

**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-6962**

**PETITION OF SABRINA LUSVARGHI AND MARCOS BATTISTEL**

**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, a room addition, requires a variance of three (3) feet as it is within 11.10 feet of the side lot line. The proposed construction reduces the sum of both sides to 22.10 feet, creating a violation of 2.90 feet. The required sum of both side yards is 25.00 feet, in accordance with Section 59.4.4.8.B.2 of the Zoning Ordinance.

The subject property is Lot 13, Block C, Park Overlook Subdivision, located at **16609 Bethayres Road, Rockville, Maryland 20855** in the R-90 Zone. (Tax Number Account No. 09-02365647)

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

Sabrina Lusvarghi and Marcos Battistel  
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.**

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

Docket No. A- 6962  
Date Filed 2-4-26  
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): Sabrina Lusvarghi and Marcos Battistel

Address of Petitioner(s): 16609 Bethayres Rd City: Derwood Zip: 20855

Description of property involved: Lot: 13 Block: C Parcel: N/A Subdivision: 0012

Street and No. 16609 Bethayres Rd City: Derwood Zip: 20855 Zone Classification: R-90

Appellant's present legal interest in above property (check one): Tax Account No. 02365647

Owner (including joint ownership)  Other (describe): N/A

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 from the combined side yard setback requirement of Section 59.4.1.7 (R-90 Development Standards) of the Montgomery County Zoning Ordinance, to permit a rear addition where the combined side yard setback is approximately three (3) feet less than the required 25 feet, due to the property's unique physical conditions.

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 subject property is affected by a diagonal side property line that narrows toward the rear of the lot, unlike neighboring properties with rectangular or parallel side boundaries. This unique geometry directly affects the placement of rear structures. The existing house is legally established and positioned in a manner that complies with zoning requirements at the front but creates unavoidable constraints at the rear of the lot.

How will the peculiar condition described above result in practical difficulty if the requested variance is not granted? Due to the diagonal property line and the fixed placement of the existing dwelling, strict enforcement of the combined side yard setback requirement would prevent any reasonable rear addition in the location of the existing deck. The practical difficulty is further compounded by existing conditions, including an immovable kitchen layout and window near the proposed addition wall and a legally established adjacent deck that cannot be removed or reconfigured without disproportionate structural alteration. These conditions eliminate feasible alternative designs that would achieve full setback compliance, making the requested variance the minimum necessary relief to permit reasonable use of the property.

Date of recording of plat of present subdivision: 9/23/83; or, if property is un-subdivided, date on which deed recorded, or state that such deed was first recorded prior to March 6, 1928: N/A

Has any previous variance application involving this property been made to the Board of Appeals? No  
If so, give Case Number(s): N/A

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) Sabrina Lusvarghi and Marcos Battistel  
Signature of Petitioner(s) (Print Name next to Signature)

Address of Attorney \_\_\_\_\_

Address of Petitioner 16609 Bethayres Rd, Derwood, 20855  
412-626-1497 or 412-805-7914 sabrina.lusvarghi@gmail.com

Phone Number \_\_\_\_\_

Email Address \_\_\_\_\_

Home Phone \_\_\_\_\_

Work Phone \_\_\_\_\_

Email Address \_\_\_\_\_

**Exhibit1**

# Real property Data Search demonstrating ownership of the premises

1/3/26, 11:09 AM

SDAT: Real Property Data Search

Real Property Data Search ( )  
Search Result for MONTGOMERY COUNTY

View Map	No Ground Rent Redemption on File	No Ground Rent Registration on File							
<b>Special Tax Recapture: None</b>									
Account Number:	District - 09 Account Identifier - 02365647								
<b>Owner Information</b>									
Owner Name:	BATTISTEL MARCOS D LUSVARGHI SABRINA	Use: RESIDENTIAL Principal Residence: YES							
Mailing Address:	16609 BETHAYRES RD ROCKVILLE MD 20855-2043	Deed Reference: /54443/ 00148							
<b>Location &amp; Structure Information</b>									
Premises Address:	16609 BETHAYRES RD ROCKVILLE 20855-0000	Legal Description: PARK OVERLOOK							
Map:	Grid:	Parcel:	Neighborhood:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:
GS23	0000	0000	9060012.16	0012		C	13	2024	Plat Ref:
Town: None									
Primary Structure Built	Above Grade Living Area		Finished Basement Area		Property Land Area		County Use		
1985	2,352 SF		882 SF		14,553 SF		111		
Stories	Basement	Type	Exterior	Quality	Full/Half Bath	Garage	Last Notice of Major Improvements		
2	YES	STANDARD UNIT	SIDING/	4	2 full/ 1 half	1 Attached			
<b>Value Information</b>									
	Base Value		Value		Phase-in Assessments				
			As of		As of		As of		
			01/01/2024		07/01/2025		07/01/2026		
Land:	255,200		255,200						
Improvements	254,800		374,700						
Total:	510,000		629,900		589,933		629,900		
Preferential Land:	0		0						
<b>Transfer Information</b>									
Seller: ETTER PAUL C & A D	Date: 06/14/2017		Price: \$499,000						
Type: ARMS LENGTH IMPROVED	Deed1: /54443/ 00148		Deed2:						
Seller:	Date:		Price: \$0						
Type: NON-ARMS LENGTH OTHER	Deed1: /06862/ 00021		Deed2:						
Seller:	Date:		Price:						
Type:	Deed1:		Deed2:						
<b>Exemption Information</b>									
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				
<b>Special Tax Recapture: None</b>									
<b>Homestead Application Information</b>									
Homestead Application Status: Approved 08/09/2018									
<b>Homeowners' Tax Credit Application Information</b>									
Homeowners' Tax Credit Application Status: No Application									
Date:									

### **JUSTIFICATION STATEMENT FOR VARIANCE**

**Property:** 16609 Bethayres Road, Derwood, Maryland 20855

**Zone:** R-90

**Petitioners:** Sabrina Lusvarghi and Marcos Battistel, owners

**Request:** Variance from the combined side yard setback requirement of Section 59.4.4.8.B.2 of the Montgomery County Zoning Ordinance to allow a rear addition to the existing single-family dwelling in the R-90 zone, where strict compliance is precluded by the property's unique lot geometry.

**Applicable Portion of Zoning Code:** Montgomery County Zoning Ordinance, Section 59.4.4.8 — Residential-90 Zone (R-90) —Standard development requirements for a detached house— Principal Building Setbacks (minimum) front setback: 30 feet; side setback: 8 feet; sum of side setbacks: 25 feet; and rear setback: 25 feet

#### **Executive summary**

The Applicants, Sabrina Lusvarghi and Marcos Battistel, request a variance from the combined side yard setback requirement of Section 59.4.4.8.B.2 of the Montgomery County Zoning Ordinance to permit a modest rear family room addition to the existing single-family dwelling located at 16609 Bethayres Road, Derwood, Maryland, in the R-90 zone.

The subject property is affected by a diagonal side property line that narrows toward the rear of the lot, a physical condition that is not common to neighboring properties. This unusual geometry directly constrains development at the rear of the property. As a result of this condition, the existing rear deck was constructed recessed from the side wall of the house with angled, non-rectangular corners in order to comply with zoning requirements. While this configuration is workable for an open deck, it is not feasible or appropriate for an enclosed addition that must align with the existing dwelling and provide functional interior space.

Due to the diagonal lot line and the fixed placement of the existing house, strict application of the combined side yard setback requirement would preclude any reasonable rear addition in the location of the existing deck. The practical difficulty is further compounded by existing physical constraints, including the current kitchen layout (immovable kitchen window, sink cabinets and kitchen counter) and a legally established adjacent deck that cannot be

removed or reconfigured without disproportionate structural alteration. These conditions were not created by the Applicants and are inherent to the property.

The requested variance represents the minimum relief necessary to allow for the reasonable improvement of the property without any other major alteration other than the intended room addition. The proposed addition replaces a portion of an existing deck and does not expand development into undeveloped areas. The room addition requires a setback variance to 22 feet—rather than the required sum of 25 feet—while fully complying with all other zoning requirements, including all other setbacks and maximum lot coverage.

The proposed addition is consistent with the scale, massing, and character of surrounding single-family homes and will not adversely affect neighboring properties or the public interest. Letters of non-objection from adjacent neighbors and approval from the Park Overlook Homeowners Association, included attached to this application, further support the conclusion that granting the variance will not be detrimental to the neighborhood.

For these reasons, the Applicants respectfully submit that the requested variance, of 3 feet difference with the current zoning requirement, satisfies the applicable criteria of the Montgomery County Zoning Ordinance and should be approved.

### **Evidence supporting variance**

This statement is submitted in support of a request for a variance from the combined side yard setback requirements of the Montgomery County Zoning Ordinance to permit a rear addition to the existing dwelling.

