

Village of Martin's Additions
7013 Brookville Road, Suite B, Chevy Chase, MD 20815
Council Variance Hearing Minutes
July 16, 2020
VIA ZOOM CONFERENCE CALL

Council Members Present: Susan Fattig; Arthur Alexander; Katya Hill; Todd Mann; Jeffrey Blander **Village Manager:** Niles Anderegg; **Building Administrator:** Doug Lohmeyer; **Village Attorney:** Ron Bolt; **Applicant(s) and Applicant's Representatives:** Amy and Andrew Herman (7200 Summit Ave); Michael Sanders (Builder); Geri Yantis (architect); **Other Residents:** Maggie and Brad Noojin (7203 Summit Avenue); Debbie and Jeremy Brown (3404 Taylor Street); Sheri Annis (3408 Taylor Street); Jonathan Saperstein (7209 Chestnut Street); and John Tschiderer (7201 Summit Avenue)

6:00 PM Call to Order and Opening Remarks: Fattig

Acting Council Chair Fattig called the meeting to order and asked Village Manager Anderegg to take roll of who was in attendance. Amy Herman introduced the architect and builder as well as the neighbors attending the hearing.

6:00 PM Explanation of Procedure: Ron Bolt

Attorney Bolt briefly described the process the hearing would take.

6:05 PM Presentation of Staff Report: Doug Lohmeyer

Doug Lohmeyer summarized his report (full report in addendum). The proposed additions to the property resulted in requests for four variances. Three of the four variances relate to encroachment of the established building line. Mr. Lohmeyer explained that, as a corner lot, the established building line is on both Taylor St and Summit Ave. The fourth variance is because the proposed additions would violate the maximum lot coverage for this property.

6:15 PM Applicant Presentation of Variance Request: Hermans

The Herman's explained that the intent behind the additions to their house is to enhance the character of the house and the neighborhood. They view these additions as modest and the variances as necessitated by the unique situation of an existing building line that actually cuts through the existing house. Geri Yantis, the applicant's architect, provided more details about the nature of the additions and the unusual circumstances in terms of Village code as compared to the County code.

6:25 PM Opportunity for Council to Ask Questions of the Applicant

Arthur Alexander stated that the comparison in the applicant's submission between the Montgomery County code and the Village code is because the Village code was intended to be stricter than the County code. The discrepancy resulted from an intentional decision, not an oversight. He also mentioned that issues related to the established building line provisions of the Village code have led to 2/3 of the variance applications made to the Village Council. Arthur said that his main concern about these requests is with the lot coverage variance rather than those related to the established building line, which he believes needs some review. Susan Fattig asked

if there was any way to reduce the amount of footage by which the plans would exceed the maximum lot coverage limits. Andrew Herman stated that they could reduce the size of the porch on the north side of the property by about 100 sq ft. Geri Yantis explained that the comparison with Montgomery County was intended to show how the County has made certain changes recently regarding some of the issues that were brought up by this variance.

6:35 PM Opportunity for Residents to Ask Questions of the Applicant*

There were none.

6:35 PM Opportunity for Resident Comments (in support or opposition of the variance) *

Several residents supplied comments in support of the applicant. Brad Noojin (7203 Summit Ave) said that he and his wife are very supportive of the Hermans as neighbors and supportive of these plans. John Tschiderer (7201 Summit Ave) stated that he believed that the proposed additions to the house fit with the current home and its location on the corner lot and he did not believe that the Hermans should have to give up the 10X10 portion of the porch as he thought that was a fairly minor issue. Jeremy Brown (3404 Taylor Street) mentioned that the Hermans have been very good neighbors for the past 15 years, that the additions that they are planning are great and that the variances should be approved as requested. Debbie Brown (3404 Taylor Street) added that she believes the additions will enhance the neighborhood and improve the property value of neighboring houses. Sheri Annis (3408 Taylor Street) believes that this project is aesthetically pleasing and fits with the neighborhood.

6:45 PM Applicant Rebuttal

There was none

6:47 PM Council Deliberation and Vote

Andrew Herman asked whether the Council would deliberate on the proposal as is or if the Council could also consider an option that included removing the 10 X10 part of the porch. Ron Bolt, Village Attorney, explained that the Council could deliberate on either option. Amy Herman explained that the applicant's preference is for the approval of the plan as submitted (option A) but if the Council wished to remove the 10 X10 part of the porch, that would be acceptable to the applicant as well (option B).

The Council discussed whether to approve the variances as submitted or approve the variance without the 10 X10 addition to the porch. Arthur stated that, in his view, the additions were minimal and came from the unusual circumstances of how the established building line relate to this property. He also stated that the support of the neighbors for this project let him to support granting the variances as submitted. Katya also expressed the opinion that the changes were minimal and that it was great to see the support of the neighbors. She stated that she was definitely in support of option B but was less certain if she was supportive of the application as submitted. Susan stated that she agreed with Katya's comments and that she understood the applicants' wish to have a porch of this size, but she also appreciated that the applicants were willing to compromise on the lot coverage issue. She also would definitely support option B. Jeff thanked the applicants for the level of detail in their submission and expressed the wish that

more of the development plans in the Village had this kind of detail. He stated that he would support granting the variances as submitted. Todd commented that the extra 100 square feet of the porch was not a big issue to him, and he felt that the Council should either grant variances or not rather than try to amend the variance request. Therefore, he was in favor of the variances as submitted. Todd moved that the Council grant the variances as submitted. Arthur seconded the motion. The motion passed 3 to 2 with Arthur Alexander, Jeffrey Blander, and Todd Mann voting in favor of the motion, and Susan Fattig and Katya Hill voting against the motion. The variance decision will be written to grant the variances as submitted. The variance hearing adjourned at 6:51 PM.

