

**BOARD OF APPEALS  
for  
MONTGOMERY COUNTY**

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**Case No. A-6960  
PETITION OF ANDREW CHASIN**

OPINION OF THE BOARD  
(Hearing Held: March 18, 2026)  
(Effective Date of Opinion: March 25, 2026)

Case No. A-6960 is an application by Petitioner Andrew Chasin for a variance needed for the proposed construction of an addition. The proposed construction requires a variance of 1.67 feet as it is within 5.33 feet of the side lot line. The required setback is seven (7) feet, in accordance with Section 59.4.7.7.1.D.3.a of the Zoning Ordinance.

The Board of Appeals held a hearing on the application on Wednesday, March 18, 2026. Petitioner Andrew Chasin appeared at the hearing in support of the requested variance.

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

**EVIDENCE PRESENTED**

1. The subject property is Lot P10, Block 64, Partial Lot 11 Chevy Chase Section 2 Subdivision, located at 121 Grafton Street, Chevy Chase, Maryland 20815 in the R-60 Zone. It is a four-sided property, rectangular in shape, with a width of 60 feet and a depth of 90 feet. The property is bordered by Grafton Street to the south. The subject property has an area of 5,400 square feet. See Exhibit 4.
2. The subject property is a house built in 1928. See SDAT printout. The Petitioner purchased the property in 2013.
3. The Petitioner's Statement of Justification ("Statement"), submitted by Nicholas Lucarelli of Nicholas Lucarelli Architects, LLC, states that the Petitioner is seeking to "build a small mud-room contiguous to and consistent with the current extension" which is 5.33 from the side yard lot line. The Statement states that there is currently a one-story extension of the existing house that will be extended as part of the new addition. The

cover sheet describes the proposed construction as a “rear 1-story addition and portico roof addition to existing single-family home.” See Exhibit 5(g). The proposed construction will be 95 square feet. Id.

4. The right side of the Petitioner’s existing extension is 5.33 from the side yard lot line. The required setback is 7’. The Petitioner is requesting a variance to extend the existing addition. See Exhibit 4.

5. Per SDAT, the subject property was built in 1928. The Petitioner testified that he purchased the subject property in 2013. The Statement states that when the property was purchased by the Petitioner, the house on the subject property had an existing extension that followed the 5’ side yard setback that had previously been established for this block of Grafton Street. The current side yard setback for this portion of Grafton Street is 7’. Therefore, the existing extension was built before the setback was changed and before the Petitioner bought the house. Thus, the Statement concludes that the proposed construction, which would continue and maintain the setback of the existing extension, “uses an existing legal nonconforming property or structure,” in satisfaction of Section 59.7.3.2.a.ii of the Zoning Ordinance, and that the “special circumstances or conditions were not a result of actions by the applicant,” in satisfaction of Section 59.7.3.2.E.2.b of the Zoning Ordinance. See Exhibit 3.

6. The Statement states that the requested variance is the minimum needed as the proposed area of encroachment is “only approximately 14 square feet and would not impact the neighbor or current shared driveway.” The Statement further states that the requested variance is the minimum needed to “avoid an interrupted facade and roof line on the side yard elevation by incorporating the existing 1-story extension,” as well as to avoid “creating an irregular floor plan....” The Statement states that “there is no alternative design that would maintain a consistent property line without the requested variance.” See Exhibit 3. The Petitioner’s Site Plan illustrates this. See Exhibit 4.

7. The Statement further states that the variance can be granted “without substantial impairment to the intent and integrity of the master plan.” The Statement states that “Chevy Chase Village has approved the variance, and it is consistent with the majority of houses in the neighborhood that have much larger extensions.” See Exhibit 3.

8. The Statement states that granting the requested variance will not be adverse to the use and enjoyment of abutting or confronting properties and that “the neighbor next door who shares the driveway signed a letter of support for the variance.” In addition, the Statement states that “there is a fence that stands where the extension would be, so there would be no change in the way the neighbors interact with the property lines or structures.” See Exhibit 3.

9. At the hearing, the Petitioner testified that he owns the subject property. He testified that he is seeking a variance to allow him to extend an existing addition that was built before his purchase of the property. He testified that the existing extension followed the 5’ side yard setback that had previously been established for this part of Grafton Street, but the side yard setback was later changed to 7’. The Petitioner testified that the

proposed extension is consistent with the existing addition and would continue its setback from the side lot line.

In response to a Board question asking whether he received comments from his neighbors, the Petitioner indicated that he received no objections, and that the neighbor with whom he shares a driveway had submitted a letter in support of the project. He testified that he had spoken with his other neighbors, and indicated that they would not be able to see the proposed addition from their homes. Finally, the Petitioner testified that the proposed addition has been approved by Chevy Chase Village.

## **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.ii. – the proposed development uses an existing legal nonconforming property or structure;*

The Board finds that the Petitioner's existing house was built in 1928. See SDAT printout. The Board finds that, based on the Statement and Site Plan, that the existing house is located 5' from the right side lot line and that the home's existing addition, which was built prior to the Petitioner's purchase of the subject property, is approximately 5.33' from the side lot line. Thus the Board finds that the Petitioner's house and existing addition do not meet the currently required 7' side setback and are nonconforming. The Board further finds that the Petitioner's proposed construction would extend the home's existing addition towards the rear and would maintain the setback of the existing addition from the property's right side lot line. See Exhibits 3 and 4. Accordingly, the Board finds that the Petitioner's proposed addition would use an existing legal nonconforming structure, in satisfaction of this element of the variance test.

2. *Section 59.7.3.2.E.2.b. the special circumstances or conditions are not the result of actions by the applicant;*

The Board finds, based on the Application and the Statement, that the house on the subject property has an existing addition that followed the 5' side yard setback that had previously been established for this block of Grafton Street. The current side yard setback for this part of Grafton Street is 7'. Therefore, the Board finds that the existing extension was built before the setback was changed and before the Petitioner bought the house in 2013. Thus the Board finds that the Petitioner took no action 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 and the testimony of the Petitioner, that the requested variance is the minimum necessary to allow the proposed construction to proceed. The Board finds at the outset that at 1.67 feet, the requested variance is minimal in size. The Board further finds, based on the Statement and the testimony of the Petitioner, that without the grant of the requested variance, the Petitioner could not expand the existing addition in a way that maintains the side façade and roofline of that addition or that is commensurate with other homes in the neighborhood. See Exhibit 3. In light of the foregoing, the Board concludes that 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. As such, the Board concludes the Petitioner has satisfied 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 this property, consistent with the recommendations of the Bethesda-Chevy Chase Master Plan (1990), which generally seeks to “[p]rotect the high quality residential communities throughout the Planning Area.” The Board further finds that the proposed construction has been reviewed and approved by Chevy Chase Village. 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 granting the requested variance will not be adverse to the use and enjoyment of neighboring properties. In addition, the Board finds, per the Statement, that the proposed addition is consistent with the majority of houses in the neighborhood that have much larger extensions. The Board finds, based on the Statement, that there is a fence that stands where the extension would be, so there would be no change in the way that neighbors interact with the property lines or structures. See Exhibit 3. The Board further finds, in accordance with the testimony of the Petitioner, that the Petitioner’s neighbors have no objection to the proposed construction. 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 construction of the proposed addition, 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(a)-(g) (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, Donald Silverstein and Amit Sharma 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 25<sup>th</sup> day of March, 2026.

  
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.

