning Map as downloaded on 9/16/2025 from mcatlas.org/zoning.

Russell Corbin



Skylit Living
101 Marlboro Ave
Easton, Md 21601

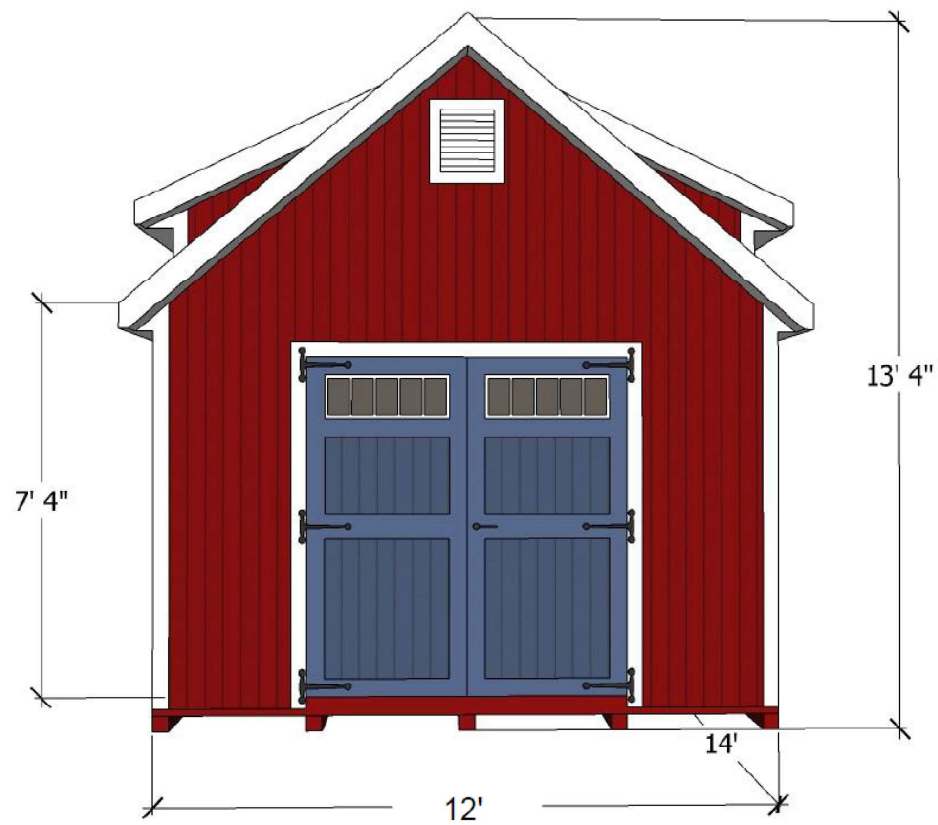
Berinstein
12x14 Manor Series Shed
5/9/25



