

PLEASE NOTE: When Montgomery County Schools are closed due to the weather, Board of Appeals hearings will not be held. When Montgomery County Schools announce a delayed opening, Board of Appeals hearings will also be delayed by the same amount of time.

**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-6954

PETITION OF JER JOU CHENG AND STEPHANIE ENG

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 25th day of February, 2026, 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 (barn) requires a variance to be located in the front yard. Section 59.4.4.5.B.2 of the Zoning Ordinance requires that accessory structures be located behind the rear building line of the principal building.

The subject property is Lot 49, Block A, Kings Valley Manor Subdivision, located at **24225 Kings Valley Road, Damascus, Maryland 20872** in the RE-2C Zone. (Tax Number Account No. 12-03259256)

Notices forwarded this 23rd day of January 2026, to:

Jer Jou Cheng and Stephanie Eng
Jody Kline, Esquire
Corey Talcott, Associate County Attorney

EXHIBIT NO. 8(6)

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.

BOA Form 2 (Revised 4/23/25)
BOARD OF APPEALS
FOR
MONTGOMERY COUNTY, MARYLAND
(240) 777-6600

Docket No. A- 6954
Date Filed 1-7-26
Hearing Date 2-25-26
Time 9:30 a.m.

PETITION FOR VARIANCE UNDER ZONING ORDINANCE

(Please Note Instructions on Reverse Side)

(PLEASE PRINT)

Name of Petitioner(s): Jer Jou Cheng & Stephanie Min Eng

Address of Petitioner(s): 10832 Show Pony Place City Damascus Zip 20872

Description of property involved: Lot 49 Block A Parcel _____ Subdivision Kings Valley Manor

Street and No. 24225 Kings Valley Rd. City Damascus Zip 20872 Zone Classification RE-2C

Appellant's present legal interest in above property (check one): Tax Account No. 12-03259256

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? Section 4.4.5.b.2
Request to allow barn to be located forward of the rear building line of the principal building

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 petitioner's statement

How will the peculiar condition described above result in practical difficulty if the requested variance is not granted? See petitioner's statement

Date of recording of plat of present subdivision: 1999-05-11 ; 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) Jody S. Kline Signature of Petitioner(s) (Print Name next to Signature) Jer Jou Cheng Stephanie Eng
200-B Monroe Street, Rockville MD 20850 10832 Show Pony Pl, Damascus MD 20872

Address of Attorney 301.762.5212 Address of Petitioner 240.782.6688
Phone Number skline@mmcanby.com Home Phone _____ Work Phone _____ Email Address _____

EXHIBIT NO. 1(a)

BEFORE THE BOARD OF APPEALS OF
MONTGOMERY COUNTY, MARYLAND

IN THE MATTER OF THE APPLICATION)
)
OF JER JOU CHENG AND STEPHANIE)
)
ENG FOR A VARIANCE)

Case No. A- 6954

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1. Variance Application Form
2. Vicinity Map (with subject property with red dot outlined in blue)
3. Aerial Photo (with subject property outlined in blue)
4. Plat No. 21057
5. Applicant's Statement of Justification
6. MCDPS Building Permit Denial Form
7. Topographical Map
8. Building Permit Site Plan with barn location shown
9. Barn Elevations (Sheet A 6.2)
10. Barn Floor Plan (Sheet A 6.1)
11. Zoning Vicinity Map
12. Mailing List
13. Filing Fee

EXHIBIT NO. 1 (6)

BEFORE THE BOARD OF APPEALS OF
MONTGOMERY COUNTY, MARYLAND

IN THE MATTER OF THE APPLICATION)
)
OF JER JOU CHENG AND STEPHANIE MIN)
)
ENG FOR A VARIANCE)

Case No. A- 6954

APPLICANTS' STATEMENT OF JUSTIFICATION

I. INTRODUCTION

Jer Jou Cheng and Stephanie Min Eng own property located at 24225 Kings Valley Road, Damascus ("Subject Property"). They have owned the property since July, 2021. The Subject Property has been platted since May, 1999 and is known as Lot 49, Block A, "Kings Valley Manor." The Subject Property contains 10.000 acres (435,600 square feet) of land, is essentially unimproved and is zoned in the RE-2C classification.

