

Executive Session—6:30 p.m.

NOTICE: The Chevy Chase Village Board of Managers will convene in Executive Session in the Chevy Chase Village Hall, 5906 Connecticut Avenue, Chevy Chase, MD 20815, pursuant to Section 10-508(a) (4) and (7) of the General Provisions Article, Annotated Code of Maryland, to discuss negotiations with the owner with respect to proposed modifications at the Chevy Chase Center site and related site plan amendments and to receive legal advice with respect to the negotiations and the Montgomery County Planning Board process and other zoning matters.

Regular Meeting—7:30 p.m.

1. Meeting Called To Order
Mr. Michael L. Denger, Chair
2. Approval Of Minutes From The Previous Board Of Managers' Meetings
 - Executive Session - April 11, 2016
 - Regular Monthly Meeting - April 11, 2016

3. Variance And Special Permit Requests

- 3.I. A-6896 (Retroactive Variance Request): Mr. Ioannis & Ms. Christina Kessides 207 Primrose Street
Maintain:
 - a) an areaway roof cover which has been constructed and which encroaches a maximum of one foot, eight and one-half inches (1'-8 ½") into the seven (7) foot side (north) yard setback; and
 - b) a roof overhang extending from the rear porch which has been constructed and which encroaches a maximum of six (6) inches into the seven (7) foot side (north) yard setback.

Documents: [A-6896 A B - 207 PRIMROSE STREET.PDF](#)

- 3.II. A-6932 (A) & (B) (Variance Request): Mr. Frank H. & Ms. Cathryn McCulloch 5604 Kirkside Drive
Construct:
 - a) an expanded portico, which would encroach a maximum of five feet, five inches (5'-5") forward of the twenty-five (25) foot front (Kirkside Drive) building restriction line (BRL). The proposed portico would be eleven (11) inches wider than the existing portico, which presently encroaches three feet, nine and one-quarter inches (3'-9 ¼") forward of the front BRL; and
 - b) an expanded front stoop and steps, which would encroach a maximum of nine (9) feet forward of the twenty-five (25) foot front (Kirkside Drive) building restriction line. The proposed stoop would be nine (9) inches wider than the existing stoop and the proposed steps would be two feet, eleven inches (2'-11") wider than the existing front steps, which presently encroach a maximum of six feet, ten and one-quarter inches (6'-10 ¼") forward of the twenty-five foot front BRL.

Documents: [A-6932 A B - 5604 KIRKSIDE DRIVE.PDF](#)

4. 7:45 P.M. @7:45 P.m. Public Comments On Proposed Redesign Of Chevy Chase
*This matter will be considered promptly at 7:45 p.m.
Open for public comment.*

5. Treasurer's Report
Mr. Gary Crockett, Board Treasurer

Documents: [TREASURERS REPORT.PDF](#)

6. Matters Presented For Board Discussion And Possible Action (Where Required)

- 6.I. Landscape Plan For Betty English Garden
Ms. Susan Kilborn (Oliver Street) and Ms. Nancy Caffey
Garden Club of Chevy Chase

Documents: [CHEVY CHASE GARDEN CLUB - BETTY ENGLISH GARDEN.PDF](#)

7. Commission And Committee Appointments

- 7.I. Financial Review Committee
Board appointment of Brian Christaldi (Oliver Street) as a member

7.II. Tree Ordinance Board

- Board appointment of Elizabeth Tyndall (East Melrose Street) as a member to serve a three-year term
- Board appointment of Aaron Kramer (West Irving Street) as an alternate member to serve a two-year term
- Board appointment of Susan Kirby (East Lenox Street) as an alternate member to serve a one-year term

8. Police Report
Mr. John M. Fitzgerald, Police Chief

Documents: [MONTHLY POLICE REPORT - APRIL 2016.PDF](#)

9. Manager's Report

- Building and Tree Permits and Code Enforcement Report
- Capital and Infrastructure Upgrade Projects Report
- Village Hall Activity Report
- Legal Counsel Report

Documents: [PERMITTING AND CODE ENFORCEMENT REPORT.PDF](#), [UPDATE OF CAPITAL AND INFRASTRUCTURE UPGRADE PROJECTS - MAY 2016.PDF](#), [VILLAGE HALL ACTIVITY REPORT.PDF](#)

Next Regular Board of Managers' Meeting

Monday, June 13, 2016 at 7:30 p.m. in the Village Hall

A-6896 (a) & (b)
Variance Request

Maintain:

- a) an areaway roof cover which has been constructed and which encroaches a maximum of one foot, eight and one-half inches (1'-8 1/2") into the seven (7) foot side (north) yard setback; and
- b) a roof overhang extending from the rear porch which has been constructed and which encroaches a maximum of six (6) inches into the seven (7) foot side (north) yard setback.

Mr. Ioannis N. and Ms. Christine F. Kessides
Trustees of the Christine Fallert Kessides
Revocable Trust
207 Primrose Street

**A-6896 (a) & (b)
Variance Request**

- The Staff Report has been amended following additional research performed by staff which found additional relevant Board cases for two approvals for additions into the side yard setback creating encroachment; and
- An additional letter of support was received

Mr. Ioannis N. and Ms. Christine F. Kessides
Trustees of the Christine Fallert Kessides
Revocable Trust
207 Primrose Street

**CHEVY CHASE VILLAGE
BOARD OF MANAGERS
MAY 9, 2016 MEETING**

STAFF INFORMATION REPORT- AMENDED

TO: BOARD OF MANAGERS
FROM: ELLEN SANDS, PERMITTING AND CODE ENFORCEMENT COORDINATOR
DATE: 5/10/2016
SUBJECT: HEARING OF CASE NO. A-6896 (A) & (B) VARIANCE REQUEST
MR. IOANNIS KESSIDIS & MS. CHRISTINE KESSIDES, 207 PRIMROSE STREET
MAINTAIN:
A) AN AREAWAY ROOF COVER WHICH HAS BEEN CONSTRUCTED AND WHICH ENCROACHES A
MAXIMUM OF ONE FOOT, EIGHT AND ONE-HALF INCHES (1'-8 1/2") INTO THE SEVEN (7) FOOT
SIDE (NORTH) YARD SETBACK; AND
B) A ROOF OVERHANG EXTENDING FROM THE REAR PORCH WHICH HAS BEEN CONSTRUCTED
AND WHICH ENCROACHES A MAXIMUM OF SIX (6) INCHES INTO THE SEVEN (7) FOOT SIDE
(NORTH) YARD SETBACK.

NOTICE REQUIREMENTS: Abutting Owners; Public Notice

APPLICABLE CHEVY CHASE BUILDING REGULATION:

The Chevy Chase Village Code Sec. 8-16 (g) states:

Side and Rear Setback. Except as otherwise specifically stated in this Chapter, no part of any building or structure shall be erected or maintained within seven (7) feet of the side or rear lot lines, nor within ten (10) feet of the nearest adjacent dwelling. Provided, however, that externally attached gutters shall not be considered part of any building or structure for the purposes of the subsection.

APPLICABLE COVENANTS:

"...no part of any house or structure appurtenant thereto shall be erected or maintained within five (5) feet of the side lines of premises hereby conveyed nor within ten feet of the nearest house."
[Neither the areaway roof nor the roof overhang encroach into the covenant setback.]

FACTUAL AND BACKGROUND INFORMATION:

The property is located on the east side of Primrose Street.

The Applicants have an open Building Permit #6698 for construction of an addition to the rear of the existing house.

While on routine code enforcement visit to the property observing construction of the permitted work, staff observed that an areaway and roofed covering, supported by columns, had been constructed. This work had not been included in the issued Village Building Permit, nor had it been reflected on the plans permitted by the Montgomery County Department of Permitting Services. Staff contacted the resident and advised that the additional scope of work required an amendment to the County and Village Building Permits. When the resident submitted the Building Permit Application and drawings for the permit

amendment, Staff determined that the areaway, which is considered a below-grade feature and is not subject to Village Code setback regulations, was compliant but the roof, which is subject to Village Code setback regulations, encroached into the seven foot side yard setback. Staff also determined that a portion of the roof overhang extending along the rear of the house also encroached into the side yard setback. Subsequently, the resident obtained the County's approval (Montgomery County regulations allow roofed but open areas to encroach into the setback).

Neither the areaway nor the roof overhang encroach into the five foot covenant setback applicable to the property.

To date, one email, from Mr. & Mrs. Ivo Spalatin of 206 Primrose Street, has been received in support of the request. No correspondence in opposition to the requests has been received.

Applicable Fees: Building Permit Application: \$30; Variance Application Fee: \$300.



Figure 1: Looking west from the side yard; only the roof overhang and columns extending from the red brick portion of the structure encroach.



Figure 2: View of the roof overhang beyond the areaway which encroaches six (6) inches into the side yard setback.

RELEVANT PRECEDENTS:

Most variance requests for encroachments of the dwelling into the side yard setback have been either to align with existing encroachments or to construct second floor additions over existing one story encroachments; including: January of 2009 Mr. Thomas Schaufelberger and Ms. Joanne Kyros of 135 Grafton Street were granted a variance to modify the roof line of a previously approved addition and extend it over a new addition, the gutter of which would encroach an additional six (6) inches into the west seven (7) foot side yard setback for a total encroachment of two feet, six inches. In December of 2013 Mr. & Mrs. Patrick Conway of 5 East

Melrose Street were granted permission to construct a two-story addition, the proposed soffit and gutter of which would encroach a maximum of three feet, ten inches (3'-10") into the east (side) yard setback.

~~This~~ In this variance request ~~is not typical in that~~ the existing house does not encroach into the side yard setback and the Applicants seek retroactive approval for a new encroachment that projects beyond all existing lines of the house.¹ The Board did previously **deny** a variance for an encroachment into the side yard setback, which was requested by Oliver Street Venture LLC in March 1997 to maintain a bay window overhang that was constructed and was located six feet, five inches (6'-5") from the west (side) property line at 4021 Oliver Street. The bay window had been modified from the approved drawings and was constructed without approval. In November 1986 Mr. & Mrs. Richard Perle were granted a variance to construct an addition which would be located five feet from the side (west) property line (encroaching two feet into the side yard setback). In 1990 Thomas Schaufelberger & Joanne Kyros were granted a variance to construct an addition which would encroach two feet into the five foot side yard setback.

Findings Required:

1. The proposed variance is required because special conditions exist whereby the enforcement of the requirements of the Village Building Code would result in an unwarranted hardship and injustice to the owner.
2. The proposed variance will most nearly accomplish the intent and purpose of the requirements of the Village Building Code; and
3. Except for variances from the requirements of Sections 8-21 [fences], 8-26 [driveways] or Chapter 25 [public rights-of-way] of the Village Regulations, the structure authorized by the proposed variance would not violate any covenant applicable to the property.

¹ There have been requests pursuant to the same Code section for structures not attached to the main dwelling such as a therapeutic bath that would encroach into the side and rear setback and to maintain a pizza oven which was built and encroached into the side yard setback.

Draft Motion

I move to APPROVE/DENY the variance request in Case A-6896 (a) [areaway roof cover] on the basis that the evidence presented, including the Staff Report, demonstrates that the applicable requirements for approval of the variance HAVE/HAVE NOT been met. Staff is directed to draft a decision based on this evidence, including findings of fact and conclusions, APPROVING/DENYING the variance request.

I move to APPROVE/DENY the variance request in Case A-6896 (b) [roof overhang] on the basis that the evidence presented, including the Staff Report, demonstrates that the applicable requirements for approval of the variance HAVE/HAVE NOT been met. Staff is directed to draft a decision based on this evidence, including findings of fact and conclusions, APPROVING/DENYING the variance request.

**CHEVY CHASE VILLAGE
NOTICE OF PUBLIC HEARING**

Please take notice that the Chevy Chase Village Board of Managers will hold a public hearing on the 9th day of May, 2016 at 7:30 p.m. The hearing will be held at the Chevy Chase Village Hall at 5906 Connecticut Avenue in Chevy Chase, Maryland.

**APPEAL NUMBER A-6896 (A) & (B)
MR. IOANNIS K. & MS. CHRISTINE F. KESSIDES
TRUSTEES FOR THE CHRISTINE FALLERT KESSIDES REVOCABLE TRUST
207 PRIMROSE STREET
CHEVY CHASE, MARYLAND 20815**

The applicants seek a variance from the Board of Managers pursuant to Section 8-9 of the Chevy Chase Village Building Code to maintain:

- a) an areaway roof cover which has been constructed and which encroaches a maximum of one foot, eight and one-half inches (1'-8 ½") into the seven (7) foot side (north) yard setback; and
- b) a roof overhang extending from the rear porch which has been constructed and which encroaches a maximum of six (6) inches into the seven (7) foot side (north) yard setback.

Sec. 8-16. Residential building construction prohibitions.

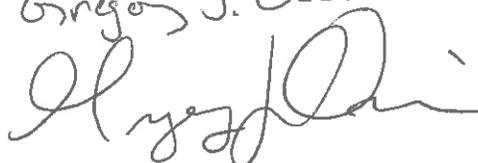
(g) Side and Rear Setback. Except as otherwise specifically stated in this Chapter, no part of any building or structure shall be erected or maintained within seven (7) feet of the side or rear lot lines, nor within ten (10) feet of the nearest adjacent dwelling. Provided, however, that externally attached gutters shall not be considered part of any building or structure for the purposes of the subsection.

Additional information regarding this appeal may be obtained at the Chevy Chase Village Office between the hours of 9:00 a.m. and 5:00 p.m. Monday through Friday, may be viewed on the Village website at www.chevychasevillagemd.gov or you may contact the office for this information to be mailed to you.

This notice was mailed (and emailed where possible) and to abutting and confronting property owners on the 28th day of April, 2016.

**Chevy Chase Village Office
5906 Connecticut Avenue
Chevy Chase, Maryland 20815
301-654-7300**

The Ossi's at 209 Primrose Street
have no objection to the above-requested variance.

Gregory J. Ossi


**CHEVY CHASE VILLAGE
BOARD OF MANAGERS
MAY 9, 2016 MEETING**

CASE SYNOPSIS

TO: BOARD OF MANAGERS
FROM: ELLEN SANDS, PERMITTING AND CODE ENFORCEMENT COORDINATOR
DATE: 5/9/2016
SUBJECT: HEARING OF CASE NO. A-6896 (A) & (B) VARIANCE REQUEST
MR. IOANNIS KESSIDIS & MS. CHRISTINE KESSIDES, 207 PRIMROSE STREET
MAINTAIN:
A) AN AREAWAY ROOF COVER WHICH HAS BEEN CONSTRUCTED AND WHICH ENCROACHES A
MAXIMUM OF ONE FOOT, EIGHT AND ONE-HALF INCHES (1'-8 1/2") INTO THE SEVEN (7) FOOT
SIDE (NORTH) YARD SETBACK; AND
B) A ROOF OVERHANG EXTENDING FROM THE REAR PORCH WHICH HAS BEEN CONSTRUCTED
AND WHICH ENCROACHES A MAXIMUM OF SIX (6) INCHES INTO THE SEVEN (7) FOOT SIDE
(NORTH) YARD SETBACK.

NOTICE REQUIREMENTS: Abutting Owners; Public Notice

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APPLICABLE COVENANTS:

"...no part of any house or structure appurtenant thereto shall be erected or maintained within five (5) feet of the side lines of premises hereby conveyed nor within ten feet of the nearest house."
[Neither the areaway roof nor the roof overhang encroach into the covenant setback.]

FACTUAL AND BACKGROUND INFORMATION:

The Applicants have an open Building Permit #6698 for construction of an addition to the rear of the existing house.

While on routine code enforcement visit to the property observing construction of the permitted work, staff observed that an areaway and roofed covering, supported by columns, had been constructed. This work had not been included in the issued Village Building Permit, nor had it been reflected on the plans permitted by the Montgomery County Department of Permitting Services. Staff contacted the resident and advised that the additional scope of work required an amendment to the County and Village Building Permits. When the resident submitted the Building Permit Application and drawings for the permit amendment, Staff determined that the areaway, which is considered a below-grade feature and is not subject to Village Code setback regulations, was compliant but the roof, which is subject to Village Code setback

regulations, encroached into the seven foot side yard setback. Staff also determined that a portion of the roof overhang extending along the rear of the house also encroached into the side yard setback. Subsequently, the resident obtained the County's approval (Montgomery County regulations allow roofed but open areas to encroach into the setback).

Neither the areaway nor the roof overhang encroach into the five foot covenant setback applicable to the property.

An additional email, from Jeffrey Selingo of 205 Primrose Street was received this morning in support of the request; it has been copied and is at the Board's places.

The earlier Staff Report may have implied that all previous cases were for expansion of existing encroachments but that is not the case. An amended Staff Information Report (at your places) reflects that two cases were found granting requests for new encroachments into the side yard setback.

Findings Required:

1. The proposed variance is required because special conditions exist whereby the enforcement of the requirements of the Village Building Code would result in an unwarranted hardship and injustice to the owner.
2. The proposed variance will most nearly accomplish the intent and purpose of the requirements of the Village Building Code; and
3. Except for variances from the requirements of Sections 8-21 [fences], 8-26 [driveways] or Chapter 25 [public rights-of-way] of the Village Regulations, the structure authorized by the proposed variance would not violate any covenant applicable to the property.

Draft Motion

I move to APPROVE/DENY the variance request in Case A-6896 (a) [areaway roof cover] on the basis that the evidence presented, including the Staff Report, demonstrates that the applicable requirements for approval of the variance HAVE/HAVE NOT been met. Staff is directed to draft a decision based on this evidence, including findings of fact and conclusions, APPROVING/DENYING the variance request.

I move to APPROVE/DENY the variance request in Case A-6896 (b) [roof overhang] on the basis that the evidence presented, including the Staff Report, demonstrates that the applicable requirements for approval of the variance HAVE/HAVE NOT been met. Staff is directed to draft a decision based on this evidence, including findings of fact and conclusions, APPROVING/DENYING the variance request.

**CHEVY CHASE VILLAGE
BOARD OF MANAGERS
MAY 9, 2016 MEETING**

STAFF INFORMATION REPORT

TO: BOARD OF MANAGERS
FROM: ELLEN SANDS, PERMITTING AND CODE ENFORCEMENT COORDINATOR
DATE: 5/4/2016
SUBJECT: HEARING OF CASE NO. A-6896 (A) & (B) VARIANCE REQUEST
MR. IOANNIS KESSIDIS & MS. CHRISTINE KESSIDES, 207 PRIMROSE STREET
MAINTAIN:
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amendment, Staff determined that the areaway, which is considered a below-grade feature and is not subject to Village Code setback regulations, was compliant but the roof, which is subject to Village Code setback regulations, encroached into the seven foot side yard setback. Staff also determined that a portion of the roof overhang extending along the rear of the house also encroached into the side yard setback. Subsequently, the resident obtained the County's approval (Montgomery County regulations allow roofed but open areas to encroach into the setback).

Neither the areaway nor the roof overhang encroach into the five foot covenant setback applicable to the property.

To date, one email, from Mr. & Mrs. Ivo Spalatin of 206 Primrose Street, has been received in support of the request. No correspondence in opposition to the requests has been received.

Applicable Fees: Building Permit Application: \$30; Variance Application Fee: \$300.



Figure 1: Looking west from the side yard; only the roof overhang and columns extending from the red brick portion of the structure encroach.



Figure 2: View of the roof overhang beyond the areaway which encroaches six (6) inches into the side yard setback.

RELEVANT PRECEDENTS:

Most variance requests for encroachments of the dwelling into the side yard setback have been either to align with existing encroachments or to construct second floor additions over existing one story encroachments; including: January of 2009 Mr. Thomas Schaufelberger and Ms. Joanne Kyros of 135 Grafton Street were granted a variance to modify the roof line of a previously approved addition and extend it over a new addition, the gutter of which would encroach an additional six (6) inches into the west seven (7) foot side yard setback for a total encroachment of two feet, six inches. In December of 2013 Mr. & Mrs. Patrick Conway of 5 East

Melrose Street were granted permission to construct a two-story addition, the proposed soffit and gutter of which would encroach a maximum of three feet, ten inches (3'- 10") into the east (side) yard setback.

This variance request is not typical in that the existing house does not encroach into the side yard setback and the Applicants seek retroactive approval for a new encroachment that projects beyond all existing lines of the house.¹ The Board did previously **deny** a variance for an encroachment into the side yard setback, which was requested by Oliver Street Venture LLC in March 1997 to maintain a bay window overhang that was constructed and was located six feet, five inches (6'-5") from the west (side) property line at 4021 Oliver Street. The bay window had been modified from the approved drawings and was constructed without approval.

Findings Required:

1. The proposed variance is required because special conditions exist whereby the enforcement of the requirements of the Village Building Code would result in an unwarranted hardship and injustice to the owner.
2. The proposed variance will most nearly accomplish the intent and purpose of the requirements of the Village Building Code; and
3. Except for variances from the requirements of Sections 8-21 [fences], 8-26 [driveways] or Chapter 25 [public rights-of-way] of the Village Regulations, the structure authorized by the proposed variance would not violate any covenant applicable to the property.

Draft Motion

I move to APPROVE/DENY the variance request in Case A-6896 (a) [areaway roof cover] on the basis that the evidence presented, including the Staff Report, demonstrates that the applicable requirements for approval of the variance HAVE/HAVE NOT been met. Staff is directed to draft a decision based on this evidence, including findings of fact and conclusions, APPROVING/DENYING the variance request.

I move to APPROVE/DENY the variance request in Case A-6896 (b) [roof overhang] on the basis that the evidence presented, including the Staff Report, demonstrates that the applicable requirements for approval of the variance HAVE/HAVE NOT been met. Staff is directed to draft a decision based on this evidence, including findings of fact and conclusions, APPROVING/DENYING the variance request.

¹ There have been requests pursuant to the same Code section for structures not attached to the main dwelling such as a therapeutic bath that would encroach into the side and rear setback and to maintain a pizza oven which was built and encroached into the side yard setback.

**CHEVY CHASE VILLAGE
NOTICE OF PUBLIC HEARING**

Please take notice that the Chevy Chase Village Board of Managers will hold a public hearing on the 9th day of May, 2016 at 7:30 p.m. The hearing will be held at the Chevy Chase Village Hall at 5906 Connecticut Avenue in Chevy Chase, Maryland.

**APPEAL NUMBER A-6896 (A) & (B)
MR. IOANNIS N. & MS. CHRISTINE F. KESSIDES
TRUSTEES FOR THE CHRISTINE FALLERT KESSIDES REVOCABLE TRUST
207 PRIMROSE STREET
CHEVY CHASE, MARYLAND 20815**

The applicants seek a variance from the Board of Managers pursuant to Section 8-9 of the Chevy Chase Village Building Code to maintain:

- a) an areaway roof cover which has been constructed and which encroaches a maximum of one foot, eight and one-half inches (1'-8 ½") into the seven (7) foot side (north) yard setback; and
- b) a roof overhang extending from the rear porch which has been constructed and which encroaches a maximum of six (6) inches into the seven (7) foot side (north) yard setback.

Sec. 8-16. Residential building construction prohibitions.

(g) Side and Rear Setback. Except as otherwise specifically stated in this Chapter, no part of any building or structure shall be erected or maintained within seven (7) feet of the side or rear lot lines, nor within ten (10) feet of the nearest adjacent dwelling. Provided, however, that externally attached gutters shall not be considered part of any building or structure for the purposes of the subsection.

