

**BOARD OF APPEALS
FOR
MONTGOMERY COUNTY, MARYLAND
(240) 777-6600**

Docket No. A- 6929
 Date Filed 6-17-25
 Hearing Date 9-10-25
 Time 9:30 a.m.

PETITION FOR VARIANCE UNDER ZONING ORDINANCE

(Please Note Instructions on Reverse Side)

Name of Petitioner(s): Aaron Uslan and Marta Rajchel
 Address of Petitioner(s): 4423 Brookfield Dr. City Kensington Zip 20895
 Description of property involved: Lot 14 Block 9 Parcel 0000 Subdivision 0061
 Street and No. 4423 Brookfield Dr. City Kensington Zip 20895 Zone Classification R-60
 Appellant's present legal interest in above property (check one): Tax Account No. _____
☒ Owner (including joint ownership) _____ Other (describe) _____

If not owner, name and address of owner:

N/A

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

A variance is requested for the location of a shed on the property. Sec. 59-4.4.9.B.2.

Check existing reason(s) why the Ordinance requirement(s) would result in practical difficulties for property owner:

☐ narrowness ☒ shallowness ☒ shape _____ topography _____ other extraordinary situations or conditions peculiar to this property.

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

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

Date of recording of plat of present subdivision: 1949; 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.

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

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

Address of Attorney

Address of Petitioner

Phone Number
(OVER)

Email Address

Home Phone

Work Phone

Email Address

Aaron 2. Uslan
4423 Brookfield Dr. Kensington, MD 20895
304-634-2991
aaron.uslan@gmail.com

LIST OF ABUTTING AND CONFRONTING PROPERTY OWNERS

(Please see information on reverse side)

Case Number:

	NAME	MAILING ADDRESS (Please add Zip Code)
PETITIONER/ APPELLANT	Aaron Uslan and Marta Rajchel	4423 Brookfield Dr., Kensington, MD 20895
ATTORNEY/ AGENT	VIA	
PROPERTY OWNER	Aaron Uslan and Marta Rajchel	" "

NOTE: Because this list will be used to help generate the Board's mailing list for this case, please provide the Applicant's name and address, that of any attorney or agent hired by the Applicant, and the name of the property owner (if different from the Applicant), in addition to the list of abutting and confronting property owners. You may use additional sheets if needed.

ABUTTING AND CONFRONTING PROPERTY OWNERS

NAME	ADDRESS (Please add Zip Code)	LOT/PARCEL	BLOCK
Courtney Sindelar Thomas Purdy	4421 Brookfield Dr., Kensington, MD 20895	13	9
Lorraine Hammer Christopher Gordon	10407 Parkwood Dr. Kensington, MD 20895	15	9

Describe the property's extraordinary situation or peculiar conditions compared to neighboring properties:

Our home sits on a corner lot and is very shallow. Because of the lot's shape, we do not have a backyard but rather a "sideyard" that is relatively small and narrow.

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

Because of the shallow shape of the lot, moving the shed 10 feet away from our rear neighbor ("Lot 13") and 5 feet away from our left side neighbor ("Lot 15") would result in the shed being located in the middle of our "sideyard" preventing our use and enjoyment of the space. Further, we cannot move the shed more than 2.1 feet away from our left side neighbor as it would violate the 60 ft front setback required for accessory buildings, including sheds, in Zone R-60.

