

BOARD OF APPEALS
FOR
MONTGOMERY COUNTY, MARYLAND
(240) 777-6600

Docket No. A- 6934
Date Filed 7-29-25
Hearing Date 10-22-25
Time 9:30 a.m.

PETITION FOR VARIANCE UNDER ZONING ORDINANCE

(Please Note Instructions on Reverse Side)

(PLEASE PRINT)

Name of Petitioner(s): Jason Teves & Monica Tierney

Address of Petitioner(s): 108 Delford Ave City Silver Spring Zip 20904

Description of property involved: Lot 1 Block 4 Parcel 0000 Subdivision 0035

Street and No. 108 Delford Ave City Silver Spring Zip 20904 Zone Classification R-200

Appellant's present legal interest in above property (check one): Tax Account No. 05-00342428
 Owner (including joint ownership) Other (describe)

If not owner, name and address of owner:

What variance is requested, and what is the pertinent section of the Zoning
Ordinance? See attached (Building Permit Denial) - Seeking relief from setback requirements within Zoning Ordinance 59-4.4.7.B.2. & 59-4.4.7.B.2.a.

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 dwelling and original driveway are situated more South-West on the property, bringing it much closer (narrow) to the neighboring property line of 112 Delford Ave.

How will the peculiar condition described above result in practical difficulty if the requested variance is not granted? Ultimately, It would just result in tremendous waste of material, time and money. Honestly I don't agree with the Survey Plat findings--I think Their measurements are off.

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

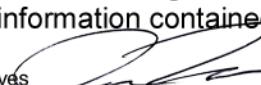
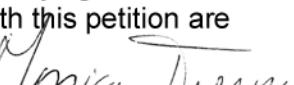
Has any previous variance application involving this property been made to the Board of Appeals?
If so, give Case Number(s): n/a

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)
n/a

Address of Attorney
n/a

Phone Number n/a

Jason Teves  Monica Tierney 
Signature of Petitioner(s) (Print Name next to Signature)
108 Delford Ave

Address of Petitioner

443-878-3251

Home Phone

saakey@gmail.com

Work Phone

Email Address

(OVER)

Form 5 (Revised 1/13/2017)

Board of Appeals for
Montgomery County, MD

LIST OF ABUTTING AND CONFRONTING PROPERTY OWNERS

(Please see information on reverse side)

Case Number:

| | NAME | MAILING ADDRESS (Please add Zip Code) |
|--------------------------|--------------------------------|--|
| PETITIONER/ APPELLANT | Jason Teves & Monica Tierney | 108 Delford Ave, Silver Spring, MD 20904 |
| ATTORNEY/ AGENT | n/a | n/a |
| PROPERTY OWNER | (same as applicant/petitioner) | (same as applicant/petitioner) |

NOTE: Because this list will be used to help generate the Board's mailing list for this case, please provide the Applicant's name and address, that of any attorney or agent hired by the Applicant, and the name of the property owner (if different from the Applicant), in addition to the list of abutting and confronting property owners. You may use additional sheets if needed.

ABUTTING AND CONFRONTING PROPERTY OWNERS

| NAME | ADDRESS (Please add Zip Code) | LOT/PARCEL | BLOCK |
|---------------------------------------|--|-------------------|--------------|
| Karla & Jorge Gill | 112 Delford Ave, Silver Spring, MD 20904 | 2 | 4 |
| Ruth & Michael Unterweger | 106 Delford Ave, Silver Spring, MD 20904 | 18 | 4 |
| Nury & Pedro Argueta | 111 Delford Ave, Silver Spring, MD 20904 | 6 | 1 |
| James Goodwin | 109 Delford Ave, Silver Spring, MD 20904 | 30 | 1 |
| David Amaya | 115 Delford Ave, Silver Spring, MD 20904 | 5 | 1 |
| Dominic Desantis & Michelle Harris | 12916 Falmouth Drive, Silver Spring, MD 20904 | P12 | 4 |
| Carly & Andrew Diroll | 12912 Falmouth Drive, Silver Spring, MD 20904 | 11 | 4 |
| | | | |
| | | | |

STATEMENT OF JUSTIFICATION FOR PETITION FOR VARIANCE

Applicant: Jason Teves

Property Address: 108 Delford Ave, Silver Spring, MD 20904

Zone: R-200 | Lot 1, Block 4

As we approach our ninth year of owning our home—one that has never had a garage—I've long hoped to someday build a structure to shelter our vehicles. When my mother passed away in February 2023, she left a small inheritance to her family. As a lifelong car enthusiast, I chose to use those funds to finally construct a shelter for our vehicles—something both meaningful and practical.

