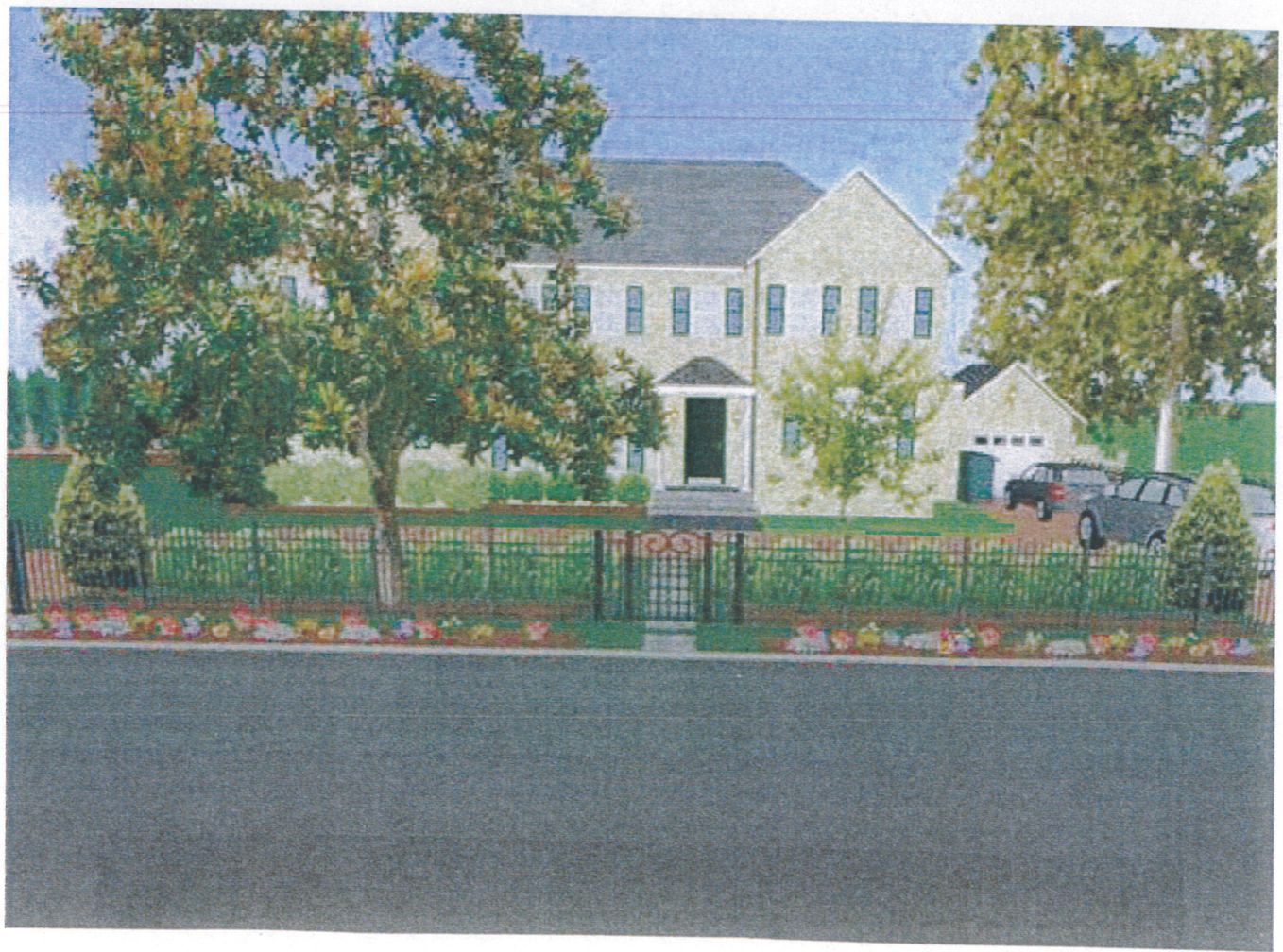
Administrative Review of Case 5917
Building permit and license to use the public right-of-way to install a fence measuring forty-two (42) inches in height with three gates also measuring forty-two (42) inches in height in the Kirkside Drive public right-of-way.