Additional information regarding this appeal may be obtained at the Chevy Chase Village Office between the hours of 9:00 a.m. and 5:00 p.m. Monday through Friday, may be viewed on the Village website at www.chevychasevillagemd.gov or you may contact the office for this information to be mailed to you.

This notice was mailed (and emailed where possible) and to abutting and confronting property owners on the 28th day of April, 2016.

**Chevy Chase Village Office
5906 Connecticut Avenue
Chevy Chase, Maryland 20815
301-654-7300**

CHEVY CHASE VILLAGE

ESTABLISHED 1890

April 28, 2016

Mr. & Mrs. Ioannis Kessides
207 Primrose Street
Chevy Chase, MD 20815

Dear Mr. & Mrs. Kessides:

Please note that your request for a variance to maintain the areaway covering and the porch roof extension constructed in the north side yard of your property is scheduled for consideration before the Board of Managers on Monday, May 9, 2016 at 7:30 p.m. Either you or another representative must be in attendance to present your case. At that time, additional documents may be introduced and testimony can be provided in support of the request.

A decision will be made by the Board at the hearing and staff will be directed to draft a written decision pursuant to the Board's direction. No further work on the areaway or porch roof extension may take place until all applicable permits are issued.

For your convenience, enclosed please find copies of the Public Hearing Notices and mailing list. Please contact the Village office in advance if you are unable to attend.

Sincerely,



Ellen Sands
Permitting and Code Enforcement
Chevy Chase Village

Enclosures

CHEVY CHASE VILLAGE
5906 Connecticut Avenue
Chevy Chase, Maryland 20815
Phone (301) 654-7300
Fax (301) 907-9721
ccv@montgomerycountymd.gov
www.chevychasevillagemd.gov

BOARD OF MANAGERS

MICHAEL L. DINGER
Chair

ELISSA A. LEONARD
Vice Chair

RICHARD M. RUDA
Secretary

DAVID L. WINSTEAD
Assistant Secretary

GARY CROCKETT
Treasurer

ROBERT C. GOODWIN, JR.
Assistant Treasurer

MINH LE
Board Member

VILLAGE MANAGER
SHANA R. DAVIS-COOK

LEGAL COUNSEL
SUELLEN M. FERGUSON

MAILING LIST FOR APPEAL A-6896

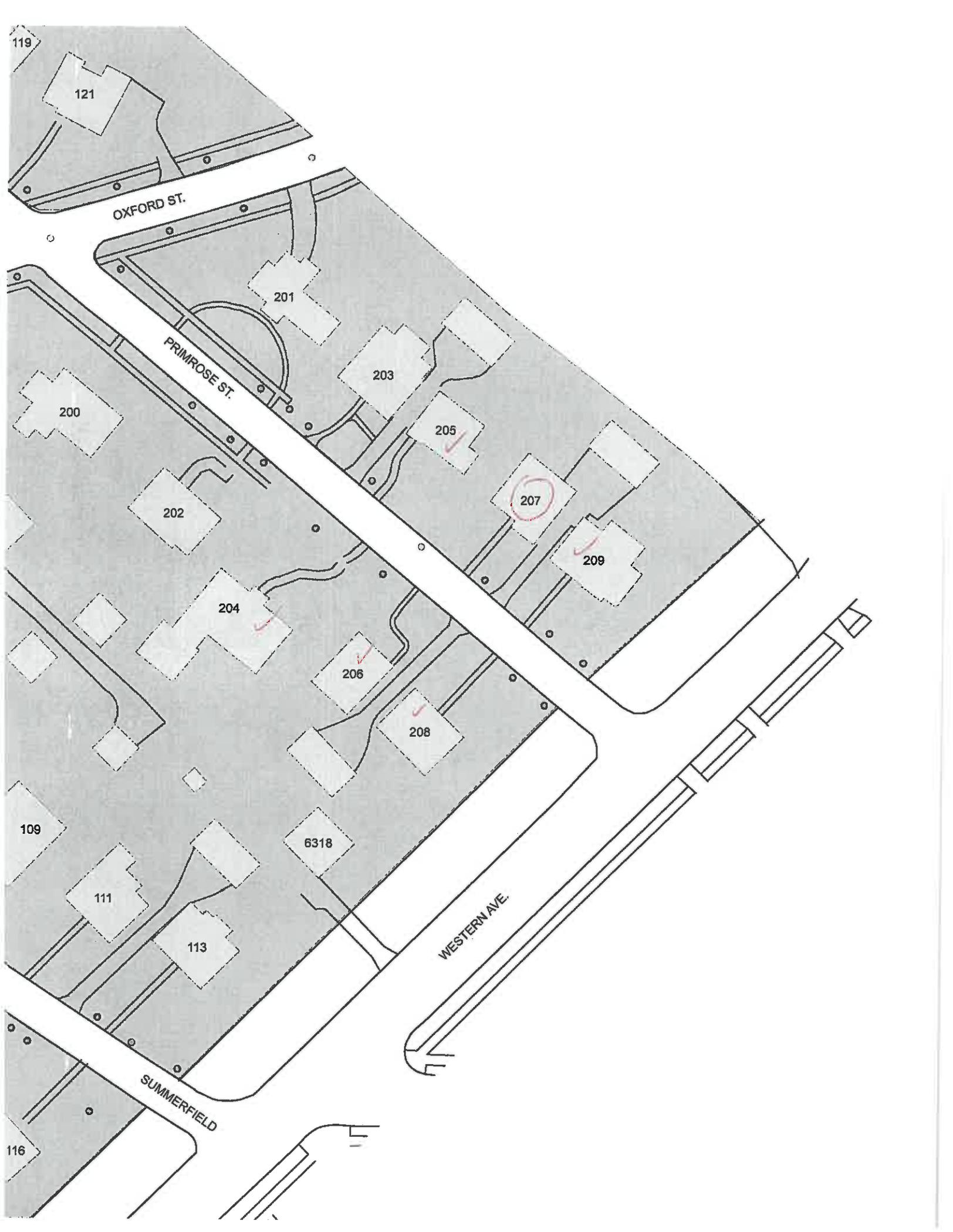
**MR. & MS. IOANNIS KESSIDES
207 PRIMROSE STREET
CHEVY CHASE, MD 20815**

Adjoining and confronting property owners	
Ms. Heather Salko Selingo & Mr. Jeffrey Selingo Or Current Resident 205 Primrose Street Chevy Chase, MD 20815	Mr. & Mrs. Gregory J. Ossi Or Current Resident 209 Primrose Street Chevy Chase, MD 20185
Mr. & Mrs. Brian Connolly, Jr. Or Current Resident 208 Primrose Street Chevy Chase, MD 20815	Mr. & Ms. Evgeny Bakhtin Or Current Resident 204 Primrose Street Chevy Chase, MD 20815
Mr. & Mrs. Ivo Spalatin Or Current Resident 206 Primrose Street Chevy Chase, MD 20815	

ES

I hereby certify that a public notice was emailed (where possible) and mailed to the
aforementioned property owners on the 28th day of April 2016.

**Ellen Sands
Permitting and Code Enforcement Coordinator
Chevy Chase Village
5906 Connecticut Avenue
Chevy Chase, MD 20815**



119

121

OXFORD ST.

201

PRIMROSE ST.

203

200

205

202

207

209

204

206

208

109

6318

WESTERN AVE.

111

113

SUMMERFIELD

116

Chevy Chase Village

Application for a Variance

A variance is permission granted by the Board of Managers pursuant to, and subject to, the conditions of Sec. 8-9(c) of Chapter 8 to construct, install, remove or alter a structure or planting, or take any other action that does not otherwise meet the requirements of the Chapter. Except as provided in Sec. 8-11 a variance can be granted only by the Board of Managers.

Subject Property: <u>207 PALMROSE STREET</u>	
Describe the Proposed Project: <u>Roof overhang at the level of the first floor ceiling attached to the northwest side wall to protect the areaway and the door to the basement.</u>	
Applicant Name(s) (List all property owners): <u>IOANNIS AND CHRISTINE KESSIDES</u>	
Daytime telephone: <u>301-951-8551</u>	Cell: <u>301-653-0674</u>
E-mail: <u>ioannis.kessides@gmail.com</u>	
Address (if different from property address):	
For Village staff use:	
Date this form received: <u>4/20/16</u>	Variance No: <u>A-6899</u>

Filing Requirements:

Applications will be reviewed for satisfaction of all requirements and are not considered complete until approved as such by staff.

- Completed Chevy Chase Village Application for a Variance (this form)
- Completed Chevy Chase Village Building Permit Application
- Completed Chevy Chase Village Website Posting Notice
- A boundary survey or plat diagram with a margin of error of one tenth of a foot or less showing all existing structures, projections and impervious surfaces.
- Surveys, plats, engineering reports, construction plans/specifications or other accurate drawings showing boundaries, dimensions, and area of the property, as well as the location and dimensions of all structures/fences/walls/etc., existing and proposed to be erected, and the distances of such structures/fences/walls/etc., from the nearest property lines. These drawings shall incorporate and display reference dimensions from the boundary survey or plat diagram required above.
- Copy of Covenants applicable to the property except for variances from Secs. 8-21 or 8-26 of Chapter 8 (Building Regulations) or Chapter 25 (Public Rights-of-Way) of the Chevy Chase Village Code.
- Variance fee (See fee schedule listed in Chapter 6 of the Village Code).

Affidavit

I hereby certify that I have the authority to submit the foregoing application, that all owners of the property have signed below, that I have read and understand all requirements and that I or an authorized representative will appear at the scheduled public hearing in this matter. I hereby authorize the Village Manager, or the Manager's designee, and/or the Board of Managers to enter onto the subject property for the purposes of assessing the site in relation to this variance request. I hereby declare and affirm, under penalty of perjury, that all matters and facts set forth in the foregoing application are true and correct to the best of my knowledge, information and belief.

Applicant's Signature: Ioannis Kessides

Date: Feb 26, 2016

Applicant's Signature: Christine Kessides

Date: Feb 26, 2016

6

Describe the basis for the variance request (Applicants should become familiar with the pertinent sections of the Village Code. Attach additional pages as needed):

Describe the special conditions of the property (e.g., odd shape, small size, sloping topography, abuts state highway, etc.) and how the property compares to other properties in the Village:

SEE ATTACHED STATEMENT

Describe how enforcement of the building regulations would result in an unwarranted hardship and injustice because of the special condition(s) described above (i.e., describe (i) the unwarranted hardship and injustice that you claim exists and (ii) how the special conditions cause that unwarranted hardship and injustice):

SEE ATTACHED STATEMENT

Describe how the proposed variance most nearly accomplishes the intent and purpose of the requirements of Chapter 8 of the Chevy Chase Village Code, entitled *Buildings and Building Regulations*:

SEE ATTACHED STATEMENT

In exercising its powers in connection with a variance request, the Chevy Chase Village Board of Managers may reverse or affirm, wholly or partly, or may modify the requirement, decision or determination as it deems appropriate.

Variance Filing Fee <i>Per Village Code Sec. 6-2(a)(24):</i> <input checked="" type="checkbox"/> \$300.00 for new construction. <input type="checkbox"/> \$150.00 for replacing existing non-conformities. <input type="checkbox"/> \$300.00 for fences, walls, play equipment, trees, hedges, shrubbery in the public right-of-way. <input type="checkbox"/> Other: \$ _____ Fee Paid: \$300.00	Checks Payable To: Chevy Chase Village 5906 Connecticut Ave. Chevy Chase, MD 20815 Date Paid: Staff Signature:
	Approved to Issue Building Permit per Board Decision Signed by the Board Secretary. Signature: _____ Village Manager Date: _____

To: Chevy Chase Board of Managers
From: Ioannis and Christine Kessides, 207 Primrose Street

IK *CK*

Date: April 20, 2016

Re: Homeowners' Statement Pertaining to Application for Variance #A-6899

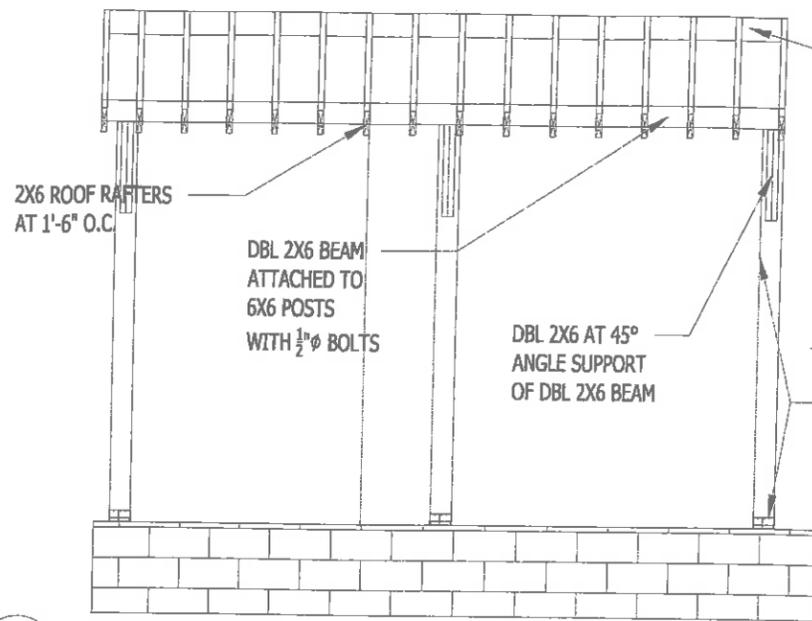
We respectfully request the Board of Managers to permit a roof overhang covering our basement areaway with a setback of 5.3 feet from the side property line (abutting 205 Primrose Street).

We have installed a drain at the bottom of the stairwell by the basement door, connected with a pipe to the basement sump pump. Our property is surrounded by large trees with substantial leaf fall and debris accumulation for several months of the year. The problem is that, despite our efforts to clean the leaves and debris from the stairwell, whenever we get significant rainfall the drain fails to adequately collect the water. On several occasions when we were away, even a moderate rainfall caused blockage of the drain with water seeping into the basement. We therefore require a reliable, permanent protective overhang of sufficient dimension to capture the rain and leaves. A gutter will collect the water of the overhang with the downspout connected to an underground well in the back corner of our property.

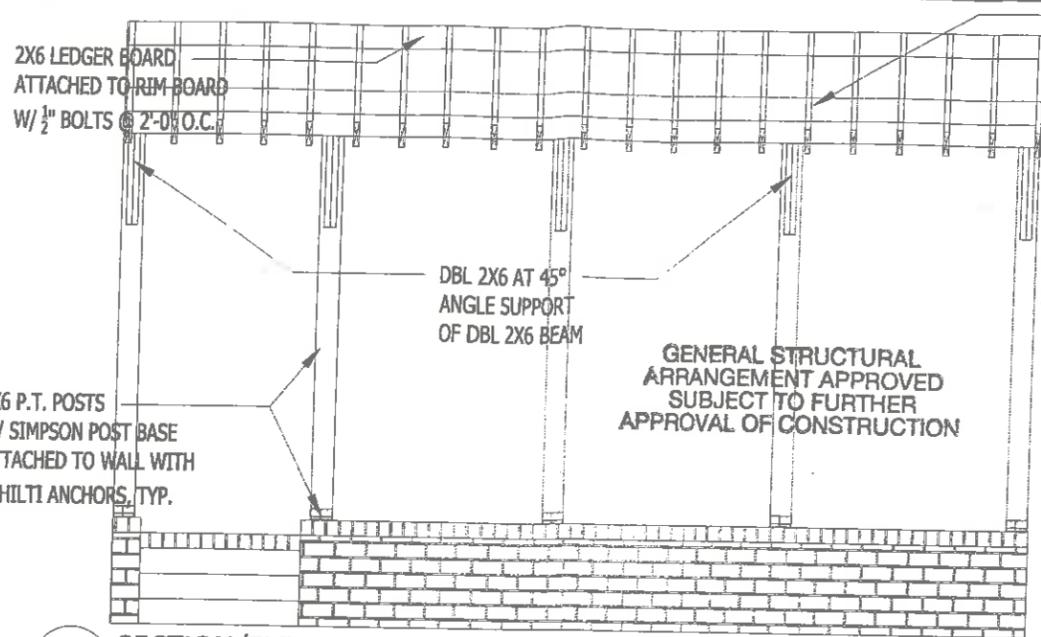
It should be noted that the areaway with the overhang will not in any way adversely affect the character of the property, nor adversely affect the neighbor's use and enjoyment of their property. Importantly, the overhang and underground well will actually reduce the rainwater effluent to the neighbor's property. The overhang will not create unsafe conditions but will resolve a deleterious situation of basement flooding and potential related moisture damage. The overhang will not block any vistas, restrict air circulation, or decrease green space in the area of either property.

We kindly request that the Board take into consideration that our property is of narrow width in comparison to the immediate neighborhood. On one side we have a shared driveway, and on the side in question the setback varies only between 9.5 and 11.5 feet. The overhang is on the side wall with a 9.5 setback, and its dimensions (16.5' length, 4.2' width) are just sufficient to cover the areaway.

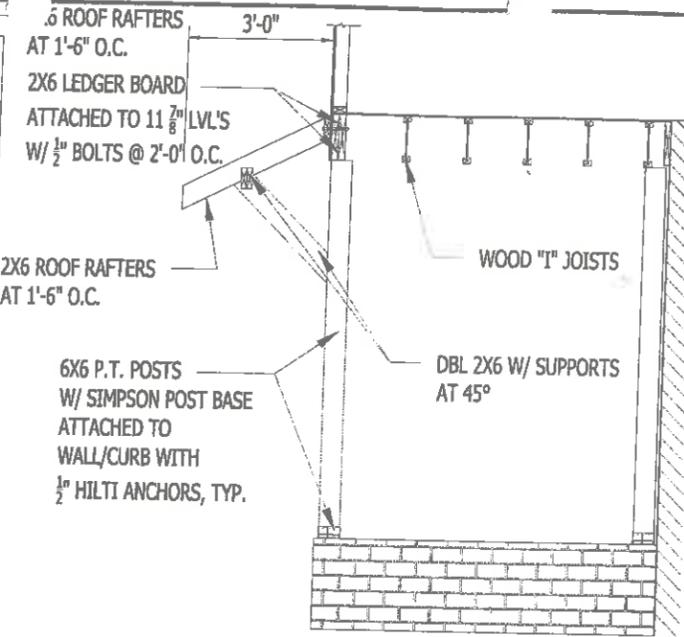
Thank you for your consideration.



2 SECTION/ELEVATION-AREAWAY
1/4"=1'-0"



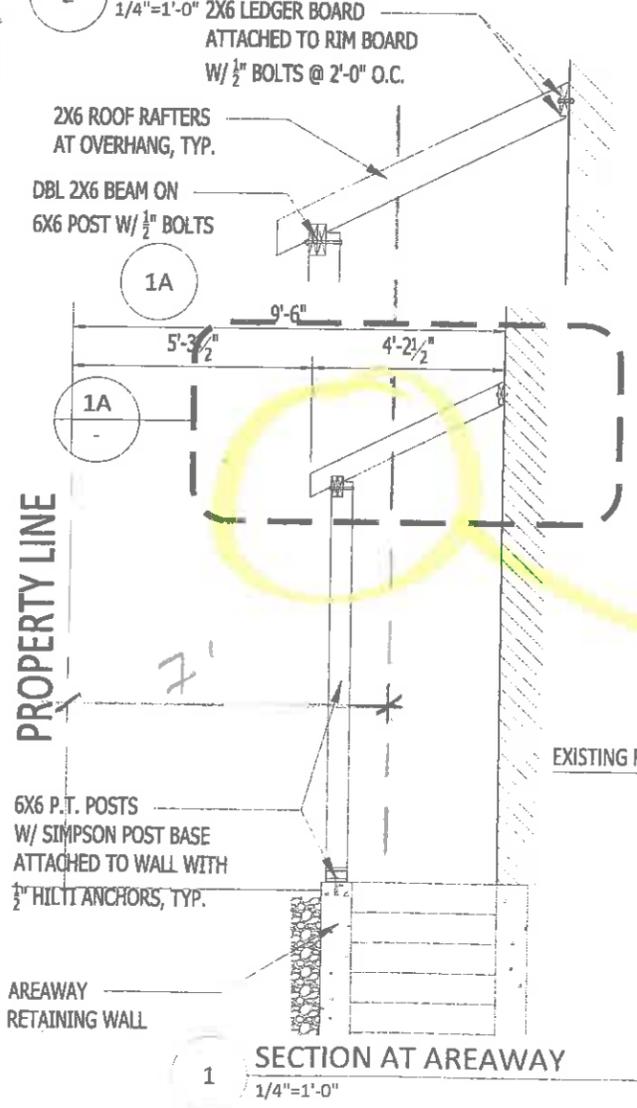
3 SECTION/ELEVATION-REAR PORCH
1/4"=1'-0"



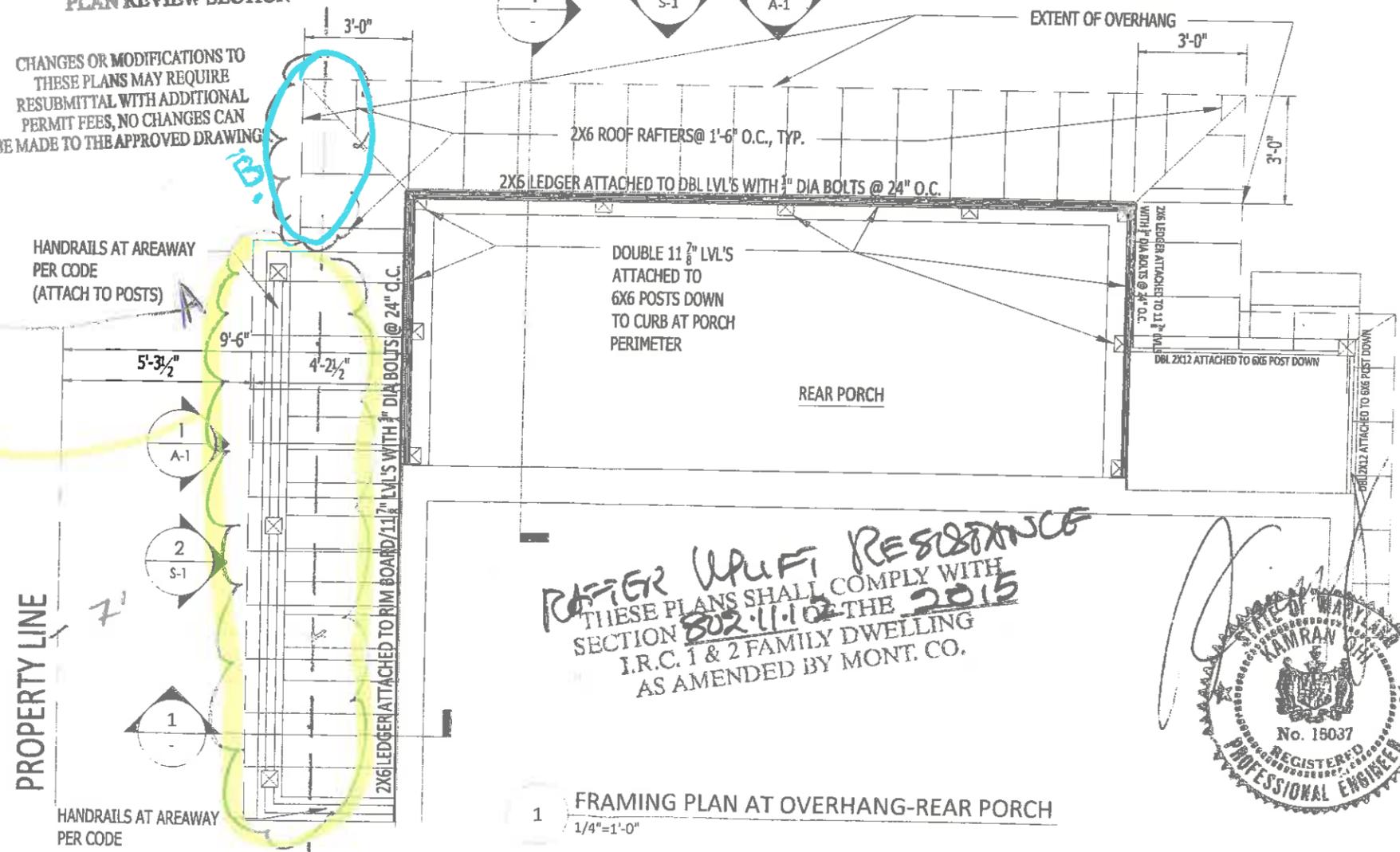
4 SECTION/ELEVATION-REAR PORCH
1/4"=1'-0"

MONTGOMERY COUNTY
APPROVED AS NOTED
PLAN REVIEW SECTION

CHANGES OR MODIFICATIONS TO
THESE PLANS MAY REQUIRE
RESUBMITTAL WITH ADDITIONAL
PERMIT FEES, NO CHANGES CAN
BE MADE TO THE APPROVED DRAWING.



