A-6295 (Variance Request)

Relocate and construct a stoop with two (2) treads that would encroach a maximum of four feet, nine and one-half inches (4'-9 ½") forward of the twenty-five (25) foot front building restriction line.

Mr. & Mrs. Stephane Guimbert
4107 Oliver Street

CHEVY CHASE VILLAGE
BOARD OF MANAGERS
APRIL 8, 2013 MEETING

STAFF INFORMATION REPORT

TO: BOARD OF MANAGERS

FROM: ELLEN SANDS, PERMITTING AND CODE ENFORCEMENT COORDINATOR

DATE: 4/1/2013

SUBJECT: HEARING OF APPEAL CASE NO. A-6295 VARIANCE REQUEST
MR. & MRS. STEPHANE GUIMBERT, 4107 OLIVER STREET
TO RELOCATE AND CONSTRUCT A STOOP WITH TWO (2) TREADS THAT WOULD ENCROACH A MAXIMUM OF FOUR FEET, NINE AND ONE-HALF INCHES (4'-9 ½") FORWARD OF THE TWENTY-FIVE (25) FOOT FRONT BUILDING RESTRICTION LINE.

NOTICE REQUIREMENTS: Abutting Owners; Public Notice

APPLICABLE CHEVY CHASE BUILDING REGULATION:

The Chevy Chase Village Code § 8-17 (c) states:
No structure or play equipment of any description shall be erected within twenty-five (25) feet of the front line of any lot.

APPLICABLE COVENANTS:

"That no structure of any description shall be erected with[in] twenty (20) feet of the front line of said premises and that no stable, carriage house, shed, or outbuilding shall be erected except on the rear of said premises." Hence there is no conflict with applicable covenants.

FACTUAL AND BACKGROUND INFORMATION:

The house is located on the north side of Oliver Street.

Figure 1: View of 4107 Oliver Street. The proposed steps would be located at the relocated front door, to be installed in what is now a window opening to the right of the existing front door (indicated by the arrow).

The existing front stoop and steps have a maximum encroachment of six feet, six and one-half inches (6'-6½") forward of the twenty-five (25) foot front building restriction line.

The proposed front stoop and steps would be relocated to the east and would encroach four feet, nine and one-half inches (4'-9½") forward of the front building restriction line.

The proposed front stoop and steps would encroach less than the existing front stoop and steps forward of the front building restriction line, but the fact that they are new construction means they are subject to the front setback requirement and thus require a variance to be constructed.

The proposed steps would **NOT** encroach forward of the twenty (20) foot front covenant setback.

To date there have been four (4) letters received from abutting or confronting neighbors in support of the project and no letters received objecting to the proposed steps.

Applicable Fees: Building Permit Application: $30; Variance Application Fee: $300.00 TOTAL: $330.00

RELEVANT PRECEDENTS:

Recent precedents for stoops and steps that encroach forward of the twenty-five (25) foot front building restriction line include:

Most of the variances requested for uncovered stoops and steps that encroach forward of the front building restriction line also involve *covenant* setback encroachments. This case does not involve a covenant setback encroachment; the request is solely for a variance from the twenty-five (25) foot front building restriction setback. The following are precedents for variances for front building *and* covenant setback requests: In May 2005 Mr. & Mrs. Justin Bausch of 12 East Lenox Street were granted a variance to **extend** the uncovered steps leading to the front porch. In the Bausch case the covenants were worded to prohibit "any stable, carriage houses or shed" forward of the twenty-five (25) foot front building restriction line, rather than the more standard language prohibiting "structure[s] of any description" forward of that setback. In December of 2010, Mr. & Mrs. Robert Maruszewski of 127 Grafton Street were granted a variance to **enlarge** a non-conforming stoop which would encroach five feet, six inches (5'-6") forward of the twenty-five (25) foot front building restriction and covenant setback line, an additional two feet, eleven inches (2'-11") farther than the existing stoop. In December 2010, Mr. Gregory L. Dixon and Ms. Susan F. Dixon, Co-Trustees of the Gregory L. Dixon Revocable Trust and the Susan F. Dixon Revocable Trust, of 5500 Montgomery Street, were granted a variance to **expand** their front stoop that would extend three (3) feet forward of the twenty-five (25) foot front building restriction and covenant setback line. In January of 2011, Case A-5854, Joanne Kyros and Thomas Schaufelberger of 135 Grafton Street were granted a variance to **enlarge** an existing non-conforming stoop with steps and construct three (3) treads that would encroach five (5) feet forward of the twenty-five (25) foot front building restriction and covenant setback line, an additional two (2) inches farther than the existing treads. In February of 2012, Mr. & Mrs. Andrew Marino, of 11 Primrose Street, were granted a variance to **relocate and construct** non-conforming front steps, leading to a porch, both of which were forward of the twenty-five (25) foot front building restriction and covenant setback line. The proposed steps would encroach twelve feet, eight inches (12'-8") in front of this twenty-five (25) foot front setback line, an additional ten (10) inches beyond the existing steps. In April of 2012 Mr. & Mrs. D. Blake Bath were granted a variance to **reconstruct** the front steps and add an additional step leading from the front walkway to the front porch forward of the twenty-five (25) foot front building restriction and covenant setback line. In May of 2012 Dr. & Mrs. Charles Bahn of 118 Hesketh Street were granted a variance to **reconstruct** the front steps from the front walkway to the front porch, adding one tread, a portion of which would be located forward of the twenty-five (25) foot front building restriction and covenant setback line. In June of 2012, Mr. & Mrs. Jeffrey Shuren were granted a variance to **reconstruct** steps that would extend an additional one foot, one inch (1'-1") beyond the

existing steps for a maximum encroachment of six feet, eight inches (6'- 8") forward of the twenty-five (25) foot front building restriction line. On December 10, 2012 the Chevy Chase Village Board of Managers considered the request of Mr. & Mrs. Steven Sprenger of 5501 Park Street for a variance to construct treads leading to a front stoop in the front (Park Street) yard which would encroach forward of the front building restriction line. A motion to approve the request for a variance failed; therefore, construction of the proposed treads was denied per the Village Manager's decision dated October 25, 2012. In that case there had not previously existed an encroachment forward of the front BRL and covenant setback line at the property nor was there an established encroachment throughout the rest of that block of Park Street. In March 2013 Mr. & Mrs. Alex Sternhell were granted a variance to **reconfigure** a pair of existing front steps that would encroach a maximum of eleven feet, five and one-half inches (11'-5 ½ ") forward of the twenty-five (25) foot front (Primrose Street) building restriction line.

FINDINGS REQUIRED:

1. The proposed variance is required because special conditions exist whereby the enforcement of the requirements of the Village Building Code would result in an unwarranted hardship and injustice to the owner.
2. The proposed variance will most nearly accomplish the intent and purpose of the requirements of the Village Building Code; and
3. Except for variances from the requirements of Sections 8-22, 8-26 or Article IV of the Village Regulations, the structure authorized by the proposed variance would not violate any covenant applicable to the property.

Draft Motion

I move to direct staff to draft a decision **APPROVING/DENYING** the variance request in case A-6295, based on the findings (See "Findings of Fact" above)that ...

CHEVY CHASE VILLAGE
NOTICE OF PUBLIC HEARING

Please take notice that the Chevy Chase Village Board of Managers will hold a public hearing on the 8th day of April, 2013 at 7:30 p.m. The hearing will be held at the Chevy Chase Village Hall at 5906 Connecticut Avenue in Chevy Chase, Maryland.

APPEAL NUMBER A-6295
MR. & MRS. STEPHANE GUIMBERT
4107 OLIVER STREET
CHEVY CHASE, MARYLAND 20815

The applicants seek a variance from the Board of Managers pursuant to Section 8-11 of the Chevy Chase Village Building Code to relocate and construct a stoop with two (2) treads that would encroach a maximum of four feet, nine and one-half inches (4'-9 ½") forward of the twenty-five (25) foot front building restriction line.

