

**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-6935

PETITION OF THOMAS ESPY

OPINION OF THE BOARD

(Opinion Adopted October 15, 2025)

(Effective Date of Opinion: October 22, 2025)

Case No. A-6935 is an application for a variance necessary for the proposed construction of a detached garage with bay window. The proposed construction results in a total lot coverage of 36.27%, necessitating a variance of 1.27% from the lot coverage limitation. The maximum lot coverage in the R-60 Zone is 35%, in accordance with Section 59.4.4.9.B.1 of the Zoning Ordinance.

The Board of Appeals held a hearing on the application on October 15, 2025. Petitioner Thomas Espy appeared in support of the requested variance. He was represented by Sean Hughes, Esquire. Mr. Espy's wife, Holly Morris, was also present and testified, as did his architect, Michael Bruckwick.

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

EVIDENCE PRESENTED

1. The subject property is Lot 5, Block 1, Chevy Chase Sec 5 Subdivision, and Lot P20, Block 1, Otterbourne Subdivision, located at 3800 Thornapple Street in Chevy Chase, Maryland, 20815, in the R-60 Zone (collectively referred to as the "property"). It is an interior property located on the south side of Thornapple Street. The property is generally rectangular in shape, with a width of approximately 60 feet, a depth of approximately 130 feet, and a total area of 7,840 square feet. It contains a house that was built in 1936. Per SDAT, the Petitioner purchased the property in 2011. See Exhibits 1, 3(b), 3(h), and 3(j).

2. The Petitioner's Statement of Justification ("Statement") states that the Petitioner is seeking a variance from the lot coverage limitation "to allow a minor expansion of their

long standing accessory structure, a detached garage.” The Statement states that the existing garage, which is almost 100 years old, “has historically contributed to the character and functionality of the property,” and that its positioning at the rear of the property, behind the Petitioner’s home, is “consistent with the architectural pattern of other homes in the Chevy Chase community.” The Statement states that the Petitioner is seeking to “increase the footprint of the garage from 314 square feet to 447 square feet, resulting in a total lot coverage of 36.27%.” The Statement states that the increase is needed to accommodate “modern usage demands and evolving household needs, including vehicle size, increased storage requirements, and functionality,” and explains that the proposed increase is comprised of a proposed 107 square foot addition to the footprint of the garage and a 26 square foot bay (133 square feet total). The Statement notes that the proposed garage structure would comply with all of the applicable setbacks, and characterizes the additional 1.27% of lot coverage that is being requested above the 35% maximum as “modest,” “slight,” and “minor.” See Exhibit 3.

3. The Statement indicates that a variance from the side yard setback was granted to a previous owner in 1994 to allow air conditioning units to encroach into that setback. The Statement states that the Board’s variance decision in that case was based on the topographical conditions of the subject property, and indicates that the Board “concluded that, due to persistent water run-offs and that no other location was suitable for the two air conditioning units to be placed, allowing the units to remain in their existing location was justified.” The Petitioner includes a copy of this variance (Case No. A-4032) with his submission. See Exhibits 3 and 3(e).

4. The Statement at Exhibit 3 states that the shape, size, and topography of the subject property constitute conditions that make it unique for the purpose of satisfying Section 59.7.3.2.E.2.a.i of the Zoning Ordinance, as follows:

With reference to the previous variance granted, the subject property is affected by topographical conditions not typical of surrounding lots. Due to higher elevation on adjacent properties, the rear yard experiences significant stormwater runoff, causing persistent drainage issues. A retaining wall was installed by a previous owner to divert water away from the home, but runoff remains a concern and limits the usable area in the rear yard. This condition, which was not caused by the current owner, directly impacts where structures can be placed. The proposed garage takes these constraints into account and has been placed at the exact same location for decades.

Additionally, the shape is a very small lot at approximately 7,800 plus sq. feet 0.17 of an acre). This size clearly creates challenges to this applicant, others in the neighborhood as well as other similar situations in the County where the lots were designed nearly a century ago as it relates to modern usage demands for detached garages and residential household needs, including vehicle size, increased storage requirements, and functionality.