1 SECTION AT AREAWAY
1/4"=1'-0"



1 FRAMING PLAN AT OVERHANG-REAR PORCH
1/4"=1'-0"

REFER UPUP RESUBMITTANCE
THESE PLANS SHALL COMPLY WITH
SECTION 802.11.02 THE 2015
I.R.C. 1 & 2 FAMILY DWELLING
AS AMENDED BY MONT. CO.



1025 Thomas Jefferson St NW
Suite 420 East
Washington, DC 20007
www.OhiEngineeringGroup.com

PRIVATE RESIDENCE
207 PRIMROSE STREET
CHEVY CHASE MD

REVISIONS

PROJECT No.
DATE: March 19, 2016
SCALE: AS SHOWN

STRUCT. FRAMING
PLAN-REAR PORCH

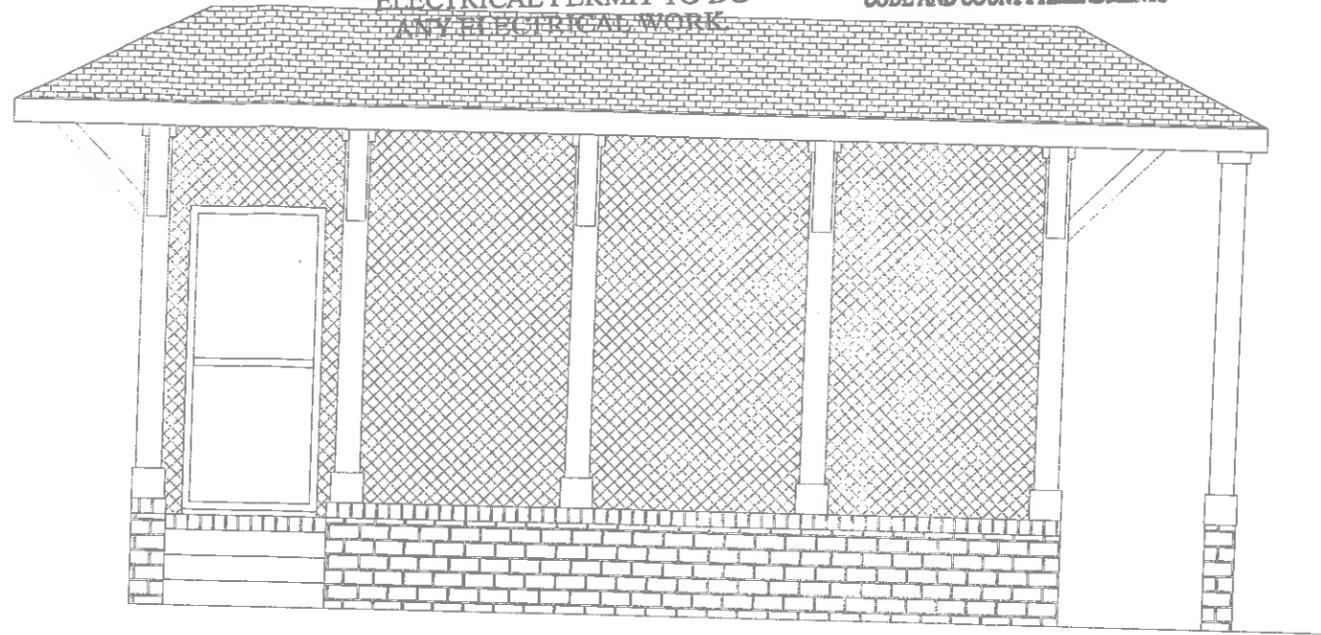
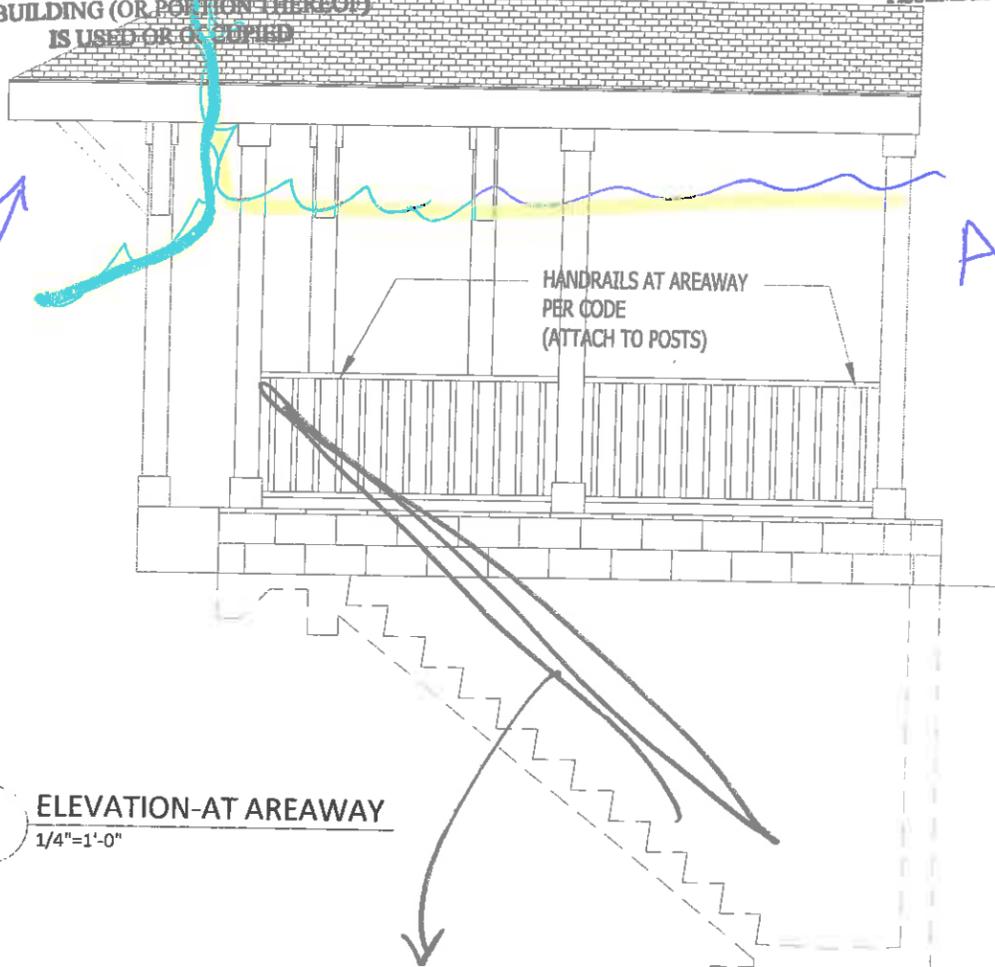
MONTGOMERY COUNTY EXECUTIVE REGULATION 4-156M1
 THE FINAL INSPECTION MUST BE REQUESTED AND APPROVED BEFORE A BUILDING (OR PORTION THEREOF) IS USED OR OCCUPIED

GENERAL STRUCTURAL ARRANGEMENT APPROVED SUBJECT TO FURTHER APPROVAL OF CONSTRUCTION

APPROVED CORROSION-RESISTIVE FLASHING SHALL BE PROVIDED WHERE EXTERIOR PORCHES, DECKS OR STAIRS ATTACH TO A WALL OR FLOOR ASSEMBLY OR WOOD-FRAM CONSTRUCTION.

THIS PERMIT DOES NOT INCLUDE APPROVAL FOR ANY ELECTRICAL WORK YOU MUST HAVE A SEPARATE ELECTRICAL PERMIT TO DO ANY ELECTRICAL WORK

ELECTRICAL WIRING MUST CONFORM TO THE ~~2010~~ NATIONAL ELECTRICAL CODE AND COUNTY AMENDMENTS



1 ELEVATION-AT AREAWAY
 1/4"=1'-0"

2 ELEVATION-REAR PORCH
 1/4"=1'-0"

STAIRWAYS SHALL BE ILLUMINATED IN ACCORDANCE WITH SECTION 311.7.9 OF THE 2015 IRC 1 & 2 FAMILY DWELLING CODE.

GRABBAR HANDRAILS REQD

THESE PLANS SHALL COMPLY WITH SECTION 311.7.8 OF THE 2015 I.R.C. 1 & 2 FAMILY DWELLING AS AMENDED BY MONT. CO.

GUARD RAILS
 THESE PLANS SHALL COMPLY WITH SECTION 312 OF THE 2015 I.R.C. 1 & 2 FAMILY DWELLING AS AMENDED BY MONT. CO.

CHANGES OR MODIFICATIONS TO THESE PLANS MAY REQUIRE RESUBMITTAL WITH ADDITIONAL PERMIT FEES. NO CHANGES CAN BE MADE TO THE APPROVED DRAWINGS.

OUTDOOR OUTLETS
 THESE PLANS SHALL COMPLY WITH SECTION 390.1.7 OF THE 2015 I.R.C. 1 & 2 FAMILY DWELLING AS AMENDED BY MONT. CO.

CONTINUOUS WOOD PATH
 THESE PLANS SHALL COMPLY WITH SECTION 401.2 OF THE 2015 I.R.C. 1 & 2 FAMILY DWELLING AS AMENDED BY MONT. CO.
501.2; 601.2; 801.2

MONTGOMERY COUNTY DIVISION OF BUILDING CONSTRUCTION

These plans are conditionally approved in accordance with any correction notes on plans. The building permit is license to construct in accordance with adopted codes and does not waive any code requirements not noted during plan review. Issuance of permit does not prevent field inspectors from ordering corrections to meet codes when issues are noted during inspections.

Approvals: Arch. AJO Life Safety ALLI OSENI, CBO
 Structural ATC Mech. Elec.
 Permit Number: 693792 REVISION # 4
3/24/2016



OHI ENGINEERING
 OHI ENGINEERING GROUP, PLLC
 1025 Thomas Jefferson St NW
 Suite 420 East
 Washington, DC 20007
 www.OhiEngineeringGroup.com

PRIVATE RESIDENCE
 207 PRIMROSE STREET
 CHEVY CHASE MD

REVISIONS

PROJECT No. _____
 DATE: March 18, 2016
 SCALE: AS SHOWN

ELEVATIONS AREAWAY/REAR PORCH

A-1

10 I.R.C. 2015 AS AMENDED BY MONTGOMERY COUNTY
 1 ELEVATIONS-AREAWAY/REAR PORCH
 A-1 SCALE: 1/4"=1'-0"

Sands, Ellen

From: IvoPat Spalatin <ivopatspalatin@gmail.com>
Sent: Tuesday, May 03, 2016 2:33 PM
To: CCV Permitting
Subject: Kessides Variance Request

Attention Ellen Sands

I have no problem with the granting of the proposed variance for the Kessides at 207 Primrose. We have lived directly across the street from them for many years and feel they are responsible neighbors.

Pat Spalatin
206 Primrose Street
Chevy Chase, MD 20815

Chevy Chase Village
Building Permit Application

Permit No: 6896

Property Address: 207 PRIMROSE STREET
Resident Name: IOANNIS AND CHRISTINE KESSIDES Daytime telephone: 301-951-8551 Cell phone: 301-653-0674 After-hours telephone: 301-951-8551 E-mail: ioannis.kessides@gmail.com
Project Description: ROOF OVERHANG. Construct a roof overhang attached to the northwest side wall at the level of the first floor ceiling to provide protection to the areaway and the door to the basement. A gutter will capture the water of the overhang and the downspout will be connected to the underground well.
<input type="checkbox"/> Check here if the construction will require the demolition of over fifty (50) percent of any existing structure.
Primary Contact for Project: <input checked="" type="checkbox"/> Resident <input type="checkbox"/> Architect <input type="checkbox"/> Project Manager <input type="checkbox"/> Contractor* *MHIC/MD Contractor's License No. (required):
Information for Primary Contact for Project (if different from property owner): Name: _____ Work telephone: _____ After-hours telephone: _____ Cell phone: _____ E-mail: _____
Will the residence be occupied during the construction project? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If no, provide contact information for the party responsible for the construction site (if different from above): Name: _____ Address: _____ Work telephone: _____ After-hours telephone: _____ Cell phone: _____ E-mail: _____
Parking Compliance: Is adequate on-site parking available for the construction crews? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If no, please attach a parking plan which minimizes inconvenience to neighboring residents, and indicate if the property is in a permit parking area. Will road closings be required due to deliveries, equipment or other reasons? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Building Permit Filing Requirements:
Application will not be reviewed until the application is complete

- Copy of stamped drawings approved by Montgomery County Department of Permitting Services (DPS) and the Historic Preservation Commission (HPC), if required. Every page of drawings must be clearly stamped.
- This application form, signed by resident.
- Boundary Survey
- Site Plan (see: Village Site Plan Checklist to ensure completeness)
- Building plans and specifications
- Tree Preservation Plan requested of Village arborist (see: Village Tree Inspection Request form). All required tree protections must be fully installed before any work begins.
- Filing Fee (due at time of application). Fees schedule is listed in Chapter 6 of the Village Code.
- Damage deposit or performance bond (due when Building Permit is issued). Amount of required deposit or bond will be set by Village Manager.

Once this permit application is complete, the Village Manager will review the application and accompanying documents and, under most circumstances, act on the application within 5 to 10 working days.

If the Montgomery County permit is suspended, revoked or lapsed, the Village permit is automatically suspended, revoked or lapsed.

No signs advertising the architect, contractor, or any other service provider may be posted on the work site.

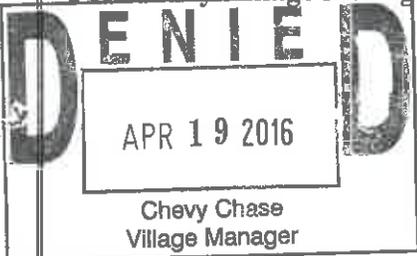
I hereby certify that I have the authority to make the foregoing application, that the application is correct, that I have read and understood all requirements and that the construction will conform to the regulations of the Montgomery County Zoning Code, the Village Code including Urban Forest code, and any covenants and easements on the subject property.

Applicant's Signature: Jimmy N. Kessids Chin Skanni Date: Feb. 25, 2016

<i>To be completed by Village staff</i>			
Is this property within the historic district?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Staff Initials: <u>GS</u>
Date application filed with Village: <u>2/25/16</u>	Date permit issued: _____	Expiration date: _____	

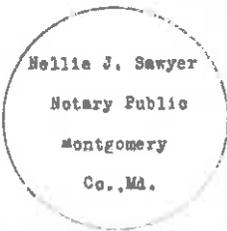
For Use By Village Manager	Application approved with the following conditions:

For Use By Village Manager	Application denied for the following reasons:
	<i>Denial</i>
	<i>The built overhang encroaches into the 7' Side Yard setback</i>



Filing Fees (due when application submitted)	Checks Payable to: Chevy Chase Village 5906 Connecticut Ave. Chevy Chase, MD 20815
Permit Application Fee: \$ <u>30⁰⁰</u> (see Permit Fee Worksheet)	
<input type="checkbox"/> \$50.00 (if construction is in the Public Right-of-way)	
Tree Preservation Plan Fee: <input type="checkbox"/> \$250.00 <input type="checkbox"/> Not required for this project.	
TOTAL Fees: <u>\$30⁰⁰</u>	Date: <u>4/20/16</u> Staff Signature: <u>[Signature]</u>

Damage Deposit/Performance Bond (due when permit is issued)	Checks Payable to: Chevy Chase Village 5906 Connecticut Ave. Chevy Chase, MD 20815
<input type="checkbox"/> \$ _____	Date: _____
<input type="checkbox"/> Waived by Village Manager	Village Manager Signature: _____
Cost of damage to R-O-W: (calculated at close-out) Amount of refund:	Date: _____ Village Manager Signature: _____



Notary Public

EXAMINED.

*Delivered to
Rj Spalia
11-17-25*

AT the request of Edward R. Carr the following deed was recorded May 27th
A.D. 1925 at 2:55 o'clock P.M. to wit:-

This deed made this 27th day of May in the year of our Lord one thousand nine
hundred and twenty five by and between Theodore Sonnemann and Eliza Jane Sonnemann his wife,
of Montgomery County, Maryland parties of the firstpart, and Edward R. Carr of the District of
Columbia, party of the second part:

Witnesseth that in consideration of ten (10) dollars, lawful money of the
United States, to them in hand paid before the sealing and delivery of these presents the said
parties of the first part do grant and convey unto Edward R. Carr., party of the second part
his heirs and assigns in fee simple, all those pieces or parcels of ground situate lying and
being in Montgomery County, State of Maryland and being described as follows, to wit:-

Lot numbered eight (8) nine (9) ten (10) eleven (11) and twelve (12) in
block lettered "A" lots numbered seven (7) eight (8) nine (9) ten (10) eleven (11) twelve
(12) thirteen (13) fourteen (14) and fifteen (15) in block lettered "E" in a subdivision known
as "Section 6 Chevy Chase"; as per plat recorded in plat book No. 3 plat 258 one of the land
records for Montgomery County.

Lots numbered one to seven (1 to 7) both inclusive and lots numbered seventeen
(17) to twenty three (23) both inclusive in block lettered "B" lots numbered one (1) to
seventeen (17) both inclusive in block lettered "C" and lots numbered one to five (1 to 5) both
inclusive in block lettered "D": in a subdivision known as section 7 Chevy Chase; as per plat
recorded in plat book No. 3, plat 269 one, of the land records for said Montgomery County.

Together with a small strip of land lying between broad Branch Road and the
said lots five (5) six (6) and seven (7) in said block "B" which is designated to be taken
for the widening of said broad Branch Road, but which strip of land is given to the owner of
said lots five (5) six (6) and seven (7) in said block "B" provided said road is not widened.

Subject to building restrictions and covenants as follows:

1. That all houses upon the premises hereby conveyed shall be built and used
for residence purposes exclusively except stables carriage houses sheds or other outbuildings
for use in connection with such residences and that no trade business manufacture or sales or
nuisance of any kind shall be carried on or permitted upon said premises.

2. That no structure of any description shall be erected within twenty five
(25) feet of the front line of said premises, and that no stable carriage-house, shed or
outbuilding shall be erected except on the rear of said premises.

3. That no house shall be erected on said premises at a cost of less than four
thousand dollars.

4. That any house erected on said premises shall be designed for the occupancy
of a

12

MONTGOMERY COUNTY CLERK OF COURTS AND RECORDS DEPARTMENT 174 S. CHASE AVE. 'JUBA' 333 CHASE BLDG. 1910-1912-1920-1925-1930-1935-1940-1945-1950-1955-1960-1965-1970-1975-1980-1985-1990-1995-2000-2005-2010-2015-2020-2025

of a single family, and no part of any house or structure appurtenant thereto shall be erected or maintained within five (5) feet of the side lines of premises hereby conveyed nor within ten (10) feet of the nearest adjacent house.

E. That a violation of any of the aforesaid covenants and agreements may be enjoined by the parties of the first part, their successors heirs or assigns.

Together with the building and improvements thereupon, erected made, or being; and all and every, the rights, alleys, ways, waters, privileges, appurtenances, and advantages to the same belonging or in anywise appertaining.

To have and to hold the said pieces or parcels of ground and premises above described or mentioned and hereby intended to be conveyed, together with the rights, privileges, appurtenances and advantages thereto belonging or appertaining unto and to the only proper use, benefit and behoof forever of the said Edward K. Carr his heirs and assigns in fee simple.

And the said parties of the first part covenant that they will warrant specially the property hereby conveyed; that they are seized of the land hereby conveyed; that they have a right to convey said land; that the said party of the second part shall quietly enjoy said land; that they have done no act to encumber said land; and that they will execute such further assurances of said land as may be requisite.

Witness their hands and seals.

Test: Theodore Sonnemann (Seal)
M.J. Sonnemann Elisa Jane Sonnemann (Seal)

(Internal Revenue \$100.00)

State of Maryland, County of Montgomery, ss:-

I hereby certify that on this 27th day of May 1925, before the subscriber a Notary Public in and for Montgomery County, Maryland personally appeared Theodore Sonnemann and Elisa Jane Sonnemann, his wife, and did each acknowledge the foregoing deed to be their act.

In testimony whereof, I have affixed my official seal this 27th day of May A.D. 1925.

Madeline J. Sonnemann
Notary Public
Montgomery
Co., Md.

Madeline J. Sonnemann
Notary Public
Montgomery County, Maryland.

EXAMINED

Delivered to
J.G. Woodworth
6-26-25

AT the request of John A. Moore the following deed was recorded May 27th A.D. 1925 at 3:32 o'clock P.M. to wit:-
This deed made this twentieth day of May in the year nineteen hundred and twenty five by Rosa M. Graeves and Lewis S.F. Graeves her husband, of the county of Montgomery

13

STODOLSKY COUNTY CLERK, 100 N. 10th St., PHOENIX, ARIZ. 85003. TEL: 252-5511. FAX: 252-5512. WWW: www.stodolsky.com

**Chevy Chase Village
Website Posting Notice
for Appeal, Special Permit & Variance Hearings**

Case Number:

A-6896

Hearing Date:

MARCH 14, 2016

By signing below, I acknowledge as the applicant/appellant in the above-referenced case number that all supporting information and documentation for my case will be posted on the Village's website at <www.chevychasevillagemd.gov> for review by the general public.