The Chevy Chase Village Code § 8-17 (c) states:

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

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

This notice was mailed to abutting and confronting property owners on the 28th day of March, 2013.

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

MAILING LIST FOR APPEALS A-6295

MR. & MRS. STEPHANE GUIMBERT
4107 OLIVER STREET
CHEVY CHASE, MD 20815

Adjoining and confronting property owners	
Ms. Carolina Sanchez & Mr. Jishnu Das Or Current Resident 4109 Oliver Street Chevy Chase, MD 20815	Mr. William Nance Or Current Resident 4105 Oliver Street Chevy Chase, MD 20815
Dr. & Mrs. H. Brandis Marsh Or Current Resident 4102 Oliver Street Chevy Chase, MD 20815	Ms. Jean T. Federico Or Current Resident 5613 Belmont Avenue Chevy Chase, MD 20815
Saks Fifth Avenue Or Current Occupant 5555 Wisconsin Avenue Chevy Chase, MD 20815	Mr. & Mrs. Christopher C. Hayes Or Current Resident 140 Grafton Street Chevy Chase, MD 20815
Mr. & Mrs. Gregory Parisi Or Current Resident 138 Grafton Street Chevy Chase, MD 20815	Mr. Paul Rasevic 136 Grafton Street LLC Or Current Resident 136 Grafton Street Chevy Chase, MD 20815

I hereby certify that a public notice was mailed to the aforementioned property owners on the 28th day of March 2013.

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

CHEVY CHASE VILLAGE
ESTABLISHED 1890

March 27, 2013

Mr. & Mrs. Stephane Guimbert
4107 Oliver Street
Chevy Chase, MD 20815

Dear Mr. & Mrs. Guimbert:

Please note that your request for a variance to relocate and reconstruct the front stoop and steps on your property is scheduled before the Board of Managers on Monday, April 8, 2013 at 7:30 p.m.

Either you or another representative must be in attendance to present your case. At that time, additional documents may be introduced and testimony can be provided in support of the request.

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

Sincerely,

Ellen Sands
Permitting and Code Enforcement
Chevy Chase Village

Enclosures

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

Chevy Chase Village

Building Permit Application

Permit No: A-6295

Property Address:

4107 OLIVER STREET, CHEVY CHASE, MD 20815

Resident Name: STEPHANE & CLAIRE GUIMBERT

Daytime telephone: 202-677-1565 Cell phone:

After-hours telephone:

E-mail: GUIMBERTFAMILY@GMAIL.COM

Project Description:

RELOCATION OF FRONT STOOP

☐ Check here if the construction will require the demolition of over fifty (50) percent of any existing structure.

Primary Contact for Project:

☒ Resident ☐ Architect ☐ Project Manager ☐ Contractor*

*MHIC/MD Contractor's License No. (*required*):

Information for Primary Contact for Project (if different from property owner):

Name: SAME AS ABOVE

Work telephone: After-hours telephone:

Cell phone:

E-mail:

Will the residence be occupied during the construction project? ☐ Yes ☒ No

If no, provide contact information for the party responsible for the construction site (if different from above):

Name:

Address:

Work telephone: After-hours telephone:

Cell phone:

E-mail:

Parking Compliance:

Is adequate on-site parking available for the construction crews? ☒ Yes ☐ No

If no, please attach a parking plan which minimizes inconvenience to neighboring residents, and indicate if the property is in a permit parking area.

Will road closings be required due to deliveries, equipment or other reasons? ☐ Yes ☒ No

Building Permit Filing Requirements:

Application will not be reviewed until the application is complete

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

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

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

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

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

Applicant's Signature: _____ **Date:** 3/16/13

To be completed by Village staff:

Is this property within the historic district? Yes ☐ No ☒ Staff Initials: SB

Date application filed with Village: 3/18/13 Date permit issued: _____ Expiration date: _____

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

For Use By Village Manager	Application denied for the following reasons:
DENIED MAR 20 2013 Chevy Chase Village Manager	[signature] The proposed stoop and steps would be located forward of the 25-foot front building restriction line.