While a full garage was financially out of reach, I believed that a carport paired with a storage shed would provide a viable and visually cohesive alternative. We've always embraced the mid-century character of our home, so I designed the carport in a style consistent with that era. After reviewing various architectural examples, I settled on a slanted roofline, which struck the right balance between functionality and aesthetic appeal.

The first step in the project was to widen our driveway to accommodate two cars. At the time, our neighbor was resurfacing his own driveway, and I consulted with him for advice. Once our driveway work was complete, I began to explore the idea of adding a small shed at the end for storing lawn equipment and trash bins. During this time, my neighbor recommended a relative—a contractor—who could help with the construction.

What began as a modest shed eventually evolved into the opportunity to build a more substantial, roofed structure that could shelter two vehicles. At no point during the planning or construction did I realize a permit would be required. I even asked the contractor whether he anticipated any issues, and he reassured me, citing similar past projects that did not require approvals. With the scope of work and cost fitting comfortably within my budget, I moved forward in good faith.

I am now respectfully requesting a variance to allow the existing carport to remain. The justification for this request is outlined below.

I. Nature of the Variance Request

I am requesting a variance from Section 59-4.4.7.B.2 and Section 59-4.4.7.B.2.a of the Montgomery County Zoning Ordinance to allow a detached carport as an accessory structure on my property located at 108 Delford Ave, Silver Spring, MD. Specifically, the following variances are requested:

- **A 24.00 ft front yard setback variance**, as the carport is located 41.00 ft from the front lot line (required setback: 65.00 ft).
- **A placement variance** to allow the carport to be located in front of the rear building line of the principal structure.
- **A 3.00 ft right-side yard setback variance**, as the carport sits 9.00 ft from the side lot line (required setback: 12.00 ft).

II. Justification for Variance

1. Unusual Conditions and Practical Difficulties

The physical characteristics of the property present unique challenges that make strict adherence to the zoning ordinance difficult:

- The lot is **shallower than typical lots** in relation to its width, leaving limited buildable space behind the existing home. Positioning the carport fully behind the rear building line would encroach upon the backyard, utility easements, or usable open space.
- **Existing topography and mature vegetation**, along with the orientation of the house, make it difficult to site the carport in a way that complies with both front and side setback rules while maintaining ease of access.
- The **existing home was constructed closer to the front property line** than current setback standards allow—likely due to regulations in place at the time of construction. This makes compliance with the 65-foot front setback particularly burdensome for any meaningful accessory structure.

2. Intent of the Ordinance and No Harm to Public Interest

The requested variance remains consistent with the intent of the zoning ordinance, which is to preserve neighborhood character, privacy, and safety:

- The carport is **modest in size, open-sided**, and designed in harmony with the mid-century style of the home, maintaining light, air, and visibility for neighboring properties.
- **Several nearby homes have similar structures** located within comparable distances from lot lines, suggesting that this variance would not be out of character with the neighborhood.
- The structure does **not obstruct public utilities, pedestrian access, or traffic visibility**, and poses no risk to public safety or the welfare of surrounding residents.

3. Minimum Necessary to Alleviate Hardship

This variance is the **least deviation necessary** to provide functional and reasonable use of the property:

- The carport is intended solely to shelter personal vehicles, not for use as living space or any other purpose.
- Its placement was selected to **minimize encroachment into setbacks** while ensuring practical access to the driveway and home.

III. Conclusion

I respectfully submit that the requested variance meets the criteria outlined by the Montgomery County Board of Appeals:

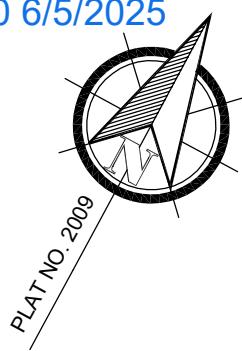
- The lot's physical characteristics create a practical difficulty in complying with the zoning ordinance;
- The structure does not negatively impact neighboring properties;
- The variance requested is the minimum necessary to provide relief;
- Approval of this variance will not undermine the intent of the zoning code or the public interest.

For these reasons, I respectfully request that the Montgomery County Board of Appeals approve the variance as submitted.



