



Chevy Chase Village  
Board of Managers

1. Meeting Called To Order  
Mr. Robert Goodwin, Jr., Acting Chair
2. Approval Of Minutes From The Previous Board Of Managers' Meeting  
Executive Session--June 13, 2016 - *Approved*  
Regular Monthly Meeting--June 13, 2016 - *Approved*
3. Consent Agenda- Tree Removal Consent Agreements
  - 3.I. Tree Removals Requested By Pepco On Behalf Of The Property Owners:  
A-2246: Mr. and Mrs. Thomas Dupree, 8 Magnolia Parkway  
Removal of one 14-inch diameter Ash tree located in the south (side) yard of the property.

*Approved*

Documents:

[A-2246 MR. AND MRS. THOMAS DUPREE, 8 MAGNOLIA PARKWAY.PDF](#)

- 3.II. Tree Removals Requested By Pepco On Behalf Of The Property Owners:  
A-2247: Mr. and Mrs. Valery Amiel, 5701 Wisconsin Avenue  
Removal of one 18-inch diameter Ash tree located in the Wisconsin Avenue (front) yard of the property.

*Approved*

Documents:

[A-2247 MR. AND MRS. VALERY AMIEL, 5701 WISCONSIN AVENUE.PDF](#)

4. Variance And Special Permit Requests

- 4.I. A-6974 (Special Permit Request): Ms. Janet N. Regan & Mr. Patrick M. Regan, 6 Quincy Street  
Attach a wrought iron fence measuring a maximum of three feet, nine inches (3'-9") in height onto an existing masonry retaining wall measuring a maximum of eight (8) feet in height located in the rear (south) yard of the property. The maximum height of the proposed fence and wall would be eleven feet, nine inches (11'-9") as measured from the directly abutting property.

*Approved*

Documents:

[A-6974 \(VARIANCE REQUEST\) 6 QUINCY STREET.PDF](#)

- 4.II. A-6980 (Variance Request): Mr. Manuel Bramao & Ms. Jamie Lubar Bramao, 1 East Lenox Street  
Construct a swimming pool which would align with the front (Connecticut Avenue) main building line and which would encroach fifteen (15) feet forward of the setback.

**Tabled Until September Board Meeting**

Documents:

[A-6980 VARIANCE REQUEST 1 EAST LENOX STREET.PDF](#)

- 4.III. A-6977 (A), (B), & (C) (Variance Request) Mr. Manuel P. Bramao & Ms. Jamie Lubar Bramao 1 East Lenox Street  
Install fencing which would measure a maximum of six feet, six inches (6'-6") in height between the front (Connecticut Avenue) lot line and the twenty-five (25) foot front (Connecticut Avenue) building restriction line (BRL) including:
  - a) A segment of fence installed parallel to and eight (8) feet east of the front (Connecticut Avenue) lot line running from the north property line southward for a distance of sixty-eight (68) feet; and then
  - b) The fence would turn at a right angle eastward and extend twenty-one (21) feet terminating at the house. Seventeen (17) feet of this proposed segment would be located between the front (Connecticut Avenue) lot line and the twenty-five (25) foot front (Connecticut Avenue) BRL; and
  - c) A segment of fence measuring five (5) feet in height extending from the north termination of the first section of fence seventeen (17) feet eastward to the front (Connecticut Avenue) BRL (and then continuing to the east property line).

**Tabled Until September Board Meeting**

Documents:

5. Treasurer's Report

Mr. Gary Crockett, Board Treasurer

Documents:

[TREASURER REPORT JULY 2016.PDF](#)

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

6.I. Adoption Of Resolution No. 04-02-16

An Ordinance to amend Chapter 2, "Public Ethics", Sec. 2-6, "Financial Disclosure - Village Elected Officials and Candidates to be Village Elected Officials", to require that an applicant for appointment to an elected position file a Financial Disclosure Statement at the time the Certificate of Appointment is filed.

**Approved**

Documents:

[ADOPTION OF RESOLUTION NO. 04-02-16.PDF](#)

7. Committee Matters

7.I. Election Supervisors

- Reappointment of Charlotte Jones Carroll (East Irving Street) as Chair, term ending July 2017 - **Approved**
- Reappointment of Mary Sheehan (West Kirke Street) as a member, term ending July 2020 - **Approved**

7.II. Board Reappointments Of Chairs To Village Committees (All 2-Year Appointments)

- Financial Review: Louis Morsberger (Cedar Parkway) - **Approved**
- Public Safety: Saul Goodman (Cedar Parkway) - **Approved**
- Tree: Samuel Lawrence (East Lenox Street) - **Approved**

8. Police Report

Mr. John M. Fitzgerald, Police Chief

Documents:

[POLICE REPORT JUNE 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:

[CAPITAL AND INFRASTRUCTURE UPGRADE PROJECTS.PDF](#)  
[BUILDING AND TREE REMOVAL PERMITS JUNE 2016.PDF](#)  
[VILLAGE HALL ACTIVITY REPORT.PDF](#)

**Consent Agenda**  
**Tree Removal Appeal Case A-2246**

Removal of one 14-inch diameter Ash tree located in  
the rear yard of the property.

Pepco on behalf of  
Mr. & Mrs. Thomas Dupree  
8 Magnolia Parkway



*Figure 1: Looking southwest toward the subject Ash tree.*

**To:** Chevy Chase Village Board of Managers  
**From:** TOB Acting Chair Mike Holland  
**Date:** July 6, 2016  
**Re:** **TOB Report Regarding Case A-2246**  
Mr. & Mrs. Thomas Dupree, 8 Magnolia Parkway  
Removal of one 14-inch diameter Ash tree from the south (side) yard of the property.

Mr. and Mrs. Dupree, at the request of Pepco, request permission to remove one 14-inch Ash tree from the south side yard of the property as part Pepco's tree maintenance program. The Village consulting arborist determined that the tree does not meet any of the criteria which would allow it to be approved for removal by an administratively issued Tree Removal Permit. Pepco duly filed an appeal (on behalf of Mr. and Mrs. Dupree) of the Village Manager's decision to deny removal of the Ash tree and were referred to the Tree Ordinance Board. Pepco, as the agent, has expressed a willingness to reforest either on the private property at 8 Magnolia Parkway or at a location within Chevy Chase Village to be determined in consultation with the Duprees and the Tree Ordinance Board.

Pepco Vice President Jerry Pasternak, in the Statement of Appeal for Tree Removal, contends that 1) the proximity of the tree to the power lines presents "potential safety risks" and that the tree needs to be removed "in order to satisfy Maryland's Service Quality and Reliability Standards (RM43)" and that "removal of the tree is required to obtain the clearances required by RM43"; and  
2) Ash trees are highly susceptible to invasion by the Emerald Ash Borer, that infestation has a 99% mortality rate and that if infested the tree would be a serious safety hazard, thus Pepco proposes to remove the tree before the tree becomes infected.

We attempted to identify all of the abutting neighbors as identified by the case mailing list provided by Village Staff. E-mails were sent to those neighbors who had e-mail addresses in the Village Telephone Directory and telephone messages were left for those who did not. No responses have been received.

The three members of the TOB inspected the tree and potential sites for reforestation. Said tree will be chosen from the Village's approved list of canopy trees, and will be a hardwood deciduous tree of at least 2 ½" caliper at installation which will grow to a mature height of 45 feet. The tree will be located either on the private property at 8 Magnolia Parkway or in a location to be determined in consultation with the Tree Ordinance Board.

I believe that the foregoing reflects a reasonable resolution of the issues in a manner consistent with Village Board policies.

Submitted by:  
Mike Holland, Acting TOB Chair

Property Address: 8 Magnolia Parkway

## REFORESTATION CONSENT AGREEMENT

### RECITALS

This Consent Agreement (“Agreement”) is entered into by CHEVY CHASE VILLAGE, (“Village”), a Maryland municipal corporation and Mr. Thomas and Ms. Catherine Dupree, (collectively “OWNER”), the owners of Part of Lot 3, in Block 28, and Part of Lot 18 in Block 29 in the subdivision known as Section 2, CHEVY CHASE, as per plat thereof recorded in Plat Book 2 at Plat Number 106, among the Land Records of Montgomery County, Maryland (the “Property”).

The Owner has requested a permit from the Village Manager under Section 17-3 of the Village Code to remove one fourteen (14)-inch diameter Ash tree, hereinafter referred to as the “Subject Trees”, (the trunk of which measures more than 24 inches in circumference at 4-½ feet above ground and therefore requires a permit for removal) located in the south side yard of the Property as indicated on the plan attached hereto as Exhibit A. The Owner seeks to remove the Subject Tree in order to comply with Pepco’s Vegetation Management Program, hereinafter referred to as the “Proposed Work”. The Village Manager denied the permit for failure to meet any of the conditions set forth in Section 17-3.

The Owner has appealed the denial of the permit. The appeal was considered under the criteria set by Section 17-5 of the Village Code, by the Tree Ordinance Board (“TOB”), which has issued its recommendation.

The TOB, after following the requirements for notice to confronting and abutting owners, concluded that the Proposed Work was a legitimate reason for removing the Subject Tree, that it was necessary to remove the tree to achieve the Proposed Work, and that the tree proposed to be removed was not by

reason of age, size or outstanding qualities, including uniqueness, rarity or species specimen, of such nature as to require preservation.

Based on the foregoing, the TOB provided its recommendation, which has been accepted by the Board of Managers. The Board has decided that it is in the public interest to grant the Owner's appeal, on condition that they sign this Agreement.

NOW, THEREFORE, in consideration of the mutual undertakings and obligations herein contained, One Dollar (\$1.00) in hand paid, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Village and the Owner hereby agree and covenant as follows:

1. The Owner will obtain any applicable Montgomery County permit(s) to carry out the Proposed Work.
2. The Village, after the issuance of the said permit(s), will grant a permit to the Owner for the purpose of removing the Subject Tree described above and located as indicated on Exhibit A promptly after the effective date of this Agreement.
3. The Owner agrees to reforest within six months from issuance of the Tree Removal Permit by planting a Reforestation Trees (or variety thereof) of at least 2-½ inches in caliper in a location on the Property or within Chevy Chase Village to be determined in consultation with the Tree Ordinance Board and to replace such tree, if located on the Owners' Property, if it becomes diseased or dies within two years of the effective date of this Agreement. The Owner further agrees to notify the Village Manager when the tree has been planted.
4. Any changes or modifications to the Reforestation Plan shall require the further written consent of the Village, which may be withheld in the Village's sole discretion.
5. The Owner acknowledges that compliance with this Consent Agreement is necessary for the protection of the public health, safety and welfare of the residents of the Village and acknowledge and agree, in the event of Owner's breach of this Agreement, that the Village would not have an adequate

remedy at law, and the Village shall be entitled to specific performance of the Owner's obligations and to injunctive relief related thereto without posting a bond or proving actual damages, in addition to any other remedies which may be available. The Owner further agrees that the costs incurred by the Village to enforce the Agreement, including legal expenses, shall be charged to the Owner and may be assessed against the Owner's property along with property taxes. The Owner further agrees not to contest any action brought by the Village to obtain specific performance and injunctive relief under this Agreement.

6. The Owner also acknowledges that the Village and the public residing in the Village would incur substantial damages in the event of Owner's breach of the requirements of this Agreement, including, but not limited to, the costs of staff time, arborist time, and other expenses incurred in enforcing this Agreement and the diminution of the Village's tree canopy. The parties recognize the difficulty in computing actual damages and, accordingly, agree to liquidated damages for the aforesaid costs, delay, and harm to the public. The parties acknowledge that liquidated damages of \$1,000.00 are a reasonable estimate, at the time of the execution of this Agreement, of the damages to the Village and the public that will likely occur as a result of the Owner's failure to perform their obligations under this Agreement. The Owner acknowledges that the liquidated damages agreed to are not a penalty and that they, along with any costs incurred by the Village, including legal expenses, may be assessed against the Property along with property taxes.

7. The Owner shall be jointly and severally liable for their obligations hereunder and expressly waive any right to a jury trial.

8. The effective date of this Consent Agreement is the date the Village Manager signs the Agreement signifying that she has been informed by the Village Board of Managers that the Consent Agreement has been approved.

OWNER:

CHEVY CHASE VILLAGE

\_\_\_\_\_  
Thomas Dupree

By:

\_\_\_\_\_  
Shana R. Davis-Cook, Village Manager

\_\_\_\_\_  
Elizabeth Dupree

Date: \_\_\_\_\_

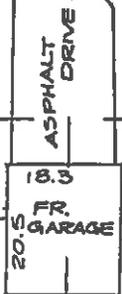
DRAFT

STREET

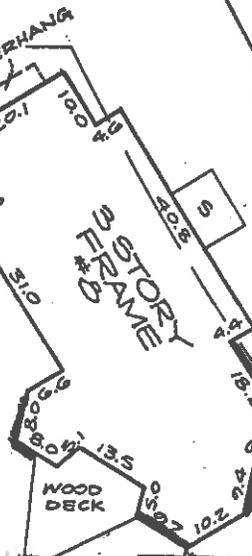
EASTERLY 87.08

MAGNOLIA PARKWAY  
A=116.70

NORTHERLY 125.00  
BLOCK 29  
17



PART OF LOT 3 BLOCK 28  
14,563.5



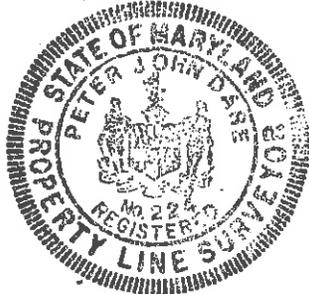
WESTERLY 90'

SOUTHERLY

ZONED: RA (R-60)

BUILDING LINE AND/OR FLOOD ZONE INFORMATION IS TAKEN FROM AVAILABLE SOURCES AND SUBJECT TO INTERPRETATION OF ORIGINATOR.

LOCATION OF HOUSE  
PART OF LOT 3 BLOCK 28 &  
PART OF LOT 18 BLOCK 29 SEC. NO. 2  
**CHEVY CHASE**  
MONTGOMERY COUNTY, MD

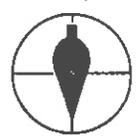


HUD FLOOD PANEL NOT AVAILABLE

**SURVEYOR'S CERTIFICATE**  
THE PLAN SHOWN HEREON IS PREPARED FROM FIELD SURVEYMENTS OF EXISTING STRUCTURES AND DIMENSIONS, TO THE BEST OF MY KNOWLEDGE AND BELIEF, AS SHOWN OR DESCRIBED.

*Peter J. Dore*  
REGISTERED LAND SURVEYOR MD # 224

REFERENCES	
PLAT BK. 2	
PLAT NO. 106	
LIBER	
FOLIO	



SNIDER, BLANCHARD, & ASSOC., INC.  
SURVEYORS - ENGINEERS  
LAND PLANNING CONSULTANTS

286 Montevue Lane  
Frederick, MD 21701  
(301) 694-5544

2 Professional Dr., Suite 216  
Gaithersburg, MD 20879  
(301) 948-5100

DATE OF LOCATIONS	SCALE: 1" = 30'
WALL CHECK:	DRAWN BY: J.S.
HSE. LOC.: 2-18-88	
BOUNDARY:	
JOB NO.: 88-262	

Pepco  
701 Ninth Street NW  
Washington, DC 20068-0001  
202.833.7500

pepco.com

May 4, 2016

Michael W. Younes, PMP  
Director of Municipal Operations  
Chevy Chase Village  
5906 Connecticut Avenue  
Chevy Chase, Maryland 20815

Dear Mr. Younes:

The Potomac Electric Power Company ("Pepco") hereby appeals your decision to deny removal of two trees – one Ash (18"-24.9" diameter) located at 5701 Wisconsin Avenue and one Ash (14"-17.9" diameter) located at 8 Magnolia Parkway. These trees are on private property and the respective owners of the properties have consented to the removals.

Pepco has an ongoing commitment to environmental stewardship and energy conservation, and we take seriously our responsibilities when it comes to vegetation management. We know that trees add to the beauty of our community, but because trees growing too close to power lines can be dangerous and can threaten the delivery of reliable electric service, we must maintain clearance from electric conductors.

Our top priority is safety. Trees that come in contact with energized conductors can themselves become energized, thereby endangering the public. Our planners identified these two Ash trees as posing potential safety risks, and our Staff Forester concurred in that conclusion.

In addition, there are service reliability concerns. To increase reliability, the Maryland Public Service Commission (PSC) adopted vegetation management regulations that require utilities to be more comprehensive in their tree pruning and removal around electric facilities, including power lines, poles, transformers, substations and rights of way. The standards were developed by a panel that included representatives from Montgomery County, the Office of People's Counsel, the Maryland Department of Natural Resources, consumer advocacy groups, power utilities serving customers in Maryland, and the Public Service Commission. Our vegetation management efforts are undertaken to meet these Maryland's Service Quality and Reliability Standards, known as RM43. Removal of the two Ash trees is required to obtain the clearances required by RM43, the Maryland Roadside Tree Law, the Maryland Tree Expert Law, and/or the ANSI A-300 pruning standard, which is incorporated into RM43 and is the standard for line clearance followed by nearly all electric utilities in the United States.

We understand that the Village is not planning to treat these two Ash trees in an effort to save them from the threat of the emerald ash borer (EAB). According to the M-NCPPC

Michael W. Younes, PMP  
May 4, 2016  
Page 2

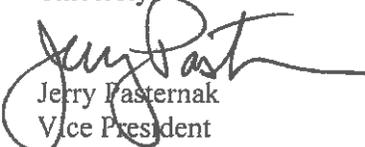
Department of Parks<sup>1</sup>, EAB is found countywide and infects all species of ash trees, with a 99% mortality rate for those trees. Signs of EAB infestation are difficult to detect, but the EAB "death curve" is 50%-98% mortality within 1-3 years in areas where there are current signs of infestation. The immediate effects of infestation include significant loss of structural strength with decline of tree health, trees at greater risk of wind-throw, trees that are more dangerous and expensive to remove, and "Ash snap" - dead ash trees suddenly and without warning falling over or breaking off. Ash snap can occur under the soil-line where roots become exposed as the tree falls, or on the main trunk at the ground-level or higher.

Pepco is prepared to offer a replacement tree for each of the two Ash trees. If either or both property owners do not wish to have a replacement tree planted on their property, Pepco is prepared to offer the replacement tree(s) to the Village.

For the foregoing reasons, Pepco believes that the prudent course of action is to allow removal of these two Ash trees now, and we respectfully request that permission be granted to do so.

Thank you for your consideration of this appeal.

Sincerely,



Jerry Pasternak  
Vice President

**PEPCO Vegetation Management Agreement**

Owner's Name:

Phone:

Cell Phone :

E-mail:

Address:

Date: **03/17/16**

Feeder: **14894**

1P 2P 3P

**Peeco, or their contractor will complete the following tree work:**

Tree Removal

Brush Clearing

Leave Wood

Overhang Removal

Top Tree for Removal

Hazard Tree Removal

Herbicide Application

Leave All Debris

Other

Comments: Remove ash tree in backyard clean up wall debris.

Owner's Signature:

*Elizabeth Dupree*

Date Signed:

*3/17/16*

\*If you agree to the terms as stated above, please sign above and contact the Company Representative noted below. They can either meet you to pick up the form, or you may hang it back on your door to be picked up.

The signed form may also be faxed to: **301-670-8727**

If you have any questions, call: **202-748-1400**

Utility Representative: **Cody Hesselstine**

*Cody.hesselstine@dcpe.com*

Chevy Chase Village

# Statement of Appeal for Tree Removal Permit

<b>Subject Property:</b> 5701 Wisconsin Avenue and 8 Magnolia Parkway, Chevy Chase, MD 20815	
<b>Briefly Describe the Proposed Tree Removal</b> (provide additional detail on following pages): See attached	
<b>Applicant Name(s) ( List all property owners):</b> Potomac Electric Power Company/Matt Young	
Daytime telephone: 301-670-8832	Cell: 240-595-2861
E-mail: myoung@pepcoholdings.com	
Address (if different from property address): Rockville Service Center, 201 W. Gude Drive, Rockville, MD 20850	
<i>For Village staff use:</i> Date this form received: <u>6/14/16</u> Tree Removal Permit Appeal No: <u>A-2246</u>	

### Filing Requirements:

(Application will not be accepted or reviewed until the application is complete.)

- Completed *Chevy Chase Village Statement of Appeal for Tree Removal Permit* (this form)
- Denied *Chevy Chase Village Tree Removal Permit Application*
- Chevy Chase Village Tree Inspection Report* from Village Arborist
- Surveys, plats, landscaping 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. and the tree(s) sought to be removed.
- Appeal fee (See fee schedule in Chapter 6 of the Village Code).

### Affidavit

I hereby certify that I have the authority to submit the foregoing appeal, 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, the Board of Managers, and members of the Village Tree Committee, to enter onto the subject property for the purposes of assessing the site in relation to this appeal. I hereby declare and affirm, under penalty of perjury, that all matters and facts set forth in the foregoing statement are true and correct to the best of my knowledge, information and belief.

Applicant's Signature: 

Date: 6-13-16

Applicant's Signature: \_\_\_\_\_

Date: \_\_\_\_\_

**Describe the basis for the appeal (attach additional pages as needed)**

Describe the reasons why the tree removal would not adversely affect the public health, safety or welfare nor the reasonable use of adjoining properties:

See attached

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Describe the reasons why the tree removal would not substantially impair the intent and purpose of Chapter 17 of the Chevy Chase Village Code, entitled *Urban Forest*:

See attached

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Describe whether the tree exhibits any of the following criteria: (i) is diseased beyond restoration, insect infested beyond restoration, or injured beyond restoration; (ii) is dead or dying, or in danger of falling; (iii) constitutes a hazard to the safety of persons; (iv) constitutes a hazard to the safety of property; (v) constitutes a hazard and threatens injury to, or would have a negative effect on the health of other trees; (vi) is injurious to or creates a condition injurious to the health of a person, certified to by a qualified medical practitioner:

See attached

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Describe the reasons for wanting to remove or destroy the tree(s):

See attached

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Describe the reasons, if any, cited by residents who are either in favor of or in opposition to the issuance of the requested tree removal permit:

See attached

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If the desired tree clearing is necessary to achieve proposed development, construction or land use otherwise permitted under the Village Code, describe the proposed project and/or land use and any reason(s) why there is no reasonable alternative to the tree removal:

See attached

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Describe any proposed reforestation and whether the proposed reforestation includes any trees that meet the Village standards for reforestation (i.e., deciduous hardwood trees that are least 2 ½ inches in caliper at the time of installation and of a species that achieves a mature height of at least 45 feet):

See attached

Describe any hardship that would result if the requested tree removal is denied:

See attached

Describe the reasons why preserving the tree(s) is not desirable because of the age, size or outstanding qualities, including uniqueness, rarity or species specimen, of the tree(s):

See attached

Describe any other relevant matters that you believe would promote fairness and justice in deciding this appeal:

See attached

*In authorizing a Tree Removal Permit as a result of this appeal, the Chevy Chase Village Board of Managers may require such conditions, terms or restrictions as it deems necessary in order to protect the public, health, safety or welfare, the reasonable use of adjoining properties and that will substantially effectuate the purpose and intent of Chapter 17 of the Chevy Chase Village Code.*

<p>Appeal Fee: \$250.00</p>	<p>Checks Payable To: Chevy Chase Village 5906 Connecticut Ave. Chevy Chase, MD 20815</p>
<p>Fee Paid: \$500.00 For both Addresses Date Paid: 6/19/16</p>	<p>Staff Signature: [Signature] Date: 6/14/16</p>



**Filing Requirements**

- Copy of the findings and recommendations report from the Village Arborist or, pursuant to Sec. 17-3(a)(7), Village staff.
- This completed application, including the tree contractor's name, phone number and MD-DNR License No.
- Payment of \$25.00 per tree filing fee for a Village Tree Removal Permit application, up to a max. of \$175. The fee is waived for trees approved subject to Sec. 17-3(a)(7).

Do you intend to reforest on your property? \_\_\_\_\_

**REFORESTATION INCENTIVE**

Under the new Tree Incentive Program, the Village will reimburse residents for up to half of the total costs to a maximum of \$175 for the purchase and planting of qualifying canopy trees on privately owned properties. Additionally, applicants for Tree Removal Permits will be refunded their permit filing fee if they plant a canopy tree within six months of receiving a Village Tree Removal Permit.

**By signing below, I understand that no work may be performed until the Village permit is issued and posted to be visible from the street.**

**Applicant's Signature:**     Matt Young     **Date:**     3/29/16    

Tree Removal Plans (including reforestation plan, if any)	
Remove ash tree close to lines. Threat of EAB tree not being treated.	
For Use By Village Manager	Approved with the following conditions:
For Use By Village Manager	Denied for the following reasons:
<div style="border: 2px solid black; padding: 5px; display: inline-block;"> <p align="center"><b>DENIED</b></p> <p align="center">APR 19 2016</p> <p align="center">Chevy Chase Village Manager</p> </div>	<p><i>[Signature]</i></p> <p><i>Ash tree does not meet standards per 17c3</i></p>

<p><b>Filing Fee:</b></p> <p>\$25.00/tree x <u>1</u> trees = \$ <u>25</u> (up to \$175 max. per application)</p>	<p><b>Checks Payable to:</b></p> <p align="center"><b>Chevy Chase Village</b> 5906 Connecticut Avenue Chevy Chase, MD 20815</p>
<p><b>Damage Deposit</b></p> <p><input type="checkbox"/> \$ _____</p> <p><input checked="" type="checkbox"/> Waived by Village Manager.</p>	<p>Village Manager Signature: <i>[Signature]</i></p> <p>Date: <u>4/19/16</u></p>
<p>Total Fees + Deposit:</p> <p align="center"><u>225</u></p>	<p>Staff Signature: <i>[Signature]</i></p> <p>Date: <u>5/23/16</u></p>

*\$ 25 Removal!*  
*\$ 200 Appeal!*

# Feather & Assoc.

Tolbert V. Feather, Ph.D.