#### **1. Special Conditions or Circumstances Exist That Are Peculiar to the Property**

The subject property is uniquely affected by its diagonal side property line, which progressively narrows toward the rear of the lot (*Survey plat, page 7*). As a result, the lot geometry is distinctly different from that of most neighboring properties, which generally have more regular, parallel side property boundaries or expand toward the rear of the lot, being complementary to the subject property lot.

As a direct result of this geometry, the existing rear deck was constructed recessed approximately two feet from the side wall of the house and with angled, non-rectangular corners in order to comply with zoning requirements. While this polygonal configuration is workable for an open deck, it is not feasible or appropriate for an enclosed addition, which

must align with the existing structure and provide usable interior space. Due to the irregular shape of the lot, full compliance with the combined side yard setback requirement at the rear of the lot is not feasible without creating an impractical and unusable interior space.

## **2. The Special Conditions Are Not the Result of Actions by the Property Owners**

The diagonal orientation of the side property line, the narrowing of the lot toward the rear, and the location of the existing house were established prior to the current owners' acquisition of the property (*Certified zoning map and original survey plat pages 10 and 22*). These conditions are inherent to the property itself and not the result of any action or modification undertaken by the current owners.

## **3. Strict Application of the Zoning Ordinance Would Result in Practical Difficulty**

The Montgomery County Zoning Ordinance (R-90 zone) prescribes a minimum side setback of 8 feet on each side and a **combined minimum of 25 feet** for side yard setbacks of a principal building. Although this requirement is met for the existing house at the front, the diagonal side property line prevents the rear portion of the proposed addition from achieving the full 25-foot combined side yard total.

In addition, the practical difficulty is compounded by existing physical constraints on the property that make it infeasible to shift the proposed addition toward the center of the house in order to achieve full setback compliance. Offsetting the addition approximately four feet away from the property line would require substantial and disproportionate alteration of the existing dwelling, including reconfiguration of the kitchen and demolition of existing structures, and therefore does not represent a reasonable or practical alternative.

Specifically, an existing kitchen window is located less than 1.5 feet from the proposed addition wall and cannot be reasonably relocated without significant modification to both the exterior wall and the interior kitchen layout. The existing kitchen design includes a fixed countertop extension that cannot be altered or removed without a complete redesign of the kitchen. These conditions restrict the feasible placement of the addition to only one side of the existing deck area, eliminating alternative configurations that might otherwise comply with the combined side yard setback requirement (*Illustrations showing existing building and structure page 13*). In addition, a small adjacent deck is legally established and proposed to remain. Its removal or substantial modification would require disproportionate reconstruction of the rear façade of the house. Preserving this deck, in combination with the diagonal property line and the fixed placement of the existing dwelling, further constrains the location and configuration of the proposed addition and contributes to the practical difficulty

in achieving full setback compliance (*Illustrations showing existing building and structure page 13*).

#### **4. The Requested Variance Is the Minimum Necessary to Relieve the Practical Difficulty**

The requested variance seeks only the minimum relief necessary (3 feet) to permit a reasonable rear addition in the location of the existing deck. The proposed addition replaces an outdoor deck with an enclosed living space and maintains the established pattern of development on the lot without expanding into undeveloped areas.

Importantly, the proposed addition remains fully compliant with all other applicable zoning standards, including maximum lot coverage. The subject property contains approximately 14,553 square feet, permitting a maximum lot coverage of 30 percent, or approximately 4,366 square feet. The existing house (approximately 1,204 square feet), existing garage (approximately 539 square feet), and the proposed addition (approximately 396 square feet) result in a total covered area of approximately 2,139 square feet, which is well below the maximum permitted coverage. No other dimensional standards are affected, and the variance requested is limited solely to the combined side yard setback.

#### **5. The Granting of the Variance Will Not Be Detrimental to the Public Interest or Neighborhood Character**

The proposed addition does not increase development intensity and preserves substantial open space on the lot. The project remains in its entirety well within the property lines and is designed to be consistent with the scale, massing, and architectural character of surrounding single-family dwellings. The included Letters of non-objection from the adjacent property owners most directly affected, along with approval from the Park Overlook Homeowners Association, further demonstrate that granting the variance will not adversely affect neighboring properties or the character of the surrounding community.

---

#### **Conclusion**

For the reasons set forth above, the requested 3 feet variance constitutes the minimum necessary relief to address practical difficulties created by unique physical conditions of the property. Granting the variance will allow reasonable use of the property while remaining consistent with the intent of the Zoning Ordinance and the character of the neighborhood.



THE LEVEL OF ACCURACY OF DISTANCES TO APPARENT PROPERTY LINES IS: **1±**

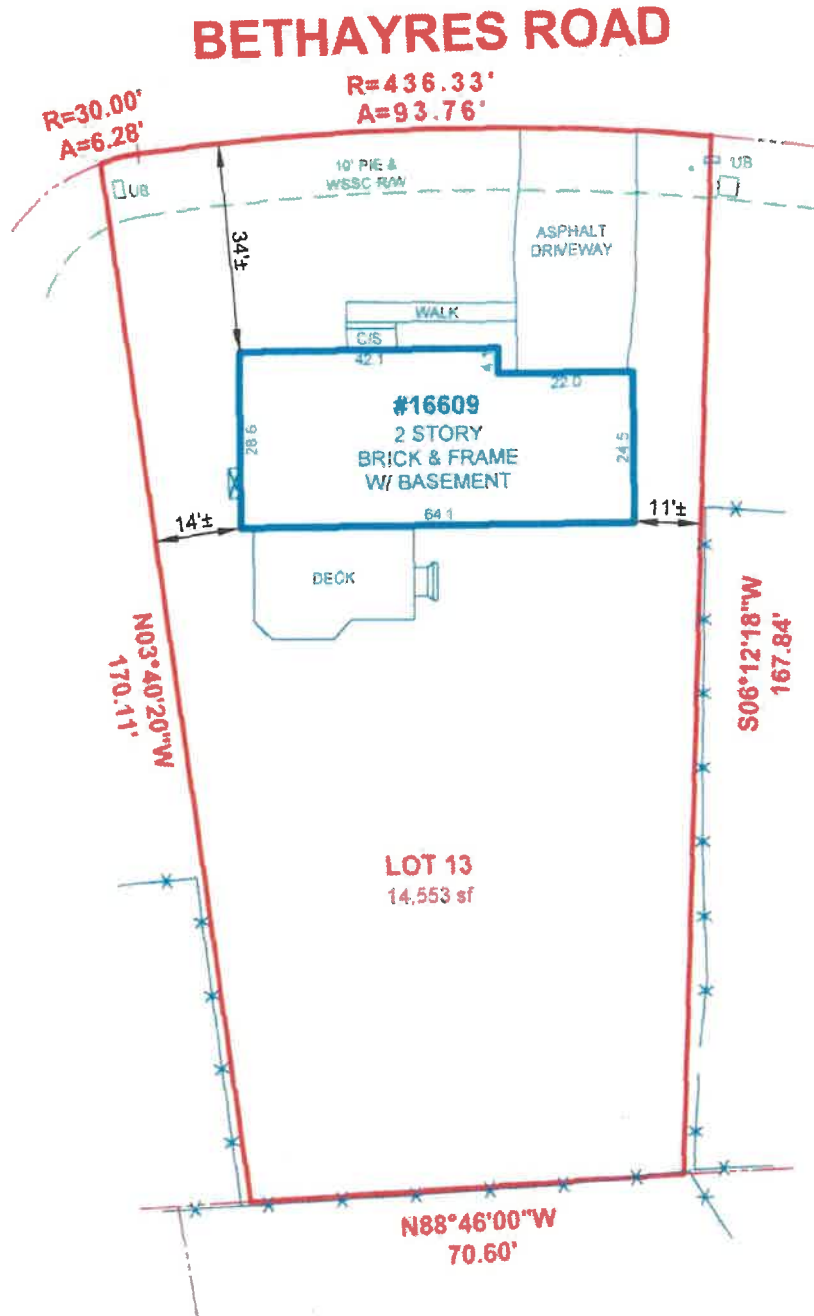
**NOTE:**  
PROPERTY WAS SNOW COVERED ON DATE OF SURVEY. THIS DRAWING REFLECTS ONLY THE EXISTING VISIBLE IMPROVEMENTS



- LEGEND:**
- X- - FENCE
  - B/E - BASEMENT ENTRANCE
  - B/W - BAY WINDOW
  - C/S - CONCRETE STOOP
  - CONC - CONCRETE
  - UB - UTILITY BOXES
  - OH - OVERHANG
  - PUE - PUBLIC UTILITY ESMT
  - PIE - PUBLIC IMPROVEMENT ESMT

