

**BOARD OF APPEALS
for
MONTGOMERY COUNTY**

**Stella B. Werner Council Office Building
100 Maryland Avenue
Rockville, Maryland 20850
(240) 777-6600**

<http://www.montgomerycountymd.gov/boa/>

Case No. A-6905

PETITION OF ZIAD MADANAT

OPINION OF THE BOARD
(Opinion Adopted March 26, 2025)
(Effective Date of Opinion: April 9, 2025)

Case No. A-6905 is an application by Petitioner Ziad Madanat for two variances needed to allow construction of a rear addition. The proposed construction requires a seven (7) foot variance as it is within 43 feet of the rear lot line. The required setback is fifty (50) feet, in accordance with Section 59.4.4.6.D.3 of the Zoning Ordinance. In addition, the proposed construction requires a 4.98% variance from the lot coverage limitation. The proposed addition will cause the total lot coverage to be 19.98%; the allowable lot coverage is 15%, in accordance with Section 59.4.4.6.D.2 of the Zoning Ordinance.

The Board held a hearing on the application on March 26, 2025. Petitioner Ziad Madanat appeared at the hearing in support of the requested variances with his wife, Bianca Madanat.

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

EVIDENCE PRESENTED

1. The subject property is Lot 2, Block J, Good Hope Estates Subdivision, located at 15419 Good Hope Road in Silver Spring, Maryland, 20905, in the RE-1C Zone. The subject property is a rectangular lot with a width of 90 feet and a depth of 125 feet, resulting in an area of 11,250 square feet. It is located on the east side of Good Hope Road. The subject property was recorded in 1967. It contains a brick split-level house that was built in 1968. See Exhibits 1, 3, 4, and 7.

2. The Petitioner's Statement of Justification ("Statement") states that the Petitioner purchased the subject property in 2018. The Statement states that the Petitioner is seeking to construct an addition on the rear of his house to expand his kitchen, which he describes as "very small" and "inadequate," and to add a dining room.¹ The Statement states that complying with the setback and lot coverage limitations in the Zoning Ordinance will cause the Petitioner and his wife a practical difficulty because they have "very few options" for adding space to their home due to the way their roof is shaped. The Statement states that several surrounding properties have similar additions and that strict compliance with the Zoning Ordinance would "significantly prevent improvement of the property in a manner which is reasonable, customary and consistent with other properties in the area." See Exhibit 3.

3. The Statement states that the size of the subject property is "reduced" because of the property's RE-1 cluster zoning. The Statement states that the property is "exceptionally narrow and shallow" due to the development standards for cluster development, and that because of this, imposition of a fifty (50) foot rear setback "greatly restricts an addition to the rear end of the building." The Statement further states that the requested variance from the lot coverage limitation "is the minimum necessary to overcome the practical difficulties that full compliance with [the Zoning Ordinance] would impose due to the reduced lot square footage size in this zone." See Exhibit 3.

4. The Statement states that the proposed addition would substantially conform with the established historic or traditional development pattern of the Petitioner's street or neighborhood. The Statement states that the proposed addition "has a similar condition/characteristics to several surrounding properties in the neighborhood," noting that "[t]he majority of homes on our street are colonial homes that have developments on either sides or back of their properties." See Exhibit 3.

5. The Statement states that the shape of the roof on the Petitioner's house is "odd," and notes that the roof extends in "two directions." The Statement states that the shape of the roof makes it "very difficult to expand on the existing framing" in a manner other than that which is proposed. The Statement further states that the property's "unusual roof shape creates a practical difficulty for petitioner because it prevents [the Petitioner] from constructing an addition of usable width without variance relief." The Statement concludes that "[t]he requested variance is the minimum necessary to overcome the practical difficulties in the irregularly shaped roof in satisfaction of section 59.7.3.2.E.2.c of the zoning ordinance," later stating that the requested variances are the minimum needed to allow the construction of the proposed addition. See Exhibit 3.

6. The Statement states that unique circumstances peculiar to this property are not the result of any actions taken by the Petitioner, noting that the house was built in 1968 and was not acquired by the Petitioner until 2018. See Exhibit 3.

¹ The Petitioner's variance Applications states that the home's former dining room has been converted into a home office to accommodate his wife' permanent work from home status. See Exhibit 1.

7. The Statement states that granting the requested variances will not be adverse to the use and enjoyment of neighboring properties. The Statement states that the design of the proposed addition would “substantially increase[]” the property’s value and aesthetics, since the “character of the proposed addition coincides with the essential character of the house and neighborhood.” The Statement states that the seven (7) foot variance from the rear lot line will have a minimal impact on neighboring properties and “will not adversely affect” the Petitioner’s neighbors. The Statement indicates that the Petitioner and his wife are in the process of discussing the proposed addition with their neighbors to make sure there are no objections. See Exhibit 3.

8. The Statement states that the requested variances can be granted without impairment to the intent and integrity of the general plan and applicable Master Plan. See Exhibit 3.

9. At the hearing, the Petitioner testified that he is seeking a one-level rear addition to extend his kitchen and provide a place for his family to eat, their dining room having been converted to an office due to work at home policies implemented during COVID. He described his existing kitchen as a hallway. The Petitioner testified that he testified that his house has two different rooflines, and that as a result, if he were to expand his house vertically, his family would have to move out of the house during construction, which he testified does not make sense financially. He testified that the proposed rear addition can be constructed while his family lives in the house. The Petitioner testified that other properties with similarly sized lots contain larger homes, and using the Zoning Vicinity Map, he showed the Board some of the homes he was referring to, including at least two homes with rear additions.