*Advisors for: Landscape Development  
Landscape Management, Plant Pest Management*

Chevy Chase Village  
5906 Connecticut Avenue  
Chevy Chase, MD 20815

April 7, 2016

**RE: PEPCO Removal Request – Private Tree  
8 Magnolia Parkway**

An ash 16" diameter at 4.5' above ground level is healthy. The tree can be pruned for line clearance without harming or leaving the tree with poor or unbalanced form. The tree removal is not approved.



Tolbert Feather  
Town Arborist

**MAILING LIST FOR APPEAL A-2246**

**PEPCO FOR  
8 MAGNOLIA PARKWAY (MR. & MRS. THOMAS DUPREE)  
CHEVY CHASE, MD 20815**

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<b>Adjoining and confronting property owners</b>	
Mr. & Mrs. Stephen Sacks Or Current Resident 4 Magnolia Parkway Chevy Chase, MD 20815	Mr. & Mrs. Mike Friedman Or Current Resident 16 Magnolia Parkway Chevy Chase, MD 20815
Ms. Ellen C. Donahue & Mr. Lars A. Jeurling Or Current Resident 3 Hesketh Street Chevy Chase, MD 20815	Mr. & Mrs. Jerry Gudis Or Current Resident 5 Hesketh Street Chevy Chase, MD 20815
Ms. Judy Elliott Or Current Resident 17 West Irving Street Chevy Chase, MD 20815	Mr. & Mrs. Charles Ingersoll Or Current Resident 15 Magnolia Parkway Chevy Chase, MD 20815

**Consent Agenda**  
**Tree Removal Appeal Case A-2247**

Removal of one 18-inch diameter Ash tree located in the Wisconsin Avenue (front) yard of the property.

Pepco on behalf of  
Mr. & Mrs. Valery Amiel  
5701 Wisconsin Avenue



*Figure 1: Looking west toward the subject Ash tree.*

**To:** Chevy Chase Village Board of Managers  
**From:** TOB Acting Chair Mike Holland  
**Date:** July 6, 2016  
**Re:** **TOB Report Regarding Case A-2247**  
Mr. & Mrs. Valery Amiel, 5701 Wisconsin Avenue  
Removal of one 18-inch diameter Ash tree from the Wisconsin Avenue (front)  
yard of the property.

Mr. and Mrs. Valery Amiel, at the request of Pepco, request permission to remove one 18-inch Ash tree from the Wisconsin Avenue (front) yard of the property as part Pepco's tree maintenance program. The Village consulting arborist determined that the tree does not meet any of the criteria which would allow it to be approved for removal by an administratively issued Tree Removal Permit. Pepco duly filed an appeal (on behalf of Mr. and Mrs. Amiel) of the Village Manager's decision to deny removal of the Ash tree and the application was referred to the Tree Ordinance Board. Pepco, as the agent, has expressed a willingness to reforest either on the private property at 5701 Wisconsin Avenue or at a location within Chevy Chase Village to be determined in consultation with the Amiels and the Tree Ordinance Board.

Pepco Vice President Jerry Pasternak, in the Statement of Appeal for Tree Removal, contends that 1) the proximity of the tree to the power lines presents "potential safety risks" and that the tree needs to be removed "in order to satisfy Maryland's Service Quality and Reliability Standards (RM43)" and that "removal of the tree is required to obtain the clearances required by RM43"; and  
2) Ash trees are highly susceptible to invasion by the Emerald Ash Borer, that infestation has a 99% mortality rate and that if infested the tree would be a serious safety hazard, thus Pepco proposes to remove the tree before the tree becomes infected.

We attempted to identify all of the abutting neighbors as identified by the case mailing list provided by Village Staff. E-mails were sent to those neighbors who had e-mail addresses in the Village Telephone Directory and telephone messages were left for those who did not. No responses have been received.

The three members of the TOB inspected the tree and potential sites for reforestation. Said tree will be chosen from the Village's approved list of canopy trees, and will be a hardwood deciduous tree of at least 2 ½" caliper at installation which will grow to a mature height of 45 feet. The tree will be located either on the private property at 5701 Wisconsin Avenue or in a location to be determined in consultation with the Tree Ordinance Board.

I believe that the foregoing reflects a reasonable resolution of the issues in a manner consistent with Village Board policies.

Submitted by:  
Mike Holland, Acting Chair, Tree Ordinance Board

Property Address: 5701 Wisconsin Avenue

## REFORESTATION CONSENT AGREEMENT

### RECITALS

This Consent Agreement (“Agreement”) is entered into by CHEVY CHASE VILLAGE, (“Village”), a Maryland municipal corporation and Mr. Valery and Ms. Julijana Dupree, (collectively “OWNER”), the owners of Lot 16 in Block 16 in the subdivision known as Section 1-A, CHEVY CHASE, as per plat thereof recorded in Plat Book 4 at Plat Number 349, among the Land Records of Montgomery County, Maryland (the “Property”).

The Owner has requested a permit from the Village Manager under Section 17-3 of the Village Code to remove one eighteen (18)-inch diameter Ash tree, hereinafter referred to as the “Subject Trees”, (the trunk of which measures more than 24 inches in circumference at 4-½ feet above ground and therefore requires a permit for removal) located in the Wisconsin Avenue (front) yard of the Property as indicated on the plan attached hereto as Exhibit A. The Owner seeks to remove the Subject Tree in order to comply with Pepco’s Vegetation Management Program, hereinafter referred to as the “Proposed Work”. The Village Manager denied the permit for failure to meet any of the conditions set forth in Section 17-3.

The Owner has appealed the denial of the permit. The appeal was considered under the criteria set by Section 17-5 of the Village Code, by the Tree Ordinance Board (“TOB”), which has issued its recommendation.

The TOB, after following the requirements for notice to confronting and abutting owners, concluded that the Proposed Work was a legitimate reason for removing the Subject Tree, that it was necessary to remove the tree to achieve the Proposed Work, and that the tree proposed to be removed was not by

reason of age, size or outstanding qualities, including uniqueness, rarity or species specimen, of such nature as to require preservation.

Based on the foregoing, the TOB provided its recommendation, which has been accepted by the Board of Managers. The Board has decided that it is in the public interest to grant the Owner's appeal, on condition that they sign this Agreement.

NOW, THEREFORE, in consideration of the mutual undertakings and obligations herein contained, One Dollar (\$1.00) in hand paid, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Village and the Owner hereby agree and covenant as follows:

1. The Owner will obtain any applicable Montgomery County permit(s) to carry out the Proposed Work.
2. The Village, after the issuance of the said permit(s), will grant a permit to the Owner for the purpose of removing the Subject Tree described above and located as indicated on Exhibit A promptly after the effective date of this Agreement.
3. The Owner agrees to reforest within six months from issuance of the Tree Removal Permit by planting a Reforestation Trees (or variety thereof) of at least 2-½ inches in caliper in a location on the Property or within Chevy Chase Village to be determined in consultation with the Tree Ordinance Board and to replace such tree, if located on the Owners' Property, if it becomes diseased or dies within two years of the effective date of this Agreement. The Owner further agrees to notify the Village Manager when the tree has been planted.
4. Any changes or modifications to the Reforestation Plan shall require the further written consent of the Village, which may be withheld in the Village's sole discretion.
5. The Owner acknowledges that compliance with this Consent Agreement is necessary for the protection of the public health, safety and welfare of the residents of the Village and acknowledge and agree, in the event of Owner's breach of this Agreement, that the Village would not have an adequate

remedy at law, and the Village shall be entitled to specific performance of the Owner's obligations and to injunctive relief related thereto without posting a bond or proving actual damages, in addition to any other remedies which may be available. The Owner further agrees that the costs incurred by the Village to enforce the Agreement, including legal expenses, shall be charged to the Owner and may be assessed against the Owner's property along with property taxes. The Owner further agrees not to contest any action brought by the Village to obtain specific performance and injunctive relief under this Agreement.

6. The Owner also acknowledges that the Village and the public residing in the Village would incur substantial damages in the event of Owner's breach of the requirements of this Agreement, including, but not limited to, the costs of staff time, arborist time, and other expenses incurred in enforcing this Agreement and the diminution of the Village's tree canopy. The parties recognize the difficulty in computing actual damages and, accordingly, agree to liquidated damages for the aforesaid costs, delay, and harm to the public. The parties acknowledges that liquidated damages of \$1,000.00 are a reasonable estimate, at the time of the execution of this Agreement, of the damages to the Village and the public that will likely occur as a result of the Owner's failure to perform their obligations under this Agreement. The Owner acknowledges that the liquidated damages agreed to are not a penalty and that they, along with any costs incurred by the Village, including legal expenses, may be assessed against the Property along with property taxes.

7. The Owner shall be jointly and severally liable for their obligations hereunder and expressly waive any right to a jury trial.

8. The effective date of this Consent Agreement is the date the Village Manager signs the Agreement signifying that she has been informed by the Village Board of Managers that the Consent Agreement has been approved.

OWNER:

CHEVY CHASE VILLAGE

\_\_\_\_\_  
Valery Amiel

By:

\_\_\_\_\_  
Shana R. Davis-Cook, Village Manager

\_\_\_\_\_  
Julijana Amiel

Date: \_\_\_\_\_

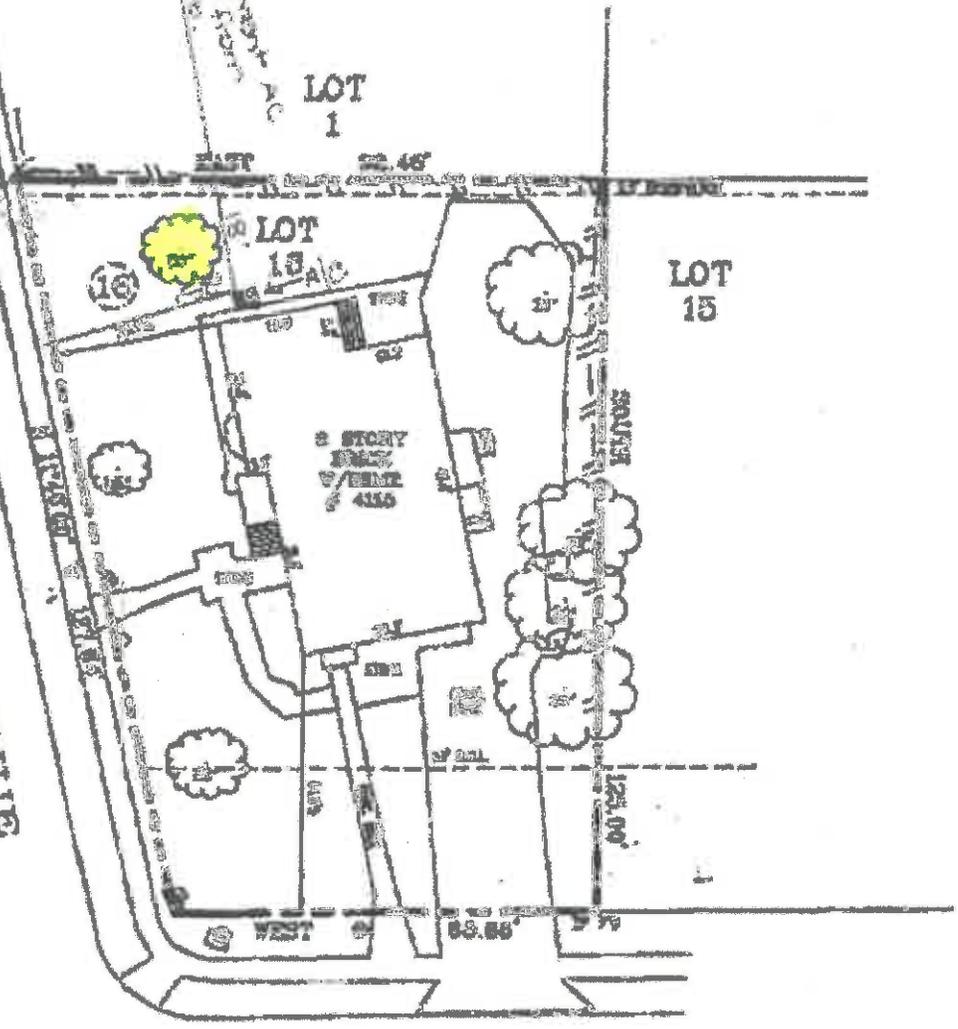
DRAFT

ADDRESS: 3701 WISCONSIN AVE.  
 CHEVY CHASE, MD.

PLAT NORTH

WISCONSIN AVENUE

16' 10" front  
 16' 10" front  
 16' 10" front



OLIVER STREET



I HEREBY CERTIFY THAT I HAVE SURVEYED THE PROPERTY SHOWN HEREON FOR THE PURPOSE OF LOCATING THE IMPROVEMENTS ONLY, AND THE IMPROVEMENTS ARE LOCATED AS SHOWN, EXACT PROPERTY CORNERS HAVE NOT BEEN ESTABLISHED OR SET, UNLESS OTHERWISE NOTED, WE ASSUME NO RESPONSIBILITY, OR LIABILITY FOR ANY RIGHT-OF-WAY OR THE RECORD OR EASEMENTS RECORDED OR UNRECORDED NOT APPEARING ON THE RECORDED PLAT OR MENTIONED IN THE DEED REFERRED TO HEREIN, NO TITLE REPORT FURNISHED.

LOCATION SURVEY  
 LOT 18 BLOCK 18  
 CHEVY CHASE  
 PLAT No. 349  
 MONTGOMERY COUNTY, MARYLAND  
 SCALE: 1" = 25'      DATE: 02-03-06

LANDPLAN ASSOCIATES

1800 George Ave.  
 Silver Spring, MD 20910  
 TEL: 301-775-2810  
 FAX: 301-775-1008



*[Signature]*  
 SURVEYOR

7/5/06  
 DATE

PROJECT NO. 09-153	DATE / PLAN 3-08	PLAT NO. 3-30-08
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Chevy Chase Village

# Statement of Appeal for Tree Removal Permit

<b>Subject Property:</b> 5701 Wisconsin Avenue and 8 Magnolia Parkway, Chevy Chase, MD 20815	
<b>Briefly Describe the Proposed Tree Removal</b> (provide additional detail on following pages): See attached	
<b>Applicant Name(s)</b> ( List all property owners): Potomac Electric Power Company/Matt Young	
Daytime telephone: 301-670-8832	Cell: 240-595-2861
E-mail: myoung@pepcoholdings.com	
Address (if different from property address): Rockville Service Center, 201 W. Gude Drive, Rockville, MD 20850	
<i>For Village staff use:</i> Date this form received: 6/14/16 Tree Removal Permit Appeal No: A-2247	

### Filing Requirements:

(Application will not be accepted or reviewed until the application is complete.)

- Completed *Chevy Chase Village Statement of Appeal for Tree Removal Permit* (this form)
- Denied *Chevy Chase Village Tree Removal Permit Application*
- Chevy Chase Village Tree Inspection Report* from Village Arborist
- Surveys, plats, landscaping 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. and the tree(s) sought to be removed.
- Appeal fee (See fee schedule in Chapter 6 of the Village Code).

### Affidavit

I hereby certify that I have the authority to submit the foregoing appeal, 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, the Board of Managers, and members of the Village Tree Committee, to enter onto the subject property for the purposes of assessing the site in relation to this appeal. I hereby declare and affirm, under penalty of perjury, that all matters and facts set forth in the foregoing statement are true and correct to the best of my knowledge, information and belief.

Applicant's Signature: 

Date: 6-13-16

Applicant's Signature: \_\_\_\_\_

Date: \_\_\_\_\_

**Describe the basis for the appeal (attach additional pages as needed)**

Describe the reasons why the tree removal would not adversely affect the public health, safety or welfare nor the reasonable use of adjoining properties:

See attached

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Describe the reasons why the tree removal would not substantially impair the intent and purpose of Chapter 17 of the Chevy Chase Village Code, entitled *Urban Forest*:

See attached

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Describe whether the tree exhibits any of the following criteria: (i) is diseased beyond restoration, insect infested beyond restoration, or injured beyond restoration; (ii) is dead or dying, or in danger of falling; (iii) constitutes a hazard to the safety of persons; (iv) constitutes a hazard to the safety of property; (v) constitutes a hazard and threatens injury to, or would have a negative effect on the health of other trees; (vi) is injurious to or creates a condition injurious to the health of a person, certified to by a qualified medical practitioner:

See attached

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Describe the reasons for wanting to remove or destroy the tree(s):

See attached

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Describe the reasons, if any, cited by residents who are either in favor of or in opposition to the issuance of the requested tree removal permit:

See attached

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If the desired tree clearing is necessary to achieve proposed development, construction or land use otherwise permitted under the Village Code, describe the proposed project and/or land use and any reason(s) why there is no reasonable alternative to the tree removal:

See attached

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Describe any proposed reforestation and whether the proposed reforestation includes any trees that meet the Village standards for reforestation (i.e., deciduous hardwood trees that are least 2 ½ inches in caliper at the time of installation and of a species that achieves a mature height of at least 45 feet):

See attached

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Describe any hardship that would result if the requested tree removal is denied:

See attached

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Describe the reasons why preserving the tree(s) is not desirable because of the age, size or outstanding qualities, including uniqueness, rarity or species specimen, of the tree(s):

See attached

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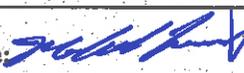
Describe any other relevant matters that you believe would promote fairness and justice in deciding this appeal:

See attached

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*In authorizing a Tree Removal Permit as a result of this appeal, the Chevy Chase Village Board of Managers may require such conditions, terms or restrictions as it deems necessary in order to protect the public, health, safety or welfare, the reasonable use of adjoining properties and that will substantially effectuate the purpose and intent of Chapter 17 of the Chevy Chase Village Code.*

Appeal Fee: \$250.00	Checks Payable To: Chevy Chase Village 5906 Connecticut Ave. Chevy Chase, MD 20815
Fee Paid: \$500.00 FOR BOTH ADDRESSES	Staff Signature: 
Date Paid: 6/19/16	Date: 6/14/16

Pepco  
701 Ninth Street NW  
Washington, DC 20068-0001  
202.833.7500

pepco.com

May 4, 2016

Michael W. Younes, PMP  
Director of Municipal Operations  
Chevy Chase Village  
5906 Connecticut Avenue  
Chevy Chase, Maryland 20815

Dear Mr. Younes:

The Potomac Electric Power Company ("Pepco") hereby appeals your decision to deny removal of two trees – one Ash (18"-24.9" diameter) located at 5701 Wisconsin Avenue and one Ash (14"-17.9" diameter) located at 8 Magnolia Parkway. These trees are on private property and the respective owners of the properties have consented to the removals.

Pepco has an ongoing commitment to environmental stewardship and energy conservation, and we take seriously our responsibilities when it comes to vegetation management. We know that trees add to the beauty of our community, but because trees growing too close to power lines can be dangerous and can threaten the delivery of reliable electric service, we must maintain clearance from electric conductors.

Our top priority is safety. Trees that come in contact with energized conductors can themselves become energized, thereby endangering the public. Our planners identified these two Ash trees as posing potential safety risks, and our Staff Forester concurred in that conclusion.

In addition, there are service reliability concerns. To increase reliability, the Maryland Public Service Commission (PSC) adopted vegetation management regulations that require utilities to be more comprehensive in their tree pruning and removal around electric facilities, including power lines, poles, transformers, substations and rights of way. The standards were developed by a panel that included representatives from Montgomery County, the Office of People's Counsel, the Maryland Department of Natural Resources, consumer advocacy groups, power utilities serving customers in Maryland, and the Public Service Commission. Our vegetation management efforts are undertaken to meet these Maryland's Service Quality and Reliability Standards, known as RM43. Removal of the two Ash trees is required to obtain the clearances required by RM43, the Maryland Roadside Tree Law, the Maryland Tree Expert Law, and/or the ANSI A-300 pruning standard, which is incorporated into RM43 and is the standard for line clearance followed by nearly all electric utilities in the United States.

We understand that the Village is not planning to treat these two Ash trees in an effort to save them from the threat of the emerald ash borer (EAB). According to the M-NCPPC

Michael W. Younes, PMP  
May 4, 2016  
Page 2

Department of Parks<sup>1</sup>, EAB is found countywide and infects all species of ash trees, with a 99% mortality rate for those trees. Signs of EAB infestation are difficult to detect, but the EAB "death curve" is 50%-98% mortality within 1-3 years in areas where there are current signs of infestation. The immediate effects of infestation include significant loss of structural strength with decline of tree health, trees at greater risk of wind-throw, trees that are more dangerous and expensive to remove, and "Ash snap" - dead ash trees suddenly and without warning falling over or breaking off. Ash snap can occur under the soil-line where roots become exposed as the tree falls, or on the main trunk at the ground-level or higher.

Pepco is prepared to offer a replacement tree for each of the two Ash trees. If either or both property owners do not wish to have a replacement tree planted on their property, Pepco is prepared to offer the replacement tree(s) to the Village.

For the foregoing reasons, Pepco believes that the prudent course of action is to allow removal of these two Ash trees now, and we respectfully request that permission be granted to do so.

Thank you for your consideration of this appeal.

Sincerely,



Jerry Pasternak  
Vice President

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[http://www.montgomerycountymd.gov/council/Resources/Files/agenda/cm/2015/151130/20151130\\_PHED2.pdf](http://www.montgomerycountymd.gov/council/Resources/Files/agenda/cm/2015/151130/20151130_PHED2.pdf)

# EPCO Vegetation Management Agreement

20044

Owner's Name: VALEBY AMIEL Phone: 202-215 4732

Address: 5101 WISCONSIN AVE CRYSTAL MOUNTAIN 20815

Site: 2/4/16 Feeder # 14894 1P 2P 3P Sec. 11/11/16 Svc. Subtrans.

Pepco, or their contractor will complete the following tree work:

*\*See descriptions on reverse side*

- Tree Removal<sup>1</sup>  Brush Clearing<sup>2</sup>  Leave Wood<sup>3</sup>
- Overhang Removal<sup>4</sup>  Top Tree for Removal<sup>5</sup>  Hazard Tree Removal<sup>6</sup>
- Herbicide Application<sup>7</sup>  Leave All Debris<sup>8</sup>  Other<sup>9</sup>

Comments: REMOVE PINE AND ASH TREE. (1/16)  
UP ISLAND.

Utility Representative: CALL AHEAD

PEPCO

Owner's Signature: [Signature]

Date Signed: 2/4/16

If you agree to the terms as stated above, please sign above and contact the Company Representative noted below. They can either meet you to pick up the form, or you may hang it back on your door to be picked up. The signed form may also be faxed to:

If you have any questions, call: 202-748 4400

Utility Representative: CODY HESSELTINE

**Chevy Chase Village  
Tree Removal Permit Application**

(Ash) A-2247  
Permit No. 2232 (line)

All trees on private property with trunks that measure at least twenty-four (24) inches in circumference (or 7.7 inches in diameter) at four and one-half (4½) feet above ground level require a Village permit to be removed.

<b>Property Address:</b> 5701 Wisconsin Ave	
Resident: Valery Amiel Telephone: 202-215-4732 E-mail: vamiel@aol.com	
<b>Tree Removal Contractor (required and must be a Maryland Licensed Tree Expert):</b>	
Business Name: Asplundh Tree Experts Owner: Derik Wolfe Address: 1900 Betson Court Odenton, MD 21113 Telephone: 410-519-9900 Fax: 410-519-9978 E-mail: dwolfe@asplundh.com MD Dept. of Natural Resources (DNR) Licensed Tree Expert (LTE) No. (required): 093	
<i>For Village office staff use:</i>	
Is this property located within the historic district? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Staff initials <u>MAJ</u>
Verification of species pursuant to Sec. 17-3(a)(7): <u>N/A</u>	Staff initials <u>EB</u>
Date application submitted to Village Office: <u>3/31/16</u>	Date approved or denied: <u>4/19/16</u>

**Village Code Chapter 17. Urban Forest §17-1 and 17-2. Permit Required.**  
 "No person shall remove or destroy, or cause the removal or destruction, of a tree or undertake any action that will substantially impair the health or growth of a tree without first obtaining a permit from the Village Manager. No permit shall be required for normal and reasonable trimming or other tree care designed to maintain the health, shape, or balance of a tree."

- Village Code §17-3. Permit Standards.**  
 The Village Manager may issue a permit *only* if at least one (1) of the following conditions applies:
- The tree is diseased beyond restoration, insect infected beyond restoration, or injured beyond restoration;
  - The tree is dead or dying, or is in danger of falling;
  - The tree constitutes a hazard to the safety of persons;
  - The tree constitutes a hazard and threatens injury to property;
  - The tree constitutes a hazard and threatens injury to, or would have a negative effect on the health of other trees;
  - The tree is injurious to or creates a condition injurious to the health of a person, certified to by a qualified medical practitioner;
  - The tree is on a list of tree species of little value, as determined by the Board of Managers after consultation with the Village arborist and Village Tree Committee.