Applicant/Appellant Name: IOANNIS AND CHRISTINE KESSIDES

Address: 207 PRIMROSE STREET

Telephone: 301-951-8551 (home) 301-653-0674 (cell)

E-mail: ioannis.kessides@gmail.com

Applicant/Appellant Signature:

Ioannis Kessides

Christine Kessides

Agent Name for applicant/appellant (if necessary):

Telephone:

Address:

E-mail:

Signature of agent:

Village staff initials:

CS

Date:

4/20/16

A-6932 (a) & (b)
(Variance Request)

Construct

- a) an expanded portico, which would encroach a maximum of five feet, five inches (5'-5") forward of the twenty-five (25) foot front (Kirkside Drive) building restriction line (BRL). The proposed portico would be eleven (11) inches wider than the existing portico, which presently encroaches three feet, nine and one-quarter inches (3'-9 ¼") forward of the front BRL; and
- b) an expanded front stoop and steps, which would encroach a maximum of nine (9) feet forward of the twenty-five (25) foot front (Kirkside Drive) building restriction line. The proposed stoop would be eleven (11) inches wider than the existing stoop and the proposed steps would be two feet, eleven inches (2'-11") wider than the existing front steps, which presently encroach a maximum of six feet, ten and one-quarter inches (6'-10 ¼") forward of the twenty-five foot front BRL.

Mr. Frank H. McCulloch II &
Ms. Cathryn R. McCulloch
5604 Kirkside Drive

**CHEVY CHASE VILLAGE
BOARD OF MANAGERS
MAY 9, 2016 MEETING**

CASE SYNOPSIS

TO: BOARD OF MANAGERS

FROM: ELLEN SANDS, PERMITTING AND CODE ENFORCEMENT COORDINATOR

DATE: 5/9/2016

SUBJECT: HEARING OF CASE NO. A-6932 (A) & (B) VARIANCE REQUESTS
MR. FRANK H. MCCULLOCH, II & MS. CATHRYN R. MCCULLOCH
CONSTRUCT:

A) AN EXPANDED PORTICO, WHICH WOULD ENCROACH A MAXIMUM OF FIVE FEET, FIVE INCHES (5'-5") FORWARD OF THE TWENTY-FIVE (25) FOOT FRONT (KIRKSIDE DRIVE) BUILDING RESTRICTION LINE (BRL). THE PROPOSED PORTICO WOULD BE ELEVEN (11) INCHES WIDER THAN THE EXISTING PORTICO, WHICH PRESENTLY ENCROACHES THREE FEET, NINE AND ONE-QUARTER INCHES (3'-9 1/4") FORWARD OF THE FRONT BRL; AND

B) AN EXPANDED FRONT STOOP AND STEPS, WHICH WOULD ENCROACH A MAXIMUM OF NINE (9) FEET FORWARD OF THE TWENTY-FIVE (25) FOOT FRONT (KIRKSIDE DRIVE) BUILDING RESTRICTION LINE. THE PROPOSED STOOP WOULD BE ELEVEN (11) INCHES WIDER THAN THE EXISTING STOOP AND THE PROPOSED STEPS WOULD BE TWO FEET, ELEVEN INCHES (2'-11") WIDER THAN THE EXISTING FRONT STEPS, WHICH PRESENTLY ENCROACH A MAXIMUM OF SIX FEET, TEN AND ONE-QUARTER INCHES (6'-10 1/4") FORWARD OF THE FRONT BRL.

NOTICE REQUIREMENTS: Abutting Owners; Public Notice

APPLICABLE CHEVY CHASE BUILDING REGULATION:

The Chevy Chase Village Code Sec. 8-16 (c) states:

No structure of any description shall be erected within twenty-five (25) feet of the front line of any lot.

APPLICABLE COVENANTS:

"No structure of any description shall be erected within twenty-five (25) feet of the front line of said premises; and that no stable, carriage house, shed or outbuilding shall be erected except on the rear of said premises."

FACTUAL AND BACKGROUND INFORMATION:

The existing portico (part a) encroaches three feet, nine and one-quarter inches (3'-9 1/4") forward of the 25' front BRL and the proposed portico would encroach (1' -7 3/4") farther for a total encroachment of five feet, five inches (5'-5") forward of the 25' front BRL. The proposed portico would also be eleven (11) inches wider than the existing portico.

The existing stoop and steps (part b) encroach six feet, ten and one-quarter inches (6'-10 1/4") forward of the 25' front BRL and the proposed would encroach (2' -1 3/4") farther for a total encroachment of nine

(9) feet forward of the front BRL. The proposed stoop would also be eleven (11) inches wider than the existing stoop and the steps would be two feet, eleven inches (2'-11") wider than the existing steps.

The stoop and steps are modest in size, are associated with the primary entrance to the dwelling and are required by grade for entrance to the first floor of the dwelling, so they would appear to satisfy the requirements for the recently adopted Policy on Stoops, Steps and Associated Porticos approved by the Board which determined that these features, when proposed in this manner, do not constitute a violation of the covenants.

The Village arborist has assessed the property. No trees are proposed for removal. Construction of the portico can be accommodated through a Tree Protection Plan.

To date there has been no correspondence received either in support of or in opposition to the request.

Applicable Fees: Building Permit Application: \$30; Variance Application Fee: \$300.



Figure 1: 5604 Kirkside Drive.

LEGISLATIVE POLICY RE: FRONT STEPS, STOOPS AND ASSOCIATED PORTICOS:

At its meeting on February 9, 2015 the Village Board adopted a legislative that finds that stoops and steps, whether uncovered or with an associated portico, which are necessary to address the change in elevation from the ground to the primary entrance of a house, and to allow for reasonable, safe access, will no longer be considered "structures" for the purposes of the covenants (finding number three in the variance conditions). Applicants must still apply for a variance and will need to address the first two conditions of the Variance request and the proposed stoop, steps and/or portico, when serving as the primary entrance, must meet the size and elevation criteria stipulated in the policy. [The complete Policy follows this Staff Report]

Findings Required:

1. The proposed variance is required because special conditions exist whereby the enforcement of the requirements of the Village Building Code would result in an unwarranted hardship and injustice to the owner.
 2. The proposed variance will most nearly accomplish the intent and purpose of the requirements of the Village Building Code; and
 3. Except for variances from the requirements of Sections 8-21 [fences], 8-26 [driveways] or Chapter 25 [public rights-of-way] of the Village Regulations, the structure authorized by the proposed variance would not violate any covenant applicable to the property.
-

Draft Motion

I move to APPROVE/DENY the variance request in Case A-6932 (a) [portico] on the basis that the evidence presented, including the Staff Report, demonstrates that the applicable requirements for approval of the variance HAVE/HAVE NOT been met. Staff is directed to draft a decision based on this evidence, including findings of fact and conclusions, APPROVING/DENYING the variance request.

I move to APPROVE/DENY the variance request in Case A-6932 (b) [stoop and steps] on the basis that the evidence presented, including the Staff Report, demonstrates that the applicable requirements for approval of the variance HAVE/HAVE NOT been met. Staff is directed to draft a decision based on this evidence, including findings of fact and conclusions, APPROVING/DENYING the variance request.

**CHEVY CHASE VILLAGE
BOARD OF MANAGERS
MAY 9, 2016 MEETING**

STAFF INFORMATION REPORT

TO: BOARD OF MANAGERS

FROM: ELLEN SANDS, PERMITTING AND CODE ENFORCEMENT COORDINATOR

DATE: 5/4/2016

SUBJECT: HEARING OF CASE NO. A-6932 (A) & (B) VARIANCE REQUESTS
MR. FRANK H. MCCULLOCH, II & MS. CATHRYN R. MCCULLOCH
CONSTRUCT:

A) AN EXPANDED PORTICO, WHICH WOULD ENCROACH A MAXIMUM OF FIVE FEET, FIVE INCHES (5'-5") FORWARD OF THE TWENTY-FIVE (25) FOOT FRONT (KIRKSIDE DRIVE) BUILDING RESTRICTION LINE (BRL). THE PROPOSED PORTICO WOULD BE ELEVEN (11) INCHES WIDER THAN THE EXISTING PORTICO, WHICH PRESENTLY ENCROACHES THREE FEET, NINE AND ONE-QUARTER INCHES (3'-9 1/4") FORWARD OF THE FRONT BRL; AND

B) AN EXPANDED FRONT STOOP AND STEPS, WHICH WOULD ENCROACH A MAXIMUM OF NINE (9) FEET FORWARD OF THE TWENTY-FIVE (25) FOOT FRONT (KIRKSIDE DRIVE) BUILDING RESTRICTION LINE. THE PROPOSED STOOP WOULD BE ELEVEN (11) INCHES WIDER THAN THE EXISTING STOOP AND THE PROPOSED STEPS WOULD BE TWO FEET, ELEVEN INCHES (2'-11") WIDER THAN THE EXISTING FRONT STEPS, WHICH PRESENTLY ENCROACH A MAXIMUM OF SIX FEET, TEN AND ONE-QUARTER INCHES (6'-10 1/4") FORWARD OF THE FRONT BRL.

NOTICE REQUIREMENTS: Abutting Owners; Public Notice

APPLICABLE CHEVY CHASE BUILDING REGULATION:

The Chevy Chase Village Code Sec. 8-16 (c) states:

No structure of any description shall be erected within twenty-five (25) feet of the front line of any lot.

APPLICABLE COVENANTS:

"No structure of any description shall be erected within twenty-five (25) feet of the front line of said premises; and that no stable, carriage house, shed or outbuilding shall be erected except on the rear of said premises."

FACTUAL AND BACKGROUND INFORMATION:

The property is located on the southwest corner of the intersection of Kirkside Drive and Montgomery Street.

The existing portico encroaches three feet, nine and one-quarter inches (3'-9 1/4") forward of the 25' front BRL and the proposed portico would encroach (1' -7 3/4") farther for a total encroachment of five feet, five inches (5'-5") forward of the 25' front BRL. The proposed portico would also be eleven (11) inches wider than the existing portico.

The existing stoop and steps encroach six feet, ten and one-quarter inches (6'-10 1/4") forward of the 25' front BRL and the proposed would encroach (2' -1 3/4") farther for a total encroachment of nine (9) feet forward of the front BRL. The proposed stoop would also be eleven (11) inches wider than the existing stoop and the steps would be two feet, eleven inches (2'-11") wider than the existing steps.

The stoop and steps are associated with the primary entrance to the dwelling and are required by grade for entrance to the first floor.

The Village arborist has assessed the property. No trees are proposed for removal. Construction of the portico can be accommodated through a Tree Protection Plan.

To date there has been no correspondence received either in support of or in opposition to the request.

Applicable Fees: Building Permit Application: \$30; Variance Application Fee: \$300.



Figure 1: 5604 Kirkside Drive.

LEGISLATIVE POLICY RE: FRONT STEPS, STOOPS AND ASSOCIATED PORTICOS:

At its meeting on February 9, 2015 the Village Board adopted a legislative that finds that stoops and steps, whether uncovered or with an associated portico, which are necessary to address the change in elevation from the ground to the primary entrance of a house, and to allow for reasonable, safe access, will no longer be considered "structures" for the purposes of the covenants (finding number three in the variance conditions). Applicants must still apply for a variance and will need to address the first two conditions of the Variance request and the proposed stoop, steps and/or portico, when serving as the primary entrance, must meet the size and elevation criteria stipulated in the policy. [The complete Policy follows this Staff Report]

RELEVANT PRECEDENTS:

There are numerous precedents for variances from former Sec. 8-17 (c) of the Village Code (prohibiting structures within twenty-five (25) feet of the front line of any lot) to construct porticos that were **denied** because they would have **created covenant setback violations**. In January of 2011 Mr. & Mrs. Robert Maruszewski of 127 Grafton Street were **denied** a variance to construct a portico over a previously approved expanded stoop and steps. In December 1993 William J. Bowman of 6306 Broad Branch Road was **denied** a variance to construct a new portico which would have encroached forward of the twenty-five foot front BRL. However in July 1997 Mr. and Mrs. David Cox of 15 Grafton Street were **granted** a variance to expand an existing porch roof. In July 1997 Mr. & Mrs. Bailey Adams of 5625 Grove Street were **granted** a variance to construct a portico over an existing stoop which extended six inches forward of the front BRL. In May of 2000 Dr. & Mrs. Thomas Ryan of 5414 Grove Street were **granted** a variance to construct an overhang over a stoop which encroached two inches forward of the front BRL. In November 2002 Mr. & Mrs. Stewart Bainum of 12 Primrose Street were **granted** a variance to construct a portico over an existing stoop. (In that case, the evidence presented reflected that the proposed portico would encroach into the 25-foot front setback imposed by the covenants less than several of the other porches and covered stoops on the south side of Primrose Street. The Board found that, "In contrast to the established setback in the Village ..., Primrose Street, between Connecticut Avenue and Brookeville Road, is very unusual in that most of the houses along this block have covered stoops or porches that are located less than 25 feet from their respective front property lines." Accordingly, the Board found that, "The proposed portico would not violate any enforceable covenants applicable to the subject property". In January of 2011, Ms. Joanne Kyros and Mr. Thomas Schaufelberger were **denied** a variance to construct a roof over a proposed stoop expansion that would encroach three (3) feet forward of the front building restriction line. In November of 2013 Mr. Sean F. X. Boland of 4 East Lenox Street was **granted** a variance to construct a portico over a proposed stoop. In that case there was no covenant conflict at the property (the covenants did not address a front yard restriction) and the Applicant established that the majority of the properties on the subject block of East

Lenox Street also had encroachments forward of the twenty five (25) foot front BRL. In November 2014 Mr. & Mrs. Perry Linder of Hesketh Street were **granted** a variance to construct a portico over an expanded stoop which would encroach a maximum of fourteen and three-tenths (14.3) feet forward of the front (Hesketh Street) building restriction line.

Subsequent to passage of the policy on front stoops, steps and associated porticos, in December of 2015 Mr. & Ms. Jeffery Selingo of 205 Primrose Street were **granted** a variance to expand an existing stoop and construct a new portico over it. In March 2016 Mr. & Ms. Craig Van Note of 5500 Park Street were **granted** a variance to construct a new portico over an existing stoop and step.

Findings Required:

1. The proposed variance is required because special conditions exist whereby the enforcement of the requirements of the Village Building Code would result in an unwarranted hardship and injustice to the owner.
2. The proposed variance will most nearly accomplish the intent and purpose of the requirements of the Village Building Code; and
3. Except for variances from the requirements of Sections 8-21 [fences], 8-26 [driveways] or Chapter 25 [public rights-of-way] of the Village Regulations, the structure authorized by the proposed variance would not violate any covenant applicable to the property.

Draft Motion

I move to APPROVE/DENY the variance request in Case A-6932 (a) [portico] on the basis that the evidence presented, including the Staff Report, demonstrates that the applicable requirements for approval of the variance HAVE/HAVE NOT been met. Staff is directed to draft a decision based on this evidence, including findings of fact and conclusions, APPROVING/DENYING the variance request.

I move to APPROVE/DENY the variance request in Case A-6932 (b) [stoop and steps] on the basis that the evidence presented, including the Staff Report, demonstrates that the applicable requirements for approval of the variance HAVE/HAVE NOT been met. Staff is directed to draft a decision based on this evidence, including findings of fact and conclusions, APPROVING/DENYING the variance request.



Legislative Policy to Exclude Certain Uncovered Front Steps and Stoops from the Definition of "Structures" for the Purposes of the Covenant Compliance as required by Sections 8-11(b)(3) and 8-11(c)(3) of the Village Code for Special Permit and Variance Requests

RECITALS

1. Chevy Chase Village is an incorporated municipality established pursuant to Article XI-E of the Maryland Constitution.
2. Article 23A, Section 2(a) of the Maryland Code, as amended, authorizes the legislative body of each municipal corporation in the State of Maryland to pass ordinances that such legislative body deems necessary to assure the good government of the municipality, to protect and preserve the municipality's rights, property and privileges, to preserve peace and good order, and to secure persons and property from danger and destruction, and to protect the health, comfort and convenience of the citizens of the municipality.
3. Section 77-14 of the Chevy Chase Village Charter authorizes the Chevy Chase Village Board of Managers to pass ordinances as it may deem necessary for the health, safety or welfare of Chevy Chase Village; for the protection and preservation of Chevy Chase Village property, rights and privileges; for the preservation of peace and good order and for securing persons and property from violence, danger and destruction; and for the suppression and abatement of nuisances.
4. Article 28, Section 8.115.1 of the Maryland Code authorizes municipal corporations in Montgomery County, such as Chevy Chase Village, to regulate the construction, repair, erection or remodeling of buildings or other structures.

5. Chevy Chase Village possesses a special character which includes, but is not limited to, open vistas along streets and sidewalks.
6. Section 8-11(b)(3) of the Village Code requires a finding that “For all special permits, except for special permits authorized by Sections 8-22, 8-26 or Article IV of this Chapter, the structure authorized by the proposed special permit would not violate any covenant applicable to the property.”
7. Section 8-11(c)(3) of the Village Code requires a finding that “For all variances, except for variances from the requirements of Sections 8-22, 8-26 or Article IV of this Chapter, the structure authorized by the proposed variance would not violate any covenant applicable to the property.”
8. The Board has found numerous properties where uncovered steps and stoops, which are necessary to address the change in elevation from the ground to the entrance of a house, encroach into the standard twenty-five (25) foot front setback required by the covenants applicable to most properties.
9. Although the Board has in the past interpreted the term “structure”, as used in the covenants imposed by the Chevy Chase Land Company, to include stoops, the Board finds that either: a) the covenant authors did not intend uncovered steps and stoops, which are necessary to address the change in elevation from the ground to the entrance of a house, to be deemed structures for the purposes of the twenty-five (25) foot front setback for properties in Section 2 of the Village; or b) that the numerous uncovered steps and stoops which encroach into the twenty-five (25) foot

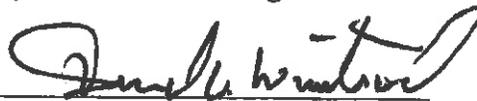
setback would render the twenty-five (25) foot setback difficult to enforce for most blocks in Section 2.

10. The Board finds that, for determining covenant compliance under Sections 8-11(b) and (c), uncovered steps and stoops that are installed as a matter of necessity to address the change in elevation from the ground to the front entrance of a house, which steps and stoops are the minimum necessary to provide reasonable access, should not be deemed "structures."
11. All steps and stoops should continue to be deemed structures for the purposes of the setback requirements in Section 8-17 of the Village Code.

Now, therefore, on this 14th day of February 2011, the Chevy Chase Village Board of Managers, acting under and by virtue of the authority given it by the Act of Legislature approved March 28, 1951, and Acts subsequent thereto, Article 23A of the Maryland Code, and the Chevy Chase Village Charter that:

1. Recitals. The recitals set forth above are incorporated in this Policy as the findings of the Board of Managers.
2. Policy. For the purpose of determining covenant compliance under Village Code Sections 8-11(b)(3) and 8-11(c)(3), uncovered steps and stoops which are necessary to address the change in elevation from the ground to the front entrance of a house, shall not be considered "structures."
3. All steps and stoops shall continue to be deemed structures for the purposes of the setback requirements in Section 8-17 of the Village Code.

4. Term. This policy shall become effective immediately upon its passage and shall remain in effect until repealed by the Board of Managers.



David L. Winstead, Chairman
Chevy Chase Village Board of Managers

ATTEST:



Peter M. Yeo, Secretary

DATED: February 14, 2011

**CHEVY CHASE VILLAGE
NOTICE OF PUBLIC HEARING**

Please take notice that the Chevy Chase Village Board of Managers will hold a public hearing on the 9th day of May, 2016 at 7:30 p.m. The hearing will be held at the Chevy Chase Village Hall at 5906 Connecticut Avenue in Chevy Chase, Maryland.

**APPEAL NUMBER A-6932 (A) & (B)
MR. FRANK H. McCULLOCH, II & Ms. CATHRYN R. McCULLOCH
5604 KIRKSIDE DRIVE
CHEVY CHASE, MARYLAND 20815**

The applicants seek a variance from the Board of Managers pursuant to Section 8-9 of the Chevy Chase Village Building Code to construct:

- a) an expanded portico, which would encroach a maximum of five feet, five inches (5'-5") forward of the twenty-five (25) foot front (Kirkside Drive) building restriction line (BRL). The proposed portico would be eleven (11) inches wider than the existing portico, which presently encroaches three feet, nine and one-quarter inches (3'-9 1/4") forward of the front BRL; and
- b) an expanded front stoop and steps, which would encroach a maximum of nine (9) feet forward of the twenty-five (25) foot front (Kirkside Drive) building restriction line. The proposed stoop would be eleven (11) inches wider than the existing stoop and the proposed steps would be two feet, eleven inches (2'-11") wider than the existing front steps, which presently encroach a maximum of six feet, ten and one-quarter inches (6'-10 1/4") forward of the twenty-five foot front BRL.

Sec. 8-16. Residential building construction prohibitions.

- (c) Front setback. No structure of any description shall be erected within twenty-five (25) feet of the front lot line of any lot...

Additional information regarding this appeal may be obtained at the Chevy Chase Village Office between the hours of 9:00 a.m. and 5:00 p.m. Monday through Friday, may be viewed on the Village website at www.chevychasevillagemd.gov or you may contact the office for this information to be mailed to you.

This notice was mailed (and emailed where possible) and to abutting and confronting property owners on the 28th day of April, 2016.

**Chevy Chase Village Office
5906 Connecticut Avenue
Chevy Chase, Maryland 20815
301-654-7300**

CHEVY CHASE VILLAGE

ESTABLISHED 1890

April 28, 2016

Mr. & Mrs. Frank McCulloeh
5604 Kirkside Drive
Chevy Chase, MD 20815

Dear Mr. & Mrs. McCulloch:

Please note that your request for a variance to expand the portico, stoop and steps forward of the twenty-five (25) foot front (Kirkside Drive) building restriction line at your property is scheduled for consideration before the Board of Managers on Monday, May 9, 2016 at 7:30 p.m. Either you or another representative must be in attendance to present your case. At that time, additional documents may be introduced and testimony can be provided in support of the request.

A decision will be made by the Board at the hearing and staff will be directed to draft a decision for Board approval, following which the applicable Building Permit may be issued. No work may commence on the construction until all applicable permits are obtained.

For your convenience, enclosed please find copies of the Public Hearing Notice and mailing list. Please contact the Village office in advance if you are unable to attend.

Sincerely,



Ellen Sands
Permitting and Code Enforcement
Chevy Chase Village

Enclosures

CHEVY CHASE VILLAGE
5906 Connecticut Avenue
Chevy Chase, Maryland 20815
Phone (301) 654-7300
Fax (301) 907-9721
ccv@montgomerycountymd.gov
www.chevychasevillagemd.gov

BOARD OF MANAGERS

MICHAEL L. DINGER
Chair

ELISSA A. LEONARD
Vice Chair

RICHARD M. RUDA
Secretary

DAVID I. WINSTEAD
Assistant Secretary

GARY CROCKETT
Treasurer

ROBERT C. GOODWIN, JR.
Assistant Treasurer

MINH LE
Board Member

VILLAGE MANAGER
SHANA R. DAVIS-COOK

LEGAL COUNSEL
SUELLEN M. FERGUSON

MAILING LIST FOR APPEAL A-6932

MR. & MRS. FRANK H. McCULLOCH, II
5604 KIRKSIDE DRIVE
CHEVY CHASE, MD 20815

Adjoining and confronting property owners	
Mr. & Mrs. Daniel Sanders Or Current Resident 5610 Kirkside Drive Chevy Chase, MD 20815	Mr. Harry Hopper, Jr. Or Current Resident 5515 Montgomery Street Chevy Chase, MD 20815
Mrs. James T. Clark Or Current Resident 5600 Kirkside Drive Chevy Chase, MD 20815	Mr. & Mrs. Joshua T. Brady Or Current Resident 5611 Kirkside Drive Chevy Chase, MD 20185
Mr. & Mrs. Mark Dettelbach Or Current Resident 5603 Kirkside Drive Chevy Chase, MD 20815	Mr. & Mrs. George Ferris, Jr. Or Current Resident 5601 Kirkside Drive Chevy Chase, MD 20815



I hereby certify that a public notice was emailed (where possible) and mailed to the
aforementioned property owners on the 28th day of April 2016.