Melissa Goutos

Denial Letter #415048
Zoning: R-200 6/5/2025



LEGEND:

- FENCE
- B/E - BASEMENT ENTRANCE
- B/W - BAY WINDOW
- BR - BRICK
- BRL - BLDG. RESTRICTION LINE
- BSMT - BASEMENT
- C/S - CONCRETE STOOP OR SLAB
- CONC - CONCRETE
- D/W - DRIVEWAY
- UP - UTILITY POLE
- FR - FRAME
- MAC - MACADAM
- W/W - WINDOW WELL
- O/H - OVERHANG
- PUE - PUBLIC UTILITY ESMT.
- PIE - PUBLIC IMPROVEMENT ESMT.

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

LOCATION DRAWING OF:
#108 DELFORD AVENUE
LOT 1 BLOCK 4
SECTION ONE
NORTH SPRINGBROOK

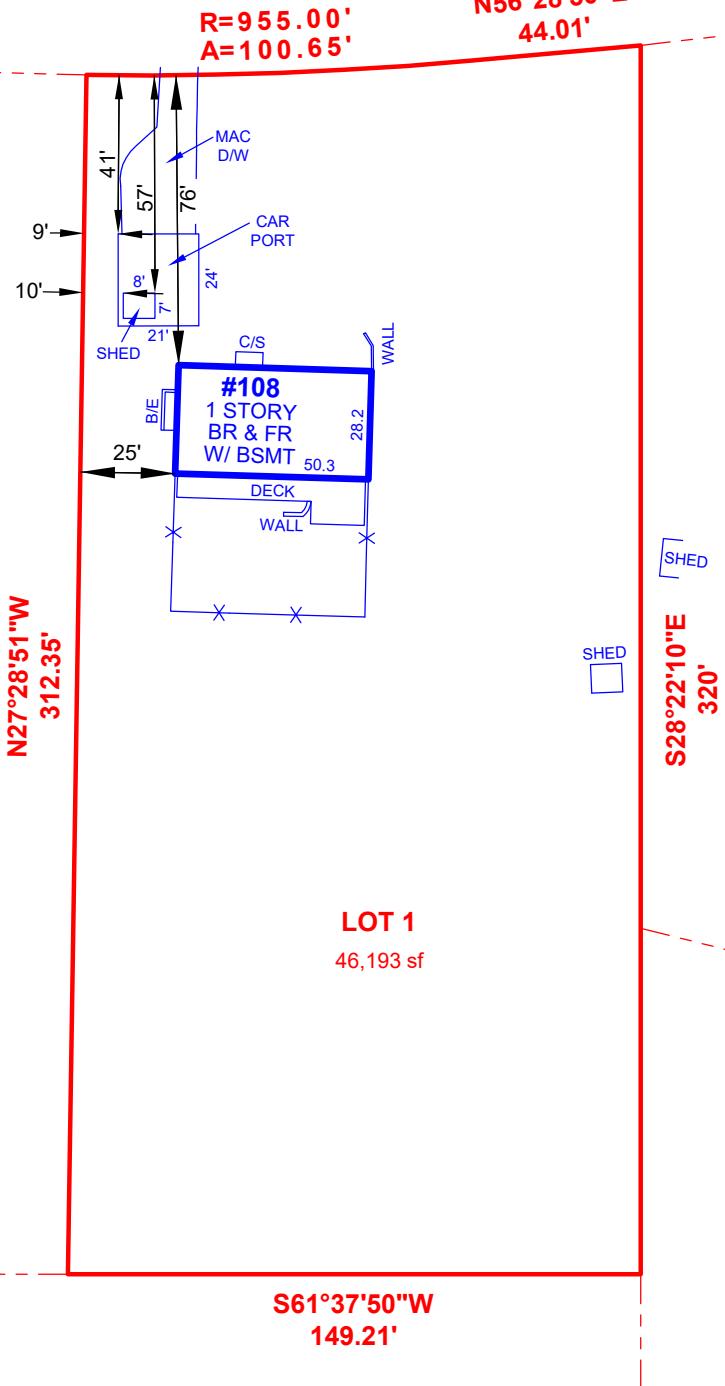
PLAT NO. 2009
MONTGOMERY COUNTY, MARYLAND
SCALE: 1"=50' DATE: 04-30-2025
DRAWN BY: SM FILE #: 253297 200

DRAWN BY: SM FILE #: 253297-200



DELFORD AVENUE

N56°28'50"E
44.01'