**An applicant who is denied a tree removal permit by the Village Manager may appeal that decision to the Board of Managers. Any appeal must be in writing and made within ten (10) days of the permit denial.**

**Filing Requirements**

- Copy of the findings and recommendations report from the Village Arborist or, pursuant to Sec. 17-3(a)(7), Village staff.
- This completed application, including the tree contractor's name, phone number and MD-DNR License No.
- Payment of \$25.00 per tree filing fee for a Village Tree Removal Permit application, up to a max. of \$175. The fee is waived for trees approved subject to Sec. 17-3(a)(7).

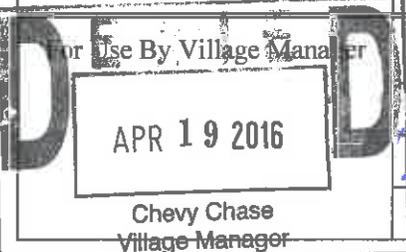
Do you intend to reforest on your property? \_\_\_\_\_

**REFORESTATION INCENTIVE**

Under the new Tree Incentive Program, the Village will reimburse residents for up to half of the total costs to a maximum of \$175 for the purchase and planting of qualifying canopy trees on privately owned properties. Additionally, applicants for Tree Removal Permits will be refunded their permit filing fee if they plant a canopy tree within six months of receiving a Village Tree Removal Permit.

**By signing below, I understand that no work may be performed until the Village permit is issued and posted to be visible from the street.**

**Applicant's Signature:** Matt Young **Date:** 3/29/30

Tree Removal Plans (including reforestation plan, if any)	
Remove one ash and one pine along Wisconson Ave. Ash not being treated for EAB, pine soft wood species next to sub transmission feeder along wisconson.	
	Approved with the following conditions:
For Use By Village Manager	<i>[Signature]</i> White Pine
	Denied for the following reasons:
For Use By Village Manager	<i>[Signature]</i> Ash tree does not meet standard per 17-3
Chevy Chase Village Manager	

<p><b>Filing Fee:</b></p> <p>\$25.00/tree x <u>2</u> trees = \$ <u>50</u> (up to \$175 max. per application)</p>	<p><b>Checks Payable to:</b></p> <p style="text-align: right;">Chevy Chase Village 5906 Connecticut Avenue Chevy Chase, MD 20815</p>
<p><b>Damage Deposit</b></p> <p><input type="checkbox"/> \$ _____</p> <p><input checked="" type="checkbox"/> Waived by Village Manager.</p>	<p>Village Manager Signature: <i>[Signature]</i></p> <p>Date: <u>4/19/16</u></p>
<p>Total Fees + Deposit:</p> <p><u>\$ 50 - \$ 250 =</u></p> <p style="font-size: small;"><i>\$ 50 Removal / \$ 200 Appeal</i></p>	<p>Staff Signature: <i>[Signature]</i></p> <p>Date: <u>5/22/16</u></p>

# Feather & Assoc.

Tolbert V. Feather, Ph.D.

*Advisors for: Landscape Development  
Landscape Management, Plant Pest Management*

Chevy Chase Village  
5906 Connecticut Avenue  
Chevy Chase, MD 20815

April 7, 2016

**RE: PEPCO Removal Request – Private Tree  
5701 Wisconsin Avenue**

An ash 19" diameter at 4.5' above ground level is healthy. The tree can be pruned for line clearance without harming or leaving the tree with poor or unbalanced form. The tree removal is not approved.



Tolbert Feather  
Town Arborist

**MAILING LIST FOR APPEAL A-2247**

**PEPCO FOR  
5701 WISCONSIN AVENUE  
CHEVY CHASE, MD 20815**

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<b>Adjoining and confronting property owners</b>	
Ms. Lisa Sherman & Mr. Martin F. Stone Or Current Resident 4113 Oliver Street Chevy Chase, MD 20815	Saks Fifth Avenue Or Current Occupant 5555 Wisconsin Avenue Chevy Chase, MD 20815
Mr. & Mrs. S. Tien Wong Or Current Resident 146 Grafton Street Chevy Chase, MD 20815	Ms. Marilyn Sue Cohen Or Current Resident 144 Grafton Street Chevy Chase, MD 20815

**A-6974**  
**Special Permit Request**

Attach a wrought iron fence measuring a maximum of three feet, nine inches (3'-9") in height onto an existing masonry retaining wall measuring a maximum of eight (8) feet in height located in the rear (south) yard of the property. The maximum height of the proposed fence and wall would be eleven feet, nine inches (11'-9") as measured from the directly abutting property.

Ms. Janet N. Regan &  
Mr. Patrick M. Regan  
6 Quincy Street

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**CHEVY CHASE VILLAGE  
BOARD OF MANAGERS  
JULY 11, 2016 MEETING**

**STAFF INFORMATION REPORT**

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**TO:** BOARD OF MANAGERS  
**FROM:** ELLEN SANDS, PERMITTING AND CODE ENFORCEMENT COORDINATOR  
**DATE:** 7/7/2016  
**SUBJECT:** HEARING OF CASE NO. A-6974 SPECIAL PERMIT REQUEST  
MR. PATRICK M. REGAN AND MS. JANET N. REGAN; 6 QUINCY STREET  
ATTACH A WROUGHT IRON FENCE MEASURING A MAXIMUM OF THREE FEET, NINE INCHES (3'-9") IN HEIGHT ONTO AN EXISTING MASONRY RETAINING WALL MEASURING A MAXIMUM OF EIGHT (8) FEET IN HEIGHT LOCATED IN THE REAR (SOUTH) YARD OF THE PROPERTY. THE MAXIMUM HEIGHT OF THE PROPOSED FENCE AND WALL WOULD BE ELEVEN FEET, NINE INCHES (11'-9") AS MEASURED FROM THE DIRECTLY ABUTTING PROPERTY.

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**NOTICE REQUIREMENTS:** Abutting Owners; Public Notice

**APPLICABLE CHEVY CHASE BUILDING REGULATION:**

**The Chevy Chase Village Code Sec. 8-21(d) states:**

No person shall construct any fence or wall at any location between the front building restriction line and the rear property line nor along any rear property line having a height greater than six and one-half (6 ½) feet. The measurement shall be made from the surface of the ground of the lower yard next to the fence or wall. With the written consent of the owner(s) of any adjoining property, a fence or wall of greater height than six and one-half (6 ½) feet at its highest point, may be erected or permitted if a Special Permit is obtained from the Board of Managers.

**APPLICABLE COVENANTS:**

Not applicable; verification of compliance with the property's covenants is not required for Special Permit requests authorized by Sections 8-21 [fences], 8-26 [driveways] or Chapter 25 [Public Rights-of-Way] of the Village Code.

**FACTUAL AND BACKGROUND INFORMATION:**

The Property is located on the south side of Quincy Street and is within the Chevy Chase Village Historic District.

There is a significant grade change between the rear yard of 6 Quincy Street and the rear yards of 5, 7 & 9 Primrose Street and consequently there is a retaining wall between the rear yards.

The rear yard of the subject property is terraced into two levels- one level (to the east) behind the house and a lower level (to the west) between the house and the garage. There is an existing wood fence, measuring six feet in height, along the upper terrace portion. Currently there is no fence at the lower level and the top of the retaining wall is just above the grade in that portion of the Applicants' yard.

The proposed wrought iron fence would be installed on the wall in the lower level yard and would extend to the garage, to complete enclosure of that portion of the yard. Because the Applicants propose to attach the fence onto the wall the assembly would be considered one structure and the resulting fence height would exceed the allowable height of 6'-6", when measured from the ground on the lower side of the fence.

A variance is required to exceed 6'-6" in height, however if the abutting property owner(s) provide written consent, the request can be considered as a Special Permit. The owners of the abutting properties have each submitted written consent of the proposed fence height.



**Figure 1: Looking north toward the subject property from the rear yard of 5 Primrose Street. The green line indicates the top of the existing retaining wall (hidden by foliage) and the yellow dashed line indicates the approximate location of the proposed wrought iron fence- see drawing in the application materials. The wood fence to the right is an existing fence located in the upper level terrace of the Applicants' rear yard (6 Quincy Street).**



**Figure 2: Looking north toward the subject property from the rear yard of 5 Primrose Street. The green line indicates the approximate location of the top of the existing retaining wall and the yellow dashed line indicates the approximate height of the proposed wrought iron fence. The fence would terminate at the detached garage (to the left in the photo) of the Applicants' property- see drawing in the application materials.**

To date emails have been received from the abutting neighbors: Mr. & Mrs. Alan B. Geller of 5 Primrose Street; Mr. & Mrs. Richard D. Kline of 7 Primrose Street and Mr. & Mrs. Peter Keating of 9 Primrose Street in support of the application; no other correspondence has been received either in support of or in opposition to the request.

The Applicants have obtained an Historic Area Work Permit (HAWP) and Montgomery County Fence Permit for the proposed fence.

There are no tree protection concerns related to installation of the fence.

Applicable Fees: Building Permit Application: \$30; Variance Application Fee: \$300. Total: \$330.00

## RELEVANT PRIOR CASES

In October of 1995, David Evans and Ruth Robbins of 3 Magnolia Parkway were granted a Special Permit to construct a wall which would measure seven (7) feet in height. In January 1998, David Von Endt and Carolyn Rose of 6403 Connecticut Avenue were granted a Special Permit to construct a wall measuring six feet, six inches (6'-6") in height with gates and pilasters measuring an additional one foot, eight inches (1'-8") for a total assembly height of eight feet, two inches (8'-2"). In April 1999 Mr. & Mrs. Gael Delaney of 8 Quincy Street were granted a Special Permit to maintain a fence measuring ten (10) feet in height, consisting of a six (6) foot high fence mounted to a four (4) foot high retaining wall along the west portion of the rear (south) property line [immediately to the east of the current subject property]. In July 2005 Mr. & Mrs. Thomas Toch of 1 West Irving Street were granted a Special Permit to install a fence on top of an existing retaining wall with a proposed maximum total height of eight (8) feet along their east side property line. In April 2006 Mr. & Mrs. Edmund Bartlett of 4 West Melrose Street were granted a Special Permit to replace and extend a fence measuring six feet, six inches (6'-6") in height on top of an existing retaining wall measuring three feet, six inches (3'-6") in height for a maximum total height of ten (10) feet along the west property line.

## FINDINGS REQUIRED:

1. The proposed Special Permit would not adversely affect the public health, safety or welfare, nor the reasonable use of adjoining properties;
2. The proposed Special Permit can be granted without substantial impairment of the intent and purpose of this chapter; and
3. For all Special Permits, except for Special Permits authorized by Sections 8-21 [fences], 8-26 [driveways] or Chapter 25 [public rights-of-ways] of the Village Code, the structure authorized by the proposed Special Permit would not violate any covenant applicable to the property.

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## Draft Motion

I move to APPROVE/DENY the Special Permit request in Case A-6974 on the basis that the evidence presented, including the Staff Report and Case Synopsis, demonstrates that the applicable requirements for approval of the Special Permit 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 Special Permit request.

**CHEVY CHASE VILLAGE  
NOTICE OF PUBLIC HEARING**

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Please take notice that the Chevy Chase Village Board of Managers will hold a public hearing on the 11<sup>th</sup> day of July, 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-6974  
MS. JANET N. & MR. PATRICK M. REGAN  
6 QUINCY STREET  
CHEVY CHASE, MARYLAND 20815**

The applicants seek a Special Permit from the Board of Managers pursuant to Sec. 8-9 of the Chevy Chase Village Building Code to attach a wrought iron fence measuring a maximum of three feet, nine inches (3'-9") in height onto an existing masonry retaining wall measuring a maximum of eight (8) feet in height located in the rear (south) yard of the property. The maximum height of the proposed fence and wall would be eleven feet, nine inches (11'-9") as measured from the directly abutting property.

**The Chevy Chase Village Code Sec. 8-21 (d) states:**

No person shall construct any fence or wall at any location between the front building restriction line and the rear property line nor along any rear property line having a height greater than six and one-half (6 ½) feet. The measurement shall be made from the surface of the ground of the lower yard next to the fence or wall. With the written consent of the owner(s) of any adjoining property, a fence or wall of greater height than six and one-half (6 ½) feet at its highest point, may be erected or permitted if a Special Permit is obtained from the Board of Managers.

Additional information regarding this case 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](http://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) to abutting and confronting property owners on the 30<sup>th</sup> day of June, 2016.

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



June 30, 2016

Mr. & Mrs. Patrick Regan  
6 Quincy Street  
Chevy Chase, MD 20815

Dear Mr. & Mrs. Regan:

Please note that your request for a Special Permit to attach a wrought iron fence onto the masonry wall in the rear yard at your property is scheduled before the Board of Managers on Monday, July 11, 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.

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

Cc: Julie Patronik, McHale Landscape Design (via email)

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*  
DAVID L. WINSTEAD  
*Secretary*  
MINH LE  
*Assistant Secretary*

GARY CROCKETT  
*Treasurer*  
ROBERT C. GOODWIN, JR.  
*Assistant Treasurer*  
RICHARD M. RUDA  
*Board Member*

VILLAGE MANAGER  
SHANA R. DAVIS-COOK  
LEGAL COUNSEL  
SUELLEN M. FERGUSON

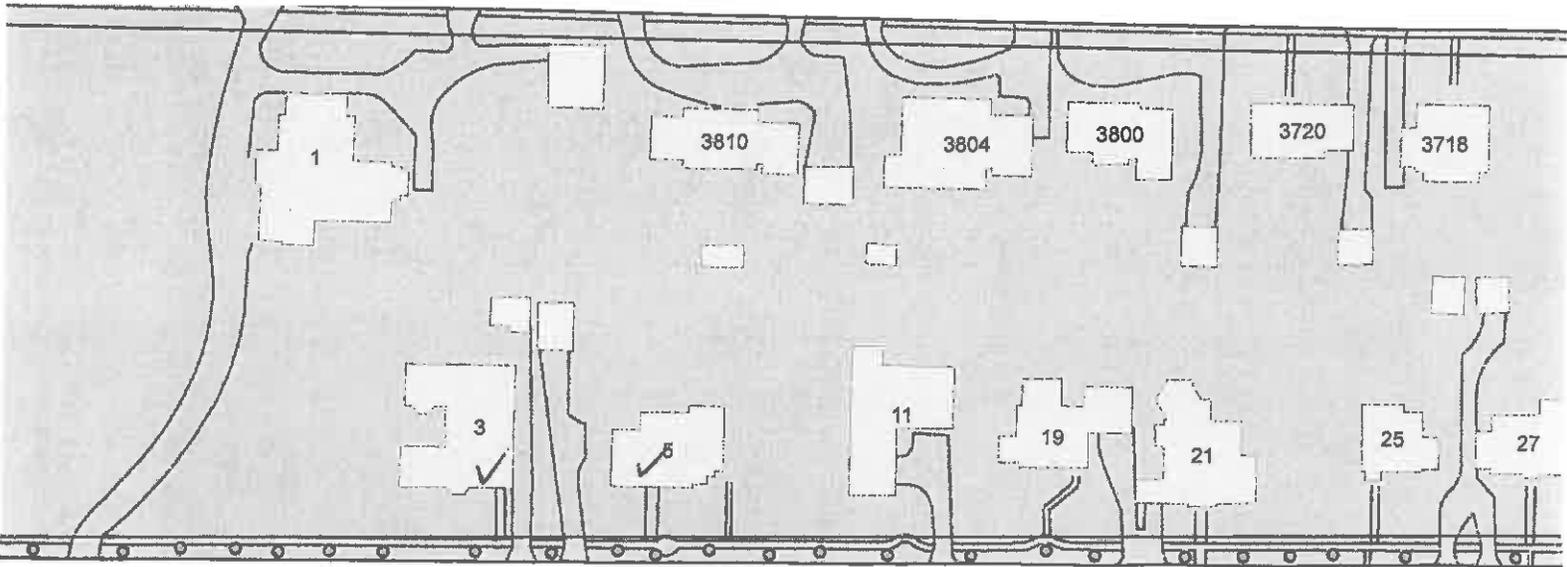
**MAILING LIST FOR APPEAL A-6974**

**MS. JANET N. & MR. PATRICK M. REGAN  
6 QUINCY STREET  
CHEVY CHASE, MD 20815**

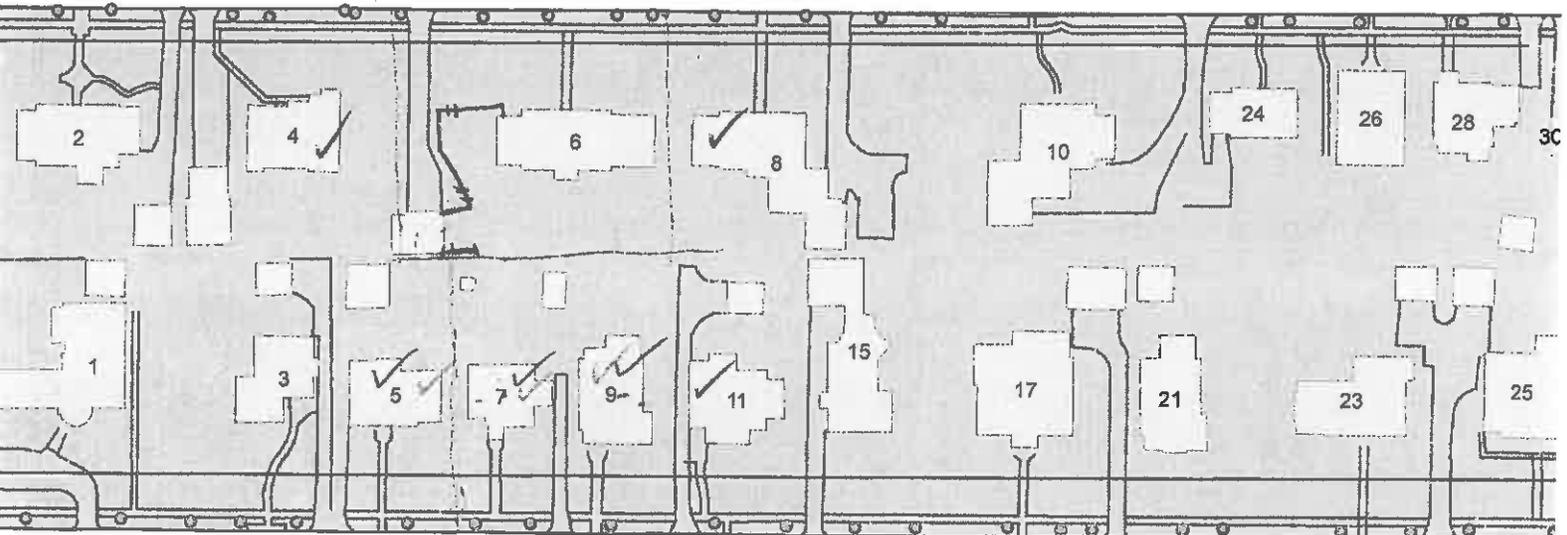
<b>Adjoining and confronting property owners</b>	
Ms. Mimi Burke & Mr. Thomas Jarrett Or Current Resident 3 Quincy Street Chevy Chase, MD 20815	Mr. & Mrs. Les Goldman Or Current Resident 5 Quincy Street Chevy Chase, MD 20815
Mr. & Mrs. Jeff Black Or Current Resident 4 Quincy Street Chevy Chase, MD 20815	Mr. & Ms. James Cassidy Or Current Resident 8 Quincy Street Chevy Chase, MD 20815
Mr. & Mrs. Allan B. Geller Or Current Resident 5 Primrose Street Chevy Chase, MD 20815	Mr. & Mrs. Richard D. Kline Or Current Resident 7 Primrose Street Chevy Chase, MD 20815
Mr. & Mrs. Peter Keating Or Current Resident 9 Primrose Street Chevy Chase, MD 20815	

  
I hereby certify that a public notice was emailed (where possible) and mailed to the  
aforementioned property owners on the 30<sup>th</sup> day of June 2016.

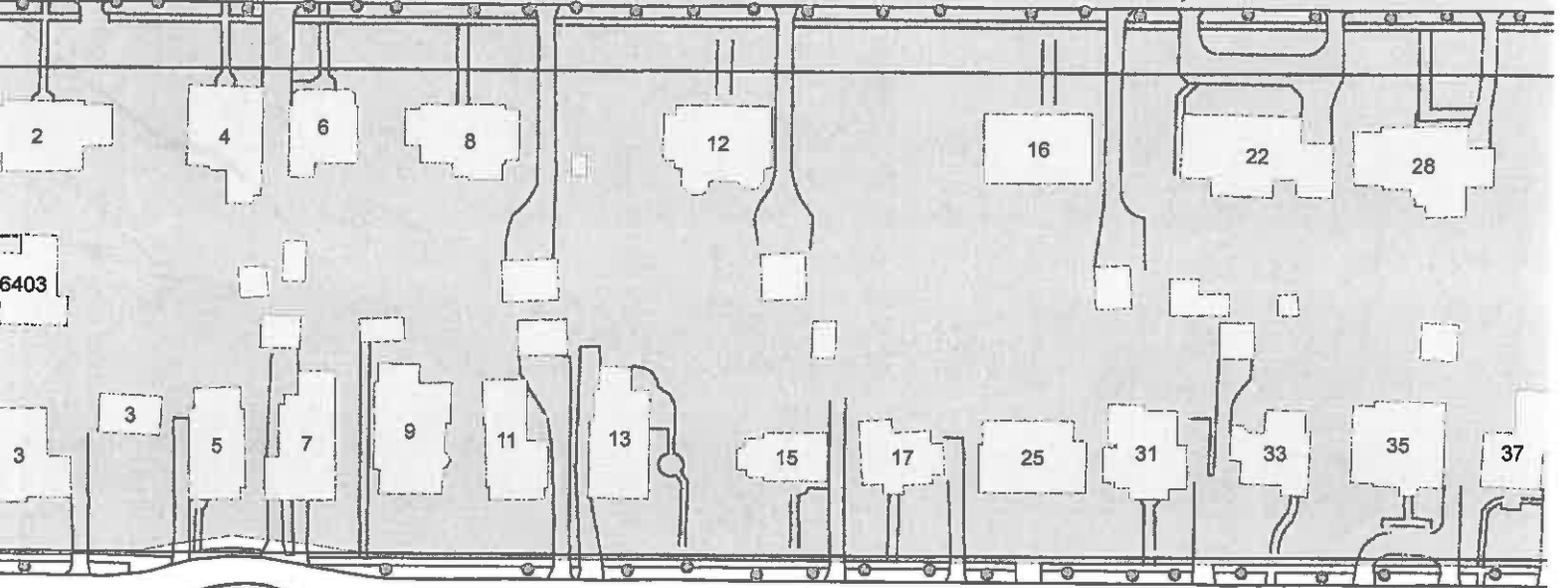
**Ellen Sands  
Permitting and Code Enforcement Coordinator  
Chevy Chase Village  
5906 Connecticut Avenue  
Chevy Chase, MD 20815**



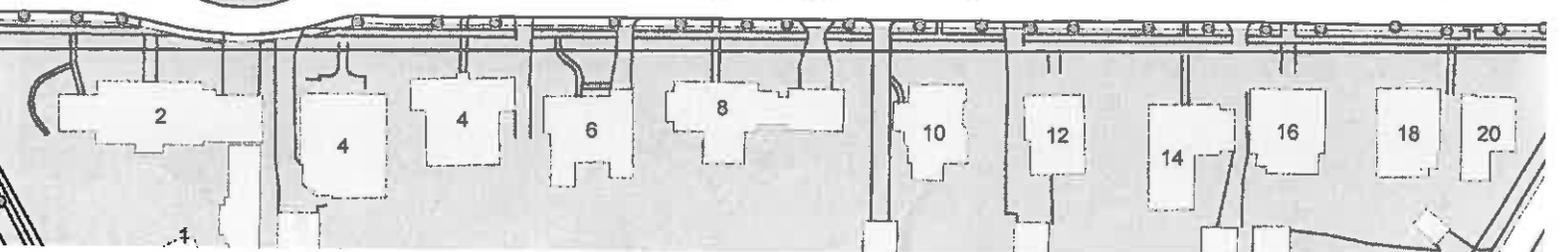
QUINCY ST. ◦



PRIMROSE ST. ◦



OXFORD ST.



# Chevy Chase Village

## Application for a Special Permit

*Chevy Chase Village Code Section 8-1 defines a Special Permit as permission granted by the Board of Managers in accordance with Article II Division B of this Chapter [8], to construct, install, remove or alter a structure or planting, or take other action where such permission is required by this Chapter.*

Subject Property: <b>6 QUINCY STREET</b>	
Describe the Proposed Project: <b>Add a fence (42" wrought iron) to the right side yard and along the back between garage + ex. fence.</b>	
Applicant Name(s) (List all property owners): <b>Patrick &amp; Janet Regan</b>	
Daytime telephone: <b>301.654.6060</b>	Cell: <b>301.526-5806</b>
E-mail: <b>jnregan@gmail.com</b>	
Address (if different from property address):	
<i>For Village staff use:</i>	
Date this form received: <b>6/20/16</b>	Special Permit No: <b>A-6974</b>

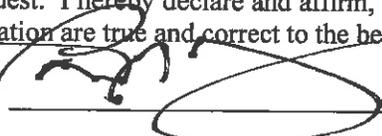
### Filing Requirements:

**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 Special Permit* (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, except for Special Permits authorized by Sections 8-21 and 8-26 of Chapter 8, or Section 25-5 and 25-6 of Chapter 25 of the Chevy Chase Village Code.
- Applicable Special Permit fee 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 special permit 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: 

Date: 6/18/16

Applicant's Signature: \_\_\_\_\_

Date: \_\_\_\_\_

6

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

Describe the reasons why approval of the Special Permit would not adversely affect the public health, safety or welfare or the reasonable use of adjoining properties:

The portion of the fence in question would act as a railing atop an existing concrete retaining wall. The wall is 4'-8" tall on the back side and a railing will prevent someone from falling into the adjacent properties.