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Council Members Present: Susan Fattig; Arthur Alexander; Jeffrey Blander; Katya Hill; Todd Mann; **Village Manager:** Niles Anderegg; **Building Administrator:** Doug Lohmeyer; **Village Attorney:** Ron Bolt; **Residents and other Attendees:** Marty Langelan (Chestnut Street); Paula Goldberg (Bradley Lane); Lynn Welle (Oxford St); Judy King (Summit Ave); Elissa Bean (Turner Lane); Sally Maran (Turner Lane); Keith Allen (Turner Lane); Tiffany Cissna (Bradley Lane)

7:30 PM Call to Order: Fattig

7:31 PM Officer Election: Fattig

Susan explained that at the first meeting of the new fiscal year, the officers of the Council have to be selected. Arthur nominated Susan Fattig for Council Chair. Katya nominated Todd as Vice Chair, Arthur as Treasurer, herself as Secretary, and Jeff as Member At Large. Todd seconded, all in favor.

7:33 PM Opportunity for Council to hear resident comments: Fattig

No resident comments.

7:34 PM Committee Appointments: Fattig

For the Community Engagement Committee, Susan proposed Sallie Van Tassel (Shepherd Street), Renee Redpath (Quincy Street), and Keith Allen (Turner Lane). For the Election Committee, Susan proposed George McAleese (Melville Place), Josh Bowers (Summit Ave) and Tiffany Cissna (Bradley Lane). For the Ethics Committee, Susan proposed Lorie Mitchell (Cummings Lane), Marc Efron (Raymond Street), and Debbie Roumell (Raymond Street). For Tree Supervisor, Susan proposed Monty Boland (Turner Lane). Katya moved that the proposed names be nominated. Todd seconded, all in favor. Arthur thanked all those who volunteered and said he looked forward to working with them. Susan also thanked past and present volunteers for their contributions and noted that others have informally expressed interest in serving and may be added by a later vote.

7:36 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: Fattig

Susan called upon Village Attorney Ron Bolt to explain Ordinance 2020-7-1. Ron explained that it came to the attention of the prior Council and the Village Manager that the Village does not currently have any regulations with respect to what private signs are allowed on the public right-of-way and abutting private property. Ordinance 2020-7-1 would prohibit private signs within the right-of-way in order to eliminate clutter and reduce distractions for drivers and would regulate private signs on private property by imposing sign restrictions and requiring them to be located at least two feet from the nearest public improvement in the public right-of-way such as sidewalks for the same reasons. The ordinance as proposed is similar to what other towns have done, such as Chevy Chase View. Todd raised the question of whether residents would be free to express anything they wanted on a sign. Ron said that the ordinance would not impose restrictions on sign content, including free speech. Arthur expressed

discomfort with restricting signs on private property for aesthetic reasons or by type of sign, which he views as getting into freedom of speech issues. Ron responded that the intent of the ordinance was not aesthetics but to limit visual clutter, but the ordinance could be revised to limit signs in the right-of-way only and not private property. Ron further clarified that the ordinance restricts commercial signs on private property but excludes temporary events and real estate signs from those restrictions so they would be permitted so long as they followed the size and location requirements for signs. Jeff thanked Ron for the thoughtful work behind the ordinance draft and stressed the importance of ensuring that residents could put up signs that address safety concerns due to traffic or speed of cars or other such concerns. Arthur noted that the part of the ordinance on signs in the right-of-way seemed unobjectionable to him. He urged that the ordinance focus on aspects of signs that might affect safety by impeding pedestrian passage or affecting lines of sight. Ron said that Village code addresses structures and vegetation in the right-of-way but not signage. Susan commented that she felt the ordinance was needed, at least in the right-of-way, and Katya and Todd suggested that further discussion of restrictions on signs on private property as well should take place. Arthur asked for further discussion of what aspects of signs should be prohibited. Susan noted that size was one issue; anything exceeding 16 square feet would add visual clutter and affect the character of the neighborhood. Katya described the ordinance as general guidance and noted that the Council can always make exceptions as needed. Ron agreed that the Village would always have discretion about whether an item required enforcement. Arthur reiterated his concern that the ordinance stays within the bounds of free speech rights. Susan suggested that the 2-day period for temporary event signs should be extended to 7 days and that the provision that signs be immediately removed following an event should be enforced. Katya moved to introduce Ordinance 2020-7-1 to amend Chapter 7 of the Village code to regulate signs on private property and the public right-of-way as amended to extend the 2-day period for temporary event signs to 7 days. Todd seconded; all in favor.

7:57 PM Building Administrator's Report: Lohmeyer

Doug Lohmeyer presented his report (see addendum). Highlights: At 3506 Bradley Lane, the applicant has submitted a demolition and building permit to the Village. The Village is waiting for the County to approve the plans. For 7204 Chestnut Street, the construction has been completed and staff is in the process of closing out the building permit and refunding the applicant's performance bond. At 7200 Delfield Street, the County is reviewing the application. Village staff has completed its review and is waiting for comments back from the applicant. The resident information session has not been scheduled. At 3515 Raymond Street, the County is reviewing the plans for removing the existing building and constructing a new house. The Village staff has submitted comments to the applicant and architect and is still having some discussion over the definition of wall plane lengths. At 3407 Thornapple, the applicant is continuing the project but proposing to revise the plans to eliminate the one car garage and add a detached two car garage. They have been advised that they need to submit plans to the County and then to the Village, and the Village is waiting for that application to come in. In response to the letter written to the State Highway Administration (SHA) last fall, the SHA is planning to come out and make improvements to two intersections, including repaving the intersection at the corner of Quincy and Taylor in order to reduce ponding. This work has not yet been scheduled, and other improvements are on hold, due to the coronavirus.