- COLOR KEY:**
- (RED) - RECORD INFORMATION
  - (BLUE) - IMPROVEMENTS
  - (GREEN) - EASEMENTS & RESTRICTION LINES

LOCATION DRAWING OF:  
**#16609 BETHAYRES ROAD**  
**LOT 13 BLOCK C**  
**PLAT FOUR**  
**PARK OVERLOOK**  
**PLAT NUMBER 14532**  
MONTGOMERY COUNTY, MARYLAND  
SCALE: 1"=30' DATE: 12-05-2025  
DRAWN BY: AP FILE #: 2510572-200

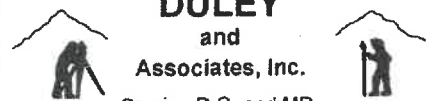


**SURVEYOR'S CERTIFICATE**

I HEREBY STATE THAT I WAS IN RESPONSIBLE CHARGE OVER THE PREPARATION OF THIS DRAWING AND THE SURVEY WORK REFLECTED HEREIN AND IT IS IN COMPLIANCE WITH THE REQUIREMENTS SET FORTH IN REGULATION 12 CHAPTER 09 13.06 OF THE CODE OF MARYLAND ANNOTATED REGULATIONS. THIS SURVEY IS NOT TO BE USED OR RELIED UPON FOR THE ESTABLISHMENT OF FENCES, BUILDING, OR OTHER IMPROVEMENTS. THIS PLAT DOES NOT PROVIDE FOR THE ACCURATE IDENTIFICATION OF PROPERTY BOUNDARY LINES, BUT SUCH IDENTIFICATION MAY NOT BE REQUIRED FOR THE TRANSFER OF TITLE OR SECURING FINANCING OR REFINANCING. THIS PLAT IS OF BENEFIT TO A CONSUMER ONLY IN SO FAR AS IT IS REQUIRED BY A LENDER OR A TITLE INSURANCE COMPANY OR ITS AGENTS IN CONNECTION WITH THE CONTEMPLATED TRANSFER, FINANCING OR REFINANCING. THE LEVEL OF ACCURACY FOR THIS DRAWING IS 1±. NO TITLE REPORT WAS FURNISHED TO NOR DONE BY THIS COMPANY. SAID PROPERTY SUBJECT TO ALL NOTES, RESTRICTIONS AND EASEMENTS OF RECORD. BUILDING RESTRICTION LINES AND EASEMENTS MAY NOT BE SHOWN ON THIS SURVEY. IMPROVEMENTS WHICH IN THE SURVEYOR'S OPINION APPEAR TO BE IN A STATE OF DISREPAIR OR MAY BE CONSIDERED "TEMPORARY" MAY NOT BE SHOWN. IF IT APPEARS ENCROACHMENTS MAY EXIST, A BOUNDARY SURVEY IS RECOMMENDED.



A Land Surveying Company



**DULEY**  
and  
**Associates, Inc.**

Serving D.C. and MD.  
14604 Elm Street, Upper Marlboro, MD 20772  
Phone: 301-888-1111 Fax: 301-888-1114  
Email: orders@duley.biz On the web: www.duley.biz



THE LEVEL OF ACCURACY OF DISTANCES TO APPARENT PROPERTY LINES IS  $1' \pm$

LEVEL OF ACCURACY OF INDICATED SETBACK OF  $\pm 11'-1''$  AT CORNER OF ADDITION IS  $1' \pm$  BASED ON THE NOTE HIGHLIGHTED IN ON THE SURVEY



- LEGEND:**
- X - FENCE
  - B/E - BASEMENT ENTRANCE
  - B/W - BAY WINDOW
  - C/S - CONCRETE STOOP
  - CONC - CONCRETE
  - UB - UTILITY BOXES
  - O/H - OVERHANG
  - PUE - PUBLIC UTILITY ESMT.
  - PIE - PUBLIC IMPROVEMENT ESMT.

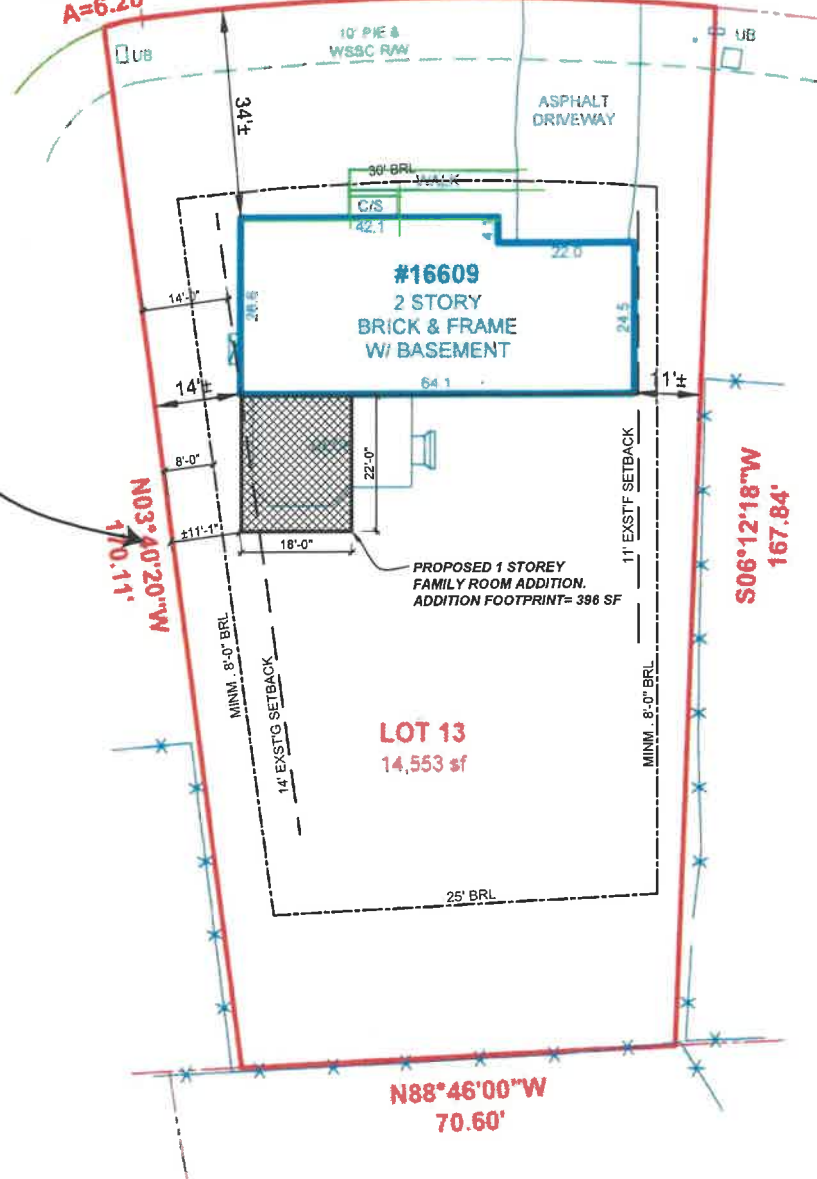
- COLOR KEY:**
- (RED) - RECORD INFORMATION
  - (BLUE) - IMPROVEMENTS
  - (GREEN) - EASMENTS & RESTRICTION LINES

LOCATION DRAWING OF:  
**#16609 BETHAYRES ROAD**  
**LOT 13 BLOCK C**  
 PLAT FOUR  
**PARK OVERLOOK**  
 PLAT NUMBER 14532  
 MONTGOMERY COUNTY, MARYLAND  
 SCALE: 1"=30' DATE: 12-05-2025  
 DRAWN BY: AP FILE #: 2510572-200

# BETHAYRES ROAD

$R=30.00'$   
 $A=6.28'$

$R=436.33'$   
 $A=93.76'$



### SURVEYOR'S CERTIFICATE

I HEREBY STATE THAT I WAS IN RESPONSIBLE CHARGE OVER THE PREPARATION OF THIS DRAWING AND THE SURVEY WORK REFLECTED HEREIN AND IT IS IN COMPLIANCE WITH THE REQUIREMENTS SET FORTH IN REGULATION 12 CHAPTER 08 13 06 OF THE CODE OF MARYLAND ANNOTATED REGULATIONS. THIS SURVEY IS NOT TO BE USED OR RELIED UPON FOR THE ESTABLISHMENT OF FENCES, BUILDING, OR OTHER IMPROVEMENTS. THIS PLAT DOES NOT PROVIDE FOR THE ACCURATE IDENTIFICATION OF PROPERTY BOUNDARY LINES, BUT SUCH IDENTIFICATION MAY NOT BE REQUIRED FOR THE TRANSFER OF TITLE OR SECURING FINANCING OR REFINANCING. THIS PLAT IS OF BENEFIT TO A CONSUMER ONLY INsofar AS IT IS REQUIRED BY A LENDER OR A TITLE INSURANCE COMPANY OR ITS AGENTS IN CONNECTION WITH THE CONTEMPLATED TRANSFER, FINANCING OR REFINANCING. THE LEVEL OF ACCURACY FOR THIS DRAWING IS  $1' \pm$ . NO TITLE REPORT WAS FURNISHED TO NOR DONE BY THIS COMPANY. SAID PROPERTY SUBJECT TO ALL NOTES, RESTRICTIONS AND EASEMENTS OF RECORD. BUILDING RESTRICTION LINES AND EASEMENTS MAY NOT BE SHOWN ON THIS SURVEY. IMPROVEMENTS WHICH IN THE SURVEYOR'S OPINION APPEAR TO BE IN A STATE OF DISREPAIR OR MAY BE CONSIDERED "TEMPORARY" MAY NOT BE SHOWN. IF IT APPEARS ENCROACHMENTS MAY EXIST, A BOUNDARY SURVEY IS RECOMMENDED.