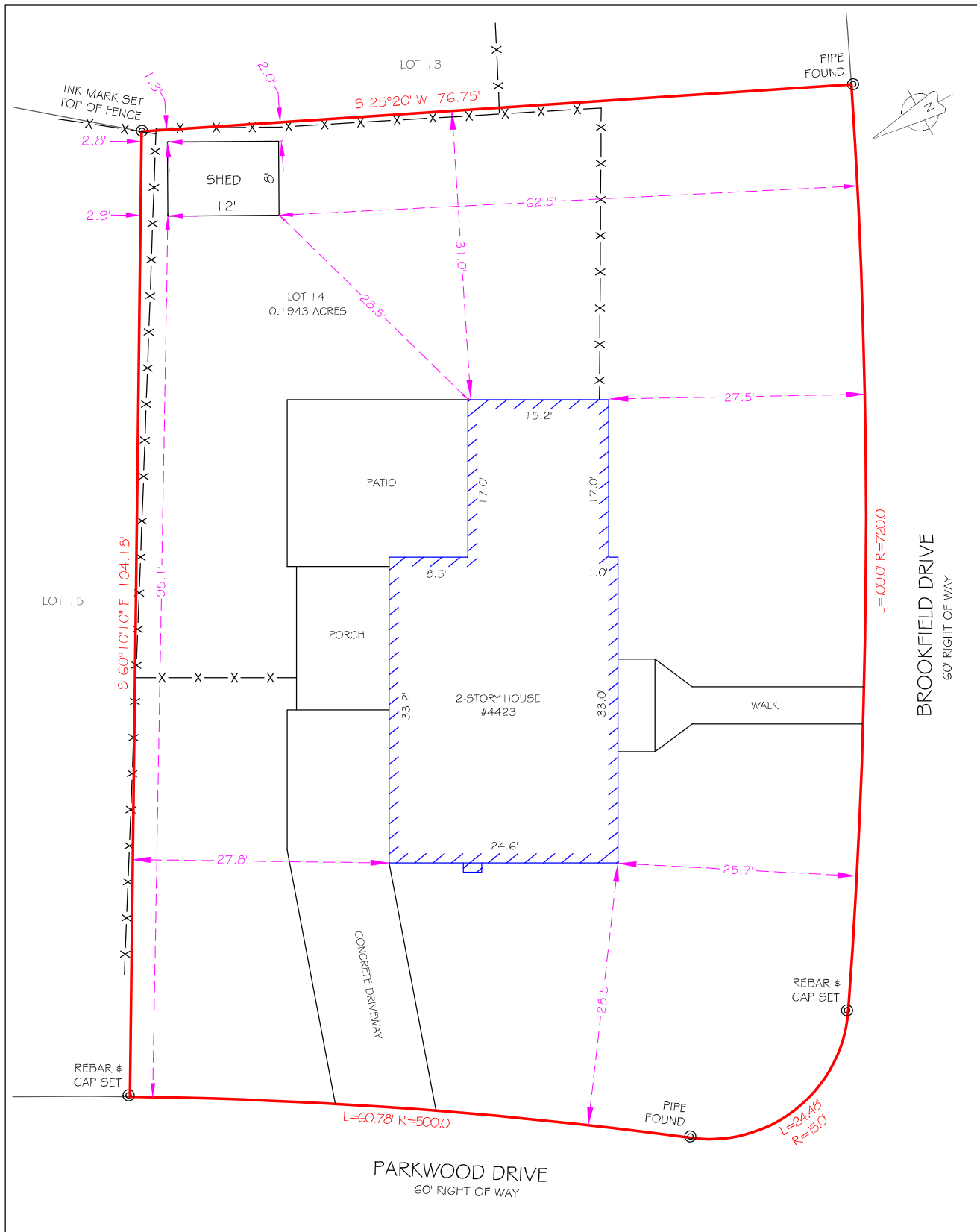
Full compliance of the variance would result in the shed being placed in the middle of our side yard and likely require us to cut down several holly trees planted by previous owners (see yard photos).

Statement of Justification

1. One or more of the following unusual or extraordinary situations or conditions exist:
 - exceptional narrowness, shallowness, shape, topographical conditions, or other extraordinary conditions peculiar to a specific property. **As mentioned, our lot is exceptionally shallow and sits on a corner lot.**
 - the proposed development uses an existing legal nonconforming property or structure;
 - the proposed development contains environmentally sensitive features or buffers. **Strict adherence to the ordinance would require us to cut down several holly trees located in our yard.**

- the proposed development contains a historically significant property or structure; or
 - the proposed development substantially conforms with the established historic or traditional development pattern of a street or neighborhood;
- Because of the narrow shape of the lots, many (if not most) homes in our neighborhood have sheds that are situated within 5 feet from a neighbor's property line (see google map photos).**
2. The special circumstances or conditions are not the result of actions by the applicant. **Difficulty is not self-inflicted but rather caused by the unusual shape of our lot.**
 3. 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. **Moving our shed more than 2.1 feet away from our left side neighbor ("Lot 15") would violate the 60 ft front setback requirements for accessory buildings. Relocating it 10 feet away from our backyard neighbor ("Lot 13") would place the shed in the middle of our sideyard and significantly impede our ability to enjoy our outdoor space. Also, relocation would likely force us to remove several, beautiful holly trees planted in our yard before we moved-in.**