A-001 WEST FRONT ELEVATION

Skylit Living
101 Marlboro Ave
Easton, Md 21601

Berinstein
12x14 Manor Series Shed
5/9/25



A-002 NORTH SIDE ELEVATION

Skylit Living
101 Marlboro Ave
Easton, Md 21601

Berinstein
12x14 Manor Series Shed
5/9/25



A-003 EAST REAR ELEVATION

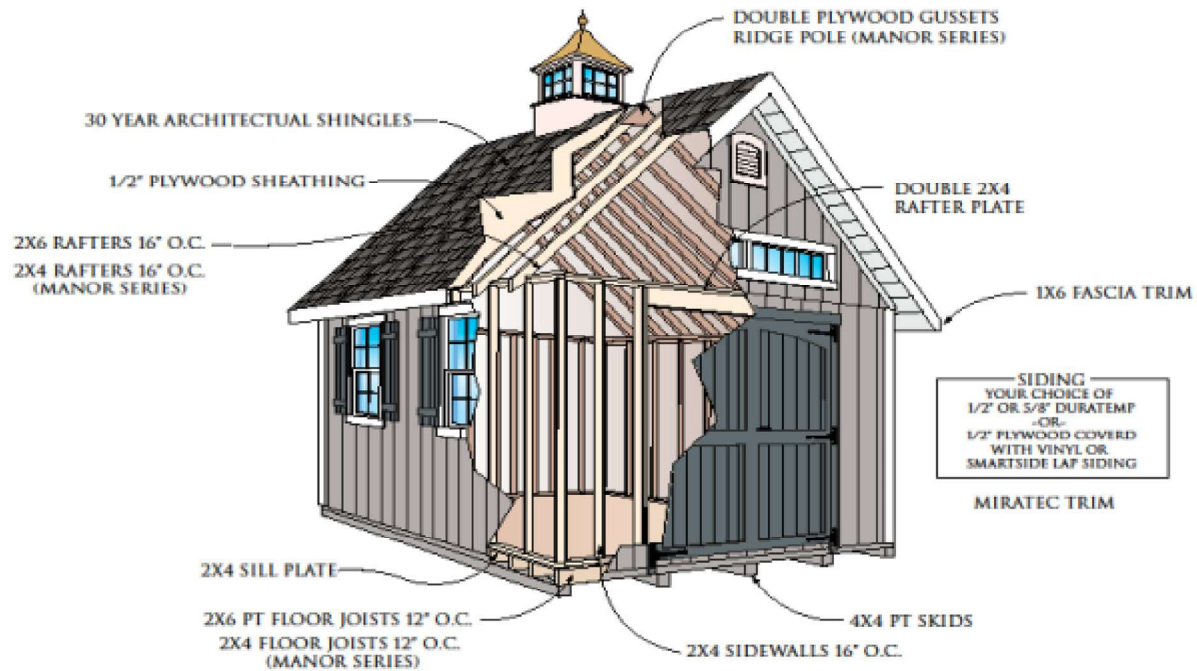
Skylit Living
101 Marlboro Ave
Easton, Md 21601