8:00 PM Financial Matters, including Treasurer's Report: Alexander

Arthur noted that most of the information on revenues and expenditures for FY2020 have been reported but there will still be a few items coming in and will be reflected in the final audit. The revenues for the

year were about 16% higher than planned, and expenditures were approximately 9-10% less. The routine bookkeeping process is now being performed in-house by the manager so accounting costs for the coming year will be reduced by approximately \$20,000 from last year. One new item has been added to the treasurer's report at the suggestion of the new accountants. The accountants recommended that the Village have a regular cash replenishment plan, so it does not run short on funds and that transfers be presented to the Council. In the current month, July 2020, the Village plans 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.

8:04 PM Manager's Report: Anderegg

Niles Anderegg, Village Manager, gave the manager's report (see addendum). He first thanked everyone who responded to the walkability survey. The survey garnered 192 responses. The Office is working on compiling the results of the survey for the Walkability Committee to review at their next meeting in Aug. The Village Office is completing the work on the updated Village directory and residents will receive an email to confirm if they want their email addresses in the directory. The Village is currently implementing the recommendations from the cybersecurity report to improve infrastructure. The Village Council and committees will get new email addresses housed under the Village domain for both cybersecurity and records retention reasons. Committees will be asked to cc the committee email on all communications so that those communications are stored in one place. Council members were asked to indicate their preferences in terms of format for their Council email address. The GIS work is continuing on a new map. The management assistant search is going well, with over 20 applicants. Six candidates were interviewed in the first round. Second round interviews will take place in the next two weeks with a goal of a decision by the end of the month. Last November, the Council approved a new streetlight near 3401 Thornapple Street. The Village Office is finalizing the details with Pepco to have the new street light installed soon. Arthur asked if they were able to get a new streetlight from the manufacturer or if the Village had an extra streetlight to install. Niles responded that he had investigated that possibility but could find no evidence of a streetlight in storage. Pepco confirmed that, according to their records, the streetlight they will install is the same type as those already in that area. Jeff thanked Niles for reporting on the walkability survey and the management assistant search, issues of interest to residents. He also noted that residents would like further opportunities to engage with the Council and proposed that the Council hold a town hall meeting in the fall. He also commented that there is concern about redevelopment of the library site and recommended that the Council provide residents with an opportunity to learn more and comment. Arthur called for more information about the library and suggested that the Council identify an appropriate person to speak at the next Council meeting. The Council directed that the manager gather more information. Arthur expressed support for the idea of a town hall meeting, and Katya suggested tying the town hall meeting with the community survey. Susan also suggested drawing upon local experts in epidemiology for a forum.

8:21 PM Opportunity for Council to hear residents' comments: Fattig

Lynn Welle (Oxford St) asked how the sign ordinance would affect his plan to put a small sign close to the property line to protect a tree from dogs. If the sign were more than 2 feet from the property line, Ron explained that that sign would be permissible. Lynn also commented that residents sometimes put recycling bins out early and do not remove them in a timely way. Niles will remind residents to remove their bins on the day of collection. Lastly, Lynn described Waste Management's handling of the last bulk pick-up as deficient. He noted that they combined some of the bulk pick-up with recycling in one truck, which Lynn sees as failing to live up to the terms of their contract. Lynn asked to view the Waste

Management contract. Niles clarified that the contract does not specify that Waste Management must pick items up in separate trucks, but it does specify that they must deliver items to the appropriate place. Waste Management explained that when they combine different materials in one truck, they take the material to a different disposal facility that does separate out recycling from other material. Lynn asked if Montgomery County would confirm that such a facility exists. Niles said he would check and agreed that he has concerns, as does Waste Management, about the bulk pick-up and problems with Waste Management's communication. Paula Goldberg (Bradley Lane), outgoing Tree Supervisor, reminded residents to water right-of-way trees, especially those with a three-inch diameter, in the absence of rain. She also thanked Paul Wolf, Village Arborist, for his help, and offered her assistance to Monty Boland as he moves into the position of tree supervisor. Arthur, personally and on behalf of the community, thanked Paula for her service. Keith Allen (Turner Lane) reinforced the request for residents to water trees during the current heat wave. He (and others) welcomed Jeff to the Council. Marty Langlan (Chestnut Street) commented on the importance of strengthening the electoral firewall between the election committee and the Council and staff. She asked if her June 29th memo of action items will be given to the new election committee. Susan said that the memo would be shared and that the Council appreciated Marty's past service and especially her willingness to be a resource for the new election committee. Marty asked Todd and Katya to circulate the list of candidate forum questions to other Council members and address them in future Council actions. Katya agreed to circulate it. Jeff mentioned that one of the suggestions was for a COVID victory garden. Elissa Bean (Turner Lane) expressed concerns about the sign ordinance and appreciated Arthur's concerns about regulating speech. She asked why this was coming up now and whether there is an overlap with strong feelings about Black Lives Matter. She also asked why the ordinance was necessary. Susan explained that the Village does not now have any means of exercising control over signs in the right-of-way that contribute to sign culture and become a safety issue. Katya said this is a long-term concern, not just addressing what is going on currently. The Council wants to be consistent and fair no matter what comes up; it is not targeted against any particular action. Elissa responded that she could see why the Council might want to regulate signs in the right-of-way, but she has concerns about regulating signs on private property. Susan said she understood those concerns, and that the Council would be discussing the ordinance further and welcomed additional comments from residents. Lynn added that the collection bins on sidewalks impede the ability of residents to walk through the neighborhood and urged that people need to keep bins and vehicles out of the sidewalks and rights-of-way, so they are kept clear. Tiffany Cissna (Bradley Lane) congratulated the Council and looks forward to serving as an appointed committee member. Elissa thanked all outgoing committee and Council members, especially Marty for her years of service on the election committee.