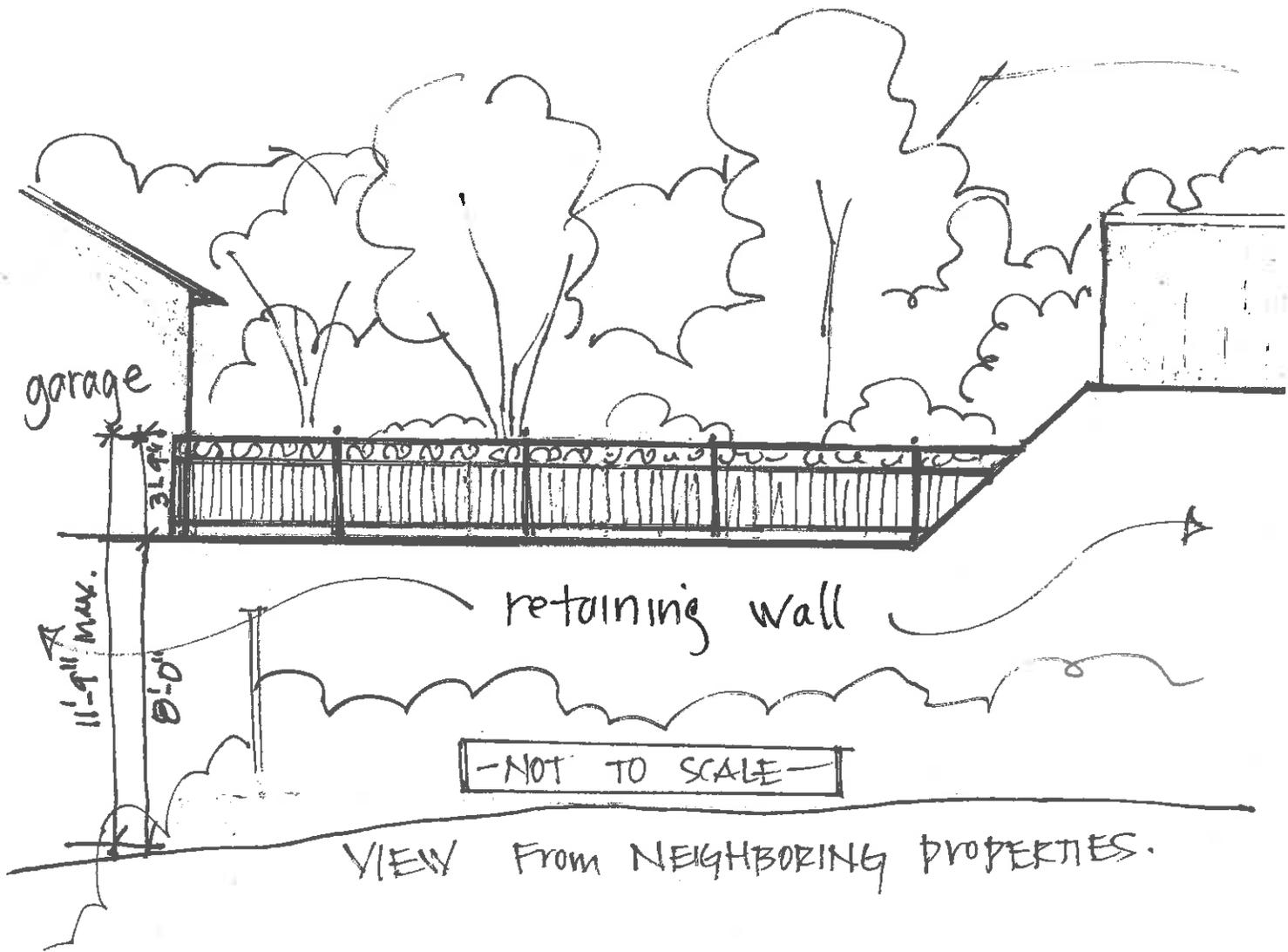
Describe the reasons why the Special Permit can be granted without substantial impairment of the intent and purpose of Chapter 8, entitled *Buildings and Building Regulations*, or Chapter 25, entitled *Public Rights-of-Way* of the Chevy Chase Village Code

This railing/fence style has been used on the original house and some interior retaining walls and is in keeping with the historical architecture.

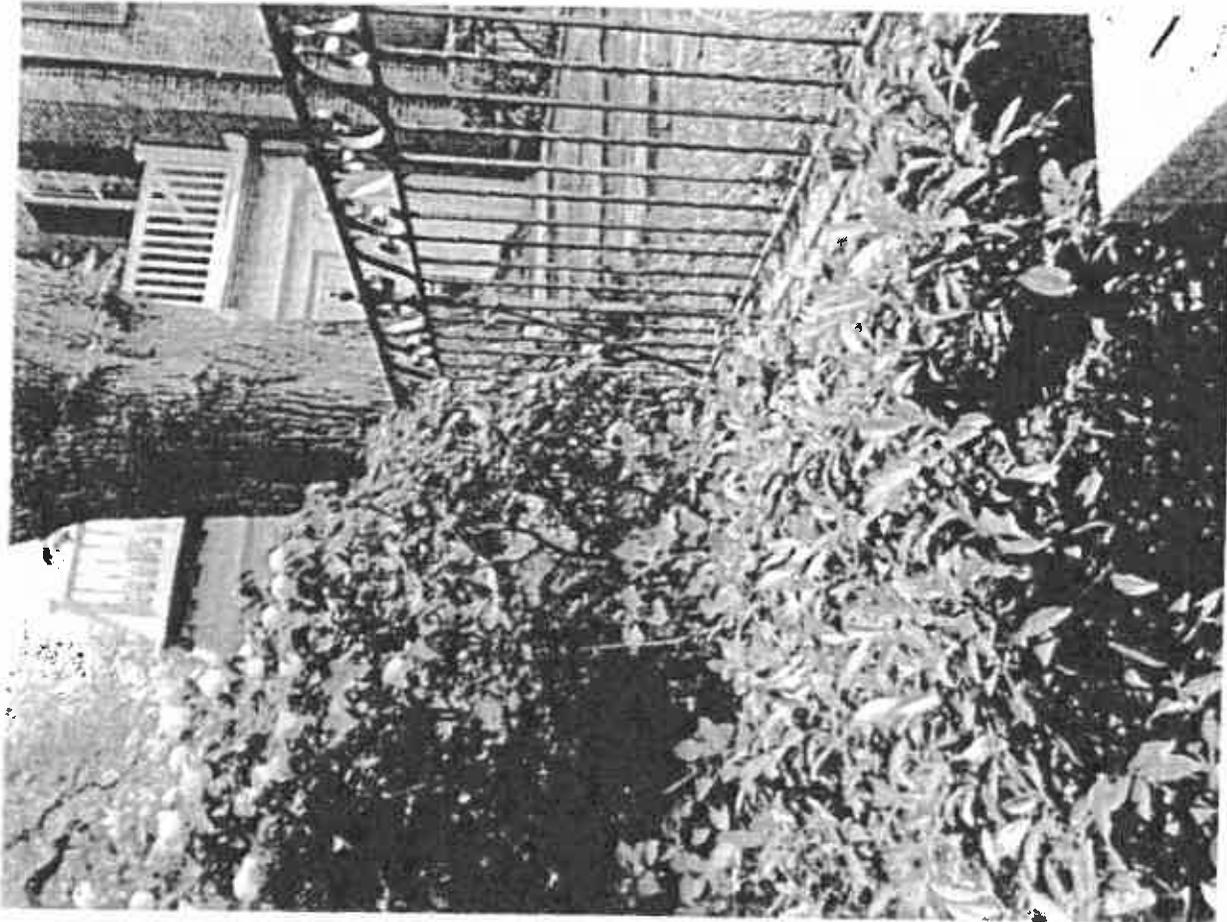
In exercising its powers in connection with a Special Permit request, the Chevy Chase Village Board of Managers may reverse or affirm, wholly or partly, or may modify the requirement, decision or determination as it deems appropriate.

<b>Special Permit Filing Fees</b>	<b>Checks Payable To:</b> Chevy Chase Village 5906 Connecticut Ave. Chevy Chase, MD 20815
<p><i>Per Village Code Sec. 6-2(a)(24):</i></p> <p><input checked="" type="checkbox"/> \$300.00 for new construction.</p> <p><input checked="" type="checkbox"/> \$150.00 for replacing existing non-conformities.</p> <p><input type="checkbox"/> \$2,250.00 for demolition of main building.</p> <p><input type="checkbox"/> \$300.00 for demolition of accessory building or structure.</p> <p><input type="checkbox"/> \$300.00 for fences, walls, play equipment, trees, hedges, shrubbery in the public right-of-way.</p> <p>Fee Paid: \$300.00 check # 036</p>	<p><b>Date Paid:</b> 6/20/16</p> <p><b>Staff Signature:</b> <i>[Signature]</i></p>
\$300.00	<p><b>Approved to Issue Building Permit per Signed Board Decision.</b></p> <p><b>Signature:</b> _____</p> <p><b>Village Manager</b></p> <p><b>Date:</b> _____</p>





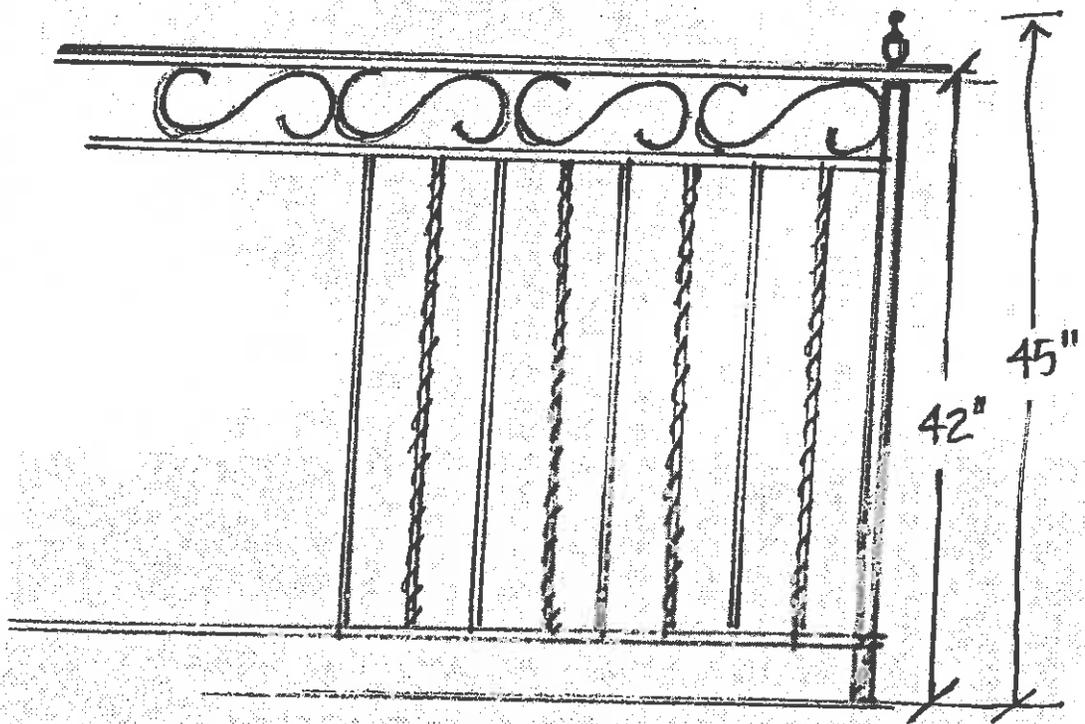
MCHALE LANDSCAPE DESIGN, INC.



REAR YARD  
 EXISTING FENCE  
 (RAILINGS ON MAIN  
 HOUSE AREAWAYS  
 ALSO MATCH.)

6 QUINCY STREET • CHEVY CHASE • M

APPLICANT: JULIE PATRONIK  
 MCHALE LANDSCAPE DESIGN



WROUGHT IRON FENCE (to match existing)  
COLOR: BLACK

SCALE: 1" = 1'0"

THE REGAN RESIDENCE  
60 QUINCY ST. CHEVY CHASE. MD

## Sands, Ellen

---

**From:** Alice Keating <keatinga99@gmail.com>  
**Sent:** Tuesday, June 21, 2016 10:24 PM  
**To:** CCV Permitting  
**Subject:** Re: 6 Quincy St appeal

Dear Ms Sands

We give our consent for the variance at 6 Quincy.

Alice

Sent from my iPhone

On Jun 21, 2016, at 11:18 AM, CCV Permitting <[ccvpermitting@montgomerycountymd.gov](mailto:ccvpermitting@montgomerycountymd.gov)> wrote:

Ms. Keating:

The residents at 6 Quincy Street are making an appeal to the Board of Managers to have a fence in excess of 6 ½ feet in the rear yard of their property. They propose to attach a 42" tall wrought iron fence to the existing masonry retaining wall at the west end of their property.

The way our Code is written a fence may not exceed 6 ½ feet in height in a rear yard without approval from the Board of Managers. It also states states that if the abutting owners provide a note of consent the request is a Special Permit (rather than a variance). While the proposed fence is not actually abutting your property, a portion of your property does abut 6 Quincy Street, so I think I need to have your consent in order for the request to be considered as a Special Permit (rather than a variance).

Here is the full Code provision:

(d) Fence and wall height in rear yard. No person shall construct any fence or wall at any location between the front building restriction line and the rear property line nor along any rear property line having a height greater than six and one-half (6 ½) feet. The measurement shall be made from the surface of the ground of the lower yard next to the fence or wall. With the written consent of the owner(s) of any adjoining property, a fence or wall of greater height than six and one-half (6 ½) feet at its highest point, may be erected or permitted if a Special Permit is obtained from the Board of Managers.

I understand Ms. Patronik reached out to you about this, however the response we received was not a definitive statement of consent. Can you please confirm for me if you provide consent for this additional fence height? Please call me if you have any questions.

Ellen Sands

Permitting and Code Enforcement Coordinator

Chevy Chase Village

Tele. 301-654-7300

FAX 301-907-9721

[ccvpermitting@montgomerycountymd.gov](mailto:ccvpermitting@montgomerycountymd.gov)

[www.chevychasevillagemd.gov](http://www.chevychasevillagemd.gov)

## Sands, Ellen

---

**From:** Julie Patronik <juliep@mchalelandscape.com>  
**Sent:** Monday, June 20, 2016 3:15 PM  
**To:** CCV Permitting  
**Subject:** Fwd: Regan Residence - Retaining Wall Railing

The Geller approval below:

Julie Patronik  
McHALE Landscape Design, Inc.  
240-375-2049

Begin forwarded message:

**From:** Sondra <sgeller5@verizon.net>  
**Date:** June 18, 2016 at 8:38:06 PM EDT  
**To:** Julie Patronik <juliep@mchalelandscape.com>  
**Subject:** Re: Regan Residence - Retaining Wall Railing

My husband thinks it's attractive. Green light from us.  
Sandy Geller

Sent from my iPhone

On Jun 18, 2016, at 4:20 PM, Julie Patronik <juliep@mchalelandscape.com> wrote:

Thank you!

Julie Patronik  
McHALE Landscape Design, Inc.  
240-375-2049

On Jun 18, 2016, at 4:17 PM, Sondra <sgeller5@verizon.net> wrote:

Hi

I wi forward this to my husband, Alan. He's the builder/developer partner in this family. I'm sure he'll find it interesting to look over the document you sent.

Best  
Sandy Geller

Sent from my iPhone

On Jun 18, 2016, at 3:56 PM, Julie Patronik <juliep@mchalelandscape.com> wrote:

Dear Sandy,

## Sands, Ellen

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**From:** Richard Kline <richardkline058@gmail.com>  
**Sent:** Wednesday, June 29, 2016 12:16 PM  
**To:** juliep@mchalelandscape.com  
**Cc:** CCV Permitting  
**Subject:** Regan retaining wall railing

Julie,

Thank you for the sketch and the explanation of your plans for adding the railing for the Regan rear yard. Barbara and I concur that it would be best to have the installation on the wall rather than just inside it and have no problem granting permission for its installation on that portion of the wall that is on our property. We also have no objection to the combined height of the concrete wall and the new railing being in excess of the allowable height for fences in Chevy Chase Village. Our PERMISSION IS GRANTED.

Barbara and Richard Kline  
7 Primrose Street  
Chevy Chase, MD



DEPARTMENT OF PERMITTING SERVICES

Isiah Leggett  
County Executive

Diane R Schwartz Jones  
Director

FENCE PERMIT

Issue Date: 06/01/2016

Permit No: 756697  
Expires: 06/02/2017  
X Ref.:  
Rev. No:  
ID: AC960224

THIS IS TO CERTIFY THAT: MCHALE LANDSCAPE DESIGN  
6212 LEAPLEY ROAD  
UPPER MAROBORO, MD 20772

HAS PERMISSION TO: CONSTRUCT FENCE  
3.00 Feet 6.00 Inches in Height  
Property Line: N Owner's Land: Y Right of Way: N

PERMIT CONDITIONS:

PREMISE ADDRESS: 6 QUINCY ST  
CHEVY CHASE, MD 20815-4227

LOT - BLOCK: 29 - 58 ZONE: ELECTION DISTRICT: 07  
BOND NO.: BOND TYPE: PS NUMBER:  
PERMIT FEE: \$ 75.60 SUBDIVISION: CHEVY CHASE SEC 2

The permit fee is calculated based on the approved Executive Regulations multiplied by the Enterprise Fund Stabilization Factor for the current fiscal year.

**MUST BE KEPT  
AT JOB SITE**

Director, Department of Permitting Services

**Chevy Chase Village  
Building Permit Application  
for Fences & Walls**

Permit No: 6974

<b>Property Address:</b> <u>6 Quincy Street, Chevy Chase, MD 20815</u>	
<b>Resident Name:</b> <u>Patrick + Janet Regan</u> Daytime telephone: <u>301.654.6060</u> Cell phone: <u>301.526.5806</u> After-hours telephone: <u>301.654.6060</u> E-mail: <u>jnregan@gmail.com</u>	
<b>Primary Contact for Project:</b> <input type="checkbox"/> Resident <input type="checkbox"/> Architect <input type="checkbox"/> Project Manager <input checked="" type="checkbox"/> Contractor* *MHIC/MD Contractor's License No. (required):	
<b>Primary Contact Information:</b> Name: <u>JULIE PATRONIK</u> Daytime telephone: <u>240.375.2099</u> After-hours telephone: <u>240.375.2099</u> E-mail: <u>juliepo@mchate-landscape.com</u>	
<b>Description of Fence or Wall Project:</b> <u>Wrought Iron 42" fence that matches existing railings to close in right side yard.</u>	
<b>Check appropriate box:</b> <input checked="" type="checkbox"/> Fence or wall to be constructed is: (1) new, (2) an enlargement of an existing fence or wall, or (3) replacing an existing fence or wall with one of a different kind. <input type="checkbox"/> Fence or wall to be constructed is replacing an existing fence or wall with the same kind and in the same location.	
<b>Parking Compliance:</b>	
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	
To be completed by Village staff:	
Is this property within the historic district?      Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Staff Initials: <u>CS</u>	
Date application filed with Village: <u>6/20/16</u> Date permit issued: _____      Expiration date: _____	

## **Guidelines for Building, Replacing and Maintaining Fences and Walls**

Sec. 8-21 of the Village Code regulates fences and walls. To repair or maintain an existing fence or wall, the Village does not require a building permit. To install or replace a fence or wall, however, residents will need a Village building permit. (A building permit may also be required from Montgomery County, including the Historic Preservation Commission, if the property is within the Historic District). Village Code allows fences and walls to be installed on a resident's property lines, inside the property lines on private property, and sometimes in the public right-of-way.

When placed on the property lines or on private property, the Village Code regulates fence and wall heights in two ways:

1. Fences and walls installed on private property anywhere between the property line and the front building restriction line may not exceed four (4) feet in height.
2. Fences and walls installed to the rear of the front building restriction line (that is, along the side and rear property lines or in the side and rear yards) may not exceed six and one-half (6 ½) feet in height.

When measuring the height of a fence or wall, the Village Code provides that the "measurement shall be made from the surface of the ground of the lower yard next to the fence or wall" **to the highest point of the fence or wall** (such as the top of the posts, caps, decorative lattice, finials, etc.). For example, if a fence post is 6 ½ feet high, then a cap on that post would exceed the height limit.

Walls can sometimes change the flow of water on a property. In such cases, residents or contractors will need to include a drainage plan with the building application.

When installing a fence or wall in the Village's public right-of-way, in addition to obtaining a Village Building Permit, residents must sign a **License to Use the Public Right-of-Way**, which may be recorded with your deed (please contact the Village office for more information). Fences and walls installed in the Village's rights-of-way may not exceed four (4) feet in height.

Fences and walls must be installed at least three (3) feet from the public sidewalk, or where there is no sidewalk, at least six (6) feet from the curb or nearest edge of the street or alley.

Special height limits apply to fences near an intersection on corner lots. The Village office will not be issue permits for any fences or walls that block necessary sight lines at intersections or otherwise create a dangerous condition.

**For complete Village Code requirements, please see Chapters 8 & 25.**

**Building Permit Application for Fences and/or Walls:  
Filing Requirements**

*Application will not be reviewed until the application is complete*

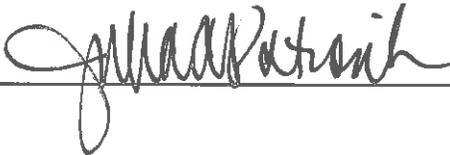
- Copy of stamped drawings approved by Montgomery County Department of Permitting Services (DPS) and the Historic Preservation Commission (HPC), if required. Every page of drawings must be clearly stamped.
- This application form, signed by resident.
- Boundary Survey
- Site Plan (see: Village Site Plan 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).
- Damage deposit or performance bond (due when permit is issued). Amount 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.*

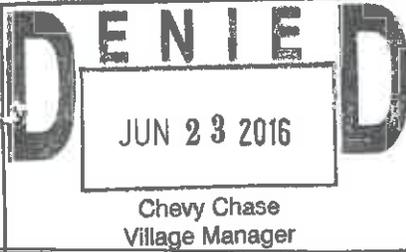
*If the Montgomery County permit is suspended, revoked or lapsed, the Village permit is automatically suspended, revoked or lapsed.*

*No signs advertising any 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:**  **Date:** 6/17/16

<b>For Use By Village Manager</b>	<b>Application approved with the following conditions:</b>

<b>For Use By Village Manager</b>	<b>Application denied for the following reasons:</b>
	<i>Donor Don</i>
	<i>The final configuration will exceed the maximum</i>
	<i>allowed height. Special Permit req'd.</i>

<b>Filing Fees</b> (due when application submitted)	<b>Checks Payable to:</b> <b>Chevy Chase Village</b> <b>5906 Connecticut Ave.</b> <b>Chevy Chase, MD 20815</b>
<b>Permit Application Fee:</b> <input checked="" type="checkbox"/> \$30.00 (if fence or wall is new, enlarged or replaced with different kind) <input type="checkbox"/> \$15.00 (if fence or wall is being replaced in-kind and in the same location) <input type="checkbox"/> \$50.00 (if construction is in the Public Right-of-way)	<b>Date:</b> <i>6/20/16</i> <b>Staff Signature:</b> <i>[Signature]</i>
<b>Tree Preservation Plan Fee:</b> <input type="checkbox"/> \$250.00 <input checked="" type="checkbox"/> Not required for this project	
<b>TOTAL Fees:</b> <i>\$30.00</i>	
<b>Damage Deposit/Performance Bond</b> <input type="checkbox"/> \$ _____ <input type="checkbox"/> Waived by Village Manager	<b>Date:</b> _____ <b>Village Manager Signature:</b> _____

<b>For Village Staff use:</b> Field file for inspections by Code Enforcement Officer has been created: <input type="checkbox"/> Yes (Date: _____)
--

**A-6980**  
**Variance Request**

Construct a swimming pool which would align with the front (Connecticut Avenue) main building line and which would encroach fifteen (15) feet forward of the setback.

Mr. Manuel P. Bramao &  
Ms. Jamie Lubar Bramao  
1 East Lenox Street

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**CHEVY CHASE VILLAGE  
BOARD OF MANAGERS  
JULY 11, 2016 MEETING**

**STAFF INFORMATION REPORT**

---

**TO:** BOARD OF MANAGERS  
**FROM:** ELLEN SANDS, PERMITTING AND CODE ENFORCEMENT COORDINATOR  
**DATE:** 7/7/2016  
**SUBJECT:** HEARING OF CASE NO. A-6980 VARIANCE REQUEST  
MR. MANUEL P. BRAMAO AND MS. JAMIE LUBAR BRAMAO; 1 EAST LENOX STREET  
CONSTRUCT A SWIMMING POOL WHICH WOULD ALIGN WITH THE FRONT (CONNECTICUT AVENUE)  
MAIN BUILDING LINE AND WHICH WOULD ENCROACH FIFTEEN (15) FEET FORWARD OF THE  
SETBACK.

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**NOTICE REQUIREMENTS:** Abutting Owners; Public Notice

**APPLICABLE CHEVY CHASE BUILDING REGULATION:**

**The Chevy Chase Village Code Sec. 8-24 (a)(1) states:**

A swimming pool must be set back at least fifteen (15) feet from the front building restriction line of the property or from the front main building line, whichever is greater.