A Land Surveying Company



**DULEY**  
 and  
**Associates, Inc.**



Serving D.C. and MD.

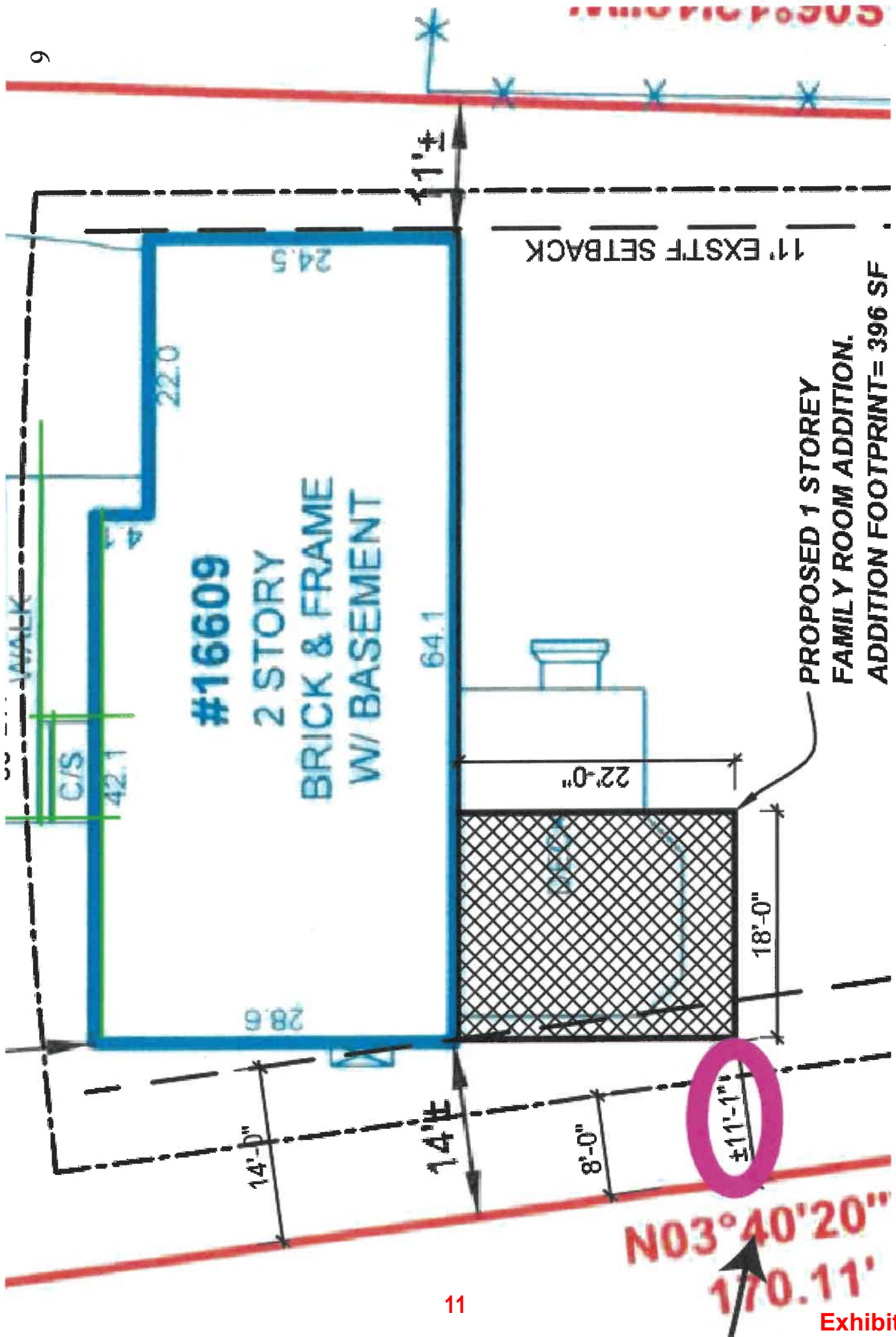
14604 Elm Street, Upper Marlboro, MD 20772

Phone: 301-888-1111

Fax: 301-888-1114

Email: orders@duley.biz

On the web: www.duley.biz





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: Marcos Battistel Sabrina Lusvardhi

ADDRESS: 16609 BETHAYRES RD  
ROCKVILLE, MD 20855

LOT - BLOCK: 13 - C

ZONE:R-90

THE VARIANCE REQUEST IS FOR

EXISTING STRUCTURE

PROPOSED STRUCTURE

NON-CONFORMING

NON-COMPLYING

NEW SINGLE-FAMILY DWELLING

TYPE OF CONSTRUCTION:

ROOM ADDITION

SWIMMING POOL

PORCH

DECK

SHED

FENCE/RETAINING WALL

ACCESSORY STRUCTURE

GARAGE/CARPORT

OTHER

The proposed construction requires a 3.00 ft. variance as it is within 11.10 ft. of the side lot line.

The required setback is 0.00 ft. in accordance with Section 59-.

The required sum of both side yards is 25.00 ft. in accordance with Section 59-4.4.8.B.2.

The proposed construction reduces the sum of both sides to 22.10 ft., creating a violation of 2.90 ft.

The proposed construction requires a variance from the Exemption from Controls, Section 59-B as follows:

N/A

The proposed construction add.sec 59.4.4.8.b.2 requires a total of 25 feet total

*Delvin Daniels*

12/24/2025

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 dedicated by plat or other method of subdivision can be depicted as a dashed line.  
 3. Zone boundaries within rights-of-way not previously dedicated by plat or other method of subdivision can be depicted as a solid line.  
 4. Zone boundaries within rights-of-way not previously dedicated by plat or other method of subdivision can be depicted as a solid line if the map amendment boundary remains 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: 1/6/2026

1 inch = 250 feet



Account #	02355647
Address	16609 BETH-AYRES RD ROCKVILLE, 20855
Landuse	Single Family Detached
Legal Description	PARK OVERLOOK
Zone	R-90
Overlay Zone	N/A
TOR Overlay Zone	N/A
Parish District	N/A
CBD	N/A
Parcel Lot Block	NA 13 C

Special Protection Area	N/A
Urban District	N/A
Enterprise Zone	N/A
Art & Ent. District	N/A
Special Tax District	N/A
State/Port 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	SHADY GROVE MINOR MASTER PLAN AMENDMENT
Historic State District	N/A

