

**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-6961

PETITION OF ROBIN CHETRI AND TABITHA CHETRI

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 8th day of April, 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, an accessory structure (detached garage), requires a variance of 56 feet as it is within four (4) feet of the front lot line. The required setback is sixty (60) feet, in accordance with Section 59.4.4.9.B.2 of the Zoning Ordinance. In addition, the proposed accessory structure requires a variance to be located forward of the rear building line of the principal building. Section 59.4.4.9.B.2.a of the Zoning Ordinance requires that accessory structures be located behind the rear building line of the principal building.

The subject property is Lot 30, Block E, Lot 31 Rock Creek Palisades Sec 2 Subdivision, located at **4104 Denfeld Avenue, Kensington, Maryland 20895** in the R-60 Zone. (Tax Number Account No. 13-01261577)

Notices forwarded this 6th day of March, 2026, to:

Robin Chetri and Tabitha Chetri
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- 6961
Date Filed 2-2-26
Hearing Date 4-8-26
Time 9:30 a.m.

PETITION FOR VARIANCE UNDER ZONING ORDINANCE

(Please Note Instructions on Reverse Side)

(PLEASE PRINT)

Name of Petitioner(s): Robin Chetri and Tabitha Chetri

Address of Petitioner(s): 4104 Denfeld Ave City Kensington Zip 20895

Description of property involved: Lot 30 and 31 Block E. Parcel. Subdivision Rock Creek Palisades

Street and No. 4104 Denfeld Ave 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) _____

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

A variance of **56 feet** from the required 60-foot front setback for an accessory structure in the R-60 zone, per **Section 59-4.4.9.B.2**; and a variance from **Section 59-4.4.9.B.2.a** to permit an accessory structure to be located **forward of the rear building line** of the principal dwelling.

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 property at 4104 Denfeld Ave is characterized by an extraordinary topographical grade change, with the rear of the lot situated approximately 30 feet higher in elevation than the front. Unlike neighboring properties with more level terrain, this extreme slope renders the rear yard—the legally required location for accessory structures—functionally inaccessible and unsafe for vehicular use. Engineering calculations confirm that a driveway to the rear would require a **50.7% slope**, which is physically impractical and violates the **10% maximum slope** mandate set by **Montgomery County Standard MC-301.01**. Furthermore, the property contains an existing wood deck and a sunken front-yard carport with a 5'4" retaining wall, both of which were pre-existing site conditions that further restrict the buildable area compared to standard R-60 lots in the vicinity. These peculiar conditions create a situation where the only safe and viable location for a garage is the existing front-yard footprint.

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


Strict adherence to the zoning ordinance would result in a severe practical difficulty by effectively denying the property any reasonable use for a garage or covered parking. Because the required rear-yard location necessitates a **50.7% driveway slope**—which is five times the **10% maximum slope** allowed by **Montgomery County Standard MC-301.01**—it is legally and physically impossible to provide safe vehicular access to the rear. Furthermore, the presence of an existing wood deck and a significant retaining wall in the front prevents shifting the principal dwelling or accessory structure to any other compliant location.

Without the requested variance, the homeowners would be forced to abandon the permitted use of a garage entirely or create a non-compliant, life-safety hazard on the property. Granting the variance allows for the enclosure of an existing footprint, providing a safe, functional, and aesthetically compatible solution that overcomes these insurmountable site constraints.

Date of recording of plat of present subdivision: Oct 11, 1950

Has any previous variance application involving this property been made to the Board of Appeals? 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.


Robin Chetri / Tabitha Chetri

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

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

4104 Denfeld Ave., Kensington, MD 20895

Address of Attorney

Address of Petitioner

(520) 589 4570

dr.chetri@yahoo.com

Phone Number

Email Address

Home Phone

Work Phone

Email Address

STATEMENT OF JUSTIFICATION FOR VARIANCE REQUEST

Property Address: 4104 Denfeld Ave.,
Kensington, MD 20895

Applicant(s): Dr. Robin Chetri and Tabitha Chetri

Date: February 2, 2026

Introduction

This statement is submitted in support of a variance request from the Montgomery County Zoning Ordinance for the placement of an accessory structure (garage/carport) at the above-referenced property, which is located in the R-60 zone. A building permit application was denied by the Department of Permitting Services due to two specific violations regarding accessory structures:

1. Violation of the minimum Front Setback requirement (Section 59-4.4.9.B.2, which mandates a 60-foot front setback for an accessory structure in the R-60 zone).
2. Violation of the requirement for accessory structures to be located behind the rear building line of the principal building (Section 59-4.4.9.B.2.a).

We respectfully request a variance to allow the proposed accessory structure. We contend that the unique and extreme topographical and existing site conditions render strict adherence to these requirements practically impossible without creating undue hardship and preventing the reasonable use of the property for a functional garage.

Reasons for Variance

The need for this variance stems directly from extraordinary and peculiar site constraints unique to this property, which create severe practical difficulties in complying with the standard zoning requirements for accessory structures.

1. Exceptional Topographical Conditions (Section 7.3.2.E.2.a.i):

Our property at 4104 Denfeld Ave presents a significant and unusual topographical challenge. The rear of the property is approximately 30 feet higher in elevation than the front, resulting in a severe, sudden slope. This substantial grade change renders the rear yard exceptionally difficult, unsafe, and prohibitively costly to develop for an accessory structure such as a garage.

- **Impractical Driveway Access & Violation of County Standards:** To place a garage in the rear yard, a driveway would be required to climb this steep slope. Based on our precise survey and engineering calculations, the necessary grade for a rear-yard driveway would be 50.7% slope. This dramatically exceeds the 10% maximum slope allowed for residential driveways, as established by Montgomery County Standard MC-301.01. Forcing construction in the rear would require the creation of an access point that

is unsafe, non-compliant with County regulations, and functionally impractical for year-round vehicle use.

- **Existing Rear Yard Constraints (Deck Encroachment):** Further complicating the utilization of the rear yard is the existing wood deck, which runs along the back of the principal dwelling. Our recent boundary survey (April 2025) confirms that this deck currently encroaches upon the side property line. If we were compelled to construct the garage in the rear, it would necessitate the costly and environmentally disruptive demolition or substantial rebuilding of this existing, non-conforming deck structure. This adds significant, unwarranted cost, complexity, and demolition waste to an already unfeasible and non-compliant construction location.
- **Limited Usable Space & Environmental Impact:** The combination of the extreme slope and the footprint of the existing deck significantly limits the available, level, and usable buildable area in the rear yard. Construction would require extensive, disruptive excavation and backfilling, and the removal of several mature trees, resulting in a severe, negative environmental impact.

2. No Reasonable Use of Property Without Variance (Section 7.3.2.E.1):

Due to the severe topographical constraints, the rear yard of our property is not reasonably usable for the safe and functional placement of an accessory structure. Forcing compliance with the rear yard location requirement would effectively deny us any reasonable use of the property for the permitted purpose of a garage/carport. The existing, sunken concrete carport in the front yard, with its established retaining wall, represents the only practical, safe, and feasible location to construct a functional accessory structure.

3. Minimum Necessary Variance (Section 7.3.2.E.2.c):

The requested variance is the minimum necessary to overcome the practical difficulties imposed by the property's unique conditions.

- **Proposed Solution:** Our proposal is to enclose the existing sunken concrete carport in the front yard. This existing structure utilizes pre-existing infrastructure and is located **4 feet** from the front lot line.
- **Addressing the Setback:** The zoning requirement for an accessory structure is a 60-foot front setback. Since the existing structure is located 4 feet from the line, the variance sought is 56 feet (60 feet required - 4 feet existing = 56 feet). This is the minimum variance necessary to legalize the structure at its current, most practical location.
- **Addressing Building Line:** The variance requested to allow the structure forward of the rear building line is directly necessitated by the topography, as placing the garage behind the rear building line in the unfeasible rear yard is not a safe or practical option.

4. Special Circumstances Not Caused by Applicant (Section 7.3.2.E.2.b):

The exceptional topographical conditions, existing structural constraints, and the resulting need for a variance are inherent to the property itself and were not created by any action of the applicant. These pre-existing site characteristics dictate the construction requirements.

5. No Substantial Impairment to Zoning Intent (Section 7.3.2.E.2.d):

Granting this variance will not substantially impair the intent and integrity of the general plan or the applicable master plan.

- **Aesthetic Compatibility:** We are committed to ensuring the structure is aesthetically compatible with the neighborhood. We have engaged an architect to design a garage using high-quality materials, specifically cinder block and brick facade, which are detailed in the attached architectural drawings and match the design and materials of the main structure. This commitment ensures the structure will be a compatible and visually appealing improvement.
- **Community Support:** We are securing letters of support from our immediate abutting and confronting neighbors, affirming that the proposed front yard placement is not adverse to their use and enjoyment of their properties.

6. No Adverse Effect on Abutting or Confronting Properties (Section 7.3.2.E.2.e):

The proposed variance and the resulting structure will not be adverse to the use and enjoyment of abutting or confronting properties. The enclosure of the existing carport remains within the existing footprint and is unlikely to impact the privacy or access of neighboring properties.

Conclusion

The unique and severe topographical and pre-existing structural conditions of our property at 4104 Denfeld Ave create practical difficulties that prevent the safe and reasonable use of the rear yard for an accessory structure. The request to enclose the existing front-yard carport, requiring a 56-foot variance from the 60-foot front setback, is the minimum necessary, safest, and most environmentally and financially responsible solution. We believe this request meets all the criteria for granting a variance as outlined in Section 7.3.2.E of the Montgomery County Zoning Ordinance.

We respectfully request the Board of Appeals to grant this variance to allow us to proceed with this necessary improvement.

Sincerely,



Dr. Robin Chetri and Tabitha Chetri

4104 Denfeld Ave.,
Kensington, MD 20895

Phone: 520-589-4570
Email: dr.chetri@yahoo.com

Subject: Historical Constraints and Sub-surface Water Conditions (Variance Petition)

The following site-specific conditions demonstrate why the proposed location of the accessory structure is the only viable option and why building in the rear would be detrimental to the property and the surrounding public infrastructure.