II. DEVELOPMENT PROPOSAL

In addition to a proposed personal residence for the Applicants, Mr. Cheng and Ms. Eng wish to construct a modestly sized barn (approximately 1200 square feet) in order to reinforce the rural character of the Property and to facilitate agricultural activities to be conducted on the Subject Property. Such a barn is considered an accessory structure and therefore, pursuant to Section 59.4.4.5.B.2.c of the Montgomery County Zoning Ordinance, must be located "behind the rear building line of the principal building."

A review of the Building Permit Site Plan submitted as part of this Variance Application shows that the proposed residence/principal building is to be located in the northwest corner of the Subject Property. For reasons explained in the following paragraphs, there is inadequate space to the rear of the proposed residence in which to locate the desired barn. Therefore, this variance request is intended to provide relief from the strict application of the development standards of the County Zoning Ordinance that if enforced would cause adverse consequences due to the unusual and extraordinary conditions of the Property.

III. NEED AND RATIONALE FOR VARIANCE

The topography of the Subject Property is extreme. The property elevation along the Ridge Road (MD Route 27) frontage is thirty feet higher than the elevation of the driveway from Kings Valley Road to the proposed residence. A topographic map included with this Application reflects the exaggerated terrain and slopes on the Subject Property.

EXHIBIT NO. 3

Although the slope of the Property generally runs “downhill” from the southeast (Ridge Road frontage) to the northwest, there is a natural feature in the northwest sector of the Property which is an anomaly that effects the siting of manmade improvements such as the residence and the barn. The enclosed topographic map shows an elevated mound or hill that, in effect, segregates the property into two district sectors.

While the proposed residence and barn could theoretically be relocated to the southeast of the elevated mound, that relocation poses several design and practical problems:

a. Placing the house and barn closer to the center of the property interferes with efficient use of the entire tract for agricultural (e.g., cultivation, grazing) purposes.

b. It places the proposed residence closer to and in line of sight of abutting residences to the northeast and confronting properties directly to the south which detracts from the rural character of the Property which the Applicant’s hope to retain.

c. Moving the residence and the barn would increase the amount of imperviousness on the property due to the extended length of the proposed ingress/egress driveway from Kings Valley Road. (Movement of the residence and barn does not make access to the site from Ridge Road any easier because there would be a 30% grade change to overcome to reach the Ridge Road level).

On the other hand, the area to the rear of the proposed residence is constrained by a) side yard setback; b) even more so by a “Manmade Dry Pond” located on adjacent property which the County says requires a 100 foot buffer; c) forest that would be lost if the barn is constructed in this area; and d) steep slopes. (-30% in places).

In summary, a combination of natural features of the Property, and stringent building requirements applicable to an accessory building, impose an unusual and extraordinary burden on the Subject Property that can only be relieved by the granting of a variance.

**IV. CONFORMANCE WITH SECTION
59.7.3.2.E OF THE COUNTY ZONING ORDINANCE**

The granting of a variance by the County Board of Appeals is controlled by Section 59.7.3.2.E which requires “Findings” showing that:

1. *denying the variance would result in no reasonable use of the property;*

Not applicable

2. *each of the following apply:*
 - a. *one or more of the following unusual or extraordinary situations or conditions exist:*

- i. *exceptional narrowness, shallowness, shape, topographical conditions, or other extraordinary conditions peculiar to a specific property;*

The Subject Property is certainly not a typical rectangular residential lot but it is the combination of zoning setbacks, environmental features both off site and on site, and, primarily, topography, that create extraordinary conditions that are unique to this Property.