4. The variance can be granted without substantial impairment to the intent and integrity of the general plan and the applicable master plan. **There is no substantial impairment to the intent, purpose and integrity of the General or Master Plan.**
5. Such variance will not substantially impair the use and enjoyment of adjacent properties. **Approval of a variance will not substantially impair the use and enjoyment of adjacent properties. The shed is new, well-maintained, and does not obstruct views from neighboring homes. The shed does not have any electricity and we do not store any hazardous or flammable materials in it. There is little to no risk of fire originating from the shed.**



CLEARLINE
LAND SURVEYORS

10280 Old Columbia Road, Suite 210, Columbia, MD 21046
Email: Contact@ClearLineS.com
Phone: (410) 264-1886

BOUNDARY SURVEY

4423 BROOKFIELD DRIVE
MONTGOMERY COUNTY, MARYLAND

LOT 14, BLOCK 9, "KENSINGTON ESTATES"
PLAT 2391

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT IN MY PROFESSIONAL KNOWLEDGE, OPINION, AND BELIEF, THAT THIS BOUNDARY SURVEY IS AN ACCURATE REPRESENTATION OF THE FIELD SURVEY PERFORMED AND THAT THE HORIZONTAL LOCATION OF THE PHYSICAL STRUCTURES AND FEATURES AS SHOWN HEREON ARE CORRECT. THIS BOUNDARY SURVEY WAS EITHER PERSONALLY PREPARED BY ME, OR I WAS IN RESPONSIBLE CHARGE OVER IT'S PREPARATION. THIS SURVEY IS IN COMPLIANCE WITH COMAR SECTIONS 09.13.06.03 AND 09.13.06.12 OF THE MINIMUM STANDARDS OF PRACTICE AS ADOPTED BY THE MARYLAND BOARD FOR PROFESSIONAL LAND SURVEYORS. THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE REPORT AND SHOWS ONLY THOSE EASEMENTS, RESTRICTIONS OR ENCUMBRANCES PER RECORD AS KNOWN TO THE SURVEYOR AT THE TIME. THE PROPERTY LINE AND RIGHT-OF-WAY INFORMATION IS BASED ON PLATS, DEEDS OF RECORD AND FIELD MEASUREMENTS. THE BASIS OF BEARINGS FOR THIS SURVEY AS SHOWN HEREON ARE BASED UPON THE PLAT AND/OR DEEDS OF RECORD.

SCALE: 1" = 10'

NOVEMBER 13, 2024

FILE #: 24-1241

LEGEND

- BOUNDARY LINE
- ADJOINING LOT LINE
- DIMENSION LINE
- X—X— FENCE LINE
- ⊙ CORNER MARKER

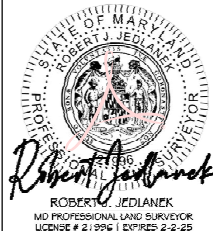


Exhibit 4

Economy: A-Frame: 8' x 12'

Order ID: **EA09221315**
Quote Date: **9/19/2022**

Customer Name: **Aaron Uslan**
Expiration Date: **10/3/2022**



ORDER INFORMATION

Style: **Economy - A-Frame**
Size: **8' x 12'**
Overhangs: **3.5"**
Siding: **DuraTemp T1-11 -
Painted T1-11/ LP**
Wall Color: **Light Gray**
Trim Color: **White**
Classic Door Panel: **Match Wall**
Classic Door Trim:: **Match Trim**
Roof: **Shingles (Pewter Gray)**
Roof Pitch: **5/12**
Sidewall Height: **6'**
Building Location: **930 Red Rose Court,
Lancaster, PA 17601**
Salesperson: **Erika Schutz**



PRICING

Base Price	\$2,554.00
Wood 4' Double Door X Bottom Credit (1 x \$292)	-\$292.00
Wood 6' Double Door X Bottom (1 x \$292)	\$292.00
Gable End Vents	\$37.00
windows do not come with the economy base price	\$164.00
door height will be 6'6"	\$0.00
<hr/>	
Subtotal	\$2,755.00
Tax (6%)	\$165.30
Estimated Delivery Fee (110 Miles)	\$439.00
<hr/>	
Total	\$3,359.30

The preview images may not fully represent the building being quoted, which may include changes outside the current preview capabilities of our online shed designer.