SURVEYOR'S CERTIFICATE

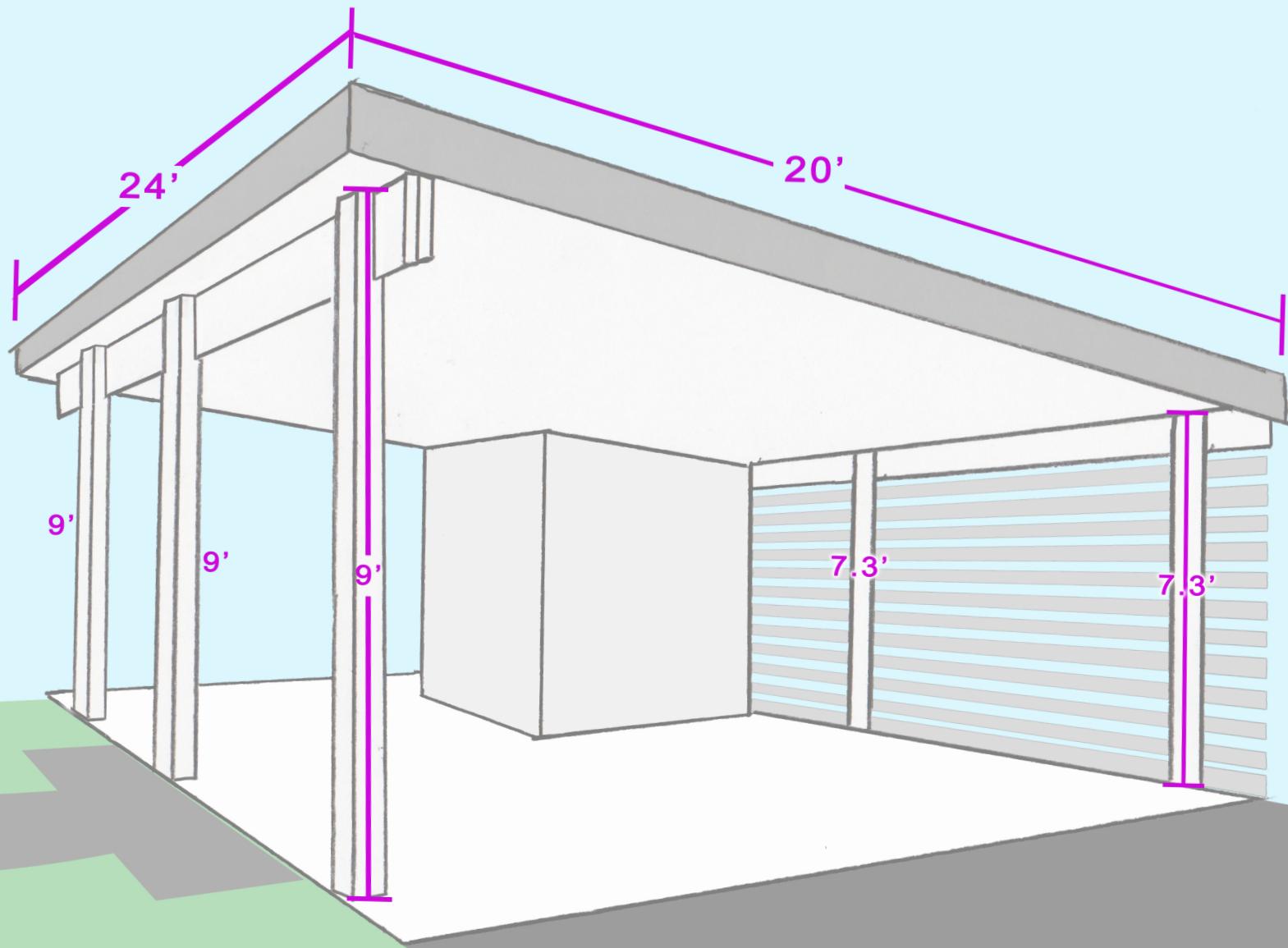
I HEREBY STATE THAT I WAS IN RESPONSIBLE CHARGE OVER THE PREPARATION OF THIS DRAWING AND THE SURVEY WORK REFLECTED HEREIN AND IT IS IN COMPLIANCE WITH THE REQUIREMENTS SETFORTH IN REGULATION 12 CHAPTER 09.13.06 OF THE CODE OF MARYLAND ANNOTATED REGULATIONS. THIS SURVEY IS NOT TO BE USED OR RELIED UPON 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 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±. 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 FENCROACHMENTS 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



BIRDSEYE VIEW (OVERHEAD)

