

**BOARD OF APPEALS
for
MONTGOMERY COUNTY**

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**Case No. A-6940
PETITION OF CATHEEJA ISMAIL**

OPINION OF THE BOARD

(Opinion Adopted November 19, 2025)
(Effective Date of Opinion: December 3, 2025)

Case No. A-6940 is an application by Petitioner Catheeja Ismail for a variance needed for the proposed construction of a second story addition. The proposed construction requires a variance of seven (7) feet as it is within eighteen (18) feet of the front lot line. The required setback is twenty-five (25) feet, in accordance with Section 59.4.4.9.B of the Zoning Ordinance.

The Board of Appeals held a hearing on the application on November 19, 2025. Petitioner Catheeja Ismail participated in the hearing in support of the requested variance, assisted by Jimmy Green of Great Day Improvements.

Decision of the Board: Variance GRANTED.

EVIDENCE PRESENTED

1. The subject property is Lot 25, Block B, Forestvale Subdivision, located at 1811 Tilton Drive in Silver Spring, Maryland, 20902, in the R-60 Zone. The property is a rectangular lot located on the north side of Tilton Drive. It has a width of 58 feet and a depth of 100 feet, giving it a total area of 5,800 square feet. The property contains a house that was built in 1951. It was purchased by the Petitioner in 1993. See Exhibits 4 and 7, and SDAT Printout.

2. The Petitioner is seeking to attach a 12' x 7' sunroom to the second floor of her house, along the façade of her house that faces the Tilton Drive (i.e. the south façade of

the house).¹ See Exhibits 3 and 4. The proposed sunroom would be constructed on an elevated deck. See Exhibit 5.

3. The Petitioners' variance Application indicates that her house "was built long and more narrow which puts it closer to the property line in comparison to neighboring homes which are wider and further from the road." The Application states that the front setback on the property is 25 feet, and that with the proposed sunroom addition, the Petitioner's house would be eighteen (18) feet from the front lot line. The Application states that because of her home's closer proximity to the front lot line than neighboring properties, she cannot build a sunroom on the front of her house that would allow her "watch the sunrise due to her cultural background." The Application further states that this causes the Petitioner a practical difficulty. See Exhibit 1.

4. The Petitioner's Statement of Justification ("Statement") states that the Petitioner is seeking a variance "to allow the construction of a sunroom attached to the front 2nd story of [her] home." The Statement states that the Petitioner "would like a space on the front of her property where she can experience the sunrise/sunset during all of the seasons we have here in Maryland," and that "[t]his would give her a safe space for that request due to her cultural background." See Exhibit 3.

5. The Statement states that the subject property is 0.13 acres in size. It states that the property is improved with a house that is sited twenty-five (25) feet from the front lot line, leaving no room for a front addition that meets the required twenty-five (25) foot setback from that lot line. In addition, the Statement observes that "[l]ooking at an overhead view of the street it appears most houses are wider across the property and sit further from the street, except this house it's narrower and longer therefore it sits closer to the front property line." The Statement asserts that these conditions make the subject property unique for the purposes of satisfying Section 59.7.3.2.E.2.a.i of the Zoning Ordinance. See Exhibit 3.

6. The Statement states that the requested variance is the minimum necessary to overcome the practical difficulties that full compliance with the Zoning Ordinance would impose due to the unusual or extraordinary situations or conditions on the property. The Statement states that the Petitioner "has already elected to make the sunroom as small as possible depth wise as to not sit too close to the property line," and asserts that "[s]ince the house is already only 25' from the front property any size structure on the front would require a variance." With respect to the minimum necessary, the Statement states that the size of the proposed sunroom will give the Petitioner "just enough space to have a few pieces of furniture and still be able to move around in the room." See Exhibit 3.