5. The Statement at Exhibit 3 states that the following extraordinary conditions, including the property's shared driveway and the impact of past construction, also serve to make the subject property unique for the purpose of satisfying Section 59.7.3.2.E.2.a.i of the Zoning Ordinance, as follows:

The first is that the Applicant legally shares its driveway with its immediate neighbor to the east. When the development was first built in the 1930s these shared drives were quite common. However, over the past 90 years most of the shared driveways ceased to exist to the point that this is a very rare situation at present. Our client is not aware of any others in the immediate area. And if there are any it is a very small number in the neighborhood. This poses challenges due to the size of the drive and ability to attempt to enter and exit the garage entryway. This sort of extraordinary condition peculiar to a specific property was previously requested in case A-6141 by another house a few doors away on Applicant's street (3602 Thornapple Street). And the reason was accepted by the Board as sufficient to meet the Variance code criteria as unusual or extraordinary condition peculiar to the property. We would respectfully ask the Board for the same acceptance here as well.

Second, the Applicant not only inherited a property that was fully built out to the 35% lot coverage but that included a garage too small to hold a modern standard SUV size vehicle nor the ability to drive in or back out of the garage (with a small vehicle that could fit in the 90 year old garage) due to the fact that the prior owners expanded the rear of the house near the garage and removed parts of the driveway (west side) that led to the garage location as well as installed exterior stairs to the house bump out that cut into the driving route to/from the garage.

6. The Statement states that the proposed construction substantially conforms with the established historic or traditional development pattern in this Petitioner's neighborhood, in satisfaction of Section 59.7.3.2.E.2.a.v of the Zoning Ordinance:

The proposed detached garage conforms with the established character and traditional development pattern of the surrounding neighborhood. The subject property like others in the neighborhood is situated on a similarly sized small lot and is part of a community of detached garages of comparable size that are located at the rear of their properties. The proposed detached garage aligns with this pattern. See Attachment 9b for an aerial showing the presence of similar detached garages in the neighborhood.

See Exhibits 3 and 3(g)(ii).¹ The Statement goes on to state that there have been several variances granted for detached garages in the neighborhood, including two for nearby properties. The Petitioner includes a list of these variances in a footnote to his Statement. See Exhibit 3. Copies of these decisions were included with the Petitioner's submission. See Exhibits 3(k)(i)-(v).

¹ The aerial photograph at Exhibit 3(g)(ii) shows that a substantial portion of the properties in the Petitioner's immediate neighborhood have detached garages.

7. The Statement states that the requested variance “does not infringe on the neighbors’ setback protections as with many other prior variance approvals.” It states that the “modest scale” of the proposed garage expansion “will maintain the traditional appearance of the property and neighborhood,” noting that the garage “will remain visually subordinate to the main residence, maintain the architectural character and will not disrupt the sight lines or privacy of adjacent neighbors.” See Exhibit 3.

8. The Statement asserts that the requested variance is the minimum necessary to overcome the practical difficulties posed by full compliance with the Zoning Ordinance on account of the property’s unusual or extraordinary situations or conditions, stating that “the deviation from the lot coverage standard is the minimum necessary to meet the reasonable use requirements of the Petitioner.” The Statement further states that “[a]t just 1.27%, 133 feet, above the maximum lot coverage, the variance request is narrowly tailored and arises solely from the need to bring the detached garage into compliance with contemporary functionality without overbuilding or enlarging beyond what is reasonably necessary.” See Exhibit 3.

9. The Statement states that the requested variance can be granted without substantial impairment to the general plan or applicable Master Plan. The Statement notes that the “use remains residential, and the improvement is in keeping with the R-60 zone’s goal of promoting low-density, single-family detached housing.” The Statement further states that the request “does not alter the use, density, or building typology of the neighborhood.” See Exhibit 3.

10. The Statement states that granting the requested variance will not be adverse to the use and enjoyment of neighboring properties. The Statement states that “[t]he expanded garage will not infringe upon the light, air, or privacy of neighbors, nor will it impose any aesthetic or structural detriment.” In addition, the Statement notes that the proposed garage “will use compatible materials, preserve the architectural rhythm of the block, and improve the functionality of the home.” The Statement states that “[w]ith the existing trees, landscaping and fencing, the structure is barely visible offsite at the moment as seen in the draft rendering labeled Attachment 14c and will not materially change with the minor increase to the garage size.” See Exhibits 3 and 3(l)(iii). In addition, the Statement indicates that the Petitioner has submitted letters of support from his closest neighbors to the east, west and north. See Exhibits 3(m)(i)-(iii).