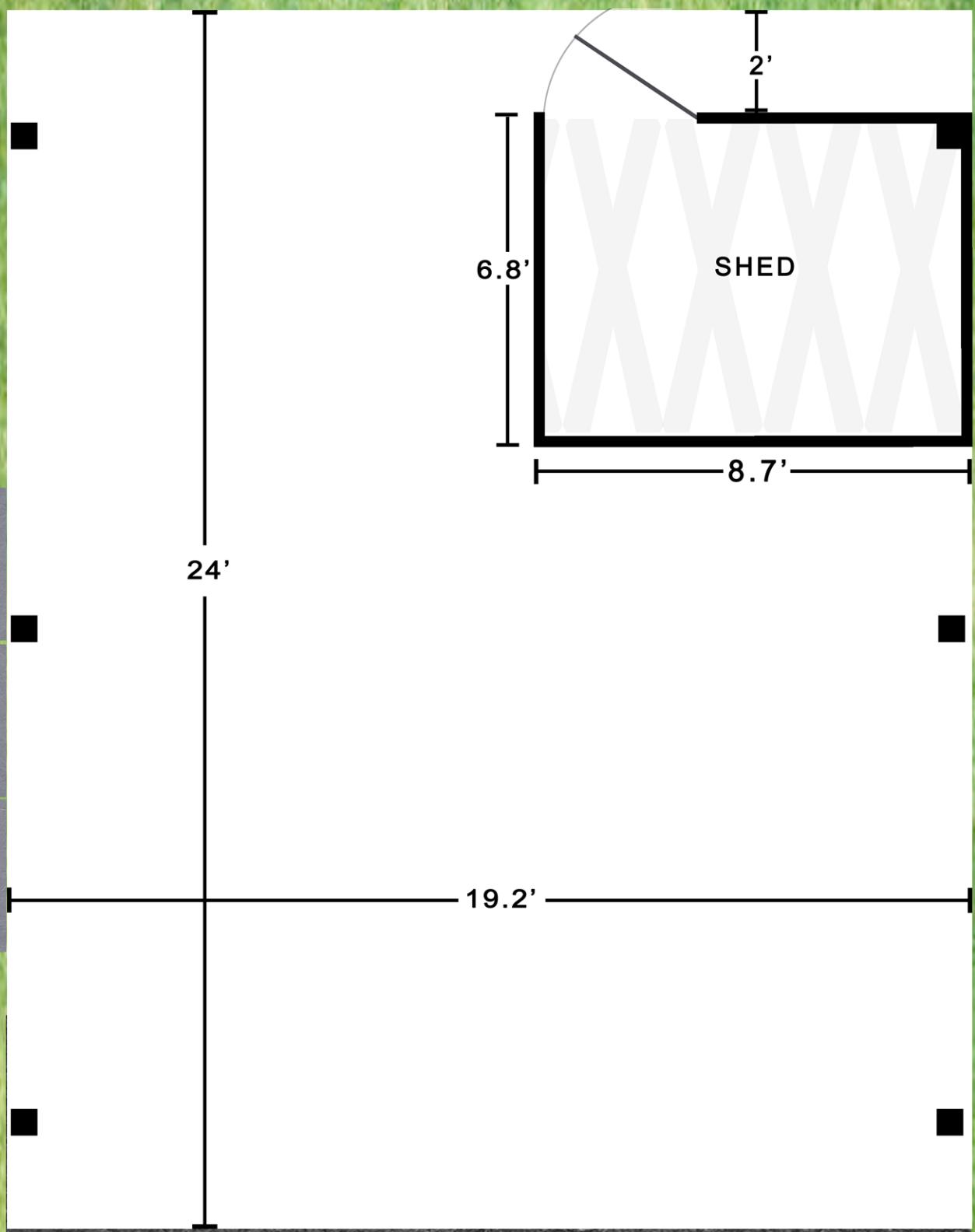




Exhibit 5(c)







Property Line
Distance



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: Jason Teves

ADDRESS: 108 DELFORD AVE
SILVER SPRING, MD 20904

LOT - BLOCK: 1 - 4 ZONE: R-200

THE VARIANCE REQUEST IS FOR

| | | | |
|---------------------------------------|----------------------------|---------------------------------------|--------------------|
| <input checked="" type="checkbox"/> Y | EXISTING STRUCTURE | <input type="checkbox"/> N | PROPOSED STRUCTURE |
| <input type="checkbox"/> N | NON-CONFORMING | <input checked="" type="checkbox"/> Y | NON-COMPLYING |
| <input type="checkbox"/> N | NEW SINGLE-FAMILY DWELLING | | |