Ellen Sands
Permitting and Code Enforcement Coordinator
Chevy Chase Village
5906 Connecticut Avenue
Chevy Chase, MD 20815

Chevy Chase Village Building Permit Application

Permit No: 6932

Property Address: 5604 Kirkside Drive Chevy Chase, MD 20815
Resident Name: Scot McCulloch & Cathy McCulloch Daytime telephone: 301.652.4518 Cell phone: After-hours telephone: E-mail: scotmj@comcast.com
Project Description: Proposed new portico and steps to replace existing portico and steps.
<input checked="" type="checkbox"/> Check here if the construction will require the demolition of over fifty (50) percent of any existing structure.(portico)
Primary Contact for Project: <input type="checkbox"/> Resident <input checked="" type="checkbox"/> Architect <input type="checkbox"/> Project Manager <input type="checkbox"/> Contractor* *MHIC/MD Contractor's License No. (required):
Information for Primary Contact for Project (if different from property owner): Name: Greg Wiedemann Work telephone: 301.652.4022 After-hours telephone: 301.652.4022 Cell phone: 301.768.2356 E-mail: gregwiedemann@wiedemannarchitects.com
Will the residence be occupied during the construction project? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If no, provide contact information for the party responsible for the construction site (if different from above): Name: Address: Work telephone: After-hours telephone: Cell phone: E-mail:
<p style="text-align: center;">Parking Compliance:</p> Is adequate on-site parking available for the construction crews? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If no, please attach a parking plan which minimizes inconvenience to neighboring residents, and indicate if the property is in a permit parking area. Will road closings be required due to deliveries, equipment or other reasons? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Building Permit Filing Requirements:
Application will not be reviewed until the application is complete

- Copy of stamped drawings approved by Montgomery County Department of Permitting Services (DPS) and the Historic Preservation Commission (HPC), if required. Every page of drawings must be clearly stamped.
- This application form, signed by resident.
- Boundary Survey
- Site Plan (see: Village Site Plan Checklist to ensure completeness)
- Building plans and specifications
- Tree Preservation Plan requested of Village arborist (see: Village Tree Inspection Request form). All required tree protections must be fully installed before any work begins.
- Filing Fee (due at time of application). Fees schedule is listed in Chapter 6 of the Village Code.
- Damage deposit or performance bond (due when Building Permit is issued). Amount of required deposit or bond will be set by Village Manager.

Once this permit application is complete, the Village Manager will review the application and accompanying documents and, under most circumstances, act on the application within 5 to 10 working days.

If the Montgomery County permit is suspended, revoked or lapsed, the Village permit is automatically suspended, revoked or lapsed.

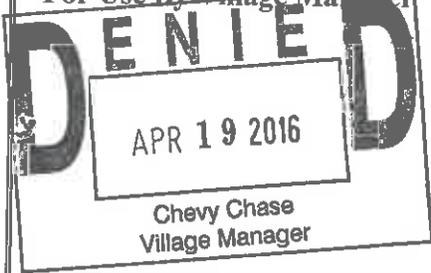
No signs advertising the architect, contractor, or any other service provider may be posted on the work site.

I hereby certify that I have the authority to make the foregoing application, that the application is correct, that I have read and understood all requirements and that the construction will conform to the regulations of the Montgomery County Zoning Code, the Village Code including Urban Forest code, and any covenants and easements on the subject property.

Applicant's Signature: Scott McCallister **Date:** April 15, 2016

<i>To be completed by Village staff</i>			
Is this property within the historic district?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Staff Initials: <u>GG</u>
Date application filed with Village: <u>4/15/16</u>	Date permit issued: _____	Expiration date: _____	

For Use By Village Manager	Application approved with the following conditions:

For Use By Village Manager 	Application denied for the following reasons:
	<i>Denial is expansion of a development nonconformity further forward of the 25' BRH front.</i>

Filing Fees (due when application submitted)	Checks Payable to: Chevy Chase Village 5906 Connecticut Ave. Chevy Chase, MD 20815
Permit Application Fee: \$ <u>30⁰⁰</u> (see Permit Fee Worksheet)	
<input type="checkbox"/> \$50.00 (if construction is in the Public Right-of-way)	
Tree Preservation Plan Fee: <input type="checkbox"/> \$250.00 <input checked="" type="checkbox"/> Not required for this project.	
TOTAL Fees: <u>\$30⁰⁰</u>	Date: Staff Signature:

Damage Deposit/Performance Bond (due when permit is issued)	Checks Payable to: Chevy Chase Village 5906 Connecticut Ave. Chevy Chase, MD 20815
<input type="checkbox"/> \$ _____ <input type="checkbox"/> Waived by Village Manager	
Cost of damage to R-O-W: (calculated at close-out) Amount of refund:	Date: Village Manager Signature:

Chevy Chase Village

Application for a Variance (w/ Attachment 1)

A variance is permission granted by the Board of Managers pursuant to, and subject to, the conditions of Sec. 8-9(c) of Chapter 8 to construct, install, remove or alter a structure or planting, or take any other action that does not otherwise meet the requirements of the Chapter. Except as provided in Sec. 8-11 a variance can be granted only by the Board of Managers.

Subject Property:	5604 Kirkside Drive Chevy Chase, MD 20815	
Describe the Proposed Project:	Proposed new portico and steps to replace existing portico and steps.	
Applicant Name(s) (List all property owners):	Scot McCulloch & Cathy McCulloch	
Daytime telephone:	301.652.4518	Cell:
E-mail:	scotmj@comcast.com	
Address (if different from property address):		
<i>For Village staff use:</i>		
Date this form received:	4/15/16	Variance No: A-6932

Filing Requirements:

Applications will be reviewed for satisfaction of all requirements and are not considered complete until approved as such by staff.

- Completed *Chevy Chase Village Application for a Variance* (this form)
- Completed *Chevy Chase Village Building Permit Application*
- Completed *Chevy Chase Village Website Posting Notice*
- A boundary survey or plat diagram with a margin of error of one tenth of a foot or less showing all existing structures, projections and impervious surfaces.
- Surveys, plats, engineering reports, construction plans/specifications or other accurate drawings showing boundaries, dimensions, and area of the property, as well as the location and dimensions of all structures/fences/walls/etc., existing and proposed to be erected, and the distances of such structures/fences/walls/etc., from the nearest property lines. These drawings shall incorporate and display reference dimensions from the boundary survey or plat diagram required above.
- Copy of Covenants applicable to the property except for variances from Secs. 8-21 or 8-26 of Chapter 8 (Building Regulations) or Chapter 25 (Public Rights-of-Way) of the Chevy Chase Village Code. (On file)
- Variance fee (See fee schedule listed in Chapter 6 of the Village Code).

Affidavit

I hereby certify that I have the authority to submit the foregoing application, that all owners of the property have signed below, that I have read and understand all requirements and that I or an authorized representative will appear at the scheduled public hearing in this matter. I hereby authorize the Village Manager, or the Manager's designee, and/or the Board of Managers to enter onto the subject property for the purposes of assessing the site in relation to this variance request. I hereby declare and affirm, under penalty of perjury, that all matters and facts set forth in the foregoing application are true and correct to the best of my knowledge, information and belief.

Applicant's Signature: Cathy McCulloch
 Applicant's Signature: Scot McCulloch

Date: 4/15/16
 Date: April 15, 2016

10

Describe the basis for the variance request (Applicants should become familiar with the pertinent sections of the Village Code. Attach additional pages as needed):

Describe the special conditions of the property (e.g., odd shape, small size, sloping topography, abuts state highway, etc.) and how the property compares to other properties in the Village:

See Attachment 1 - a.

Describe how enforcement of the building regulations would result in an unwarranted hardship and injustice because of the special condition(s) described above (i.e., describe (i) the unwarranted hardship and injustice that you claim exists and (ii) how the special conditions cause that unwarranted hardship and injustice):

See Attachment 1 - b.

Describe how the proposed variance most nearly accomplishes the intent and purpose of the requirements of Chapter 8 of the Chevy Chase Village Code, entitled *Buildings and Building Regulations*:

See Attachment 1 - c.

In exercising its powers in connection with a variance request, the Chevy Chase Village Board of Managers may reverse or affirm, wholly or partly, or may modify the requirement, decision or determination as it deems appropriate.

Variance Filing Fee	Checks Payable To: Chevy Chase Village 5906 Connecticut Ave. Chevy Chase, MD 20815
<p><i>Per Village Code Sec. 6-2(a)(24):</i></p> <input checked="" type="checkbox"/> \$300.00 for new construction. <input type="checkbox"/> \$150.00 for replacing existing non-conformities. <input type="checkbox"/> \$300.00 for fences, walls, play equipment, trees, hedges, shrubbery in the public right-of-way. <input type="checkbox"/> Other: \$ _____	<p>Date Paid: 4/14/10</p> <p>Staff Signature: </p>
<p>Fee Paid: \$300.00</p>	<p>Approved to Issue Building Permit per Board Decision Signed by the Board Secretary.</p> <p>Signature: _____ Village Manager</p> <p>Date: _____</p>

McCulloch Residence
5604 Kirkside Drive
Chevy Chase, Maryland 20815

RE: Portico Variance

Attachment 1:

- a. While the property is regularly configured, the existing house is set back less than approximately 6 inches from the building restriction line.
- b. The intent of the proposed portico expansion is to provide a more graceful and safer entry into the house. The proposed steps are less steep as compared to the existing portico steps thereby enhancing accessibility. The proposed portico landing and roof are slightly larger as compared to the existing portico to provide more room to maneuver and greater shelter from inclement weather.
- c. The proposed portico expansion is modest in size and consistent with the guidelines on the recently adopted policy on stoops, steps and associated porticos. In addition, it will not adversely change the character of the property.



**WIEDEMANN
ARCHITECTS
LLC**

5272 RIVER ROAD SUITE 610
BETHESDA, MD 20816
Voice: 301-652-4022
Fax: 301-652-4094

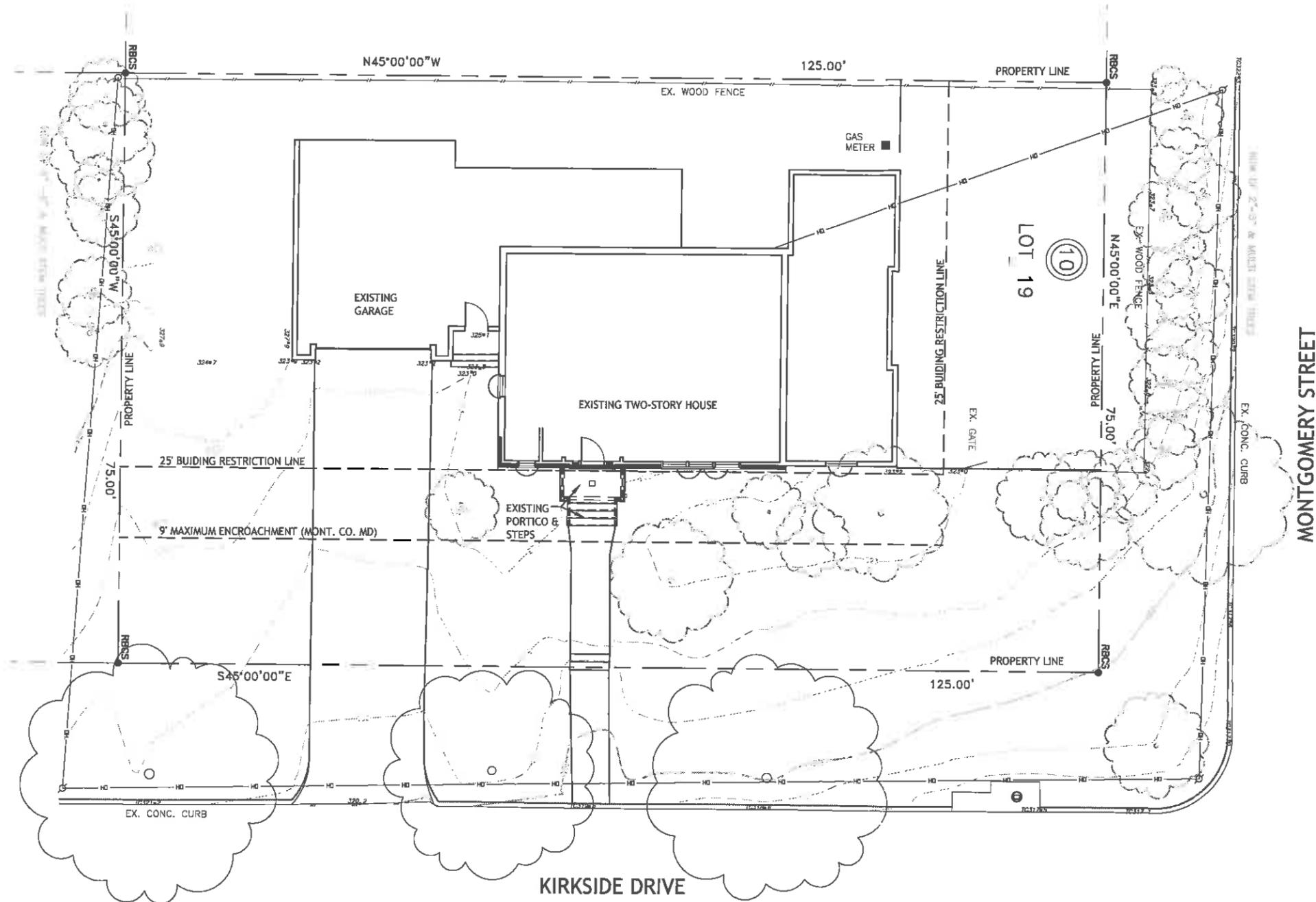
www.wiedemannarchitects.com

PROJECT

MCCULLOCH RESIDENCE
5604 KIRKSIDE DRIVE
CHEVY CHASE, MARYLAND
20815

ISSUED

VARIANCE SUBMISSION
18 APRIL 2016



SITE INFORMATION:	
CHEVY CHASE VILLAGE	
SECTION:	1A
LOT	19
BLOCK	10

NOTE: ALL SITE INFORMATION IS BASED ON THE SURVEY PREPARED BY
LANDMARK ENGINEERING, INC. DATED APRIL 04, 2016

1 EXISTING SITE PLAN
EXC1.0 SCALE: 1/8" = 1'-0"

PRELIMINARY
NOT FOR CONSTRUCTION
SHEET

EXC1.0
13



**WIEDEMANN
ARCHITECTS
LLC**

5272 RIVER ROAD SUITE 610
BETHESDA, MD 20816
Voice 301-652-4022
Fax 301-652-4094

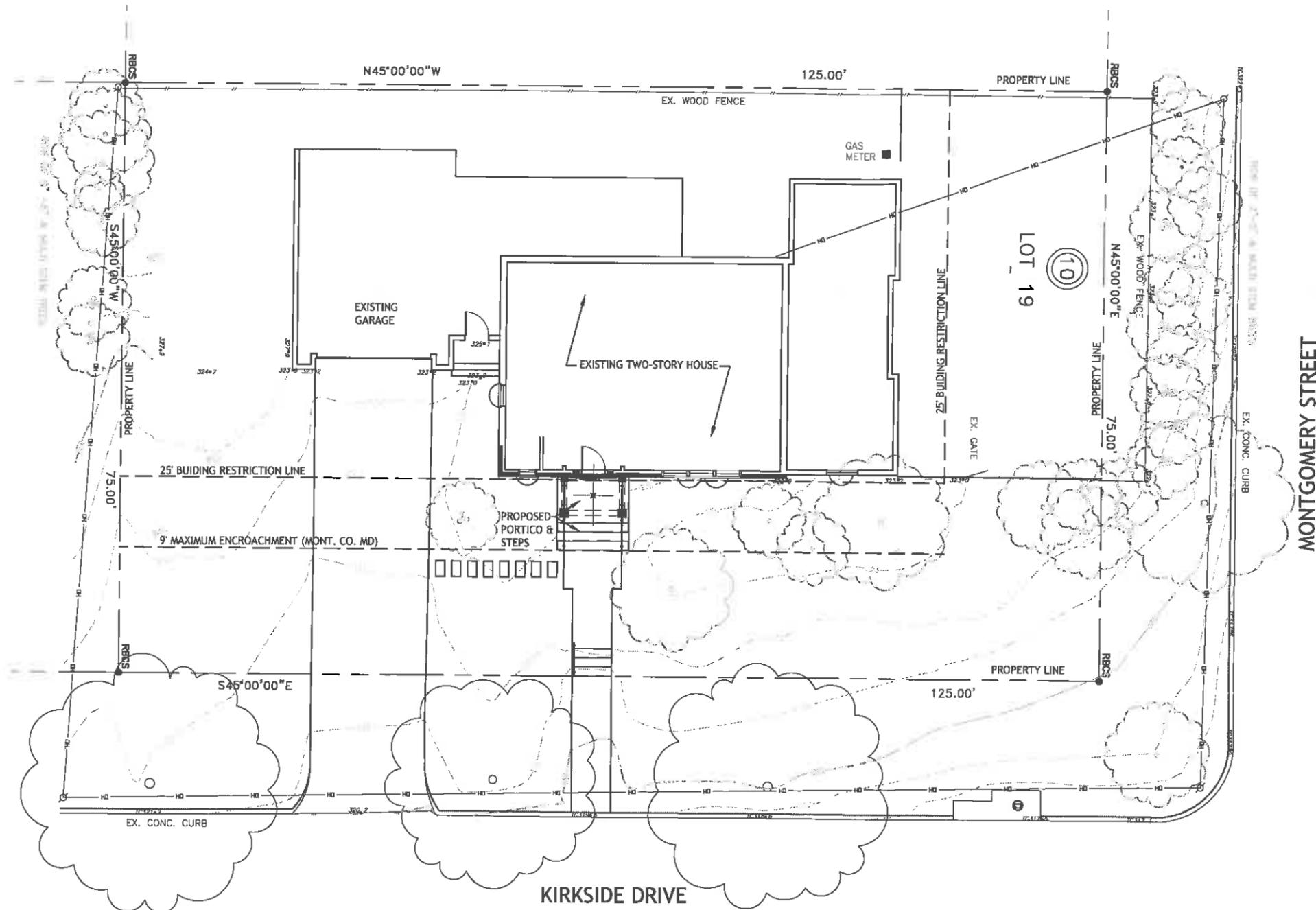
www.wiedemannarchitects.com

PROJECT

McCULLOCH RESIDENCE
5604 KIRKSIDE DRIVE
CHEVY CHASE, MARYLAND
20815

ISSUED

VARIANCE SUBMISSION
18 APRIL 2016



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1 PROPOSED SITE PLAN
C2.0 SCALE: 1/8" = 1'-0"

PRELIMINARY
NOT FOR CONSTRUCTION
SHEET

C2.0

14



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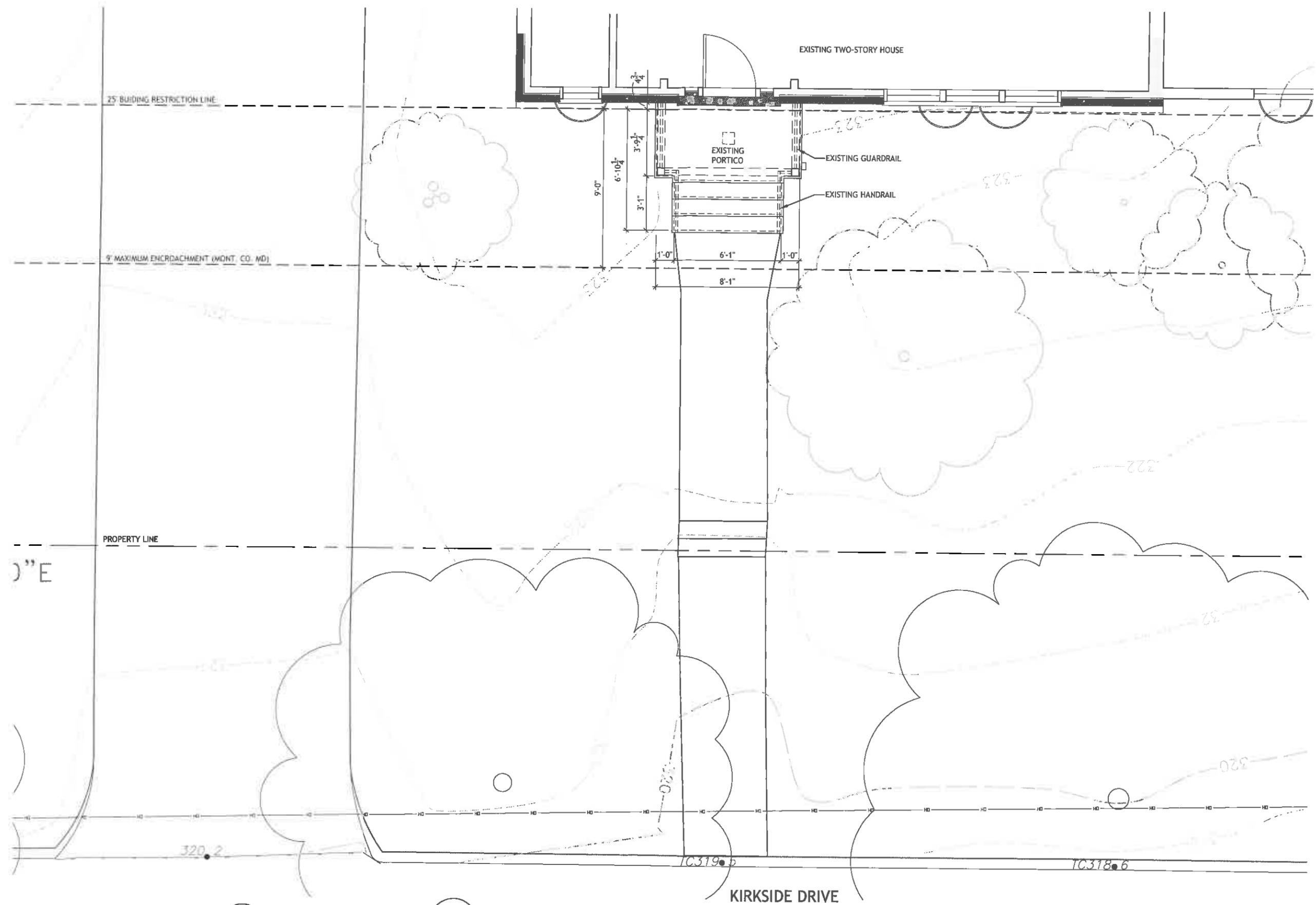
www.wiedemannarchitects.com

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ISSUED

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18 APRIL 2016



1 EXISTING FRONT YARD PLAN
EXC1.1 SCALE: 3/8" = 1'-0"



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LANDMARK ENGINEERING, INC. DATED APRIL 04, 2016