8:47 PM: Closed Session

While in open session, the Council voted to enter into closed session in accordance with Section 3-305(b)(7) of the Open Meetings Act (Maryland Code, General Provisions Article) to seek legal counsel regarding the 2020 election and 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. Arthur Alexander made the motion; Katya Hill seconded; all voted in favor. Present were all Council members, Mr. Anderegg, and Mr. Bolt. The Council discussed personnel matters. Mr. Bolt provided legal advice regarding SOPs for committees and the Village Ethics Ordinance. No action was taken. The meeting adjourned at 9:10 PM.



VILLAGE OF MARTIN'S ADDITIONS

COUNCIL MEETING APPENDIX

July 16, 2020

Materials included in this appendix were either included in the Council monthly meeting packet distributed before the meeting or submitted to the Council as part of the meeting. All materials appear as submitted.



VILLAGE OF MARTIN'S ADDITIONS

7013 Brookville Road (Second Floor, Suite B)

Chevy Chase, MD 20815-3263

Phone (301) 656-4112

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
- 7:31 PM 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

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 29th 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 29th 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 29th 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

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. <input type="checkbox"/> 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

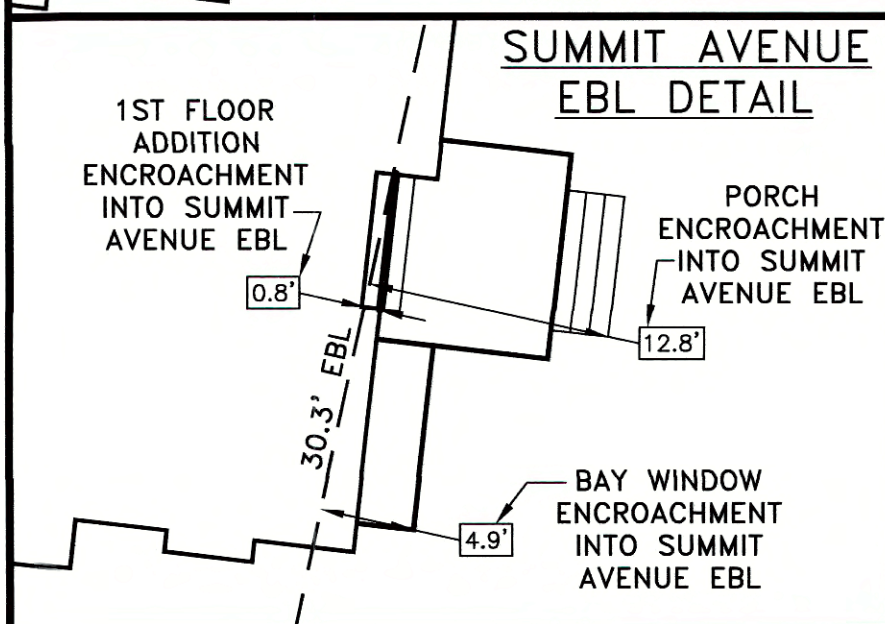
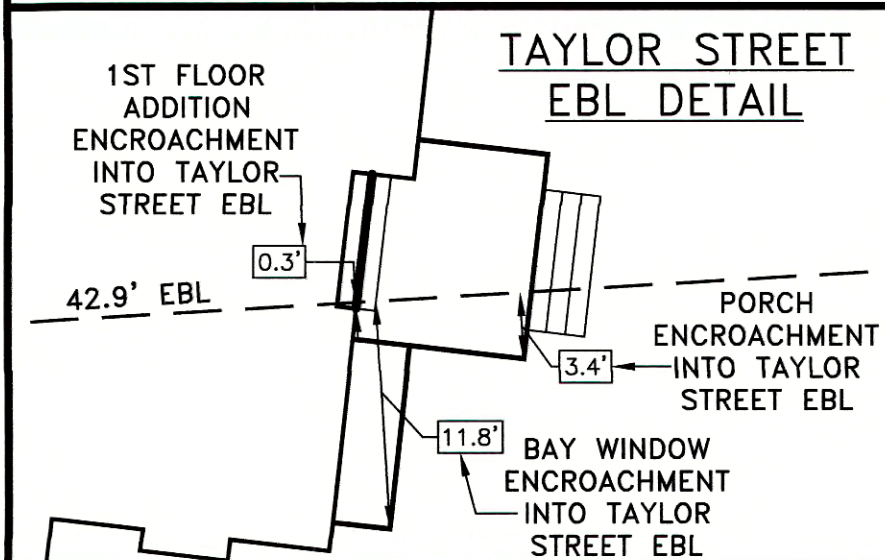
Total coverage exceeding maximum (if Bay Window is excluded)= 159