TYPE OF CONSTRUCTION:

| | | | |
|---------------------------------------|---------------------|----------------------------|----------------------|
| <input type="checkbox"/> N | ROOM ADDITION | <input type="checkbox"/> N | SWIMMING POOL |
| <input type="checkbox"/> N | PORCH | <input type="checkbox"/> N | DECK |
| <input type="checkbox"/> N | SHED | <input type="checkbox"/> N | FENCE/RETAINING WALL |
| <input checked="" type="checkbox"/> Y | ACCESSORY STRUCTURE | <input type="checkbox"/> N | GARAGE/CARPORT |
| <input type="checkbox"/> N | OTHER | | |

The proposed construction requires a 24.00 ft. variance as it is within 41.00 ft. of the front lot line. The required setback is 65.00 ft. in accordance with Section 59-4.4.7.B.2.

The proposed detached carport requires a variance as it forward of the rear building line. In addition to the front setback minimum, any accessory structure must be located behind the rear building line of the principal building per Section 59-4.4.7.B.2.a.

The proposed construction requires a 3.00 ft variance as it is within 9.00 ft. of the right side lot line. The required setback is 12.00 ft in accordance with Section 59-4.4.7.B.2.


Signature

6/5/2025

Date

OGV Structural Engineering

Ellicott City, MD 21043
(240)893-0090 – Omid@OGV-structural.com,
www.OGV-Structural.com

April 9, 2025

Structural Engineering Certification Letter

Client: Mr. Jason Teves

Property Address: 108 Delford Ave., Silver Spring, MD 20904

Inspection Dates: 4/2/2025

Engineer: Omid Gharavi, P.E.

Subject: Structural Engineering Certification for Existing Carport and Storage Structure

To whom it may concern,

This letter serves to document my professional engineering assessment and certification regarding the structural adequacy of the existing carport and attached storage structure located at the front of the property referenced above.

I understand this structure was constructed by a contractor based on the client's design, prior to obtaining a building permit from the local jurisdiction. At homeowner request, I performed a visual inspection of the accessible structural components of the carport and storage structure on April 2, 2025.

The purpose of my inspection was to assess the existing condition and structural integrity of the as-built structure. Based on my observations, the key structural components consist of the following:

1. **Foundation/Slab:** The structure is supported by a concrete slab measuring approximately 24 feet long by 19 feet wide. The slab has a minimum thickness of 4 inches and was specified to be constructed with concrete having a minimum compressive strength of 3,500 PSI per provided documents.
2. **Post Footings:** Pre-manufactured post bases are anchored into cast-in-place concrete footings. These footings per provided documents located within holes approximately 24 inches in diameter and 30 inches deep.
3. **Posts:** The primary vertical posts are 6x6 timber posts, spaced approximately 8 feet on center on length and 10 feet on width.
4. **Beams:** The posts support double 2x12 timber beams. Connections between posts and beams are per Montgomery County codes appropriate for the loads transferred.

5. **Roof Framing:** The roof structure consists of 2x10 timber joists spanning between the beams on 24" on center connected with Simson Strong- Hurricane Ties. Kicker connections were placed where applicable.
6. **Storage Unit:** The integrated storage unit framing utilizes suitably sized timber studs with appropriate connections observed. Appropriate roof shingles were installed.

Certification:

Based on my visual inspection of the accessible structural components on the date referenced above, and considering standard engineering principles and the typical structural requirements outlined in relevant building codes applicable in Montgomery County and International Residential Code, it is my professional engineering opinion that the existing carport and storage structure, as described herein, is **structurally sound and adequate for its intended use.**

The observed components and connections appear capable of supporting the anticipated roof loads, live loads, snow loads, and wind loads as per standard code requirements.

Should you have any further questions, please do not hesitate to contact me.

Photos 1 to 11 document the extent of the finding.

Respectfully Submitted,
Omid Gharavi, P.E., Licensed Structural Engineer
License Number: 44726





2025/04/02

Photo 1: General view of carport and storage room



Photo 2: Vertical Post found to be 6x6



Photo 3: Double 2x12 Timber Beams



Photo 4: 2x10 Timber Joist with bracing



Photo 5: Side view of the Carport and Storage room



Photo 6: Side view of the Carport and Storage room



Photo 7: Carpentry looking from Underneath



2025/04/02

Photo 8: Pre-manufactured post bases are anchored into cast-in-place concrete



Photo 9: Storage Room's structural components



Photo 10: Storage Room's structural components



Photo 11: Storage Room's structural component

Statement of Support for Proposed 108 Delford Avenue Carport (Case: 415048)