Filing Fees (due when application submitted)	Checks Payable to: Chevy Chase Village 5906 Connecticut Ave. Chevy Chase, MD 20815
Permit Application Fee: $ 30.00 (see Permit Fee Worksheet) ☐ $50.00 (if construction is in the Public Right-of-way)	
Tree Preservation Plan Fee: ☐ $250.00 ☐ Not required for this project.	
TOTAL Fees: $30.00	Date: 3/20/13 Staff Signature: [signature]

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

Chevy Chase Village

Application for a Variance

A variance is permission granted to a landowner to depart from the specific requirements of the Village zoning ordinance and allows a landowner to use land differently than specified in the ordinance. The variance is a written authorization from the Board of Managers permitting construction in a manner not otherwise allowed by the Village Code.

Subject Property:	4107 OLIVER STREET
Describe the Proposed Project:	RELOCATION OF FRONT STOOP
Applicant Name(s) (List all property owners):	STEPHANE & CLAIRE GUIMBERT
Daytime telephone: 202-677-1565	Cell:
E-mail: GUIMBERTFAMILY@GMAIL.COM	
Address (if different from property address): SAME AS ABOVE	
For Village staff use: Date this form received: 3/20/13	Variance No: A-6295

Filing Requirements:

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

- ☑ Completed *Chevy Chase Village Application for a Variance* (this form)
- ☑ Completed *Chevy Chase Village Building Permit Application*
- ☑ A boundary survey or plat diagram with a margin of error of one tenth of a foot or less showing all existing structures, projections and impervious surfaces.
- ☑ Surveys, plats, engineering reports, construction plans/specifications or other accurate drawings showing boundaries, dimensions, and area of the property, as well as the location and dimensions of all structures/fences/walls/etc., existing and proposed to be erected, and the distances of such structures/fences/walls/etc., from the nearest property lines. These drawings shall incorporate and display reference dimensions from the boundary survey or plat diagram required above.
- ☑ Copy of Covenants applicable to the property except for variances from Sections 8-22, 8-26 or Article IV of Chapter 8 of the Chevy Chase Village Code.
- ☑ Variance fee (See fee schedule listed in Chapter 6 of the Village Code).

Affidavit

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

Applicant's Signature: _____ Date: 3/16/2013

Applicant's Signature: _____ Date: 03/16/2013

Describe the basis for the variance request (attach additional pages as needed).
Describe the special conditions of the property (e.g., odd shape, small size, sloping topography, abuts state highway, etc.) and how the property compares to other properties in the Village:

OUR EXISTING HOME IS LOCATED A FEW INCHES FROM THE BUILDING SET BACK LINE, SO OUR CURRENT STOOP IS NON CONFORMING

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

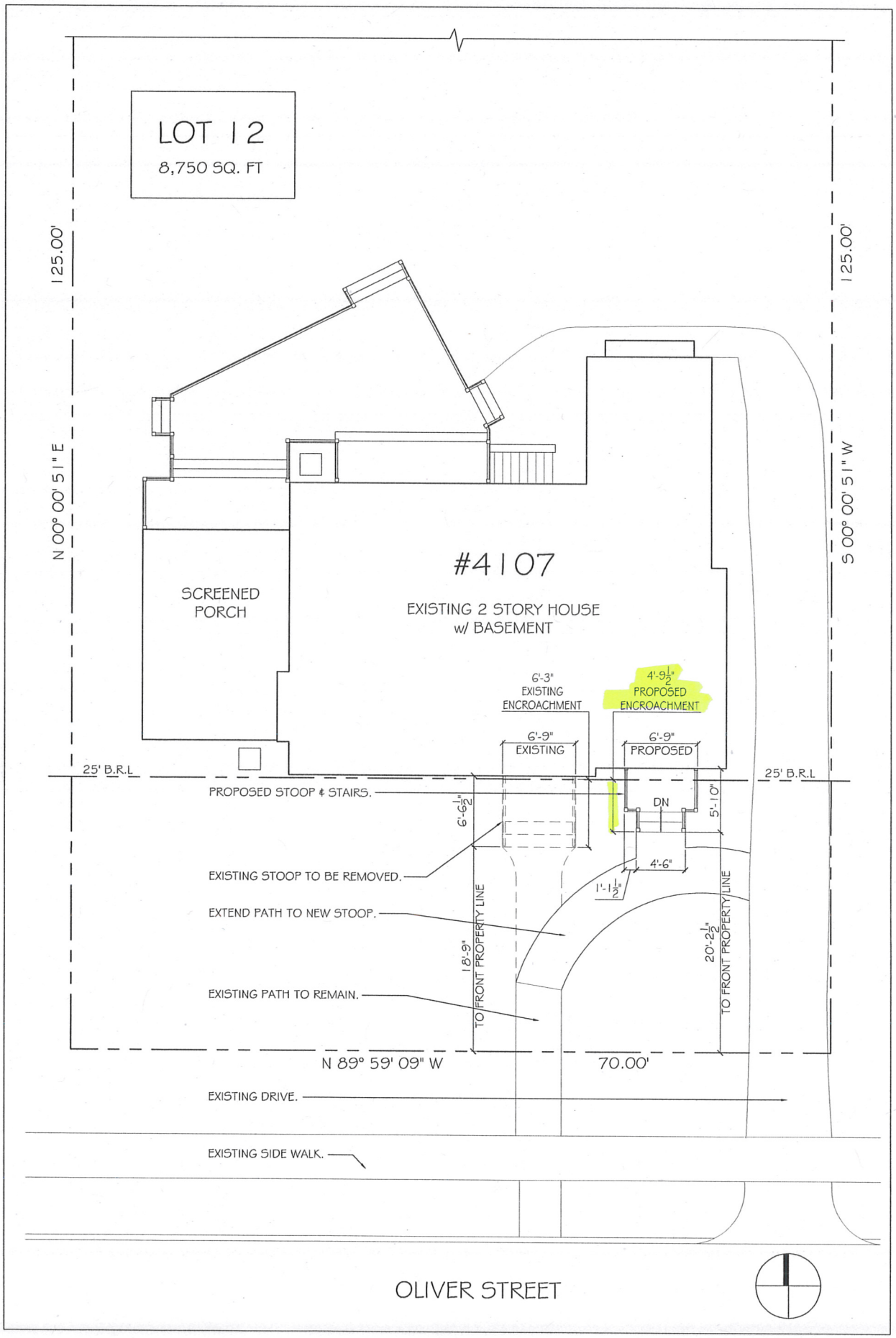
WE WOULD LIKE TO RELOCATE OUR EXISTING FRONT DOOR TO IMPROVE THE INTERIOR LIVING SPACE OF OUR HOME. IN ORDER TO DO THIS WE NEED TO RELOCATE THE EXISTING NON CONFORMING STOOP.

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

OUR EXISTING FRONT STOOP IS NON CONFORMING. WE ARE LOOKING TO RELOCATE THE FRONT STOOP WITHOUT INCREASING THE SIZE OF THE STOOP.

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

Variance Filing Fee	**Checks Payable To:** **Chevy Chase Village 5906 Connecticut Ave. Chevy Chase, MD 20815**
Per Village Code Sec. 6-2(a)(24): ☑ $300.00 for new construction. ☐ $150.00 for replacing existing non-conformities. ☐ $300.00 for fences, walls, play equipment, trees, hedges, shrubbery in the public right-of-way. ☐ Other: $_____ Check # **Fee Paid:** $300.00	**Date Paid:** 3/16/13 **Staff Signature:**
	Approved to Issue Building Permit per Board Decision Signed by the Board Secretary on: **Date:** _____ **Signature:** _____ **Village Manager**