Laura M. Billings &
David A. O'Neil
5803 Kirkside Drive

5803 KIRKSIDE – LOOKING STRAIGHT ON



5803 KIRKSIDE - LOOKING SOUTH ON KIRKSIDE

Chevy Chase Village

Building Permit Application for Fences & Walls

Permit No: 5917

Property Address: 5803 Kirkside Drive, Chevy Chase, MD 20815

Resident Name: Laura Billings & David O'Neil

Daytime telephone: 202-626-5807 / 202-514-3712 Cell phone:

After-hours telephone: 301-654-1970

E-mail: lbillings@milchev.com / david.o'neil@usdoj.gov

Primary Contact for Project:

☒ Resident ☐ Architect ☐ Project Manager ☐ Contractor*

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

Contractor Contact Information:

Name: Chris Bucca

Business: Long Fence, 1910 Betson Court, Odenton, MD

Daytime telephone: 301-261-3444 After-hours telephone: 301-908-4129

Fax: E-mail:

Description of Fence or Wall Project:

Please see attached description of proposed fencing project.

Check appropriate box:

☑ Fence or wall to be constructed is: (1) new, (2) an enlargement of an existing fence or wall, or (3) replacing an existing fence or wall with one of a different kind.

☐ Fence or wall to be constructed is replacing an existing fence or wall with the same kind and in the same location.

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

To be completed by Village staff:

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

Date application filed with Village: 4/16/11 Date permit issued:_____ Expiration date:_____

Guidelines for
Building, Replacing and Maintaining Fences and Walls

Sec. 8-22 of the Village Code regulates fences and walls. To repair or maintain an existing fence or wall, the Village does not require a building permit. To install or replace a fence or wall, however, residents will need a Village building permit. (A building permit may also be required from Montgomery County, including the Historic Preservation Commission if the property is within the Historic District). Village Code allows fences and walls to be installed on a resident's property lines, inside the property lines on private property, and sometimes in the public right-of-way.

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

1. Fences and walls installed on private property anywhere between the property line and the front building restriction line may not exceed four feet (4') in height.

2. Fences and walls installed to the rear of the front building restriction line (that is, along the side and rear property lines or in the side and rear yards) may not exceed six and one half feet (6½') in height.

When measuring the height of a fence or wall, the Village Code provides that the "measurement shall be made from the surface of the ground of the lower yard next to the fence or wall" **to the highest point of the fence or wall** (such as the top of the posts, caps, decorative lattice, finials, etc.). For example, if a fence post is 6½ feet high, then a cap on that post would exceed the height limit.

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

When installing a fence or wall in the Village's public right-of-way, in addition to obtaining a Village Building Permit, residents must sign a **License to Use the Public Right-of-Way**, which will be recorded with your deed (please contact the Village office for more information). Fences and walls installed in the Village's rights-of-way may not exceed four feet (4') in height. Fences in the Village's rights-of-way must be installed at least two feet (2') from the public sidewalk, or where there is no sidewalk, at least five feet (5') from the curb or nearest edge of the paved roadway. Walls in the Village's public rights-of-way must be installed at least three feet (3') from the public sidewalk, or where there is no sidewalk, six feet (6') from the curb or nearest edge of the paved roadway. The Village office will not be issue permits for any fences or walls that block necessary sight lines at intersections or otherwise create a dangerous condition.

For all Village Code requirements, please see to Sections 8-4, 8-22, and 8-31.

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

Application will not be reviewed until the application is complete
Village permits will not be issued until all county permits have been issued

- [x] Copy of stamped drawings approved by Montgomery Co. Dept. of Permitting Services (DPS) and the Historic Preservation Commission (HPC), if required. Every page of drawings must be clearly stamped.
- [x] This application form, signed by resident.
- [x] Boundary Survey or Plat
- [ ] Site Plan (see: Village Site Plan Checklist to ensure completeness)
- [ ] Building plans and specifications
- [x] 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.
- [x] Filing Fee (due at time of application). Fee schedule is listed in Chapter 6 of the Village Code.
- [ ] Damage deposit or performance bond (due when permit is issued). Amount will be set by Village Manager.

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

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

No signs advertising any service provider may be posted on the work site.