1. Unique Historical Development (The "Double Lot"):

- **Engineered Solution:** In 1953, the extreme topography of this site required the original developers to utilize two lots (Lots 30 and 31) just to establish a single buildable footprint for one home.
- **Neighborhood Uniqueness:** This is the only double lot in the immediate neighborhood, yet it contains zero flat elevation. This historical necessity confirms that the land's topography is an inherent, extraordinary condition that has restricted the property's use for over 70 years.

2. Sub-surface Constraints (Underground Springs):

- **Documented Seepage:** The property is known for active underground springs. We have initiated multiple 311 and WSSC service requests due to water seeping from the ground at the curb. WSSC has performed investigative drilling to manage these sub-surface flows.
- **Excavation Risk:** Neighbors familiar with the property's history have noted past difficulties with construction due to these springs. Relocating the structure to the rear would require massive excavation into the hillside, potentially rupturing spring veins, causing significant drainage issues for downhill neighbors, and risking the stability of the existing retaining walls.

3. Erosion Control (The "Forest" vs. The "Lawn"):

- **Natural Stabilization:** Because of the steep grade, the property is maintained as a natural forest rather than a lawn. This vegetation is critical for soil retention.
- **Minimal Footprint:** The proposed variance utilizes the exact 24' x 24' footprint of an existing concrete pad and retaining wall. By using this pre-disturbed area, we avoid the destruction of the "forest" canopy that currently prevents mass soil erosion and heavy runoff onto Denfeld Avenue.

4. Pedestrian Access Constraints:

- **The Meandering Path:** Due to the elevation, the home's entrance is forced to the front-left corner, utilizing a long, meandering stone stairway to overcome the grade. This layout further restricts vehicular access to any other portion of the lot, cementing the "Practical Difficulty" of the current zoning setbacks.



office: 301-948-5100
19544 Amaranth Drive, MD | Germantown, MD 20874



PROPERTY ADDRESS:
4104 DENFELD AVENUE, KENSINGTON, MARYLAND 20895

SURVEY NUMBER: 2504.1661

DATE SIGNED: 04/22/25

FIELD WORK DATE: 4/21/2025

REVISION DATE(S):

(REV.2 4/28/2025) (REV.1 4/22/2025)

POINTS OF INTEREST

Proposed garage located 4.0' behind front property line

SURVEYORS CERTIFICATE

I HEREBY CERTIFY THAT THIS PLAT WAS PREPARED UNDER MY DIRECT SUPERVISION IN ACCORDANCE WITH C.O.M.A.R. SECTION 09.13.06.12 AS NOW ADOPTED BY THE MARYLAND BOARD OF PROFESSIONAL LAND SURVEYORS AND THE INFORMATION DEPICTED HEREON WAS BASED UPON THE RESULTS OF A FIELD INSPECTION PURSUANT TO THE DEED OR PLAT OF RECORD.



Matthew Nigel Brien
State of Maryland Professional Land Surveyor
License Number 21408



SNIDER & ASSOCIATES
LB-21937
office: 301-948-5100
19544 Amaranth Drive, MD | Germantown, MD 20874
a division of Exacta Land Surveys, LLC



2504.1661
BOUNDARY SURVEY
MONTGOMERY COUNTY

L1 N 38°00'10" E 40.00' (P)

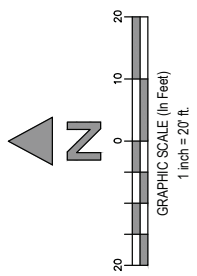
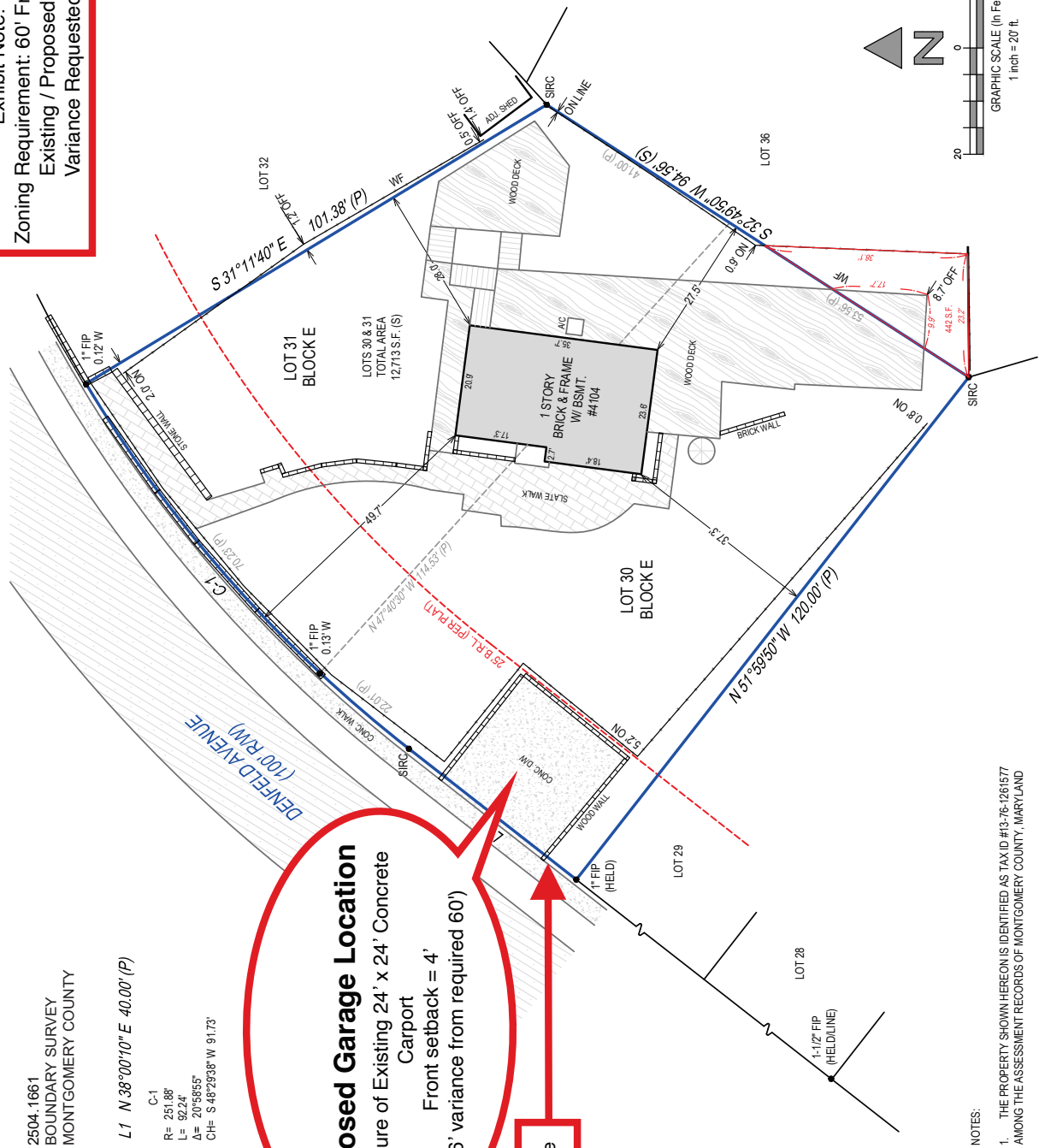
C-1
R= 251.88'
L= 92.24'
Δ= 20°56'55"
CH= S 48°29'38" W 91.73'

Proposed Garage Location
Enclosure of Existing 24' x 24' Concrete Carport

Front setback = 4'

(56' variance from required 60')

Exhibit Note:
Zoning Requirement: 60' Front Setback
Existing / Proposed: 4.0'
Variance Requested: 56'



NOTES:

- 1. THE PROPERTY SHOWN HEREON IS IDENTIFIED AS TAX ID #13-76-1261577 AMONG THE ASSESSMENT RECORDS OF MONTGOMERY COUNTY, MARYLAND

PROPERTY ADDRESS:
4104 DENFELD AVENUE, KENSINGTON, MARYLAND 20895

SURVEY NUMBER: 2504-1661

CERTIFIED TO:
ROBIN CHETRI

DATE SIGNED: 04/22/25

BUYER: ROBIN CHETRI

LENDER:

TITLE COMPANY:

COMMITMENT DATE: NOT REVIEWED | **CLIENT FILE NO.:**

LEGAL DESCRIPTION:
LOTS NUMBERED THIRTY (30) AND THIRTY-ONE (31) IN BLOCK 10, PALAISES SECTION 2, AS PER PLAT THEREOF RECORDED AT PLAT BOOK 38 AT PLAT 2681, AMONG THE LAND RECORDS OF MONTGOMERY COUNTY, MARYLAND.

FLOOD ZONE INFORMATION:

GENERAL SURVEYORS NOTES:

- This plat is of benefit to the consumer insofar as it is required by a lender or title insurance company or its agent in connection with contemplated transfer, financing or refinancing.
- Unless otherwise noted, no title report was reviewed by the surveyor. Easements, restrictions, and/or right-of-way may exist that are not shown.
- Underground facilities not shown, may exist.
- This survey does not address wetlands, contaminated waste or toxic soil conditions, or cemeteries, nor have any reports, studies or information regarding such been provided to this surveyor.
- The information contained on this survey has been performed exclusively, and is the sole responsibility, of Snider & Associates, a division of Exacta Land Surveyors, LLC. Additional logos or references to third party firms are for informational purposes only.
- Structures depicted hereon are measured at ground level.
- Points of Interest (POI's) are selected above-ground improvements which may be in conflict with boundary, building setback or easement lines, as defined by the parameters of this survey. There may be additional POI's which are not shown, not called-out as POI's, or which are otherwise unknown to the surveyor. These POI's may not represent all items of interest to the viewer.
- Any utilities shown on the subject property may or may not indicate the existence of recorded or unrecorded utility easements.
- Building measurements should not be used for new construction or planning. Measurements should be verified prior to such activity.