PRELIMINARY
NOT FOR CONSTRUCTION
SHEET

EXC1.1
15



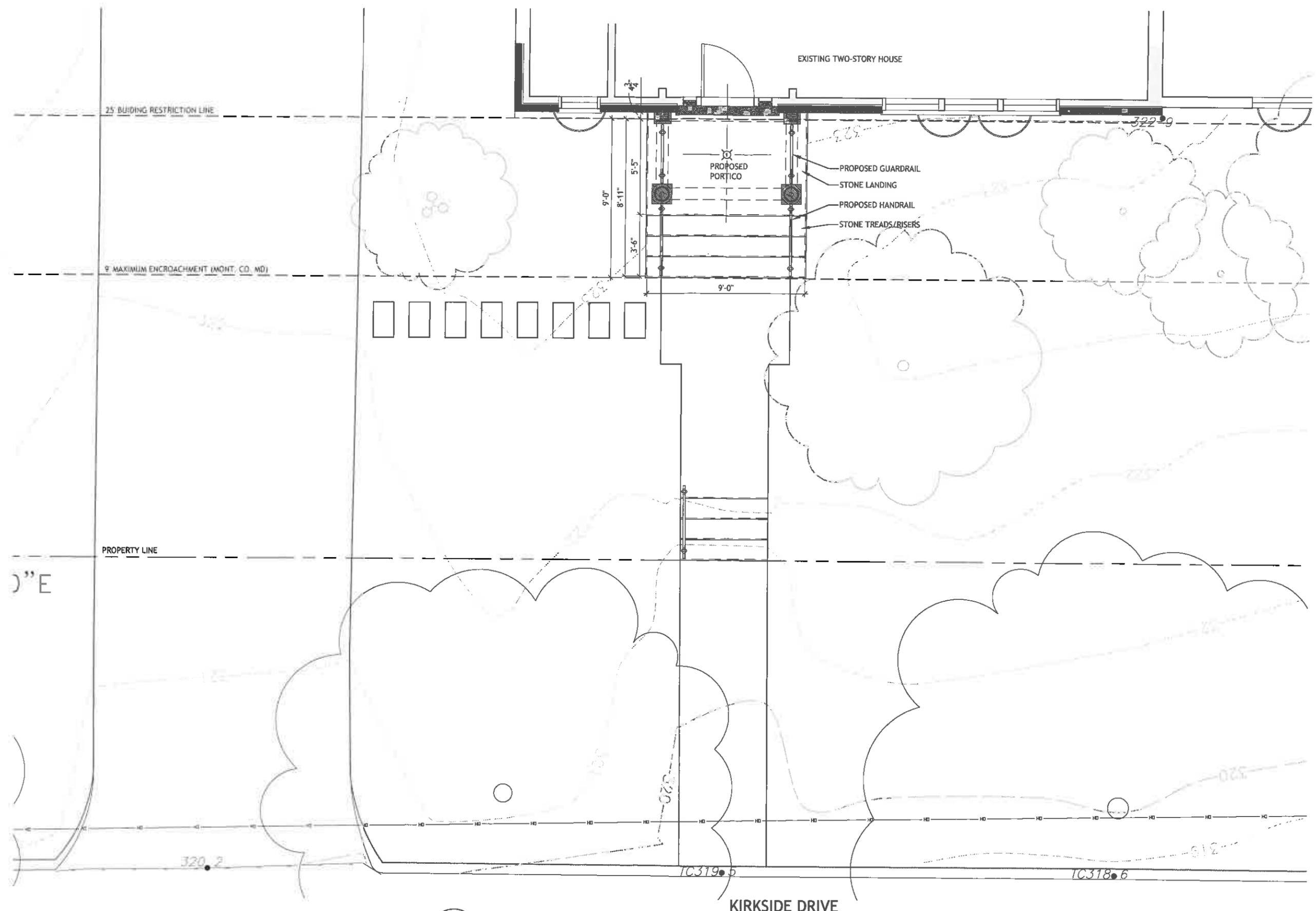
WIEDEMANN ARCHITECTS LLC

5272 RIVER ROAD SUITE 610
BETHESDA, MD 20816
Voice 301-652-4022
Fax 301-652-4094

www.wiedemannarchitects.com

PROJECT
McCULLOCH RESIDENCE
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20815

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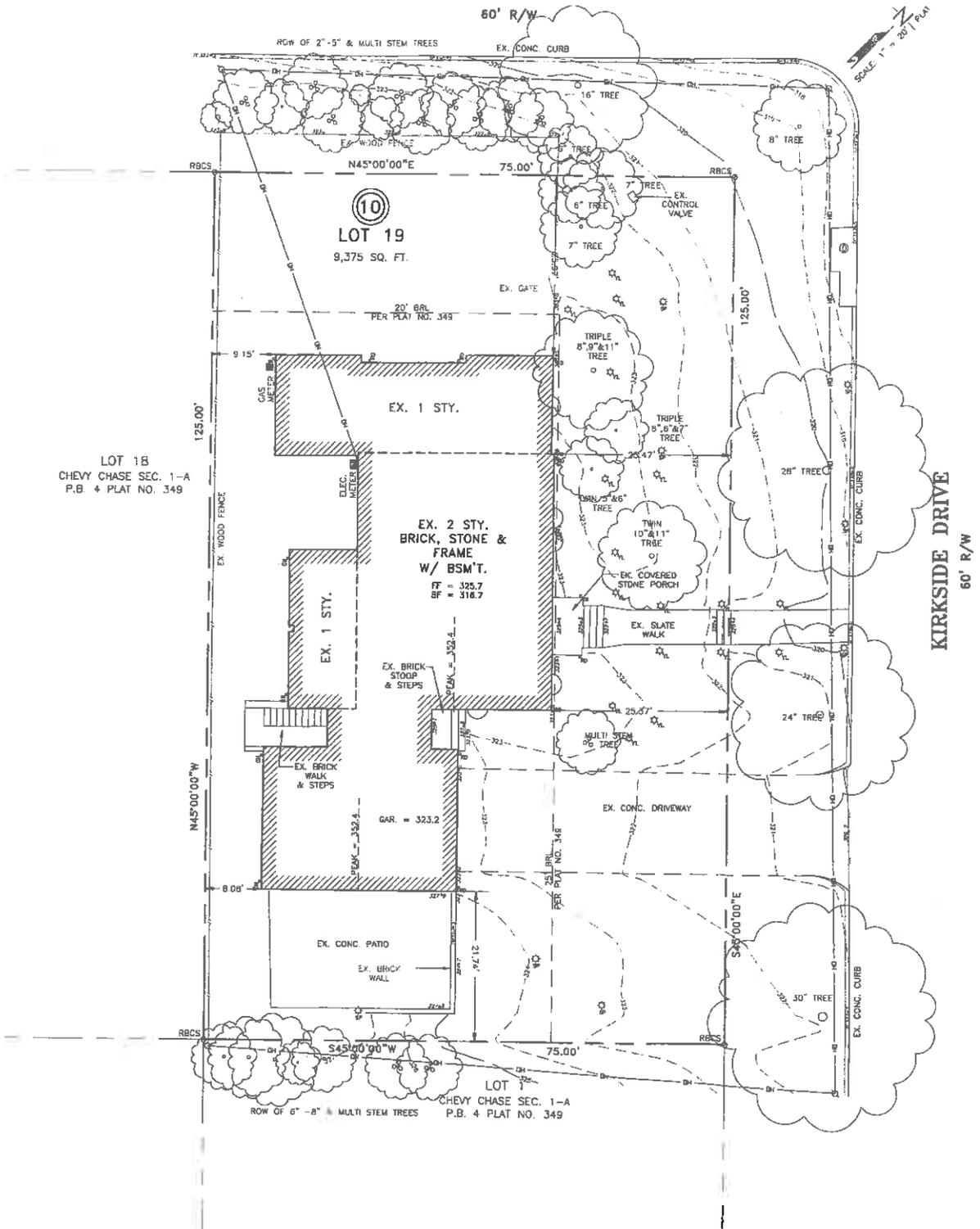
1 PROPOSED FRONT YARD PLAN
C2.1 SCALE: 3/8" = 1'-0"

NOTE: ALL SITE INFORMATION IS BASED ON THE SURVEY PREPARED BY LANDMARK ENGINEERING, INC. DATED APRIL 04, 2016

PRELIMINARY
NOT FOR CONSTRUCTION
SHEET

C2.1

16



I HEREBY CERTIFY THAT THE PROPERTY DELINEATED HEREON IS IN ACCORDANCE WITH THE PLAT OF SUBDIVISION AND/OR DEED OF RECORD, AND THAT THE IMPROVEMENTS WERE LOCATED BY ACCEPTED FIELD PRACTICES. THIS SURVEY WAS PREPARED UNDER MY SUPERVISION.

Charles Thomas Grimsley
 Charles Thomas Grimsley
 Professional Surveyor
 Maryland No. 21392
 Expiration Date: February 4, 2018

PROFESSIONAL CERTIFICATION
 I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND THAT I AM A DULY LICENSED PROFESSIONAL LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MARYLAND, LICENSE NO. 21392, EXPIRATION DATE: FEBRUARY 4, 2018.



BOUNDARY AND TOPOGRAPHIC SURVEY

McCULLOCH PROPERTY
 5604 KIRKSIDE DRIVE
 LOT 19, BLOCK 10
 CHEVY CHASE SECTION 1-A
 PLAT BOOK 4, PLAT NO. 349
 7TH ELECTION DISTRICT, MONTGOMERY COUNTY, MARYLAND

LANDMARK ENGINEERING, INC.
 6110 EXECUTIVE BLVD, SUITE 110 PHONE: (301) 230-5881
 ROCKVILLE, MARYLAND 20852 FAX: (301) 230-5884
 CONSULTING ENGINEERS PLANNERS SURVEYORS

DRN: DCV CK: CTC
 PROJECT NO.: 1695
 SCALE: 1" = 10'
 DATE: APRIL 04, 2018
 SHEET 1 OF 1

1/10" TO SCALE

personally appeared before me, in said District, the said Karl E. Jarrell and Harrison Somerville, being personally well known to me as the persons who executed the said Deed and acknowledged the same to be their act and deed.

Given under my hand and seal this 8th day of August, A. D.

1945.

Helen F. Ingersoll

Helen F. Ingersoll

Notary Public D. C.

Notary Public

District of

Columbia

BIB
Thomas J. ...
128 ...
...

At the request of Buford G. Eastham the following Deed was recorded October 10th A. D. 1945 at 1:31 o'clock P. M. to wit:

This Deed Made this 27th day of September in the year one thousand nine hundred and forty-five by and between The Chevy Chase Land Company, of Montgomery County, Maryland (a corporation duly organized under and by virtue of the laws of the State of Maryland), party of the first part and Buford G. Eastham of the State of Maryland, party of the second part.

Witnesseth, that the said party of the first part, for and in consideration of the sum of Twenty-five Thousand (\$25,000.00) Dollars to it paid by the said party of the second part, and of the covenants and agreements of the said party of the second part as hereinafter set forth, does hereby grant and convey unto the said party of the second part, in fee simple; the following described land and premises, with the improvements, easements, and appurtenances thereunto belonging, situate in the County of Montgomery State of Maryland, nameiy;

Lots numbered One (1) Two (2) Three (3) Four (4) Five (5) Six (6) Seven (7) and Eight (8) in Block numbered Twelve (12) and lots numbered eleven (11) Twelve (12) Thirteen (13) Fourteen (14) Fifteen (15) Sixteen (16) Seventeen (17) Eighteen (18) and Nineteen (19) in block numbered Ten (10) in the subdivision known as "Section 1-A, Chevy Chase", as per plat of said Subdivision recorded in Plat Book No. 4, at folio 349, one of the Land Records of Montgomery County, Maryland;

Subject to a building restriction line as shown on said recorded plat.

It is hereby expressly understood and agreed by and between the parties hereto, their respective successors, heirs, personal representatives and assigns, that the general plan of subdivision of which the land and premises hereby conveyed is a part, embraces only and is limited to the area contained in and covered by the subdivision known as "Section One-A, Chevy Chase", Montgomery County, Maryland, and further that no covenant, restriction or condition whether or not herein contained shall apply to, charge or affect lots in Blocks 6 and 11 of the said subdivision, and that no objection will be raised to the rezoning of said blocks 6 and 11, for commercial purposes. It is hereby understood and agreed that no building shall be erected on the land hereby conveyed unless and until the plans or the elevations, the design and color scheme thereof as well as the location of said building on said land shall be first approved in writing by The Chevy Chase Land Company of Montgomery County, Maryland, or its successors.

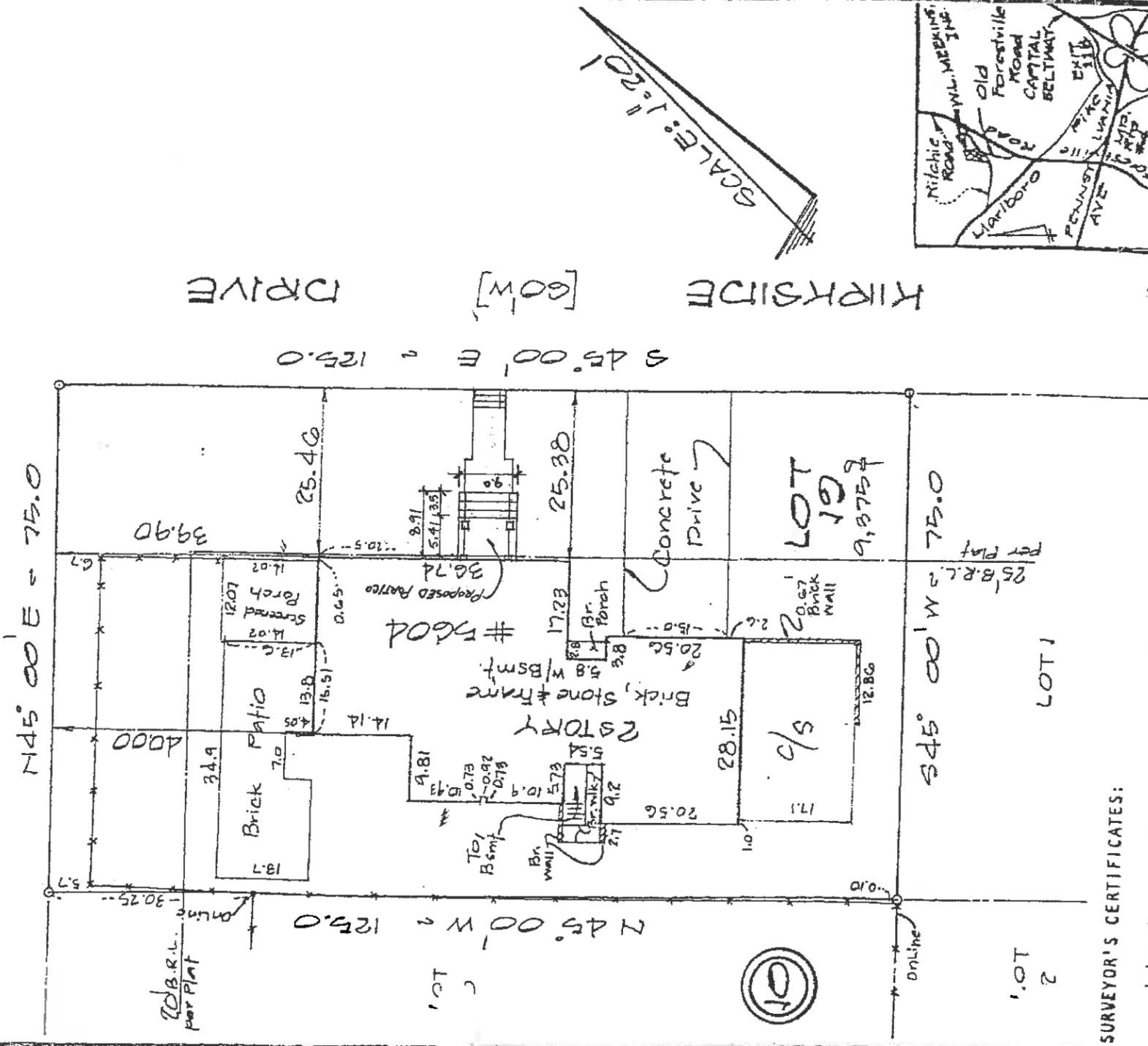
In evidence of his acceptance of the foregoing and following covenants

18

Vertical text on the left margin: ...

HOUSE LOCATION PLAT
 Lot 19, Block 10
 Section 1-A, CHEVY CHASE
 Montgomery County, Md.
 Book No 4 Plat 349

MONTGOMERY [60W] STREET



SURVEYOR'S CERTIFICATES:

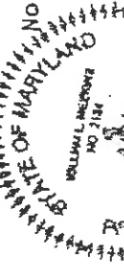
I hereby certify that the position of the existing improvements on the above described property has been carefully established by a transit-tape survey and that unless otherwise shown, there are no visible encroachments.

Date: 6-1-99 W.L.M.

I hereby certify that I have carefully surveyed the property as shown by this plat and iron pipe are in place as shown.

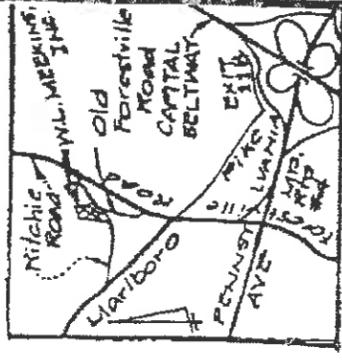
Date:

NO TITLE REPORT FURNISHED
 PLAT SUBJECT TO RESTRICTIONS & EASEMENTS
 OF RECORD OR OTHERWISE



Note: House location surveys do not include setting iron pipes on property corners.

W. L. MEEKINS, INC.
 Registered Land Surveyor #2134
 3101 Ritchie Road
 Forestville, Maryland 20747
 Phone (301) 736-5364 Fax (301) 736-5366



Treasurer's Report July-April (10 months of FY 2016)

Overall:

This report is a ten month snapshot for FY 2016. In FY 2016 we project to have a surplus of approximately \$206,268, which would be \$597,999 better than the deficit we had budgeted. Income tax revenue is projected to be approximately \$200,000 more than budgeted (about 9% higher than budget). Also, since the approval of the original budget, supplemental appropriations have been made for an increase in the refuse and recycling contract and for additional Village Hall landscaping. However, higher than expected fees, county payments, plus lower than expected expenses in some areas, will offset the new expense from the supplemental appropriations approved for this fiscal year. We received from the State of Maryland a onetime income tax windfall in March of \$161,741 due to a State audit of tax returns going back to 2010

Income Tax Revenue:

We are projected to come in approximately \$200,000 over budget this year about 9% higher than projected, not including the onetime income tax windfall we received in March.

Property Tax Revenue:

We are projecting coming in around budget since we are using the constant yield rate for this fiscal year

Safe Speed Net Revenue:

We project this will be coming in right about at the budgeted amount. The last half of FY 2015 saw an increase in Safe Speed revenue from the first half of FY 2015 and so far this trend had continued for the first five months of FY 2016. However, due to construction on Connecticut Ave., this revenue has had a slight decrease since and we may still see a slight decrease going forward for a couple of months.

Miscellaneous Revenue:

Net of reimbursement revenue for Newlands Street repaving, we project this to be over budget by \$32,000 due to a higher than expected County tax duplication payment, and higher than expected fees and income.

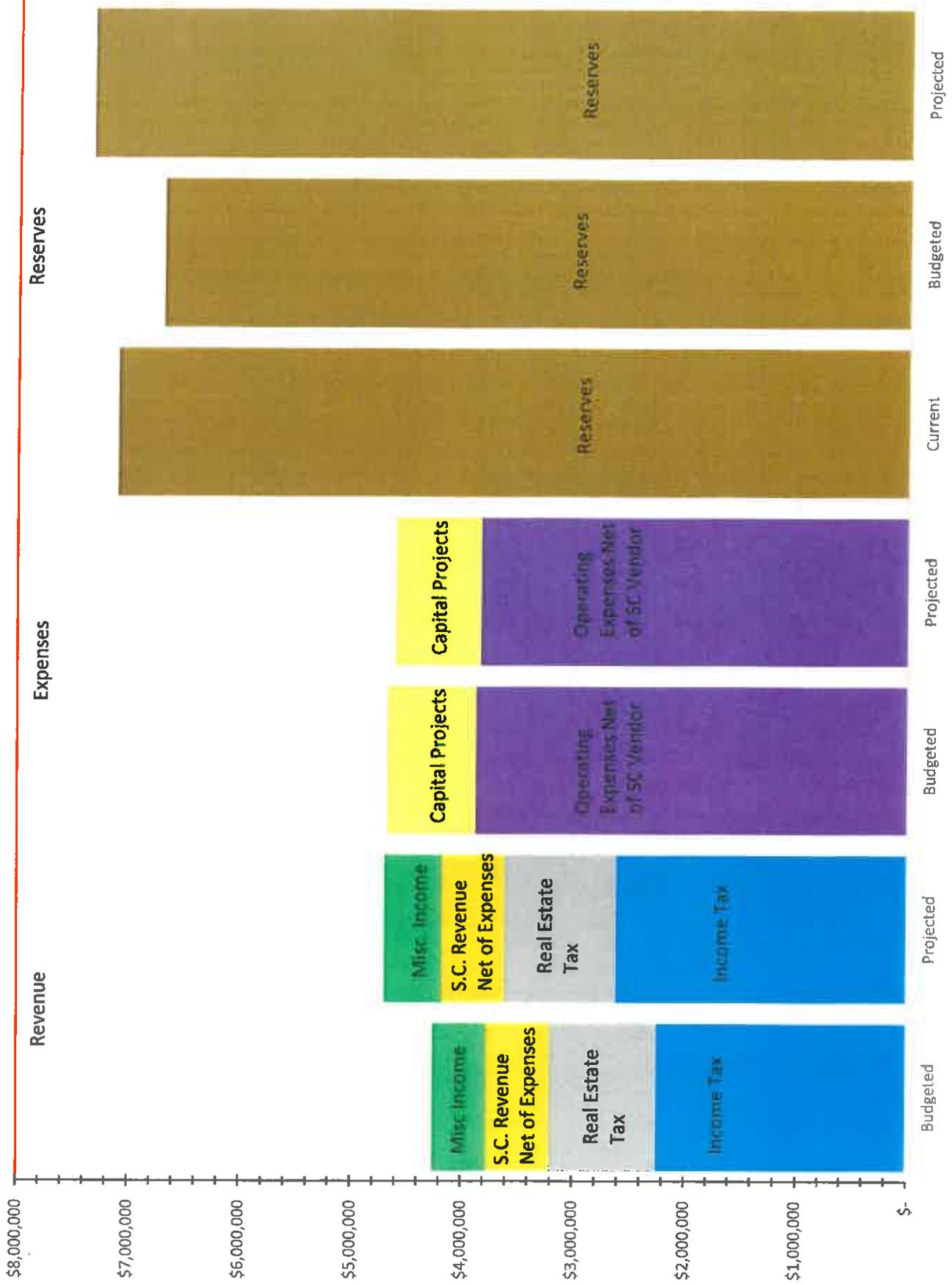
Capital Expense:

We added a supplemental appropriation for Village Hall landscaping, we have made a slightly higher contribution to Western Grove Park, we made a small donation to a local elementary school, and we are implementing the Village traffic study. We have also elected not to proceed with the Village wide boundary study. The net effect of these decisions is that we will be about \$20,000 over the original budget for the year, net of the reimbursed expense for Newlands Street repaving.