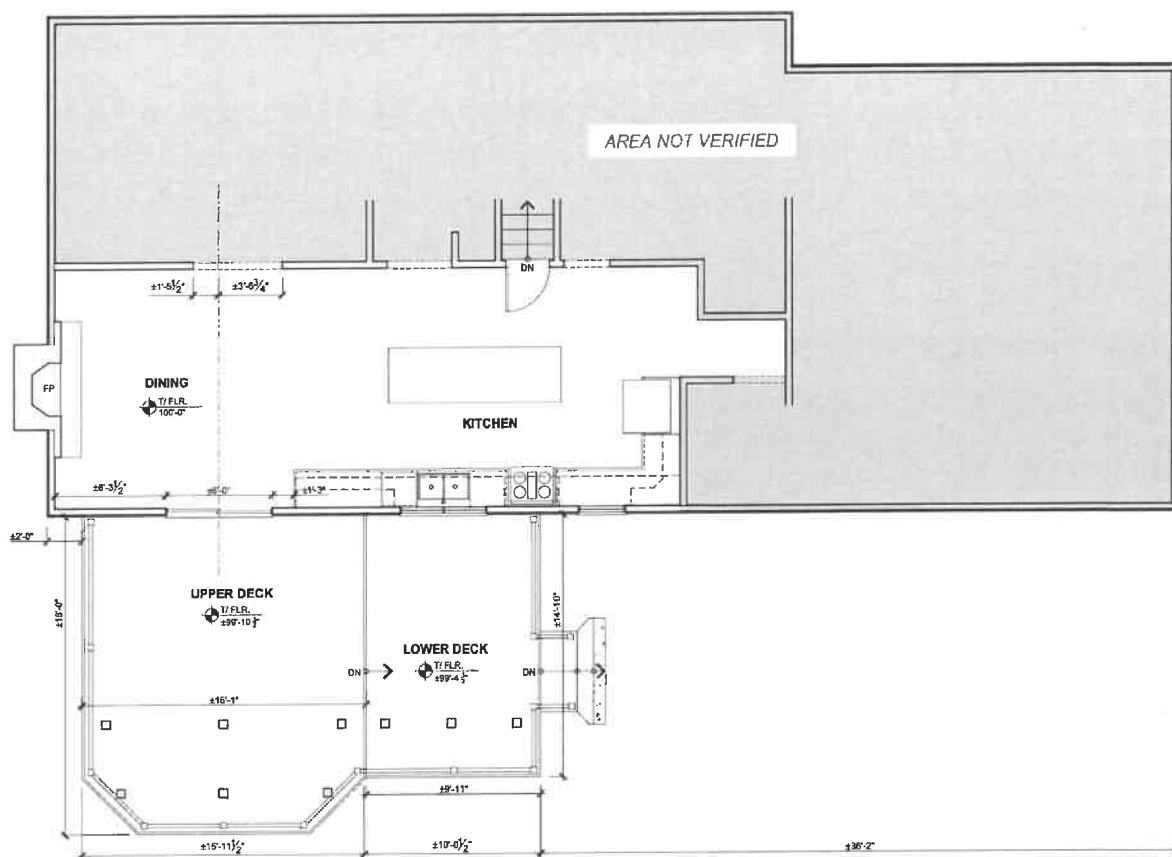
WSSC Gnd	222RW08
Map Amendments	G-502 G-652 G-656 H-142
Water/Sewer Categories	W-1 / B-1

I certify that this document is a copy of the official Montgomery County Zoning Map as downloaded on 1/6/2026 from [mcatlas.org/zoning](http://mcatlas.org/zoning).

*Russell Corbin*

© Copyright M-NCPPC 2019. This document is provided as a reference only. It is not intended to be used as a legal instrument. It is not intended to be used as a legal instrument. It is not intended to be used as a legal instrument. It is not intended to be used as a legal instrument.

# Illustrations showing existing building and structure



1 EXISTING FIRST FLOOR PLAN  
A-2.0  
SCALE: 3/8" = 1'-0"



1 EXISTING REAR ELEVATION  
A-3.1  
SCALE: 3/8" = 1'-0"

ISSUED FOR PRELIMINARY  
REVIEW



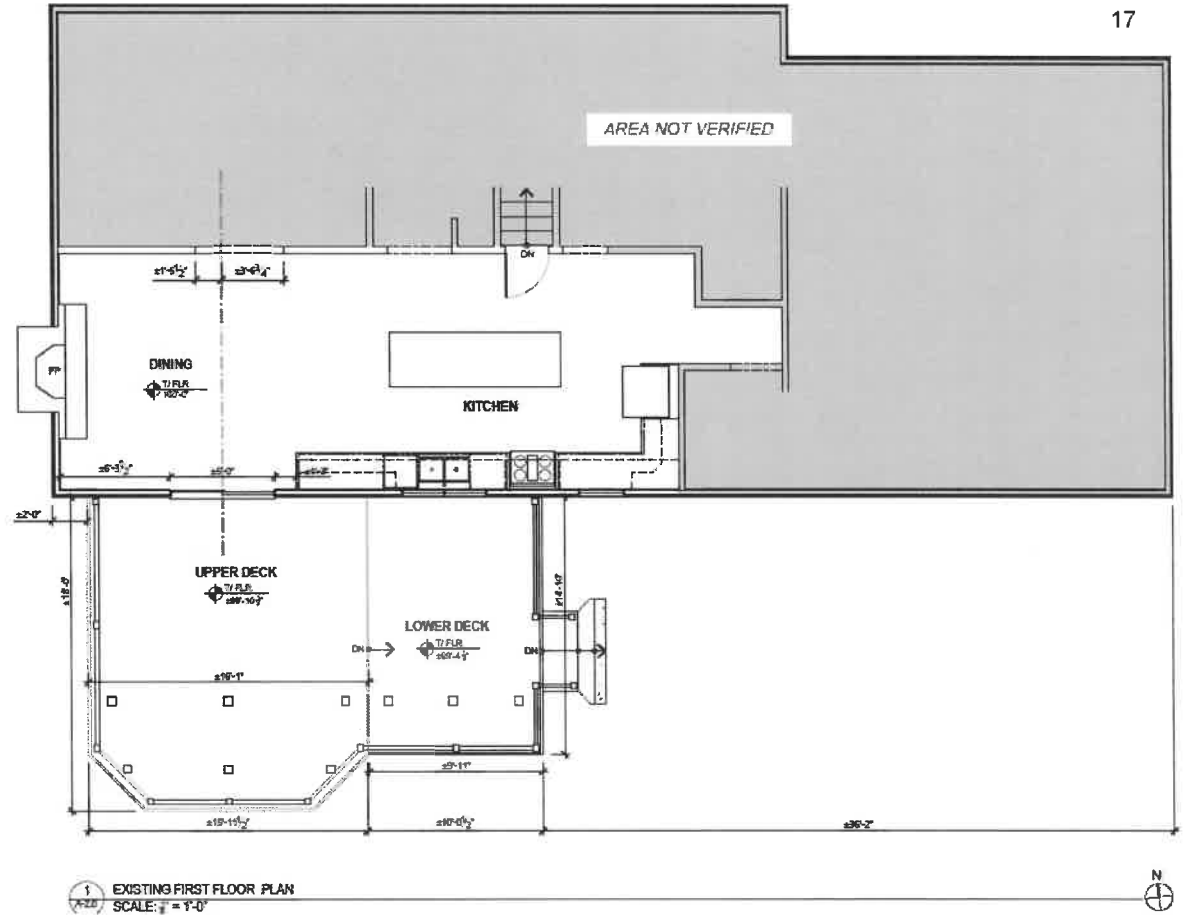
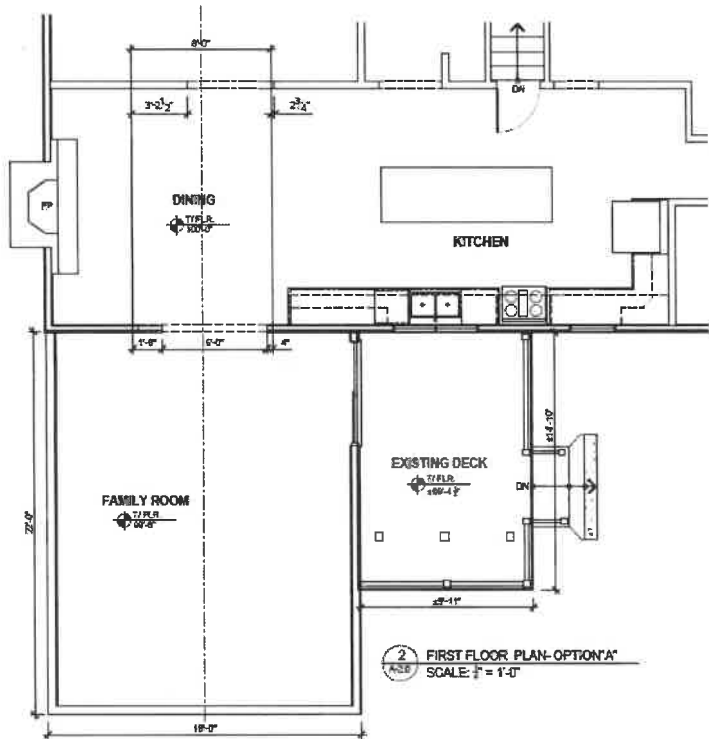
3 PROPOSED REAR ELEVATION (HIP ROOF WITH LOW SLOPE METAL ROOF)  
SCALE:  $\frac{1}{4}$ " = 1'-0"