The location for the Applicant's residence was selected in order to a) provide a vista over the farm's grounds, b) to minimize destruction of existing forest, c) allow for construction to occur in one of the flattest areas on the Property and within a wind break area provided by surrounding forest and d) allowing for a minimum amount of land disturbance and imperviousness for a driveway connecting to Kings Valley Road rather than busier Ridge Road, a State Highway . However, the 100 foot buffer required by MNCPPC from an offsite dry pond to the north usurps a large portion of the space behind the residence and a side yard setback of fifteen feet further erodes that buildable area. And the slope behind the proposed house location is steep, as much as 15% in the area surrounding the adjacent off site pond. Therefore natural and man-made features make it difficult to achieve compliance with the requirements of Section 59.4.4.5.B.2.a of the Zoning Ordinance.

- ii. *the proposed development uses an existing nonconforming property or structure;*

Not applicable

- iii. *the proposed development contains environmentally sensitive features or buffers;*

The Subject Property contains mature tree stands that should be retained to the greatest extent possible.

The difficulty in locating a barn behind the rear plane of the proposed residence is compounded by a required setback from a dry pond located on adjacent property and the setback from which preempts use of a large amount of space behind the new residence.

Much of the Subject Property has topography which in Montgomery County's opinion is classified as "steep slopes" which is treated as unbuildable land due to erosion and sedimentation problems. The proposed barn is sited for an area with more gentle slopes than the land behind the proposed residence.

- iv. *the proposed development contains a historically significant property or structure; or*

Not applicable

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

Not only does the barn location reinforce the rural character of the Subject Property but the preferred barn location is consistent with a development pattern for the surrounding neighborhood as evidenced by accessory buildings being sited in front of principal structures on at several lots confronting the Subject Property (e.g., 24140 Ridge Road, 24141 Kings Valley Road and 24500 Kings Valley Road).

- b. *the special circumstances or conditions are not the result of actions by the applicant;*

All of the constraints imposed on development of the Subject Property are created by natural features or publicly mandated restrictions and are not the result of actions by the Applicants.

- 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 barn is proposed to be located at a site that a) is relatively free from steep slope problems, remains close enough to the proposed residence that the two structures are complementary, and so that the barn will be located close to the Property's well, which will be in near proximity to the proposed residence, so that water service will be readily available for barn usage.

- d. *the variance can be granted without substantial impairment to the intent and integrity of the general plan and the applicable master plan; and*

The barn's location is not inconsistent with Master planning principles applicable to the surrounding area and, in fact, repeats a development pattern that is common in the immediate area and in rural Montgomery County.

- e. *granting the variance will not be adverse to the use and enjoyment of abutting or confronting properties.*

The Subject Property is large enough (10 acres) and has only four abutting occupied properties that this requested minor deviation from the Zoning Ordinance will have no adverse effect on surrounding residential farms and residences.

V. CONCLUSION

Based on the analysis above, the Applicants believe that their variance request satisfies the findings of Section 59.7.9.3.2.E of the Zoning Ordinance and should be granted by the Board of Appeals.

Respectfully submitted,

MILLER, MILLER & CANBY

A handwritten signature in black ink that reads "Jody Kline". The signature is written in a cursive, slightly stylized font. The "J" is large and loops around the "o". The "K" is tall and has a long horizontal stroke extending to the right. The "L" is simple and vertical. The "E" is also simple and vertical. The signature is positioned above a horizontal line.

Jody S. Kline
200-B Monroe Street
Rockville, Maryland 20850
(301)762-5212



EXHIBIT NO. 4(b)