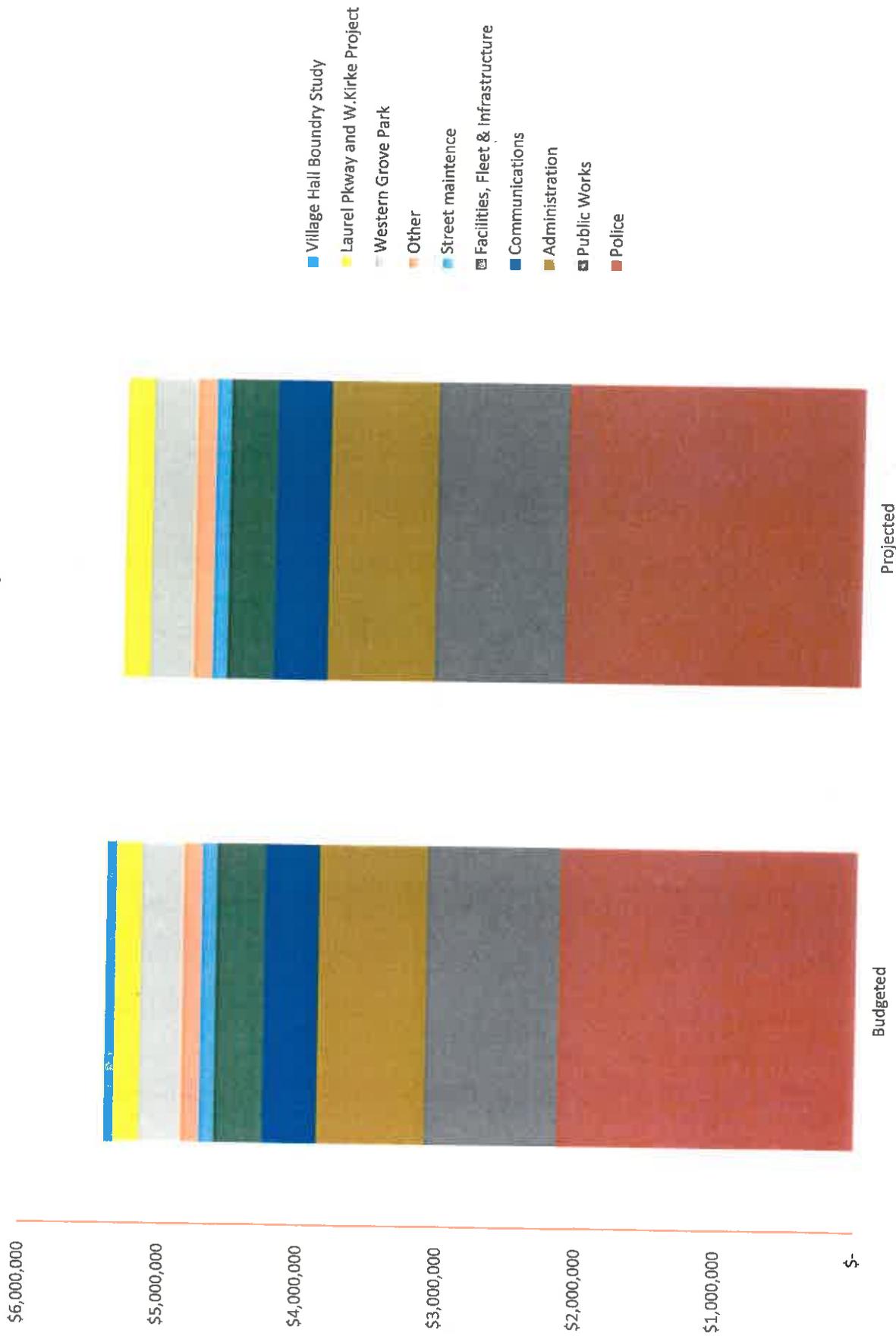
Operating Expense:

We project this will be 4-5% below budget.

Revenue and Expenses Budget versus Projected



Expenses Budgeted versus Projected



Rationale for Choosing Plants for the Betty English Garden

TO: To Whom This May Concern

DATE: Thursday, April 28, 2016

The Garden Club of Chevy Chase needs to replace some of the plant material found in our Brookville Road island garden, The Betty English Garden, honoring one of our member's mother.

We laud the effort to use native plant materials wherever possible. This garden was planted in 1976 and some of the plant material, while lovely, is not native.

We have sought to replace the non-native species wherever possible, given that the growing habit would be similar to the plants already in the garden.

We have looked at several native alternatives and in some cases changed the plants proposed for this spot due to their non-native provenance.

The small space and island location of the garden has led to in some instances to choosing non-natives. For instance, the leggy inkberry holly's growing patterns are not as compact as the dwarf cherry laurel.

The azaleas are indeed not native, but the compact growth of the gumpo variety and the bloom and hardiness make them especially good for the space. It also keeps intact the

choice made at the time of the initial plantings, as they are hardy and low growing, although not native.

The crape myrtle, growing here since 1786, gives summer color to the garden to balance the spring bloom of the Amelanchier, a native tree. The Amelanchier is replacing the nandina, non-native shrubs.

April 15th was our proposed planting date, and now May 11th is our next proposed date. We can, of course, postpone it, but if possible we would love to have the plants in the ground before summer when the heat makes their survivorship less sure.

We have removed the suggestion altogether of green gem boxwood and knockout roses as they are not native.

We are largely filling in gaps by replacing plant material no longer there.

Would you please indicate to me whether you think the Board of Managers will be able to see their way clear to allow the plantings as has been proposed in the attached plan.

Thank you,
Nancy Caffey
Susan W. Kilborn

A handwritten signature in black ink, appearing to read "Susan". The signature is written in a cursive, flowing style with a large initial 'S'.

Betty English Garden

Proposal for Betty English Garden Renovation

In recognition of the garden club's 90th anniversary, the Civics Committee has proposed adding new plant material to the Betty English Graden. The intent is to maintain the character of the garden and to maintain a white and green color scheme. The list of plants includes:

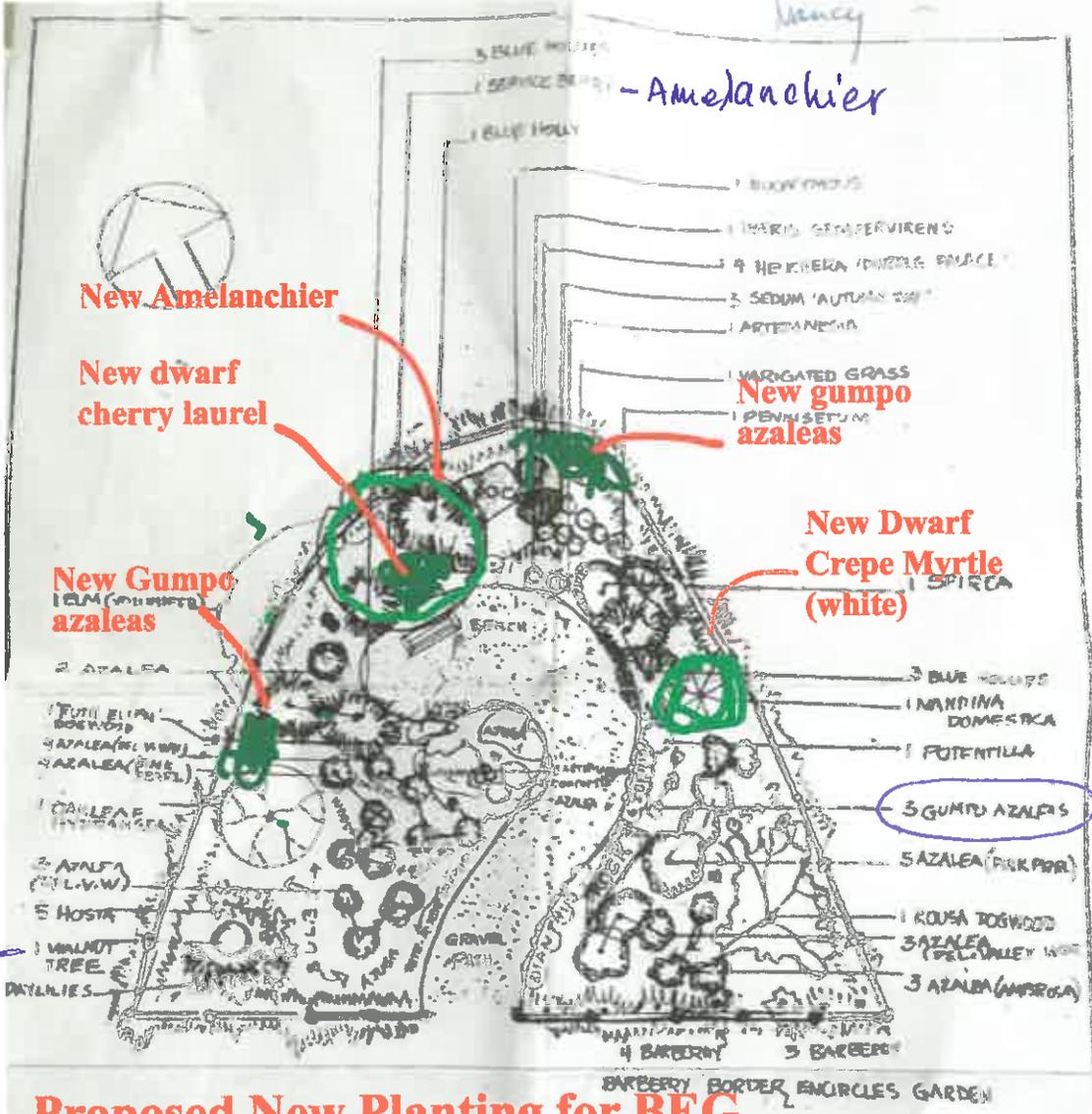
1 6' Amelanchier tree (Serviceberry 20 ft mature)	\$320
1 4' Acoma dwarf Crepe Myrtle (10 ft mature)	\$200
1 18-24" Dwarf Cherry Laurel	\$ 70
6-8 3 gallon size Gumpo azaleas	\$ 30 ea

**Grand total \$1,010
includes delivery and installation
Staedler Nursery, Olney, MD**

The Amelanchier retails for \$360, but qualifies for a \$40 rabate from the State of Maryland

Delivery and planting of Amelanchier and Crepe Myrtle included in price

Delivery and planting of bushes add \$20 per plant



New Amelanchier

New dwarf cherry laurel

New Gumpo azaleas

New gumpo azaleas

New Dwarf Crepe Myrtle (white)

Dead ←

Proposed New Planting for BEG

BETTY ENGLISH GARDEN
BROAD BRANCH & BROOKVILLE ROADS, CHEVY CHASE

REVISED 4/3/97

indicates confirmed existing plant material



After



Before



**New Dwarf Crepe Myrtle tree to
replace Nandina**



New Gumpo azalea

After



Before

**New Amelanchier to replace tree
shown in original plan**



Lagerstroemia 'Acoma'



The U.S. National Arboretum presents the lovely *Lagerstroemia* 'Acoma', a crapemyrtle of pristine beauty and gentle habit. This semipendulous, semidwarf shrub maintains its mounded, somewhat weeping form for many years. Throughout the summer months, the lustrous, glossy dark green leaves provide a crisp backdrop for the snowy white flowers, a cooling counterpoint to the boisterous heat of summer.

Recognition: Florida Plants of the Year Program, 1998.



U.S. National Arboretum Plant Introduction
Floral and Nursery Plants Research Unit

U.S. National Arboretum, U.S. Department of Agriculture, Agricultural Research Service, 3501 New York Ave., N.E., Washington, DC 20002





'Acoma' Hybrid Crapemyrtle

- Botanical Name:** *Lagerstroemia (indica x fauriei)* 'Acoma'
(NA 48472; PI 499815)
- Family:** Lythraceae
- Hardiness:** U.S.D.A. Zones 7b-9
- Development:** 'Acoma' is the result of a cross of *L. indica* 'Pink Ruffles' x (*L. indica* x *L. fauriei*) made in 1969. This represents the controlled hybridization of specific F₁ *L. indica* x *L. fauriei* populations to produce more compact, mildew-tolerant hybrid crapemyrtles. 'Acoma' was selected from this population in 1972, propagated, and distributed for evaluation and stock increase. Released in September, 1986, 'Acoma' was registered with the International Registration Authority for Cultivated *Lagerstroemia* in May, 1992.
- Significance:** 'Acoma' is one of the first mildew-resistant crapemyrtles with a semidwarf, semipendulous habit. Until its release in 1986, all *L. (indica x fauriei)* cultivars were small flowering trees.
- Description:** **Height and Width:** 9.5 feet tall by 11 feet wide at 15 years.
Habit: Deciduous, semidwarf, semipendulous, multistemmed shrub.
Foliage: Young leaves tinted dark bronze, becoming dark green; dull red to dark purple red autumn color; field resistant to powdery mildew.
Flowers: Pure white florets with pronounced golden anthers and long-clawed, crinkled petals in pendulous, long-tapered panicles. Recurrent bloom from late June to September.
Fruit: A dry capsule.
- Culture:** 'Acoma' is adaptable to many soils and diverse climatic conditions. It flowers and grows best in full sun in a heavy loam to clay soil with a pH of 5.0–6.5.
- Propagation:** Roots easily from softwood, semi-hardwood, hardwood, or root cuttings. Preferred method is semi-hardwood cuttings taken before flowering, 1000–3000 ppm IBA, under mist, in 4–6 weeks.
- Landscape Use:** Specimen or shrub border in the residential landscape; mass plantings in parks and public areas.
- Availability:** Readily available from wholesale and retail nurseries and mail-order firms.

The U.S. Department of Agriculture is an Equal Opportunity Employer.

U.S. National Arboretum Plant Introduction
Floral and Nursery Plants Research Unit

U.S. National Arboretum: www.ars-grin.gov/na/



November 1999



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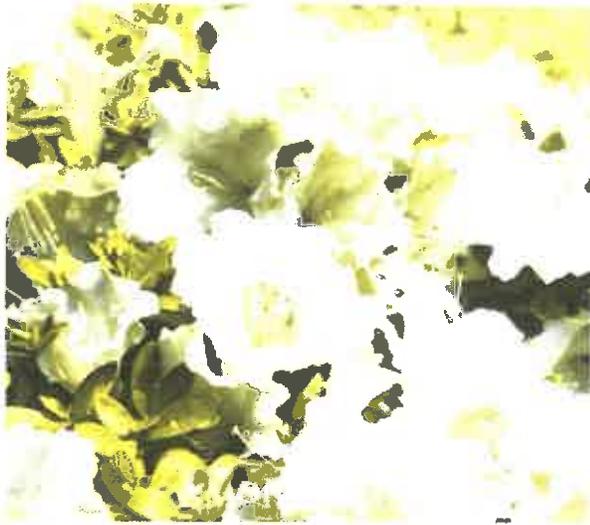
U.S. National Arboretum Plant Introduction

Floral and Nursery Plants Research Unit

U.S. National Arboretum: www.ars-grin.gov/na/



November 1999



Gumpo Pink Azalea

Azalea 'Gumpo Pink' (Satsuki hybrid)

Item #0780

USDA Hardiness Zone: 7 8



Availability

[Add to Favorites](#)



Plant Description

Dwarf evergreen shrub displays extremely showy single light pink flowers late in the season. Lush foliage on dense twiggy branches. A lovely accent and welcome addition to the landscape.

Overview

Light Needs



Filtered sun

Watering Needs



Needs regular watering - weekly, or more often in extreme heat.

Average Landscape Size



Slow growing to 2 ft. tall, 3 ft. wide.

Key Features



Spring Flowering

Blooms



Late spring

Landscape Uses



Central Feature

Cherry Laurel

[Home](#) › [Ornamental Gardens](#) › [Shrubs](#) › [Cherry Laurel](#)

By Susan
Patterson,
Master
Gardener

There's nothing nearly as pretty in the spring as a blossoming cherry laurel plant. They make

excellent additions to just about any landscape and fill the air with intoxicating aromas. Learn more about what is cherry laurel plant and how to care for cherry laurel in your landscape.



Image by Maryland Arboretum & Botanical Garden

Are You Satisfied
With Your Law
Our Customers
Are. Get a Free
Quote

[What is Cherry Laurel?](#)

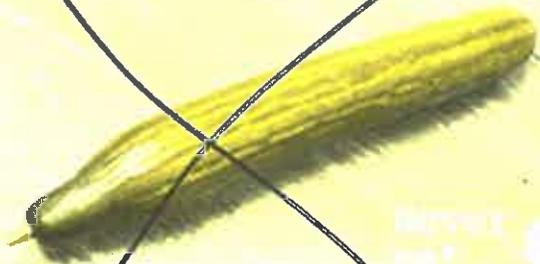
Whether you want a lovely specimen tree or an attractive living hedge, cherry laurel shrubs (*Prunus laurocerasus*) are a beautiful addition to any landscape. **Native to North America**, this attractive upright evergreen shrub or small tree grows from 15 to 40 feet in height with a 10 to 35 foot spread.

Hardy to zone 5, according to the cherry laurel shrubs produce beautiful and aromatic white flowers in the spring. There are many types of the cherry laurel plant to choose from, ranging from compact shrubs to small tree forms.

When to Plant Cherry Laurel

Advertisement

~~5 Foods you must not eat :~~



~~Cut down a bit of your belly every day by never eating these 5 foods.~~

The best time for when to plant cherry laurel is in the fall. Select high-quality nursery stock with roots that are wrapped in burlap or you can grow them from container plants.

Select a sunny or partly sunny area with fertile, well-

drained soil and a soil pH of 6.5 to 7.5.

Be careful when removing the shrub from the container or burlap wrapping so as not to damage the roots. Use only native soil to backfill the shrub-planting hole and do not provide any fertilizer. Water your cherry laurel plant thoroughly to help roots establish.

How to Care for Cherry Laurel

Once a cherry laurel is established, it is very easy to care for. Other than occasional watering, provide a balanced fertilizer in early spring.

READ RELATED ARTICLES



Cherry Tree Pruning: How And When To Trim A Cherry Tree



How To

Treat For Dogwood Borer



Landscaping Shrubs For Nearly Any Purpose

NEWEST ARTICLES



Small Space Gardening Ideas: Tips For Creating Gardens In Small Spaces



Growing Uncarina: Tips On Caring For Uncarina Plants

April 2016 CCVPD Highlights

I. Crime/Operational

1. **Attempted theft from auto on W. Kirke between Connecticut and Magnolia:** A resident left two cars unlocked and parked on the street; glove compartment contents were strewn about, but nothing was taken.
2. **2 copper downspout incidents:**
 - **5600 block of Kirkside:** one downspout discovered missing; date/time of the theft is unknown
 - **Unit block of Primrose:** one downspout was partially removed from the house, but the thief was unsuccessful in stealing it; the resident's barking dog may have interrupted him
3. **1 package theft:** A resident on E. Kirke between Connecticut and Brookville reported that FedEx claimed to have delivered a package to her home, but she did not receive the box.

II. Training/Administrative

1. **All officers have completed the first of 2 days of state-mandated in-service training for 2016; the second day will be scheduled later this year.**
2. **The PD participated in another area-wide prescription drug turn-in event on April 30.**

Select Reported Crimes 2016 vs. 2015				
	April '16	April '15	YTD'16	YTD'15
Assault	0	1	0	1
Auto Theft & attempts	0	0	0	0
Burglary & attempts	0	2	1*	2
Theft & attempts	4	4	24	14
Robbery	0	0	0	0

*bicycle stolen from inside an open garage

	Select Reported Crimes 2010-Present						
	2010	2011	2012	2013	2014	2015	2016 as of 04/30/16
Assault	0	0	2	2	0	1	0
Auto Theft & attempts	3	6	2	5	0	3	0
Burglary & attempts	7	14	3	4	8	9	1
Theft & attempts	46	67	97	60	38	75	24
Robbery	1	0	0	0	1	0	0



POLICE DEPARTMENT
 5906 Connecticut Avenue, Chevy Chase, Maryland 20815
 (301) 654-7300 FAX: (301) 654-7304
 chevychasevillagemd.gov



John Fitzgerald
 Chief of Police

MEMORANDUM

TO: John Fitzgerald, Chief of Police

FROM: Bruce I Gessford, Communications Lead Dispatcher *BIG*

DATE: May 2, 2016

SUBJECT: Monthly Communications Report for April 2016

	<u>April 16</u>	<u>YTD 16</u>	<u>April 15</u>	<u>YTD 15</u>
Walk In	149	675	147	522
Incoming Phone Calls requiring no action*	1,078	4,059	1,207	4,197
Incoming Phone Calls requiring an action**	240	1,017	331	1,061
House Check Requests	107	516	134	528
Key Pick Up/Drop Off	62	211	63	178
Mail Pick Up	80	341	71	280
Special Pick Up Requests	83	272	119	304
Trash and Recycle Complaints	0	8	4	11

***Note: Incoming phone calls requiring no action include: information requests, forwarding calls internally and externally, providing directions, etc.**

****Note: Incoming phone calls requiring an action may include: house check requests, special pick ups, trash and recycle complaints, etc.**

Chevy Chase Village

Monthly Incident Report

April 2016

Burglary (including attempts)	0	Theft from Auto (including attempts)	1
911 Disconnect	1	Lost Property	0
Alarm	9	Miscellaneous	7
Animal Bite	0	Missing Person	0
Animal Complaint	4	Noise Complaint	6
Assist Citizen	6	Open Door	3
Assist Other Agency	12	Open Trunk or Vehicle Door	0
Attempted Theft of Auto/Other Vehicle	0	Power Outage	0
Burglary (including attempts)	0	Parking Complaint	1
CDS - Possession Paraphernalia	1	Recovered Property/Montgomery County	1
Check the Welfare	1	Recovered Property/Other	0
Code Enforcement	4	Suspicious Persons/Vehicles	16
Collisions	16	Sudden Death - Natural	0
Hit and Run Property Damage	3	Thefts (including attempts)	4
Property Damage Collision	13	Thefts from Auto	1
Personal Injury Collision	0	Thefts from Other	3
Disabled Vehicle	6	Theft of Auto/Other Vehicle	0
DUI	0	Traffic Hazard	1
Fraud / Embezzlement / Confidence Game	0	Traffic Stop	1
Family Trouble	0	Trees / Limbs Down	3
Fire-Other	0	Trespassing	1
Identity Theft / Forgery	2	Vandalism	0
Hazard - General	0	Vandalism-Motor Vehicle	0
Hazard - Roadway	0	Vendor Violation	2
Ill Person	4	Wanted Person	0
Injury Non-Traffic	0	Water Main Break	0
Investigation/Police Information	1	Wires Down	0

Collisions within Chevy Chase Village

April 2016

Connecticut Avenue@Primrose Street	1	Brookville Road@Newlands Street	2
Connecticut Avenue@Oxford Street	2	Kirkside Drive@Grafton Street	1
Chevy Chase Circle@Connecticut Avenue	6	6302 Broad Branch Road	1
		100 Primrose Street	1
14 West Lenox Street	1	116 Summerfield Road	1