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

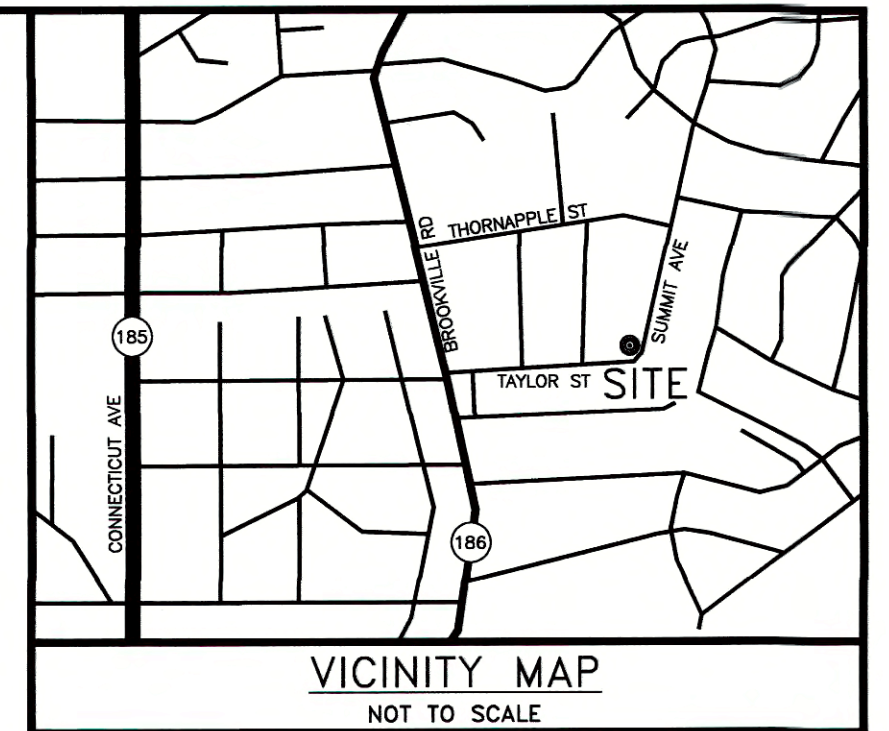
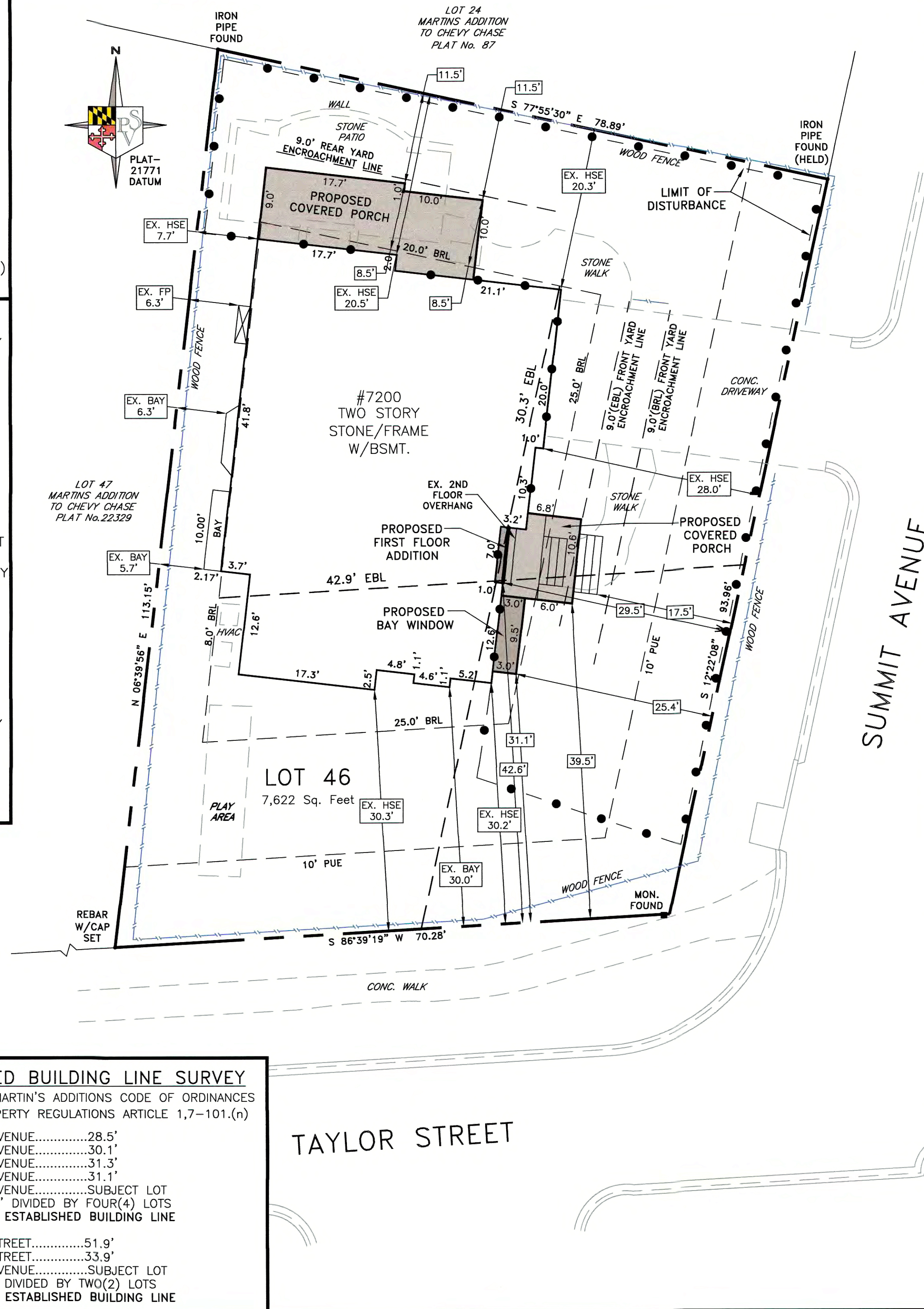
- SURVEY:**
- HORIZONTAL DATUM BASED ON MONTGOMERY COUNTY PLAT #2177
 - NO TITLE REPORT WAS FURNISHED FOR THIS PLAN
- ZONING:** (VILLAGE OF MARTIN'S ADDITIONS)
- PROPERTY ZONED: R-60
 - FRONT YARD: 25.0' OR ESTABLISHED BUILDING LINE
 - SIDE YARD: 18.0' MINIMUM OF 8.0'
 - REAR YARD: 20.0' OR 80.0' FROM FRONT EBRL
 - BUILDING HEIGHT: ALLOWED PEAK 33.0', MEAN 28.0' (THE PROPOSED ADDITIONS DO NOT CHANGE THE EXISTING HEIGHT)
 - MAXIMUM COVERAGE ALLOWED: 28.38% (2,163 SF)
 - EXISTING COVERAGE: 26.38% (2,011 SF)
 - PROPOSED ADDITIONAL COVERAGE: 5.16% (393 SF)
 - TOTAL EXISTING AND PROPOSED COVERAGE: 30.83% (2,350 SF)
 - MAXIMUM NON-VEGETATIVE SURFACE AREA: 30.00%
 - MAXIMUM ALLOWED SURFACE AREA: 30.00%
 - SUMMIT AVENUE: 27.09% (753 SF NON-VEG./2,780 SF FRONT YARD)
 - TAYLOR STREET: 5.22% (114 SF NON-VEG./2,184 SF FRONT YARD)
- DISTURBED AREA:**
- PROJECT TO DISTURB 3,333 SQ.FT.
 - CONTRACTOR IS RESPONSIBLE TO ENSURE POSITIVE DRAINAGE AWAY FROM FOUNDATION WALLS. CONTRACTOR IS TO CONTACT P.V.S. IF ANY GRADING QUESTIONS ARISE.
 - ALL DISTURBED AREAS MUST BE TOPSOILED PER MDE TOPSOILING REQUIREMENTS (B-4-2).
