

**BOARD OF APPEALS  
for  
MONTGOMERY COUNTY**

Stella B. Werner Council Office Building  
100 Maryland Avenue  
Rockville, Maryland 20850  
<http://www.montgomerycountymd.gov/boa/>  
(240) 777-6600

**Case No. A-6924**

**PETITION OF JONATHAN FREIMANN**

OPINION OF THE BOARD  
(Hearing Date: July 16, 2025)  
(Effective Date of Opinion: July 23, 2025)

Case No. A-6924 is an application by Petitioner Jonathan Freimann for variance relief needed for the proposed construction of a room addition. The proposed construction requires a variance of 2.9 percent (2.9%) as it results in a total lot coverage of 32.9 percent (32.9%). The allowable lot coverage is thirty percent (30%), in accordance with Section 59.4.4.8.B.1 of the Zoning Ordinance.

The Board of Appeals held a hearing on the application on July 16, 2025. Yael Freimann was present in support of the requested variance.<sup>1</sup> She was assisted by contractor Lance Greer.

Decision of the Board:      Variance **GRANTED**.

**EVIDENCE PRESENTED**

1.     The subject property is Lot 97, Block A, Rock Creek Hills Sec 2 Subdivision, located at 2502 Campbell Place in Kensington, Maryland, 20895, in the R-90 Zone. It is a rectangular lot located on the southeast side of Campbell Place, at its terminus. The property is 50 feet wide and 100 feet deep, giving it a total area of 5,000 square feet. Per SDAT, the subject property contains a house that was built in 1980, and it was purchased by the Petitioner and his wife in 2019. See Exhibits 4 and 7, and SDAT Printout.

2.     The Petitioner's variance Application cites the property's narrowness, shallowness, and other extraordinary conditions as features that make the property unique and cause strict compliance with the Zoning Ordinance to pose a practical difficulty

---

<sup>1</sup> Yael Freimann testified that Petitioner Jonathan Freimann is her husband, and that she had authority to appear at the hearing on his behalf.

for the Petitioner. The Application states that the Petitioner's 5,000 square foot lot is "undersized" for the R-90 Zone, and that the small size of the lot makes it difficult to comport with the 30% lot coverage limitation. See Exhibit 1.

4. The Petitioners' Statement of Justification ("Statement") states that the Petitioner is seeking to construct "a modest 196 sq. ft. addition in place of a deteriorating enclosed porch and deck." The Statement states that the "[t]hese existing structures already contribute to a current lot coverage of 31.8%, which is above the current allowable limit," and that "[w]ith the proposed improvements, the new lot coverage will be 32.9%, or approximately 145 sq. ft. over the standard threshold." See Exhibit 3.

5. The Statement cites several features that make the Petitioner's property unique, as follows:

- The lot is an undersized infill parcel of 5,000 sq. ft., well below the R-90 standard of 9,000 sq. ft.
- A shared driveway layout further encroaches on usable land and limits design flexibility.
- The existing overage was present at the time of purchase, and not the result of actions taken by the current owner.
- The enclosed porch and deck are structurally deteriorated, poorly insulated, and not suitable for continued safe use.

See Exhibit 3. With respect to the reference to the "shared driveway layout," the Site Plan shows that a portion of the driveways for the abutting properties on the left and right sides of the subject property traverse the subject property ("The macadam driveways from Lots 96 and 98 lie onto the subject property.") See Exhibit 4.

6. The Statement states that the "undersized nature of the lot and the shared driveway configuration constitute extraordinary and exceptional circumstances affecting the property that do not apply to most other lots in the R-90 zone." The Statement states that this constitutes an extraordinary condition for the purpose of satisfying Section 59.7.3.2.E.2.a of the Zoning Ordinance. See Exhibit 3.

7. The Statement states that the features that make the subject property unique are not the result of actions taken by the Petitioner. In support of this, the Statement states that "[t]he lot coverage overage and spatial constraints pre-existed the current ownership," and notes that "[t]he applicant seeks only to improve already noncompliant, deteriorating structures." See Exhibit 3.