**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 shall be erected except on the rear of said premises. In the case of corner lots any line bordering upon any street, avenue or parkway shall be considered a front line” [The proposed pool would not encroach forward of the 25’ front building restriction line].

**FACTUAL AND BACKGROUND INFORMATION:**

The property is located on the northeast corner of the intersection of East Lenox Street and Connecticut Avenue and is located in the Chevy Chase Village Historic District. The Applicants will need to obtain Historic Preservation Commission (HPC) approval for the proposed work.

Because the property is located on a corner lot, both the East Lenox Street and Connecticut Avenue yards are considered front yards for the purposes of setbacks.

According to the Code provision, the pool setback requirement is forty (40) feet from the front lot line or fifteen (15) feet from the main building line, whichever is greater. The proposed pool location is twenty-nine (29) feet from the front lot line (an eleven foot encroachment) and aligning with the front main building line of the house (a fifteen foot encroachment), so the front main building line condition would be the greater encroachment.

The provision regarding front setbacks for swimming pools was adopted in 1986.

Until the recent Code revision in 2014 the setback provision for swimming pools from front lot lines was: "No swimming pool shall be placed to the front of, or within fifteen (15) feet of, all front building lines of the residence on the lot or property on which such pool is to be placed".

The Applicants have also applied for a variance to install fencing measuring a maximum six feet in height between the front lot line and the front BRL.



Figure 1: Looking to the west at the approximate location of the proposed pool.



Figure 2: Looking to the northeast at the approximate location of the proposed pool.

The proposed location is compliant with Montgomery County building regulations.

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

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

Applicable Fees: Building Permit Application: \$30; Variance Application Fee: \$300. Total: \$330.00

#### RELEVANT PRIOR CASES

The provision regarding front setbacks for swimming pools was adopted in 1986.

In 2014 the language of the provision was revised to include a minimum setback from the front building restriction line as well as from the front main building line.

There has been one previous case for a variance from the front setback provision: In July 2010 Mr. Dane Butswinkas and Ms. Megan Rupp were requested a five-part variance for construction of a swimming pool at 7 West Kirke Street, which has two front yards (West Kirke Street and Laurel Parkway). One request regarding the deck was **withdrawn** and the other four parts were **granted**. Two parts of the variance request were from the front (Laurel Parkway) setback provision: a) to construct a pool forward of the Laurel Parkway front building line and b) to construct a pool which would encroach one foot, nine and one-half inches forward of the front (Laurel Parkway) fifteen foot setback. It was determined that the unusual shape of the property, the screening provided by vegetation and the use of an existing detached garage to screen the pool from the neighbors satisfied the findings required for granting of the variance.

**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.

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**Draft Motion**

I move to APPROVE/DENY the variance request in Case A-6980 on the basis that the evidence presented, including the Staff Report and Case Synopsis, 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**

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Please take notice that the Chevy Chase Village Board of Managers will hold a public hearing on the 11<sup>th</sup> day of July 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-6980  
MR. MANUEL P. BRAMAO & MS. JAMIE LUBAR BRAMAO  
1 EAST LENOX 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 construct a swimming pool which would align with the front (Connecticut Avenue) main building line and which would encroach fifteen (15) feet forward of the setback.

**The Chevy Chase Village Code Sec. 8-24 (a)(1) states:**

A swimming pool must be set back at least fifteen (15) feet from the front building restriction line of the property or from the front main building line, whichever is greater.

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](http://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 30th day of June, 2016.

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



June 30, 2016

Mr. & Mrs. Manuel Bramao  
1 East Lenox Street  
Chevy Chase, MD 20815

Dear Mr. & Mrs. Bramao:

Please note that your requests for two variances- to install fencing and to construct a swimming pool in the front (Connecticut Avenue) yard at your property are scheduled before the Board of Managers on Monday, July 11, 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.

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

Cc: Julie Patronik, McHale Landscape Design (via email)

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*  
DAVID L. WINSTEAD  
*Secretary*  
MINH LE  
*Assistant Secretary*

GARY CROCKETT  
*Treasurer*

ROBERT C. GOODWIN, JR.  
*Assistant Treasurer*

RICHARD M. RUDA  
*Board Member*

VILLAGE MANAGER  
SHANA R. DAVIS-COOK

LEGAL COUNSEL  
SUELLEN M. FERGUSON

**MAILING LIST FOR APPEAL A-6977 & 6980**

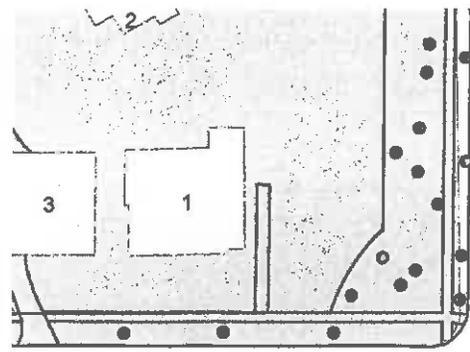
**MS. JAMIE LUBAR BRAMAO &  
MR. MANUEL P. BRAMAO  
1 EAST LENOX STREET  
CHEVY CHASE, MD 20815**

<b>Adjoining and confronting property owners</b>	
Mr. & Mrs. Roman Martinez Or Current Resident 2 West Melrose Street Chevy Chase, MD 20815	Mr. & Mrs. Jonathan E. Colby Or Current Resident 6000 Connecticut Avenue Chevy Chase, MD 20815
Homeowner Or Current Resident 5903 Connecticut Avenue Chevy Chase, MD 20815	Mr. & Ms. Timothy Overcash Or Current Resident 2 East Melrose Street Chevy Chase, MD 20815
Ms. Elizabeth J. Kannan & Mr. James M. Spiegelman Or Current Resident 3 East Lenox Street Chevy Chase, MD 20815	United States Postal Service Or Current Occupant 5910 Connecticut Avenue Chevy Chase, MD 20815
Chevy Chase Village Or Current Occupant 5906 Connecticut Avenue Chevy Chase, MD 20815	

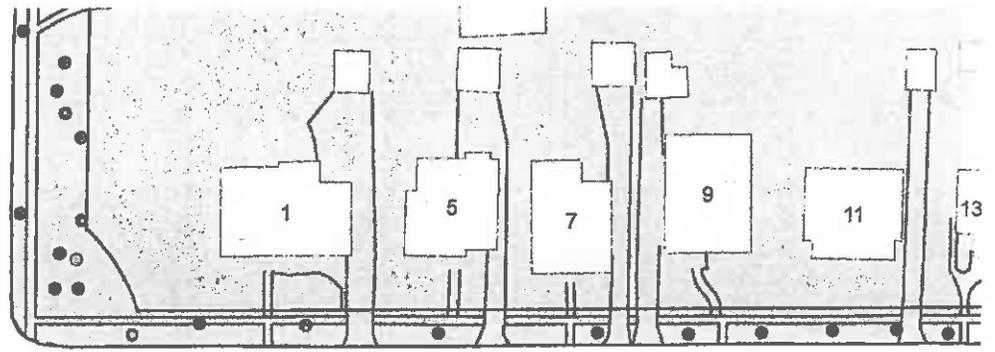


I hereby certify that a public notice was emailed (where possible) and mailed to the aforementioned property owners on the 30<sup>th</sup> day of June 2016.

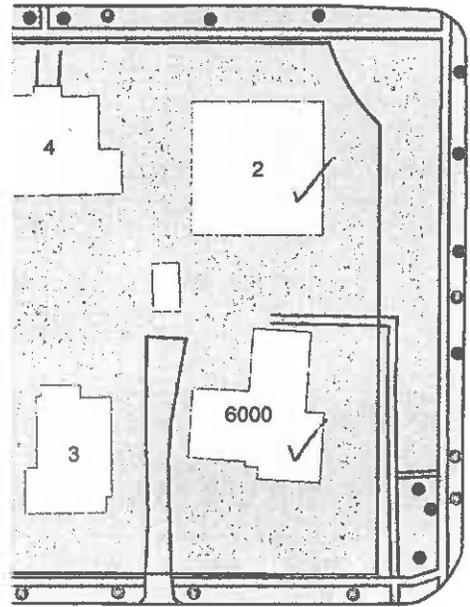
**Ellen Sands  
Permitting and Code Enforcement Coordinator  
Chevy Chase Village  
5906 Connecticut Avenue  
Chevy Chase, MD 20815**



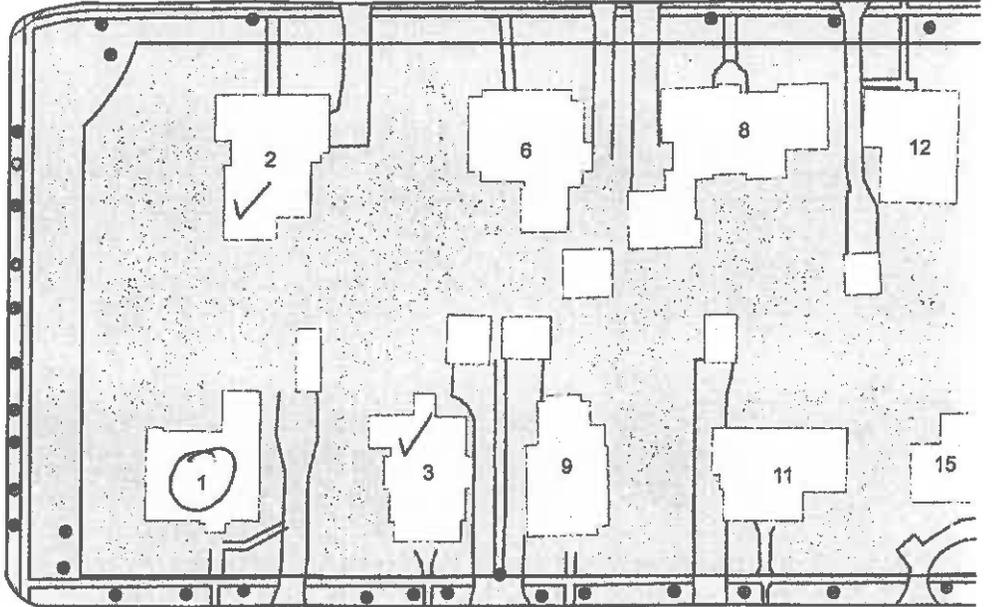
W. MELROSE ST.



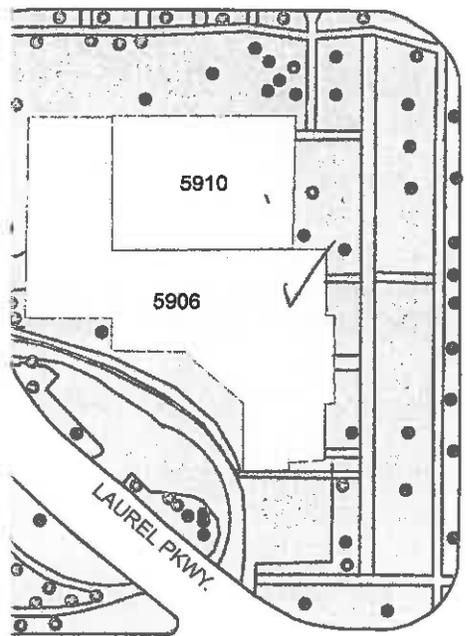
E. MELROSE ST.



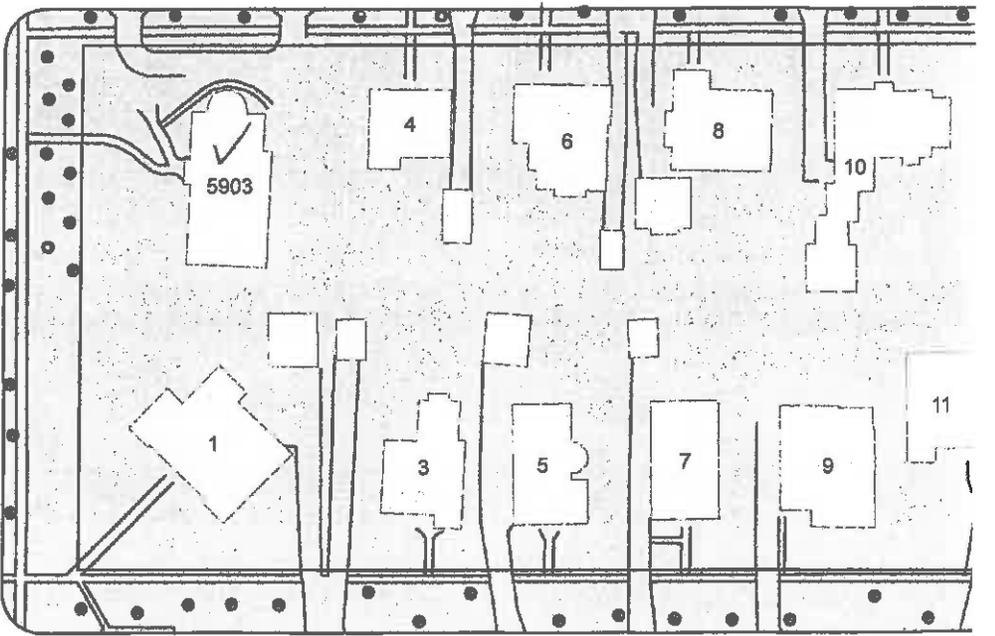
W. LENOX ST.



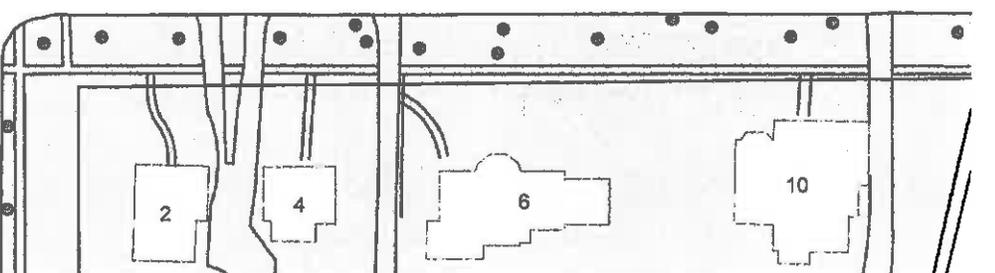
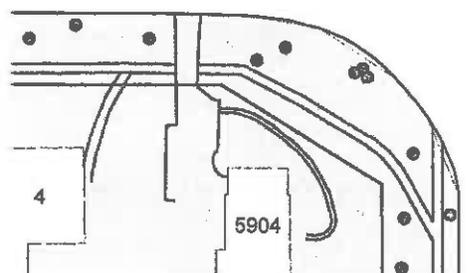
E. LENOX ST.



W. KIRKE ST.



E. KIRKE ST.



MELROSE ST.

LENOX ST.

CONNECTICUT AVE.

KIRKE ST.

# 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>1 East Lenox St</u>	
Describe the Proposed Project: <u>The project is to put up a fence at least 5' to enclose back yard so that an 8' by 12' pool/spa can be put in. Pool will align with plaque of house</u>	
Applicant Name(s) (List all property owners): <u>Jamie + Manuel Bramao</u>	
Daytime telephone: <u>301-526-2025</u>	Cell: <u>301-526-2025</u>
E-mail: <u>bramamoo@yahoo.com, jamie.bramao@comcast.com</u>	
Address (if different from property address):	
For Village staff use:	
Date this form received: <u>6/24/16</u>	Variance No: <u>A-6977</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: [Signature]

Date: June 24, 2016

Applicant's Signature: Jamie Bramao

Date: 6/24/16

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:

~~The property abuts Connecticut Ave and East Lenox St. The property's topography is flat. The property is similar to other properties that abuts Connecticut Ave~~

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):

~~Because this is a corner property, the Connecticut ave is considered as a front yard even though it is a side yard. So the variance is required for safe pool enclosure & county compliance of pool location~~

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*:

~~Will not change character of property, fence enhances safety for pool/spa. This fence will match the character of other fences already~~  
*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.* On Loan. Ave

<p style="text-align: center;"><b>Variance Filing Fee</b></p> <p style="text-align: center;"><i>Per Village Code Sec. 6-2(a)(24):</i></p> <p><input checked="" type="checkbox"/> \$300.00 for new construction.</p> <p><input type="checkbox"/> \$150.00 for replacing existing non-conformities.</p> <p><input type="checkbox"/> \$300.00 for fences, walls, play equipment, trees, hedges, shrubbery in the public right-of-way.</p> <p><input type="checkbox"/> Other: \$ _____</p> <p><b>Fee Paid:</b> \$300<sup>00</sup></p>	<p><b>Checks Payable To:</b> Chevy Chase Village 5906 Connecticut Ave. Chevy Chase, MD 20815</p> <p><b>Date Paid:</b> 6/24/16</p> <p><b>Staff Signature:</b> <i>Ulen Sand</i></p>
	<p><b>Approved to Issue Building Permit per Signed Board Decision.</b></p> <p><b>Signature:</b> _____</p> <p><b>Village Manager</b></p> <p><b>Date:</b> _____</p>

**Sands, Ellen**

---

**From:** Manny <bramaom@yahoo.com>  
**Sent:** Thursday, July 07, 2016 9:55 AM  
**To:** CCV Permitting  
**Subject:** Fwd: Pool Variance ! east Lenox St.

Sent from my iPad

Begin forwarded message:

**From:** Manuel Bramao <bramaom@yahoo.com>  
**Date:** July 7, 2016 at 9:11:10 AM EDT  
**To:** CCV Permitting <ccvpermitting@montgomerycountymd.gov>  
**Subject:** Pool Variance ! east Lenox St.  
**Reply-To:** Manuel Bramao <bramaom@yahoo.com>

We are requesting this variance as we feel it would be more considerate to put the pool as far as possible from our neighbors and also away from the garage and an existing very large pine tree. We do not feel putting it closer to Connecticut Ave. would adversely effect the character of Connecticut Ave. as it will be covered by the vegetation and the proposed fence. Sincerely, Manuel and Jamie Bramao





first part, its successors and assigns (such covenants and agreements to run with the land are to be for the mutual benefit of all portions of the Section of the subdivision of which the land hereby conveyed forms a part) are follows:

1. All houses upon the premises hereby conveyed shall be built and used for residence purposes exclusively, except stables, carriage houses, sheds or other out-buildings, for use in connection with such residences, and no trade, business, manufacture or sale or maintenance 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; but no stable shall be erected except on the rear of said premises. In the case of corner lots any line bordering upon any street, avenue, or parkway, shall be considered a front line.

3. That no house shall be erected on said premises at a cost less than five thousand (\$5000) dollars.

4. That any house erected on said premises shall be designed for the occupancy of a single family, and no part of any house or of any structure appurtenant thereto shall be erected or maintained within five (5) feet of the side lines of lots hereby conveyed, nor within ten (10) feet of the nearest adjacent house, except that double houses may be erected on said lot, the outer walls of such double houses to be not less than five (5) feet from side lines of said lot.

5. That a violation of any of these covenants and conditions may be enjoined and the same enforced at the suit of "The Chevy Chase Land Company, of Montgomery County, Maryland", its successors and assigns (actions including any person deriving title as to it or immediately to any lot or square, part of a lot or square, of said Section Two from said Company).

And the said party of the first part hereby covenants that it will warrant specially the property hereby conveyed and will execute such further requirements of the said land as may be requisite.

And the said party of the first part hereby constitutes and appoints Harold E. Doyle its true and lawful attorney, irrevocable, for it and in its name, place and stead to acknowledge these presents as its act and deed before any person so officially authorized to take such acknowledgment.

In Testimony Whereof, on the day and year first hereinbefore written, The Chevy Chase Land Company, of Montgomery County, Maryland, has caused these presents to be signed with its Corporate name by Edward J. Stillwagon, its Vice President, assisted by Herbert Claude, its Secretary, and its Corporate Seal to be hereunto attached.



THE CHEVY CHASE LAND COMPANY, OF MONTGOMERY COUNTY, MARYLAND, BY EDWARD J. STILLWAGON Vice-President.

Attest: Herbert Claude Secretary

Examined  
[Handwritten signatures and notes]

**Chevy Chase Village  
Building Permit Application**

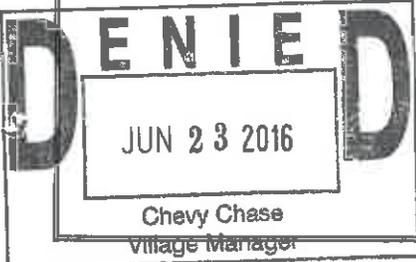
Permit No: \_\_\_\_\_

<b>Property Address:</b> 1 East Lenox
<b>Resident Name:</b> Manuel Bramoa <b>Daytime telephone:</b> 301-526-2025 <b>After-hours telephone:</b> 301-526-2025 <b>E-mail:</b> bramoa@ yahoo.com <b>Cell phone:</b> 301-526-2025
<b>Project Description:</b> 8' by 12' pool/spa
<input type="checkbox"/> Check here if the construction will require the demolition of over fifty (50) percent of any existing structure.
<b>Primary Contact for Project:</b> <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):
<b>Information for Primary Contact for Project (if different from property owner):</b> Name: Work telephone:      After-hours telephone: Cell phone: E-mail:
<b>Will the residence be occupied during the construction project?</b> <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:
<b>Parking Compliance:</b> 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



<b>For Use By Village Manager</b>	<b>Application approved with the following conditions:</b>

<b>For Use By Village Manager</b>	<b>Application denied for the following reasons:</b>
	<i>Handwritten:</i> The proposed pool does not comply with the setbacks from the front property line/front line of the dwelling.



<b>Filing Fees</b> (due when application submitted)	<b>Checks Payable to:</b> <b>Chevy Chase Village</b> <b>5906 Connecticut Ave.</b> <b>Chevy Chase, MD 20815</b>
Permit Application Fee: \$ <u>750.<sup>00</sup></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: <i>check #</i> <b>\$750.</b>	Date: <u>6/24/16</u> Staff Signature: <i>[Signature]</i>

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

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

Case Number: A-6980

Hearing Date: July 11, 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: Jamie + Manuel Bramao

Address: 1 East Lenox St

Telephone: 301-526-2025

E-mail: bramaum@yahoo.com

Applicant Appellant Signature: [Signature] Jamie Bramao

Agent Name for applicant/appellant (if necessary):

Telephone:

Address:

E-mail:

Signature of agent:

Village staff initials: JS

Date: 6/24/16

**A-6977 (a), (b), & (c)**  
**Variance Request**

Install fencing which would measure a maximum of six feet, six inches (6'-6") in height between the front (Connecticut Avenue) lot line and the twenty-five (25) foot front (Connecticut Avenue) building restriction line (BRL) including:

- a) A segment of fence installed parallel to and eight (8) feet east of the front (Connecticut Avenue) lot line running from the north property line southward for a distance of sixty-eight (68) feet; and then
- b) The fence would turn at a right angle eastward and extend twenty-one (21) feet terminating at the house. Seventeen (17) feet of this proposed segment would be located between the front (Connecticut Avenue) lot line and the twenty-five (25) foot front (Connecticut Avenue) BRL; and
- c) A segment of fence measuring five (5) feet in height extending from the north termination of the first section of fence seventeen (17) feet eastward to the front (Connecticut Avenue) BRL (and then continuing to the east property line).

Mr. Manuel P. Bramao &  
Ms. Jamie Lubar Bramao  
1 East Lenox Street

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**CHEVY CHASE VILLAGE  
BOARD OF MANAGERS  
JULY 11, 2016 MEETING**

**STAFF INFORMATION REPORT**

---

**TO:** BOARD OF MANAGERS  
**FROM:** ELLEN SANDS, PERMITTING AND CODE ENFORCEMENT COORDINATOR  
**DATE:** 7/7/2016  
**SUBJECT:** HEARING OF CASE NO. A-6977 VARIANCE REQUEST  
MR. MANUEL P. BRAMAO AND MS. JAMIE LUBAR BRAMAO; 1 EAST KIRKE STREET  
INSTALL FENCING WHICH WOULD MEASURE A MAXIMUM OF SIX FEET, SIX INCHES (6'-6") IN HEIGHT BETWEEN THE FRONT (CONNECTICUT AVENUE) LOT LINE AND THE TWENTY-FIVE (25) FOOT FRONT (CONNECTICUT AVENUE) BUILDING RESTRICTION LINE (BRL) INCLUDING:

- A) A SEGMENT OF FENCE INSTALLED PARALLEL TO AND EIGHT (8) FEET EAST OF THE FRONT (CONNECTICUT AVENUE) LOT LINE RUNNING FROM THE NORTH PROPERTY LINE SOUTHWARD FOR A DISTANCE OF SIXTY-EIGHT (68) FEET; AND THEN
- B) THE FENCE WOULD TURN AT A RIGHT ANGLE EASTWARD AND EXTEND TWENTY-ONE (21) FEET TERMINATING AT THE HOUSE. SEVENTEEN (17) FEET OF THIS PROPOSED SEGMENT WOULD BE LOCATED BETWEEN THE FRONT (CONNECTICUT AVENUE) LOT LINE AND THE TWENTY-FIVE (25) FOOT FRONT (CONNECTICUT AVENUE) BRL; AND
- C) A SEGMENT OF FENCE MEASURING FIVE (5) FEET IN HEIGHT EXTENDING FROM THE NORTH TERMINATION OF THE FIRST SECTION OF FENCE SEVENTEEN (17) FEET EASTWARD TO THE FRONT (CONNECTICUT AVENUE) BRL (AND THEN CONTINUING TO THE EAST PROPERTY LINE).

