

**BOARD OF APPEALS
for
MONTGOMERY COUNTY**

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**Case No. A-6945
PETITION OF CHRISTOPHER AND LAURA BELLANDE**

OPINION OF THE BOARD
(Hearing Held: December 10, 2025)
(Effective Date of Opinion: December 17, 2025)

Case No. A-6945 is an application by Petitioners Christopher and Laura Bellande Kevin Brown for a variance needed for the proposed construction of a rear addition. The proposed construction requires a variance of 5.90 feet as it is within 14.10 feet of the rear lot line. The required setback is twenty (20) feet in accordance with Section 59.4.4.9.B.2 of the Zoning Ordinance.

The Board of Appeals held a hearing on the application on Wednesday, December 10, 2025. Petitioners Christopher and Laura Bellande appeared at the hearing in support of the requested variance, assisted by their architect, Matthew McDonald.

Decision of the Board: Variance GRANTED.

EVIDENCE PRESENTED

1. The subject property is Lot 3, Block 4, Tarrytown Subdivision, located at 7505 Tarrytown Road in Chevy Chase, Maryland, 20815, in the R-60 Zone. It is a five-sided property located on the east side of Tarrytown Road. The property's front lot line is straight and is 66 feet long. Its left and right side lot lines both intersect the front lot line at right angles, but the property's left side lot line (71 feet) is significantly shorter than its right side lot line (100 feet). The property's rear lot line is comprised of two segments: a length of approximately 40 feet that extends at a right angle from the property's left side lot line across the rear of the property (roughly parallel to the street), and an almost 39 foot segment that is set at approximately 45 degrees to the right side lot line and extends northwest until it meets the first segment. The result is that the shape of the property resembles a rectangle that has a large right triangle attached to its right rear side. This triangle creates a sharply pointed extension towards the property's right

rear (southeast) corner and gives the property an unusual shape. The property has a total area of 5,068 square feet. See Exhibits 3, 4, and 7.

2. The subject property contains a house that was built in 1951. It was purchased by the Petitioners in 2019. The rear façade of the Petitioners' existing house encroaches 7.6 feet into the property's rear setback, and thus "is already a non-conforming condition." The Petitioners are requesting a variance to allow a screened porch that would be located "on top of the existing basement footprint," thereby "utiliz[ing] the existing building footprint." The Petitioners "are not proposing any further encroachment into the rear setback than the current existing condition of the walkout basement footprint." See Exhibit 3.

3. The Petitioner's Statement of Justification ("Statement") describes the subject property as "shallow" and "undersized" for the R-60 Zone, with a "challenging shape," and states that "[b]ecause the lot is undersized and unique in shape it reduces the allowable buildable area significantly." With respect to shallowness and size, the Statement states that the subject property "meets the minimum 60' width at the street, but is shallow in depth at 71 feet for a majority of the rear setback and therefore under the minimum 6,000sf lot size at 5,068 sf." In describing the property's shape, the Statement states that "[t]he rear property line jags inward from the right property line and reduces the depth of the lot," and notes that "[i]f the rear setback did not jog inwards at the right property line and maintained 100 feet across, no variance would be required for this proposed addition." In addition, the Statement indicates that the subject property is sloped, stating that the "topography of the yard has a minimal slope from Tarrytown [Road] to the front facade and then a steep slope to a walkout basement." Finally, the Statement states that the existing house on the subject property is nonconforming because it encroaches 7.6 feet into the rear setback on account of the unusual "geometry" of the property's rear lot line. The Statement makes clear that the proposed screened porch would not increase the extent of this existing encroachment. See Exhibit 3.

4. The Statement states that the special circumstances and conditions that make the subject property unique are not the result of actions by the Petitioners. The Statement states that the Petitioners, who purchased the property in 2019, are not responsible for the "shallow lot depth and shape of this property," which was developed in 1951. The Statement further states that "[t]here is no change to the building footprint proposed so the circumstances and condition are not a result of actions by the applicant." See Exhibit 3.

5. The Statement states that the requested variance is the minimum needed to allow the Petitioners to "modestly expand their living space" without increasing the footprint of their home, and thus to overcome the practical difficulties that full compliance with the Zoning Ordinance would entail. The Statement states that "[d]ue to the shallowness and shape of the lot, the existing home and original footprint are touching the R-60 setbacks or are currently non-conforming," which makes it "challenging for the owners to add square footage to their home beyond the original footprint and comply with the zoning setbacks." See Exhibit 3. The Petitioners' Site Plan illustrates this. See Exhibit 4.