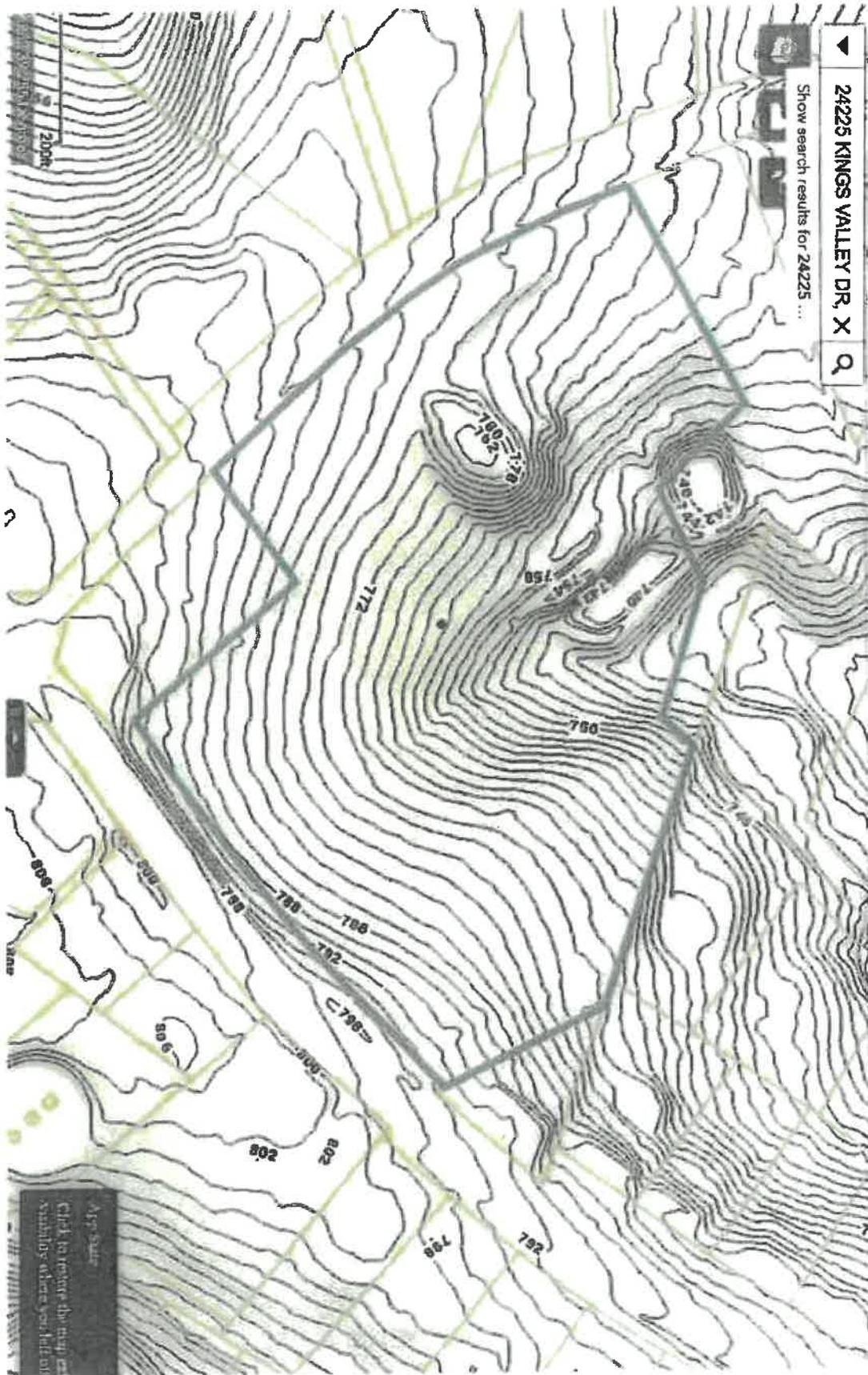