Chevy Chase Village

Monthly Traffic Report

April 2016

Chevy Chase Village

Code Enforcement Report

April 2016

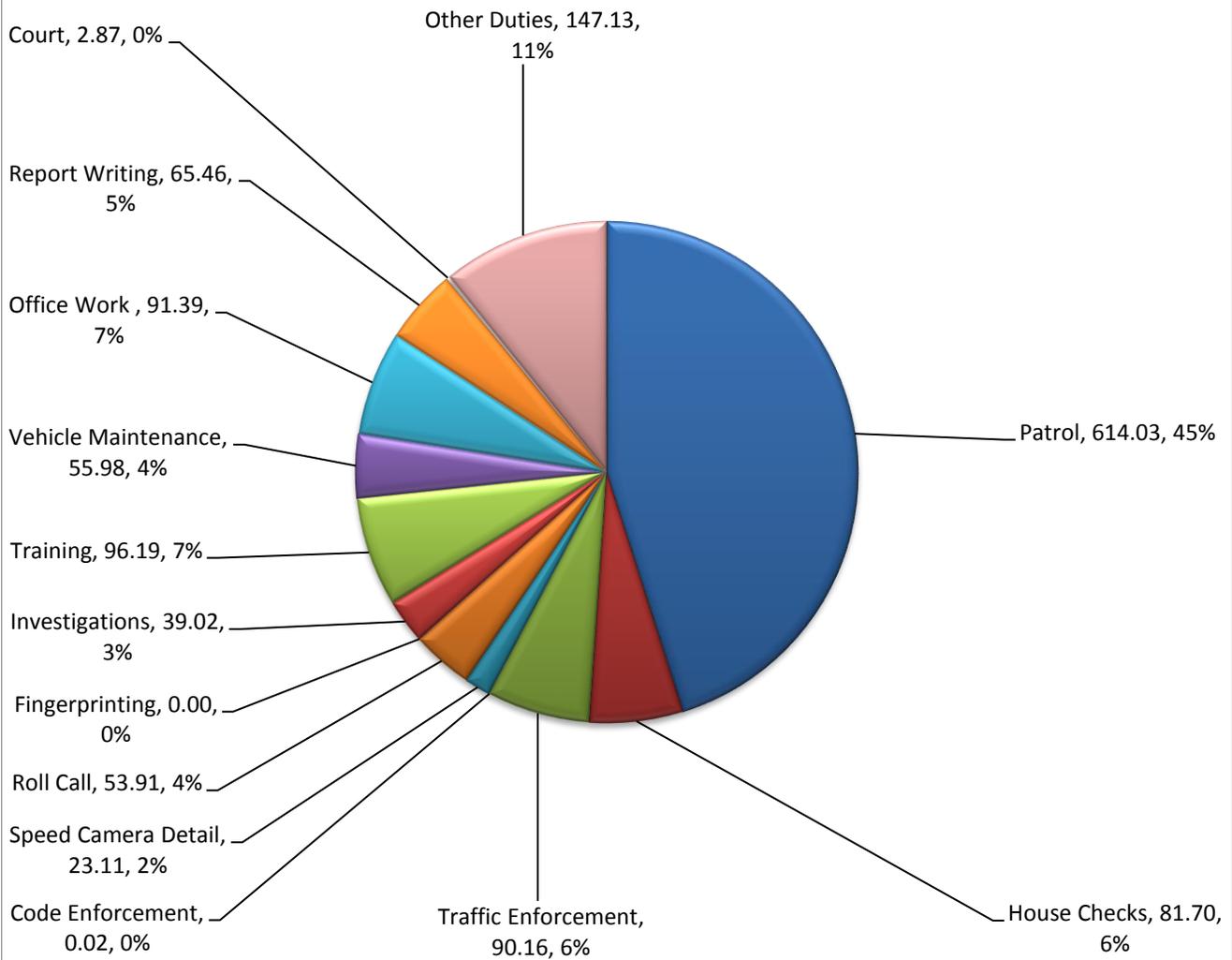
Equipment Repair Orders	10	Police Officers	
Miscellaneous Violations	31	Compliance Inquiry	7
Parking Violations	8	Investigations	1
Sign Violations	2		
Warnings Written	50	Municipal & Civil Citations Issued	0
Speeding Violations	0	Municipal & Civil Warnings Issued	0

Chevy Chase Village

Agency Personnel Report

	Apr.	YTD
Citizen Complaints	0	0
Citizen Compliments	1	8

Chevy Chase Village Police Department Officer Hours for April 2016 within Chevy Chase Village

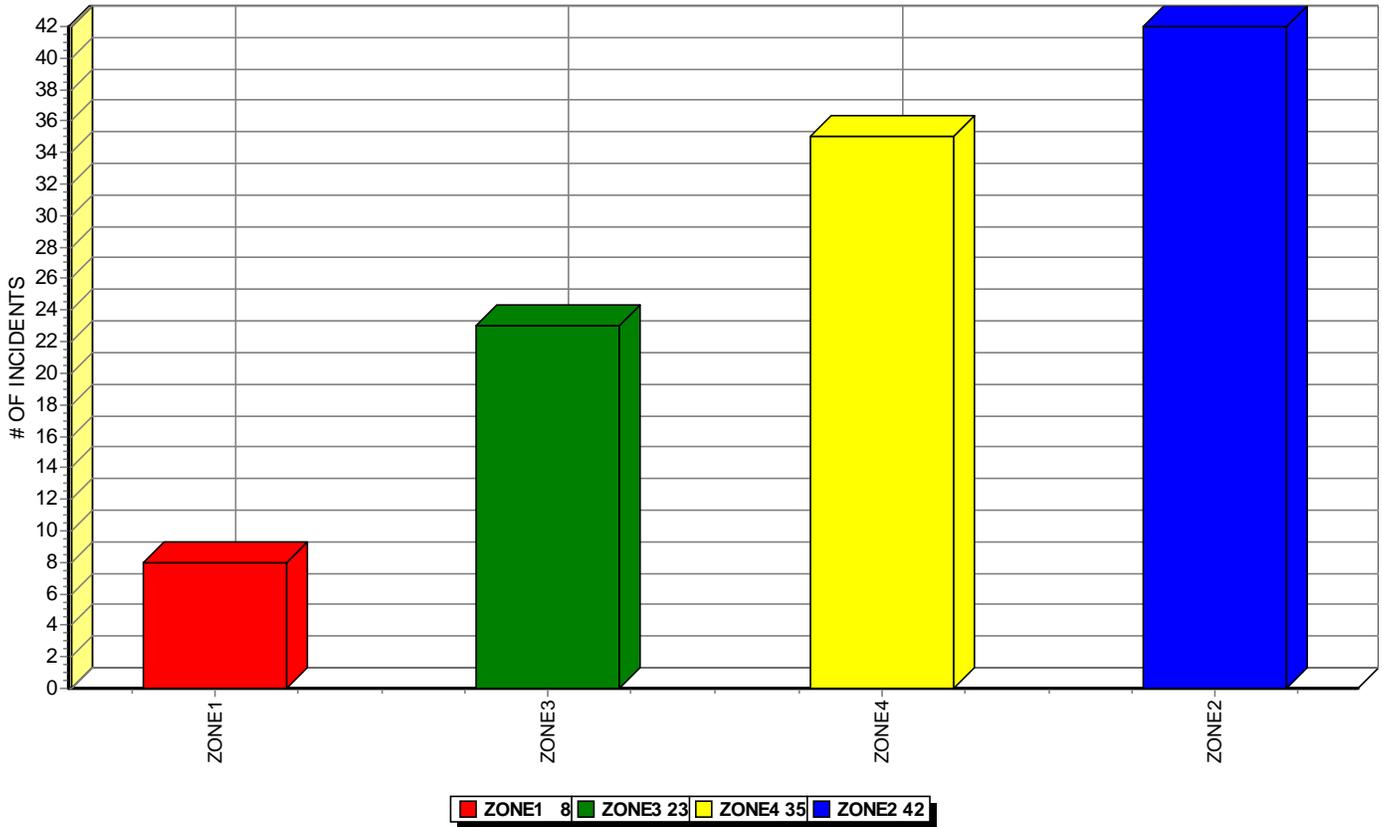


* Note: The SafeSpeed Coordinator's hours are 129.48, which are not included above

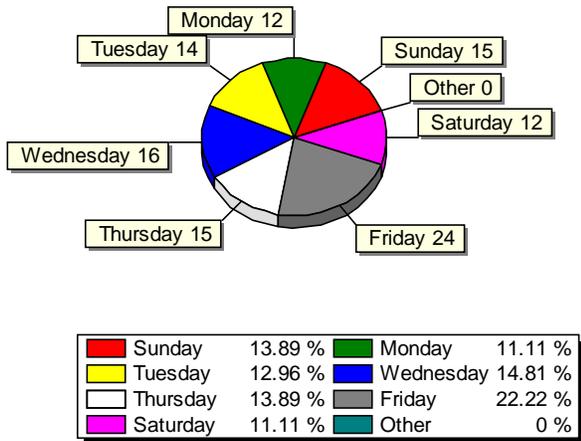
CHEVY CHASE VILLAGE POLICE

5/3/2016 12:18:25 PM

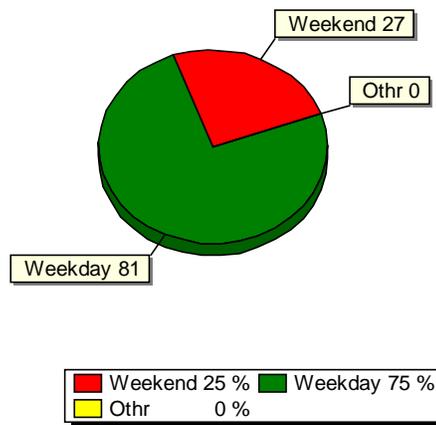
Incident Frequency by DISTRICT (Top 4 of 4 Shown) (Using DATE RECD)



By Day of Week

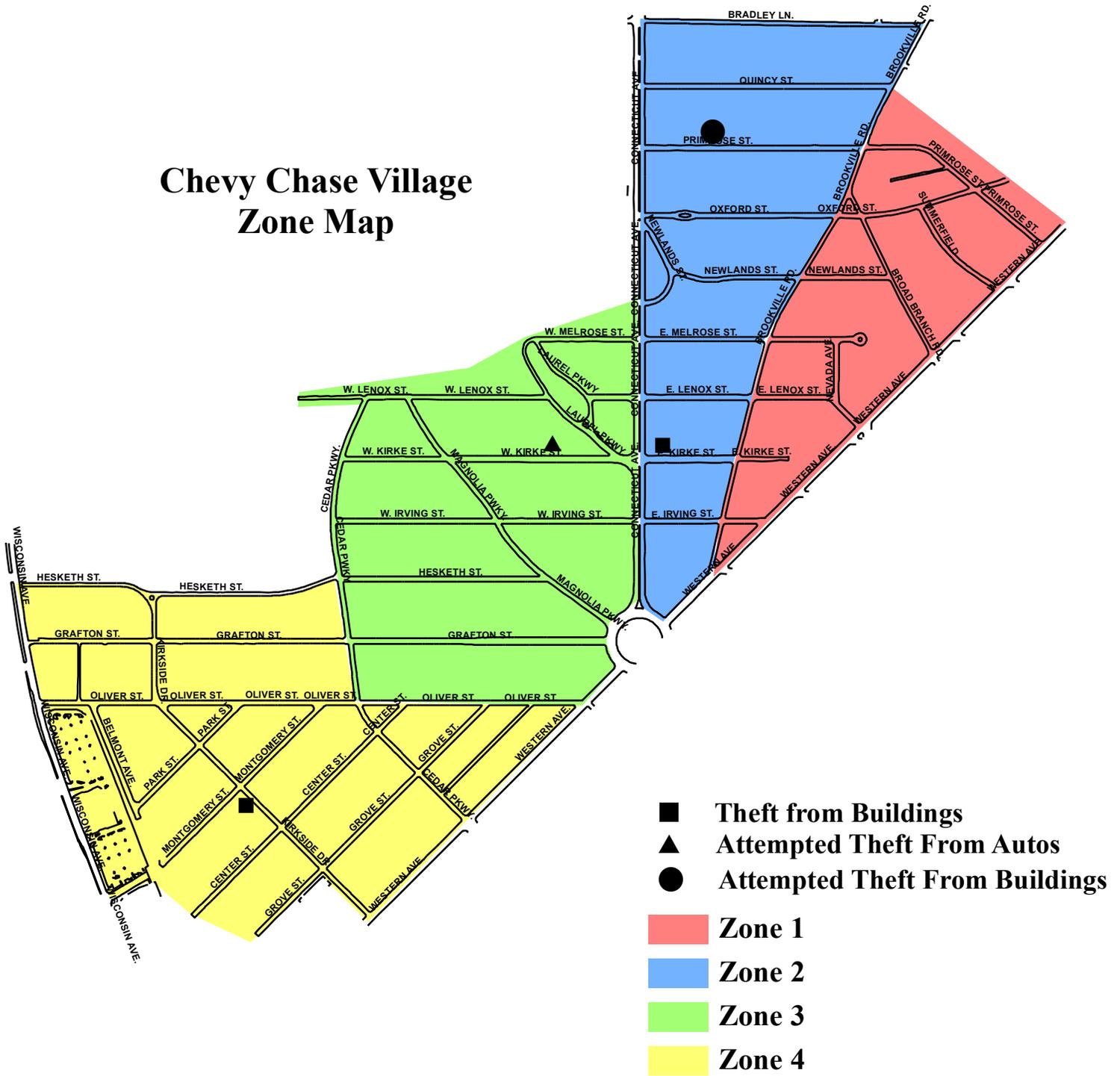


Weekday vs Weekend



Search Criteria: (DISTRICT >= 'ZONE1')
 (DISTRICT <= 'ZONE4')
 (INCDNUM like '%%')
 (DATE_RECD >= TO_DATE('4/1/2016','MM/DD/YYYY'))
 (DATE_RECD <= TO_DATE('4/30/2016','MM/DD/YYYY'))

Chevy Chase Village Zone Map



Chevy Chase Village

Building & Tree Removal Permits

Permits Issued- April 2016

Building Permits

Permit #	Address	Type of Work
6936	5611 Kirkside Drive	Replace 42" fence and add new gate.
6935	20 Magnolia Parkway	Install four (4) American Hollies in the Magnolia Parkway public right-of-way.
6934	10 East Kirke Street	Install replacement fence in the front yard.
6931	15 East Lenox Street	Construct two story addition.
6929	117 Grafton Street	Construct two story addition.
6928	25 West Irving Street	Construct two-story addition.
6927	5501 Kirkside Drive	Install a drain pipe in the Kirkside Drive public right-of-way.
6926	110 Primrose Street	Install replacement air conditioner in the side (south) yard.
6925	6307 Broad Branch Road	Replace cable TV drop to house.
6924	5509 Center Street	Install replacement fence in the side and rear yards.
6923	140 Hesketh Street	Install one new and one replacement a/c condenser in the west side yard.
6922	9 Oxford Street	Install a generator in the rear yard.
6921	5910 Cedar Parkway	Install drainage pipes in the rear yard.
6920	19 Grafton Street	Construct swimming pool in the west yard.
6919	19 Grafton Street	Construct patio and pool deck.
6918	19 Grafton Street	Install five foot fence in the west side yard.
6917	6128 Western Avenue	Install 4" gas service.

Tree Removal Permit

Permit #	Address	Type of Tree	Reason for Removal	Reforestation Indicated*
2228	110 Newlands St.	(3) Cherry; (2) Holly (1) Ash	Dead or hazardous	yes
2227	102 East Lenox St.	(2) Cherry, (1) Japanese Maple	(2) Hazardous (decay); Maple dead	yes
2226	124 Grafton St.	(1) Sweetgum (1) Sycamore	1 Hazardous (decay in base & unstable); 1 dead	yes
2225	14 West Kirke St.	(1) Magnolia	Dead	no
2224	5800 Connecticut Ave.	(1) Walnut	Hazardous, in decline	no
2223	6403 Connecticut Ave.	(1) Red Oak (1) Cryptomeria (1) Crab Apple (1) Black Locust	Red Oak Hazardous, Others Dead	no
2222	3 Grafton Street	(1) Elm	Hazardous; split leader	yes

* Since commencing recordation of reforestation intentions in November of 2013, 48 of 107 Applicants (45.6 %) indicated that they would voluntarily be reforesting on their property.

Expiring Permit Notices Mailed This Month

Permit #	Address	Type of Work
6745	5803 Kirkside Drive	Install two Cherry trees in the Kirkside Drive public right-of-way.
6744	114 Grafton Street	Install new flagstones on new stone dust base.
6733	6128 Western Avenue	Modify an existing deck and construct new steps.
6731	5604 Montgomery Street	Construct shed in the rear yard.

Chevy Chase Village

Permitting and Code Enforcement Activity April 2016

Telephone Queries: +/- 115

Walk-Ins: +/- 55

Pre-Design Review Meetings: 3

Municipality Letters (issued to the County for new projects): 2

Administrative Building Permits Issued: 15 Administrative Building Permit; 2 Utility; 2 Dumpster; 1 Dumpster Extension

Licenses to Use the Public Right-of-Way: 2

Appeals: Two Decisions from Special Permit requests granted at the April meeting were drafted, circulated, and approved; Staff worked with Counsel on hearing follow up regarding a variance application from that meeting which was denied. Two variance requests were prepared for the May Board meeting. Staff continues work on an Appeal of the Manager's Decision filed and presented at the March Board meeting. One Administrative Special Permit was approved, for demolition of the main dwelling at 108 East Melrose Street.

Tree Ordinance Board: None pending.

Enforcement Incidents: Routine code enforcement patrol and site inspections of construction projects were conducted. Additionally:

- During elections Staff responded to calls regarding location and removal of campaign signs.
- Staff continues to work with a resident to resolve sump pump discharge into the public right-of-way. The resident's contractor had installed the pump outlet in the tree box without approval and the discharge has created a health and safety issue and acceptable alternatives are being explored.
- While on routine Code Enforcement patrol staff observed unpermitted real estate sign and expired dumpster, both of which were corrected.

Tree Requests: 12 requests were made to the Village arborist for tree inspections pursuant to removals or tree protection plan requests for construction projects.

Administrative Tree Removal Permits: 7 permits were issued for removal of a total of eighteen (18) trees.

Expired Permit Memos Sent: 4

Additional Activity:

- Staff continues coordination of engineering assessments of drainage concerns related to the appeal of the Managers Decision to issue a building permit at 5502 Grove Street.
- Staff continues editing of archive permit records.
- Staff has begun generating SOPs for standard permit applications.

-compiled by Ellen Sands, Permitting and Code Enforcement Coordinator

Memo

To: Board of Managers
From: Michael W. Younes, Director of Municipal Operations 
CC: Shana Davis-Cook, Village Manager
Date: 5/3/2016
Re: Update on Capital and Infrastructure Upgrade Projects

Below please find an update on the various capital and infrastructure upgrade projects currently under construction and in the planning stage:

	Status	Duration/ Remaining	Est. Start Date	Est. Completion Date
<u>Village Initiated</u>				
W. Kirke St. and Laurel Pkwy. Intersection Improvements	Construction	1 month	Ongoing	May 2016
Village Website Redevelopment	Development	2 months	Ongoing	June 2016
<u>In-Partnership with M-NCPPC</u>				
Western Grove Park Development	Pre-Construction	6-9 months	June 2016	February 2017
<u>Utility Upgrades</u>				
Laurel Park Sewer Rehabilitation	Pre-Construction	1 month	TBD	TBD
Water Main Replacement (5500 block of Western Avenue)	Design	TBD	Spring 2018	TBD
Washington Gas Main Replacement – Bradley Lane	Permitting	TBD	TBD	TBD
PEPCO Tree Pruning and Removals	Permitting	2 months	Summer 2016	Summer 2016
<u>State Projects</u>				
Connecticut Avenue Pedestrian Signal	Construction	1 month	Ongoing	May 2016

Connecticut Avenue Pedestrian Signal:

- Weather and other technical issues have delayed completion and activation of the signal, all construction activities should be completed by May 18.
- Village and State Highway Administration staff are currently with PEPCO to expedite bringing power to the site, so activation of the signal can be made as soon as construction is completed.

PEPCO Tree Pruning and Removals:

- PEPCO and Village staff are currently working to finalize appeal paperwork for 2 private trees, denied by the Village Arborist for removal as they did not meet the Village's administrative requirements for removal.
- The 2 tree appeals will be referred to the Tree Ordinance Board for review and are scheduled to be presented before the Board at your June regular meeting for action.

Village Website Redevelopment:

- Redevelopment is progressing on schedule with a launch date by the end of June.
- Feedback and suggested revisions on the draft website design have been sent back to the Village's web designer, CivicPlus.

Washington Gas Main Replacement:

- Final engineering and design work is still ongoing at Washington Gas to replace the low pressure gas main along Bradley Lane.
- At the earliest construction would not begin until late fall 2016.
- Prior to the start of any work, advance notice of the project will be provided to affected residents and posted on the Village website, blast e-mail system and outlined in the *Crier*.

W. Kirke St. and Laurel Pkwy. Intersection Improvements:

- Work got underway on April 27 despite the rain and is progressing on schedule.
- All work is scheduled to be completed by May 18.
- Notice has been posted on the Village website, blast e-mail system, *Crier* as well as direct mailed to the homes surround the Village Hall, outlining the construction schedule and what to expect.
- A dedicated page on the Village's website has also been set up to provide updates to residents.

Western Grove Park Development:

- Thus far, the Western Grove Park Friends group has received contribution pledges of \$25,000 to address a shortfall in the construction budget, the Friends Group initial goal is to raise an addition \$125,000.
- Construction is slated to get underway in the early June timeframe and is anticipated to last between 6-9 months.
- During construction the park will be closed and fenced off to all use for safety reasons.

- Prior to construction starting, notice will be posted on the Village website, blast e-mail system and *Crier* advising resident of the timeline and what to expect during construction.

WSSC:

Laurel Park Sewer Rehabilitation:

- No updates since last month's report.

Water/Sewer Main Replacement (5500 block of Western Avenue):

- WSSC has informed the Village that it is in the beginning stages of designing the replacement of the water and sewer mains that currently run along the rear-yards between the 5500 blocks of Western Avenue and Grove Street.
- Currently, the water main only serves the homes along the 5500 block of Western Avenue, while the sewer main serves both Western Avenue and Grove Street homes.
- The water main is approximately 90 years old and the sewer main is 75 years old.
- There is a ten (10) utility easement between blocks however, depending on the construction method required additional easement space may be needed.
- WSSC will also be conducting an alignment study to determine if the mains can be relocated out of the rear-yards.
- Construction is estimated not to begin until the spring of 2018 at the earliest.
- Since the design and survey work is in the very early stages, staff will be providing additional information and notice to potentially affected residents as it becomes available.

Memo

To: Chevy Chase Village Board of Managers
From: Melissa Wiak, Community Liaison/Administrative Assistant
CC: Shana R. Davis-Cook, Village Manager
Date: May 2, 2016
Re: Village Hall Use for April 2016

Below is a chart that reflects the type and frequency of events held in the Village Hall during the month of April 2016:

Type of Event	Number of Uses	Total Net Revenue
Rentals (Private Events) —Freudian Society Lecture; Child's Birthday Party; Passover Seder	3	\$1,250
Community Use — Board of Managers' Monthly Meeting; Village Annual Meeting; Community Relations Committee's Parents Night Out; Community Relations Committee Meeting; Environment & Energy Committee's Sustainable Living Lecture; Western Grove Park Friends Group Meeting	6	\$0.00
Fee Waiver Use/Public Use —Chevy Chase @ Home Events (4); Section 5 Monthly Meeting; Garden Club of Chevy Chase's Monthly Meeting; Chevy Chase Historical Society lecture	7	\$0.00