1 EXISTING REAR ELEVATION  
SCALE:  $\frac{1}{4}$ " = 1'-0"

ISSUED FOR PRELIMINARY REVIEW

### Proposed vs existing plans



# Exterior photos of of the premises

Front view

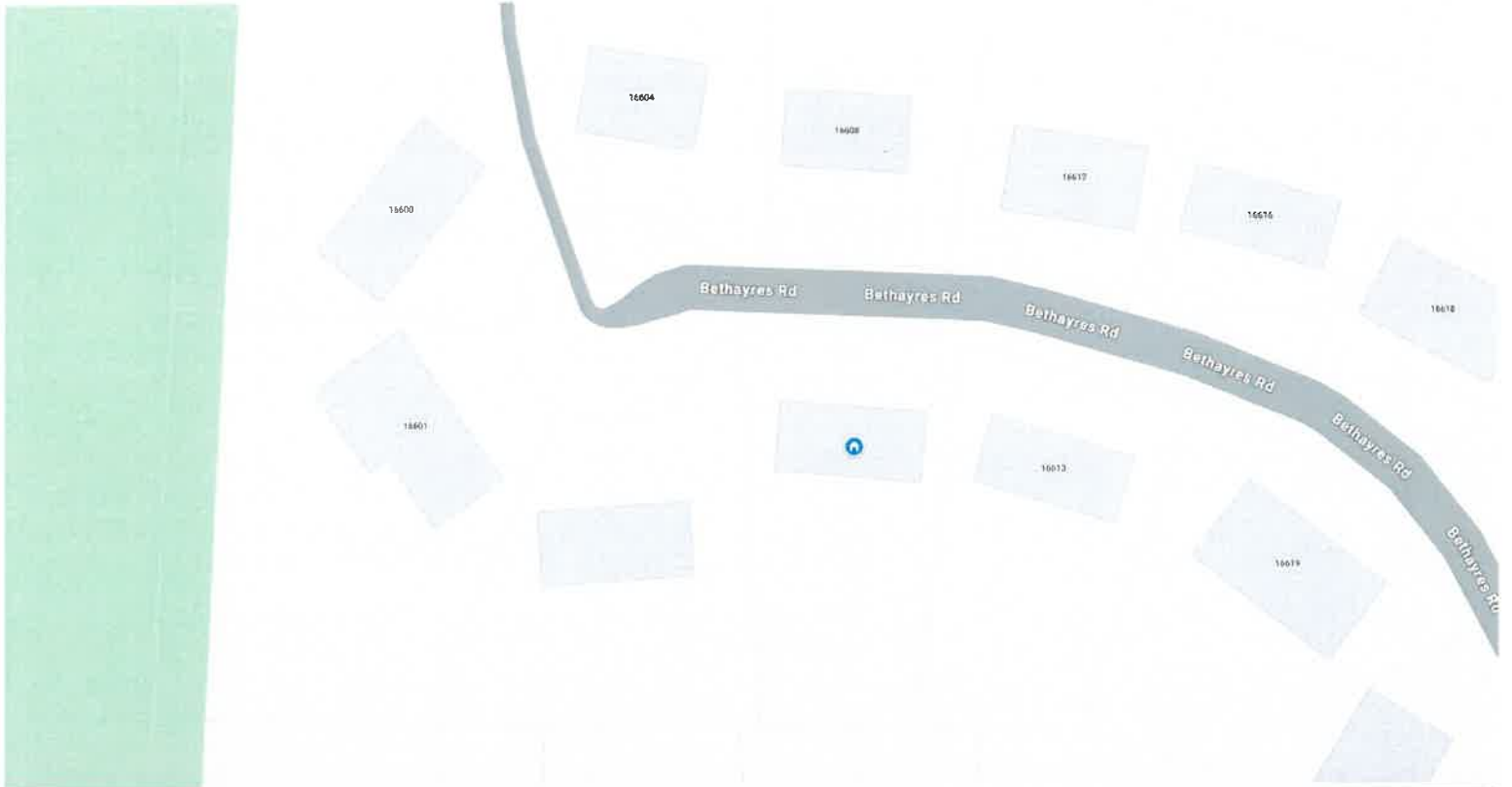
Side view



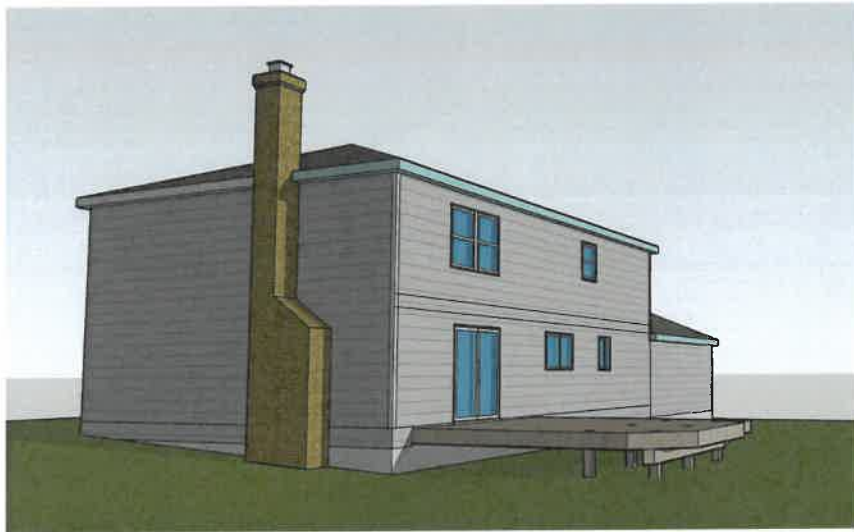
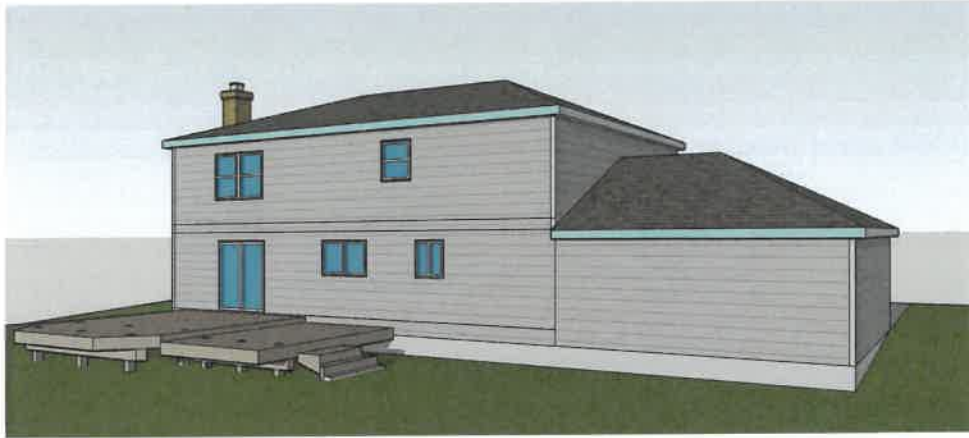
Rear views



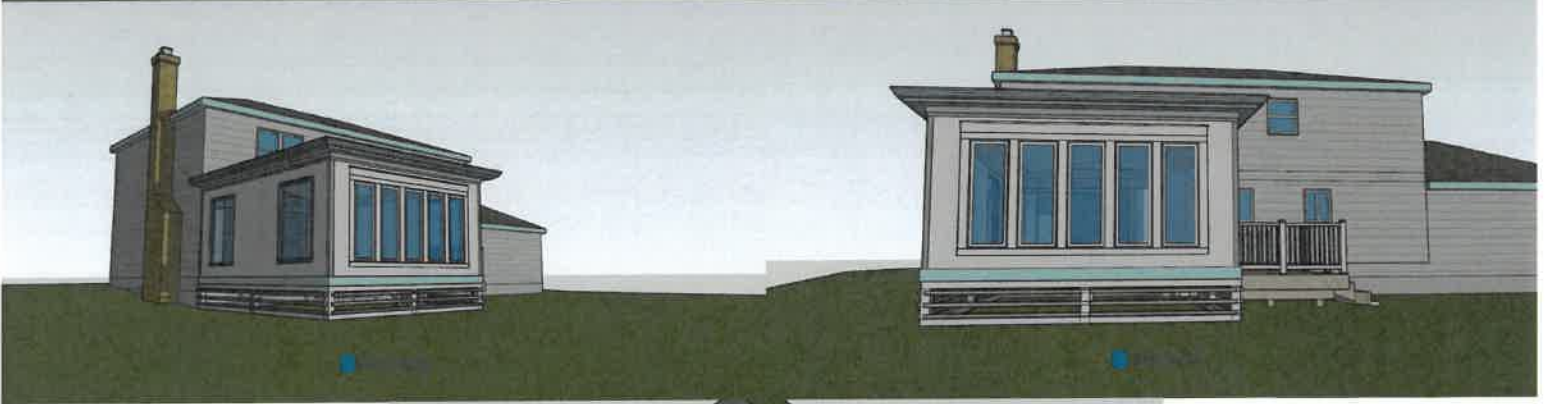
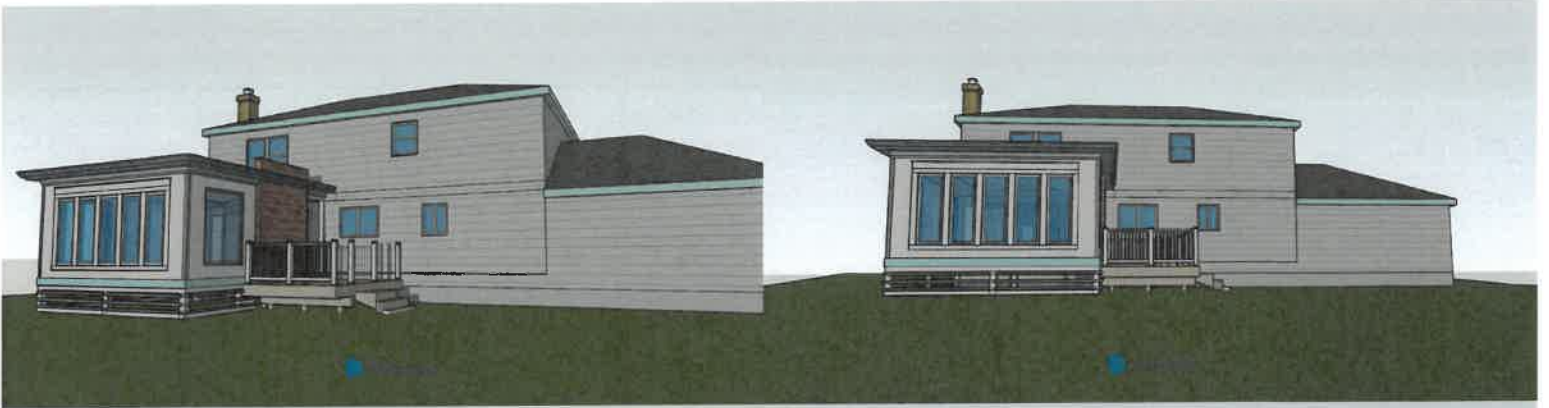
# Google maps satellite view