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

Applicant's Signature: Laura B [illegible] **Date:** 4-16-11

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

For Use By Village Manager	Application denied for the following reasons:

Filing Fees (due when application submitted)	**Checks Payable to:** **Chevy Chase Village** **5906 Connecticut Ave.** **Chevy Chase, MD 20815**
Permit Application Fee: ☑ $30.00 (if fence or wall is new, enlarged or replaced with different kind) ☐ $15.00 (if fence or wall is being replaced in-kind and in the same location) ☑ $50.00 (additional fee if construction is in the Right-Of-Way)	
Tree Preservation Plan Fee: ☑ $250.00 ☐ Not required for this project	
TOTAL Fees: $300.00	Date: 4/25/11 Staff Signature:
Damage Deposit/Performance Bond ☐ $_____ ☐ Waived by Village Manager	Date: Staff Signature:

For Village Staff use:

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

Laura Billings & David O'Neil
5803 Kirkside Drive
lbillings@milchev.com
daveoneil0505@yahoo.com
301-654-1970

Appendix to Building Permit Application for Fences & Walls:

This permit application requests installation of a new fence along the front and side of our property. Currently, we have a pre-existing brick wall along the Grafton street side of our property. The wall curves around the front of our property along Kirkside Drive for several feet. We seek to affix a fence to the termination of the brick wall. The fence would be set back 5 feet from the curb (in line with the pre-existing brick wall).

The fence's path would: (a) run along the front of the property; (b) abut the edge of an oak tree in its path and pick up along the other side of the oak; (c) lead to a driveway gate; (d) continue along the front of the property; (e) lead to a front walkway gate; (f) continue along the front of the property to a second (electronic) driveway gate; (g) form a corner at our southern property line; (h) continue along the edge of the sideyard until reaching the protruding root system of the large beech tree; (i) form a square along the outside of the root system; and (j) connect to a gate that we would affix to the pre-existing brick wall that abuts the southwestern edge of our garage.

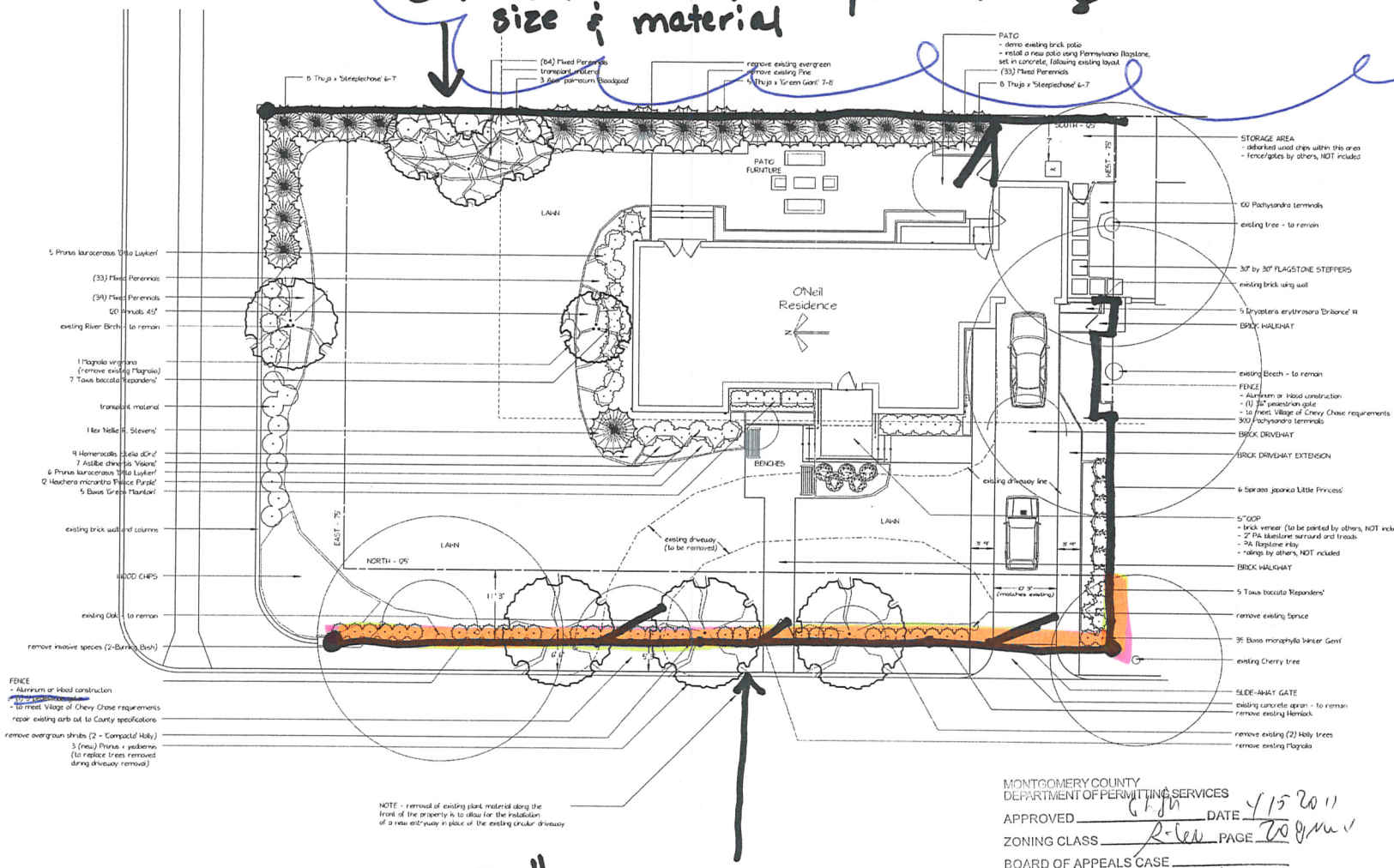
The fence would be: (a) black in color; (b) made of iron; (c) 42 inches high; (d) set back 5 feet from the curb; and (e) tasteful and minimal in its design. All the aforementioned gates would be swing gates. One driveway gate would be attached to an electric motor. Separately, we will seek to plant shrubs and bushes in the ROW on both sides of the fence to soften its appearance.