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**NOTICE REQUIREMENTS:** Abutting Owners; Public Notice

**APPLICABLE CHEVY CHASE BUILDING REGULATION:**

**The Chevy Chase Village Code Sec. 8-21(e) states:**

No person shall construct any fence or wall which exceeds forty-eight (48) inches in height at any location between the front lot line and the front building restriction line.

**APPLICABLE COVENANTS:**

Not applicable; verification of compliance with the property's covenants is not required for variance requests authorized by Sections 8-21 [fences], 8-26 [driveways] or Chapter 25 [Public Rights-of-Way] of the Village Code.

**FACTUAL AND BACKGROUND INFORMATION:**

The property is located on the northeast corner of the intersection of East Lenox Street and Connecticut Avenue and is located in the Chevy Chase Village Historic District. The Applicants will need to obtain Historic Preservation Commission (HPC) approval for the proposed work.

The Applicants propose to install a swimming pool, which would require an enclosure fence of at least five (5) feet in height.



**Figure 1: View of 1 East Lenox Street. The proposed fence would be installed approximately eight (8) feet to the right (east) of the termination of the brick retaining wall starting at the line of the chimney and then extending to northward toward the rear (north) property line.**

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

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

Applicable Fees: Building Permit Application: \$30; Variance Application Fee: \$300. Total: \$330.00

#### **RELEVANT PRIOR CASES**

There have been many variances granted for fences measuring greater than four (4) feet in height forward of the 25' front BRL that abut major roadways (such as Western Avenue; Connecticut Avenue and Brookville Road) and/or are located at corner properties with front doors on the side streets so that the fences enclose what is effectively the side yard:

In November 1995 Mr. and Mrs. Otto Ruesch of 1 Primrose Street were **granted** a variance to construct a masonry wall six (6) feet in height , a portion of which would be located in the front (Connecticut Avenue) yard of the property; in November 1995 Mr. and Mrs. Ruesch were **granted** a variance to install a metal gate measuring six (6) feet in the front (Connecticut Avenue) yard; in January 1996 Christopher Gladstone and Elise Rabekoff of 2 Quincy Street were **granted** a variance to replace a fence measuring six feet, six inches (6'-6") in height in the front (Connecticut Avenue) yard of their property; in 1996 Ms. Muriel Threfall of 1 East Melrose Street was **granted** a variance to construct a wood fence measuring six (6) feet in height in the front (Connecticut Avenue) yard; in 1996 Mr. and Mrs. Daniel Korengold of 101 East Melrose Street were **granted** a variance to construct a fence measuring six (6) feet in height in the front (Brookville Road) yard; also in in 1996 Mr. and Mrs. Thomas Lamia of 10 East Kirke Street were **granted** a variance to construct a fence measuring six and one-half (6 ½) feet in height in the front (Brookville Road) yard of the property; in June 1998 Mr. and Mrs. Thomas Carroll of 11 East Irving Street were **granted** a variance to construct a fence measuring five and one-half (5 ½) feet in height in the front (Brookville Road) yard of the property; in May 2010 Mr. and Mrs. Antonio Adelfio were **granted** a variance to construct a wood stockade fence measuring a maximum of six (6) feet in height in the front (Brookville Road) yard of the property; in July 2000 Mr. and Mrs. Norman Asher of 1 East Melrose Street were **granted** a variance to replace an existing six (6) foot fence with a fence measuring six feet, six inches (6'-6") in height between the front (Connecticut Avenue) lot line and the twenty-five foot front building restriction line; in July 2005 Mr. and Mrs. Yankel Ginzburg of 5810 Connecticut Avenue were **granted** a variance to install a two-foot high extension on top of an existing fence in the front (Connecticut Avenue) yard of the property; in May 2008 Mr. and Mrs. Michael Goldin of 6108 Western Avenue were **granted** a variance to **replace** a chain link fence with a fence consisting of six (6) foot masonry piers interspersed with a four (4) foot masonry wall topped by a (2) foot iron fence along the front (Nevada Avenue) property line as well as a wood fence measuring six (6) feet in height between the front (Nevada Avenue) BRL and the front (Nevada Avenue) property line; in 2009, Mr. & Mrs. Gregory Ossi of 209 Primrose Street were **granted** a variance to construct a fence measuring six (6) feet in height forward of the Western Avenue front building

restriction line between the southern corner of an existing porch and the front lot line and, as well, along the northeast property line between the Western Avenue front lot line and the front building restriction line; in May 2010 Ms. Ashley Wiltshire of 26 Oxford Street was **granted** a variance to construct a wood board fence measuring six and one-half (6 ½) feet in height in the front (Brookville Road) yard of the property; in May 2010 Mr. and Mrs. Rob Nichols of East Melrose Street were **granted** a variance to construct a wood board fence measuring six and one-half (6 ½) feet in height in the front (Brookville Road) yard of the property; in December 2010 Mr. and Mrs. Greg Dixon of 5500 Montgomery Street were **granted** a variance to construct a fence measuring six and one-half (6 ½) feet in height in the front (Belmont Avenue extended) yard of the property; in May 2011 Ms. Kara Bombaugh and Mr. Thomas Southard were **granted** a variance to construct a wrought iron fence measuring six (6) feet in height in the front (Kirkside Drive) yard of the property forward of the front BRL; in September 2014, Mr. & Mrs. Michael Hoffman were **granted** a variance to install a fence measuring six and one-half (6 ½) feet in height forward of the front BRL and located twelve (12) inches from the alley abutting the property. Most recently, in October 2015 Mr. Richard C. White and Ms. Lisa McHenry White; 101 Primrose Street were **granted** a variance to replace an existing four (4) foot high fence located along the front (Brookville Road) property line with a fence measuring six (6) feet in height in the same location.

**Other cases (on less highly trafficked streets) include:** In 2001 Mr. and Mrs. Ronald Shapiro of 5620 Grove Street were **granted** a variance to **replace** a five (5) foot fence with a fence measuring six and one-half (6 ½) feet in height between the twenty-five (25) foot front BRL and the front (Oliver Street) property line. In 2006 Mr. and Mrs. Robert Fossi were **granted** a variance to install a wrought iron fence measuring six and one-half (6 ½) feet in height in the front (Cedar Parkway) yard (that fence was never installed). In 2011 Dr. & Mrs. Lawrence Heilman were granted a variance to replace a fence measuring six (6) feet in height and located twenty-one (21) inches from the Cedar Parkway public sidewalk.

**Denials:** Of the requests for variances for fences in excess of the allowable four (4) foot height in front yards, applications which were **denied** tended to be at properties that were not located on busy streets and/or were located mid-block. For instance, in 1999 Mr. and Mrs. Christopher Knopes of 5804 Cedar Parkway were **denied** a variance to **construct** a fence measuring five and one-half (5 ½) feet in height in the front (Hesketh) Street yard (parallel to the sidewalk). In 2000 Ms. Catherine Cotter and Mr. John Finneran of 16 Magnolia Parkway were **denied** a variance to **install** a wood picket fence measuring four and one-half (4 ½) feet in height in the front (West Irving Street) yard (parallel to the sidewalk); in 2001 Mr. & Mrs. Michael Denger **withdrew** a request to replace a six foot stockade fence, a portion of which was located forward of the 25' front (Grafton Street) BRL; in 2003 Mr. Clarke Camper of 6 Primrose Street **withdrew** a request to install a fence measuring six (6) feet in height along the west (side) property line and extending eleven (11) feet forward of the 25' front BRL.

**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 [thus not applicable in this case].

---

**Draft Motion**

I move to APPROVE/DENY the variance request in Case A-6977 on the basis that the evidence presented, including the Staff Report and Case Synopsis, 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**

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Please take notice that the Chevy Chase Village Board of Managers will hold a public hearing on the 11<sup>th</sup> day of July 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-6977  
MR. MANUEL P. BRAMAO & MS. JAMIE LUBAR BRAMAO  
1 EAST LENOX 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 install fencing which would measure a maximum of six feet, six inches (6'-6") in height between the front (Connecticut Avenue) lot line and the twenty-five (25) foot front (Connecticut Avenue) building restriction line (BRL) including:

- a) A segment of fence installed parallel to and eight (8) feet east of the front (Connecticut Avenue) lot line running from the north property line southward for a distance of sixty-eight (68) feet; and then
- b) The fence would turn at a right angle eastward and extend twenty-one (21) feet terminating at the house. Seventeen (17) feet of this proposed segment would be located between the front (Connecticut Avenue) lot line and the twenty-five (25) foot front (Connecticut Avenue) BRL; and
- c) A segment of fence measuring five (5) feet in height extending from the north termination of the first section of fence seventeen (17) feet eastward to the front (Connecticut Avenue) BRL (and then continuing to the east property line).

**The Chevy Chase Village Code Sec. 8-21 (e) states:**

No person shall construct any fence or wall which exceeds forty-eight (48) inches in height at any location between the front lot line and the front building restriction line.

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](http://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 30th day of June, 2016.

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



June 30, 2016

Mr. & Mrs. Manuel Bramao  
1 East Lenox Street  
Chevy Chase, MD 20815

Dear Mr. & Mrs. Bramao:

Please note that your requests for two variances- to install fencing and to construct a swimming pool in the front (Connecticut Avenue) yard at your property are scheduled before the Board of Managers on Monday, July 11, 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.

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

Cc: Julie Patronik, McHale Landscape Design (via email)

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*

DAVID L. WINSTEAD  
*Secretary*

MINH LE  
*Assistant Secretary*

GARY CROCKETT  
*Treasurer*

ROBERT C. GOODWIN, JR.  
*Assistant Treasurer*

RICHARD M. RUDA  
*Board Member*

VILLAGE MANAGER  
SHANA R. DAVIS-COOK

LEGAL COUNSEL  
SUELLEN M. FERGUSON

MAILING LIST FOR APPEAL A-6977 & 6980

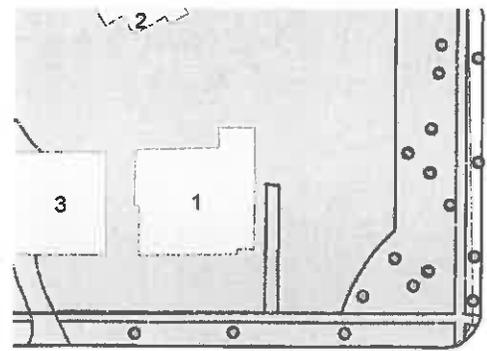
MS. JAMIE LUBAR BRAMAO &  
MR. MANUEL P. BRAMAO  
1 EAST LENOX STREET  
CHEVY CHASE, MD 20815

Adjoining and confronting property owners	
Mr. & Mrs. Roman Martinez Or Current Resident 2 West Melrose Street Chevy Chase, MD 20815	Mr. & Mrs. Jonathan E. Colby Or Current Resident 6000 Connecticut Avenue Chevy Chase, MD 20815
Homeowner Or Current Resident 5903 Connecticut Avenue Chevy Chase, MD 20815	Mr. & Ms. Timothy Overcash Or Current Resident 2 East Melrose Street Chevy Chase, MD 20815
Ms. Elizabeth J. Kannan & Mr. James M. Spiegelman Or Current Resident 3 East Lenox Street Chevy Chase, MD 20815	United States Postal Service Or Current Occupant 5910 Connecticut Avenue Chevy Chase, MD 20815
Chevy Chase Village Or Current Occupant 5906 Connecticut Avenue Chevy Chase, MD 20815	

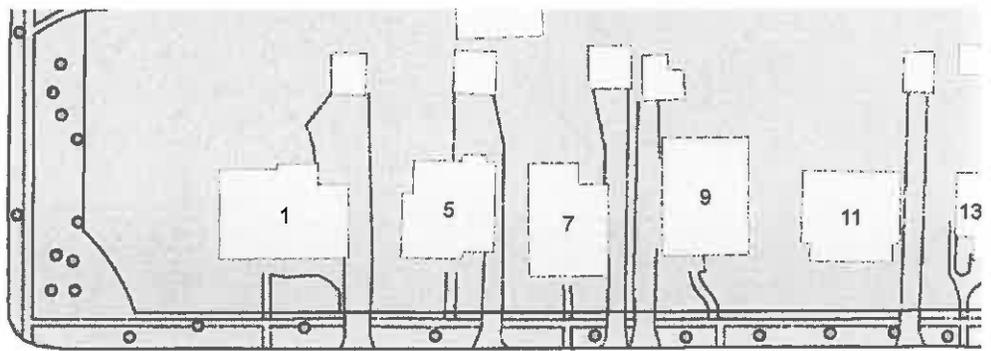


I hereby certify that a public notice was emailed (where possible) and mailed to the  
aforementioned property owners on the 30<sup>th</sup> day of June 2016.

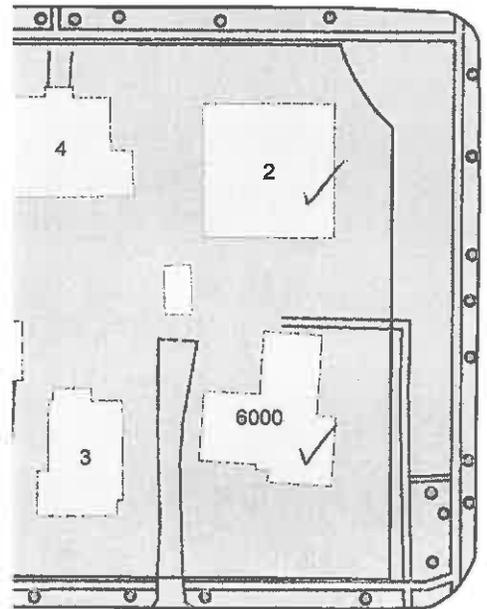
Ellen Sands  
Permitting and Code Enforcement Coordinator  
Chevy Chase Village  
5906 Connecticut Avenue  
Chevy Chase, MD 20815



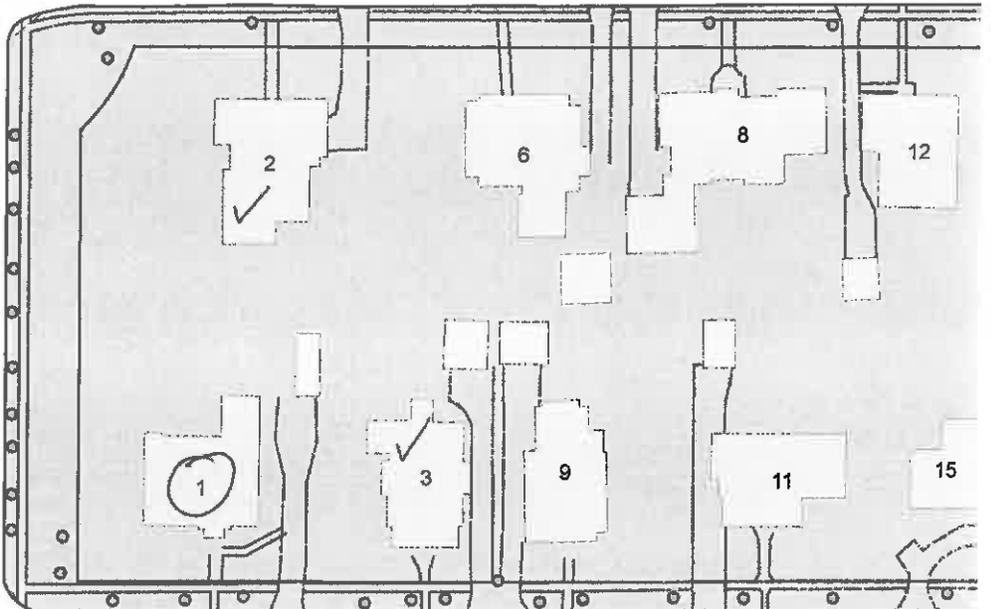
W. MELROSE ST.



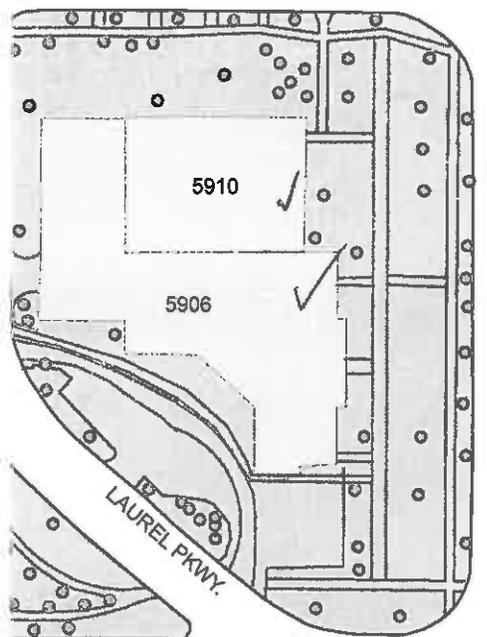
E. MELROSE ST.



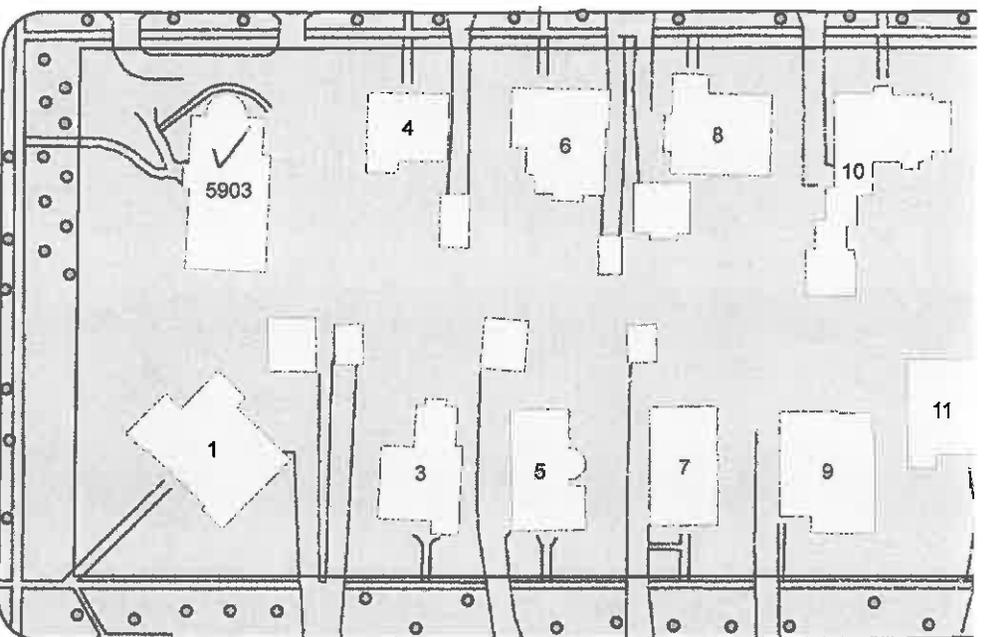
W. LENOX ST.



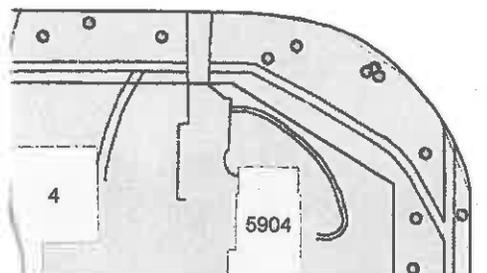
E. LENOX ST.



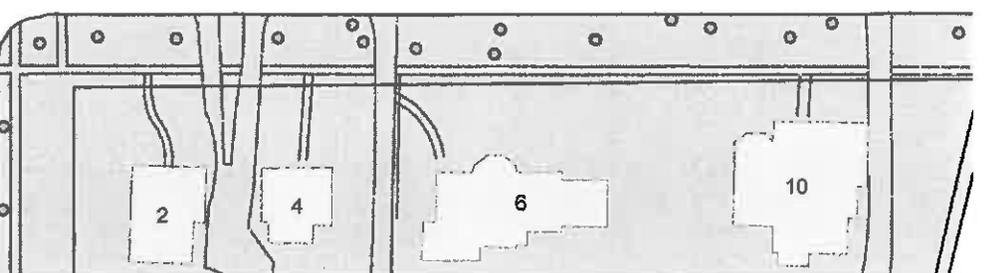
W. KIRKE ST.



E. KIRKE ST.



KIRKE ST.



# 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>1 East Lenox St</u>	
Describe the Proposed Project: <u>The project is to put up a fence at least 5' to enclose backyard so that an 8' by 12' pool/spa can be put in. Pool will align with plane of house</u>	
Applicant Name(s) (List all property owners): <u>Jamie + Manuel Bramao</u>	
Daytime telephone: <u>301-526-2025</u>	Cell: <u>301-526-2025</u>
E-mail: <u>bramawm@yahoo.com, jamie.bramao@comcast.com</u>	
Address (if different from property address):	
For Village staff use:	
Date this form received: <u>6/24/16</u>	Variance No: <u>A-6977</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: [Signature]

Date: June 24, 2016

Applicant's Signature: Jamie Bramao

Date: 6/24/16

**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:

The property abuts Connecticut Ave and East Lenoir St. The property's topography is flat. The property is similar to other properties that abuts Connecticut Ave

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):

Because this is a corner property the Connecticut Ave is considered as a front yard even though it is a side yard so the variance is required for safe pool enclosure & ADA compliance of pool location

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*:

Will not change character of property, fence enhances safety for pool/spa. This fence will match the character of other fences already 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. The pool will not be visible from the street. On Conn. Ave

<p><b>Variance Filing Fee</b></p> <p>Per Village Code Sec. 6-2(a)(24):</p> <p><input checked="" type="checkbox"/> \$300.00 for new construction.</p> <p><input type="checkbox"/> \$150.00 for replacing existing non-conformities.</p> <p><input type="checkbox"/> \$300.00 for fences, walls, play equipment, trees, hedges, shrubbery in the public right-of-way.</p> <p><input type="checkbox"/> Other: \$ _____</p> <p>Fee Paid: \$300<sup>00</sup></p>	<p>Checks Payable To: Chevy Chase Village 5906 Connecticut Ave. Chevy Chase, MD 20815</p> <p>Date Paid: 6/24/16</p> <p>Staff Signature: <i>[Signature]</i></p>
	<p>Approved to Issue Building Permit per Signed Board Decision.</p> <p>Signature: _____ Village Manager</p> <p>Date: _____</p>

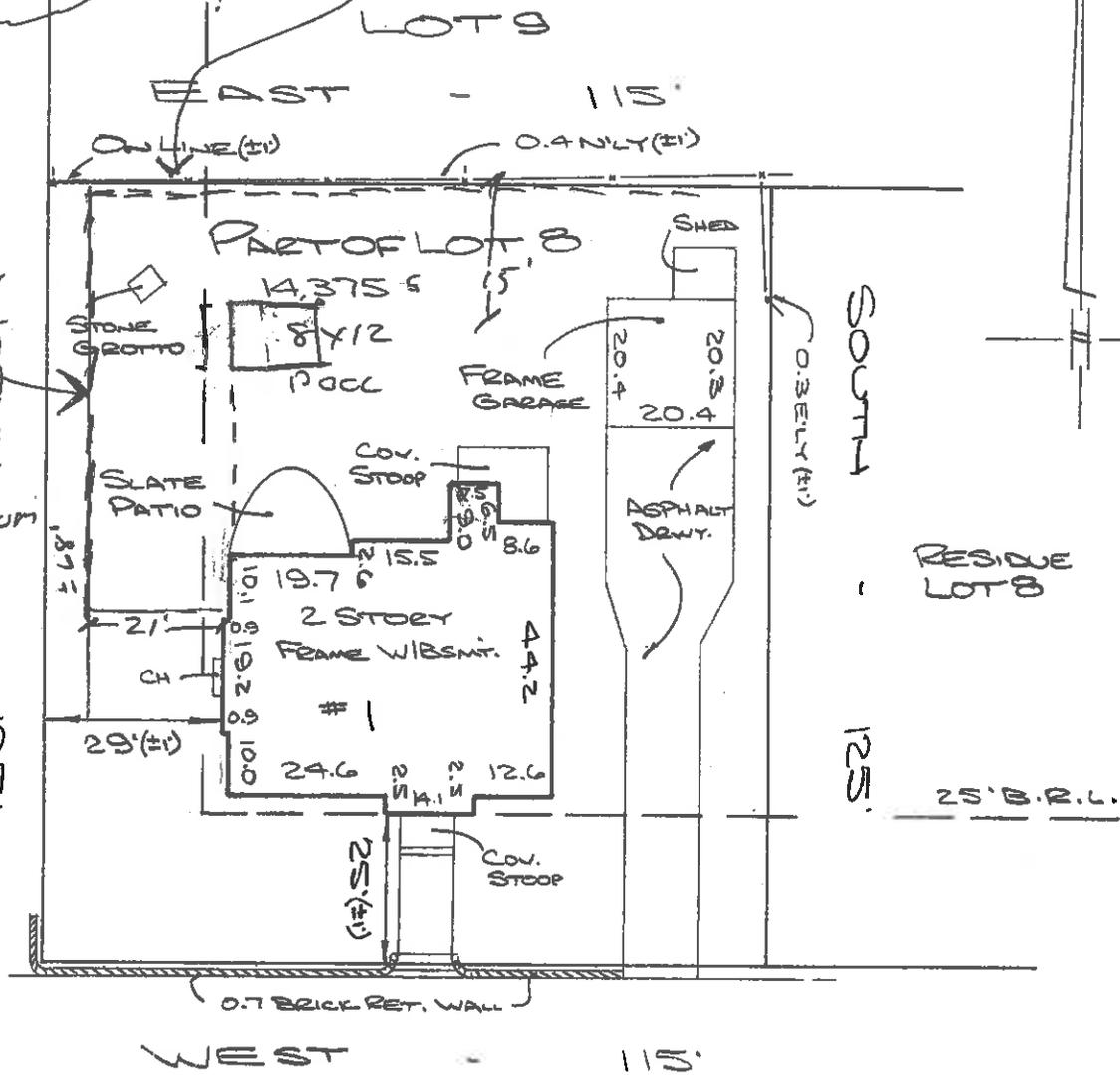
5' Fence set on Rear Property Line  
 Need Variance  
 this section

44

6'6" Fence  
 8' from PL  
 21' from House

CONNECTICUT

AVENUE



EAST LENOX STREET

ADDRESS: 1 EAST LENOX STREET

Capitol Surveys, Inc.  
 10762 Rhode Island Avenue  
 Beltsville, Maryland 20705  
 Phone 301-931-1350  
 Fax 301-931-1352

NOTES: Plat is of benefit to a consumer only insofar as it is required by a lender or a title insurance company or its agent in connection with contemplated transfer, financing or re-financing; the plat is not to be relied upon for the establishment or location of fences, garages, buildings, or other existing or future improvements; and the plat does not provide for the accurate identification of property boundary lines, but such identification may not be required for the transfer of title or securing financing or refinancing.