# Existing house rear views



Proposed addition





The Management Group  
Associates, Inc.

A FULL-SERVICE PROFESSIONAL PROPERTY MANAGEMENT COMPANY

January 29, 2026

MARCOS D. BATTISTEL & SABRINA LUSVARGHI  
16609 BETHAYRES ROAD  
DERWOOD, MD 20855

Re: **XN3781091**  
16609 BETHAYRES ROAD

Dear Homeowner:

Your request for an architectural modification to the above property has been approved by the Architectural Review Committee of Park Overlook Homeowners Association Inc.. Specifically, you have approval to proceed with the following request as submitted:

**Sunroom (18 x 22)**

Please note that the ARC reserves the right to make a final inspection to ensure that your project is compliant with the Architectural Design Standards applicable to your neighborhood. If you have additional questions, you may send them through the portal at <https://portal.tmgainc.com>.

Thank you for adhering to the architectural guidelines of the community. We appreciate your patience while this information was reviewed.

Sincerely,  
Park Overlook Homeowners Association  
Inc.

Please note that TMGA may be deemed a debt collector. Any information obtained from communication with our office may be used for that purpose.

20440 Century Boulevard • Suite 100 • Germantown, Maryland 20874

Phone: (301) 948-6666 • Fax: (301) 948-6663

E-Mail: [tmgainc@tmgainc.com](mailto:tmgainc@tmgainc.com) Website: [www.tmgainc.com](http://www.tmgainc.com)



**Exhibit 7(a)**

February 2<sup>nd</sup>, 2026

Dear Members of the Board of Appeals:

We are the owners and residents of the property located at 16605 Bethayres Road, Derwood, Maryland 20855, which is adjacent to and directly abutting the side of the subject property affected by the requested variance, located at 16609 Bethayres Road, Derwood, Maryland 20855, in the R-90 zoning district.

We are writing to formally state that we have no objection to the variance application submitted by Marcos Battistel and Sabrina Lusvarghi regarding the above-referenced property. We are aware of the nature of the requested variance and understand that it relates to a proposed rear family room addition measuring approximately 18 feet by 22 feet, which will replace the existing deck.

Based on our understanding of the application, we do not believe the requested variance will negatively impact our property, its use, or the character of the surrounding neighborhood. Accordingly, we do not oppose approval of the variance.

This letter is provided voluntarily and may be submitted as part of the official record in connection with the variance application before the Montgomery County Board of Appeals and, if applicable, the Montgomery County Circuit Court.

Please feel free to contact us should additional information be required.

Sincerely,

  
Stephen and Emily March

Original survey plat - Maryland State Archives  
Original survey plat - Maryland State Archives

**SURVEYOR'S CERTIFICATE**

I HEREBY CERTIFY THAT THE PLAN SHOWING THE LOTS, TRACTS & SUBDIVISIONS OF PART OF THE LAND ACQUIRED BY PETER J. GRIFIN, INC. BY THE TWO FOLLOWING SAID RECORDS AND THE LAND RECORDS OF MONTGOMERY COUNTY, MARYLAND, THE FIRST FROM MONTGOMERY WATER LAMB COMPANY, DATE JUNE 28, 1964, AND RECORDS IN LINES 15111 AT PAGES 151, AND SECOND FROM THE MONTGOMERY COUNTY CAPITAL PARK AND PLANNING COMMISSION, DATE NOV. 20, 1962, AND RECORDS IN LINES 1511 AT PAGES 200, THAT FROM THESE SAID RECORDS THE PLAN IS CORRECT AND ACCURATE AND THAT THE TOTAL AREA INCLUDED IN THIS PLAN IS SUBSTANTIATED BY 2752 ACRES OF LAND.

DATE: 9/1/68  
 Peter J. Griffin, Inc.  
 REGISTERED LAND SURVEYOR, NO. 42218

**OWNER'S DEDICATION**

WE, PETER J. GRIFIN, INC. A MARYLAND CORPORATION, BY JOHN B. WELLS, JR. PRESIDENT AND VICEPRESIDENT, HEREBY AGREE THIS PLAN OF SUBDIVISION, ESTABLISH THE MONTGOMERY PARKING RESERVATION LINES, LOCATE THE DRIVEWAYS AND PARKS TO PUBLIC USE, ESTABLISH DRIVE EASEMENTS 20 FEET WIDE ALONG ALL STREETS AS REQUIRED BY MONTGOMERY COUNTY ORDINANCE NO. 1-1-57, AND DRIVE EASEMENTS SHALL BE TERMINATED AT THE PROPERTY BOUNDARIES. THE DEDICATED DRIVEWAYS SHALL BE 20 FEET WIDE ALONG ALL STREETS AND SHALL BE MAINTAINED BY MONTGOMERY COUNTY. MONTGOMERY COUNTY IS MONTGOMERY COUNTY, MARYLAND, CITY OF SALES TAX BEING PAID FOR IN THIS EASEMENT AND THE PUBLIC IMPROVEMENTS OF THE PROJECT SHALL BE PROVIDED BY MONTGOMERY COUNTY. MONTGOMERY COUNTY SHALL BE RESPONSIBLE FOR THE CONSTRUCTION OF EASEMENTS ALONG ALL STREETS WITH THE LOTS AND PROVISIONS SET FORTH IN THIS CERTIFICATE DOCUMENT. THE DEDICATION OF PUBLIC UTILITY EASEMENTS AND RECORDS UNDER THE APPROVED LAND RECORDS IN LINES 1511 AT PAGES 151, WHICH SAID LOTS AND EASEMENTS WERE BY THIS CERTIFICATE, GRANT BY THIS MONTGOMERY PARKING DEVELOPMENT CORPORATION (A SUCCESSOR AND ASSIGNEE OF THE RIGHTS OF SAID JOHN B. WELLS, JR. AND THE PUBLIC IMPROVEMENT EASEMENTS AND CONSTRUCTION, RECORDATION, PERFORMANCE AND OPERATION OF SAID DRIVEWAYS, PARKING SLOVES AND APPURTENANCES, AND ALSO GRANT TO MONTGOMERY COUNTY, MARYLAND, THEIR AGENTS, SUCCESSORS, ASSIGNEES AND EASEMENTS, AND ESTABLISH THE SCENIC EASEMENTS, PROFESSIONAL CLEARING AND EASEMENTS, AS SHOWN HEREON.

THERE ARE NO RIGHTS OF ACTION, CLAIMS, LIENS, ENCUMBRANCES OR TRUSTS IN THE PROPERTIES INCLUDED IN THIS PLAN OR SUBDIVISION EXCEPT THE CERTAIN ENCUMBRANCES AND THE PARTS OF INTEREST THEREON AS BEING INDICATED THEREON.