6. The Statement states that the requested variance is “the minimum required to provide an indoor/outdoor space within the building footprint that is a functional room,” and states that “[c]are has been taken to ensure that this request is the minimum required for this purpose, but the shallowness of this property and awkward shape at the rear property line makes it exceptionally challenging to modify the footprint.” The Statement further states that because the existing footprint “is already touching or encroaching all the setbacks on the lot,” the proposed location “is the one location the screened porch can go that does not modify the existing building footprint and encroach further into the setbacks.” Finally, the Statement states that because of the property’s angled rear lot line and the resultant setback from the lot line, “the setback cuts through the addition at an angle on the inside of the room,” and notes that “[i]t would be impractical to add screens only to the portions of the covered porch that are within the rear setback.” See Exhibit 3.

7. The Statement states that the requested variance can be granted without substantial impairment to the intent or integrity of the general or applicable master plan. In support of this, the Statement states that the proposed screened porch “will still be in conformance with the residential use of the property.” The Statement notes that “[t]he Town of Chevy Chase and the surrounding homes have a history of additions and renovations to expand the existing homes,” and that the proposed addition “would not be out of character with others seen in the neighborhood.” See Exhibit 3.

8. The Statement states that “[e]nclosing the open porch with a screen panel system will not adversely impact the enjoyment and use of abutting or confronting properties,” noting that the “[s]creened panels will be light and transparent and provide visual interest to the building facade.” In addition, the Statement states that “[g]ranted this variance would not change the footprint of the home and would be consistent with the scale and function of the surrounding properties.” Finally, the Statement states that the Town of Chevy Chase has already approved a variance for the proposed construction. See Exhibit 3.

9. At the hearing, Mr. McDonald testified that the subject property is an odd-shaped lot with a triangular extension at the rear. Mr. McDonald testified that the subject property contains a house that was built in 1951, and that the Petitioners purchased the property in 2019. He testified that at 5,068 square feet, the subject property is smaller than the minimum lot size for the R-60 Zone, which is 6,000 square feet. In addition, Mr. McDonald testified that because of the shallowness of the property, most of the existing house touches or encroaches on the required setbacks and thus is non-conforming. He testified that the proposed screened porch would not encroach any further into the required rear setback than the existing house, testifying that it would be built above a basement-level projection on the home’s right rear corner that existed when the Petitioners purchased the property. Mr. McDonald testified that because of this, the home’s bulk and mass would generally be unchanged.

Mr. McDonald testified that the County has already issued permits for construction of the proposed porch as an open porch, which he noted is allowed by right, but that a variance is needed to enclose the proposed porch with screens. In addition, he testified that the Town of Chevy Chase has issued a variance and building permits for the proposed construction (pending Board approval), and that the Petitioners had reached out to all of their neighbors in connection with this process. Mr. McDonald testified that all of the Petitioners' neighbors are supportive.

In response to a Board question, Mr. McDonald testified that most of the lots in the Petitioners' neighborhood are deep and generally rectangular in shape, whereas the subject property is relatively shallow and has a triangular projection on its right rear corner. Mr. McDonald testified that the property's rear lot line is "abnormally close" to the rear of the home. He testified that if the subject property were 6,000 square feet in size, it would be deeper. In response to a Board question asking about the topography of the subject property, Mr. McDonald testified that it is generally flat from the street to the front façade of the home, and that it then slopes downward, such that the house has a walkout basement. He testified that the proposed screened porch would allow the Petitioners to activate their backyard from the main level of their home.

In response to a Board question asking if there were other areas on the property that could accommodate the proposed screened porch, Mr. McDonald testified that the rear wall of the existing home is 14.4 feet from the rear property line. See Exhibit 4. He testified that the angled rear lot line constrains the porch extension, and that only a small corner of the proposed porch would encroach into the setback. Mr. McDonald testified that there is no other place on the property for habitable space without variance relief, largely due to the property's shallowness and shape. He testified that the proposed porch would be "tucked in" behind the Petitioners' garage, and would be minimally impactful for neighbors.

10. Ms. Bellande testified that she and her husband had reached out to their neighbors directly about the proposed construction, including the abutting neighbors to the right and rear who would be most impacted by the proposed screened porch, and that their neighbors are supportive.