7. The Statement states that the requested variance can be granted without substantial impairment to the applicable general or master plan. In support of this, the

¹ The Petitioner's Statement of Justification states that the Petitioner's house "has the front door facing the side property line and not the front property line." As a result, the Statement states that the proposed sunroom "will be attached to the side of [the Petitioner's] house that faces the street." See Exhibit 3.

Statement notes that the proposed sunroom would “still be well within the property lines of this property,” and that the addition would be to the functional side of the Petitioner’s home. See Exhibit 3.

8. The Statement states that granting the requested variance will not be adverse to the use and enjoyment of neighboring properties. In support of this, the Statement states that “[t]he small sunroom on the front of the home will not affect any surrounding properties and will give the homeowner somewhere on the front of her home to enjoy the sunrises and sunsets as part of her cultural background.” The Statement states in closing that “[d]ue to the location and position of the house on the property, this sunroom will give [the Petitioner] somewhere to be one with nature and due to her cultural background.” See Exhibit 3.

9. At the hearing, the Petitioner testified that she has owned the subject property since 1981. She testified that the front of her property has a view of the sunrise and sunset for half of the year (i.e. the winter months), and that the back of her property has a view of the sunrise and sunset during the summer months.² The Petitioner testified that she is seeking to construct a second story sunroom addition on the front of her home to allow her to experience the sunrise and sunset during the winter months. She testified that this helps her meditate and is part of her culture and life experience. The Petitioner testified that having the addition on the second floor allows her to better see the horizon.

The Petitioner testified that the elevation of her property drops a full story from front to back, such that she has a walkout basement. She testified that because of this change in elevation, there is no way to see the sun during the winter months from the rear of her property. The Petitioner testified that the slope of her street also benefits her property with respect to being able to see the sun because there is only one property at a higher elevation than hers. The Petitioner testified that the Zoning Vicinity Map appears to show that a lot of houses extend closer to the street than she is proposing.

In response to a Board question asking if there was anywhere else on the subject property that the proposed sunroom could be constructed where she could see the sun, the Petitioner testified that she cannot see the sun from the rear of her house during the winter months, and that the slope of her property would preclude any view of the sun from construction in the rear.

10. Mr. Green testified that he helped the Petitioner with the design of her project. He testified that his goal was to minimize the impact to the Petitioner’s home and neighborhood while fulfilling her desire for a place to observe the sunrise and sunset. Mr. Green testified that the proposed sunroom addition could not be constructed to the side of the Petitioner’s house because her property is too narrow. He testified that the proposed location is the only place on the property where the sunroom could be built. Mr. Green testified that the proposed sunroom would project seven (7) feet towards the street, leaving 18 feet between the property’s street frontage and the front of the

² The Petitioner explained that the view of the sun changes from summer to winter because of the tilt of the earth.

Petitioner's house. He testified that the sunroom would be made of glass and would allow the Petitioner to experience her culture.

Mr. Green testified that the Petitioner's neighborhood is not a new, "cookie cutter" neighborhood, where the fronts of the houses are all aligned, but rather consists of properties of varying widths that are improved with houses that have varying setbacks. Mr. Green testified that if the Petitioner's home had been in a newer, cookie cutter-style neighborhood, the Petitioner's proposed addition may have stood out, but that because the fronts of the homes in the Petitioner's neighborhood are staggered relative to the street, the proposed addition will have no impact. He emphasized that the size of the proposed sunroom is modest, and noted that even with the proposed addition, the Petitioner's house would still be 18 feet from the street.

In response to Board questions, Mr. Green testified that the subject property is narrow from side to side. He testified that the Petitioner's house is set closer to the street than a lot of other homes in the neighborhood. Mr. Green noted that the house two houses over appears to extend very close to the street, whereas the house to the immediate right of the Petitioner's house appears to have been set back farther from the street than the Petitioner's house. He observed that the Petitioner's community contains different home styles with different shapes and setbacks, and asserted that in light of this, the requested variance is reasonable.