SURVEYORS LEGEND:

LINETYPES	ABBREVIATIONS	PSM - Professional Surveyor & Mapper
Boundary Line	(C) - Calculated	PT - Point of Tangency
Center Line	(D) - Deed	PUE - Public Utility Easement
Chain Link or Wire Fence	(F) - Field	R - Radius or Radial
Easement	(M) - Measured	R/W - Right of Way
Edge of Water	(P) - Plat	RES - Residential
Iron Fence	(S) - Survey	RE - Range
Overhead Lines	A/C - Air Conditioning	ROE - Roof Overhang Easement
Structure	AE - Access Easement	RP - Radius Point
Survey Tie Line	ANE - Anchor Easement	S/W - Sidewalk
Vinyl Fence	ASBL - Accessory Setback Line	SBL - Setback Line
Wall or Party Wall	B/W - Bay/Box Window	SCL - Survey Closure Line
Wood Fence	BC - Block Corner	SCR - Screen
	BFP - Backflow Preventer	SEC - Section
	BLDG - Building	SEP - Septic Tank
	BLK - Block	SEW - Sewer
SURFACE TYPES	BM - Benchmark	SIRC - Set Iron Rod & Cap
Asphalt	BR - Bearing Reference	SNWE - Storm Water Management Easement
Brick or Tile	BRL - Building Restriction Line	SN&D - Set Nail and Disc
Concrete	BSMT - Basement	SQFT - Square Feet
Covered Area	C - Curve	STL - Survey Tie Line
Water	CL - Center Line	STY - Story
	C/P - Covered Porch	SV - Sewer Valve
	C/S - Concrete Slab	SWE - Sidewalk Easement
	CATV - Cable TV Riser	TBM - Temporary Bench Mark
	CB - Concrete Block	TEL - Telephone Facilities
	CH - Chord Bearing	TOB - Top of Bank
	CHIM - Chimney	TUE - Technological Utility Easement
	CLF - Chain Link Fence	TWP - Township
	CME - Canal Maintenance Easement	TX - Transformer
	CO - Clean Out	TYP - Typical
	CONC - Concrete	UE - Utility Easement
	COR - Corner	UG - Underground
	CS/W - Concrete Sidewalk	UP - Utility Pole
	CUE - Control Utility Easement	UR - Utility Riser
	D/W - Driveway	VF - Vinyl Fence
	DE - Drainage Easement	W/C - Witness Corner
	DF - Drain Field	W/F - Water Filter
	DH - Drill Hole	WF - Wood Fence
	DUE - Drainage & Utility Easement	WM - Water Meter/Valve Box
	ELEV - Elevation	WW - Water valve
	EM - Electric Meter	
	ENCL - Enclosure	
	ENT - Entrance	
	EOP - Edge of Pavement	
	EOW - Edge of Water	
	ESMT - Easement	
	EUB - Electric Utility Box	
	FDH - Found Drill Hole	
	FCM - Found Concrete Monument	
	FF - Finished Floor	

Found Iron Pipe	FI - Found Iron Pipe	Found Iron Rod & Cap	FIRC - Found Iron Rod & Cap
Found Iron Rod	FIR - Found Iron Rod	Found Nail & Disc	FN&D - Found Nail & Disc
Found Nail	FN - Found Nail	Found Road Spike	FRSPK - Found Road Spike
Gas Meter	GM - Gas Meter	Identification	ID - Identification
Ingr/egress Easement	IE/E - Ingr/egress Easement	Illegible	ILL - Illegible
Instrument	INT - Instrument	Intersection	INT - Intersection
Irrigation Easement	IRRE - Irrigation Easement	Length	L - Length
Limited Access Easement	LAE - Limited Access Easement	License No. (Business)	LBN - License No. (Business)
Limited Buffer Easement	LBE - Limited Buffer Easement	Storm Water Management Easement	SNWE - Storm Water Management Easement
Landscape Easement	LE - Landscape Easement	Lake/Landscape Maintenance Easement	LME - Lake/Landscape Maintenance Easement
License No. (Surveyor)	LSP - License No. (Surveyor)	Map Book	MB - Map Book
Maintenance Easement	ME - Maintenance Easement	Mitered End Section	MES - Mitered End Section
Metal Fence	MF - Metal Fence	Manhole	MH - Manhole
Non-Radial	NR - Non-Radial	Not to Scale	NTS - Not to Scale
North American Vertical Datum 1988	NAVD88 - North American Vertical Datum 1988	National Geodetic Vertical Datum 1929	NGVD29 - National Geodetic Vertical Datum 1929
On Ground	OG - On Ground	Official Records Book	ORB - Official Records Book
Official Record Volume	ORV - Official Record Volume	Offset	OIA - Offset
Outside Subject Property	OFF - Outside Subject Property	Overhang	OH - Overhang
Overhead Utility Lines	OHL - Overhead Utility Lines	Inside Subject Property	ON - Inside Subject Property
Pool Equipment	P/E - Pool Equipment	Plat Book	PB - Plat Book
Point of Curvature	PC - Point of Curvature	Point of Compound Curvature	PCC - Point of Compound Curvature
Permanent Control Point	PCP - Permanent Control Point	Point of Intersection	PI - Point of Intersection
Point of Beginning	POB - Point of Beginning	Point of Commencement	POC - Point of Commencement
Point of Reverse Curvature Monument	PRM - Point of Reverse Curvature Monument	Permanent Reference Monument	PRM - Permanent Reference Monument

JOB SPECIFIC SURVEYOR NOTES:
THE DIMENSIONS AND DIRECTIONS SHOWN HEREON HAVE BEEN REFERENCED TO A PLAT AS RECORDED IN PLAT BOOK 38 AT PLAT 2681 AMONG THE LAND RECORDS OF MONTGOMERY COUNTY, MARYLAND

SNIDER SURVEYS

SNIDER ASSOCIATES
1821817
office: 301-948-5100
1954 Annaparth Drive, MD Germantown, MD 20874
a Division of Exacta Land Surveyors, LLC



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: ROBIN & S CHETRI

ADDRESS: 4104 DENFELD AVE
KENSINGTON, MD 20895

LOT - BLOCK: 30 - E

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 |
| N | SHED | N | FENCE/RETAINING WALL |
| Y | ACCESSORY STRUCTURE | Y | GARAGE/CARPORT |
| N | OTHER | | |

The proposed accessory structure requires a 56 ft. variance as it is 4 ft. from the front lot line.

The required front setback is 60 ft. in accordance with Section 59-4.4.9.B.2

The proposed accessory structure also requires a variance as it is forward of the rear building line of the principal building.

The requirement, in accordance with Section 59-4.4.9.B.2.a., is that any accessory structure must be located behind the rear building line of the principal building.

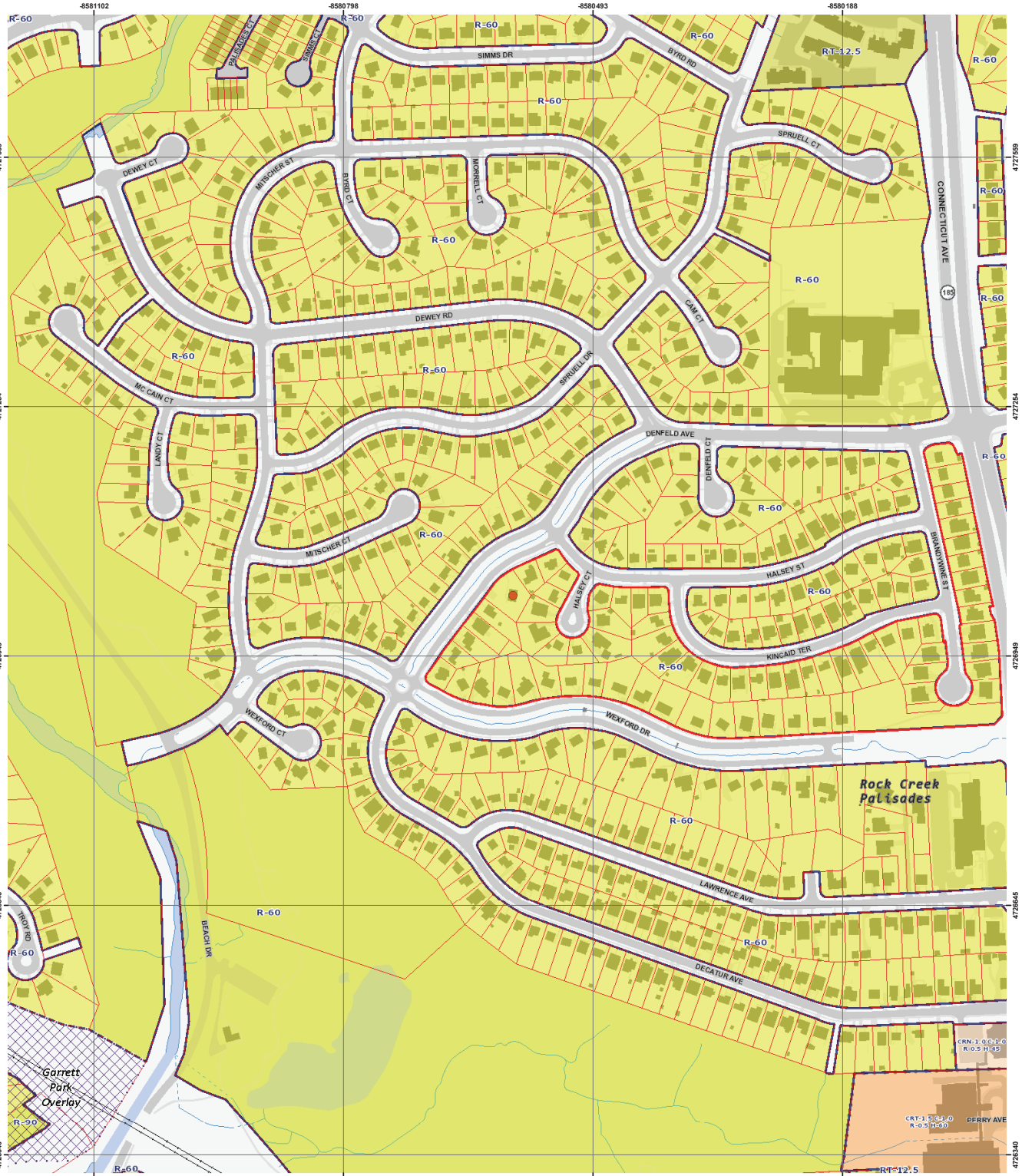
Kevin Carmody

4/3/2025

Signature

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 density purposes; right-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: 1/13/2026