CUSTOMER INFORMATION

Name: **Aaron Uslan**
Phone: **(304) 634-2991**
Email: **aaron.uslan@gmail.com**
Billing: **Same as Delivery Address**

DELIVERY INFORMATION

Kensington, MD 20895

Customer Signature

Date

930 Red Rose Court - Suite 209
Lancaster, PA 17601

Tel (717) 553-0300
Fax (717) 427-1548

lancasterbarns.com

Page 1 of 2

It is the customer's responsibility to obtain any/all necessary permits and follow zoning requirements. Lancaster Barns is not responsible for any zoning or permitting requirements.

Exhibit 5(a)

Economy: A-Frame: 8' x 12'

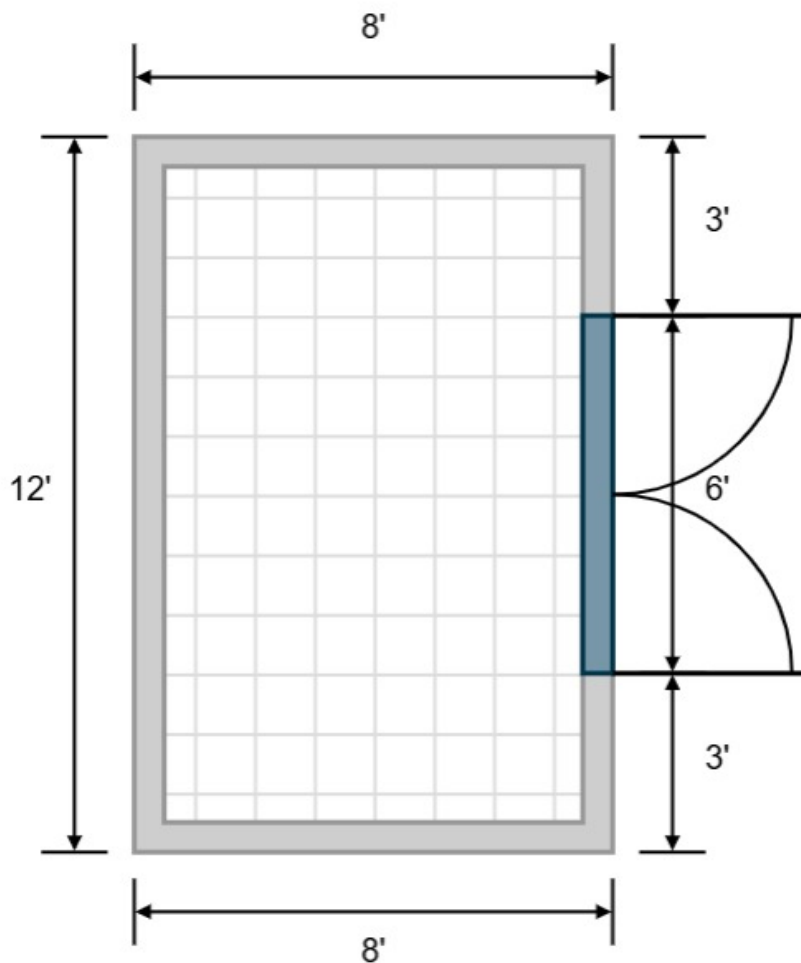
Order ID: EAF09221315

Customer Name: Aaron Uslan

Quote Date: 9/19/2022

Expiration Date: 10/3/2022

The preview images may not fully represent the building being quoted, which may include changes outside the current preview capabilities of our online shed designer.



FRONT



LEFT



BACK



RIGHT



The preview images may not fully represent the building being quoted, which may include changes outside the current preview capabilities of our online shed designer.