- FOREST CONSERVATION/ROADSIDE TREES:**
- THIS PROJECT IS EXEMPT FROM FOREST CONSERVATION UNDER SECTION 22A-5(a)(2) OF THE MONTGOMERY COUNTY FOREST CONSERVATION LAW.
 - THIS PROJECT IS EXEMPT FROM THE TREE CANOPY LAW AS REQUIRED BY MONTGOMERY COUNTY BILL'S 35-12 BECAUSE THE LOT IS WITHIN THE VILLAGE OF MARTIN'S ADDITIONS.
 - THIS PROJECT IS EXEMPT FROM THE ROADSIDE TREE LAW AS REQUIRED BY MONTGOMERY COUNTY BILL 23-13 BECAUSE THE LOT IS WITHIN THE VILLAGE OF MARTIN'S ADDITIONS.
 - CONSULT WITH ARBORIST ON ALL TREES THAT MAY BE AFFECTED BY THE LIMITS OF THE PROPOSED CONSTRUCTION.
- SEDIMENT CONTROL/STORMWATER MANAGEMENT:**
- THIS PROJECT IS NOT SUBJECT TO SEDIMENT CONTROL/STORMWATER MANAGEMENT BECAUSE THE LIMIT OF DISTURBANCE IS LESS THAN 5,000 SF.
 - THE PROPOSED ADDITION DOES NOT INCREASE THE BUILDING LOT COVERAGE BY MORE THAN 400 S.F. THEREFORE THIS PROJECT IS NOT SUBJECT TO THE MONTGOMERY COUNTY GUIDELINES FOR CONTROL OF WATER RUNOFF ON SMALL LOTS (06-09).
 - CONTRACTOR IS RESPONSIBLE TO ENSURE POSITIVE DRAINAGE AWAY FROM FOUNDATION.
- UTILITIES:**
- PROJECT UTILIZES PUBLIC WATER AND SEWER WITHIN WSSC GRID 209NW03.
 - CONTACT "MISS UTILITY" AT 1-800-257-7777, 48 HOURS PRIOR TO THE START OF EXCAVATION.