1 inch = 250 feet

Account #	01261577
Address	4104 DENFELD AVE KENSINGTON, 20895
Landuse	Single Family Detached
Legal Description	LOT 31 ROCK CREEK PALISADES SEC 2
Zone	R-60
Overlay Zone	N/A
TDR Overlay Zone	N/A
Parking District	N/A
CBD	N/A
Parcel, Lot, Block	N/A, 30, E

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 Polky 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

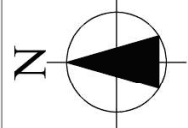
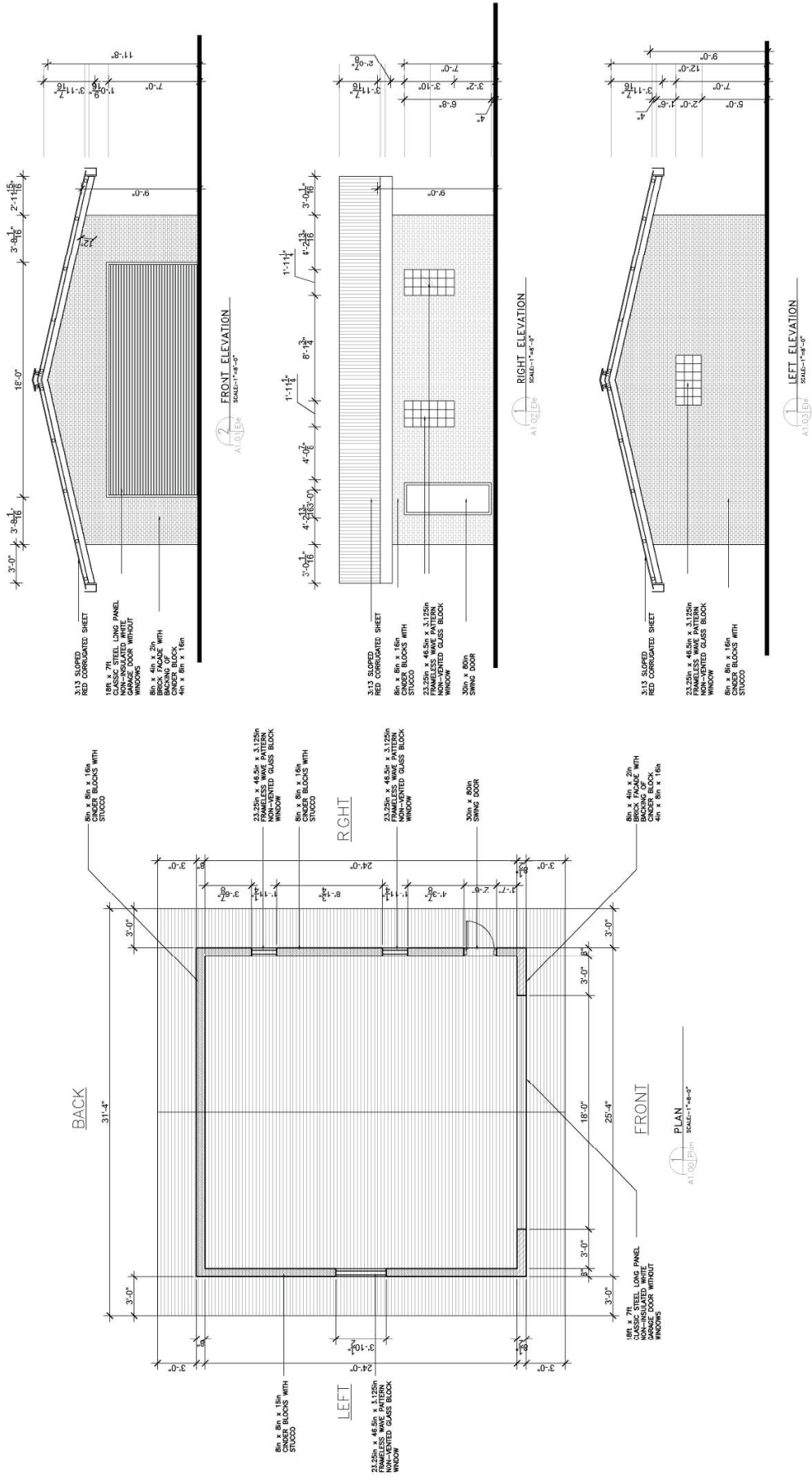
WSSC Grid	214NW04
Map Amendments	G-642 G-956
Water/Sewer Categories	W-1 / S-1

I certify that this document is a copy of the official Montgomery County Zoning Map as downloaded on 1/13/2026 from mcatlas.org/zoning.

Russell Corbin



Front, Right & Left Elevation and Garage Plan



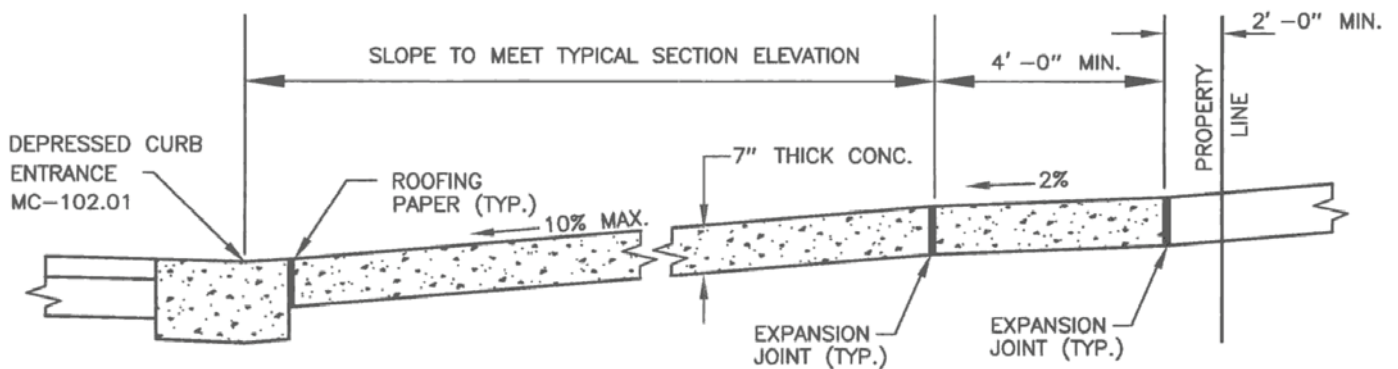
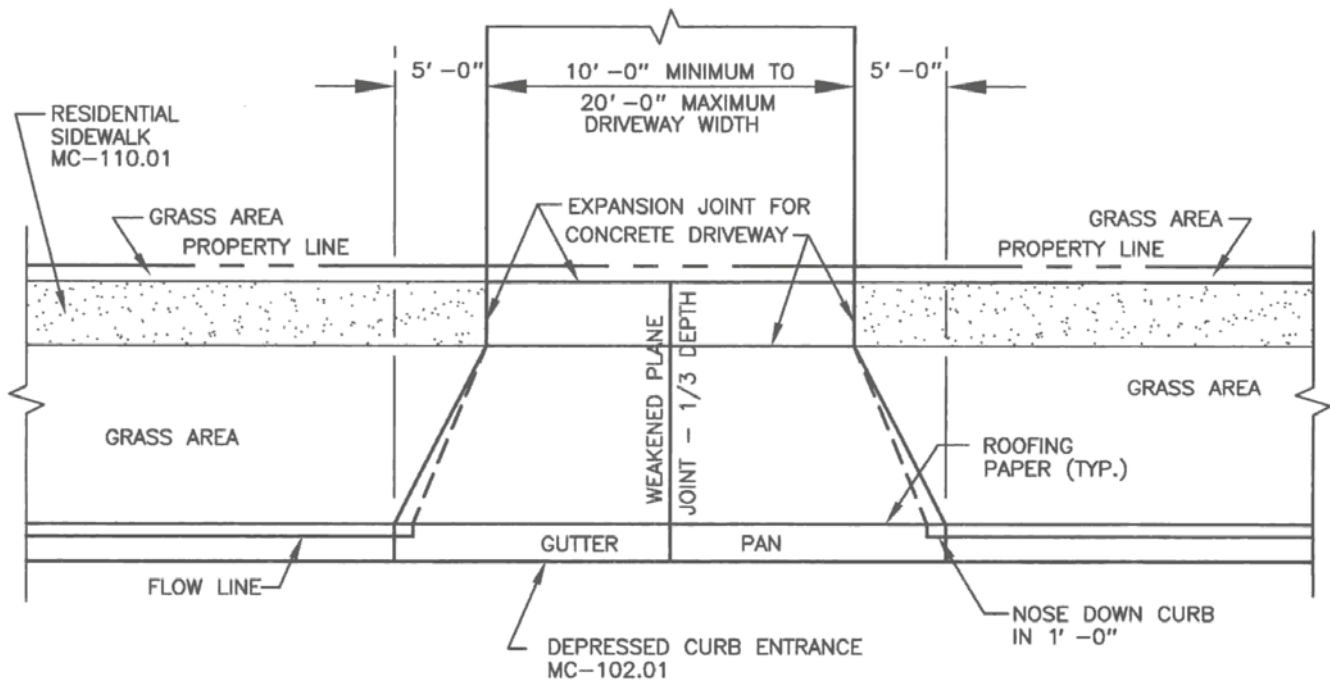
PROJ. NO. :	
SHEET NO. :	01

SCALE :	as mentioned
DRG. NO. :	AR/00
DATE :	DECEMBER
REVISION SUFFIX	

PROJECT : GARAGE FOR MR. ROBIN CHETTRI

WORKING DRAWING PLAN & ELEVATION

DESIGN CELL Architects, Engineers, Planners, Interior Designers
Naxal, Kathmandu, Nepal, P.O. Box 2401
Tel: 4523165, 4510887 admin@designcell.com.np