DATE: 9/1/68  
 Peter J. Griffin, Inc.  
 JOHN B. WELLS, JR., PRESIDENT

I HEREBY AGREE TO THIS PLAN OF SUBDIVISION

Charles W. Richmond  
 JAMES

James W. Richmond  
 JAMES

CELESTINE PARKING AND LEASE ASSOCIATION, INC.  
 CONY FETTER  
 PRESIDENT

PARK CELESTINE DEVELOPMENT CORPORATION  
 JOHN B. WELLS, JR. VICE PRESIDENT

**PLAT NO. 14082**

**NOTES**

1. AREA OF STREET DEDICATION BY THIS PLAT (INCLUDING PATHS) IS 7.3337 AC.

2. THIS PLAT CONFORMS WITH CHAPTER 25-A OF THE MONTGOMERY COUNTY CODE TO PROVIDE MODERATELY PRICED DWELLING UNITS.

3. THIS LAND LIES WITHIN AN APPROVED P.D.S. ZONED SUBDIVISION REZONATION IS STRICTLY CONTROLLED AND DEVELOPMENT MUST BE IN ACCORDANCE WITH THE APPROVED DEVELOPMENT PLAN.

**VICINITY MAP**  
 SCALE: 1" = 1000'

NO.	BEARING	LENGTH	AREA	ENCLOSURE	CORNER	BEARING	LENGTH
1	S 89° 00' 00" W	14.31	208.1992	208.3872	41° 20' 00" E	21.26	14.31
2	N 89° 00' 00" E	14.31	208.1992	208.3872	41° 20' 00" W	21.26	14.31
3	S 89° 00' 00" W	14.31	208.1992	208.3872	41° 20' 00" E	21.26	14.31
4	N 89° 00' 00" E	14.31	208.1992	208.3872	41° 20' 00" W	21.26	14.31
5	S 89° 00' 00" W	14.31	208.1992	208.3872	41° 20' 00" E	21.26	14.31
6	N 89° 00' 00" E	14.31	208.1992	208.3872	41° 20' 00" W	21.26	14.31
7	S 89° 00' 00" W	14.31	208.1992	208.3872	41° 20' 00" E	21.26	14.31
8	N 89° 00' 00" E	14.31	208.1992	208.3872	41° 20' 00" W	21.26	14.31
9	S 89° 00' 00" W	14.31	208.1992	208.3872	41° 20' 00" E	21.26	14.31
10	N 89° 00' 00" E	14.31	208.1992	208.3872	41° 20' 00" W	21.26	14.31
11	S 89° 00' 00" W	14.31	208.1992	208.3872	41° 20' 00" E	21.26	14.31
12	N 89° 00' 00" E	14.31	208.1992	208.3872	41° 20' 00" W	21.26	14.31
13	S 89° 00' 00" W	14.31	208.1992	208.3872	41° 20' 00" E	21.26	14.31
14	N 89° 00' 00" E	14.31	208.1992	208.3872	41° 20' 00" W	21.26	14.31
15	S 89° 00' 00" W	14.31	208.1992	208.3872	41° 20' 00" E	21.26	14.31
16	N 89° 00' 00" E	14.31	208.1992	208.3872	41° 20' 00" W	21.26	14.31
17	S 89° 00' 00" W	14.31	208.1992	208.3872	41° 20' 00" E	21.26	14.31
18	N 89° 00' 00" E	14.31	208.1992	208.3872	41° 20' 00" W	21.26	14.31
19	S 89° 00' 00" W	14.31	208.1992	208.3872	41° 20' 00" E	21.26	14.31
20	N 89° 00' 00" E	14.31	208.1992	208.3872	41° 20' 00" W	21.26	14.31
21	S 89° 00' 00" W	14.31	208.1992	208.3872	41° 20' 00" E	21.26	14.31
22	N 89° 00' 00" E	14.31	208.1992	208.3872	41° 20' 00" W	21.26	14.31
23	S 89° 00' 00" W	14.31	208.1992	208.3872	41° 20' 00" E	21.26	14.31
24	N 89° 00' 00" E	14.31	208.1992	208.3872	41° 20' 00" W	21.26	14.31
25	S 89° 00' 00" W	14.31	208.1992	208.3872	41° 20' 00" E	21.26	14.31
26	N 89° 00' 00" E	14.31	208.1992	208.3872	41° 20' 00" W	21.26	14.31
27	S 89° 00' 00" W	14.31	208.1992	208.3872	41° 20' 00" E	21.26	14.31
28	N 89° 00' 00" E	14.31	208.1992	208.3872	41° 20' 00" W	21.26	14.31
29	S 89° 00' 00" W	14.31	208.1992	208.3872	41° 20' 00" E	21.26	14.31
30	N 89° 00' 00" E	14.31	208.1992	208.3872	41° 20' 00" W	21.26	14.31
31	S 89° 00' 00" W	14.31	208.1992	208.3872	41° 20' 00" E	21.26	14.31

FOR PUBLIC WATER AND SEWER SYSTEMS ONLY

MARYLAND NATIONAL CAPITAL PARKS AND PLANNING COMMISSION  
 MONTGOMERY COUNTY PLANNING BOARD

MONTGOMERY COUNTY, MARYLAND  
 DEPARTMENT OF TRANSPORTATION

Approved: *ROBERT B. REBE*  
 By: *John B. Griffin*

Recorded: \_\_\_\_\_  
 File No: 31-1073

Johnson, Mirman & Thompson, P.A.  
 550-95

Maryland State Archives

**CASE NO. A-6962**

**PETITION OF SABRINA LUSVARGHI AND MARCOS BATTISTEL**  
**EXHIBIT LIST**

1. Application
2. List of adjoining/confronting property owners
3. Statement of Justification
4.
  - (a) Existing Site Plan
  - (b) Proposed Site Plan
  - (c) Enlarged Proposed Site Plan
5.
  - (a) Existing First Floor Plan and Rear Elevation
  - (b) Proposed and Existing Rear Elevation
  - (c) First Floor Plan-Option "A" and Existing First Floor Plan
  - (d) Exterior Photos of the Premises
  - (e) Google Maps Satellite View
  - (f) Existing House Rear Views
6. DPS Permit Denial
7.
  - (a) Approval Letter from the Architectural Review Committee of Park Overlook HOA
  - (b) Letter of Support
8.
  - (a) Zoning Vicinity Map
  - (b) Subdivision Plat
9.
  - (a) Envelope showing date notice mailed
  - (b) Notice of hearing scheduled for March 4, 2026
10. \_\_\_\_\_
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 - 09 **Account Identifier -** 02365647**Owner Information**

**Owner Name:** BATTISTEL MARCOS D      **Use:** RESIDENTIAL  
LUSVARGHI SABRINA      **Principal Residence:** YES

**Mailing Address:** 16609 BETHAYRES RD      **Deed Reference:** /54443/ 00148  
ROCKVILLE MD 20855-2043

**Location & Structure Information**

**Premises Address:** 16609 BETHAYRES RD      **Legal Description:** PARK OVERLOOK  
ROCKVILLE 20855-0000

**Map:** GS23   **Grid:** 0000   **Parcel:** 0000   **Neighborhood:** 9060012.16   **Subdivision:** 0012   **Section:** C   **Block:** 13   **Lot:** 2024   **Assessment Year:**   **Plat No:**   **Plat Ref:**

**Town:** None

**Primary Structure Built:** 1985   **Above Grade Living Area:** 2,352 SF   **Finished Basement Area:** 882 SF   **Property Land Area:** 14,553 SF   **County Use:** 111

**Stories:** 2   **Basement Type:** YES   **Standard Units:** STANDARD UNITS   **Siding:** 4   **Exterior Quality:** 2 full/ 1 half   **Bath:** 1   **Garage:** 1 Attached   **Last Notice of Major Improvements:**

**Value Information**

	Base Value	Value		
		As of 01/01/2024	As of 07/01/2025	As of 07/01/2026
<b>Land:</b>	255,200	255,200		
<b>Improvements</b>	254,800	374,700		
<b>Total:</b>	510,000	629,900	589,933	629,900
<b>Preferential Land:</b>	0	0		

**Transfer Information**

**Seller:** ETTER PAUL C & A D      **Date:** 06/14/2017      **Price:** \$499,000  
**Type:** ARMS LENGTH IMPROVED      **Deed1:** /54443/ 00148      **Deed2:**

**Seller:**      **Date:**      **Price:** \$0  
**Type:** NON-ARMS LENGTH OTHER      **Deed1:** /06862/ 00021      **Deed2:**

**Seller:**      **Date:**      **Price:**  
**Type:**      **Deed1:**      **Deed2:**

**Exemption Information**

Partial Exempt Assessments:	Class	07/01/2025	07/01/2026
<b>County:</b>	000	0.00	
<b>State:</b>	000	0.00	
<b>Municipal:</b>	000	0.00 0.00	0.00 0.00

**Special Tax Recapture:** None**Homestead Application Information****Homestead Application Status:** Approved 08/09/2018**Homeowners' Tax Credit Application Information****Homeowners' Tax Credit Application Status:** No Application      **Date:**