ESTABLISHED BUILDING LINE SURVEY
PER VILLAGE OF MARTIN'S ADDITIONS CODE OF ORDINANCES
CHAPTER 7 PROPERTY REGULATIONS ARTICLE 1,7-101.(n)

#7300 SUMMIT AVENUE.....28.5'
#7210 SUMMIT AVENUE.....30.1'
#7206 SUMMIT AVENUE.....31.3'
#7204 SUMMIT AVENUE.....31.1'
#7200 SUMMIT AVENUE.....SUBJECT LOT
=121.0' DIVIDED BY FOUR(4) LOTS
=30.3' ESTABLISHED BUILDING LINE

#3411 TAYLOR STREET.....51.9'
#3409 TAYLOR STREET.....33.9'
#7200 SUMMIT AVENUE.....SUBJECT LOT
=85.8' DIVIDED BY TWO(2) LOTS
=42.9' ESTABLISHED BUILDING LINE



SCALE: 1"=10'

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 05/20/20
DAVID P. MOWATT
MARYLAND PROFESSIONAL LAND SURVEYOR
LAND SURVEYOR #21138
EXPIRES 06-20-20

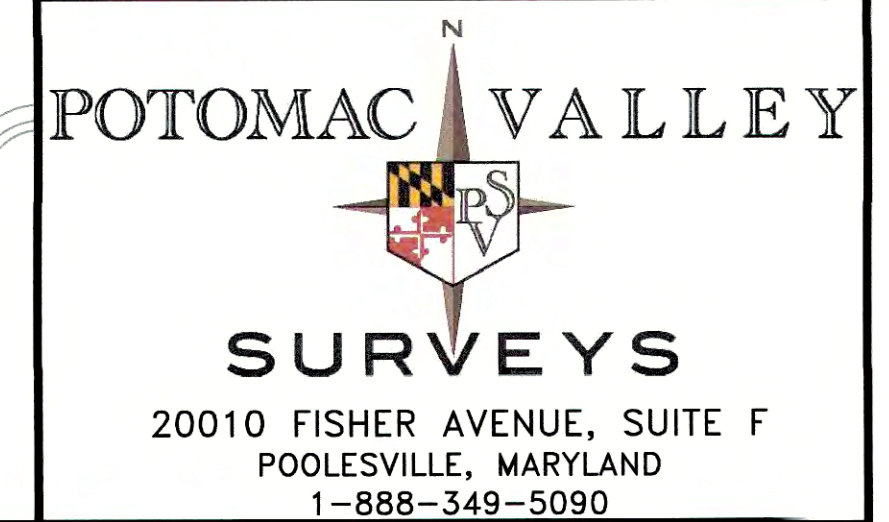
REVISIONS

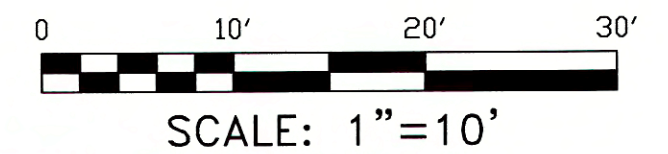
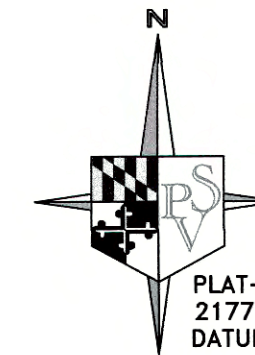
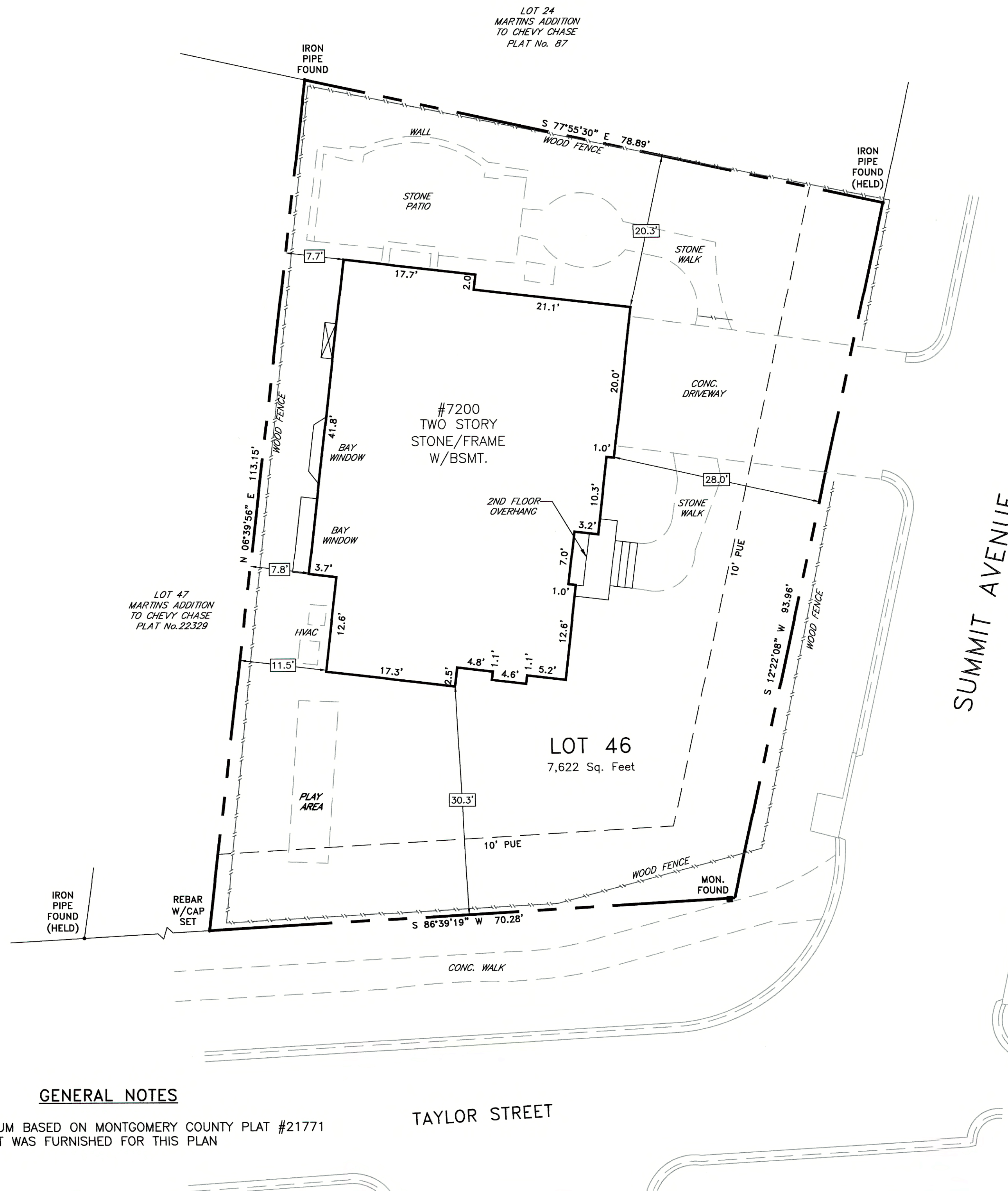
THIS PLAN PREPARED FOR: ANDREW AND AMY HERMAN
7200 SUMMIT AVENUE
CHEVY CHASE, MD 20815
301-802-1828
HERMANANDREW.M@GMAIL.COM