11. At the hearing, Mr. Hughes oriented the Board to the property and to the variance request. He stated that the Petitioner is seeking a variance from the lot coverage limitation to replace a one-car garage with a one-car garage. Mr. Hughes stated that the subject property is in an old neighborhood that was subdivided in the 1920s, and that the Petitioner’s house was built in 1936.

Mr. Hughes stated that in order to allow the Petitioner’s one-car garage to function as a one-car garage, it needs to be improved. He stated that the current garage is not large enough to hold a family-sized vehicle. Mr. Hughes stated that many of the original

garages in this neighborhood have been modernized, some of which needed variances for those improvements. Mr. Hughes stated that while the Petitioner is proposing to replace (as opposed to renovate) his existing garage, the locations of the garage's existing north, south, and east sides would not change. He stated that the Petitioner is proposing to add approximately 133 square feet to the west side of the footprint of his existing garage. See Exhibit 3(h). Mr. Hughes stated that this proposed construction requires a variance from the 35% lot coverage limitation.

Mr. Hughes stated that prior owners of the subject property increased the size of the Petitioner's house to its current size, and he provided the Board with building permits for additions/expansions in 1993 and 2001. See Exhibits 5 and 6. Thus Mr. Hughes stated that the Petitioner, who purchased the house in 2011, is not responsible for the current configuration and size of the house on his property. He stated that the Petitioner and his wife tried to avoid the need for a variance in designing their proposed garage, but were regrettably unable to do so.

Mr. Hughes stated that the requested variance meets the standards set forth in the Zoning Ordinance for the grant of a variance. He asserted that there are three reasons the subject property is unique for the purposes of satisfying the first prong of the variance test. Mr. Hughes asserted that the first reason is that the property has a shared driveway. Mr. Hughes stated that this is one of the few shared driveways remaining in the neighborhood, and noted that the Board had previously found that a shared driveway made a property unique for variance purposes. See Exhibit 3(k)(ii) (Case No. A-6141). He stated that the shared driveway is tight and that its location and fencing not only make the driveway itself difficult to navigate, but also make it very difficult to get from the driveway into the garage. Mr. Hughes asserted that the second reason the subject property is unique is that the prior owners built the property out to the maximum 35% lot coverage, leaving a garage on the property that is insufficient in size to fit a modern car, and thus non-functional. In addition, he stated that the improvements/additions made to the house by prior owners make it difficult to maneuver a car from the driveway to the garage. Finally, Mr. Hughes asserted that the Petitioner's garage fits with the traditional development pattern in the neighborhood. He stated that this is a neighborhood full of small, old garages. Mr. Hughes stated that the owners of many of these garages have come to the Board to get variances to permit the expansion of their garages so that they would be functional. He stated that many of these variances were setbacks variances, and stressed that because the Petitioner was seeking to extend his garage towards the center of his backyard, the Petitioner's proposed expansion did not need a setback variance. Mr. Hughes stated that because of this, the Petitioner's requested garage would be less impactful to surrounding properties than a garage that needed a setback variance since the Petitioner's proposed garage would observe the required setback separation between properties.

Mr. Hughes asserted that the requested variance is the minimum necessary to allow the Petitioner to have a functional one-car garage, and indicated that Mr. Bruckwick would further elaborate on this. Mr. Hughes stated that the Petitioner was not seeking to add a lot of square footage to the existing footprint, and that the additional space would

extend towards the center of the Petitioner's backyard rather than towards other properties.

Mr. Hughes asserted that the requested variance would not impair the intent or integrity of the applicable Master Plan, noting that the proposed construction continues the residential use of the property and does not alter the use of the structure it is replacing. He stated that the proposed garage would be functional and would look nice.

Finally, Mr. Hughes asserted that granting the requested variance will not be adverse to the use and enjoyment of neighboring property owners, as evidenced by the letters of support received from the Petitioner's neighbors to either side (east and west) and across the street (north). He stated that the Petitioner and his wife also reached out to their neighbors to the rear. Mr. Hughes stated that the Petitioner's neighbors to the southeast are very supportive. He stated that the Petitioner made efforts to reach out to his neighbors to the southwest, including leaving a business card offering to answer questions about the variance request, but had not heard from those neighbors. Mr. Hughes stated that the proposed garage would be constructed with materials that are compatible with the Petitioner's house, and that existing trees would provide screening.