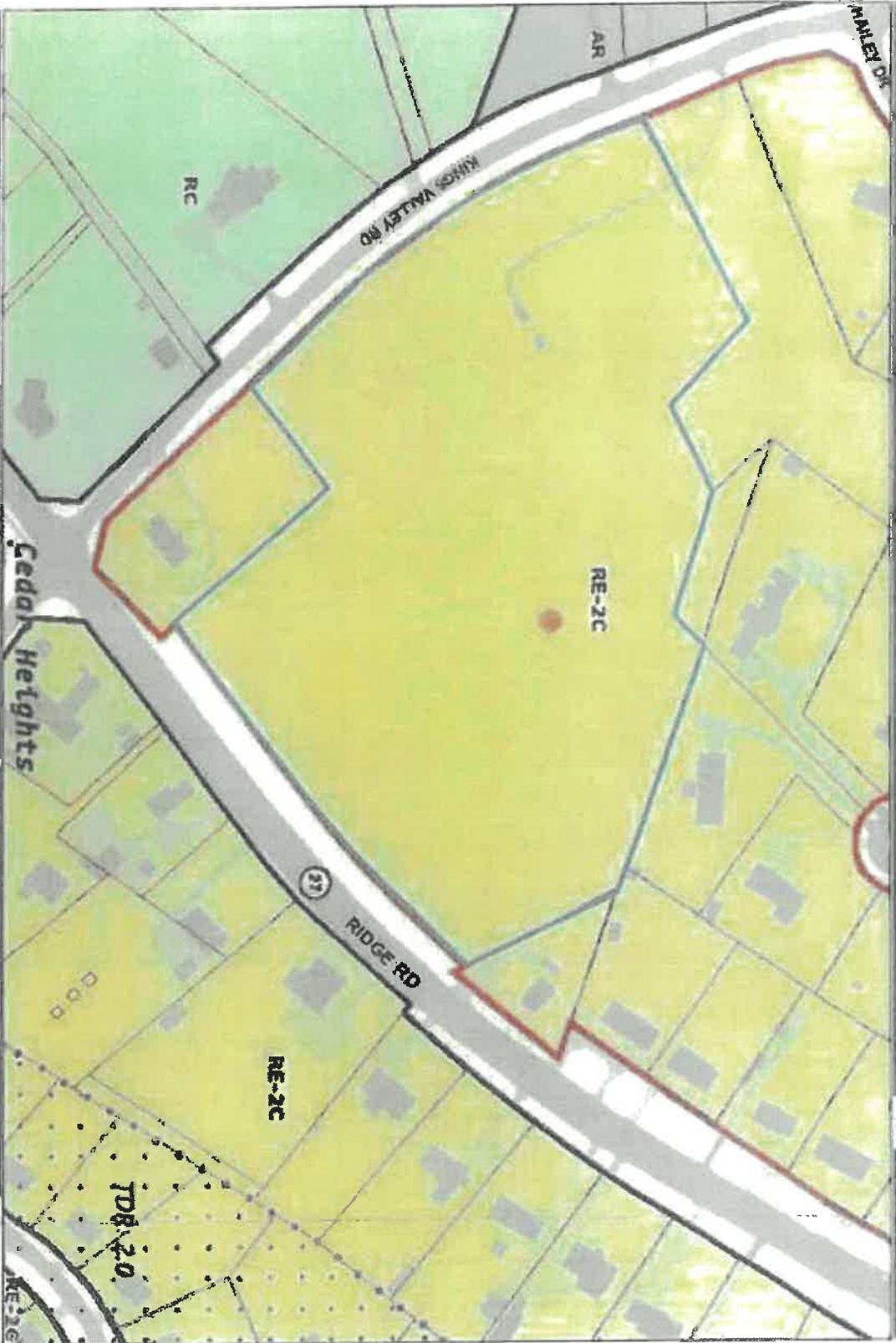