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

SITE PLAN

7200 SUMMIT AVENUE
H.M. MARTIN'S FOURTH ADDITION TO
CHEVY CHASE
LOT 46, BLOCK 2
PLAT No. 21771
VILLAGE OF MARTIN'S ADDITIONS
MONTGOMERY COUNTY, MARYLAND





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
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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

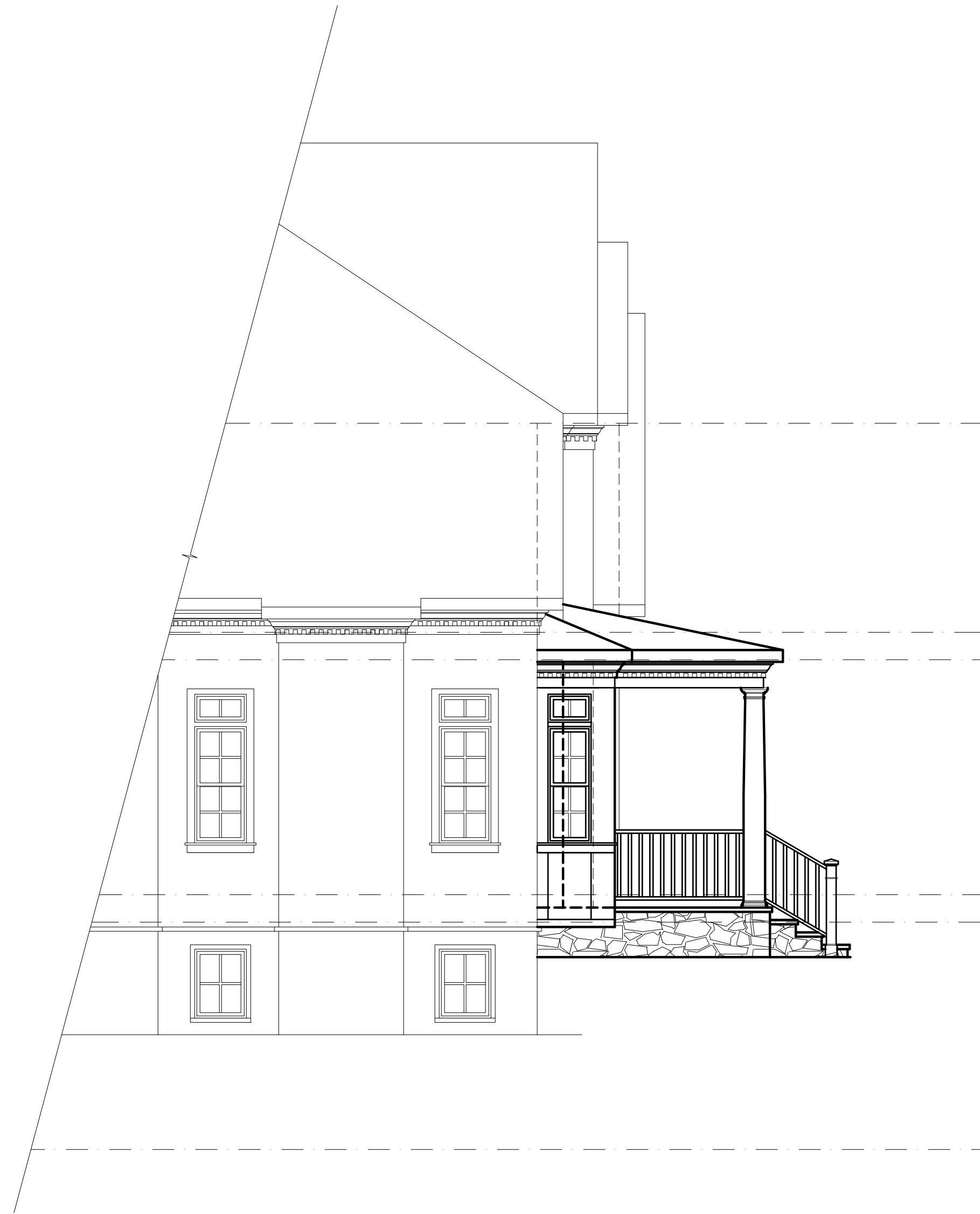
TAYLOR STREET



Proposed Front Elevation



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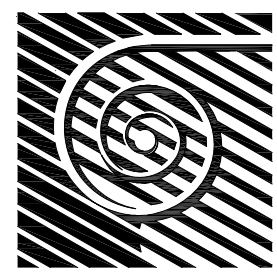
Proposed Left Side Elevation

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
VIRGILIA, 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
www.thesibleygroupdc.com

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Sunday, April 5, 2020 at 11:24:49 AM Eastern Daylight Time

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

Virus-free. 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 16th 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

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

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

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 29th, 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.