

OFFICE OF ZONING AND ADMINISTRATIVE HEARINGS
FOR MONTGOMERY COUNTY, MARYLAND
Council Office Building
100 Maryland Avenue
Rockville, Maryland 20850
(240) 777-6660

**IN THE MATTER OF A PARKING WAIVER
REQUEST FOR ACCESSORY APARTMENT
APPLICATION NO. 157433**

Abolghassem Kavandi

License Applicant

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AUSTIN MCNAMARA

Housing Code Inspector III
Representing the Department of
Housing & Community Affairs
(DHCA)

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Before: Kathleen Byrne, Hearing Examiner

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* OZAH Case No. ADW 26-02
* DHCA Pending License No. 157433
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REPORT AND DECISION

I. CASE SUMMARY

This matter was referred to the Office of Zoning and Administrative Hearings (OZAH) by the Montgomery County Department of Housing and Community Affairs (DHCA) after determining that the subject property located at **10609 Glenwild Road, Silver Spring, Maryland 20901**, did not satisfy the number of on-site parking spaces required by the Montgomery County Zoning Ordinance to support the request for an accessory dwelling unit under Pending License No. 157433. *See Montgomery County Zoning Ordinance, §59.3.3.3.A.2.c.ii.*

The Applicant applied for an accessory dwelling unit license on June 17, 2025. (Exhibit 2). In response, DHCA accepted the application and conducted a preliminary inspection on September 16, 2025. (Exhibit 5). The DHCA Report issued on September 17, 2025 in response to the preliminary inspection concluded that the on-site parking contains one off-street space measured approximately 220 square feet not meeting the minimum requirement of 480 square feet. (Exhibit 5).

In a R-60 Zone, approval of an ADU license by DHCA requires parking spaces for three (3) vehicles including parking spaces for the owner and only one vehicle may be parked for every 160 square feet of the surfaced parking area. *Montgomery County Zoning Ordinance*, §59.6.2.5.M.5. *Id.* at §59.3.3.3.A.2.c.ii.¹

On September 22, 2025, the License Applicant, Abolghassem Kavandi, filed a Request for Waiver of Accessory Dwelling Unit On-Site Parking Requirement for License Application No. 157433 which was accepted by OZAH. (Exhibit 1). On September 26, 2025, OZAH issued a Notice of Public Hearing on the waiver request, scheduling the hearing for October 16, 2025. (Exhibit 6). The public hearing proceeded as scheduled remotely, via Teams, on October 16, 2025. The Applicant, Mr. Kavandi, participated via Teams and testified under oath. Also present, virtually via Teams, was Housing Code Inspector Austin McNamara representing DHCA who also testified under oath. No one appeared in opposition or support of the request.

The Applicant testified in support of the requested waiver. Mr. Kavandi is the owner of the subject property. (Exhibit 1). He testified that his neighborhood does not have an HOA and there is plenty of street parking. T. 6. Further Mr. Kavandi explained that because his house is on a hill he believes that to be the reason for the one driveway and that several other homes have one

¹ A minimum of 480 square feet of on-site parking is required for the addition of an ADU.

driveway while others have garages and larger driveways. T. 6. Mr. Kavandi stated there is plenty of street parking and he is the only occupant of his house. T. 6-7. Mr. Kavandi submitted photos and a site plan for the subject property for consideration by the Hearing Examiner. (Exhibits 3 and 4). The photographs taken from the front of the property and along Glenwild Road depict plenty of available street parking. (Exhibit 3).

Housing Inspector, Austin McNamara, testified on behalf of DHCA that he inspected the property and did not observe a problem with street parking. T. 7. Mr. McNamara further testified that there are no parking restrictions on the street, the street ends in a cul-de-sac observing not much “through traffic” at all. T. 7. Additionally, Mr. McNamara stated he drives a pick-up truck for the County, and he never had an issue parking on the street and there is a reasonable amount of frontage for additional parking. T. 8.

II. FINDINGS AND CONCLUSIONS

The standards for approval of an accessory apartment are set out in both the Montgomery County Code (§§29-19, 29-26) and the Montgomery County Zoning Ordinance (§§ 3.3.3.A and B). The only issue before the Hearing Examiner is whether on-street parking is adequate to serve the proposed ADU. The Inspection Report states with regard to parking to support the ADU license to be approved there must be:

“4. Onsite parking of at least 480 square feet, the minimum parking space for three vehicles, however, if a new driveway must be constructed for the ADU then a total of at least two on-site parking spaces must be provided. On-site parking is not required if the property is located within 1 mile of Metrorail, Purple Line, or MARC Rail Station..”

(Exhibit 3, p.2).

The subject property has a driveway that measures 260 feet less than the required off-street parking space requirement of 480 square feet. The Zoning Ordinance requires a minimum of three (3) parking spaces on the property to support the primary dwelling unit and the accessory

apartment. *Zoning Ordinance*, §§59.3.3.3.A.2.c.ii, 59.6.2.4. License applicants whose property does not meet the onsite parking requirements may seek a waiver of the parking requirements if there is “adequate” on-street parking to support the proposed apartment. Alternate parking is adequate if:

- (A) the available parking for residents within 300 feet of the proposed accessory apartment would permit a resident to park on-street near his or her residence on a regular basis; and*
- (B) the proposed accessory apartment is not likely to reduce the available on-street parking within 300 feet of the proposed accessory apartment.*

Montgomery County Code, §29-26(b)(6).

Mr. McNamara testified that the property has been properly posted and has passed the other inspection requirements and is waiting for waiver approval to be granted before the license can be issued. T. 9.

The Hearing Examiner finds from the exhibits filed and the testimony of Mr. Kavandi and Inspector McNamara that there is adequate available on-street parking for residents and the proposed ADU is not likely to reduce the available on-street parking within 300 feet of the property. The evidence in this record supports the finding that on-street parking will be adequate under §29-26(b) of the Montgomery County Code to support an ADU.

ORDER

For the foregoing reasons, the Hearing Examiner hereby orders, on this 28th day of October 2025, that the Applicant’s request for a waiver of the number of spaces required for the accessory apartment located at 10609 Glenwild Road, Silver Spring, Maryland 20901 (DHCA Pending License No. 157433) is granted.

Office of Zoning and Administrative Hearings



Kathleen E. Byrne
Hearing Examiner

COPIES TO:

Abolghassem Kavandi, Applicant
Austin McNamara, DHCA

NOTICE OF RIGHT TO APPEAL

Any party aggrieved by the Hearing Examiner's decision on a waiver may request the Circuit Court to review the Hearing Examiner's final decision under the Maryland Rules of Procedure. The Civil Division of the Montgomery County Circuit Court is located at: North Tower, 1st Floor, Rm 1200, 50 Maryland Avenue, Rockville, MD 20850. The phone number is (240) 777-9401. Anyone wishing to file an appeal should check with the Court on operations at: <https://www.montgomerycountymd.gov/cct/departments/civil-department.html>.