In response to a Board observation that the variance precedents provided by Mr. Hughes for garages in Chevy Chase were for setback variances as opposed to lot coverage variances, and a request for clarification as to the pattern of development, Mr. Hughes stated that there is a pattern in Chevy Chase and in this neighborhood of old, small, detached garages being located on small lots, and that making these garages functional for modern life has necessitated a variety of types of variances.

12. Ms. Morris testified that she lives at the subject property with her family. She testified that when they purchased the subject property, they believed the existing garage was large enough to hold a car. She testified that because of a rent-back provision, and because the previous owners used the garage for storage, it was not until several months after the purchase date that they learned otherwise. Ms. Morris testified that the first day she and her family lived in the house, she tried to pull a sedan into the garage. She testified that you cannot pull directly into the garage because of an addition that the previous owners built on the house. Ms. Morris testified that the house has a shared driveway, and that her family has access to one lane on the right. Referring to a photograph of the shared driveway, Ms. Morris testified that the house on the right is her house. See Exhibit 7. She testified that the part of her home towards the rear that is visible in that picture and is covered with siding (as opposed to brick) is the addition that was constructed by the prior owners. In addition, Ms. Morris testified that there are diagonal stairs behind the addition, shown in the top photo on Exhibit 3(f). Ms. Morris testified that because of this, you cannot simply drive straight down the driveway and into the garage.

Ms. Morris testified that the existing garage does not fit a car front to back. Because of this, Ms. Morris testified that you would have to park at an angle to get a car into the garage. She testified that not only is it unsafe to maneuver a car in such a way

as would be necessary to get into the existing garage, but that if you were to get a car into the garage, persons on the passenger side would not be able to get out of the car. Ms. Morris testified that because of this, they have never been able to use their garage for its intended purpose. She testified that allowing them to have five or so additional feet of space would allow them to pull into their garage and park diagonally, and would allow passengers to exit the vehicle. Ms. Morris testified that the structure could also be used to store garage tools, noting that they do not have a walkout basement to store such items.

Ms. Morris testified that they have letters of support for the requested variance from their neighbors on both sides and from their neighbor across the street. See Exhibits 3(m)(i)-(iii). She testified that there is a dead end street behind their property and that no one lives directly behind the garage. Ms. Morris testified that they spoke with their neighbors to the rear at 7105 Delaware Street, and that those neighbors verbally stated that they did not object to the proposed construction. Ms. Morris testified that they left one of Mr. Hughes' business cards at the home located at 7104 Delaware Street asking the homeowners to reach out if they had any concerns about the requested variance, but that they did not hear from those homeowners. Ms. Morris testified that there are tall trees in her backyard that block of the view of the house at 7104 Delaware Street from their house. See Exhibit 3(l)(ii).

Ms. Morris testified that the extra square footage that was being requested is the minimum needed to make the proposed garage work. She testified that they had worked through numerous design iterations with their architect to try to make the garage safer and usable without needing to seek a variance, but were unable to make that work.

In response to a Board question asking if the property was built out to the 35% lot coverage limitation at the time of their purchase, Ms. Morris testified that that was her understanding, and that they only learned of the lot coverage limitation when they sought to improve their garage. In response to additional Board questions, Ms. Morris testified that they have never used their garage, and that they either park in the driveway or on the street. She testified that you cannot pull straight into the garage, and that you would have to park at an angle to get a car to fit. Ms. Morris testified that widening the west side of the garage would make it easier to turn from the driveway into the garage, and would allow adequate space for passengers to get out of the car once it was parked.

13. The Petitioner testified that the existing garage on his property was built in the 1940s, and that a subsequent addition to the house, constructed by prior owners, blocked access to the garage. Referring to Exhibit 3(l)(iii), the Petitioner testified that you cannot pull straight into the garage. Rather, he testified that you would have to make a hard right from the driveway and then make an eight (8) point turn in order to pull straight into the garage. The Petitioner testified that this cannot be done safely and that regardless, a car would not fit if pulled straight into the garage. The Petitioner testified that the Site Plan shows the challenges associated with accessing the garage from the driveway. See Exhibit 3(h). He highlighted the narrow, shared driveway and the limited pad space that is available between the driveway and garage to maneuver a vehicle when entering or

exiting the garage; the Petitioner estimated that the pad space is only about as long as a car. The Petitioner testified that existing site conditions force you to approach the garage from an angle. He testified that he and his wife intend to park a single car at an angle in the proposed garage.