Berinstein
12x14 Manor Series Shed
5/9/25

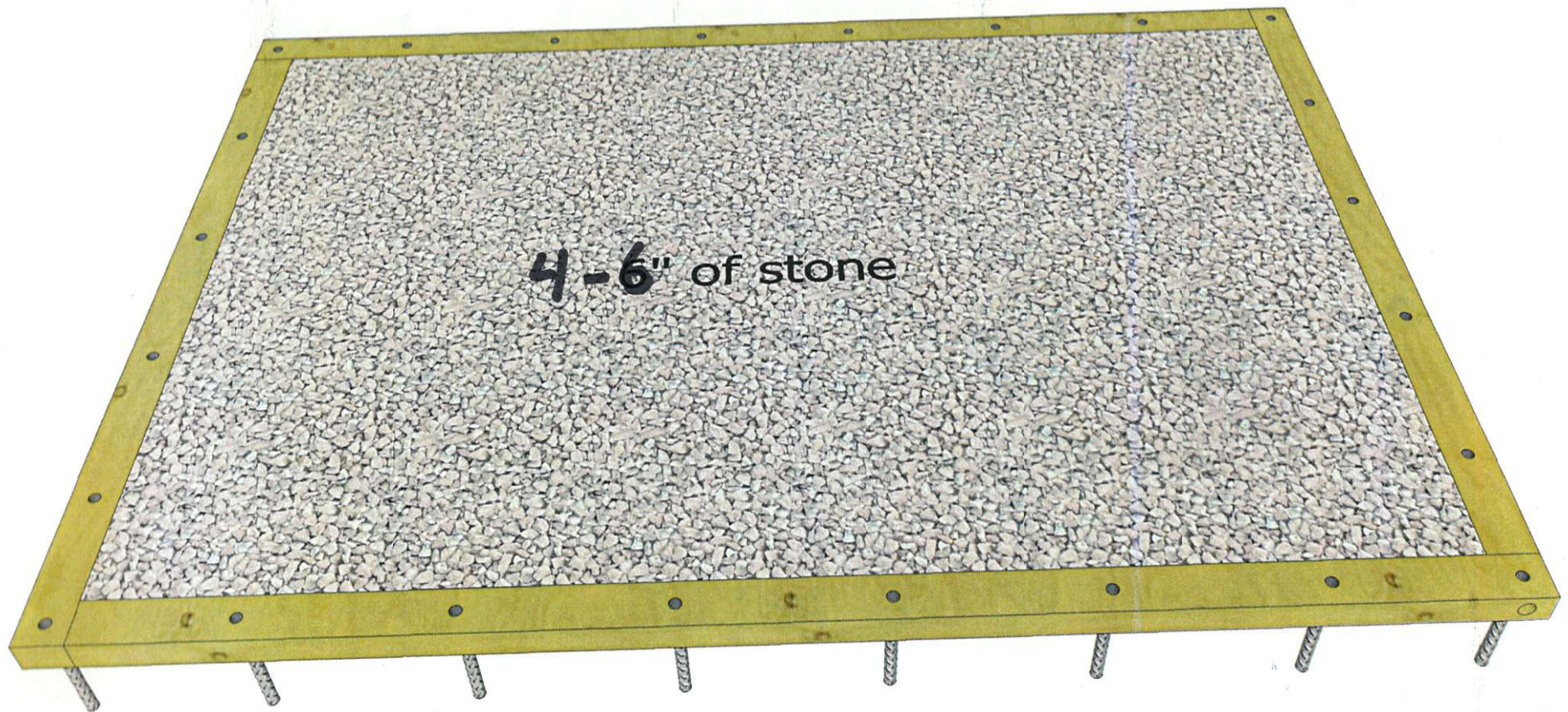


A-004 SOUTH SIDE ELEVATION

MANOR AND ELITE A-FRAME SPECIFICATIONS



Skylit Living
101 Marlboro Ave
Easton, MD 21601



Pad Site Sketch

Skylit Living
101 Marlboro Ave
Easton, MD 21601



Pad Site Sketch



RJ BERRA INC. T/A
Services Unlimited CO.
Tree & Stump Removal Experts

301-384-4746
Maryland Tree Expert
License #782

4120 Sandy Spring Road Burtonsville, Maryland 20866

Aug 1, 2025

To: Chairperson, Montgomery County Board of Appeals
100 Maryland Avenue, Suite 217
Rockville, MD 20850

Re: Variance for storage shed at 9920 Meriden Road, Potomac, MD 20854

I am a Licensed Tree Expert #00372 who has been hired to help maintain the health of the mature trees on the Berinstein's property for the past 10 years. I have been performing annual maintenance on the many fully mature white oak, beech, holly, poplar, maple, and chestnut trees on the Berinstein's property to ensure that these trees continue to live as long as possible.

The Berinstein's consulted me on the placement of a small storage shed; their primary concern was to find a location that would minimize impact on the existing mature trees. The location where they are requesting a variance was chosen to balance avoiding disturbance to the established root systems of the trees on their property with the County's requirement of a 40-foot setback. Their proposal to me was 21.5 feet off the property line along Newhall Road.

Given the placement of mature holly, oak, beech and chestnut trees and each tree's specific root growth pattern, this placement minimizes risk. The only other location on the property I would recommend would be to move 2 - 4 feet closer to the property line along Newhall Road and slightly farther from the far-reaching and more shallow root system of the beech tree. That ideal location would require a larger variance, and my clients are looking for a solution that most closely meets both the needs of their trees and the County's regulations. I cannot recommend any other location on the property without concern for the tree canopy.

As a professional, I have spent my 40+ year career working to preserve the health of trees. This project, while indeed requesting a variance for standard County guidelines, is being put forth to comply with what I believe is a greater County goal – maintaining the health of the existing mature tree canopy, which benefits all. As homeowners, the Berinstein's have worked hard to protect these trees, not just for the past 10 years that I have been of service to them, but since they purchased the property in 2002. I hope you can understand the benefit this zoning variance offers both the homeowners and our shared ecosystem.

Respectfully,

Geoff Pavali

RJ Berra, Inc.
Services Unlimited Tree & Stump Removal Experts

SOLAR GARDENS

1350 NORBECK ROAD
SILVER SPRING, MD 20905
(301) 236-0822

“CREATORS OF FINE ENVIRONMENTS”

To: Chairperson Montgomery County Board of Appeals
100 Maryland Ave, Suite 217
Rockville, MD 20850

September 12, 2025

Variance for Storage Shed at 9920 Meriden Road, Potomac, MD 20854

Hello,

My name is Jon Winter. I have a B.S. degree in Ornamental Horticulture and Landscape Design from the University of Maryland. I have been an owner and operator of a landscape contracting company for over 30 years in the Washington metropolitan area.

I have been working with the Berinstein family for over 13 years, designing, installing, and maintaining their gardens. We have taken great care to design the backyard garden beds and plantings, so they incorporate and work harmoniously with the mature tree root structures. Their request to place the proposed shed in the alternative location makes sense from a root zone protection standpoint as well as an aesthetic standpoint. The health of their mature trees is an integral part of the overall garden aesthetic.