EXHIBIT NO. 4(d)

Montgomery County Zoning

Date: 12/22/2025



Account #	0616326
Address	10100 KINGS VALLEY RD DAMASCUS, 20822
Zone	RE-2C
Overlay Zone	N/A
TDR Overlay Zone	N/A
Landuses	Vacant
Parcel Lot, Block	N/A, 49, A
WSSC GID	2241NW1

Parking District	N/A
CBID	N/A
Special Protection Area	N/A
Urban District	N/A
Enterprise Zone	N/A
Arts & Ent. District	N/A
Special Tax District	N/A
Legal Description	KINGS VALLEY MANOR

Blue/Red Priority Area	N/A
Urban Renewal Area	N/A
Metro Station Policy Area	N/A
Priority Funding Area	N/A
Septic Tier	Tier 1: Sewer outfall
Municipality	N/A
Master Plan	DAMASCUS MASTER PLAN 1986
Historic Site/District	N/A
Water/Sewer Catchment	W-11-S-1



1 inch = 218 feet

EXHIBIT NO. 4(e)



DEPARTMENT OF PERMITTING SERVICES

Marc Elich
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: Jer Chang Stephanie Eng

ADDRESS: 24225 KINGS VALLEY RD
DAMASCUS, MD 20872

LOT - BLOCK: 49 - A

ZONE:RE-2C

THE VARIANCE REQUEST IS FOR

- EXISTING STRUCTURE
- NON-CONFORMING
- NEW SINGLE-FAMILY DWELLING

- PROPOSED STRUCTURE
- NON-COMPLYING

TYPE OF CONSTRUCTION:

- ROOM ADDITION
- PORCH
- SHED
- ACCESSORY STRUCTURE
- OTHER

- SWIMMING POOL
- DECK
- FENCE/RETAINING WALL
- GARAGE/CARPORT

The proposed construction requires a 0.00 ft. variance as it is within 0.00 ft. of the lot line.
 The required setback is 0.00 ft. in accordance with Section 59-
 The required sum of both side yards is 0.00 ft. in accordance with Section 59-
 The proposed construction reduces the sum of both sides to 0.00 ft., creating a violation of 0.00 ft.
 The proposed construction requires a variance from the Exemption from Controls, Section 59-B as follows:
 N/A
 The proposed construction barn in the front yard.sec 4.4.5.b.2 requires rear yard

Delvin Daniels

11/25/2025

Signature

Date

CASE NO. A-6954

PETITION OF JER JOU CHENG AND STEPHANIE ENG
EXHIBIT LIST

1. (a) Application
(b) Table of Contents
2. List of adjoining/confronting property owners
3. Statement of Justification
4. (a) Site Plan
(b) Aerial Photograph
(c) Subdivision Record Plat
(d) Topographical Map
(e) Vicinity Map – subject property has red dot
5. (a) Barn Elevations – Sheet A 6.2
(b) Barn Floor Plan – Sheet A 6.1
6. DPS Building Permit Denial
7. Zoning Vicinity Map
8. (a) Envelope showing date notice mailed
(b) Notice of hearing scheduled for February 25, 2026
9. _____
10. _____
11. _____
12. _____

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 - 12 Account Identifier - 03259256

Owner Information

Owner Name: CHENG JER JOU **Use:** RESIDENTIAL
ENG STEPHANIE MIN **Principal Residence:** NO
Mailing Address: 10832 SHOW PONY PL **Deed Reference:** /61550/ 00303
DAMASCUS MD 20872-

Location & Structure Information

Premises Address: KINGS VALLEY RD **Legal Description:** KINGS VALLEY MANOR
DAMASCUS 20872-0000

Map: Grid: Parcel: Neighborhood: Subdivision: Section: Block: Lot: Assessment Year: Plat No: 21057
FW23 0000 0000 12030028.16 0028 A 49 2025 **Plat Ref:**

Town: None

Primary Structure Built Above Grade Living Area Finished Basement Area Property Land Area County Use
10.0000 AC 910

Stories Basement Type Exterior Quality Full/Half Bath Garage Last Notice of Major Improvements

Value Information

	Base Value	Value As of 01/01/2025	Phase-In Assessments	
			As of 07/01/2025	As of 07/01/2026
Land:	293,000	307,600		
Improvements	0	0		
Total:	293,000	307,600	297,867	302,733
Preferential Land:	0	0		

Transfer Information

Seller: HOPE ALLIANCE CHURCH OF THE **Date:** 01/07/2021 **Price:** \$220,000
Type: ARMS LENGTH MULTIPLE **Deed1:** /61550/ 00303 **Deed2:**

Seller: WATKINS, WILLIAM E ET AL **Date:** 06/17/1999 **Price:** \$230,000
Type: ARMS LENGTH MULTIPLE **Deed1:** /17204/ 00434 **Deed2:**

Seller: **Date:** **Price:**
Type: **Deed1:** **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 0.00|0.00

Special Tax Recapture: None

Homestead Application Information

Homestead Application Status: No Application

Homeowners' Tax Credit Application Information

Homeowners' Tax Credit Application Status: No Application **Date:**