This property lies within an area not covered by the maps of the

9

**Chevy Chase Village  
Building Permit Application  
for Fences & Walls**

Permit No: 6977

<b>Property Address:</b> <u>1 East Lenox St.</u>	
<b>Resident Name:</b> <u>Manuel Bramao, Jamie Bramao</u> Daytime telephone: <u>301-526-2025</u> Cell phone: <u>301-526-2025</u> After-hours telephone: <u>301-526-2025</u> E-mail: <u>bramaom@yahoo.com</u>	
<b>Primary Contact for Project:</b> <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):	
<b>Primary Contact Information:</b> Name: <u>Manuel Bramao</u> Daytime telephone: <u>301-526-2025</u> After-hours telephone: <u>301-526-2025</u> E-mail: <u>bramaom@yahoo.com</u>	
<b>Description of Fence or Wall Project:</b> <u>To completely enclose the back yard with at least a 5' fence, 6'6 on Connecticut side so the we comply with the requirement for a 8' x 12' pool/spa enclosure</u>	
<b>Check appropriate box:</b> <input checked="" type="checkbox"/> Fence or wall to be constructed is: (1) new, (2) an enlargement of an existing fence or wall, or (3) replacing an existing fence or wall with one of a different kind. <input type="checkbox"/> Fence or wall to be constructed is replacing an existing fence or wall with the same kind and in the same location.	
<b>Parking Compliance:</b>	
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	
To be completed by Village staff	
Is this property within the historic district?      Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Staff Initials: <u>UB</u>	
Date application filed with Village: <u>6/24/16</u> Date permit issued: _____      Expiration date: _____	

## **Guidelines for Building, Replacing and Maintaining Fences and Walls**

Sec. 8-21 of the Village Code regulates fences and walls. To repair or maintain an existing fence or wall, the Village does not require a building permit. To install or replace a fence or wall, however, residents will need a Village building permit. (A building permit may also be required from Montgomery County, including the Historic Preservation Commission, if the property is within the Historic District). Village Code allows fences and walls to be installed on a resident's property lines, inside the property lines on private property, and sometimes in the public right-of-way.

When placed on the property lines or on private property, the Village Code regulates fence and wall heights in two ways:

1. Fences and walls installed on private property anywhere between the property line and the front building restriction line may not exceed four (4) feet in height.
2. Fences and walls installed to the rear of the front building restriction line (that is, along the side and rear property lines or in the side and rear yards) may not exceed six and one-half (6 ½) feet in height.

When measuring the height of a fence or wall, the Village Code provides that the "measurement shall be made from the surface of the ground of the lower yard next to the fence or wall" **to the highest point of the fence or wall** (such as the top of the posts, caps, decorative lattice, finials, etc.). For example, if a fence post is 6 ½ feet high, then a cap on that post would exceed the height limit.

Walls can sometimes change the flow of water on a property. In such cases, residents or contractors will need to include a drainage plan with the building application.

When installing a fence or wall in the Village's public right-of-way, in addition to obtaining a Village Building Permit, residents must sign a **License to Use the Public Right-of-Way**, which may be recorded with your deed (please contact the Village office for more information). Fences and walls installed in the Village's rights-of-way may not exceed four (4) feet in height.

Fences and walls must be installed at least three (3) feet from the public sidewalk, or where there is no sidewalk, at least six (6) feet from the curb or nearest edge of the street or alley.

Special height limits apply to fences near an intersection on corner lots. The Village office will not be issue permits for any fences or walls that block necessary sight lines at intersections or otherwise create a dangerous condition.

**For complete Village Code requirements, please see Chapters 8 & 25.**

**Building Permit Application for Fences and/or Walls:  
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).
- Damage deposit or performance bond (due when permit is issued). Amount 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 any 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:**

*J. B.*  
*Jame Brumao*

**Date:**

*Jun. 24 2016*  
*6/24/16*

<b>For Use By Village Manager</b>	<b>Application approved with the following conditions:</b>
<b>For Use By Village Manager</b>	<b>Application denied for the following reasons:</b>
	<b>DENIED</b>
	JUN 23 2016
	Chevy Chase Village Manager
<i>Handwritten: The proposed fence exceeds the maximum allowed height for ward of the 25' BRL.</i>	

<b>Filing Fees</b> (due when application submitted)	<b>Checks Payable to:</b>	<b>Chevy Chase Village</b> <b>5906 Connecticut Ave.</b> <b>Chevy Chase, MD 20815</b>
Permit Application Fee: <input checked="" type="checkbox"/> \$30.00 (if fence or wall is new, enlarged or replaced with different kind) <input type="checkbox"/> \$15.00 (if fence or wall is being replaced in-kind and in the same location) <input type="checkbox"/> \$50.00 (if construction is in the Public Right-of-way)	Date: <i>6/24/16</i> Staff Signature: <i>Ellen [Signature]</i>	
Tree Preservation Plan Fee: <input type="checkbox"/> \$250.00 <input checked="" type="checkbox"/> Not required for this project		
TOTAL Fees: <i>\$30.00</i>		
<b>Damage Deposit/Performance Bond</b> <input type="checkbox"/> \$ _____ <input type="checkbox"/> Waived by Village Manager	Date: Village Manager Signature:	

*For Village Staff use:*

Field file for inspections by Code Enforcement Officer has been created:  Yes (Date: \_\_\_\_\_)

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

Case Number: A' 6991

Hearing Date: July 11, 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: Jamie + Manuel Bramao

Address: 1 East Lenox St

Telephone: 301-526-2025

E-mail: bramaum@yahoo.com

Applicant/Appellant Signature: [Signature] Jamie Bramao

Agent Name for applicant/appellant (if necessary):

Telephone:

Address:

E-mail:

Signature of agent:

Village staff initials: JS

Date: 6/24/16

## **Treasurer's Report**

### **July-July (12 months of FY 2016)**

#### **Overall:**

This report is a twelve month snapshot for FY 2016. It is not the final annual report for FY 2016 as there are more transactions that occurred and need to be credited to FY 2016. The final audit report will be finalized by October. In FY 2016 we project to have a surplus of approximately \$570,000, which would be \$961,731 better than the deficit we had budgeted. Income tax revenue is projected to be approximately \$593,474 more than budgeted. 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 \$431,733 over budget this year about 19.2% higher than projected, not including the onetime income tax windfall we received in March. In addition to the one time windfall, the five year state audit revealed a higher tax base for Tax Year 2014 for which the 2016 income tax distributions are based on.

#### **Property Tax Revenue:**

We project this to come in \$50,000 higher than budget mostly due to a higher corporate tax collection

#### **Safe Speed Net Revenue:**

This is projected to come in 4.8% under budget for the year. 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 \$70,000 due to a higher than expected County tax duplication payment, and higher than expected fees and income. We also received a one-time \$55,000 dividend from our share of stock in Principal Life, our life insurance company after they demutualized, and were recently bought out by a new company.

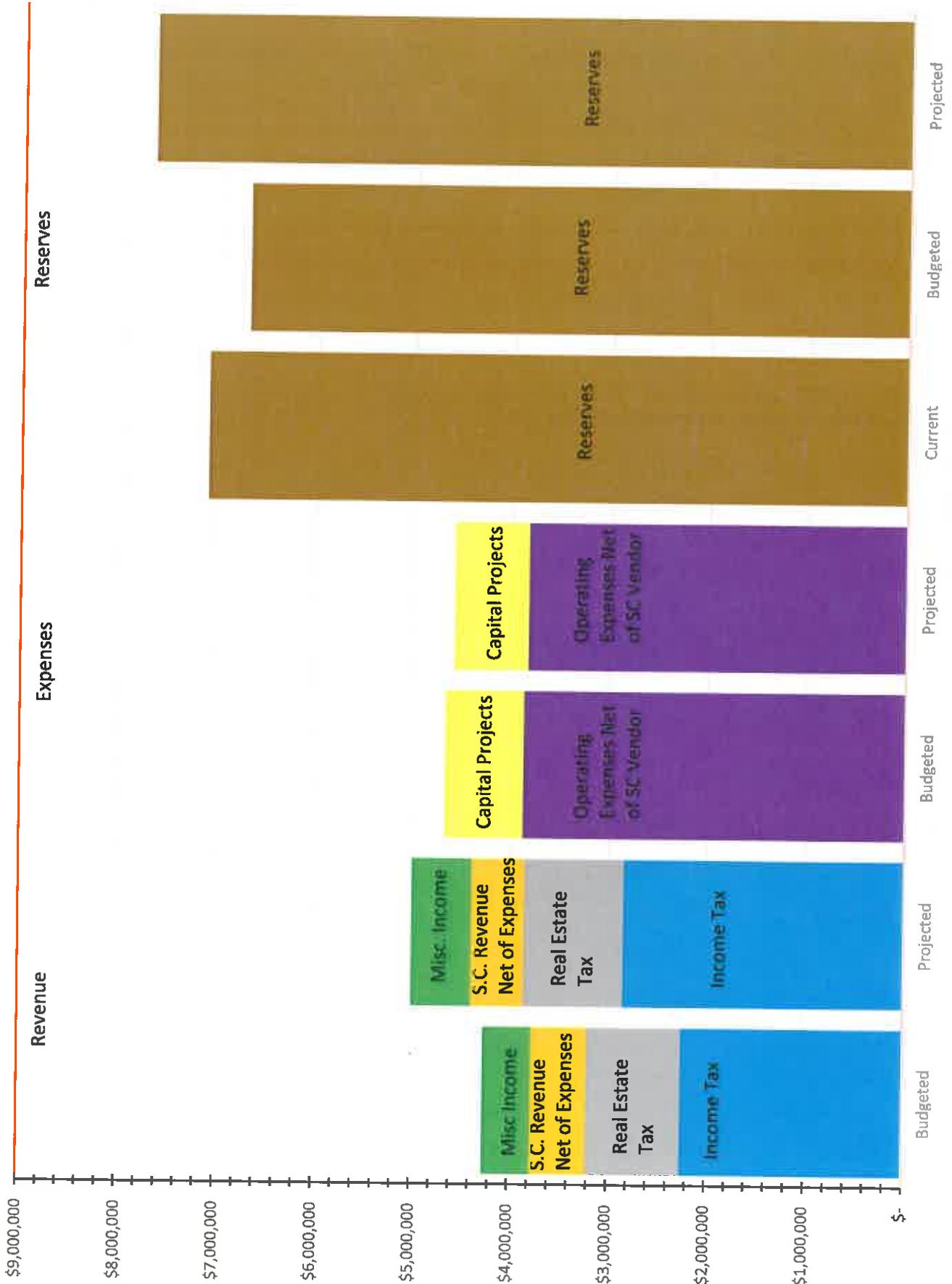
#### **Capital Expense:**

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 \$24,000 over the original budget for the year, net of the reimbursed expense for Newlands Street repaving.

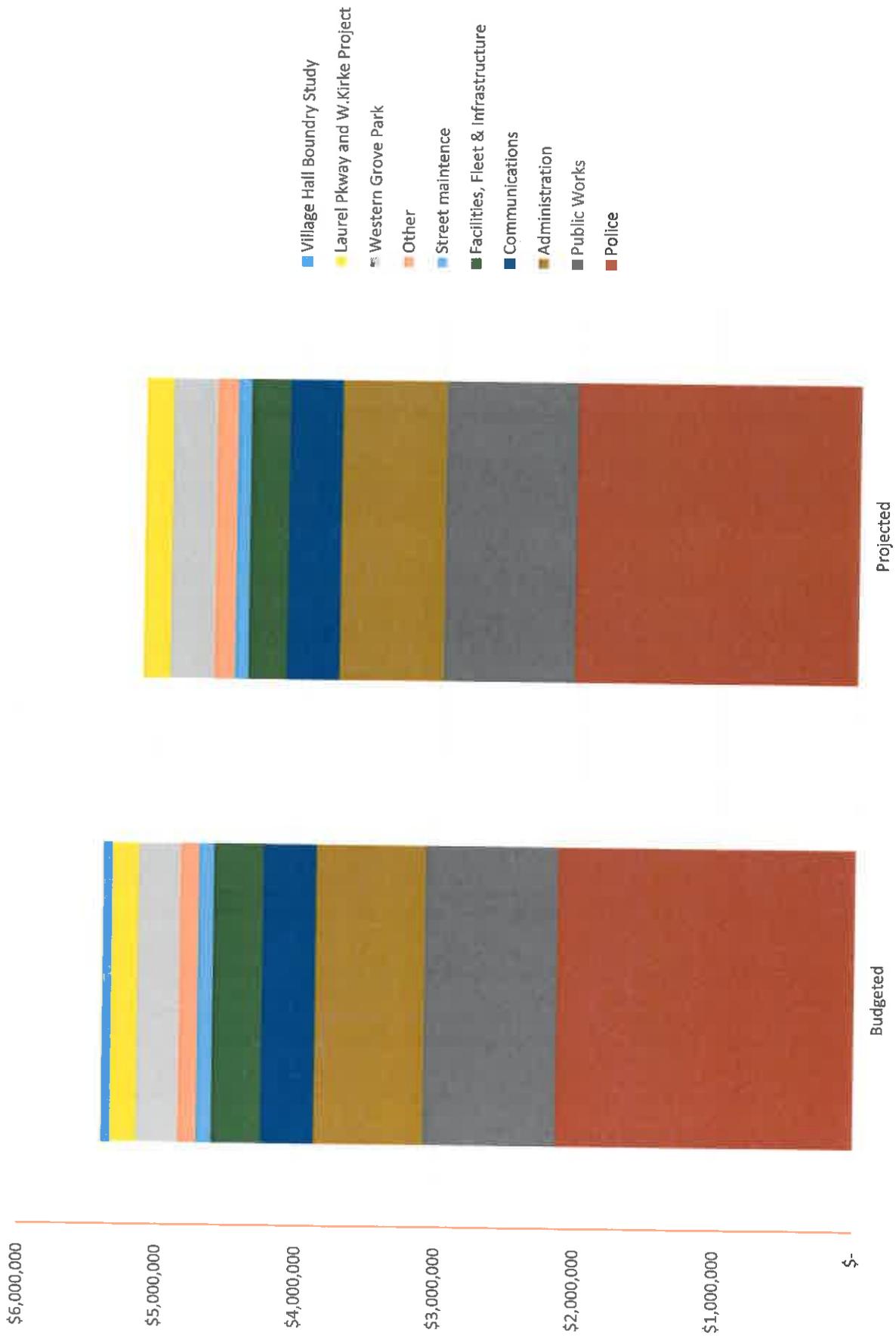
#### **Operating Expense:**

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

# Revenue and Expenses Budget versus Projected



# Expenses Budgeted versus Projected



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**CHEVY CHASE VILLAGE  
BOARD OF MANAGERS  
JULY 11, 2016 MEETING**

**STAFF REPORT**

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**TO:** BOARD OF MANAGERS

**FROM:** SHANA R. DAVIS-COOK, VILLAGE MANAGER 

**DATE:** 7/5/2016

**SUBJECT: ADOPTION OF RESOLUTION NO. 04-02-16: AN ORDINANCE TO AMEND CHAPTER 2, "PUBLIC ETHICS", SEC. 2-6, "FINANCIAL DISCLOSURE – VILLAGE ELECTED OFFICIALS AND CANDIDATES TO BE VILLAGE ELECTED OFFICIALS", TO REQUIRE THAT AN APPLICANT FOR APPOINTMENT TO AN ELECTED POSITION FILE A FINANCIAL DISCLOSURE STATEMENT AT THE TIME THE CERTIFICATE OF APPOINTMENT IS FILED.**

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**Background**

Resolution No. 04-02-16, an ordinance to amend the Public Ethics Code, was introduced to the Board on April 11, 2016. This amendment requires candidates for appointment to the Board of Managers to file a Financial Disclosure Statement at the same time the candidate's Certificate of Appointment is filed rather than the current requirement which allows the successful candidate to file their statement within 30 days following appointment.

The State Ethics Commission must review and approve all changes to the Village's Public Ethics Code. Resolution No. 04-02-16 was submitted to the State Ethics Commission via its general counsel on April 29, 2016. The State Ethics Commission convened on June 16, 2016 and approved the proposed changes as drafted.

**Requested for Board Action**

Having received the State Ethics Commission's approval, Resolution No. 04-02-16 is now presented back to the Village Board for final approval. If approved, the ordinance will go into effect on July 25, 2016 (after being posted at the Village Hall for 14 days prior thereto).

**Draft Motion**

I move to APPROVE / DENY Resolution No. 04-02-16 AS DRAFTED / WITH THE FOLLOWING AMENDMENTS \_\_\_\_\_.

**Attachments**

Resolution No. 04-02-16  
Letter from the State Ethics Commission, dated June 20, 2016

Resolution No.: 04-02-16

Introduced: 04-11-16

Adopted: \_\_\_\_\_

Effective: \_\_\_\_\_

**BOARD OF MANAGERS**  
**FOR**  
**CHEVY CHASE VILLAGE, MD**

**SUBJECT: AN ORDINANCE TO AMEND CHAPTER 2, “PUBLIC ETHICS”, SEC. 2-6, “FINANCIAL DISCLOSURE – VILLAGE ELECTED OFFICIALS AND CANDIDATES TO BE VILLAGE ELECTED OFFICIALS”, TO REQUIRE THAT AN APPLICANT FOR APPOINTMENT TO AN ELECTED POSITION FILE A FINANCIAL DISCLOSURE STATEMENT AT THE TIME THE CERTIFICATE OF APPOINTMENT IS FILED**

WHEREAS, §5-201 *et seq.* of the Local Government Article, Annotated Code of Maryland, authorizes the Board of Managers to adopt such ordinances as it deems necessary to assure the good government of Chevy Chase Village; to protect and preserve the rights, property and privileges of the Village; to preserve peace and good order; to secure persons and property from danger and destruction; and to protect the health, comfort and convenience of Village residents; and

WHEREAS, Section 206 of the Chevy Chase Village Charter authorizes the Board of Managers to adopt such ordinances as it deems necessary for the safety and welfare of Chevy Chase Village; for the protection and preservation of Chevy Chase Village property, rights and

CAPS  
[Brackets]  
Asterisks \* \* \*  
CAPS  
[Brackete]

: Indicate matter added to existing law.  
: Indicate matter deleted from law.  
: Indicate matter remaining unchanged in existing law but not set forth in Ordinance  
: Indicate matter added in amendment  
: Indicate matter deleted in amendment

privileges; for the preservation of peace and good order and for securing persons and property from violence, danger or destruction; and for the suppression and abatement of all nuisances; and

WHEREAS, the Board of Managers has adopted Chapter 2, "Public Ethics"; and

WHEREAS, the Board of Managers has determined that it is in the public interest to require that an applicant for appointment to an elected position file a financial disclosure statement at the time the certificate of appointment is filed, instead of thirty days after appointment; and

WHEREAS, after proper notice to the public, the Board of Managers conducted public hearings at which it considered the following ordinance in public session assembled on the \_\_\_\_\_ day of \_\_\_\_\_, 2016 and \_\_\_\_\_ day of \_\_\_\_\_, 2016; and

WHEREAS, various changes are required in Sec. 2-6, "Financial disclosure – Village elected officials and candidates to be Village elected officials" to require that an applicant for an appointment to an elected position file a financial disclosure statement at the time the certificate of appointment is filed; and

NOW THEREFORE, the Board of Managers of Chevy Chase Village does hereby adopt the following ordinance:

**AN ORDINANCE TO AMEND CHAPTER 2, "PUBLIC ETHICS", SEC. 2-6, "FINANCIAL DISCLOSURE – VILLAGE ELECTED OFFICIALS AND CANDIDATES TO BE VILLAGE ELECTED OFFICIALS", TO REQUIRE THAT AN APPLICANT FOR APPOINTMENT TO AN ELECTED POSITION FILE A FINANCIAL DISCLOSURE STATEMENT AT THE TIME THE CERTIFICATE OF APPOINTMENT IS FILED**

SECTION 1.

BE IT ORDAINED AND ORDERED this \_\_\_\_\_ day of \_\_\_\_\_, 2016, by the Board of Managers of Chevy Chase Village, acting under and by virtue of the authority granted to it by §5-201 *et seq.* of the Local Government Article, Annotated Code of Maryland, and Section 206 of the Village Charter that Chapter 2, “Public Ethics”, Sec. 2-6, “Financial disclosure – local elected officials and candidates to be local elected officials” be repealed, re-enacted and amended to read as follows:

**Sec. 2-6. Financial disclosure — Village elected officials and candidates to be Village elected officials.**

(a) This section applies to all Village elected officials and candidates to be Village elected officials.

(b) Except as provided in subsection (d) of this section, a [local] VILLAGE elected official or a candidate to be a [local] VILLAGE elected official shall file the financial disclosure statement required under this section:

- (1) On a form provided by the Commission, including electronically-generated schedules containing the information sought by the Commission;
- (2) Under oath or affirmation; and
- (3) With the Commission.

(c) Deadlines for filing statements.

- (1) An incumbent [local] VILLAGE elected official shall file a financial disclosure statement annually no later than April 30 of each year for the preceding calendar year.
- (2) An individual who [is appointed] APPLIES to fill a vacancy in an office for which a financial disclosure statement is required and who has not already filed a financial disclosure statement shall file a FINANCIAL DISCLOSURE statement for the preceding calendar year WITH THE CERTIFICATE OF APPOINTMENT [within thirty (30) days after appointment].
- (3) An individual who, other than by reason of death, leaves an office for which a FINANCIAL DISCLOSURE statement is required shall file a statement within sixty (60) days after leaving the office.

(d) The FINANCIAL DISCLOSURE statement REQUIRED BY THIS SECTION shall cover:

- (1) The calendar year immediately preceding the year in which the individual left office, unless a statement covering that year has already been filed by the individual; and
- (2) The portion of the current calendar year during which the individual held the office.

(e) through (k) \* \* \* \*

SECTION 2.

AND BE IT FURTHER ORDAINED AND ORDERED, this \_\_\_\_ day of \_\_\_\_\_, 2016, by the Board of Managers of Chevy Chase Village, acting under and by virtue of the authority granted to it by §5-201 *et seq.* of the Local Government Article, Annotated Code of Maryland, and Section 206 of the Village Charter that:

- (1) If any part of provision of this ordinance is declared by a court of competent jurisdiction to be invalid, the part of provision held to be invalid shall not affect the validity of the ordinance as a whole or any remaining part thereof; and
- (2) This ordinance shall take effect on the \_\_\_\_ day of \_\_\_\_\_, provided the same is posted at the Village Office for fourteen (14) days prior thereto, subject to approval by the State Ethics Commission.

CHEVY CHASE VILLAGE

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Michael L. Denger, Chairman  
Board of Managers  
Chevy Chase Village

ATTEST:

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Shana R. Davis-Cook, Village Manager



JUN 22 2016

LARRY HOGAN  
GOVERNOR

**COMMISSION MEMBERS:**  
PAUL M. VETTORI, *Chairman*  
KIM L. COBLE  
JANET E. McHUGH  
JACOB YOSEF MILIMAN  
THOMAS B. SMYTH, M.D.

## STATE ETHICS COMMISSION

45 CALVERT STREET, 3<sup>RD</sup> FLOOR  
ANNAPOLIS, MARYLAND 21401  
410-260-7770 / 1-877-669-6085  
FAX: 410-260-7746

MICHAEL W. LORD  
*Executive Director*  
JENNIFER K. ALLGAIR  
*General Counsel*  
WILLIAM J. COLQUHOUN  
*Staff Counsel*  
KATHERINE P. THOMPSON  
*Assistant General Counsel*

June 20, 2016

Suellen M. Ferguson, Esquire  
Council Baradel  
125 West Street, 4<sup>th</sup> Floor  
Annapolis, Maryland 21401

Re: Chevy Chase Village Ethics Ordinance

Dear Ms. Ferguson:

At its June 16, 2016 meeting, the State Ethics Commission reviewed the proposed revisions to the Chevy Chase Village Ethics Ordinance, which you forwarded to the Commission for approval on April 29, 2016 in compliance with Subtitle 8 of the Maryland Public Ethics Law (Md. Code Ann., Gen Prov. Title 5 (Supp. 2015)). As you are aware, legislation (SB315 – Chapter 277 of the Acts of 2010) enacted during the 2010 General Assembly session mandated significant changes to county and municipal ethics laws and county boards of education ethics regulations and policies. The law became effective October 1, 2010. The State Ethics Commission revised its local government regulations in COMAR 19A.04 in April 2011 to reflect changes in the Public Ethics Law in recent years and to incorporate changes made by SB 315. Chevy Chase Village submitted its enacted ordinance in compliance with the legislative changes and current statutory and regulatory requirements.