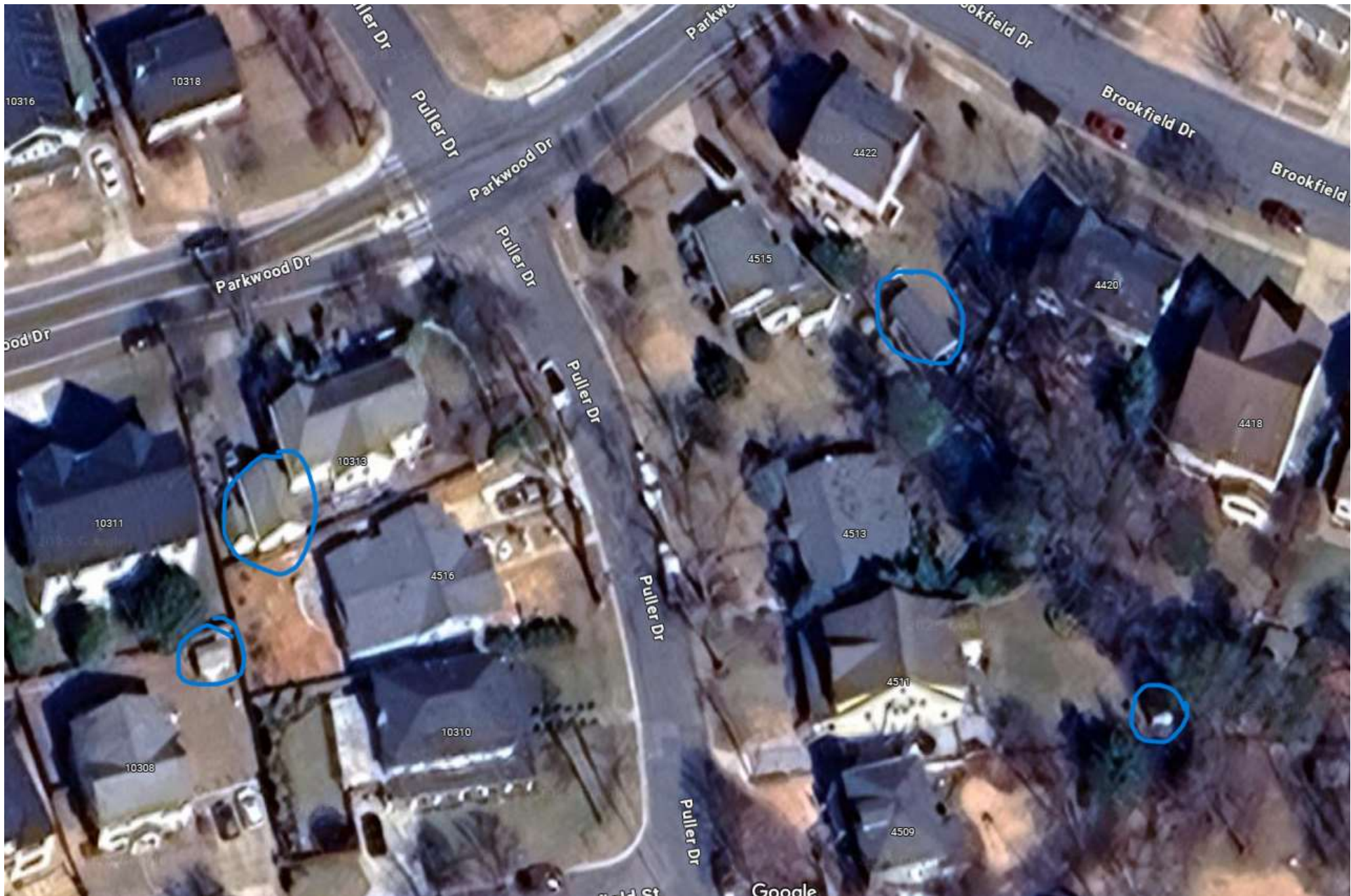


Exhibit 5(b)



Exhibit 5(c)









407449

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: Rajchel Marta Usan Aaron

ADDRESS: 4423 BROOKFIELD DR
KENSINGTON, MD 20895

LOT - BLOCK: 14 - 9

ZONE: R-60

THE VARIANCE REQUEST IS FOR

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

TYPE OF CONSTRUCTION:

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

The proposed construction requires an 8.70 ft. variance as it is within 1.30 ft. of the rear lot line.

The required setback is 10.00 ft. in accordance with Section 59-4.4.9.B.2.

The proposed construction requires a 2.2 ft. variance as it is within 2.8 ft. of the left side lot line.

The required setback is 5 ft. in accordance with Section 59-4.4.9.B.2.

The proposed construction is a shed in rear yard.

