

**Agenda for  
3404 Turner Lane Variance  
Hearing  
9/21/2021  
Via Zoom**

- 6:30 p.m.      Call to Order, Opening Remarks & Explanation of Procedure
- 6:35 p.m.      Presentation of Staff Report
- 6:40 p.m.      Applicant Presentation of Variance Request
- 6:50 p.m.      Opportunity for Council to Ask Questions of the Applicant
- 7:00 p.m.      Opportunity for Residents to Ask Questions of the Applicant\*
- 7:10 p.m.      Opportunity for Resident Comments (in support or opposition of the  
variance) \*
- 7:20 p.m.      Applicant Rebuttal
- 7:30 p.m.      Council Deliberation and Vote

\* In the interest of time, and depending on the number of residents who may wish to comment or ask a question, the Village may limit residents to two minutes of speaking time. Residents should please limit comments to new information for the Council to consider and questions which have not already been answered. Please note: all resident letters sent to the Council and/or Village Office have been entered in the official record.

This hearing will be audio recorded. All attendees should avoid talking unless recognized by the Chair, and coming to the podium to speak and identifying oneself by name and address.

## **Virtual Meeting Information**

Below is the information for those residents who would prefer to dial in remotely or video in to the Council meeting.

### **1. Dial-In Option**

Call: 1 301 715 8592

When prompted, enter the Meeting ID: 881 0311 6863# (you must enter the "#") Password: 232095

### **2. Web/Video Option:**

- a. Go to the Zoom meeting link: <https://us02web.zoom.us/j/88103116863?pwd=dTZxUzJtVjNCOFVyemtlQ01xeGtydz09>
- b. It will take you to Zoom to download, which is free. Then the meeting will launch. You can view the meeting or just listen in and talk when prompted.

Meeting ID: 881 0311 6863

Password: 232095

Topic: Variance Hearing for 3515 Raymond Street

Time: Jul 13, 2021 07:30 PM

## **MONTGOMERY CONSULTING**

15111 Players Way - Glenwood, MD 21738 Tel: (301) 908-3220

SUBJECT: 3404 Turner Lane - Variance

DATE OF MEMO: Sept. 21, 2021

I have completed the initial review of the variance application for the addition at 3404 Turner Ave. I offer the following comments:

1. The applicant submitted a Village building permit application on May 6, 2021 and a Village variance application on June 25, 2021.
2. The variance application proposes to convert an existing second floor deck to an enclosed bathroom.
3. The building permit also includes interior renovations.
4. The overall footprint of the house does not change.
5. The MCDPS issued their building permit on April 17, 2021.
6. A certified boundary survey of the property has been provided.
7. The survey includes dimensions from the existing and proposed building to the adjacent property lines.
8. The application includes a site plan, sheet A-0100, with dimensions from the existing house to the adjacent property lines.
9. If the Council approves the variance, the staff will then review the pending building permit application.



## Village of Martin's Additions

7013 B Brookville Road

Chevy Chase, MD 20815

Email: [manager@martinsadditions.org](mailto:manager@martinsadditions.org)

301-656-4112 (Phone) 301-656-0030 (Fax)

Form Updated: June 1, 2020

Building Permit/Request Denied \_\_\_\_\_  
Variance Request Filed 6/21/2021  
Variance Number: \_\_\_\_\_  
Hearing Date: \_\_\_\_\_ Decision: \_\_\_\_\_

### Application for Variance from the Village of Martin's Additions Building Regulations [See Chapter 7, Section 7-405 of VMA Building Regulations]

Variance requests are considered by the Village Council at public hearings. Hearings take place at the monthly meetings of the Council, time permitting. The Council may, in its discretion, schedule a special meeting. Public notice of a variance request must be mailed to neighboring properties at least 20 days in advance of the hearing. Thus, based on the date of filing of the completed variance application, there may be insufficient time to hear the request at the next regularly-scheduled monthly meeting of the Council.

**Applicant Name:** Mariana Alfonso

**Address and Lot Number:** 3404 Turner Lane (Lot # 36 / Deed Reference 53463 / 00292)

Chevy Chase MD 20815-3216

**City** **State** **Zip**

**Phone:** 646-262-5125 **E-Mail** mariana.alfonso@gmail.com

#### Property Owner(s) (if other than applicant):

**Name:** \_\_\_\_\_

**Address:** \_\_\_\_\_

City State Zip

**Phone:** \_\_\_\_\_ **E-Mail** \_\_\_\_\_

#### Briefly Describe Each Variance Requested (if part of larger project, please include context):

Section 7 - 404

Developmental nonconformity to be altered.