FOX ARCHITECTS
7805 OLD GEORGETOWN ROAD, SUITE 204
BETHESDA, MARYLAND 20814

Proposed Partial Site Plan

4107 Oliver St.

SCALE: 1/4" = 1'-0" (11x17)
01.28.13

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FOX ARCHITECTS

7805 OLD GEORGETOWN ROAD, SUITE 204
BETHESDA, MARYLAND 20814

Guimbert Residence

02.14.13 SCALE: 1/4" = 1'-0" (11x17)

Proposed Side Elevation

Ellen Sands

March 19, 2013

Permitting and Code Enforcement Coordinator

Chevy Chase Village

Re: 4107 Oliver Street seeking variance for relocating Front stoop

Dear Ms Sands,

We have been informed by Stephane and Claire Guimbert, homeowners of 4107 Oliver Street, of their intent to seek a variance from the Village Board of the 25ft setback rule in order for them to relocate their front stoop, in conjunction with the renovation of their residence. The new front stoop will encroach less than the existing one.

We, as neighbors, do not object to the homeowners seeking this variance.

Sincerely,

Name: CAROLINA SANCHEZ

Address: 4109 OLIVER ST, CHEVY CHASE, MD

Ellen Sands

March 19, 2013

Permitting and Code Enforcement Coordinator

Chevy Chase Village

Re: 4107 Oliver Street seeking variance for relocating Front stoop

Dear Ms Sands,

We have been informed by Stephane and Claire Guimbert, homeowners of 4107 Oliver Street, of their intent to seek a variance from the Village Board of the 25ft setback rule in order for them to relocate their front stoop, in conjunction with the renovation of their residence. The new front stoop will encroach less than the existing one.

We, as neighbors, do not object to the homeowners seeking this variance.

Sincerely,

Ann O'Malley

Name: Ann O'Malley

Address: 4103 Oliver St.

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Ellen Sands

March 19, 2013

Permitting and Code Enforcement Coordinator

Chevy Chase Village

Re: 4107 Oliver Street seeking variance for relocating Front stoop

Dear Ms Sands,

We have been informed by Stephane and Claire Guimbert, homeowners of 4107 Oliver Street, of their intent to seek a variance from the Village Board of the 25ft setback rule in order for them to relocate their front stoop, in conjunction with the renovation of their residence. The new front stoop will encroach less than the existing one.

We, as neighbors, do not object to the homeowners seeking this variance.

Sincerely,

Martin F. Stone

Name: Martin Stone

Address: 4113 Oliver St
Chevy Chase MD 20815

Ellen Sands

March 19, 2013

Permitting and Code Enforcement Coordinator

Chevy Chase Village

Re: 4107 Oliver Street seeking variance for relocating Front stoop

Dear Ms Sands,

We have been informed by Stephane and Claire Guimbert, homeowners of 4107 Oliver Street, of their intent to seek a variance from the Village Board of the 25ft setback rule in order for them to relocate their front stoop, in conjunction with the renovation of their residence. The new front stoop will encroach less than the existing one.

We, as neighbors, do not object to the homeowners seeking this variance.

Sincerely,

William Nance

Name: Bill & Mildred Nance

Address: 4105 Oliver

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56 F/B.
EXAMINED
mailed to:
J. Guy Neal
Rockville, Md
10-21-39

At the request of William Mercer Duval and Edna Mary Duval the following Deed was recorded August 17th A.D. 1939, at 1:30 o'clock P.M. to wit:-

This Deed Made this 15 day of August, A.D. 1939 by and between Leon J. Steck and his wife, Emma A. Steck, parties of the first part, and William Mercer Duval and his wife, Edna Mary Duval, parties of the second part.

Witnesseth that in consideration of Ten (10.00) dollars the parties of the first part do grant, convey, and quit claim unto the parties of the ~~first part do grant, convey, and quit claim unto the parties of the~~ second part, their heirs and assigns, the following described land and premises, situate and lying and being in the County of Montgomery, State of Maryland, and distinguished as follows, to wit:

Lots #33 and #34 in Block 14½ in a Subdivision known as "Glen Echo Heights" as per plat recorded in Plat Book "B" at plat 45 of the Land Records of said County.

Together with all and singular the improvements, ways, easements, rights, privileges and appurtenances to the same belonging or in anywise appertaining, and all the estate, right, title, interest and claim either at law or in equity or otherwise however, of the parties of the first part, of, in, to, or out of the said land and premises.