Amy Zou

Signature

11/27/2024

Date

From: [Courtney Sindelar](#)
To: [Board of Appeals](#)
Subject: Re: Neighbor"s Board of Appeals Hearing Case #A-6929
Date: Friday, July 11, 2025 11:19:49 AM

[EXTERNAL EMAIL]

Last email - sorry for the string of them. There are also fire hazards of having a structure so close to our home and we're not willing to risk the safety of our family to leave this structure in place.

Thank you.
Courtney Purdy

On Fri, Jul 11, 2025 at 11:07 AM Courtney Sindelar [REDACTED] wrote:

I would also like to add that when our neighbors put this structure up, they never asked us if we were alright with it. Nor did they get permits from the county....they simply moved ahead without thinking of how this would impact us and didn't follow zoning permits by getting any of this approved. I know they will also say they will be out lots of money if they have to have this moved - they should have thought about that before illegally installing it and should have had the decency of asking us how we felt about having a wall next to our house. If they are allowed to keep the illegal structure there, it impacts us financially!

Thank you.
Courtney Purdy

On Fri, Jul 11, 2025 at 10:59 AM Courtney Sindelar [REDACTED] wrote:

I'm writing to inquire about a sign that was just posted in my neighbors' yard yesterday referencing their Variance Pending for Board of Appeals Hearing - Rear & Left Side Lot Lines - Case # A-6929.

We are the neighbors that border the left side lot and have not been informed by the county as to what this hearing is about and when the hearing is. When is their hearing? We are not ok with them leaving their shed where it sits today and object to this.

Our neighbors approached us last fall asking if they are alright with them leaving a shed they put up right on the fence line, we told them we are not. The shed sits so the back of the shed (the longest wall as it is rectangle in shape) sits along the left side fence that borders our house. The shortest side of the shed backs up along their rear fence line which borders our back neighbors yard. The shed is less than a foot from the left side yard fence (11 inches to be exact). Due to the positioning of their house/side yard (they have a corner lot), their rear yard ends at the back of our house and therefore their shed sits less than 10 feet from our house! The shed sits just five feet from our patio.

When we look out our window from our dining area (where we eat every day/night) we are staring at a wall. Their fence is 6 feet tall, and even taller in some areas in some areas as it's a scalloped top, and the shed's side sits another 2 1/2 feet over that, not including the roof which adds at least another three feet.


This shed will affect the resale value of our house and potentially ward off buyers as no one wants to feel like their house backs up to another large structure - we didn't buy a townhouse to be connected to another building. In addition we have a permit to build onto our second story right on top of our dining area and where our patio sits - those permits will be void if there is now a structure less than 6 feet from the patio area and less than 10 feet from our house!

The regulations state the shed has to be 10 feet from the left side fence and we request the board honors the zoning laws as they stand today.

I understand our neighbors are going to provide evidence that other houses in the neighborhood have sheds closer than 10 feet to side fences however none of them are right next to their neighbors houses....they are in the rear lots of their yards and those rear lots back up to other rear lots....NOT houses. It's unfortunate they have a corner lot that doesn't afford them that option but we are not willing to jeopardize our view and value of our house and plans to build due to this placement of the shed.

I've attached just a few pictures to try and illustrate how close this is to our house. I have many more, including videos.

Please let me know what is going on with this appeal as we haven't been informed and again object.