Sincerely,
Jon Winter
Solar Gardens Inc.
Vice-President
ofc (301) 236-0822

August 29th, 2025

Re: To: Chairperson, Montgomery County Board of Appeals

100 Maryland Avenue, Suite 217

Rockville, MD 20850

RE: Variance for storage shed at 9920 Meriden Road, Potomac, MD 20854

My name is Guy Berliner and my wife Bonnie and I live at 9913 Meriden Rd., in Potomac, across the street from the Berinsteins. We have lived in this house for approximately 30 years.

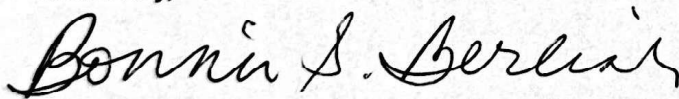
It has come to my attention that they want to put a shed in their backyard. We have reviewed the drawing as well as the various artist renderings of the shed and we feel that there is no issue to us in doing this. We have no objections and would like to add that the Berinstein's are wonderful neighbors and are always respectful of the neighborhood.

For those reasons, we have no issues with them installing this shed. In fact, where we live we will not even be able to see the shed, though if we could, it would still not bother us.

One of the prime reasons we love this street/neighborhood is the fact that we have so many mature trees. I understand that where the proposed location is for the shed, no trees will have to be removed, that's great. I know they always take very good care of their trees.

We believe the request for this variance is in order.

Sincerely,



Bonnie & Guy Berliner



September 1, 2025

Thomas B Burdeshaw
9916 Newhall Road
Potomac, Maryland 20854

Chairperson, Montgomery County Board of Appeals
100 Maryland Avenue, Suite 217
Rockville, MD 20850

Reference: Variance for storage shed at 9920 Meriden Road, Potomac, MD 20854

Dear Board of Appeals,

I reside at 9916 Newhall Road across the street from the Berinstein family. I have lived on Newhall since the early 90's and have known the family since they moved to the neighborhood about 20 years ago. The family has always been a great neighbor, and they take great pride in maintaining their home, landscaping, and trees.

The Berinstein's recently asked me to review a site plan and design plans for a utility shed to be installed in their rear yard. Since the property is a corner lot, their rear yard also fronts Newhall Road and is in partial line-of-sight from my property. The proposed shed location is less visible than if the shed were located within the County's set-back requirements. I understand the family is requesting the variance to preserve their existing large trees.

I support their variance request and have no objection to the proposed shed design or location. It should be noted that my property is not impacted by run-off or shade created by the shed and its location.

Additionally, I hope the family will ensure the shed color matches the house color and they include landscaping to reduce the visibility along Newhall.

If you have any questions, please do not hesitate to contact me.

Thank you



Thomas Burdeshaw

To: Chairperson, Montgomery County Board of Appeals
100 Maryland Avenue, Suite 217
Rockville, MD 20850

Re: Variance for Storage Shed at 9920 Meriden Road, Potomac, MD 20854

In 1996 we moved into our residence at 10011 Newhall Road, which is two houses away from the Berinsteins' house at 9920 Meriden Road. We are aware that they are trying to put a shed in their backyard. We have reviewed their shed drawings and site plan and have no objections to the placement of their proposed shed. The shed is located in such a way that it will not impact our property in any way, including its effect on water run off or shadowing. From where our house is situated, the shed will be minimally visible. From the road, the shed will blend in with the Berinsteins' existing house and landscaping. We congratulate them on the design of this shed!

Most importantly to us, they have taken care to locate the shed in a way that will not require them to remove any mature shade trees, nor is the shed likely to cause any damage to the root system of the trees on their property. We highly value the existence of these very old trees and their role in our natural environment. We know that the Berinsteins take care in maintaining the health of their trees and landscape with sensitivity to our native environment. Their request for a variance is in the best interest of our community. The preservation of healthy trees benefits us all!