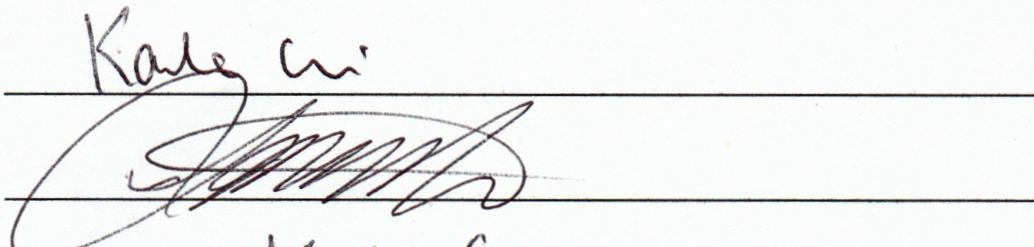
Montgomery County Board of Appeals
Council Office Building
100 Maryland Avenue
Room 217
Rockville, MD 20850

Dear Member of the Board,

I understand that Jason Teves and Monica Tierney have submitted a variance application to your office regarding a carport addition at their home located at 108 Delford Avenue, Silver Spring, MD 20904 (Case # 415048).

We have reviewed the structure and do not believe it encroaches on our property in any way. There is more than enough space between our property line and the carport, and we do not feel it is pushing any boundaries. Additionally, we believe the structure is consistent with the character of the neighborhood. The carport enhances the appearance of their property and has been constructed tastefully. We're pleased to see that the home now has a proper and well-integrated parking area.