Thank you!
Courtney Purdy
4421 Brookfield Drive
Kensington, MD 20895


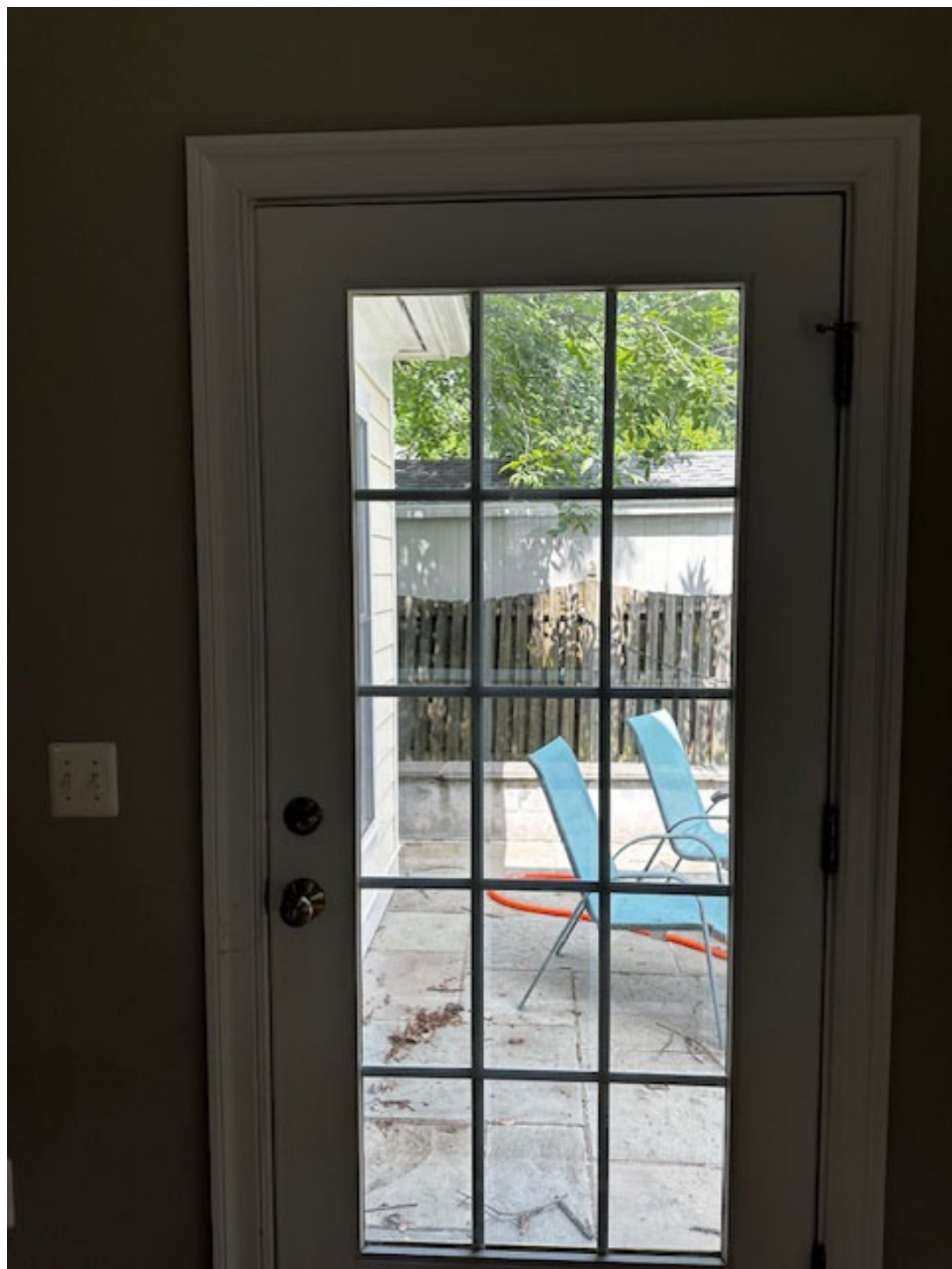












Non-Opposition Letter

I, Christopher Lowry & Lorraine Hammer, owners of 10407 Parkwood Drive, Kensington MD 20895, and adjacent neighbor to 4423 Brookfield Drive, Kensington, MD 20895 (the "Property"):

- (1) am aware that the location of the shed on the Property is not within 5 feet of my property line as required by the Montgomery County Zoning Ordinance AND
- (2) I do not oppose the current location of the shed on the Property.