Respectfully submitted,


Rebecca T. Gordon


Daniel M. Gordon

To: Chairperson, Montgomery County Board of Appeals
100 Maryland Avenue, Suite 217
Rockville, MD 20850

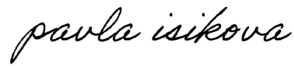
Re: Variance for storage shed at 9920 Meriden Road, Potomac, MD 20854

Dear Chairperson,

I reside at 9919 Meriden Road and have been a neighbor of the Bernstein's for five years. I am aware that they are trying to put a shed in their backyard, and I have reviewed their shed drawings and site plan and have no objections to the placement of their proposed shed. The shed is located in such a way that it will not impact my property in any way, including its effect on water run of or shadowing. From where my house is situated, the shed will not be visible and from the road the shed blends in with the Bernstein's existing house and landscaping.

Most importantly, they have taken care to locate the shed in a way that it will not require them to remove any mature shade trees, nor is the shed likely to cause any damage to the root system of the trees on their property. We know the Bernstein's take care in maintaining the health of their trees and landscape with sensitivity to the native environment. Their request for a variance is in the best interest of our community as the preservation of healthy trees benefits us all.

Sincerely,



Pavla Isikova
9919 Meriden Road
Potomac, MD 20854
09/04/2025

To: Chairperson, Montgomery County Board of Appeals
100 Maryland Avenue, Suite 217
Rockville, MD 20850

RE: Vaariance for storage shed at 9920 Meriden Road, Potomac, MD 20854

I reside at 9806 Meriden Road and have been a neighbor of the Berinstein family for over 4 years. I am aware of their application to place a shed in their backyard and have reviewed the plans and site drawings. I have no objection to the proposal.

The shed has been sited responsibly and will not affect my property through runoff, shading, or visibility. It appears that, viewed from the road, it will be consistent with the Berinsteins' home and landscaping. The design also avoids any removal of mature shade trees or harm to tree root systems, which reflects the Berinsteins' ongoing care for their property and the environment.

In my view, their variance request is reasonable and supports the preservation of trees and the character of our neighborhood.

Respectfully,
Alexander Koch



9086 Meriden Rd,
Potomac, MD 20854

To: Chairperson, Montgomery County Board of Appeals
100 Maryland Avenue, Suite 217
Rockville, MD 20850

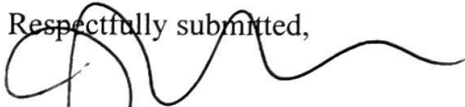
Re: Variance for storage shed at 9930 Meriden Rd, Potomac, MD 20854

I live at 9908 Newhall Road and have been a neighbor of the Bernstein's since September 2020. I know they are planning to add a shed in their backyard, and after reviewing their shed drawings and site plan, I have no objections to the placement of the proposed shed.

The shed is thoughtfully positioned so it will not affect my property in any way, including water runoff or shadowing. From my home, the shed is not visible, and from the road it blends in nicely with the Bernstein's house and landscaping.

Most importantly, they have taken care to place the shed in a way that does not require removing any mature shade trees, and it is unlikely to cause damage to the trees' root systems or the surrounding landscape. Their commitment to preserving the tree canopy is not only important to the character of our neighborhood but also in keeping with the county's tree preservation programs. Their variance request reflects a thoughtful approach that preserves our tree canopy, something that enriches life for all of us in the neighborhood.

Respectfully submitted,



Jamie Kutchman
9908 Newhall Road
Potomac, MD
20854

To: Chairperson, Montgomery County Board of Appeals
100 Maryland Avenue, Suite 217
Rockville, MD 20850

Re: Variance for storage shed at 9920 Meriden Road, Potomac, MD 20854

Our family lives at 9304 Meriden Road and are aware that they are trying to put a shed in their backyard. We have reviewed their shed drawings and site plan and have no objections to the placement of their proposed shed. They have been thoughtful in planning for a shed that does not negatively impact water run off, interfere with mature trees, or create shadowing of existing plants. From where my house is situated (just across the Meriden-Newhall intersection from their's), the shed will not be visible, and from the road the shed blends in architecturally with the Berinstein's lovely existing house.

We are encouraged that the placement of the shed in a way that it will not require them to remove any mature shade trees, nor is the shed likely to cause any damage to the root system of the mature trees on their property. We know the Berinsteins always take care in maintaining the health of their trees and landscape with sensitivity to the native environment. Their request for a variance is in the best interest of our community as the preservation of healthy trees benefits us all.