Sincerely,



NAME (printed): Karla Gill

NAME (printed): Jorge Gill

ADDRESS: 112 Delford Avenue SS Md 20904

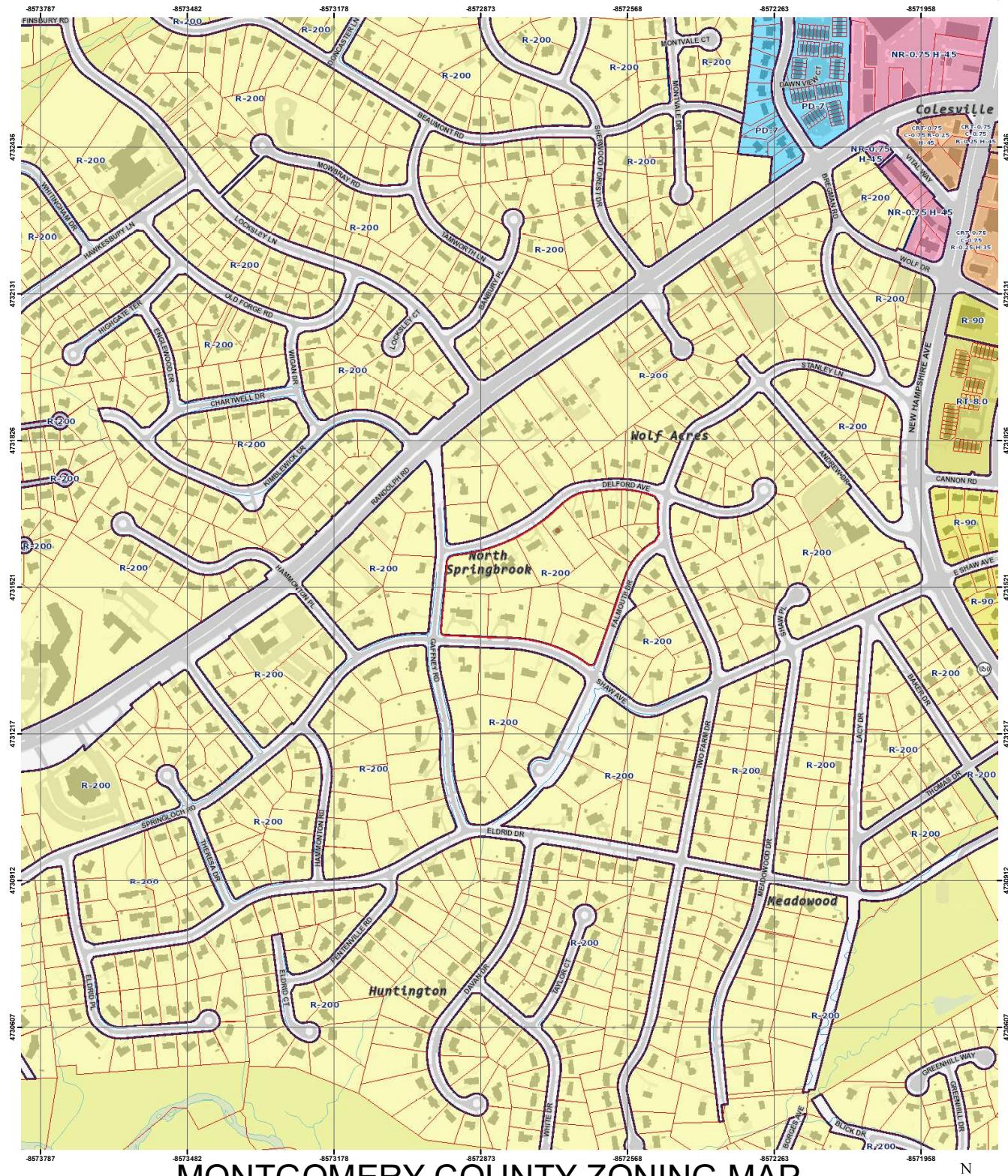
DATE: 7/21/2025

NOTES CONCERNING ZONING IN RIGHTS-OF-WAY

1. ZONE boundaries must not be established in public rights-of-way but must run to the centerline of each right-of-way.

2. ZONE boundaries must be established in rights-of-way previously dedicated by plats or other method of subdivision can be included in map amendments for density purposes, rights-of-way included in a map amendment boundary as the new zoning applied in the map amendment.

© Copyright MNCPPC 2010
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-8573482 -8573178 -8572873 -8572568 -8572263
MONTGOMERY COUNTY ZONING MAP
The Maryland-National Capital Park and Planning Commission Montgomery County Planning Department

I certify that this document is a copy of the official Montgomery County Zoning Map as downloaded from MCATLAS.ORG/ZONING

Signed

Athena Skoufias

Printed: 7/14/2025

$$1 \text{ inch} = 416 \text{ feet}$$



Exhibit 9

| | |
|-------------------|---|
| Account # | 00342428 |
| Address | 108 DELFORD AVE SILVER SPRING, 20904 |
| Landuse | Single Family Detached |
| Legal Description | NORTH SPRINGBROOK SE C 1 |
| Zone | R-200 |
| Overlay Zone | N/A |
| TDR Overlay Zone | N/A |
| Parking District | N/A |
| CBD | N/A |
| Parcel Lot/Block | N/A 1 4 |

| | |
|---------------------------|------------------------|
| Special Protection Area | N/A |
| Urban District | N/A |
| Enterprise Zone | N/A |
| Arts & Ent. District | N/A |
| Special Tax District | N/A |
| Bike/Ped 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 | WHITE OAK MASTER PLAN |
| Historic Site/District | N/A |

**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-6934

PETITION OF JASON TEVES AND MONICA TIERNEY

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 29th day of October, 2025, 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 detached carport, requires a variance of twenty-four (24) feet as it is within forty-one (41) feet of the front lot line. The required setback is sixty-five (65) feet, in accordance with Section 59.4.4.7.B.2 of the Zoning Ordinance.

The proposed construction also requires a variance to be located forward of the rear building line. As an accessory structure, the proposed detached carport must be located behind the rear building line of the principal building, in accordance with Section 59.4.4.7.B.2.a of the Zoning Ordinance.

Finally, the proposed construction requires a variance of three (3) feet as it is within nine (9) feet of the right side lot line. The required setback is twelve (12) feet, in accordance with Section 59.4.4.7.B.2 of the Zoning Ordinance.

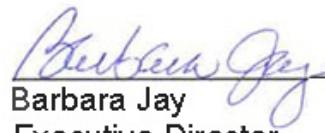
The subject property is Lot 1, Block 4, North Springbrook Sec 1 Subdivision, located at **108 Delford Avenue, Silver Spring, MD 20904** in the R-200 Zone. (Tax Number Account No. 05-00342428)

Notices forwarded this 26th day of September 2025, to:

Jason Teves and Monica Tierney
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.

CASE NO. A-6934

PETITION OF JASON TEVES AND MONICA TIERNEY

EXHIBIT LIST

1. Application
2. List of adjoining/confronting property owners
3. Statement of Justification
4. Site Plan
5. (a) Carport Sketch
(b) Birdseye View
(c) Photographs
6. DPS Building Permit Denial
7. April 9, 2025 Structural Engineering Certification Letter
8. Letter of Support
9. Zoning Vicinity Map
10. (a) Envelope showing date notice mailed
(b) Notice of hearing scheduled for October 29, 2025
11. _____
12. _____
13. _____
14. _____
15. _____