To Have and to Hold the above released land and premises unto and to the use of the parties of the second part, their heirs and assigns, forever,

Witness, our hands and seals the day and year hereinbefore written.

J. Sidney Wolf — Leon J. Steck (Seal)
Emma A. Steck (Seal)

(Internal Revenue $0.50)
(State Tax $0.30)

Washington, D.C. SS:

I Hereby Certify that on this 15th day of August, 1939 before me a Notary Public personally appeared Leon J. Steck and his wife, Emma A. Steck and did acknowledge the foregoing deed to be their act.

In Testimony Whereof I have hereunto affixed my official seal.

J. Sidney Wolf
Notary Public
My commission expires April 1, 1940.

J. Sidney Wolf
Notary Public
District of
Columbia

F/B.
EXAMINED
MAILED TO
SUBURBAN TITLE AND
INVESTMENT CORPORATION
925-15th ST. N. W.
WASHINGTON, D. C
10-21-39.

At the request of David J. La Porte and Elsa M. La Porte the following Deed was recorded August 17th A.D. 1939, at 2:29 o'clock P.M. to wit:-

This Deed, Made this 16th day of August in the year one thousand nine hundred and thirty-nine by and between The Chevy Chase Land Company, of Montgomery County, Maryland, (a corporation duly organized under and by virtue of the laws of the State of Maryland), party of the first part, and David J. La Porte and Elsa M. La Porte, his wife, of the District of Columbia, parties of the second part:

Witnesseth, That the said party of the first part, for and in consideration of the sum of Ten (10) Dollars to it paid by the said parties of the second part, and of the covenants and agreements of the said parties of the second part as hereinafter set forth does hereby grant and convey unto the said parties of the second part, in fee simple, as tenants by the entirety, the following described land and premises, with the improvements, easements, and appurtenances thereunto belonging, situate in the County of Montgomery, State of Maryland, namely:

MONTGOMERY COUNTY CIRCUIT COURT (Land Records) [MSA CE 63-708] CKW 750, p. 0056. Printed 03/22/2013. Image available as of 12/01/2005.

Lot numbered Twelve (12) in Block numbered Sixteen (16) in a subdivision known as "Section 1-A, Chevy Chase", Montgomery County, Maryland, as per plat recorded in Plat Book No. 4, plat 349, one of the Land Records for said Montgomery County, Maryland.

Subject to a five (5) foot reservation shown on said recorded plat.

Subject to building restriction line and agreement as set forth on said plat recorded in Plat Book No. 4, page 349, of said Land Records.

It is hereby understood and agreed that no building shall be erected on the land hereby conveyed unless and until the plans of the elevations, the design and color scheme thereof, as well as the location of said building on said land shall be first approved in writing by The Chevy Chase Land Company of Montgomery County, Maryland, or its successors.

In evidence of their acceptance of the covenants and restrictions herein contained and of their intention to bind themselves, their heirs and assigns, in carrying out and performing, same, the said parties of the second part have hereunto set their hands and seals.

It is hereby understood and agreed that no objection will be raised to the rezoning of Blocks numbered Six (6) and Eleven (11) in Chevy Chase, Section 1-A for commercial purposes.

To Have and to Hold the said land and premises with the improvements, easements and appurtenances, unto and to the use of the use of the said parties of the second part, in fee simple, as tenants by the entirety.

In Consideration of the execution of this Deed, the said parties of the second part, for themselves and each of them, for their and each of their heirs and assigns, hereby covenant and agree with the party of the first part, its successors and assigns (such covenants and agreements to run with the land), as follows, viz:

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

2. That no structure of any description shall be erected with twenty (20) feet of the front line of said premises; and that no stable, carriage-house, shed, or outbuilding shall be erected except on the rear of said premises.

In the case of corner lots any and all lines bordering upon a street, avenue, or parkway shall be considered a front line.