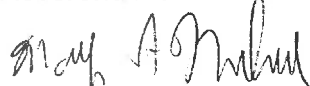
Respectfully submitted,

Dr. Allison Zbicz Michael



9304 Meriden Road
Potomac, MD 20854
607-544-4400

Reverend Mark A. Michael



From: Christine O'Connell christineoconnell@alumni.nd.edu
Subject: Re: Sample letter
Date: September 2, 2025 at 9:43 AM
To: DH BERINSTEIN dhberinstein@me.com



To: Chairperson, Montgomery County Board of Appeals 100 Maryland Avenue, Suite 217, Rockville, MD 20850

Re: Variance for storage shed at 9920 Meriden Road, Potomac, MD 20854

James O'Connell resides at 9901 Newhall Road and has been a neighbor of the Berinsteins for four years. I am aware that they are trying to put a shed in their backyard, and I have reviewed their shed drawings and site plan and have no objections to the placement of their proposed shed. The shed is located in such a way that it will not impact my property in any way, including its effect on water run off or shadowing. From where my house is situated, the shed will be minimally visible and from the road the shed blends in with the Berinstein's existing house and landscaping.

Most importantly, they have taken care to locate the shed in a way that it will not require them to remove any mature shade trees, nor is the shed likely to cause any damage to the root system of the trees on their property. We know the Berinsteins take care in maintaining the health of their trees and landscape with sensitivity to the native environment. Their request for a variance is in the best interest of our community as the preservation of healthy trees benefits us all.

Respectfully submitted,

James O'Connell
9901 Newhall Road
Potomac, MD 20854

August 30, 2025

TO: Chairperson, Montgomery County Board of Appeals
100 Maryland Ave, Suite 217
Rockville, MD 20850

RE: Variance for Storage Shed at 9920 Meriden Road, Potomac, MD 20854

I live down the street from The Berinstein family at 10020 Newhall Road, Potomac, MD. I am aware that they are interested in putting a shed in their backyard. They have shared the site plan and the drawings of the shed with me and I have no objections (of any kind) to the placement or design of their proposed shed. The location of their shed will not impact my property in any way and I cannot envision how it could impact any other properties in the neighborhood. They have been very considerate and thoughtful of the neighborhood in this process including to the location of where the shed will be situated. It will be situated in their backyard, not visible to the street and has been designed to blend in with their current house design.

Also, The Berinsteins have shared that the new structure will not require them to remove any mature trees and that its construction will comply with the County's tree preservation requirements. The Berinstein's have always taken great pride and care in their landscaping and maintaining their grounds so they are very conscientious of how their property looks and know this will not be any exception.

I have lived in this neighborhood for over 25 years and The Berinsteins are very considerate of anything they do that could impact others in our community. I fully support their putting this shed in their backyard.

If you have any questions, you can feel free to contact me.

Sincerely,

Susan Rushford
srushford@gmail.com
(301) 346-0077

JEANNETTE M. & PEDRO G. SOTO

9910 Meriden Road
Potomac, MD 20854

August 28, 2025

Caryn Hines
Chair
Montgomery County Board of Appeals
100 Maryland Avenue
Suite 217
Rockville, Maryland 20854

RE: Proposed Construction / Variance for Storage Shed at 9920 Meriden Road in Potomac, MD

Dear Chair Hines and Members of the Board of Appeals:

I am the resident and owner of 9910 Meriden Road, in Potomac, Maryland. My family and I are the next-door neighbors to Dianne and Dan Berinstein since May 2018.

We understand that the Berinsteins are trying to construct a shed in their backyard and are in the process of applying for proper Montgomery County permits on the same. They have discussed the matter with us, shared copies of construction drawings and site plans, and shared information from licensed tree experts regarding the existing trees and potential placement of the shed. On the basis of this robust discussion, **we have no objection to the construction or placement of the proposed shed.** The shed's location is such that it will not impact our property in any way, including as to water run-off or shadowing issues. We do not expect that the shed will be visible from our home—and even if it were, we have no objection to it.

Over the years, we've known the Berinsteins to take meticulous care of their home and their yard. They care deeply about tree preservation, which is why they've suggested this specific placement of the shed. We understand that placing it elsewhere within their yard could likely cause significant damage to existing, mature trees. As such, we fully understand and support their intention to place the shed where it is currently proposed in order to best preserve the existing tree canopies.