Existing second floor deck to be enclosed within existing floor perimeter. No projection beyond floor plan. No projections in height to exceed existing building height.

**Burden of Proof: In order for the Village Council to grant a petition for a variance, an applicant for a variance must prove that:**

- By reason of exceptional narrowness, shallowness, shape, topographical conditions, or other extraordinary situations or conditions peculiar to the lot, the strict application of the Village Code would result in peculiar or unusual practical difficulties to, or exceptional or undue hardship upon, the owner of the property.
- Such variance is the minimum reasonably necessary to overcome the aforesaid exceptional conditions; and
- Such variance will not be detrimental to the use and enjoyment of adjoining or neighboring properties.



**Variance Request Guidelines:** The Council may grant a variance from the Village of Martin's Additions zoning regulations by relaxing the standard which has caused a peculiar or unusual practical difficulty or exceptional or undue hardship. Examples of the zoning standards that may be altered are minimum front, rear, and side yard setbacks, and height requirements. The Council strictly applies the requirements for a variance because a variance can change the development standards that all other property owners in the Village of Martin's Additions must follow.

Please note that the difficulty or hardship that would be remedied by the proposed variance must result from the application of zoning standards, not from the action or inaction of the property owner. In other words, ***the condition which a variance relieves must not be self-inflicted by the owner.*** Personal circumstances are not a basis for consideration of whether to grant or deny a requested variance. The Council can impose conditions to lessen the effects of a variance on a neighboring property and the community. See page 4 of this application for the Code citation.

**This variance is requested for (Check all):**      ☐Main Building    ☐Accessory Building

- ☐Building height      ☐Flat Roof  
☐Wall plane height:    ☐Front              ☐Side              ☐Rear  
☐Wall plane length:    ☐Front              ☐Side              ☐Rear (Accessory Building)  
☐Setback(s):  
     ☐Front setback  
     ☐Rear setback  
     ☒Side setback: ☒One Side    ☐Sum of both sides    ☐Additional side setback  
☐Projections (main buildings): bay windows, oriel entrances, balconies, vestibules  
☐Unenclosed porches, decks, breezeways, steps, stoops, exterior stairways, terraces  
☐Air conditioning units, heat pumps  
☐Building coverage              ☐Non-vegetative surface area  
☐Curb cut                              ☐Driveway width              ☐Front loading garage  
☐Other: \_\_\_\_\_

**This variance is requested because this property (check all that apply):**

- ☐is exceptionally narrow      ☐has unusual topographical conditions  
☐is exceptionally shallow      ☒has other extraordinary situations or conditions  
☐is unusually shaped

**Describe the condition(s) checked above and how this property compares to other properties in the Village of Martin's Additions:**

When originally built, this property left a portion of the second floor open to the elements. The current owner intends to enclose it to add a bathroom. This enclosure will not extend beyond the existing building perimeter or height.

This alternation will not affect the neighbors privacy, security or access to natural light. This project will not extend the building footprint nor affect landscape or green coverage. It is only limited to the enclosure of an existing second floor deck / balcony within the existing roof profile.

**This variance is requested because conforming to the Village's building code would (check all that apply):**

- ☒result in exceptional or undue hardship      ☒cause peculiar or unusual practical difficulties

**Explain why conforming to the Village Code would cause peculiar or unusual practical difficulties:**

If the owner of the property were to comply with the current side setback, this project would not be feasible. This enclosure will not exceed the current building footprint.

**Describe why the variance is the minimum reasonably necessary to overcome the exceptional condition:**

The variance requested will allow the homeowner to create a bathroom attached to a bedroom. This is not an expansion of the building but an enclosure of an existing balcony/deck left open in the original project.

**Explain why the variance would not be detrimental to the use and enjoyment of neighboring properties:**

This project does not extend beyond the existing building perimeter or footprint. It doesn't open new windows with views into neighboring properties. The project will not affect neighbor's privacy and access to natural light.

Because the project is within the existing profile of the building, it won't affect the neighbor solar capacity if they were to install photovoltaic panels.

the project won't affect existing landscaping, historic trees and will not prevent existing greenery from reaching full size.