3. That no house shall be erected on said premises at a cost less than Seventy-five hundred (7500) Dollars.

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

5. That a violation of any of the aforesaid covenants and agreements may be enjoined and the same enforced at the suit of The Chevy Chase Land Company, of Montgomery County, Maryland, its successors and assigns (assigns including any person deriving title mediately or immediately from said Company to any lot or square, or part of a lot or square in the Section of the Subdivision of which the land hereby conveyed forms a part)

6. That none of the foregoing covenants and restrictions, except building restriction line, shall apply to Lots 24 to 30, inclusive, and 32 in Block 6, Lots 16 to 30, inclusive, in Block 11, Lot 1 in Block 17, and Lots 1 to 17, inclusive in Block 19, in said "Section one A, Chevy Chase,"Montgomery County, Maryland.

And the said party hereto of the first part hereby covenants to warrant specially the property hereby conveyed, and to execute such further assurances of said land as may be requisite.

MONTGOMERY COUNTY CIRCUIT COURT (Land Records) [MSA CE 63-708] CKW 750, p. 0057. Printed 03/22/2013. Image available as of 6/7/2005.

In Testimony Whereof, on the day and year first hereinbefore written the said, The Chevy Chase Land Company of Montgomery County, Maryland, has cuased these presents to be signed, with its corporate name by Edward L. Hillyer, its President, attested by George E. Fleming, its Secretary, and its corporate seal to be hereunto affixed, and does hereby constitute and appoint George E. Fleming its true and lawful Attorney-in-fact, for it and in its name, place and stead to acknowledge these presents as its act and deed before any person or officer duly authorized to take such acknowledgement, and to deliver the same as such

Attest:

George E. Fleming
Secretary The Chevy Chase Land Co. of Montgomery Co. Maryland

(Internal Revenue $1.50)
(State Tax $1.50)

The Chevy Chase Land Company of Montgomery County, Maryland.
By: Edward L. Hillyer
President

David J. La Porte (Seal)
Elsa M. La Porte (Seal)

District of Columbia, to wit:

I, Frank I. Greenwalt a Notary Public in and for the said District of Columbia, do hereby certify that George E. Fleming who is personally well-known to me to be the person named as Attorney-in-fact in the foregoing and annexed Deed, dated the 16th day of August 1939, to acknowledge the same, personally appeared before me in the said District of Columbia, and as Attorney-in-fact as aforesaid, and by virtue of the power and authority in him vested by the aforesaid Deed, acknowledged the same to be the act and deed of the said The Chevy Chase Land Company, of Montgomery County, Maryland, and delivered the same as such.

Given under my hand and seal this 16th day of August A.D., 1939.

Frank I. Greenwalt
Notary Public, D.C.

Frank I. Greenwalt
Notary Public
District of
Columbia

F/B.

EXAMIN

Mailed to:-
Lewis B. Peters
728 Fern Pl.
Wash. D.C.
10-21-39

At the request of Lewis B. Peters and Elizabeth B. Peters the following Deed was recorded August 17th A.D. 1939, at 2:29 o'clock P.M. to wit:-

This Deed Made this 9th day of August in the year of our Lord one thousand nine hundred and thirty-nine by and between Arthur B. Miller and Evelyn G. Miller, his wife, parties hereto of the first part, and Lewis B. Peters and Elizabeth B. Peters, his wife, parties hereto of the second part:-

Witnesseth, that in consideration of Ten (10) Dollars, lawful money of the United States to them in hand paid before the sealing and delivery of these presents, the said parties of the first part do grant and convey unto Lewis B. Peters and Elizabeth B. Peters, his wife, parties of the second part, As Tenants by the Entirety in fee simple all that piece or parcel of ground situate, lying and being in Montgomery County, State of Maryland, and being described as follows, to wit:

Lot numbered Six (6), in Block numbered Fourteen (14), in a subdivision known as "Chevy Chase View"; as per plat recorded in Plat Book No. 2, plat 124, one of the Land Records for said Montgomery County;

Subject to building restrictions and covenants of record.

Together with the building and improvements thereupon, erected, made

MONTGOMERY COUNTY CIRCUIT COURT (Land Records) [MSA CE 63-708] CKW 750, p. 0058. Printed 03/22/2013. Image available as of: 12/01/2005.