In response to further Board questions, Mr. Green testified that the Petitioner is disadvantaged because her house was built just 25 feet from the front lot line, unlike others. He testified that if her house did not sit so far forward on the property, but rather was farther back, like the house next door, the Petitioner may not have a problem. Mr. Green testified that the proposed sunroom addition could not be put on either side of the Petitioner's home because of the required setbacks and fire code access, and that putting the proposed addition on the rear of her home would not work. He testified that if her home had been built five (5) feet further back on the property, the Petitioner would only need a two (2) foot variance. Finally, Mr. Green testified that the Petitioner had spoken to her neighbors, and that no one objected to the proposed construction.

CONCLUSIONS OF LAW

Based on the evidence of record, the Board finds that the variance can be granted. The requested variance complies 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 testimony of the Petitioner, that the subject property is encumbered with sloping topography, such that its elevation drops a full story from the

front of the Petitioner's house to the rear. The Board further finds that with an area of 5,800 square feet and a consistent width of 58 feet, the subject property is substandard for the R-60 Zone, which has a 6,000 square foot minimum lot size and a minimum width of 60 feet at the front building line. See Exhibit 4. The Board finds that this combination of circumstances constitutes a unique condition peculiar to the subject property for the purposes of satisfying 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 this property in 1981, years after it was developed and built in 1951. See SDAT Printout. Thus the Board finds that the property's sloping topography and substandard size and width are not the result of actions taken by the Petitioner, 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, based on the Statement, Site Plan, and the testimony of the Petitioner and Mr. Green, that due to the property's topography, narrowness, and small size, full compliance with the setbacks imposed by the Zoning Ordinance, including the property's front setback, would cause the Petitioner a practical difficulty because strict adherence to those setbacks would preclude any expansion of the Petitioner's home to the south, as is necessary to accommodate her cultural observances. See Exhibits 3 and 4. The Board further finds that the requested variance is the minimum needed to overcome this practical difficulty and to allow construction of the proposed sunroom, which is needed to enable the Petitioner to see the sunrise and sunset during the winter months, in accordance with her culture. The Board notes that the proposed sunroom is only seven (7) feet deep which, per the Statement, is the minimum needed to allow the Petitioner to have "a few pieces of furniture" and space to move around. See Exhibit 3. Accordingly, the Board finds that the requested variance is the minimum needed to overcome the practical difficulty posed by full compliance with the Zoning Ordinance on account of the property's topography, narrowness, and small size, in satisfaction of this element of the variance test.

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 allowing the Petitioner to proceed with the proposed construction is consistent with the residential uses contemplated by the Forest Glen Section Plan (1996), which envisions, among other things, "a stable single-family residential community" in the Forest Glen East area, where the subject property is located. Thus the Board finds that this element of the variance test is satisfied.

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, based on the Statement, that the proposed sunroom will not adversely impact the use and enjoyment of neighboring properties because the proposed


addition is small in size and “will not affect any surrounding properties.” See Exhibit 3. The Board notes, per the elevations, that the proposed sunroom is an all-glass, second story only structure that is supported by piers, leaving open space underneath, and that the peak of the sunroom roof is markedly lower than the roof of the existing house. See Exhibit 5. In addition, the Board finds, based on the testimony of Mr. Green, that the Petitioner has spoken with her neighbors, and they do not object to the proposed construction. Finally, the Board notes that the property was properly posted, and that the record contains no objections to the grant of the requested variance. Accordingly, the Board finds that granting the requested variance, to allow construction of the proposed sunroom addition, will not be adverse to the use and enjoyment of abutting or confronting properties, in satisfaction of this element of the variance test.

Accordingly, the requested variance is **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.

Therefore, based upon the foregoing, on a motion by Alan Sternstein, seconded by Richard Melnick, Vice Chair, with Caryn L. Hines, Chair, in agreement, and with Donald Silverstein not 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.


Caryn L. Hines, Chair
Montgomery County Board of Appeals

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