**List of Required Filing Documents to Complete Application for Variance:**

☒ **Boundary survey** with a margin of error of 0.1 foot or less.

☒ **Accurate site plan** showing boundaries, dimensions, area, topography and frontage of the subject property, the location and dimensions of all existing and proposed structures, the distances of such structures from the nearest lot lines, with all required setbacks clearly shown.

☒ **Plans**, architectural drawings, photographs, elevations, specifications, or other detailed information depicting fully the exterior appearance of existing and proposed construction.

☒ **A list of the names and mailing addresses** of the adjoining and confronting property owners who are entitled to notice of this variance application.

**Abutting Neighbor #1:**

Name Tony & Reenie Leahy

Street Address 3402 Turner Lane

**Abutting Neighbor #2:**

Name Tracy De la Mater & Donald Goldberg

Street Address 3405 Shepherd St

**Abutting Neighbor #3:**

Name Linda Kirschten

Street Address 3406 Turner Lane

**Abutting Neighbor #4:**

Name Lois Velsey

Street Address 3407 Turner Lane

**Confronting Neighbor #1:**

Name Keith Allen

Street Address 3403 Turner Lane

**Confronting Neighbor #2:**

Name Elizabeth & Monty Boland

Street Address 3405 Turner Lane

**[Attach more pages as necessary to provide a complete list of all abutting and confronting neighbors.]**

☐ **EBL Calculations:** Applications for variances from an established building line (EBL) should identify all lots used to calculate the EBL, and the calculations that determine the applicable EBL, and the locations of all structures and front yard setbacks on those lots.

☒ **All additional exhibits** which the applicant intends to introduce at the Village Council review meeting.

☒ **A non-refundable filing fee** of \$1,500 made payable to "Village of Martin's Additions" for the first variance request and \$250 for each subsequent variance in the request. Cash not accepted.



#### **Section 7-405. Variances**

(a) A property owner may apply to the Village Council for a variance from the strict application of the terms of this Article. The Council may authorize a variance from the strict application of any specific requirement of this Article when the standards described herein are met.

(b) Processing and Public Hearing Requirement

(1) Applications for a variance shall be submitted to the Village Manager and shall include the following:

(i) Written application on the form provided by the Village Manager, including a statement detailing the specific provisions of this Article from which a variance is sought;

(ii) Detailed information pertaining to the nature and extent of the variance sought, including the following: (a) a boundary survey with a margin of error of +/- onetenth (0.10) of a foot, or better, showing boundaries, dimensions, area, topography, and frontage of the lot involved, as well as the location and dimensions of all buildings existing and proposed to be erected, and the distances of the buildings from the nearest lot lines; and (b) plans, architectural drawings, photographs, elevations, specification or other detailed information depicting fully the exterior appearance of existing and proposed construction;

(iii) A summary of what the applicant expects to prove at the hearing, including the names of applicant's witnesses, summaries of the testimonies of expert witnesses, and the estimated time for presentation of the applicant's case; and

(iv) Any additional exhibits which the applicant intends to introduce at the hearing.

(2) The Council shall hold a public hearing on all applications for the grant of a variance. A minimum of twenty (20) days prior to the scheduled hearing, the Village Manager or his or her designee shall post notice of the hearing at the applicant's property that is the subject of the variance request and mail written notice to all adjoining and confronting property owners by first-class mail.

(c) Standards for decision on variances: The Council may grant petitions for variances upon proof by the applicant by a preponderance of the evidence that: (1) by reason of exceptional narrowness, shallowness, shape, topographical conditions, or other extraordinary situations or conditions peculiar to the lot, the strict application of this

Article would result in peculiar or unusual practical difficulties to, or exceptional or undue hardship upon, the owner of such property;

(2) such variance is the minimum reasonably necessary to overcome the aforesaid exceptional conditions; and

(3) such variance will not be detrimental to the use and enjoyment of adjoining or neighboring properties.

(d) Conditions. In granting a variance, the Council may impose such conditions as it determines, in its judgment, are necessary to protect the public health, safety, and welfare.

(e) Decision. The decision of the Council granting or denying a variance shall be in writing and shall be final and effective as of the date the Council approves the written decision.

(f) Duration. A building permit for the construction authorized by the variance must be obtained within twelve (12) months of the effective date of the variance or the variance shall be void, unless an extension is granted in writing by the Code Enforcement Officer. The Code Enforcement Officer may grant an extension of the variance, upon such

conditions as the Code Enforcement Officer may set, upon a reasonable showing that there has been no material change in circumstances since the effective date of the decision approving the variance and despite due diligence by the recipient of the variance, additional time is necessary to secure a building permit.