GENERAL NOTES

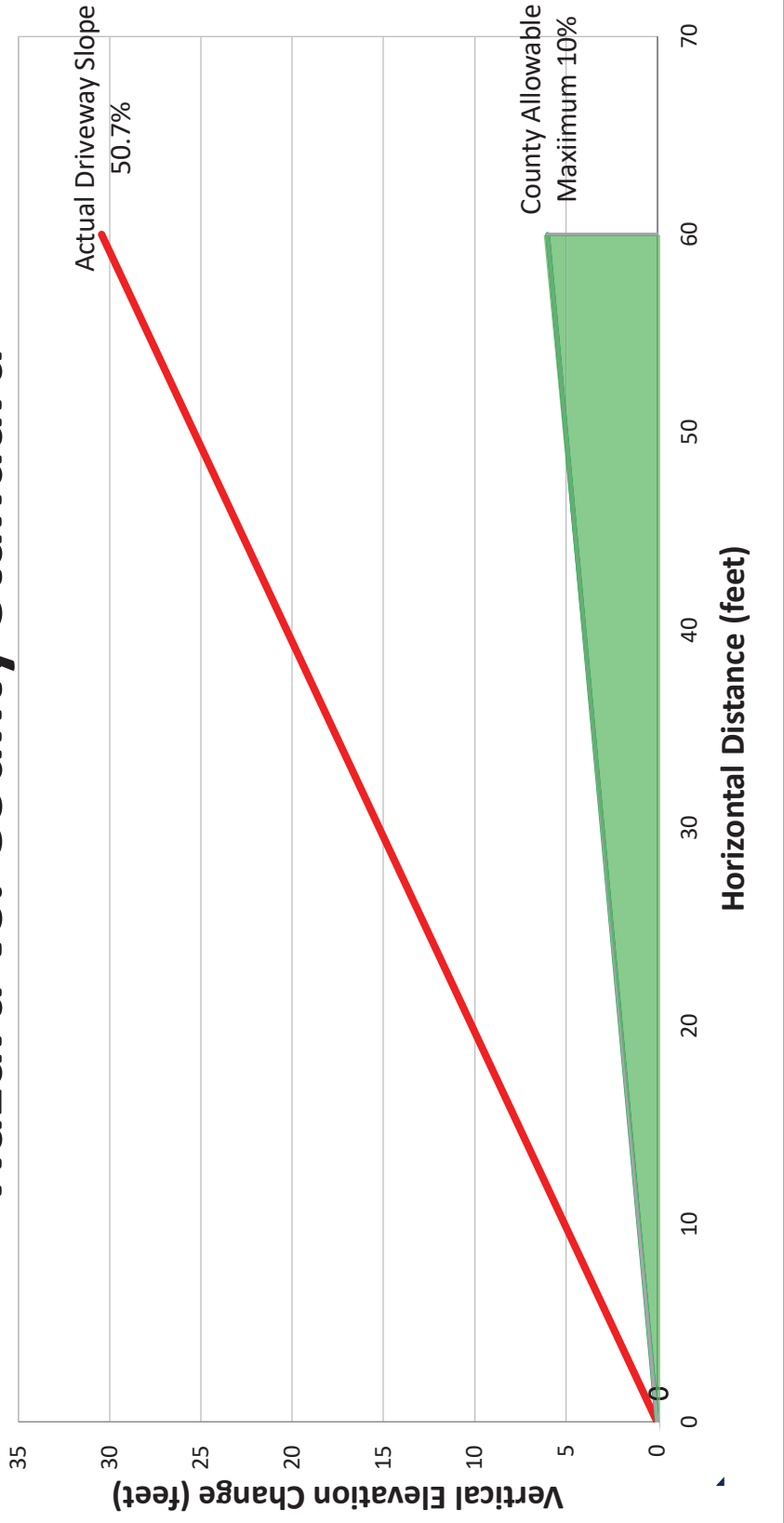
1. REFER TO MARYLAND STATE HIGHWAY ADMINISTRATION SPECIFICATIONS FOR MATERIALS AND METHODS OF CONSTRUCTION.
2. DRIVEWAY AND DRIVEWAY APRON TO BE MAINTAINED BY PROPERTY OWNER.
3. PROVIDE WEAKENED PLANE JOINTS AT MAXIMUM INTERVALS OF 15'.
4. THE EXPANSION JOINTS SHALL BE PLACED AT LOCATIONS SHOWN.
5. EXPANSION JOINT MATERIAL SHALL BE 1/2 INCH PREFORMED CORK, TRIMMED AND SEALED WITH NON-STAINING, TWO COMPONENT POLYSULFIDE OR POLYURETHANE ELASTOMERIC TYPE SEALANT, COMPLYING WITH ASTM-C920.