8. The Statement states that "[t]he variance sought reflects a minimal increase of 2.9% beyond the permitted limit," and that the footprint of the proposed addition "aligns closely with existing structures, making this the least intrusive path toward necessary upgrades." Thus the Statement states that the requested variance is the minimum needed to overcome the practical difficulties associated with full compliance with the Zoning Ordinance. See Exhibit 3.

9. The Statement states that granting the requested variance to allow the proposed addition will not harm the Petitioner's neighbors or impair the intent and integrity of the applicable master plan. The Statement states that "[t]he addition will not impact neighboring properties or public space" because "[t]he rear of the lot backs onto protected State Park land, shielding the addition from any road or pedestrian visibility" and "[o]nly two neighboring properties have a direct line of sight..." The Statement states that the proposed addition would be consistent with the character of the neighborhood, noting that "[t]he new addition is designed to architecturally blend with the existing structure, enhancing the home's visual appeal and contributing to overall neighborhood cohesion." See Exhibit 3.

10. Finally, the Statement states that the Petitioner is seeking to "responsibly upgrade and restore part of the home that is no longer functional, while making only a minor request for relief from the existing lot coverage requirement." The Statement states that the requested variance will "[i]mprove the livability, efficiency, and safety of the home," "[p]reserve visual and environmental harmony with surrounding properties," and "[m]aintain consistency with Montgomery County's broader goals for sustainable and resilient residential communities." See Exhibit 3.

11. The Site Plan at Exhibit 4 contains the following calculations related to existing and proposed lot coverage:

Lot Coverage

Main Dwelling: 1449sqft = 28.9%

Existing Enclosed Deck 144sqft = 2.8%

Current Lot coverage = 31.8%

NEW Proposed Coverage

Proposed Addition: 196sqft = 3.9%

New Proposed Lot Coverage

1645 sqft = 32.9% of 5000sqft lot

1.1% Difference

12. At the outset of the hearing, Mr. Greer provided the Board with a document signed by three of the Petitioner's neighbors indicating that these neighbors do not oppose the grant of the requested variance. See Exhibit 9.

13. At the hearing, Mr. Greer testified that there was a "dated" sunroom and deck on the back of the Petitioner's house when he purchased it. He testified that the Petitioner is seeking to remove the existing structure and to replace it with a slightly larger room addition (14' x 14'). Mr. Greer testified that this would result in an extra 1% of lot coverage.

Mr. Greer testified that the subject property is small, with an area of 5,000 square feet, and that it is unusually constrained by the 30% lot coverage limitation. Mr. Greer testified that the subject property backs to Rock Creek Park. He testified that as shown

on the Site Plan, the driveways for the homes on either side of the subject property cross onto the property and further limit the available square footage of the property. Mr. Greer confirmed, in response to a Board question, that as currently constructed, the property has a total lot coverage of 31.8%, and that with the proposed improvements, the total lot coverage would be 32.9%, an increase of 1.1%.

## **FINDINGS OF THE BOARD**

Based on the binding testimony and the evidence of record, the Board finds that the variance from the rear lot line can be granted. The Board finds that the requested variance complies with the applicable standards and requirements set forth in Section 59.7.3.2.E as follows:

1. *Section 59.7.3.2.E.2.a. one or more of the following unusual or extraordinary situations or conditions exist:*

*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 Board finds, based on the Statement and Site Plan, that with an area of 5,000 square feet, the subject property is small. The Board further finds that the application of the 30% lot coverage limitation to this already small property results in the property having a significantly constrained buildable area that is already exceeded by the existing house. See Exhibits 3 and 4. The Board finds that these factors, taken together, constitute an extraordinary condition peculiar to this property, in satisfaction of this element of the variance test.

2. *Section 59.7.3.2.E.2.b the special circumstances or conditions are not the result of actions by the applicant;*

The Board finds, based on the SDAT Printout, that the subject property is improved with a house that was built in 1980, and that it was purchased by the Petitioner and his wife in 2019. See SDAT Printout. The Board further finds, based on the Statement, the Site Plan, and the testimony of Mr. Greer, that the sunroom and deck that the Petitioner is proposing to replace were part of the house when the Petitioner purchased it, and that the house, as purchased, already exceeded the 30% lot coverage limitation. See Exhibits 3 and 4. In light of the foregoing, the Board finds that the special circumstances pertinent to the subject property are not the result of actions by the Petitioner, and that this element of the variance test is satisfied.