**(Ord. No. 4-09-2, adopted 5/27/09, effective 6/16/09; Ord. No. 11-15-1, adopted 1/21/16, effective 2/10/16)**



<b>Application #</b>	<b>Date:</b> 07/15/2021
<b>Comment by:</b> Martin's Complex Niles Anderegg <a href="mailto:manager@martinsadditions.org">manager@martinsadditions.org</a>	<b>Address:</b> 3404 Turner Lane Chevy Chase, MD 20815
<b>From:</b> Ileana Schinder, Architect ile@ileanaschinder.com	

#### MEMO

Dear Mr Anderegg,

Based on the project planned for the Alfonso residence project, please see the attached files that illustrate the following:

1. The MCDPS approved the applicant's plans on April 17, 2021.
2. The plans were not submitted to the Village until early May, 2021.
3. The plans proposed to enlarge the second-floor footprint to add a new Master Bath.
4. The plans indicate that the existing house is located **6.47 feet** from the left-side property line and **6.50 feet** from the right-side property line.
5. It is my understanding that the Village Code is a three-dimensional code, so any addition to the second floor must also meet the minimum code setbacks of 8 feet on one side and a total of 18 feet for both sides. So, the proposed addition on the left side of the second floor cannot be located closer to the left-side property line than 9.46 feet.

We are applying to request that the outstanding **5.03 feet** setback needed to fulfill the requirements for the Martin's Complex be waived. We are requiring a variance from the Council of the reduced left-side and right-side yard setback to allow for the enclosure of the 2<sup>nd</sup>-story balcony. Thank you for your attention to our case,

ileana schinder, architect  
MD license 18312





## Real Property Data Search

## Search Result for MONTGOMERY COUNTY

[View Map](#) [View GroundRent Redemption](#) [View GroundRent Registration](#)

**Special Tax Recapture: None****Account Identifier:** District - 07 Account Number - 00521661

## Owner Information

<b>Owner Name:</b>	ALFONSO MARIANA	<b>Use:</b>	RESIDENTIAL
<b>Mailing Address:</b>	3404 TURNER LN CHEVY CHASE MD 20815-3216	<b>Principal Residence:</b>	YES
		<b>Deed Reference:</b>	/53463/ 00292

## Location &amp; Structure Information

<b>Premises Address:</b>	3404 TURNER LN CHEVY CHASE 20815-3216	<b>Legal Description:</b>	MARTINS 2ND ADD
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<b>Map:</b>	<b>Grid:</b>	<b>Parcel:</b>	<b>Neighborhood:</b>	<b>Subdivision:</b>	<b>Section:</b>	<b>Block:</b>	<b>Lot:</b>	<b>Assessment Year:</b>	<b>Plat No:</b>
HN52	0000	0000	7230035.16	0035			36	2020	Plat Ref:

**Town:** MARTINS ADDITION

<b>Primary Structure Built</b>	<b>Above Grade Living Area</b>	<b>Finished Basement Area</b>	<b>Property Land Area</b>	<b>County Use</b>
1934	1,917 SF	500 SF	7,000 SF	111

<b>Stories</b>	<b>Basement</b>	<b>Type</b>	<b>Exterior</b>	<b>Quality</b>	<b>Full/Half Bath</b>	<b>Garage</b>	<b>Last Notice of Major Improvements</b>
2	YES	STANDARD UNIT	1/2 BRICK FRAME/ FRAME	6	3 full/ 1 half	1 Attached	

## Value Information

	<b>Base Value</b>	<b>Value</b>	<b>Phase-in Assessments</b>	
		As of	As of	As of
		01/01/2020	07/01/2020	07/01/2021
<b>Land:</b>	628,100	659,400		
<b>Improvements</b>	306,600	285,700		
<b>Total:</b>	934,700	945,100	938,167	941,633
<b>Preferential Land:</b>	0	0		

## Transfer Information

<b>Seller:</b> LARA PETER A ET AL TR	<b>Date:</b> 12/22/2016	<b>Price:</b> \$985,000
<b>Type:</b> ARMS LENGTH IMPROVED	<b>Deed1:</b> /53463/ 00292	<b>Deed2:</b>
<b>Seller:</b> PETER A & M A LARA	<b>Date:</b> 08/10/1998	<b>Price:</b> \$0
<b>Type:</b> NON-ARMS LENGTH OTHER	<b>Deed1:</b> /16131/ 00485	<b>Deed2:</b>
<b>Seller:</b>	<b>Date:</b> 12/21/1978	<b>Price:</b> \$116,000
<b>Type:</b> ARMS LENGTH IMPROVED	<b>Deed1:</b> /05258/ 00673	<b>Deed2:</b>

## Exemption Information

<b>Partial Exempt Assessments:</b>	<b>Class</b>	07/01/2020	07/01/2021
<b>County:</b>	000	0.00	
<b>State:</b>	000	0.00	
<b>Municipal:</b>	000	0.00 0.00	0.00 0.00

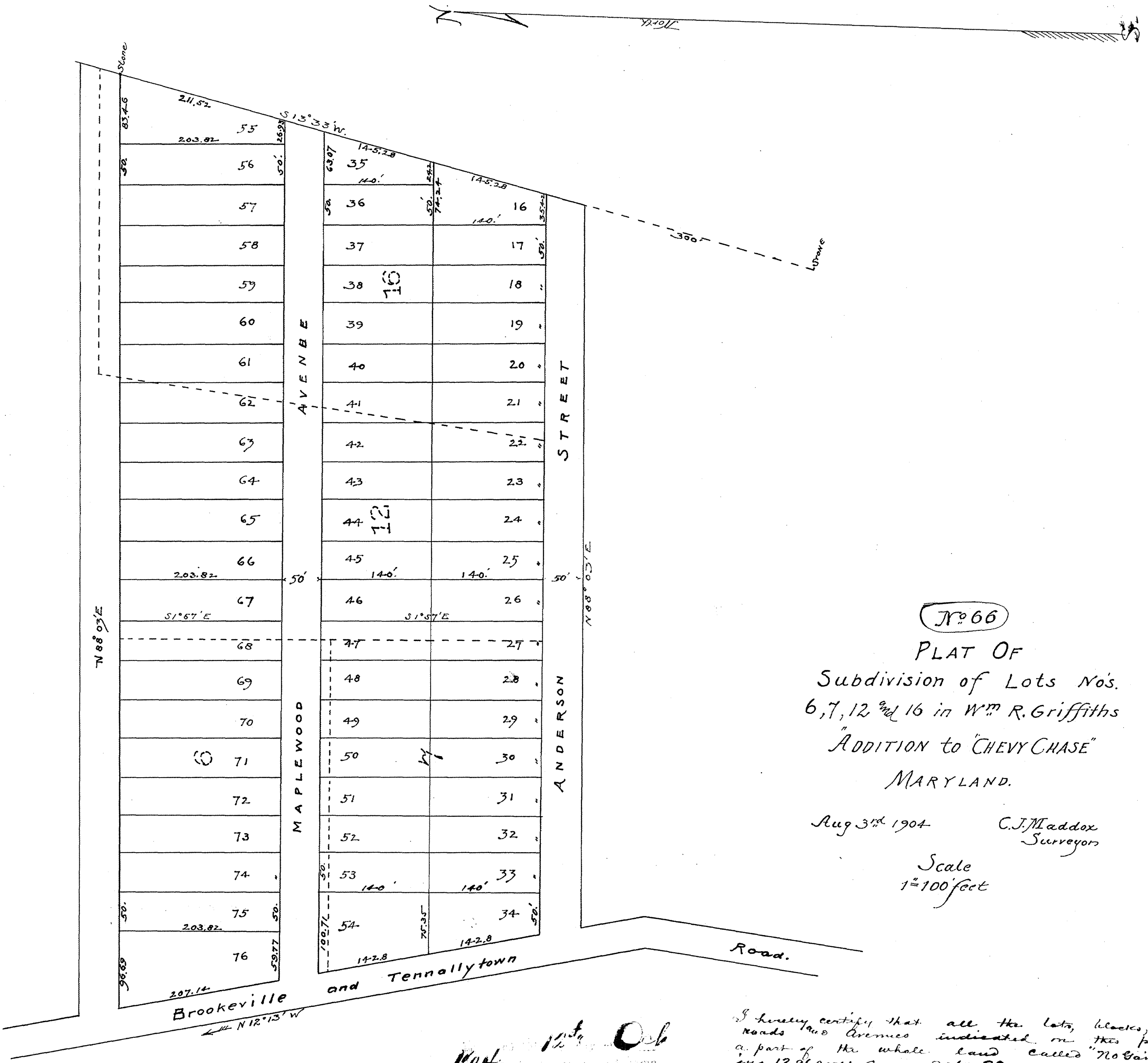
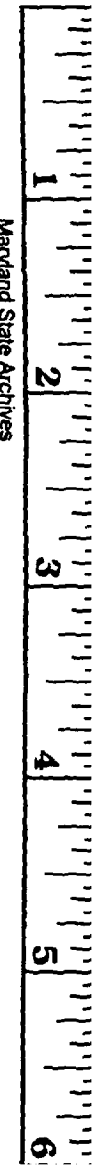
**Special Tax Recapture: None**

## Homestead Application Information

**Homestead Application Status:** Approved 08/08/2017

## Homeowners' Tax Credit Application Information

**Homeowners' Tax Credit Application Status:** No Application **Date:**



**Plat 66**  
**PLAT OF**  
**Subdivision of Lots Nos.**  
**6, 7, 12 and 16 in Wm R. Griffiths**  
**"ADDITION to CHEVY CHASE"**  
**MARYLAND.**

Aug 3<sup>rd</sup> 1904 C.J. Maddox  
Surveyor

Scale  
1"=100 feet

1904  
John A. Burnett  
Filed Oct. 12/1904

I hereby certify that all the lots, blocks, streets, roads and avenues indicated on this plat are a part of the whole land called "No Gain" containing 12.96 acres conveyed to Harry M. Martin the maker of this plat by Isabella Griffith and Wm R. Griffith her husband the 5th day of October 1904 and recorded in Liber No 180 folios 10 & c. one of the land records books of Montgomery County Md. I also certify that stones have been planted at the points indicated and that this plat has been made in conformity with the requirements of Section 60 B. of article 16. of the Code of Public Local Laws Title "Montgomery County" sub title "Clerk" C.J. Maddox  
Surveyor.

For Clerk's Office

<b>Application #</b>	<b>Comment date:</b> 06/01/2021
<b>Comment by:</b> Martin's Complex Niles Anderegg <a href="mailto:manager@martinsadditions.org">manager@martinsadditions.org</a>	<b>Address:</b> 3404 Turner Lane Chevy Chase, MD 20815
<b>Responses by:</b> Ileana Schinder, Architect ile@ileanaschinder.com	<b>Comment response:</b> 06/01/2021

## RESPONSES

Niles Anderegg's Comment: The information on the plans do not provide a clear illustration of the existing conditions of the property – please provide photos to clarify. The side setbacks for the residence does not comply with the current [Martin's Complex Code](#). Due to this, a variance must be filed.

**RESPONSE:** Per our call, I have attached photos (below) of the existing exterior rear balcony. To clarify, although the residence does not adhere to the current side setbacks implemented in 2009, the residence was built in 1934 and the overall building footprint and lot coverage does not change in our proposed plans. The area of construction is already partially enclosed. See below for images of the altered balcony.



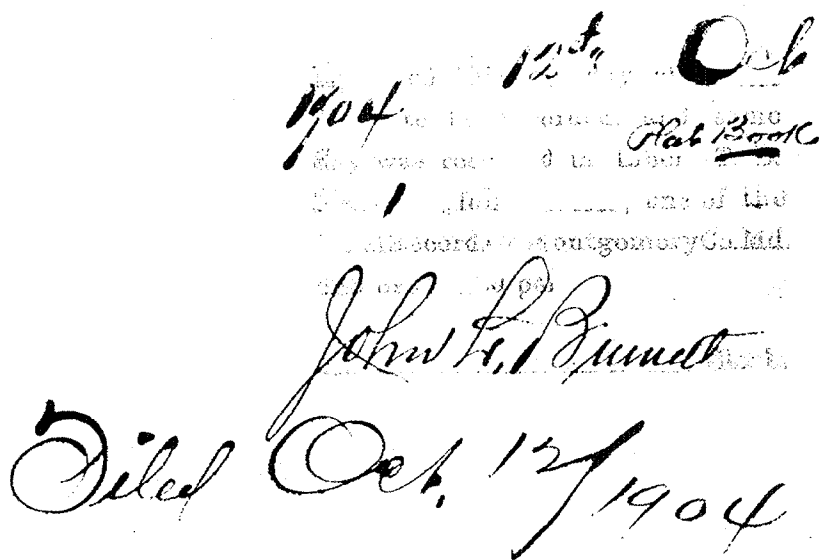
From the applicant's backyard, the existing balcony at the second floor is visible at the right of the image.



	<p>The image illustrates the perimeter of the roof where the proposed alterations will be contained. Per the supplied drawings, the project will not exceed the roof line in slope, height or building perimeter.</p>
	<p>This detail image shows the roof profile to remain undisturbed</p>



From the applicant's backyard, the existing balcony to receive an enclosure is visible. The proposed alteration will not exceed the profile of the roof not the building footprint at any level.



For Clerks Office





DEPARTMENT OF PERMITTING SERVICES

Marc Elrich  
County Executive

Mitra Pedoeem  
Director

**BUILDING PERMIT**

Issue Date: 04/17/2021

Permit No: 942442  
AP Type: BUILDING  
Expires: 04/17/2022  
X Ref.:  
Rev. No:  
ID: 1297411

THIS IS TO CERTIFY THAT: Ileana Schinder  
6316 2nd Street NW  
WASHINGTON, DC 20011

HAS PERMISSION TO: ALTER SINGLE FAMILY DWELLING

PERMIT CONDITIONS: **Customer Wants To Use ePlans Interior work only, The project at the Alfonso residence involves an interior renovation at the basement and addition of a bathroom addition at the second level. Structural: Alterations include the removal and addition of partition walls to accommodate new design layout. No load bearing walls will be altered under the scope of this job. Electrical: Alterations include the addition and re-arrangement of switches and outlets to accommodate new design. Mechanical: Alterations are limited to the addition of a exhaust fan in the Master**

MODEL NAME:

PREMISE ADDRESS: 3404 TURNER LN □ CHEVY CHASE, MD 20815

LOT - BLOCK: 36 - N/A

ZONE:

ELECTION DISTRICT: 07

BOND NO.:

BOND TYPE:

PS NUMBER:

PERMIT FEE: \$ 286.60

SUBDIVISION: MARTINS ADDITION

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

**TRANSPORTATION IMPACT TAX DUE:**

**SCHOOLS IMPACT TAX DUE:**

**SCHOOLS FACILITY PAYMENT DUE:**

**MUST BE KEPT AT JOB SITE**

**AN APPROVED FINAL INSPECTION IS REQUIRED PRIOR TO USE OR OCCUPANCY**

**Every** new one- or two-family dwelling, **every townhouse** and any **attached accessory structure** must be equipped with a **fire sprinkler system**. A separate sprinkler permit is required for the installation of the fire sprinkler system.

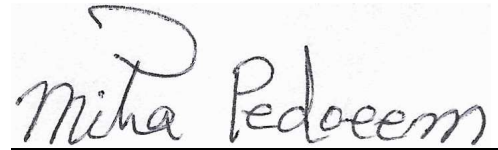
Many subdivisions and neighborhoods within Montgomery County have private deed restrictions and covenants regulating building construction. Obtaining a building permit does not relieve the property owner of responsibility for complying with applicable covenants.

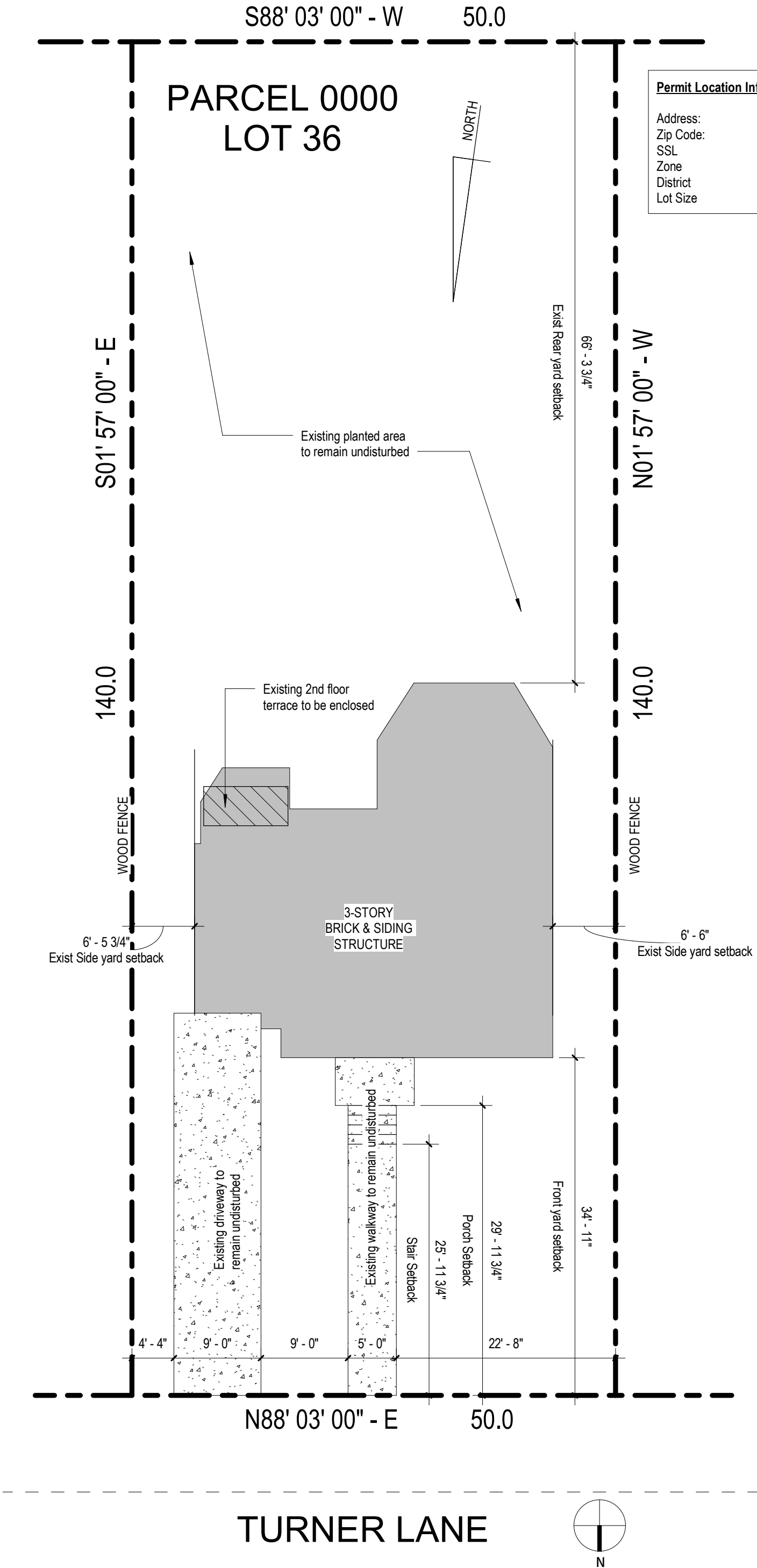
NOTICE

THIS APPROVAL DOES NOT  
INCLUDE PLUMBING, GAS PIPING  
OR ELECTRICAL OR  
CONSTRUCTION IN ANY  
DEDICATED RIGHT-OF-WAY.

NOTE

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

  
\_\_\_\_\_  
Director, Department of Permitting Services



Permit Location Information	
Address:	3404 TURNER LANE
Zip Code:	20815
SSL	36
Zone	R-60
District	07
Lot Size	7000 sqft



Ileana Schinder, Architect  
ile@ileanaschinder.com - 202.431.6760  
6316 2nd Street NW, Washington DC 20011

ALFONSO  
3404 TURNER LANE  
CHEVY CHASE, MD 20815  
INTERIOR RENOVATION

SITE PLAN		
Scale	3/32" = 1'-0"	-A-0100
Project number	200915	
Date	06/14/2021	



I HEREBY CERTIFY THAT THE LOCATION OF THE BUILDING SHOWN HEREON IS CORRECT, TO THE BEST OF MY PROFESSIONAL KNOWLEDGE AND BELIEF, AND THAT IT IS BASED ON A FIELD RUN SURVEY USING ACCEPTED SURVEYING METHODS. THE PURPOSE OF THIS SURVEY IS TO SHOW THE BUILDING AS IT RELATES TO THE PROPERTY LINES. OTHER SITE FEATURES ARE NOT SHOWN FOR THE PURPOSES OF THIS SURVEY. THIS SKETCH DOES NOT CONFORM TO THE RULES AND REGULATIONS AS REGULATED BY THE STATE OF MARYLAND REGARDING BOUNDARY SURVEYS.