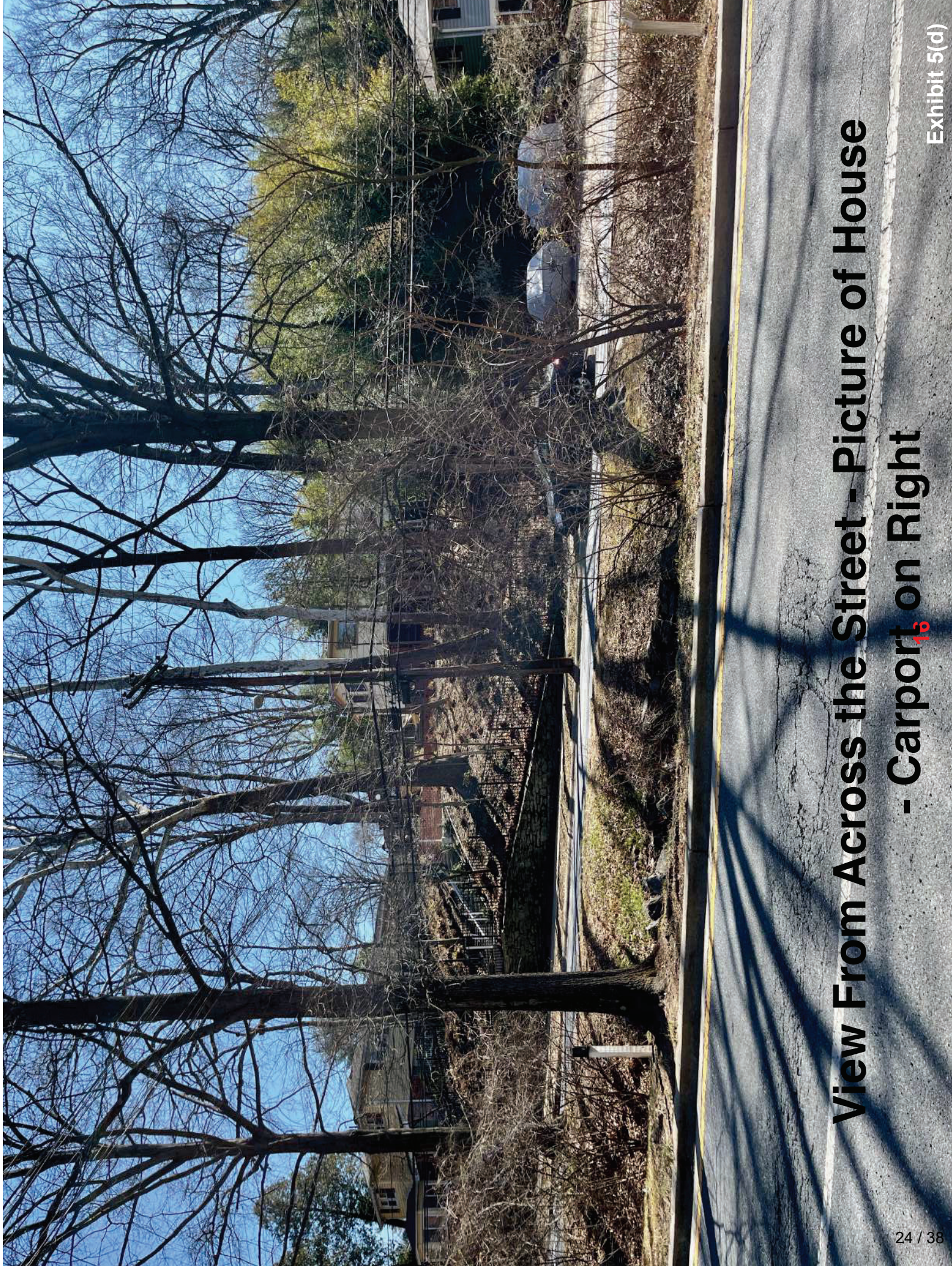


County Requirements

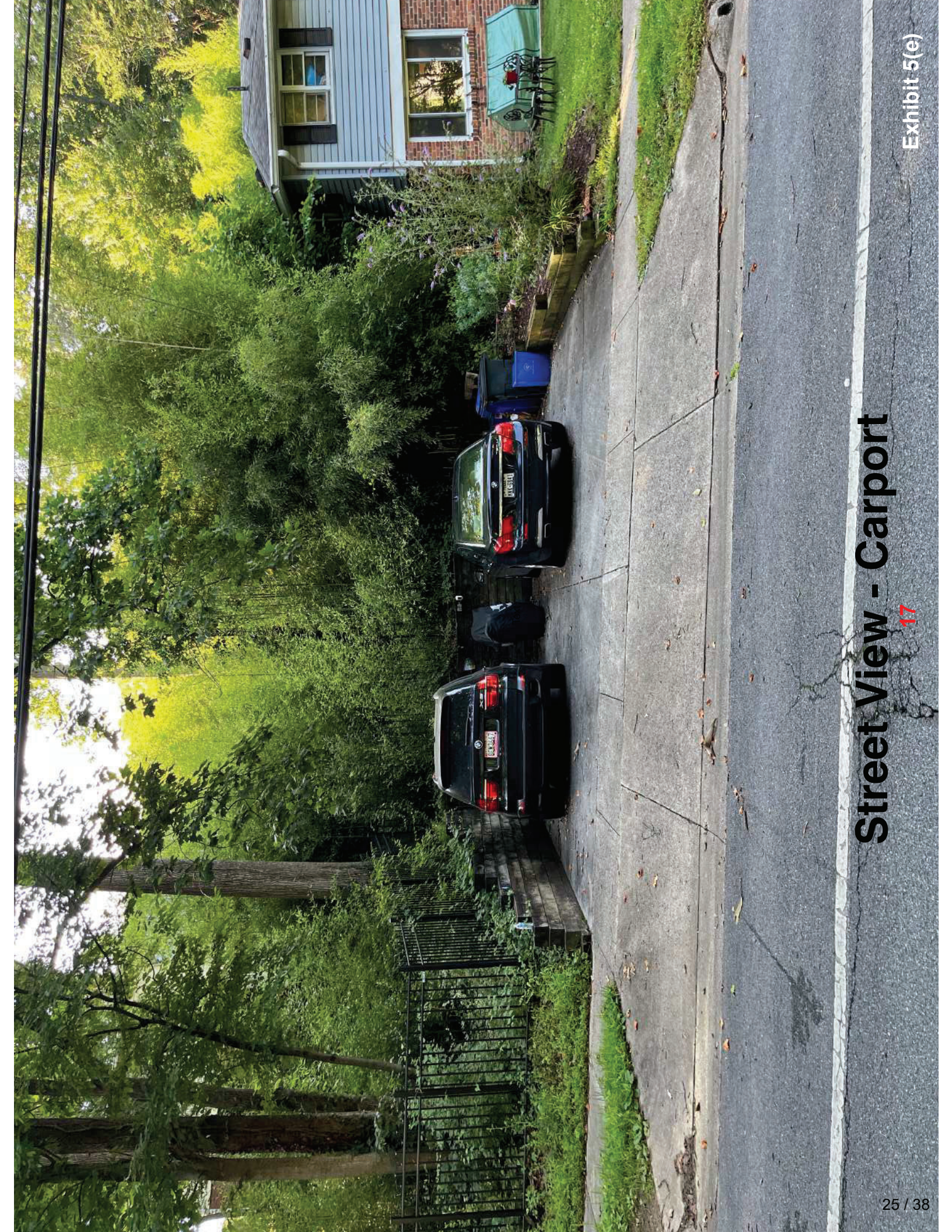
APPROVED <u>14 APR '06</u> <small>DATE</small>	REVISED ▲ ASTM-C920 4/2006	MONTGOMERY COUNTY DEPARTMENT OF TRANSPORTATION
 DIRECTOR, DEPT. OF TRANS.		RESIDENTIAL DRIVEWAY
 CHIEF, DIV. OF CAP. DEV.	STANDARD NO. MC-301.01	

Comparative Slope Analysis: Safety Hazard vs. County Standard





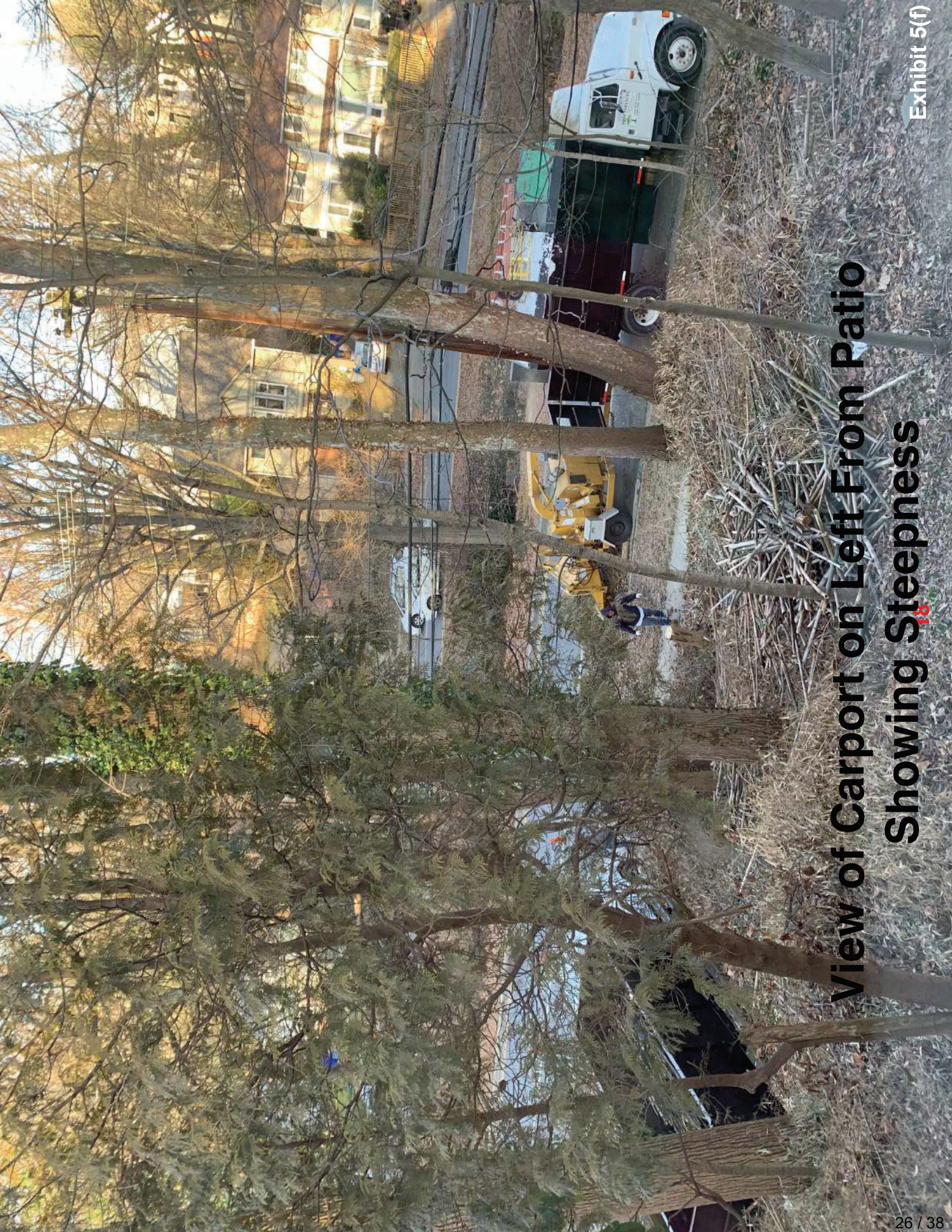
View From Across the Street - Picture of House - Carport on Right



Street View - Carport

17

Exhibit 5(e)



View of Carport on Left From Patio Showing Steepness ¹⁸

January 18, 2026

To the Honorable Members of the Montgomery County Board of Appeals
Stella B. Werner Council Office Building
100 Maryland Avenue
Rockville, MD 20850

Subject: Letter of Support for Variance Application for 4104 Denfeld Ave, Kensington, MD 20895

Dear Board of Appeals Members,

I, the undersigned, am a property owner residing at a property **abutting** the applicants, Robin & Tabitha Chetri, at 4104 Denfeld Ave. I have been informed of the details of their request for an area variance to permit the construction of a detached garage in the location of the existing carport.

I understand that the variance is required because the unique, steep topography of the applicants' rear property makes building a functional and **safe** driveway to a rear-yard compliant location **impossible**. The proposed garage will enclose a pre-existing, sunken structure near the front of the property.

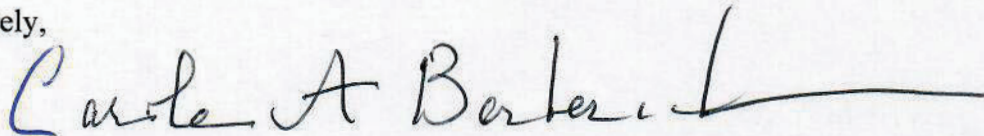
I have reviewed the plans and understand the following:

1. The proposed garage will enclose an **existing concrete structure (carport)**.
2. The finished garage will feature a **brick facade that matches the main house** and the architectural character of the neighborhood.
3. Granting this variance resolves a **safety concern** by avoiding the construction of a dangerously steep driveway on the hill.

I confirm that I **support** the variance request. I do not believe that granting this variance, which utilizes an existing footprint and improves the structure's aesthetic, will be detrimental or adverse to the use, enjoyment, or property value of my home or the surrounding neighborhood.

I urge the Board of Appeals to approve the requested variance.

Sincerely,



Carole Berberich
4106 Denfeld Ave.
Kensington, MD 20895
Tel: (240) 418 6026

Abutting Neighbor to the West

January 17, 2026

To the Honorable Members of the Montgomery County Board of Appeals

Stella B. Werner Council Office Building

100 Maryland Avenue

Rockville, MD 20850

Subject: Letter of Support for Variance Application for 4104 Denfeld Ave, Kensington, MD 20895

Dear Board of Appeals Members,

I, the undersigned, am a property owner residing at a property **abutting** the applicants, Robin & Tabitha Chetri, at 4104 Denfeld Ave. I have been informed of the details of their request for an area variance to permit the construction of a detached garage in the location of the existing carport.

I understand that the variance is required because the unique, steep topography of the applicants' rear property makes building a functional and **safe** driveway to a rear-yard compliant location **impossible**. The proposed garage will enclose a pre-existing, sunken structure near the front of the property.

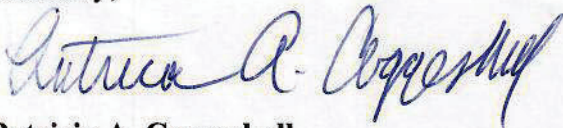
I have reviewed the plans and understand the following:

1. The proposed garage will enclose an **existing concrete structure (carport)**.
2. The finished garage will feature a **brick facade that matches the main house** and the architectural character of the neighborhood.
3. Granting this variance resolves a **safety concern** by avoiding the construction of a dangerously steep driveway on the hill.

I confirm that I **support** the variance request. I do not believe that granting this variance, which utilizes an existing footprint and improves the structure's aesthetic, will be detrimental or adverse to the use, enjoyment, or property value of my home or the surrounding neighborhood.