In response to a Board question asking the Petitioner if he would need to get a variance for the proposed garage from Chevy Chase, the Petitioner testified that he would not, explaining that Chevy Chase Section 5 does not have a lot coverage restriction. In response to a Board question asking if he had an easement to use the shared driveway, the Petitioner testified that his side of the shared driveway is on his property and that there is no easement. He then proceeded to explain that his property is actually comprised of two lots, a main lot and a small triangular lot that was created to correct a mistake that was made when the property was originally subdivided.

14. Mr. Bruckwick testified that he is an architect with 35 years of experience. He testified that the site conditions on the subject property were the genesis of this unusual garage plan. Mr. Bruckwick testified that the goal was to make the proposed garage efficient and small. He testified that the shell of the proposed garage respects the shell of the existing garage, and that the extension to the west was minimized to the maximum extent possible through the use of a bay. Mr. Bruckwick testified that the proposed garage will be sympathetic to the house in terms of materials and lines, and that the garage design is sensitive to the neighbors and will fit in with the neighborhood. He testified in response to a Board question, he testified that the garage will also provide safe, conditioned storage.

Mr. Bruckwick testified that site conditions dictate that the proposed garage allow for an angled entry. He testified that this will allow for a smooth drive into the garage from the driveway, and a smooth exit from the garage to the driveway. Mr. Bruckwick testified that this is a highly unusual situation that requires the driver to “curl in” and “curl out” of the garage, and noted that he had never thought to design a garage for diagonal parking. He testified that the design is entirely the result of the site conditions on the subject property, and is needed to avoid having to make a multipoint turn to access the garage. Mr. Bruckwick testified that the proposed increase to the footprint of the garage is the minimum needed to fit a car, and that the original design was scaled back to keep it as small as possible, and is just large enough to allow the nose of a car to fit in the proposed bay.

Mr. Bruckwick testified that the homes behind the subject property front on Delaware Street, and have to observe a front setback from that street. He testified that because of this, the garage will not affect those homes.

FINDINGS OF THE BOARD

Based on the binding testimony and the evidence of record, the Board finds that the requested variance can be granted. The variance complies with the applicable standards and requirements set forth in Section 59.7.3.2.E.2, 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, the Site Plan, and the testimony of record, that the subject property has a narrow, shared driveway that extends southward between the Petitioner's house and eastern property line before shifting slightly westward behind the house, towards the front (north side) of the existing garage. See Exhibits 3, 3(c), and 3(h). The Board finds, based on the Statement and the Zoning Vicinity Map, that while once common, shared driveways are rare these days, and that the Petitioner is not aware of others in the immediate area. See Exhibit 3. The Board further finds that an addition to the rear of the house that was constructed by a previous owner makes it impossible to drive down the shared driveway and straight into the garage, but rather necessitates making a right and then a multipoint turn on a small concrete pad, the size of which is constrained because of its location between the expanded house and existing garage, in order to enter the garage. The Board notes that these tricky driving maneuvers would have to be executed in reverse in order to exit the garage. In addition, the Board finds, per the Statement and the testimony of record, that the existing garage is too shallow from front to back to park a modern family car, and that if a car were to be parked in the garage, it would have to be parked diagonally, leaving no room for passengers to exit. The Board finds that these circumstances combine to constitute an extraordinary condition peculiar to this property, in satisfaction of this element of the variance test.

Section 59.7.3.2.a.v. - the proposed development substantially conforms with the established historic or traditional development pattern of a street or neighborhood;