Signature

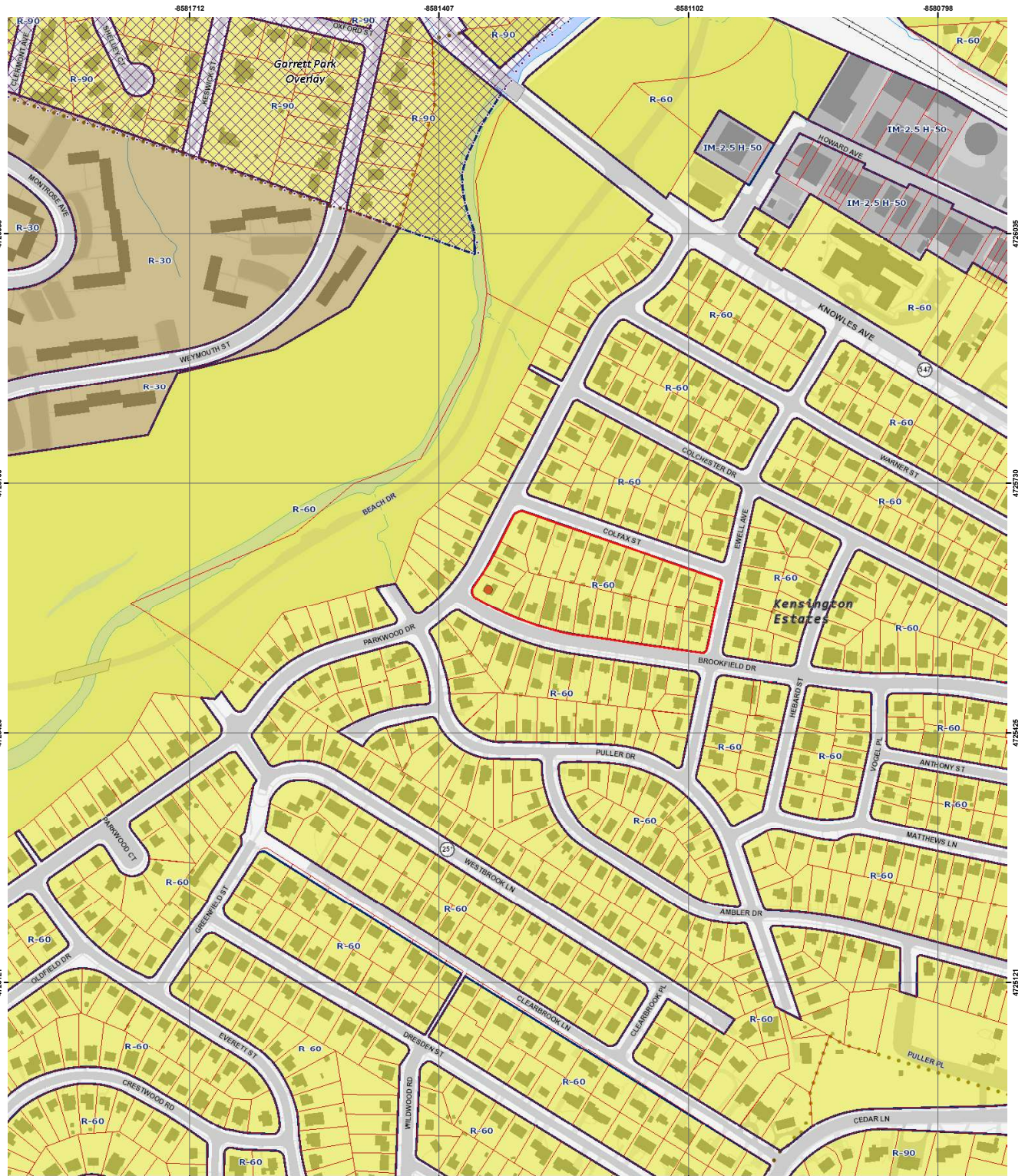
CHRISTOPHER LOWRY
Full Name

5/26/25
Date


Signature

Lorraine Hammer
Full Name

5/26/25
Date



MONTGOMERY COUNTY ZONING MAP

The Maryland-National Capital Park and Planning Commission

Montgomery County Planning Department



Printed: 12/20/2024

1 inch = 250 feet

Account #	01204123
Address	4423 BROOKFIELD DR KENSINGTON, 20895
Landuse	Single Family Detached
Legal Description	KENSINGTON ESTATES 8 209332
Zone	R-60
Overlay Zone	N/A
TDR Overlay Zone	N/A
Parking District	N/A
CBD	N/A
Parcel, Lot, Block	N/A, 14, 9

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	MASTER PLAN FOR KENSINGTON WHEATON
Historic Site/District	N/A

WSSC Grid	213NW04
Map Amendments	G-642 G-956
Water/Sewer Categories	N/A

I certify that this document is a copy of the official Montgomery County Zoning Maps as downloaded on 12/20/2024 from mcatlas.org/zoning.

Jonathan Jones



Exhibit 9