I urge the Board of Appeals to approve the requested variance.

Sincerely,



Patricia A. Coggeshall

4102 Denfeld Ave.

Kensington, MD 20895

Tel: (240)-475-1481

Abutting Neighbor to the East

January 20, 2026

To the Honorable Members of the Montgomery County Board of Appeals

Stella B. Werner Council Office Building

100 Maryland Avenue

Rockville, MD 20850

Subject: Letter of Support for Variance Application for 4104 Denfeld Ave, Kensington, MD 20895

Dear Board of Appeals Members,

I, the undersigned, am a property owner residing at a property **confronting** the applicants, Robin & Tabitha Chetri, at 4104 Denfeld Ave. I have been informed of the details of their request for an area variance to permit the construction of a detached garage in the location of the existing carport.

I understand that the variance is required because the unique, steep topography of the applicants' rear property makes building a functional and **safe** driveway to a rear-yard compliant location **impossible**. The proposed garage will enclose a pre-existing, sunken structure near the front of the property.

I have reviewed the plans and understand the following:

1. The proposed garage will enclose an **existing concrete structure (carport)**.
2. The finished garage will feature a **brick facade that matches the main house** and the architectural character of the neighborhood.
3. Granting this variance resolves a **safety concern** by avoiding the construction of a dangerously steep driveway on the hill.

I confirm that I **support** the variance request. I do not believe that granting this variance, which utilizes an existing footprint and improves the structure's aesthetic, will be detrimental or adverse to the use, enjoyment, or property value of my home or the surrounding neighborhood.

I urge the Board of Appeals to approve the requested variance.

Sincerely,



Daniel Boitel

4107 Denfeld Ave.

Kensington, MD 20895

Tel: (301) 512 4031

Email: dgboitel@gmail.com

Confronting Neighbor Across Denfeld Ave.

**BOARD OF APPEALS
for
MONTGOMERY COUNTY**

**Stella B. Werner Council Office Building
100 Maryland Avenue, Suite 217
Rockville, Maryland 20850
(240) 777-6600
www.montgomerycountymd.gov/boa/**

**Case No. A-6733
PETITION OF KELLY VAENA**

OPINION OF THE BOARD

(Public Hearing Date: February 16, 2022)
(Effective Date of Opinion: February 25, 2022)

Case No. A-6733 is an application by Petitioner Kelly Vaena for two variances needed for the proposed construction of an accessory structure (shed). The proposed construction requires a variance of nineteen (19) feet as it is within forty-one (41) feet of the front lot line. The required setback is sixty (60) feet, in accordance with Section 59-4.4.9.B. of the Montgomery County Zoning Ordinance. In addition, the proposed construction requires a variance to be forward of the rear building line, in accordance with Section 59-4.4.9.B of the Zoning Ordinance.

Due to COVID-19, the Board of Appeals held a remote hearing on the application on Wednesday, February 16, 2022. All participation was done via Microsoft Teams. Petitioner Kelly Vaena participated in support of the requested variances.

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

EVIDENCE PRESENTED

1. The subject property is Lot 16, Block 6, B.F.G. PT LTS 7 8 15 17 18 Subdivision, located at 7212 Cedar Avenue in Takoma Park, Maryland, 20912, in the R-60 Zone. Per SDAT, the subject property is 37,866 square feet in size, and was purchased by the Petitioner and her husband in 2013. It is a ten (10) sided property located on the west side of Cedar Avenue in the Takoma Park Historic District. Each of the property's ten distinct property line segments intersects the adjoining segment at a 90 degree angle, resulting in a property that has a truly unique shape, as shown on the Site Plan and Zoning Vicinity Map. The rear of the property is traversed by a 30 foot wide WSSC storm drain easement that runs diagonally from north to south. See Exhibits 4(a) and 9.
2. The Site Plan indicates that the property has 126 feet of frontage along Cedar Lane, and is 350 feet deep from Cedar Lane to its rear. The front portion of the property, along Cedar Lane, contains the existing house. See Exhibit 4(a).

3. The Petitioner's variance application cites topography as the justification for seeking variance relief, stating that "[t]he property includes a steep slope starting at the middle of the house structure and continuing for over half of the property depth (see attachments)." See Exhibit 1. The Petitioner's Justification Statement ("Statement") reiterates this, stating that the property's topography makes it unique for the purposes of satisfying Section 59.7.3.2.E.2.a.i of the Zoning Ordinance ("Most notably, as required by 2a(i) above, exceptional topographical conditions are present in a steep downward slope initiating within the house line and continuing to the back of the property (see topographical map, page 2).") See Exhibit 3. The steep downward slope of the property is also called out on the Petitioner's Site Plan, which depicts the slope as extending from the center of the existing house to just before the northern edge of the WSSC easement, and is shown on the topographical map and photographs submitted by the Petitioner, both of which confirm the slope's severity. See Exhibits 3(a), 3(b), and 4(a).

4. The Petitioner is seeking to locate an accessory structure (shed) forward of the house's rear building line and less than 60 feet from the property's front lot line, to the side of the existing house and forward of the property's steeply sloped area. See Exhibits 3 and 4(a). The Statement sets forth the practical difficulties that placement of the proposed shed in compliance with the requirements of the Zoning Ordinance would pose for the Petitioner on account of the property's topography, as follows:

The slope and degree of decline starting from the house makes the placement of a shed behind the rear building line within any proximity to the house difficult and impractical. The distance that would be required to meet the condition (placement to the far back of the property, down a steep hill) would make storage of garden and recreational equipment (bicycles etc.) impractical as access is needed to the house, utilities and street.

See Exhibit 3. This sentiment is echoed on the Petitioner's variance application, which notes that the Petitioner needs outdoor storage "that is accessible to the house and street," and states that if the requested variances were not granted, "the property would not have storage (for garden equipment, bicycles etc.) as the placement of the shed to the far back of the property, down a steep slope, would not be practical given the difficulty of access to the house/street." See Exhibit 1.

5. The Statement states that the proposed location for the shed would be "the best possible solution as it would be off to the side of the property, abutting the neighbor's back yard and driveway and on a part of the property that would require only minimal leveling before the downslope begins." The Statement notes that the Petitioner's neighbors at 7204 Cedar Avenue, whose property abuts the shared property line closest to the location of the proposed shed, have been consulted about the proposed construction and have no objections. See Exhibit 3. The record contains a letter from these neighbors stating that they "fully support" the Petitioner's request to build a shed in the proposed location. See Exhibit 7.

6. The Petitioner submitted a letter from the Maryland Historical Trust approving the proposed location of the shed. See Exhibit 8(a). In addition, the Petitioner submitted an

email from the County's Historic Preservation Commission advising that the Petitioner's Historic Area Work Permit application would be approved. See Exhibit 8(b).

7. At the hearing, Petitioner Kelly Vaena testified that the subject property is encumbered with a steep slope that extends from the middle of the house to "far back" on the property. She testified that it is not practical to place a shed beyond the slope. In response to a Board question asking if moving the shed 19 feet farther back from the front lot line would place the shed in this area of extreme slope, Ms. Vaena testified that it would. In response to a Board question asking if she needed a tree assessment for the proposed construction, Ms. Vaena testified that she had communicated with the Takoma Park arborist and was advised that an assessment is not needed.

Ms. Vaena testified that she and her husband have talked to their neighbors, and that they have no objections to the proposed construction.

FINDINGS OF THE BOARD

Based on the binding testimony and the evidence of record, the Board finds that the requested variances can be granted. The requested variances comply 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, topographical map, photographs, Site Plan, and testimony of Ms. Vaena, that the subject property has a steep downward slope that begins at the midpoint of the house and continues well into the rear of the property. See Exhibits 3, 3(a), 3(b), and 4(a). The Board finds that the severity of this slope constitutes an extraordinary condition unique 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 that the Petitioner purchased the subject property in 2013, and is not responsible for its topography, 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 that the property's steep topography limits the Petitioner's ability to locate the proposed accessory structure in a usable and proximate location that is consistent with the development standards set forth in the Zoning Ordinance, causing the Petitioner a practical difficulty, as explained in her Application, Statement, and testimony. See Exhibits 1 and 3. The Board further finds that the requested variances are the

minimum necessary to overcome this practical difficulty and to allow the Petitioner to locate the proposed structure in an area of the property that is not encumbered with a steep slope and that would facilitate its utility. Thus, 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 construction of the proposed accessory structure will continue the residential use of the home and has been favorably reviewed by the Maryland Historical Trust and by the County's Historic Preservation Commission. See Exhibits 8(a) and (b). Thus the Board finds that the requested variances can be granted without substantial impairment to the intent and integrity of the applicable general plan and master plan, in satisfaction of this element of the variance test.

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.*

Based on the afore-mentioned approvals from the Maryland Historical Trust and the County's Historic Preservation Commission, and in accordance with the representation in the Statement and the testimony of the Petitioner that she has spoken with her neighbors and that they do not object to the proposed construction, the Board finds that granting the requested variances will not be adverse to the use and enjoyment of neighboring properties, in satisfaction of this element of the variance test. See Exhibits 3 and 8(a)-(b). The Board notes, in further support of this finding, that the record contains a letter from the neighbors whose property is closest to the proposed structure indicating their full support. See Exhibit 7.

Accordingly, the requested variances needed to allow construction of the proposed accessory structure are **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(a) and (b) and generally consistent with the representative drawings included in the record at Exhibits 5(a) through (e).

Based upon the foregoing, on a motion by John H. Pentecost, Chair, seconded by Caryn Hines, with Mary Gonzales and Richard Melnick in agreement, and with Bruce Goldensohn, Vice Chair, necessarily absent, 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.



 John H. Pentecost
 Chair, Montgomery County Board of Appeals

Entered in the Opinion Book
of the Board of Appeals for
Montgomery County, Maryland
this 25th day of February, 2022.


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.