The Petitioner testified that the proposed rear addition would be on the left side of his house. He testified that his neighbors to the left and right have no objection to the proposed addition, and testified that his neighbor’s property to the left is screened by hedges along the shared property line. The Petitioner testified that he has not spoken with his abutting neighbors to the rear or to his confronting neighbors. He testified that the homes on the abutting properties to the rear have their garages on the areas of those properties that would be closest to the proposed addition, and noted that the addition would still be setback 43 feet from those shared property lines, plus whatever distance their homes are setback from those lot lines. The Petitioner testified that his confronting neighbors would not see the proposed addition because it would be behind his house and because the roof level would not be changing.

The Petitioner testified in response to Board questions that his property is 11,250 square feet, and that this is less than the 12,000 square foot minimum lot size in the RE-1C Zone. In response to a Board question asking if he could reduce the size of the proposed addition so that it did not extend into the rear setback, the Petitioner testified that the lot coverage restriction is a bigger problem, and that the proposed addition was the minimum size that made sense from an investment perspective.

10. Ms. Madanat testified that the existing kitchen is cramped and that this creates a hardship. She testified that she and her husband purchased the subject property with the intent of growing old there, and that they cannot add to the house as they had planned because of its zoning.

CONCLUSIONS OF LAW

Based on the evidence of record, the Board finds that the 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, Site Plan, and Zoning Vicinity Map, that the subject property is shallow and narrow, and that at 11,250 square feet, the subject property is substandard for the RE-1C Zone, which has a minimum lot size of 12,000 square feet. The Board further finds that because of this, the required setbacks and lot coverage limitations established for the RE-1C Zone disproportionately impact the subject property. Thus the Board finds that these conditions, taken together, constitute an extraordinary condition peculiar to the subject property, in satisfaction of this element of the variance test. See Exhibits 3, 4, and 7.

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, who purchased the subject property in 2018, is not responsible for the shape and substandard size of the subject property, or for the disproportionate impact of the RE-1C development standards on this property, which was recorded in 1967. Thus the Board finds that this element of the variance test is satisfied.

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 because of the subject property's narrowness, shallowness, and substandard size, the application of the required rear setback and lot coverage limitation to the subject property results in an unusually constrained buildable envelope. The Board finds that this condition limits the Petitioner's ability to expand his home in a reasonable manner, commensurate with other homes in his neighborhood, without variance relief, and that this causes him a practical difficulty. The Board further finds that the requested variances, necessary to permit construction of the proposed rear addition, are the minimum necessary to overcome the constraints that would otherwise be imposed on this property by strict adherence to the Zoning Ordinance. Accordingly, 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; and*

The Board finds that granting the requested variances is necessary to allow the Petitioner to construct the proposed rear addition, and further finds that the proposed addition would continue the residential use of this property. Accordingly, the Board finds that the requested variances can be granted without substantial impairment to the intent and integrity of the applicable Cloverly 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.*

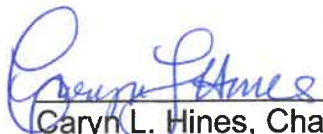
The Board finds, per the Statement and the testimony of the Petitioner, that granting the requested variances to allow construction of the proposed addition will not be adverse to the use and enjoyment of neighboring properties, in satisfaction of this element of the variance test. The Board finds, based on the Statement, that the design of the addition is consistent with the house and neighborhood, and will have minimal impact on neighboring properties. See Exhibit 3. The Board further finds, based on the testimony of the Petitioner, that his abutting neighbors to the left and right have no objection to the proposed construction, that the view of the subject property from confronting properties will not change, that there will still be considerable distance between the proposed addition and abutting properties to the rear, and finally that it is the garages of those properties that would be closest to the proposed addition. Finally, the Board finds that the property was properly posted, that the record contains no letters of opposition to the grant of the request variances, and that no one appeared at the hearing in opposition to the requested variances.

Accordingly, the requested variances from the rear lot line setback and lot coverage limitation 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 and 5(a)-(c) (exterior elevations/dimensions only).

Therefore, based upon the foregoing, on a motion by Alan Sternstein, seconded by Richard Melnick, Vice Chair, with Caryn L. Hines, Chair, and Amit Sharma in agreement, and with Donald Silverstein opposed, the Board adopted the following Resolution:

BE IT RESOLVED by the Board of Appeals for Montgomery County, Maryland that the opinion stated above is adopted as the Resolution required by law as its decision on the above-entitled petition.


Caryn L. Hines, Chair
Montgomery County Board of Appeals

Entered in the Opinion Book
of the Board of Appeals for
Montgomery County, Maryland
this 9th day of April, 2025.


Barbara Jay
Executive Director

NOTE:

Any request for rehearing or reconsideration must be filed within fifteen (15) days after the date the Opinion is mailed and entered in the Opinion Book. Please see the Board's Rules of Procedure for specific instructions for requesting reconsideration.

Any decision by the County Board of Appeals may, within thirty (30) days after the decision is rendered, be appealed by any person aggrieved by the decision of the Board and a party to the proceeding before it, to the Circuit Court for Montgomery County, in accordance with the Maryland Rules of Procedure. It is each party's responsibility to participate in the Circuit Court action to protect their respective interests. In short, as a party you have a right to protect your interests in this matter by participating in the Circuit Court proceedings, and this right is unaffected by any participation by the County.

See Section 59.7.3.2.G.1 of the Zoning Ordinance regarding the twelve (12) month period within which the variance granted by the Board must be exercised.