The Board finds, based on the Statement, that the Petitioner's neighborhood was subdivided in the 1920s and developed in the 1930s. See Exhibit 3. The Board further finds, based on the Statement and the sampling of variances granted for detached garages in the surrounding area, that there is an established historic or traditional pattern of development in this neighborhood of homes with small, detached garages that require variance relief to make them usable because of their size and the underlying lot size and configuration. See Exhibits 3 and 3(k). The Board finds that the Petitioner's proposed garage substantially conforms with this development pattern, 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 Statement and the testimony of the Petitioner, that as noted above, the Petitioner's neighborhood was subdivided in the 1920s, that the Petitioner's house was built in the 1930s, and that the Petitioner's garage was built in the 1940s. See Exhibit 3. The Board further finds that the Petitioner purchased the subject property in 2011, with its shared driveway and existing addition/improvements. See Exhibits 3, 3(b), 5, and 6. Thus the Board finds that the Petitioner is not responsible for the property's shared driveway or for the improvements made to his house by previous

owners. The Board further finds that there is nothing in the record to suggest that the Petitioner is responsible for the pattern of homes in his neighborhood with small, detached garages that require variance relief to make them usable on account of their size and the underlying lot size and configuration. Accordingly, the Board finds that the special circumstances or conditions applicable to this property are not the result of actions by the Petitioner, in satisfaction of this element of the variance test.

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, based on the Statement and the testimony of record, that because the subject property has a shared driveway, and because the Petitioner's house was extended to the rear by prior owners, the Petitioner cannot park a car in his existing garage without undertaking extensive unsafe driving maneuvers. The Board further finds, based on the Statement and the testimony of record, that even if the Petitioner could access the existing garage, he would have to enter the garage and park his vehicle diagonally because the existing garage is too shallow to allow front to back parking, and that if the car were parked diagonally, anyone on the passenger side of the car would be unable to exit the car. Finally, the Board finds that the improvements to the house that were made by prior owners resulted in the property having 35% lot coverage at the time of the Petitioner's purchase, precluding any enlargement of the existing garage footprint without variance relief. See Exhibit 3. The Board thus finds that the property's shared driveway and past improvements cause the Petitioner a practical difficulty in that they constrain driveway access to the existing garage and preclude replacement/expansion of the garage without variance relief, leaving the Petitioner with a garage that cannot house a modern car and that does not allow for the angled access that is dictated by the shared driveway and existing site conditions. The Board further finds, based on the Statement and the testimony of record, that the requested variance, which would allow an additional 1.27% of lot coverage, which would allow the Petitioner to expand the footprint of his garage by approximately 133 square feet towards the west, is the minimum needed to allow the Petitioner to construct a "curl in" garage that can be accessed from the shared driveway without a multipoint turn in a tight space, and that would accommodate a modern vehicle. See Exhibit 3. Finally, the Board notes that the expansion of the footprint will not impinge on any required setbacks, and that the proposed garage otherwise meets the development standards of the Zoning Ordinance. For the foregoing reasons, the Board finds that this element of the variance test is satisfied.

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 the proposed construction of a detached garage will continue the residential use of this property, consistent with the recommendations of the Bethesda Chevy Chase Master Plan, which generally seeks to "[p]rotect the high quality residential communities throughout 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, the testimony of Ms. Morris, and the representations of Mr. Hughes, that granting a variance to allow the proposed garage will not be adverse to the use and enjoyment of abutting or confronting properties, in satisfaction of this element of the variance test. In support of this, the Board finds that there has been a detached garage on the subject property since shortly after it was developed, and that the proposed new garage will maintain the footprint of the existing garage except on the western side, where the footprint will be expanded towards the center of the Petitioner's backyard. See Exhibit 3. The Board further finds, based on the testimony of Mr. Bruckwick, that the proposed garage has been designed to be sympathetic to the Petitioner's house and neighborhood, and to minimize its size. In addition, the Board finds based on the Statement, the photographs at Exhibits 3(f) and 3(g)(i), and the testimony of Ms. Morris, that existing fencing and trees will partially obscure the view of the proposed garage. In addition, the Board finds that record contains letters of support from three of the Petitioner's neighbors, that Ms. Morris has testified that one of her two neighbors to the rear has no objection, and that an attempt was made to reach out to the remaining neighbor to the rear. See Exhibits 3(m)(i)-(iii). Finally, the Board notes that the property was properly posted, that the record contains no opposition to the grant of the requested variance, and that no one appeared at the hearing to express their opposition.

Accordingly, the requested lot coverage variance, needed to allow construction of the Petitioner's proposed garage, is **granted**, subject to the following conditions:

1. The Petitioner shall be bound by the testimony and exhibits of record.
2. Construction shall be in accordance with Exhibits 3(h)-(i).

Therefore, based upon the foregoing, on a motion by Caryn L. Hines, Chair, seconded by Alan Sternstein, with Richard Melnick, Vice Chair, 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 22nd day of October, 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.