**BOARD OF APPEALS
for
MONTGOMERY COUNTY**

**Stella B. Werner Council Office Building
100 Maryland Avenue, Suite 217
Rockville, Maryland 20850
(240) 777-6600
www.montgomerycountymd.gov/boa/**

Case No. A-6755

PETITION OF JENNIFER PLAIA

**OPINION OF THE BOARD
(Hearing Date: July 20, 2022)
(Effective Date of Opinion: August 3, 2022)**

Case No. A-6755 is an application by Jennifer Plaia (the "Petitioner") for two variances needed for the proposed construction of an accessory structure (detached garage). The proposed construction requires a variance of 31.00 feet as it is within 29.00 feet of the front lot line. The required setback is sixty (60) feet, in accordance with Section 59.4.4.9.B of the Montgomery County Zoning Ordinance. In addition, the proposed construction requires a variance to be located forward of the rear building line of the principal structure, in accordance with Section 59.4.4.9.B.2.a of the Zoning Ordinance.

The Board of Appeals held a remote hearing on the application on July 20, 2022. All participation was done via Microsoft Teams. Petitioner Jennifer Plaia participated in the proceedings in support of the requested variances.

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

EVIDENCE PRESENTED

1. The subject property is Lot 16, Block 2, Northwood Knolls Subdivision, located at 405 Royalton Road in Silver Spring, Maryland, 20901, in the R-60 Zone. It is a four-sided property, trapezoidal in shape and 6,562 square feet in size, with a straight front lot line that extends approximately 85 feet along the west side of Royalton Road. The property's right side lot line is set at a right angle to its Royalton Road frontage, and is 53.90 feet long. The property's left side lot line is also set at a right angle to Royalton Road, but at 100.51 feet in length, is approximately twice as long as the right side lot line. The property has a sharply angled rear lot line, 96.96 feet in length, that connects its two sides. The

Justification Statement (“Statement”) states that the subject property is “shallower and wider than other lots in the subdivision...” See Exhibits 3, 4(a)-(b), and 7(a).

2. The subject property was recorded in 1951. See Exhibits 1 and 4(b). It is improved with an existing 944 square foot brick home that was built in 1953, and purchased by the Petitioner in 2019. The Statement states that “[t]he front of the existing structure is set back 29 feet from the main road. The rear of the structure is set back 32 feet on the left side and 16 feet on the right side, because the rear and side property lines are platted at an angle.” See Exhibits 3 and 4(a).

3. The Petitioner is seeking to build a 20 foot by 20 foot detached garage to the right of her house, forward of the rear building line.¹ The front of the garage would be the same distance from the street as the front of the house. The Site Plan indicates that the proposed garage would be located approximately 29 feet from the front lot line, five (5) feet from the right lot line, six (6) feet from the rear lot line, and five (5) feet from the Petitioner’s house. See Exhibit 4(a). The Petitioner’s Justification Statement (“Statement”) states the subject property’s “unique and unusual layout” causes her a practical difficulty. The Statement states that the shape of the property and the location of the existing house constrain her ability to locate the proposed accessory structure in accordance with the restrictions set forth in the Zoning Ordinance. The Statement states that the shallowness of the subject property “does not allow an accessory unit to be built behind the rear building line of the principal structure.” See Exhibit 3. The Petitioner’s variance application echoes this, stating that no expansion or accessory structure would be allowed on the subject property without the grant of a variance. See Exhibit 1.

4. The Statement indicates that the grant of the requested variances and resultant construction of a detached garage will not impact or be adverse to the Petitioner’s neighbors, stating that the “Petitioner has regular conversations with owners of the confronting property, and the rear and side abutting properties,” and that “[a]ll are supportive of Petitioner’s request for a variance.” See Exhibit 3.

5. At the hearing, the Petitioner testified that her rear lot line runs diagonally. She testified that this sharply angled, diagonal rear lot line makes the shape of her property unique compared with abutting and confronting properties, and the rest of the subdivision. The Petitioner testified that because of this, there is no way for her to make any improvements to her property without violating the Zoning Ordinance. She stated that the proposed garage would be five (5) feet from the side lot line and six (6) feet at the closest point from the rear lot line.

The Petitioner testified that she had spoken with her confronting neighbor the day before the hearing, who again expressed support for the proposed construction. In response to a Board question asking if she had spoken with all of her abutting and

¹ In email correspondence received July 14, 2022, the Petitioner provided the Board with the original plans for her garage, but indicated that she may instead install a prefabricated garage such as is shown in Exhibit 5(b). Whether she proceeds with her original plans or elects to install a pre-fabricated garage, the Petitioner states that the structure will have a footprint of 20 feet by 20 feet, and that it will be located as shown on the Site Plan. See Exhibits 4(a) and 5(a)-(c).

confronting neighbors, the Petitioner confirmed that she had, and that none opposed the proposed garage.

In response to a Board question asking if the variances she was seeking were the minimum reasonably necessary, the Petitioner testified that she originally wanted to build a 22 foot by 22 foot garage, but that that did not work on her property, and that she had reduced the size of the structure such that she was now seeking to construct a 20 foot by 20 foot single story garage. She testified that the proposed garage would be a tight, two-car garage, and that the requested variances were thus the minimum needed.

FINDINGS OF THE BOARD

Based on the binding testimony and the evidence of record, the Board finds that the requested variances can be granted. The requested variances comply 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, the Zoning Vicinity Map, and the testimony of the Petitioner, that the subject property is shallower and wider than other properties in the subdivision, with a sharply angled rear lot line and trapezoidal shape. See Exhibits 3 and 7(a). The Board finds that these conditions severely constrain the buildable area on the subject property, and 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 that the subject property was recorded in 1951 and developed in 1953, and that the Petitioner, who purchased the property in 2019, and is therefore not responsible for its unusual shallowness and shape, 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 that the subject property was developed in 1953, and that the property's shallowness and shape combine to constrain the area available for the construction of an accessory structure on the property, and to preclude construction of the proposed garage behind the rear building line of the Petitioner's house, causing the Petitioner a practical difficulty. See Exhibits 1, 3, and 7(a). The Board further finds that the requested variances are the minimum needed to overcome this practical difficulty. In support of this, the Board finds, per the testimony of the Petitioner, that she had reduced

the size of her proposed garage from 22 feet by 22 feet to 20 feet by 20 feet, which is "tight" for a two-car garage. In addition, the Board finds that with a footprint of 400 square feet, the proposed garage will more than meet the footprint limitation set forth in the Zoning Ordinance, and that the proposed garage will also meet the required side and rear setbacks. Thus 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 will continue the residential use of the home, and thus can be granted without substantial impairment to the intent and integrity of the Four Corners Master Plan (1996), which seeks to "preserve and maintain the character and integrity of the existing, well-established Four Corners residential neighborhoods" by ensuring that new development is "compatible with the existing residential character" of the community, in satisfaction of this element of the variance test.

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.*

Based on the Statement and the testimony of the Petitioner, the Board finds that granting the requested variances will not be adverse to the use and enjoyment of neighboring properties, in satisfaction of this element of the variance test. See Exhibit 3. The Board notes, in support of this finding, that the proposed garage will be in keeping with the residential nature of the property, and that the Petitioner has spoken with her abutting and confronting neighbors about her proposed construction, and that all are supportive of her project. See Exhibit 3.

Accordingly, the requested variances to permit the construction of the proposed accessory structure are **granted**, subject to the following conditions:

1. Petitioner shall be bound by the testimony and exhibits of record; and
2. Construction shall be in the location shown on Exhibit 4(a), and in accordance with either Exhibit 5(a) or Exhibit 5(b).

Based upon the foregoing, on a motion by John H. Pentecost, Chair, seconded by Richard Melnick, Vice Chair, with Caryn Hines and Roberto Pinero 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.



John H. Pentecost
Chair, Montgomery County Board of Appeals

Entered in the Opinion Book
of the Board of Appeals for
Montgomery County, Maryland
this 3rd day of August, 2022.



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.

CASE NO. A-6961

PETITION OF ROBIN CHETRI AND TABITHA CHETRI
EXHIBIT LIST

1. Application
2. List of adjoining/confronting property owners
3. (a) Statement of Justification
(b) Supplemental Page
4. Site Plan
5. (a) Front, Right, & Left Elevations; Garage Plan
(b) County Requirements
(c) Slope Analysis
(d)-(f) Photographs
6. DPS Permit Denial
7. (a)-(c) Letters of Support
8. Comparable BOA Case Decisions – A-6733 and A-6755
9. Zoning Vicinity Map
10. (a) Envelope showing date notice mailed
(b) Notice of hearing scheduled for April 8, 2026
11. _____
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 - 13 Account Identifier - 01261577**Owner Information**

Owner Name: CHETRI ROBIN & S **Use:** RESIDENTIAL
Principal Residence: YES
Mailing Address: 4104 DENFELD AVE **Deed Reference:** /15772/ 00251
 KENSINGTON MD 20895-1513

Location & Structure Information

Premises Address: 4104 DENFELD AVE **Legal Description:** LOT 31 ROCK CREEK PA
 KENSINGTON 20895-1513 LISADES SEC 2

Map: HQ31 **Grid:** 0000 **Parcel:** 0000 **Neighborhood:** 13010076.16 **Subdivision:** 0076 **Section:** E **Block:** 30 **Lot:** 2025 **Assessment Year:** **Plat No:** **Plat Ref:**

Town: None

Primary Structure Built **Above Grade Living Area** **Finished Basement Area** **Property Land Area** **County Use**
 1953 789 SF 394 SF 12,749 SF 111

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

Value Information

	Base Value	Value		
		As of 01/01/2025	As of 07/01/2025	As of 07/01/2026
Land:	266,800	266,800		
Improvements	200,900	261,800		
Total:	467,700	528,600	488,000	508,300
Preferential Land:	0	0		

Transfer Information

Seller: N & Y GRIGOROVICH-BARSKY	Date: 04/24/1998	Price: \$165,000
Type: ARMS LENGTH IMPROVED	Deed1: /15772/ 00251	Deed2:
Seller:	Date: 08/04/1976	Price: \$56,000
Type: ARMS LENGTH IMPROVED	Deed1: /04812/ 00458	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:** Approved 04/01/2022**Homeowners' Tax Credit Application Information****Homeowners' Tax Credit Application Status:** Application Denied **Date:** 07/01/2025