3. *Section 59.7.3.2.E.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;*

The Board finds that compliance with the 30% lot coverage limitation imposed by the Zoning Ordinance poses a practical difficulty for the Petitioner with respect to his

ability to replace his existing sunroom/deck structure, which the Statement indicates is "deteriorating," with a room addition, on account of his property's small size. In support of this, the Board finds, based on the Statement and Site Plan, that the current development on the property already exceeds the lot coverage limitation, and that the proposed demolition and replacement of the existing sunroom/deck structure would only increase the total lot coverage by 1.1%, or about 55 square feet. See Exhibits 3 and 4. The Board finds that a variance would have been needed regardless to replace the existing structure, and that the additional lot coverage being proposed is minimal. Thus the Board finds that the variance requested is the minimum needed to allow the Petitioner to overcome the practical difficulty that full compliance with the Zoning Ordinance would entail, in satisfaction of this element of the variance test.

4. *Section 59.7.3.2.E.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 Board finds that granting a variance to allow the Petitioner to proceed with the proposed construction will continue the residential use of this home, and that the variance can therefore be granted without substantial impairment to the intent and integrity of the Kensington-Wheaton Master Plan, which seeks, among other things, to "protect and stabilize the extent, location, and character of existing residential and commercial land uses," and to "maintain the well established low- to medium-density residential character which prevails over most of the planning area." Accordingly, the Board finds that this element of the variance test is satisfied.

5. *Section 59.7.3.2.E.2.e granting the variance will not be adverse to the use and enjoyment of abutting or confronting properties.*


The Board finds, based on the Statement, Site Plan, and plans of record, and based on the testimony of Mr. Greer, that the proposed rear addition is replacing an existing structure of almost the same size, and that it is "designed to architecturally blend with the existing structure." In addition, the Board finds, based on the Statement and testimony of Mr. Greer, that the subject property backs to parkland, and that this open space and the existing house serve to limit the view of the proposed structure except from the immediately abutting properties. See Exhibits 3, 4, and 5. Finally, the Board notes that the property was properly posted, and that the record contains a letter of support signed by some of the Petitioner's neighbors and no opposition to the grant of the requested variance. See Exhibit 9. On the basis of the foregoing, the Board finds that granting the requested variance will not be adverse to the use and enjoyment of neighboring properties, in satisfaction of this element of the variance test.

Accordingly, the requested variance from the allowable lot coverage is **granted**, subject to the following conditions:

1. Petitioner shall be bound by the testimony and exhibits of record; and
2. Construction shall be in accordance with Exhibits 4 and 5(a)-(e).

Based upon the foregoing, on a motion by Caryn L. Hines, Chair, seconded by Alan Sternstein, with Richard Melnick, Vice Chair, Amit Sharma, and Donald Silverstein in agreement, the Board adopted the following Resolution:

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

  
Caryn L. Hines  
Chair, Montgomery County Board of Appeals

Entered in the Opinion Book  
of the Board of Appeals for  
Montgomery County, Maryland  
this 23rd day of July, 2025.

  
Barbara Jay  
Executive Director

**NOTE:**

Any request for rehearing or reconsideration must be filed within fifteen (15) days after the date the Opinion is mailed and entered in the Opinion Book. Please see the Board's Rules of Procedure for specific instructions for requesting reconsideration.

Any decision by the County Board of Appeals may, within thirty (30) days after the decision is rendered, be appealed by any person aggrieved by the decision of the Board and a party to the proceeding before it, to the Circuit Court for Montgomery County, in accordance with the Maryland Rules of Procedure. It is each party's responsibility to participate in the Circuit Court action to protect their respective interests. In short, as a party you have a right to protect your interests in this matter by participating in the Circuit Court proceedings, and this right is unaffected by any participation by the County.

See Section 59.7.3.2.G.1 of the Zoning Ordinance regarding the twelve (12) month period within which the variance granted by the Board must be exercised.