We respectfully request that the County consider this letter in support of their petition to obtain necessary permits, authorizations, and variances, as appropriate, to be able to build their shed in the proposed location.

We would be happy to address any questions or concerns you may have.

Regards,



Pedro G. Soto
(202)-531-7890
sotopedrog@gmail.com

**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-6946

PETITION OF DIANE HENNER BERINSTEIN

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 12th day of November, 2025, 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 proposed construction of an accessory structure (shed) requires a variance of 18.50 feet as it is within 21.50 feet of the front lot line. The required setback is 40 feet in accordance with Section 59.4.4.7.B of the Zoning Ordinance.

The subject property is Lot 6, Block B, River Road Estates Subdivision, located at **9920 Meriden Road, Potomac, Maryland 20854** in the R-200 Zone. (Tax Number Account No. 10-00853853)

Notices forwarded this 10th day of October, 2025, to:

Diane Henner Berinstein

Greg Wiedemann

Corey Talcott, 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.

CASE NO. A-6946

PETITION OF DIANE HENNER BERINSTEIN
EXHIBIT LIST

1. Application
2. List of adjoining/confronting property owners
3. Statement of Justification
4. (a)-(b) Site Plans
5. (a) West Front Elevation
(b) North Side Elevation
(c) East Rear Elevation
(d) South Side Elevation
(e) Manor A Frame Specifications
(f) Pad Site Sketches
6. DPS Building Permit Denial
7. (a) Arborist Letter by Geoff Favali
(b) Landscapers Letter by Solar Gardens
8. (a)-(j) Letters of Support
9. Zoning Vicinity Map
10. (a) Envelope showing date notice mailed
(b) Notice of hearing scheduled for November 12, 2025
11. (a) Envelope showing date notice mailed
(b) Notice of new hearing date scheduled for December 10, 2025
12. _____
13. _____
14. _____
15. _____

Real Property Data Search ()

Search Result for MONTGOMERY COUNTY

[View Map](#)

No Ground Rent Redemption on File

No Ground Rent Registration on File

Special Tax Recapture: None

Account Number: District - 10 Account Identifier - 00853853

Owner Information

Owner Name: BERINSTEIN DANIEL & DIANE JOINT REVOCABLE TRUST
 BERINSTEIN DANIEL M TRUSTEE ET AL
Use: RESIDENTIAL
Principal Residence: YES
Mailing Address: 9920 MERIDEN RD
 POTOMAC MD 20854
Deed Reference: /68446/ 00308

Location & Structure Information

Premises Address: 9920 MERIDEN RD
 POTOMAC 20854-4312
Legal Description: RIVER ROAD EST

Map:	Grid:	Parcel:	Neighborhood:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:
FP41	0000	0000	10030001.16	0001		B	6	2026	
Town: None									

Primary Structure Built	Above Grade Living Area	Finished Basement Area	Property Land Area	County Use
1953	4,372 SF	800 SF	42,544 SF	111

Stories	Basement	Type	Exterior Quality	Full/Half Bath	Garage	Last Notice of Major Improvements
1 1/2	YES	STANDARD UNIT	FRAME/ 6 SIDING	4 full/ 2 half	1 Attached	

Value Information

	Base Value	Value		Phase-in Assessments	
		As of 01/01/2023	As of 07/01/2025	As of 07/01/2026	
Land:	561,700	561,700			
Improvements	928,500	928,500			
Total:	1,490,200	1,490,200	1,490,200		
Preferential Land:	0				

Transfer Information

Seller: BERINSTEIN DANIEL M & DIANE H Type: NON-ARMS LENGTH OTHER	Date: 10/01/2024 Deed1: /68446/ 00308	Price: \$0 Deed2:
Seller: HARTSHORN, BRUCE S & A F Type: ARMS LENGTH IMPROVED	Date: 06/05/2002 Deed1: /21214/ 00117	Price: \$650,000 Deed2:
Seller: Type:	Date: Deed1:	Price: Deed2:

Exemption Information

Partial Exempt Assessments: Class		07/01/2025	07/01/2026
County:	000	0.00	
State:	000	0.00	
Municipal:	000	0.00	0.00

Special Tax Recapture: None

Homestead Application Information

Homestead Application Status: Approved 08/21/2024

Homeowners' Tax Credit Application Information

Homeowners' Tax Credit Application Status: No Application
Date: