



## **VILLAGE OF MARTIN'S ADDITIONS**

7013 Brookville Road (Second Floor, Suite B)

Chevy Chase, MD 20815-3263

Phone (301) 656-4112

[www.martinsadditions.org](http://www.martinsadditions.org)

### **Agenda for Council Meeting**

**Thursday, July 16, 2020, 7:30 PM**

*The Council may entertain a motion in open session to enter into a closed session, in accordance with Section 3-305(b) of the Open Meetings Act (Maryland Code, General Provisions Article).*

- 6:00 PM      Variance Hearing for 7200 Summit Ave
- 7:30 PM      Call to Order: Fattig
- 7:31PM      Officer Election
- 7:31 PM      Opportunity for Council to hear residents' comments: TBD
- 7:41 PM      Committee Appointments: TBD
- 7:51 PM      Introduction of an Ordinance (2020-7-1) to amend chapter 7 of the Village code to regulate signs on private property and the public right-of-way.
- 8:01 PM      Building Administrator's Report: Lohmeyer
- 8:11 PM      Financial Matters, including Treasurer's Report: TBD
- 8:21 PM      Manager's Report: Anderegg
- 8:25 PM      Opportunity for Council to hear residents' comments: TBD
- 8:31 PM      The Council will entertain a motion in open session to enter into a closed session, in accordance with Section 3-305(b)(1) of the Open Meetings Act (Maryland Code, General Provisions Article), to discuss personnel matters that affect one or more specific appointees, and with Section 3-305(b)(7), to consult with counsel to obtain legal advice regarding the 2020 election.
- 9:00 PM      Adjourn

\*Please Note: Listed times are approximate.



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### **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: 814 8078 4583 (you must enter the "#")

Password: 269933

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

- a. Go to the Zoom meeting link: <https://us02web.zoom.us/j/81480784583>
- 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: 814 8078 4583

Password: 269933

Topic: VMA Council Meeting

Time: July 16, 2020, 07:30 PM Eastern Time (US and Canada)

**Agenda for  
7200 Summit Ave Variance Hearing  
7/16/2020  
Via Zoom**

- 6:00 p.m.      Call to Order, Opening Remarks & Explanation of Procedure
- 6:05 p.m.      Presentation of Staff Report
- 6:20 p.m.      Applicant Presentation of Variance Request
- 6:35 p.m.      Opportunity for Council to Ask Questions of the Applicant
- 6:50 p.m.      Opportunity for Residents to Ask Questions of the Applicant\*
- 7:05 p.m.      Opportunity for Resident Comments (in support or opposition of the variance) \*
- 7:15 p.m.      Applicant Rebuttal
- 7:25 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.

MONTGOMERY CONSULTING  
MEMO

TO: The Village of Martin's Additions

FROM: Doug Lohmeyer

DATE OF MEMO: June 5, 2020

SUBJECT: 7200 Summit Ave. – Variance Comments

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1. Since 7200 Summit is a corner lot the EBL setback requirement applies to all the proposed improvements to the existing house along Summit Ave. and Taylor St.
2. The bay window is allowed to project into the EBL a maximum of 2.5 feet.
3. The bay window encroaches, into the EBL along Summit Ave, beyond the allowed 2.5 projection, 2.4 feet, so a 2.4-foot variance is required.
4. The Part1A in the May 29<sup>th</sup> letter states the bay window will encroach into the EBL 4.9 feet, but that does not take into account the allowed 2.5-foot projection.
5. The bay window encroaches into the EBL along Taylor St., beyond the allowed 2.5 projection, 9.3 feet, so a 9.3-foot variance is required.
6. The Part1B in the May 29<sup>th</sup> letter states the bay window will encroach into the EBL 11.8 feet, but that does not take into account the allowed 2.5-foot projection.
7. The plan proposes to extend the first-floor foyer 1-foot into the EBL along Summit Ave.
8. The site plan indicates the first-floor extension will require a 0.8-foot variance into the EBL along Summit, while the application requests a 1-foot variance.
9. The proposed first-floor foyer 1-foot extension would also extend into the EBL along Taylor St.
10. The site plan indicates the first-floor extension will require a 0.3-foot variance into the EBL along Taylor, while the application requests a 1-foot variance.
11. The front porch with the steps is allowed to project into the front EBL a maximum of 9 feet (porch and steps combined).

12. The front porch and steps along Summit Ave. encroach into the EBL 3.8 feet beyond the maximum 9-foot projection allowed in the Code, so a 3.8-foot variance is required.
13. No variance for the front porch is required along Taylor St.
14. The existing house orientation dictates that the rear yard is the area on the north side of the existing house, since the minimum rear yard setback is 20 feet.
15. A covered, unenclosed porch may project into the rear yard by a maximum 9 feet.
16. Since the covered, unenclosed porch is proposed to be located 11.5 feet from the northern property line, no variance is required.
17. The May 29<sup>th</sup> letter in Part 4 references Section 7-402 (e)(1) but it should reference Section 7-402 (e)(2).
18. The Site Plan indicates the maximum building coverage allowed in the Village is 2,163 SF (28.38%).
19. The plan states the proposed building coverage is 2,350 SF (30.83%), so a variance of 187 SF of building coverage is required.



## 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: February 4, 2020

Building Permit/Request Denied \_\_\_\_\_  
Variance Request Filed \_\_\_\_\_  
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: Amy and Andrew Herman

Address and Lot Number: 7200 Summit Avenue, Lot 46 Block 2  
Chevy Chase MD 20815

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Phone: 301-802-2888 E-Mail amy.sapersteinherman@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):

Please see our "Variance Request Description" section at the  
top of page 3 in the attached document.

**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:**

Please see the attached document for details regarding the conditions checked above.  
Further, the combination of the unusual EBL setback on two sides of our corner  
property creates an exceptional condition impacting adjacent portions of our existing home.

**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:**

Please see our specific explanations in the attached cover letter, our architect's letter  
as well as throughout our document—connected to each part of our variance request.

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

The proposed additions would generally be allowed by right without the exceptional condition. Please see more details to support our response in the attached document.

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

Our proposed additions will enhance our home and thereby the neighborhood. They will align with the architecture of our home and complement the aesthetic of homes throughout our community, including those of our neighbors. We have shared our plans with our neighbors and all of them have readily provided their full support. We welcome you to read their enclosed messages offering support.

**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 Carol and Stuart Kerkof  
Street Address 3409 Taylor Street

**Abutting Neighbor #2:**

Name Annie Casazza  
Street Address 7204 Summit Avenue

~~Confronting~~

**Abutting Neighbor #3:**

Name Debbie and Jeremy Brown  
Street Address 3404 Taylor Street

**Abutting Neighbor #4:**

Name \_\_\_\_\_  
Street Address \_\_\_\_\_

**Confronting Neighbor #1:**

Name Maggie and Brad Noojin  
Street Address 7203 Summit Avenue

**Confronting Neighbor #2:**

Name Patty and John Tschiderer  
Street Address 7201 Summit Avenue

[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.

→ We provided a check with our initial submission.

## **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 +/- one-tenth (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)

# 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 understood 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 Council 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.

Amy J Herman  
Applicant/Property Owner Signature

Amy Herman 5/28/20  
Print Name Date

Al He  
Applicant/Property Owner Signature

Andrea Herman 5/28/20  
Print Name Date

Date Variance Application Received by VMA: \_\_\_\_\_  
Non-refundable Filing Fee. ☐ Date and Check Number: \_\_\_\_\_  
Date Notice of Variance Application Posted on Subject Property\*: \_\_\_\_\_  
Date of Written Notification to Confronting and Adjoining Neighbors\*: \_\_\_\_\_  
(\*must be at least 20 days prior to public hearing)  
Date of Village Council review\*\*: \_\_\_\_\_  
(\*\*usually the 3rd Thursday of each month)

May 29, 2020

Dear Village of Martin's Additions Council,

We sincerely appreciate your consideration of the attached variance application, including detailed supporting information and plans.

We have thoroughly enjoyed living in our home at 7200 Summit Avenue since 2005 where we are surrounded by terrific neighbors. The many benefits of VMA have been magnified during this challenging time with friendly conversations across our neighborhood streets, messages of kindness and outreach filling our listserv as well as overall support from our outstanding Village manager and Council leaders.

Below is an overview of key points we present in our proposal:

- Our proposal is aimed at enhancing our home and thereby our neighborhood. It includes a **bay window** in our living room that would share a roof line with an **extended front stoop** and **adjoining foyer**, along with a **covered porch** off our family room -- all focused on giving us a very reasonable bit of additional space and lots more sunlight to enjoy!
- Our variance request certainly meets the requirement of a "peculiar practical difficulty" as defined by the Village of Martin's Additions. **We relied on the footprint of the house and fairly assumed the Established Building Line would be at or outside the perimeter of our house**, but we came to learn in the process of designing the additions that **the EBL runs right through our house**.
- It is our understanding that when Montgomery County issued a permit for the construction of the house in 2001, the EBL was in approximately the same place as the EBL VMA adopted in 2009. This means the original building permit may have been made in error. As we hope you agree, we should not be penalized for this, particularly as the second owners of the home without any knowledge of this situation. We believe our request would easily be granted by right without this unusual EBL circumstance. **We ask that you grant us the variance using the building setback that was originally used in the permit for the construction of the house.**

We have shared information about our variance request, including architectural plans, with several neighbors surrounding our home. **Each neighbor has responded with their full approval.** We invite you to read their enclosed messages of support.

Thank you so much for your thoughtful consideration of our application. We look forward to presenting our proposal and answering any questions. In the meantime, we invite you to stop by to see our house; we would welcome the opportunity to say hello!

Sincerely,

Amy and Andrew Herman



May 29, 2020

Village of Martin's Additions  
7013 B Brookville Road  
Chevy Chase, Maryland 20815

Zoning Variance Request  
7200 Summit Avenue  
Lot 46 Block 2  
Property Zoned R-60

Village of Martin's Additions Council,

The property owners at 7200 Summit Avenue, Amy and Andrew Herman, engaged my services as the Architect to design additions to their home as listed below. After also engaging a civil engineer to establish the building restriction lines, it became apparent that there exists an exceptional condition regarding the established building line on the property.

As you will see on the site plan, the EBL is located within the building itself -- running through the house -- not at the building perimeter or outside the building perimeter. In researching this issue, I was able to confirm that there was a building permit issued for the construction of the existing house in 2001.

It is my understanding that at the time, the Village of Martin's Additions Ordinance did not include regulations for Residential Building Standards (they came into effect in 2009). Thus, the house needed to only comply with the Montgomery County Zoning Regulations. It is also my understanding that the EBL as defined by Montgomery County in 2001 would have been located approximately in the same place as the EBL as defined by the current Residential Building Standards included in the Village of Martin's Additions Ordinance. Given this information and the location of the home on the property, the EBL must not have been a consideration by the county during the zoning review of this property. In fact, the building permit may have been granted in error.

As a result of these findings, on November 18, 2019 we had a meeting with Doug Lohmeyer and the former Village manager to discuss the exceptional condition on the property. At that time, we discussed the proposed additions and how to proceed in obtaining approval from the Village of Martin's Additions. While it would seem the proposed additions should be granted approval by right in terms of the building setbacks, Mr. Lohmeyer advised us to submit for a variance given the exceptional condition of the established building line.

The same applies to lot coverage. It is our understanding that the building regulations of the Village of Martin's Additions Ordinance do not exclude bay windows and porches from lot coverage calculations as Montgomery does; however it would seem the proposed additions should be granted approval by right in regards to lot coverage based on the lot coverage

calculations granted by the Montgomery County zoning regulations that applied to the house when the building permit was issued.

The variance the Hermans are requesting meets the requirement of a “peculiar practical difficulty” as defined by the Village of Martin’s Additions Ordinance Residential Building Standards. They relied on the footprint of the house and fairly assumed the EBL would be at or outside the house perimeter. Their request is reasonably necessary to overcome the exceptional condition. They are asking for encroachments into the building setback that should otherwise be granted without the unusual EBL condition.

It is worth noting that Montgomery County’s current EBL definition is less restrictive than the EBL as defined in the Village of Martin’s Additions Ordinance Residential Building Standards. The EBL would be located at the face of the existing home. Further, Montgomery County does not apply the EBL to additions or alterations to an existing home. The Hermans’ proposed additions would not require a variance for the building setback under Montgomery County’s Zoning Ordinance.

The proposed additions are enhancements to the house that would not impact the use or enjoyment of the neighboring properties. In fact, the Hermans have shared information about their variance request, including architectural plans, with their neighbors and each has responded with their full approval.

Please find attached the required variance application and plans, along with supporting information below. We thank you for your time and careful consideration of Amy and Andrew’s request. I look forward to joining Amy and Andrew, along with Meridian Homes CEO Michael Lerner, in presenting the proposal and answering your questions.

Sincerely,  
Geri Yantis  
Architect

#### **Variance Request Description**

### Bay Window

Part 1A - Allow for a 3'x10' cantilevered bay window on the front of the house to encroach 4.9-feet into the EBL along Summit Avenue and to not be included in the building coverage area.

Part 1B - Allow for a 3'x10' cantilevered bay window on the front of the house to encroach 11.8-feet into the EBL along Taylor Street and to not be included in the building coverage area.

### Front Foyer Extension

Part 2A- Allow for a 1-foot enclosed extension to the front foyer of the house that will encroach .8-feet into the EBL along Summit Avenue.

Part 2B - Allow for a 1-foot enclosed extension to the front foyer of the house that will encroach .3-feet into the EBL along Taylor Street.

### Front Porch and Steps

Part 3 - Allow an extension of the existing front porch and steps 3.8-feet beyond the allowed 9-foot maximum projection into the EBL along Summit Avenue and to not be included into the building coverage area.

Please note the extension of the existing front porch and steps do not encroach more than the allowed 9-foot maximum projection into the EBL along Taylor Street. Thus, a variance for this setback is not needed.

### Unenclosed Covered Porch

Part 4 - Allow for a covered unenclosed porch projecting not more than 9-feet into the rear yard building setback to exceed the total building coverage maximum by 187 square feet (maximum). This amount may be reduced depending on the outcome of the variances requested herein. Please see Building Coverage Table under section Part 4 below which reflects the various outcomes.

## **Bay Window**

### Part 1A - Bay Window

Generally the variance requested should be allowed by right, but because of the exceptional condition of the Established Building Line (EBL) there is question on whether the request above is allowed.

### Montgomery County Zoning Regulations (MCZR)

- The front yard building setback line per section 4.4.9.B is 25' minimum (see attached site plan)
- The established building line per section 4.4.1.A.1 does not apply to an alteration or addition to an existing building
- The Lot Coverage per section 4.4.9.B is 35% maximum
- The adjustment for Lot Coverage per section 4.4.1.B.2 is not applicable for an addition which is less than 50% of the floor area of the detached house per section 4.4.1.B.1. Thus the Lot Coverage would remain at 35% and not be reduced.
- A Bay Window 10 feet in width per section 4.1.7.B.5.a.(viii) may project a maximum of 3 feet into a front setback.

- A Bay Window 10 feet in width and 3 feet in depth per section 4.1.7.B.4.a.(ii) is not included in the Lot Coverage.

#### Village of Martin's Additions (VMA) Zoning Regulations

- The front yard building setback line per section 7-402(e)(1) is 25' minimum (see attached site plan).
- The front yard building setback is also limited by the Established Building Line per section 7-402(e)(1). The EBL as calculated per the site plan establishes a 42.9 foot front yard setback on Taylor Street and a 30.3 foot front yard setback on Summit Avenue. The exceptional condition of this EBL can be seen on the site plan. There is a significant portion of the existing house that is encroaching on these EBLs. There is not an exception from using the EBL for an addition as Montgomery County allows.
- The Building Coverage per section 7-402(g) is 28.38% as calculated (see attached site plan)
- There is not an exception for the calculation of the Building Coverage for an addition as Montgomery County allows.
- A Bay Window 10 feet in width per section 7-402(e)(5)(i) may project a maximum of 2.5 feet into a front setback.
- A Bay Window is included in the Building Coverage per section 7-101(c)

The proposed Bay Window, as shown on the site plan, would be allowed if the standard building setback line is used. If the EBL is applied as required by VMA, then the Bay Window would not be allowed since this part of the existing house as well as the proposed Bay Window completely encroaches on the EBL.

It is hereby requested that the Bay Window be allowed given the exceptional condition of the EBL. This home when originally constructed was not restricted by the EBL, thus the Bay Window should not have to adhere to this restriction. Any home originally constructed meeting the requirements of the zoning regulations would be allowed to add a Bay Window since it meets the allowed projection requirements of the zoning regulations. It is further requested to allow the size of the Bay Window to project 3 feet per the MCZR and/or since the Bay Window does not encroach on the 25 foot building setback line. It is further requested to allow the Bay Window to not count against the building coverage(lot coverage) per the MCZR exceptions for a Bay Window or for an addition.

#### Part 1B - Bay Window

Generally the variance requested should be allowed by right, but because of the exceptional condition of the Established Building Line (EBL) there is question on whether the request above is allowed.

#### Montgomery County Zoning Regulations (MCZR)

- The front yard building setback line per section 4.4.9.B is 25' minimum (see attached site plan).
- The established building line per section 4.4.1.A.1 does not apply to an alteration or addition to an existing building
- The Lot Coverage per section 4.4.9.B is 35% maximum
- The adjustment for Lot Coverage per section 4.4.1.B.2 is not applicable for an addition which is less than 50% of the floor area of the detached house per section 4.4.1.B.1. Thus the Lot Coverage would remain at 35% and not be reduced.
- A Bay Window 10 feet in width per section 4.1.7.B.5.a.(viii) may project a maximum of 3 feet into a front setback.

- A Bay Window 10 feet in width and 3 feet in depth per section 4.1.7.B.4.a.(ii) is not included in the Lot Coverage.

#### Village of Martin's Additions (VMA) Zoning Regulations

- The front yard building setback line per section 7-402(e)(1) is 25' minimum (see attached site plan).
- The front yard building setback is also limited by the Established Building Line per section 7-402(e)(1). The EBL as calculated per the site plan establishes a 42.9 foot front yard setback on Taylor Street and a 30.3 foot front yard setback on Summit Avenue. The exceptional condition of this EBL can be seen on the site plan. There is a significant portion of the existing house that is encroaching on these EBLs. There is not an exception from using the EBL for an addition as Montgomery County allows.
- The Building Coverage per section 7-402(g) is 28.38% as calculated (see attached site plan)
- There is not an exception for the calculation of the Building Coverage for an addition as Montgomery County allows.
- A Bay Window 10 feet in width per section 7-402(e)(5)(i) may project a maximum of 2.5 feet into a front setback.
- A Bay Window is included in the Building Coverage per section 7-101(c)

The proposed Bay Window, as shown on the site plan, would be allowed if the standard building setback line is used. If the EBL is applied as required by VMA, then the Bay Window would not be allowed since this part of the existing house as well as the proposed Bay Window completely encroaches on the EBL.

It is hereby requested that the Bay Window be allowed given the exceptional condition of the EBL. This home when originally constructed was not restricted by the EBL, thus the Bay Window should not have to adhere to this restriction. Any home originally constructed meeting the requirements of the zoning regulations would be allowed to add a Bay Window since it meets the allowed projection requirements of the zoning regulations. It is further requested to allow the size of the Bay Window to project 3 feet per the MCZR and/or since the bay window does not encroach on the 25 foot building setback line. It is further requested to allow the Bay Window to not count against the building coverage(lot coverage) per the MCZR exceptions for a Bay Window or for an addition.

### **Foyer Extension**

#### Part 2A – Foyer Extension

Generally the variance requested should be allowed by right, but because of the exceptional condition of the Established Building Line (EBL) there is question on whether the request above is allowed.

#### Montgomery County Zoning Regulations (MCZR)

- The front yard building setback line per section 4.4.9.B is 25' minimum (see attached site plan).
- The established building line per section 4.4.1.A.1 does not apply to an alteration or addition to an existing building
- The Lot Coverage per section 4.4.9.B is 35% maximum
- The adjustment for Lot Coverage per section 4.4.1.B.2 is not applicable for an addition which is less than 50% of the floor area of the detached house per section 4.4.1.B.1. Thus the Lot Coverage would remain at 35% and not be reduced.

#### Village of Martin's Additions (VMA) Zoning Regulations

- The front yard building setback line per section 7-402(e)(1) is 25' minimum (see attached site plan).
- The front yard building setback is also limited by the Established Building Line (EBL) per section 7-402(e)(1). The EBL as calculated per the site plan establishes a 42.9 foot front yard setback on Taylor Street and a 30.3 foot front yard setback on Summit Avenue. The exceptional condition of this EBL can be seen on the site plan. There is a significant portion of the existing house that is encroaching on these EBLs. There is not an exception from using the EBL for an addition as Montgomery County allows.
- The Building Coverage per section 7-402(g) is 28.38% as calculated (see attached site plan)
- There is not an exception for the calculation of the Building Coverage for an addition as Montgomery County allows.

The proposed Foyer Extension, as shown on the site plan, would be allowed if the standard building setback line is used. If the EBL is applied as required by VMA, then the Foyer Extension would not be allowed since the Foyer Extension encroaches on the EBL.

It is hereby requested that the Foyer extension be allowed given the exceptional condition of the EBL. This home when originally constructed was not restricted by the EBL, thus the Foyer Extension should not have to adhere to this restriction. Any home originally constructed meeting the requirements of the zoning regulations would be allowed to extend the Foyer since the extension does not extend further than the existing building adjacent to the extension. The Foyer Extension does not change the existing building coverage since there is a second floor overhang above this area that is already included in the building coverage.

#### Part 2B – Foyer Extension

Generally the variance requested should be allowed by right, but because of the exceptional condition of the Established Building Line (EBL) there is question on whether the request above is allowed.

#### Montgomery County Zoning Regulations (MCZR)

- The front yard building setback line per section 4.4.9.B is 25' minimum (see attached site plan).
- The established building line per section 4.4.1.A.1 does not apply to an alteration or addition to an existing building
- The Lot Coverage per section 4.4.9.B is 35% maximum
- The adjustment for Lot Coverage per section 4.4.1.B.2 is not applicable for an addition which is less than 50% of the floor area of the detached house per section 4.4.1.B.1. Thus the Lot Coverage would remain at 35% and not be reduced.

#### Village of Martin's Additions (VMA) Zoning Regulations

- The front yard building setback line per section 7-402(e)(1) is 25' minimum (see attached site plan).

The front yard building setback is also limited by the Established Building Line (EBL) per section 7-402(e)(1). The EBL as calculated per the site plan establishes a 42.9 foot front yard setback on Taylor Street and a 30.3 foot front yard setback on Summit Avenue. The exceptional condition of this EBL can be seen on the site plan. There is a significant portion of the existing house that is encroaching on these EBLs.

- There is not an exception from using the EBL for an addition as Montgomery County allows.
- The Building Coverage per section 7-402(g) is 28.38% as calculated (see attached site plan)
- There is not an exception for the calculation of the Building Coverage for an addition as Montgomery County allows.

The proposed Foyer Extension, as shown on the site plan, would be allowed if the standard building setback line is used. If the EBL is applied as required by VMA, then the Foyer Extension would not be allowed since the Foyer Extension encroaches on the EBL.

It is hereby requested that the Foyer extension be allowed given the exceptional condition of the EBL. This home when originally constructed was not restricted by the EBL, thus the Foyer Extension should not have to adhere to this restriction. Any home originally constructed meeting the requirements of the zoning regulations would be allowed to extend the Foyer since the extension does not extend further than the existing building adjacent to the extension. The Foyer Extension does not change the existing building coverage since there is a second floor overhang above this area that is already included in the building coverage..

## **Front Porch Extension & Steps**

### **Part 3A – Front Porch Extension & Steps**

Generally the variance requested should be allowed by right, but because of the exceptional condition of the Established Building Line (EBL) there is question on whether the request above is allowed.

#### **Montgomery County Zoning Regulations (MCZR)**

- The front yard building setback line per section 4.4.9.B is 25' minimum (see attached site plan).
- The established building line per section 4.4.1.A.1 does not apply to an alteration or addition to an existing building
- The Lot Coverage per section 4.4.9.B is 35% maximum
- The adjustment for Lot Coverage per section 4.4.1.B.2 is not applicable for an addition which is less than 50% of the floor area of the detached house per section 4.4.1.B.1. Thus the Lot Coverage would remain at 35% and not be reduced.
- An unenclosed roofed porch per section 4.1.7.B.5.a.(i) may project a maximum of 9 feet into a front setback.

#### **Village of Martin's Additions (VMA) Zoning Regulations**

- The front yard building setback line per section 7-402(e)(1) is 25' minimum (see attached site plan).  
The front yard building setback is also limited by the Established Building Line per section 7-402(e)(1). The EBL as calculated per the site plan establishes a 42.9 foot front yard setback on Taylor Street and a 30.3 foot front yard setback on Summit Avenue. The exceptional condition of this EBL can be seen on the site plan. There is a significant portion of the existing house that is encroaching on these EBLs.
- There is not an exception from using the EBL for an addition as Montgomery County allows.
- The Building Coverage per section 7-402(g) is 28.38% as calculated (see attached site plan)

- There is not an exception for the calculation of the Building Coverage for an addition as Montgomery County allows.
- An unenclosed porch per section 7-402(e)(5)(ii) may project a maximum of 9 feet into a front setback.

There is an existing front porch and steps. The proposed Front Porch Extension & Steps, as shown on the site plan, would be allowed if the standard building setback line is used. If the EBL is applied as required by VMA, then the Front Porch Extension & Steps would not be allowed since the Front Porch Extension & Steps encroach on the EBL by more than 9'.

It is hereby requested that the Front Porch Extension & Steps be allowed given the exceptional condition of the EBL. This home when originally constructed was not restricted by the EBL, thus the Front Porch Extension & Steps should not have to adhere to this restriction. Any home originally constructed meeting the requirements of the zoning regulations would be allowed to have a porch extending into the front setback a maximum 9 feet since it meets the allowed projection requirements of the zoning regulations. It is further requested to allow the Front Porch Extension & Steps to not count against the building coverage per the MCZR exceptions for an addition.

Please note the extension of the existing front porch and steps do not encroach more than the allowed 9-foot maximum projection into the EBL along Taylor Street. Thus, a variance for this setback is not needed.

### **Unenclosed Rear Covered Porch**

#### **Part 4 – Unenclosed Rear Covered Porch**

Generally the variance requested should be allowed by right, if the Rear Covered Porch is unenclosed.

#### **Montgomery County Zoning Regulations (MCZR)**

- The rear yard building setback line per section 4.4.9.B is 20' minimum (see attached site plan).
- The Lot Coverage per section 4.4.9.B is 35% maximum
- The adjustment for Lot Coverage per section 4.4.1.B.2 is not applicable for an addition which is less than 50% of the floor area of the detached house per section 4.4.1.B.1. Thus the Lot Coverage would remain at 35% and not be reduced.
- An unenclosed roofed porch per section 4.1.7.B.5.a.(i) may project a maximum of 9 feet into a rear setback.

#### **Village of Martin's Additions (VMA) Zoning Regulations**

- The rear yard building setback line per section 7-402(e)(1) is 20' minimum (see attached site plan).
- The Building Coverage per section 7-402(g) is 28.38% as calculated (see attached site plan)
- There is not an exception for the calculation of the Building Coverage for an addition as Montgomery County allows.
- An unenclosed porch per section 7-402(e)(5)(ii) may project a maximum of 9 feet into a rear setback.

The proposed Rear Covered Porch, as shown on the site plan, would be allowed since it does not encroach on the rear setback line by more than 9 feet. However, the Rear Covered Porch would exceed the maximum building coverage (lot coverage).

It is hereby requested that the Rear Covered Porch be allowed to be built without it being counted against the building coverage per the MCZR exceptions for an addition or allow up to a total of 187 square feet to exceed the total maximum building coverage. This amount may be reduced depending on the outcome of the variances requested herein. Please see the Building Coverage Table below which reflects the various outcomes.

### **Building Coverage Table**

#### **Existing Building Coverage**

House= 1,903  
Fireplace (rear)= 7  
Angled bay(rear)= 11  
Bay (rear)= 22  
2nd floor overhang= 14  
Front porch= 36(excludes the 2nd floor overhang)  
Front porch steps= 18

Total Existing Building Coverage = 2011

#### **Proposed Additions**

Front Bay Window= 28  
Front Foyer Extension= 7 (exclude this in the calcs because of the 2nd floor overhang)  
Front Porch Extension= 84 (excludes the 2nd floor overhang)  
Front Steps= 22  
Rear Porch= 259

Total Proposed Additions = 393

Total existing= 2011  
Existing to be removed (existing front porch and steps)= 54  
Existing to remain= 1957  
Additions Proposed= 393  
Total New Building Coverage= 2350 sf

Total coverage allowed= 2163

Total coverage exceeding maximum (all additions included)= 187

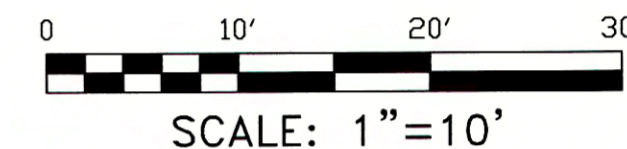
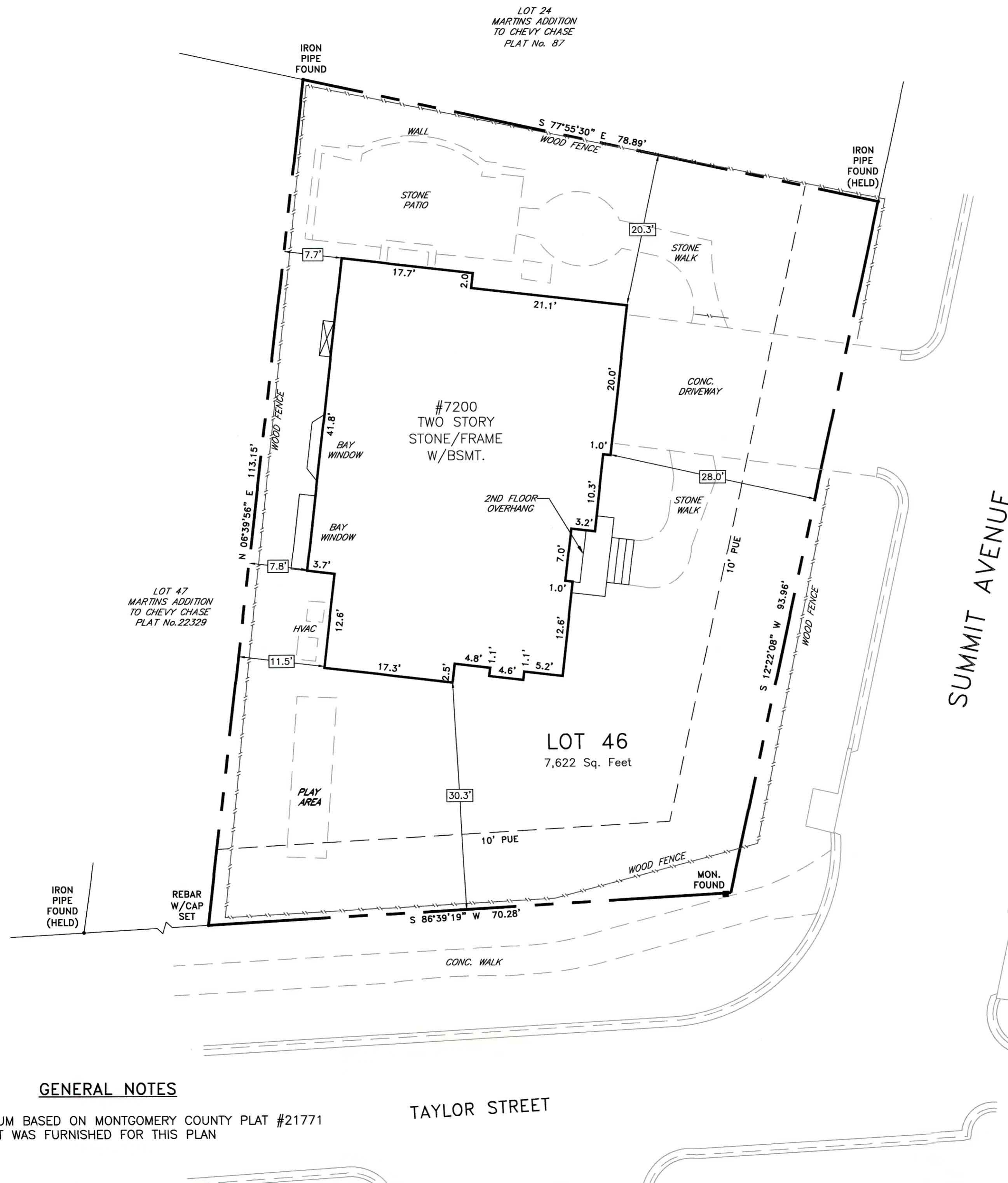
Total coverage exceeding maximum (if Bay Window is excluded)= 159

Total coverage exceeding maximum (if Front Porch Extension & Steps are excluded)= 81

Total coverage exceeding maximum (if Bay Window  
and Front Porch Extension & Steps are excluded)= 53

Note: All values above represent square footage





#### SURVEYOR'S CERTIFICATION

I HEREBY CERTIFY THAT THE INFORMATION SHOWN HEREON IS BASED ON ACTUAL FIELD MEASUREMENTS AND WAS OBTAINED BY ME OR OTHERS UNDER MY SUPERVISION IN ACCORDANCE WITH COMAR 09-13-06 AND THAT THE INFORMATION IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

*David P. Mowatt*  
DAVID P. MOWATT  
MARYLAND PROFESSIONAL LAND SURVEYOR #21136  
EXPIRES 06-20-20

#### REVISIONS

DATE: \_\_\_\_\_  
DATE: \_\_\_\_\_  
DATE: \_\_\_\_\_

THIS PLAN PREPARED FOR:  
ANDREW AND AMY HERMAN  
7200 SUMMIT AVENUE  
CHEVY CHASE, MD 20815  
301-802-1828  
HERMANANDREW.M@GMAIL.COM

JOB No. 17-017  
DATE: 05-22-20  
DRAWN BY: SAG  
SHEET: 1 of 1

#### BOUNDARY SURVEY

7200 SUMMIT AVENUE  
MARTINS ADDITION  
LOT 46, BLOCK 2  
PLAT No. 21771  
MONTGOMERY COUNTY, MARYLAND

POTOMAC VALLEY

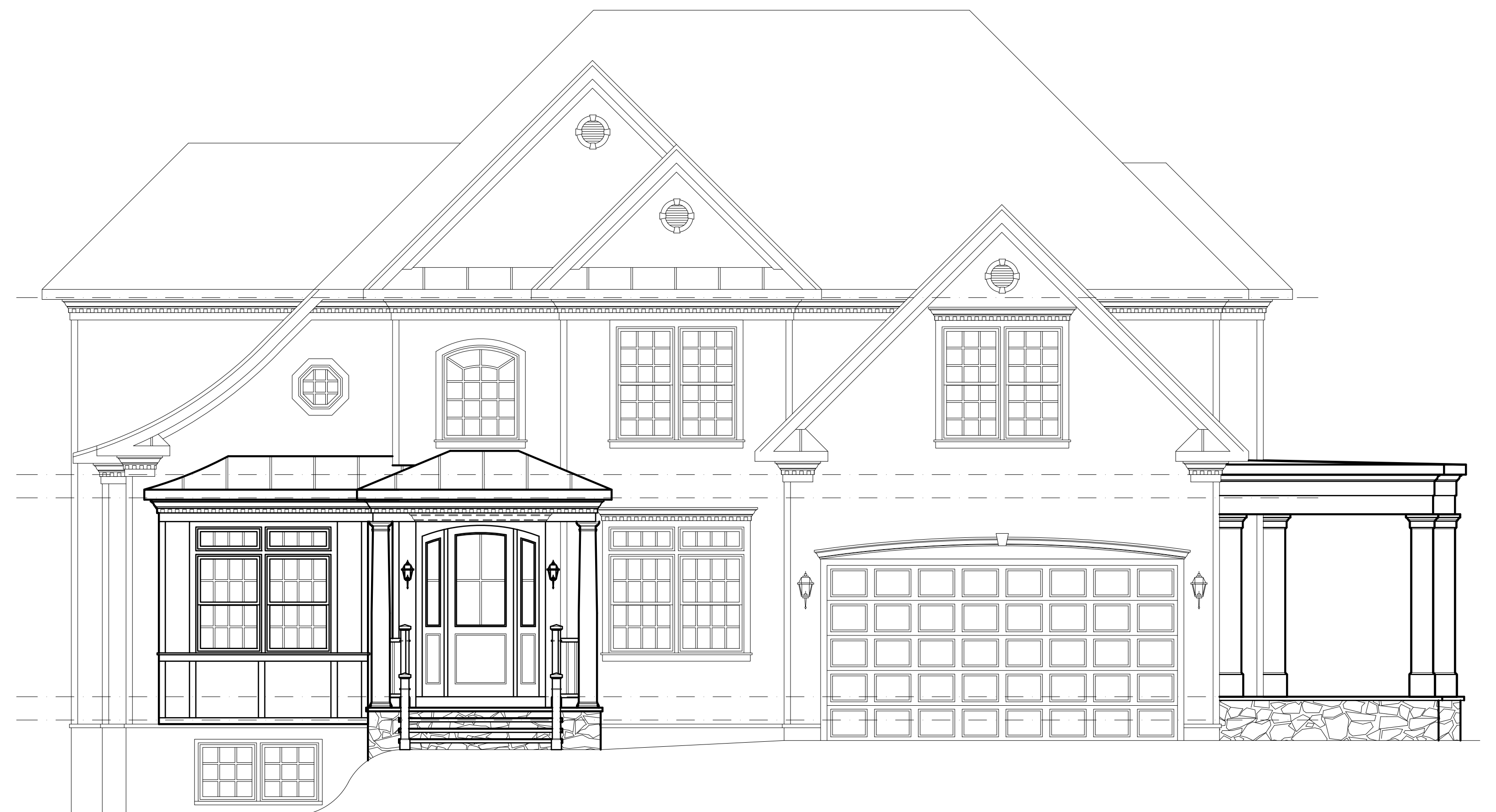
**SURVEYS**  
20010 FISHER AVENUE, SUITE F  
POOLESVILLE, MARYLAND  
1-888-349-5090

#### GENERAL NOTES

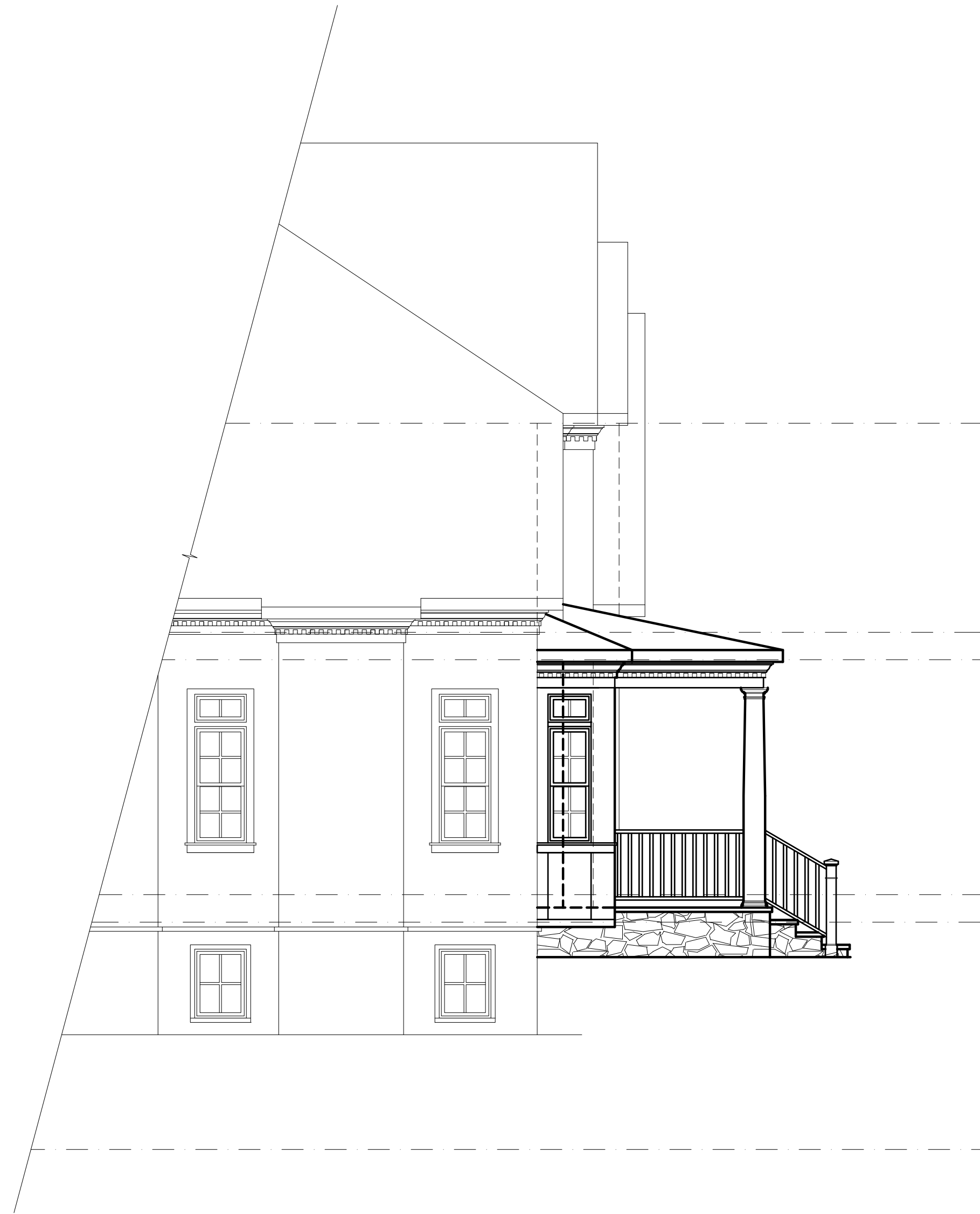
- SURVEY:
- HORIZONTAL DATUM BASED ON MONTGOMERY COUNTY PLAT #21771
  - NO TITLE REPORT WAS FURNISHED FOR THIS PLAN



Proposed Front Elevation



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Proposed Left Side Elevation

1 / 4 " = 1 ' 0"



Proposed Right Side Elevation

1 / 4 " = 1 ' 0"



SUTTON  
YANTIS  
ASSOCIATES  
ARCHITECTS

WWW.SYAA.COM 8300 BOONE BLVD. TEL 703.734.0733  
VIRDIE, VA 22182 FAX 703.847.9171

7200 SUMMIT AVENUE, CHEVY CHASE, MD  
HERMAN RESIDENCE

Project Number: 19060

Date/ Architect:	
PP 2/28/20 EM	
PP 3/6/20 EM	
PP 5/21/20 RH	

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**Subject:** FW: Following Up: Herman renovations

**Date:** Sunday, April 12, 2020 at 2:25:40 PM Eastern Daylight Time

**From:** Amy Herman

**To:** Amy Herman

Maggie and Brad Noojin  
7203 Summit Avenue

---

**From:** Maggie Noojin <hillmb@gmail.com>

**Date:** Thursday, April 9, 2020 at 2:52 PM

**To:** "amysapersteinherman@gmail.com" <amysapersteinherman@gmail.com>

**Subject:** Re: Following Up: Herman renovations

Hi Amy,

So sorry for the delay!! I have been meaning to respond.

We are very happy to provide support for your project. It will add curb side appeal and will enhance the look of the neighborhood. You have been great neighbors and your previous work on your home has never impacted us.

We appreciate you sharing your full plans with us and we look forward to seeing the end product!

Let me know if you need anything else from us.

Thanks again for circling back,  
Maggie and Brad

Maggie Noojin, MSW, LICSW  
Licensed Independent Clinical Social Worker  
5039 Connecticut Ave, NW  
Suite 5  
Washington, DC 20008  
202.237.1196  
202.215.6252 business cell  
[hillmb@gmail.com](mailto:hillmb@gmail.com)  
[www.thesibleygroupdc.com](http://www.thesibleygroupdc.com)

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**Subject:** FW: Herman house project

**Date:** Sunday, April 5, 2020 at 11:24:33 AM Eastern Daylight Time

**From:** Amy Herman

**To:** Amy Herman

Carol and Stuart Kerkhof  
3409 Taylor Street

**From:** "carol.kerkhof@ncr.com" <Carol.Kerkhof@ncr.com>

**Date:** Saturday, April 4, 2020 at 12:21 PM

**To:** "amysapersteinherman@gmail.com" <amysapersteinherman@gmail.com>

**Subject:** Re: Herman house project

Hi Amy,

Plans look nice. We have no issues with them.

Carol

[Get Outlook for iOS](#)

**Subject:** FW: Herman renovation plans

**Date:** Sunday, April 5, 2020 at 11:25:32 AM Eastern Daylight Time

**From:** Amy Herman

**To:** Amy Herman

Debbie and Jeremy Brown  
3404 Taylor Street

**From:** "debralbrownaol.com" <debralbrownaol.com>

**Date:** Saturday, April 4, 2020 at 9:52 AM

**To:** "amysapersteinherman@gmail.com" <amysapersteinherman@gmail.com>

**Cc:** "JeremyOBrownaol.com" <JeremyOBrownaol.com>

**Subject:** Re: Herman renovation plans

Hi Amy and Andrew,

Thank you so much for proactively sharing your plans with us. I looked at the drawings that include the bay window in the front, the extended front stoop and the covered side porch. I think the changes really enhance the look of your home. They are tastefully done and very in keeping with the overall look of the house. I think it will add great value to your home - something that benefits all of us. No one likes construction around them but your past projects have always been done with the utmost care to have the least effect on the surrounding neighbors and we have every confidence that a new project would continue to be done in a considerate manner.

We wholeheartedly support your project and look forward to getting a tour, when it's done!!

Debbie and Jeremy Brown

**Subject:** Your renovations

**Date:** Saturday, April 4, 2020 at 2:19:26 PM Eastern Daylight Time

**From:** Sheri Annis

**To:** 'Amy Herman'

Sheri Annis  
3408 Taylor Street

Dear Amy and Andrew,

Thank you for reaching out to let me know your ideas for your home improvements. You have been excellent neighbors since you moved in and I appreciate you giving me a chance to share my thoughts.

The bay window you are considering will only add to the curb appeal of your house. It looks tasteful and in keeping with your house's style. The front stoop extension makes sense and the roof covering will make things much nicer during inclement weather.

Again, the covered porch, which uses your current footprint, will only make your space more useful, without infringing on anyone else.

As your longtime neighbor, I am happy to support your well-considered renovations.

Sincerely,

Sheri Annis

18 year owner/resident of 3408 Taylor Street

202-360-3722

[fourthestatestrategies.com](http://fourthestatestrategies.com)

Virus-free. [www.avast.com](http://www.avast.com)

**Subject:** FW: Herman house project

**Date:** Sunday, April 12, 2020 at 2:04:19 PM Eastern Daylight Time

**From:** Amy Herman

**To:** Amy Herman

*Jennifer Silberman and Josh Bowers  
7205 Summit Avenue*

---

**From:** Josh Bowers <joshbowers365@gmail.com>

**Date:** Sunday, April 12, 2020 at 12:39 PM

**To:** "amysapersteinherman@gmail.com" <amysapersteinherman@gmail.com>

**Cc:** Andrew Herman <hermanandrewm@gmail.com>, Jennifer Silberman  
<jennifersilberman@gmail.com>

**Subject:** Re: Herman house project

I apologize for my delay in responding. I like my new gmail address but I haven't worked out yet how to keep an email where I can see it if I don't immediately respond.

We are fine with your plans to expand your house. Good luck.

Be safe.



## **Village Council**

Tiffany Cissna, *Chair*

Susan Fattig, *Vice Chair*

Arthur Alexander, *Treasurer*

Katya Hill, *Secretary*

Todd Mann *Councilmember*

## **NOTICE OF VARIANCE PUBLIC HEARING**

**Case No. 7-20-01**

**To:** Residents Abutting & Confronting 7200 Summit Ave  
**From:** Niles Anderegg, Village Manager  
**Date:** June 26, 2020  
**Re:** Bay window and Front Porch EBL Variances

A public hearing will be held by the Village Council at the Village Office on **Tuesday, July 16, 2020, at 6:00 pm** to consider the variance request of Amy and Andrew Herman, owners of the referenced property. The variance request is sought to modify the front of the house, facing Summit Avenue, by adding a bay window, an extension of the front foyer, and an extension of the covered front porch.

The hearing will take place by video conference:

### **Join Zoom Meeting Online:**

<https://us02web.zoom.us/j/81480784583?pwd=YnV3WmowY01TU1ViVC9zeDBwcGU1dz09>

**Meeting ID:** 814 8078 4583

**Password:** 269933

### **Join Meeting Dial-In:**

**1 301 715 8592**

**Meeting ID:** 814 8078 4583#

**Password:** 269933

The applicants seek a variance from Section 7-402(e)(1) of the Village Code which says in part “no wall or projection of any main building shall be located closer to any front lot line than the established building line or twenty-five (25) feet, whichever is greater,” as modified by Section 7-402(e)(5), which allows certain projections to encroach certain distances.

Also, the applicants seek a variance from Section 7-402(g) of the Village Code which says in part the “maximum building coverage shall vary by lot size as follows: ... (2) Lot area equal to or greater than 6,000 square feet but less than 16,000 square feet: thirty (30) percent of the lot area, less 0.001 percent for every square foot of lot area exceeding 6,00 square feet.” As applied to the subject property, this provision limits building coverage to 28.38 percent (or 2,163 sf).

The following variances are sought:

- (1). The proposed bay window would project 4.9 feet into the required 30.3-foot front setback from Summit Avenue and 11.8 feet into the required 42.9-foot front setback from Taylor Street. A bay window may project only 2.5 feet into a required setback area. Thus, variances of 2.4 feet and 9.3 feet are needed;
- (2) The proposed addition would project 1 foot into the required 30.3-foot front setback from Summit Avenue and 1 foot into the required 42.9-foot front setback from Taylor Street. An addition may not project into a required setback area. Thus, variances of .8 feet and .3 feet are needed;

(3) The proposed porch would project 12.8 feet into the required 30.3-foot front setback from Summit Avenue. A covered and unenclosed porch may project only 9 feet into a required front setback area. Thus, a variance of 3.8 feet is needed; and  
(4) The proposed changes to the house would increase the overall square footage beyond the maximum building coverage of 2,163 Square Feet (28.38%) to 2,350 Square Feet (30.38%). Thus a variance of 187 Square Feet is needed.

A complete copy of the application and accompanying plans is available for review in the Village Office.

At this hearing, Village residents will have an opportunity to express their views regarding the variance request. If you are unable to attend the hearing but would like additional information or would like to voice support of or objection to the application, please contact this office at 301-656-4112 before the meeting. Written comments may be submitted to the Council via mail, electronic mail, or facsimile transmission, provided such comments are delivered before 5:00 pm on the date of the hearing. Comments received thereafter will not be considered.

Thank you.

Sent to: Taylor Street: 3409, 3404 Summit Ave: 7204, 7203, 7201

CC: Village Council  
Ronald Bolt, Village attorney

7013 Brookville Road, Ste. B, Chevy Chase, Maryland 20815 • 301-656-4112 • Fax 301-656-0030  
manager@martinsadditions.org • www.martinsadditions.org

**The Village of Martin's Additions  
(Sign Ordinance)**

Ordinance No.: 2020-7-1  
Introduced: July 16, 2020  
Adopted:  
Effective Date:

**ORDINANCE TO REGULATE SIGNS  
ON PRIVATE PROPERTY AND THE PUBLIC RIGHTS-OF-WAY**

WHEREAS, Maryland Code, Local Government Article, Sec. 5-202, as amended, authorizes the legislative body of each municipal corporation in the State of Maryland to pass ordinances that such legislative body deems necessary to assure the good government of the municipality, to protect and preserve the municipality's rights, property and privileges, to preserve peace and good order, to secure persons and property from danger and destruction, and to protect the health, comfort, and convenience of the citizens of the municipality;

WHEREAS, Maryland Code, Land Use Article, Section 20-509 grants to the legislative body of incorporated municipalities in the Maryland-Washington Regional District, general power to adopt regulations for the protection of the public health, safety, and welfare; the preservation, improvement, and protection of the lands, water, and improvements in the municipal corporation; and to regulate signs;

WHEREAS, Section 501 of the Charter of the Village of Martin's Additions authorizes the Village Council to pass such ordinances as it may deem necessary for the preservation of the property, rights, and privileges of the Village and its residents;

WHEREAS, the Village of Martin's Additions holds and maintains the streets and highways within its municipal boundaries in trust for the benefit, use, and convenience of the general public;

WHEREAS, after proper notice to the public, the Village Council introduced the following Ordinance in an open meeting conducted on the 16<sup>th</sup> day of July, 2020;

WHEREAS, to comply with Maryland Code, Land Use Article, Section 20-509, on the \_\_\_\_ day of \_\_\_\_\_, 2020, a copy of following Ordinance was submitted to the Montgomery County Council for its comments;

WHEREAS, the Montgomery County Council did not submit any comments;

WHEREAS, after proper notice to the public, the Council considered this Ordinance in public session assembled on the \_\_\_\_ day of \_\_\_\_\_, 2020; and

WHEREAS, the Village Council finds that the foregoing Ordinance would assure the good government of the municipality, protect and preserve the municipality's rights, property, and privileges, preserve peace and good order, secure persons and property from danger and destruction, and protect the health, comfort and convenience of the citizens of the Village of Martin's Additions, and is necessary for the preservation of the property, rights, and privileges of the Village and its residents.

NOW, THEREFORE, the Village Council does hereby adopt the following Ordinance.

BE IT ORDAINED AND ORDERED, this \_\_\_\_ day of\_\_\_\_\_, 2020, by the Village Council, acting under and by virtue of the authority given it by the Maryland Code and the Charter of the Village of Martin's Additions, that the Village Code is hereby amended as follows:

\* \* \*

## **ARTICLE 5 SIGNS**

<b><u>7-501</u></b>	<b><u>Purpose</u></b>
<b><u>7-502</u></b>	<b><u>Prohibited Signs</u></b>
<b><u>7-503</u></b>	<b><u>Permitted Signs</u></b>
<b><u>7-504</u></b>	<b><u>Location of Signs, Generally</u></b>
<b><u>7-505</u></b>	<b><u>Removal of Signs</u></b>

### **Section 7-501. Purpose**

**It is the policy of the Village of Martin's Additions to enhance vehicular and pedestrian safety by limiting visual distractions and physical obstructions and by maintaining clear sight lines for users of the public rights-of-way, and to maintain the continued attractiveness of the Village through the reduction of litter and visual clutter, by providing the following standards for signs displayed within the Village.**

### **Section 7-502. Prohibited Signs**

**(a) No sign shall be erected, placed or maintained in any public right-of-way, except for signs posted by the Village or other governmental authority, or by any utility company in accordance with applicable law or the consent of the Village.**

**(b) No sign other than those permitted in accordance with this Article shall be erected, placed, or maintained within the Village.**

### **Section 7-503. Permitted Signs.**

**(a) Noncommercial signs. Noncommercial signs may be erected, placed, or maintained on private property, subject to the following conditions:**

**(1) No sign shall exceed sixteen (16) square feet per sign face;**

(2) No sign shall be illuminated or contain any embellishment or other attachment which may cause undue distraction to or jeopardize the safety of vehicle operators or pedestrians, as determined by the Village Manager; and

(3) No sign shall be located within two (2) feet, at its closest point, of the nearest public improvement in the public right-of-way.

(b) Real estate signs. Real estate signs may be erected, placed, or maintained on private property to advertise a property's sale, lease, or rent, subject to the following conditions:

(1) There shall not be erected more than one (1) sign per street frontage of any property, and the sign face shall not exceed six (6) square feet;

(2) No sign shall be illuminated or contain any embellishment or other attachment which may cause undue distraction to or jeopardize the safety of vehicle operators or pedestrians, as determined by the Village Manager; and

(3) No sign shall be located within two (2) feet, at its closest point, of the nearest public improvement in the public right-of-way; and

(4) All signs shall be removed immediately upon the sale, lease, or rental of the property.

(c) Temporary event signs. Temporary event signs, displayed for a limited period of time to announce a public, charitable, educational, religious, celebratory, fundraising, or other similar type of event, or to announce a special event, such as a yard, garage, or estate sale, or open house, may be posted on private property. Such signs may be posted up to two (2) days before the event begins and must be removed immediately after the event is over.

**Section 7-504. Location of Signs, Generally.**

No sign shall be erected, placed or maintained in a manner which would interfere with a pedestrian's or vehicle operator's view of vehicular or pedestrian traffic, traffic signs or street signs, or in a manner which would constitute an obstruction to those using the public right-of-way, as determined by the Village Manager.

**Section 7-505. Removal of Signs.**

The Village Manager or the Manager's designee may remove or order the removal of any sign erected, placed, or maintained in violation of this Article.

**(Cross Reference: Chapter 3, Code Violations)**

\* \* \*

SECTION 2. AND BE IT FURTHER ORDAINED AND ORDERED, by the Council of the Village of Martin's Additions, acting under and by virtue of the aforementioned authority, that:

(1) If any part or provision of this ordinance is declared by a court of competent jurisdiction to be invalid, the part or 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 \_\_\_\_\_, 2020 (at least 20 days after adoption).

ATTEST:

THE VILLAGE OF MARTIN'S ADDITIONS

\_\_\_\_\_, Secretary

\_\_\_\_\_, Chair  
Village Council

Underline indicates new material

~~Strikethrough~~ indicates material deleted

\* \* \* indicates material unchanged

TO: The Council at the Village of Martin's Additions

FROM: Doug Lohmeyer

DATE OF MEMO: July 13, 2020

SUBJECT: Building Administrator's Report

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**3506 Bradley Lane.**

Demolition and building permit applications were submitted to the Village office. The staff has initially reviewed the information. Waiting for MCDPS approval. The resident's information meeting was held on Wed. June 17th.

**3525 Bradley Lane**

A Village building permit has been issued for a new deck at the left rear of the existing house. The work is proceeding.

**7204 Chestnut St.**

The Village building permit was extended to July 3, 2020. The construction has been completed and the County has closed their building permit. The staff is in the process of closing the Village building permit and refunding the applicant's performance bond.

**7210 Chestnut St.**

The Village issued their building permit on Oct. 11, 2018. The County has closed their building permit but their sediment control permit is still open. Once they close that permit, we will do a final inspection and if everything is acceptable, the Village Building Permit can be closed.

**7200 Delfield St.**

The property owners (a partnership) has applied for a Village demolition and building permit for a new house. The MCDPS is reviewing their application. The Village staff has completed the initial review of the application and submitted their comments of the applicant. A resident information meeting has not been scheduled.

### **163 Quincy St.**

The homeowner is proposing to add additional parking along the side of the existing driveway. The parking area will be different material than the driveway and the preliminary non-vegetative analysis indicates the non-vegetative area will not exceed 30% of the front yard. They have not filed for a Village permit.

### **3515 Raymond St.**

The applicant has submitted plans to remove the existing house and to construct a new house. The County is reviewing their plans. The Village staff has been in contact with the applicant and the architect with Village comments, including the requirement for the “Wall Plane Length”.

### **7200 Summit Ave.**

On April 28, 2020, the homeowners submitted a Variance Application for the front and rear setbacks in order to construct a new porch and bay window at the front of the existing house and an addition on the north (right) side of the house. The staff has reviewed the application and submitted comments to the owner and the architect. The applicant has revised the original variance application. The Variance hearing is scheduled for Thursday, July 16, 2020.

### **3412 Taylor St.**

The Village original building permit was issued on Feb. 4, 2019 and extended. The house construction has completed. The MCDPS building permit and sediment control permit has been finalized. The Village is waiting for a couple of minor repairs to the Village right of way, before the Village close their permit. The contractor has been notified of these needed repairs.

### **3407 Thornapple St.**

The Village issued their building permit on May 30, 2019. Work is continuing on the new house construction. The applicant has submitted a “Wall Check”, which indicated the new house is in conformance with the approved site plan and the Village Code. On May 29<sup>th</sup>, the building permit was extended and work is proceeding. The Applicant is proposing to revised the detached garage at the rear of the lot. They have been advised that they will

need to obtain a revised permit from MCDPS and to amend the existing Village building permit to show that revision. They have not filed the revised application with the Village.

### **Miscellaneous Items**

The staff is presently working with the following properties:

1. The MSHA has responded to the Village's letter regarding water ponding at the Village street intersections along Brookville Rd. They plan on making improvements to the intersections at Bradley, Quincy, and Cummings this summer. An email was recently sent to MSHA requesting a status report on their improvements.
2. The staff has spoken to several homeowners about proposed improvements to their property.

**Village of Martin's Additions**  
**Financial Report for June 2020**  
**Arthur Alexander, Treasurer**  
**July 16, 2020**

	<u>Actual</u>	<u>Budgeted</u>
Revenues	\$ 968,341	852,300
Expenses (excluding capital projects)	751,488	823,050
Net Income (revenues minus expenses)	216,853	29,250
Capital investment expenses	\$ 10,865	
Investment reserves (less expenditures)	1,489,135	
Emergency reserves	1,000,000	

Current assets less designated reserves: \$ 474,976

In the current month, July 2020, we plan to transfer \$50,000 from the Village's savings account in the Maryland Local Government Investment Pool (MLGIP) to the checking account to cover projected expenses.

The revenues and expenses reported above are for the entire 2020 fiscal year. A few additional transactions will trickle in and our annual audit will present the final amounts. However, these figures are close to the final. Actual income was 16% above projections when we first compiled a budget 15 months ago; expenditures in total were about 9% less. As a result, we are adding to our reserves, which are likely to come in handy in the uncertainties of the coming year.

A new item in this report is a statement regarding the planned shift of funds from the savings account. In the past, such transfers were made on an ad-hoc basis as dictated by the check-writing process. On the advice of our new accountants, we are regularizing this process, maintaining roughly 1½ times our average monthly transactions in cash, and bringing transfers to the attention of the council. Also, on the subject of accounting, much of the routine bookkeeping process is now being performed in-house by the manager; as a consequence, accounting costs for the coming year will be reduced by approximately \$20,000, or two-thirds, from last year.

From: Niles Anderegg, Village Manager  
To: Village Council  
Subject: Village Office Update  
Date: 7/14/2020

### **Walkability Survey**

The Village Office would like to thank everyone who responded to the Walkability Survey. The survey garnered 192 responses, which is one of, if not the highest, response rates to a Village survey in the Village's history. The Office is working on compiling the results for the Walkability Committee to review and discuss at their next meeting in August.

### **Village Directory**

The Village Office is completing its work on updating the Village Directory for 2020. In the coming days a survey will be sent to residents asking them whether they want the email the Office has on file for them to be listed in the Directory. We anticipate sending out the new Directory by the end of July/early August.

### **Cybersecurity**

The Village is implementing updates to its cybersecurity infrastructure this week. The Village will also be creating new email addresses for the Village Council and for those Village committees that don't already have one. These email addresses will be housed on Village servers and will have the @martinsaddition.org domain. These email addresses will not only help with our cybersecurity but also with our records retention policies.

### **GIS Update**

Wallace Montgomery, the Village's GIS contractor, is finishing up requests for changes to the GIS data. Staff should have another version of the data to review very soon as we try to finalize this project.

### **Management Assistant Search**

The Management Assistant search has gone well so far. We received over 20 applications and have already conducted 6 first-round interviews. The Office plans to conduct second-round interviews later this week or early next week with the remaining candidates, as well as asking for writing samples from the candidates.

### **Streetlights**

Last November the Village Council approved a new street light near 3401 Thornapple Street. The Village Office is finalizing the details with Pepco to have the new street light installed soon.