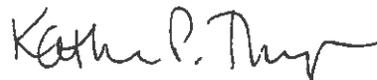
The State Ethics Commission approved the enacted ethics ordinance for your jurisdiction as being at least equivalent to State law for local elected officials for conflict of interest provisions and at least equivalent to State law for financial disclosure provisions for local elected officials and candidates for local elected office. The State Ethics Commission also determined that the Chevy Chase Village Ethics Ordinance is similar to the provisions of the Maryland Public Ethics Law for conflict of interest and financial disclosure provisions applicable to local employees and local appointed officials.

The State Ethics Commission's review was in accord with the Commission's review authority pursuant to Subtitle 8 of the Maryland Public Ethics Law and consisted of a comparison of the proposed revisions to the review criteria of COMAR 19A.04. The review was also in accord with the Commission's understanding of the requirements stated in the Court of Appeals decision in *Seipp v. Baltimore City Board of Elections*, 377 Md. 362, 833 A 2d 551, 2003, as discussed in

Opinion No. 06-01 of the Commission's Advisory Opinions<sup>1</sup>.

Please continue to file a Local Government Ethics Law Annual Certification, in compliance with § 5-807(b) of the Public Ethics Law. Certification is an annual requirement. Certification is due each year by October 1<sup>st</sup>. Chevy Chase Village must submit all future changes to its ethics ordinance for review and approval in compliance with Subtitle 8 of the Maryland Public Ethics Law and COMAR 19A.04. Please contact our office if you have any questions regarding this or any other matter. Thank you for your work on this project.

Sincerely,



Katherine P. Thompson  
Assistant General Counsel

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<sup>1</sup> The Commission's formal opinions may be accessed at the website of the Division of State Documents in the Office of the Secretary of State. [www.dsd.state.md.us/comar](http://www.dsd.state.md.us/comar).

## June 2016 CCVPD Highlights

### I. Crime/Operational

1. Three unlocked cars were entered in June:

- Middle block of Grafton Street: Parked in driveway; nothing taken.
- 4100 block of Oliver Street: Parked in driveway; earphones and expensive sunglasses taken.
- Middle block of Hesketh Street: Parked on street; coins taken.

2. Car stolen using the key:

- East Irving between Connecticut and Brookville: Homeowner believes she left her house and car keys dangling in the front door lock; thief apparently found the keys and stole her car.

### II. Training/Administrative

1. **Firearms qualification:** All officers successfully completed their semi-annual firearms qualification.

2. **Pro-life demonstrators:** Members of a pro-life advocacy group will once again be displaying graphic signs along northbound Connecticut Avenue on Tuesday, **July 26** from 4pm-630pm. Village Police will be on hand to keep the peace.

3. **National Night Out:** For the third year running, we will host this enjoyable event in Newlands Park on Tuesday, **August 2** from 630pm-830pm.

Select Reported Crimes 2016 vs. 2015				
	June '16	June '15	YTD'16	YTD'15
Assault	0	0	0	1
Auto Theft & attempts	1	0	1	0
Burglary & attempts	0	1	1*	6
Theft & attempts	3	2	36	19
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 06/30/16
Assault	0	0	2	2	0	1	0
Auto Theft & attempts	3	6	2	5	0	3	1
Burglary & attempts	7	14	3	4	8	9	1
Theft & attempts	46	67	97	60	38	75	36
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:** Jacqueline Parker, Public Safety Coordinator *J.P.*  
**DATE:** July 6, 2016  
**SUBJECT:** Monthly Communications Report for June 2016

	<u>June 16</u>	<u>YTD 16</u>	<u>June 15</u>	<u>YTD 15</u>
Walk In	155	948	214	887
Incoming Phone Calls requiring no action*	1,107	6,258	1,175	6,501
Incoming Phone Calls requiring an action**	362	1,724	445	1,873
House Check Requests	216	889	247	978
Key Pick Up/Drop Off	47	289	98	335
Mail Pick Up	82	480	102	449
Special Pick Up Requests	97	472	136	533
Trash and Recycle Complaints	2	13	4	16

**\*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 June 2016

<b>Burglary (including attempts)</b>	<b>0</b>	<b>Theft from Auto (including attempts)</b>	<b>3</b>
911 Disconnect	0	Lost Property	1
Alarm	18	Miscellaneous	11
Animal Bite	0	Mental Illness	1
Animal Complaint	4	Missing Person	1
Assist Citizen	7	Noise Complaint	5
Assist Other Agency	9	Open Door	7
Attempted Theft of Auto/Other Vehicle	0	Power Outage	0
Burglary (including attempts)	0	Parking Complaint	2
CDS - Possession Paraphernalia	0	Recovered Property/Montgomery County	3
Check the Welfare	4	Recovered Property/Other	0
Code Enforcement	3	Suspicious Persons/Vehicles	15
Collisions	13	Sudden Death - Natural	0
Hit and Run Property Damage	4	Thefts (including attempts)	3
Property Damage Collision	8	Thefts from Auto	3
Personal Injury Collision	1	Thefts from Other	0
Community/Citizen Contact	5	Theft of Auto/Other Vehicle	1
Disabled Vehicle	5	Threatening/Annoying Phone Call	1
Disorderly Conduct	1	Traffic Stop	1
Family Trouble	0	Trees / Limbs Down	2
Fire-Other	0	Trespassing	0
Identity Theft / Forgery	1	Vandalism	0
Hazard - General	0	Vandalism-Motor Vehicle	0
Hazard - Roadway	1	Vendor Violation	9
Ill Person	0	Wanted Person	0
Injury Non-Traffic	0	Water Main Break	0
Investigation/Police Information	2	Wires Down	0

### Collisions within Chevy Chase Village June 2016

<b>Connecticut Avenue@</b>		<b>Other Locations</b>	
Oxford Street	1	Oxford Street@Broad Branch Road	1
Primrose Street	1	138 Grafton Street	1
<b>Chevy Chase Circle@</b>		3925 Oliver Street	1
Connecticut Avenue	6	15 Primrose Street	1
Western Avenue	1		

### Chevy Chase Village Monthly Traffic Report June 2016

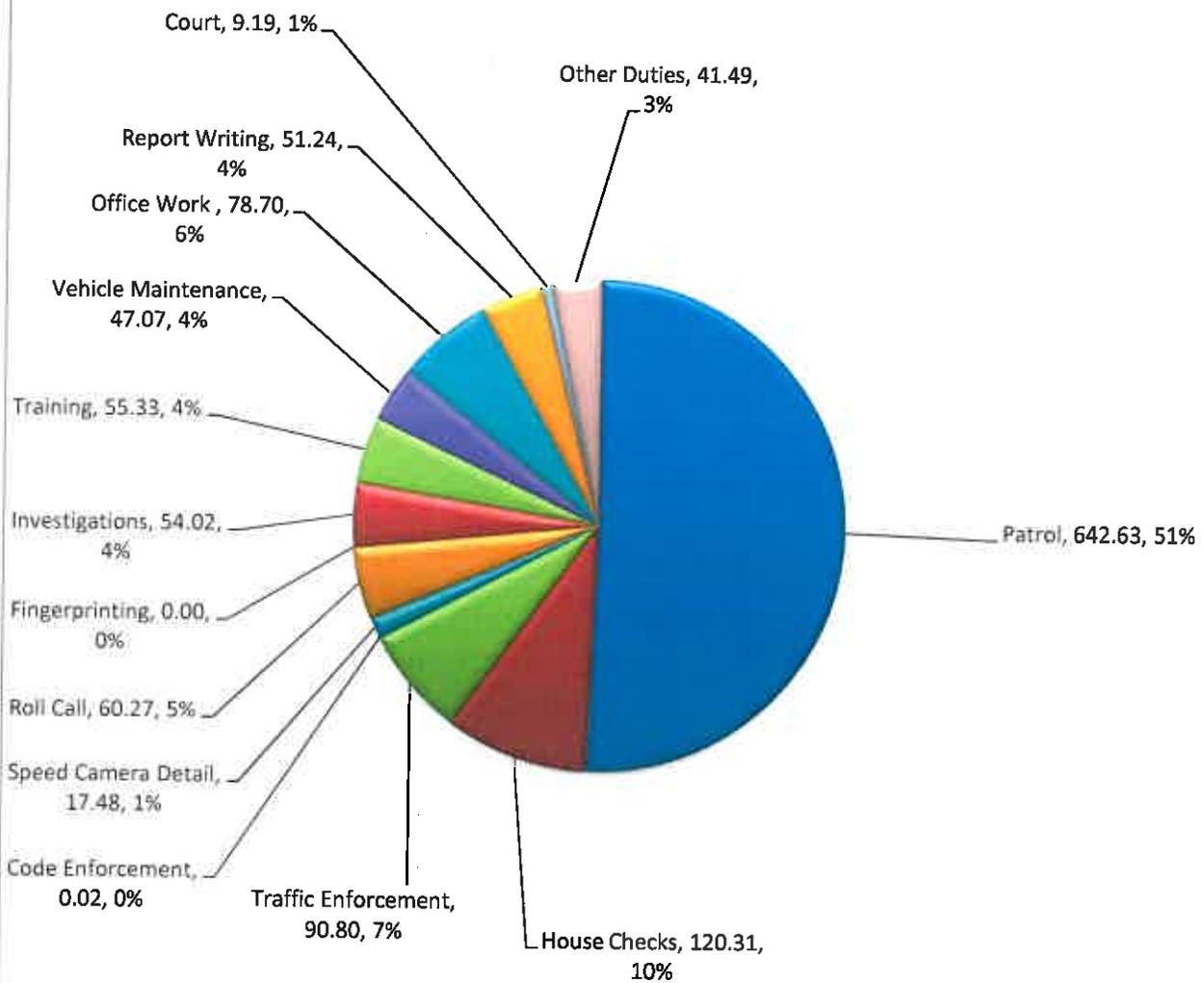
Equipment Repair Orders	4	Police Officers	
Miscellaneous Violations	10	Compliance Inquiry	4
Parking Violations	9	Investigations	5
Sign Violations	3		
Warnings Written	56	Municipal & Civil Citations Issued	0
Speeding Violations	0	Municipal & Civil Warnings Issued	0

### Chevy Chase Village Code Enforcement Report June 2016

### Chevy Chase Village Agency Personnel Report

	June	YTD
Citizen Complaints	0	0
Citizen Compliments	2	11

## Chevy Chase Village Police Department Officer Hours for June 2016 within Chevy Chase Village

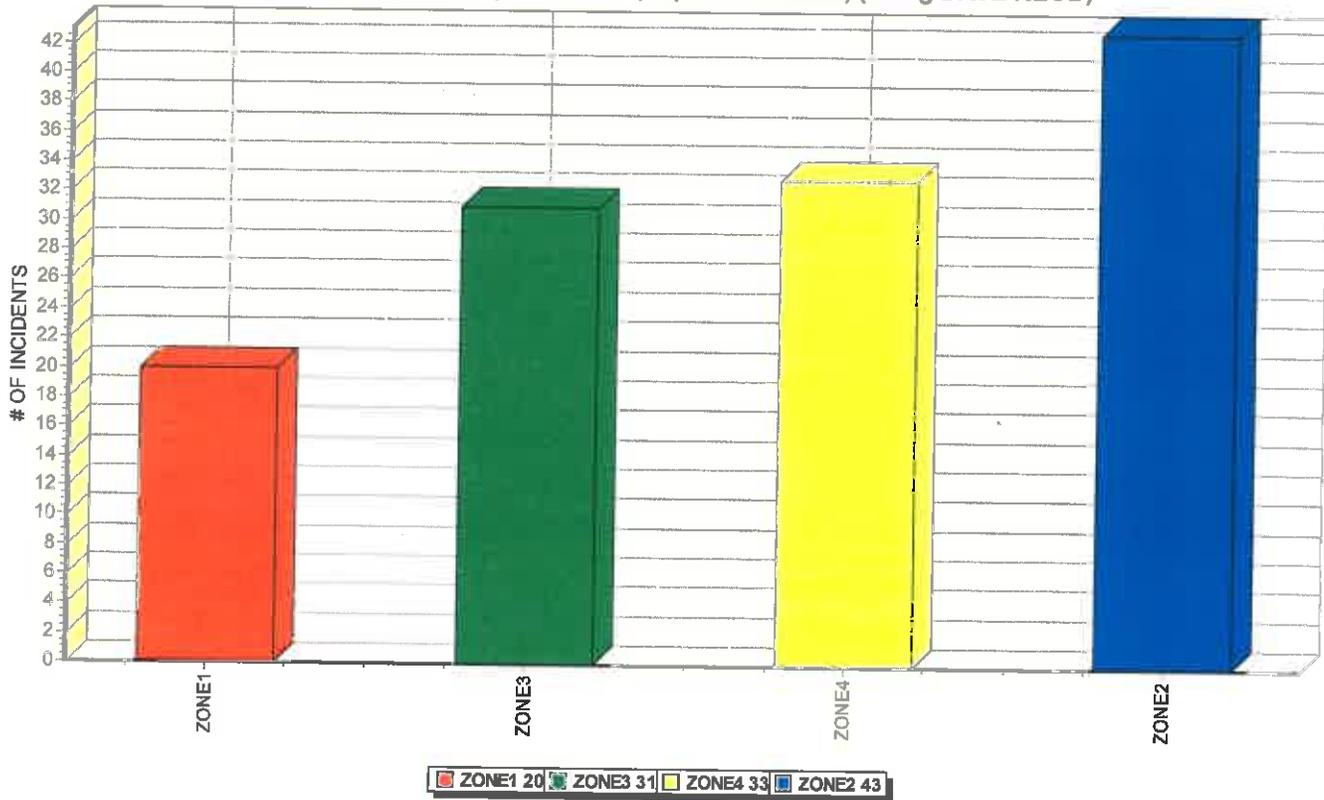


\* Note: The SafeSpeed Coordinator's hours are 139.6, which are not included above

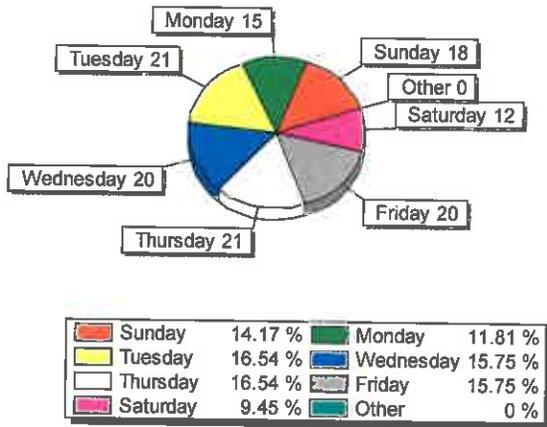
**CHEVY CHASE VILLAGE POLICE**

07/06/2016 07:25:00

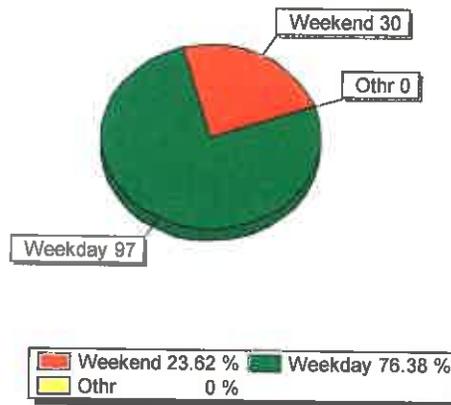
Incident Frequency by DISTRICT (Top 4 of 4 Shown) (Using DATE RECD)



By Day of Week



Weekday vs Weekend



Search Criteria: (DISTRICT >= 'ZONE1')  
 (DISTRICT <= 'ZONE4')  
 (INCDNUM like '%%')  
 (DATE\_RECD >= TO\_DATE('06/01/2016','MM/DD/YYYY'))  
 (DATE\_RECD <= TO\_DATE('06/30/2016','MM/DD/YYYY'))



# Memo

**To:** Board of Managers  
**From:** Michael W. Younes, Director of Municipal Operations *MWY*  
**CC:** Shana Davis-Cook, Village Manager  
**Date:** 7/6/2016  
**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
<b><u>Village Initiated</u></b>				
Village Website Redevelopment	Pre-launch	---	Ongoing	July 12, 2016
<b><u>In-Partnership with M-NCPPC</u></b>				
Western Grove Park Development	Construction	6-9 months	Ongoing	February 2017
<b><u>Utility Upgrades</u></b>				
Laurel Park Sewer Rehabilitation	Pre-Construction	2 - 3 weeks	Summer 2016	Summer 2016
Water Main Replacement (5500 block of Western Avenue)	Survey/Design	TBD	Spring 2018 (construction)	TBD
Washington Gas Main Replacement – Bradley Lane	Permitting	TBD	TBD	TBD
PEPCO Tree Pruning and Removals	Permitting	2 months	Summer 2016	Summer 2016
<b><u>State Projects</u></b>				
Connecticut Avenue Pedestrian Signal	Complete	Complete	Complete	Complete

### **Connecticut Avenue Pedestrian Signal:**

- As of June 21, the State Highway Administration has activated the pedestrian crosswalk and flashing warning beacons on Connecticut Avenue at Lenox Street.
- Staff has posted on the Village's website and sent via blast email to Village residents helpful reminders on the operation of the warning beacons and how to safely cross the roadway using the light.
- Thus far both driver and pedestrian reaction and compliance have been mixed.
- The Village Police Department is including the area as part of their regular details to enforce driver compliance.
- As always, Village staff continues to work with the State to gather data on the effectiveness of the warning beacons, with the ultimate goal of installing a fully-actuated traffic signal in the future.

### **PEPCO Tree Pruning and Removals:**

- No updates since last month's report.

### **Village Website Redevelopment:**

- The Village's website redesign is complete.
- Over the past month staff has been working through the new and old websites to update content and ensure that all functionality on the new website is working properly.
- The new site will be officially launched on Tuesday, July 12.

### **Washington Gas Main Replacement:**

- No updates since last month's report.

### **Western Grove Park Development:**

- Over the next 2 weeks, construction activities will include installation of tree preservation fencing, sediment and erosion controls and select tree removals.
- Full site construction activities will begin the middle of August.
- The Western Grove Park Friends Group is continuing its fundraising campaign and has received contributions/pledges of approximately \$70,000 to address a shortfall in the construction budget. An additional \$50,000 is still needed to fully fund construction of the park.

### **WSSC:**

#### ***Laurel Park Sewer Rehabilitation:***

- At long last, work orders have been issued for the last section of sewer rehabilitation work in the Village.

- Originally, it was thought that WSSC contractors would have to open dig a trench to replace the sewer pipe traveling through Laurel Park.
- Luckily, over the past few months I have been able to work with WSSC and its contractors to determine a less disruptive construction method.
- Barring an emergency such as a pipe collapse or rupture, all work within the park and on private property will be conducted by rehabbing from inside the sewer main.
- As part of the work, WSSC will be installing a new manhole in the roadway on Laurel Parkway in order to provide access for the rehab work.
- Work will begin later this summer and should be completed with 2 - 3 weeks.
- Prior to beginning the work, notice will be provided by WSSC and the Village to the abutting residents.

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

- WSSC is currently in the process of making contact with all residents to request access to private property to begin its survey activities.
- 7 of the 17 required right of entry agreements have been returned to WSSC.
- The first phase of work will be to survey the affected properties. Once that is completed, WSSC and their contracted engineering firm will conduct an alignment study to determine if the mains can be relocated out of the rear-yards.

**Chevy Chase Village**  
**Building & Tree Removal Permits**  
Permits Issued- June 2016

**Building Permits**

<b>Permit #</b>	<b>Address</b>	<b>Type of Work</b>
6979	6403 Connecticut Ave.	Install Holly trees in the Connecticut Ave. public right-of-way.
6978	5509 Grove Street	Construct rear addition.
6976	111 Oxford Street	Construct rear addition.
6975	15 Hesketh Street	Install new air conditioner in the rear yard.
6973	10 Oxford Street	Install new fence in the east side yard and new driveway gates.
6972	5509 Montgomery St.	Install an air conditioner in the rear yard.
6970	5620 Grove Street	Extend existing drain pipe through the curb in the Oliver Street public right-of-way.
6969	3704 Bradley Lane	Replace air conditioner in the east side yard.
6966	104 Primrose Street	In-kind replacement of the front walkway.
6965	5503 Center Street	Replace a portion of the driveway.
6964	5503 Center Street	Construct new retaining wall.
6963	5503 Center Street	Install one new and maintain one existing drain pipe in the Center Street public right-of-way.
6825- amended	3927 Oliver Street	Construct new walkway; replace apron and driveway.
6961	4017 Oliver Street	Construct rear landing and walkway.
6960	4017 Oliver Street	Construct one-story rear addition.
6958	5902 Kirkside Drive	Install new air conditioner in the rear yard.
6955	20 Magnolia Parkway	Construct new roof over existing deck.

**Tree Removal Permit**

<b>Permit #</b>	<b>Address</b>	<b>Type of Tree</b>	<b>Reason for Removal</b>	<b>Reforestation Indicated*</b>
2248	7 Grafton Street	Magnolia	Injured by cold; dead	Yes
2245	5613 Montgomery St.	Lacebark Elm; Black Locust; (5) Leland Cypress	Hazardous; Dead Pursuant to 17-3-a-7	No
2244	105 Grafton Street	Black Walnut	Hazardous; impacting foundation	No
2243	203 Primrose Street	Ash	Hazardous	No
2242	15 East Lenox Street	Mulberry; Red Maple; Spruce	Pursuant to 17-3-a-7; Dead; Hazardous	Yes
2241	5810 Connecticut Ave.	White Pine	Dead	No

\* Since commencing recordation of reforestation intentions in November of 2013, 52 of 116 Applicants (44%) indicated that they would voluntarily be reforesting on their property.

**Expiring Permit Notices Mailed This Month**

6785	5507 Grove Street	Replace fence in the rear yard.
6778	5616 Grove Street	Replace front walkway stoop and steps

# Chevy Chase Village

## Permitting and Code Enforcement Activity June 2016

**Telephone Queries:** +/- 110

**Walk-Ins:** +/- 62

**Pre-Design Review Meetings:** 5

**Municipality Letters (issued to the County for new projects):** 8

**Administrative Building Permits Issued:** Administrative Building Permit 16; Amendment to a previously issued Building Permit: 1; Dumpster: 6; Dumpster Extension: 1; Courtesy: 1

**Licenses to Use the Public Right-of-Way:** 3

**Appeals:** Two Decisions from variance requests granted at the June meeting were drafted, circulated, and approved; one Special Permit and two variance requests were prepared for the July Board meeting. A decision from the April meeting, requiring removal of a structure installed in the front yard of a property, was drafted, reviewed by Counsel and is awaiting Board approval.

**Tree Ordinance Board:** Two pending, for Pepco-requested removals.

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

- Staff worked with the Village arborist, contractor to resolve tree protection fencing issues at a job site.
- Staff has been coordinating with Public Works to alert residents of the need to keep sidewalks free of overgrown shrubbery and to maintain the grass in the tree box in front of their property.
- Staff responded to a complaint of air-borne material at a job site, confirmed what work was being done and that the dust was not hazardous in nature. The work was completed within the hour and no further complaints have been received.
- Staff responded to two complaints about construction work commencing prior to work hours and with no visible permit. It was determined in both cases that the work was considered "maintenance and repair" and did not require a permit. The crews were provided a copy of the noise regulations.
- Staff coordinated with a resident for repairs to a pipe in the Oliver Street right-of-way that had broken and was causing ponding of stormwater runoff water on the public sidewalk. The pipe installation pre-dates the current owner, who has obtained a permit to replace the pipe and a right-of-way license to maintain it in the right-of-way.
- A contractor began construction work prior to the applicable CCV Building Permits having been issued. Staff stopped the work until the permits were issued.
- Staff responded to a complaint about a dusty sediment appearing on the Grafton Street public sidewalk. The source of the material was not evident and since rain was in the forecast it was determined that Staff would monitor to see if the material reappeared; it has not.
- Staff stopped work an installation of an unpermitted replacement air conditioning unit; the resident has obtained the applicable permit.
- Staff responded to a complaint about continuous mechanical hum from pool equipment. The resident of the equipment was contacted. They had been away and were unaware of the malfunctioning equipment, which has now been repaired.

**Tree Requests:** 9 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:** 6 permits were issued for removal of a total of fourteen (14) trees, five (5) of which were Leland Cypress removed pursuant to 17-3-a-7 (1).

**Expired Permit Memos Sent:** 2

*-compiled by Ellen Sands, Permitting and Code Enforcement Coordinator*

# Memo

**To:** Chevy Chase Village Board of Managers  
**From:** Melissa Wiak, Community Liaison/Administrative Assistant  
**CC:** Shana R. Davis-Cook, Village Manager  
**Date:** July 5, 2016  
**Re:** Village Hall Use for June 2016

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

Type of Event	Number of Uses	Total Net Revenue
<b>Rentals (Private Events)</b> —Child's Birthday Party; Memorial Service	2	\$625
<b>Community Use</b> — Board of Managers' Monthly Meeting	1	\$0.00
<b>Fee Waiver Use/Public Use</b> —Chevy Chase @ Home Events (2); Section 5 Monthly Meeting; Friends of Chevy Chase Circle Board Meeting	4	\$0.00