FINDINGS OF THE BOARD

Based on the binding testimony and evidence of record, the Board finds that the requested 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 Statement, the Site Plan, the Zoning Vicinity Map, and the testimony of Mr. McDonald, that at 5,068 square feet, the subject property is substandard in size for the R-60 Zone, which has a 6,000 square foot minimum lot size. The Board further finds, based on the foregoing, that the subject property has an unusual and shallow shape relative to neighboring properties. See Exhibits 3, 4, and 7. The Board finds that these circumstances, taken together, significantly constrain the buildable area of the subject property and serve to make the property unique for the purposes of satisfying this element of the variance test.

Section 59.7.3.2.E.2.a.ii. – the proposed development uses an existing legal nonconforming property or structure;

The Board finds, based on the Statement, the Site Plan, and the testimony of Mr. McDonald, that the Petitioners' existing house was built in 1951, and that at a minimum it encroaches into the required setback from the rear lot line, potentially others. See Exhibits 3 and 4. The Board further finds that there is nothing in the record to indicate that the original construction of the house was done without permits or is not legal. Thus the Board finds that the Petitioners' existing house is nonconforming. The Board further finds that because the proposed construction is a screened porch that will be built on top of the Petitioners' existing house, in an area of existing encroachment, the proposed development uses an existing legal nonconforming structure, in satisfaction of this element of the variance test. See Exhibits 3 and 4.

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, based on the Statement and the testimony of Mr. McDonald, that the Petitioners' existing house was built in 1951 in its current nonconforming location, and that the Petitioners did not purchase the subject property until 2019. See Exhibit 3. Thus the Board finds that the Petitioners took no actions to create the special circumstances or conditions peculiar to this property, 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, the Site Plan, and the testimony of Mr. McDonald, that the Petitioners' proposed screened porch will be located on top of the existing footprint of their home, and as such, that it will not encroach any farther into the rear setback than the existing home. The Board further finds that because their property's rear setback line runs diagonally through the footprint of their existing basement, and would run diagonally through the footprint of the proposed screened porch, the Petitioners could only enclose a portion of their porch with screening if the variance were not granted, causing them a practical difficulty. The Board notes, per the Statement, that the size of the proposed screened porch is modest, and finds that the requested variance is the minimum necessary to allow the Petitioners to enclose the entirety of the proposed porch with screening, and thus to overcome the practical difficulty posed by full compliance with

the Zoning Ordinance. In addition, the Board finds that the requested variance is minimal in that it would allow construction of a screened porch directly over the footprint of the existing home. See Exhibits 3 and 4. In light of the foregoing, the Board concludes that the grant of the requested variance is the minimum necessary to allow the proposed construction and to overcome the difficulties that full compliance with the Zoning Ordinance would impose, 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 the proposed construction will continue the residential use of the subject property. Accordingly, the Board finds that the requested variance can be granted without substantial impairment to the intent and integrity of the Bethesda-Chevy Chase Master Plan, which seeks to “[p]rotect the high quality residential communities throughout the Planning Area” and to “[r]econfirm the zoning for the extensive single-family detached residential areas,” 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, based on the Statement and the testimony of Mr. McDonald and Ms. Bellande, that granting the requested variance will not be adverse to the use and enjoyment of neighboring properties because the proposed screened porch will not change the footprint of the existing home, and as such, will not extend any closer to the rear lot line of the subject property than the existing house. The Board further finds, based on the foregoing, that the Petitioners’ neighbors are supportive of the proposed construction. In addition, the Board finds, per the Statement, that enclosing the porch with screening will not adversely impact the enjoyment and use of neighboring properties because the proposed screen panels “will be light and transparent and provide visual interest to the building facade.” The Board finds that the proposed screened porch has been approved by the Town of Chevy Chase, and that it will be “consistent with the scale and function of the surrounding properties.” See Exhibit 3. Finally, the Board finds that the property was properly posted, that the record contains no opposition to the proposed construction, and that no one appeared at the hearing in opposition to the requested variance. Accordingly, the Board finds that granting the requested variance 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, needed for the proposed screened porch, is **granted**, subject to the following conditions:

1. Petitioners shall be bound by the testimony and exhibits of record; and
2. Construction shall be in accordance with Exhibits 4 and 5(b)-(c) (exterior elevations/dimensions only).

Therefore, based upon the foregoing, on a motion by Caryn L. Hines, Chair, seconded by Richard Melnick, Vice Chair, with Alan Sternstein and Donald Silverstein 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 17th 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.