Our main goal in erecting the fence is to make our yard safe for our three small children and dog. As you know, there is no sidewalk along Kirkside. And many cars on Wisconsin cut through the Village on Grafton and Oliver Streets and thereafter turning onto Kirkside. A fence that enclosed our property would exponentially increase our enjoyment of the property by easing our concerns about the safety of our children and dog. Moreover, we feel that the design we have chosen -- with thin iron pickets spaced several inches apart, only 42" in height rather than 48", and softened by plantings on both sides -- will integrate the fence into the property and help to beautify the property.

Thank you for your consideration.

separate appeal & permits

6' wooden stockade to replace existing fence of same size & material



42" iron fence - new

R.O.W. license

MONTGOMERY COUNTY
DEPARTMENT OF PERMITTING SERVICES
APPROVED _____ DATE 4/15/2011
ZONING CLASS R-60 PAGE 20 of 21
BOARD OF APPEALS CASE _____
3.5' - 6' FENCE

NOTES

No.	Date	Description
5	9-21-10	revisions per our discussion 9-20-10
4	9-8-10	revisions per email dated 8-25-10
3	8-24-10	revisions per email dated 8-20-10
2	8-3-10	revisions per our discussion
1	7-20-10	revisions per our meeting

REVISIONS

GLANDSCAPE DESIGN

LANDSCAPE PLAN

O'Neil Residence

5803 Kirkside Drive

Chevy Chase, MD 20815

SCALE	1" = 8'
DRAWN BY	Matt Purdy
CHECKED BY	
DATE	5-26-10
DATE OF PRINT	5-26-10

PROJECT NO.

SHEET NO.

DEPARTMENT OF PERMITTING SERVICES

Isiah Leggett
County Executive

Jennifer Hughes
Acting Director

FENCE PERMIT

Issue Date: 4/15/2011

Permit No: 565993
Expires: 4/15/2012
X Ref.
Rev. No:
ID: AC1118005

THIS IS TO CERTIFY THAT: LAURA BILLINGS
5803 KIRKSIDE DRIVE
CHEVY CHASE MD 20815

HAS PERMISSION TO: CONSTRUCT FENCE

3 Feet 6 Inches in height

PROPERTY LINE N OWNERS LAND N RIGHT OF WAY N

PERMIT CONDITIONS: FENCE 3FT 6IN ALSO REPLACE BACK FENCE 6FT ENCLOSE THE YARD

PREMISE ADDRESS: 5803 KIRKSIDE DR
CHEVY CHASE MD 20815-7119

LOT 1	BLOCK 14	ZONE	GRID
LIBER	ELECTION DISTRICT	PLATE	PARCEL
FOLIO	TAX ACCOUNT NO.		PS NUMBER
PERMIT FEE: $51.70	SUBDIVISION CHEVY CHASE SEC 1-A		

MUST BE POSTED ON JOB SITE

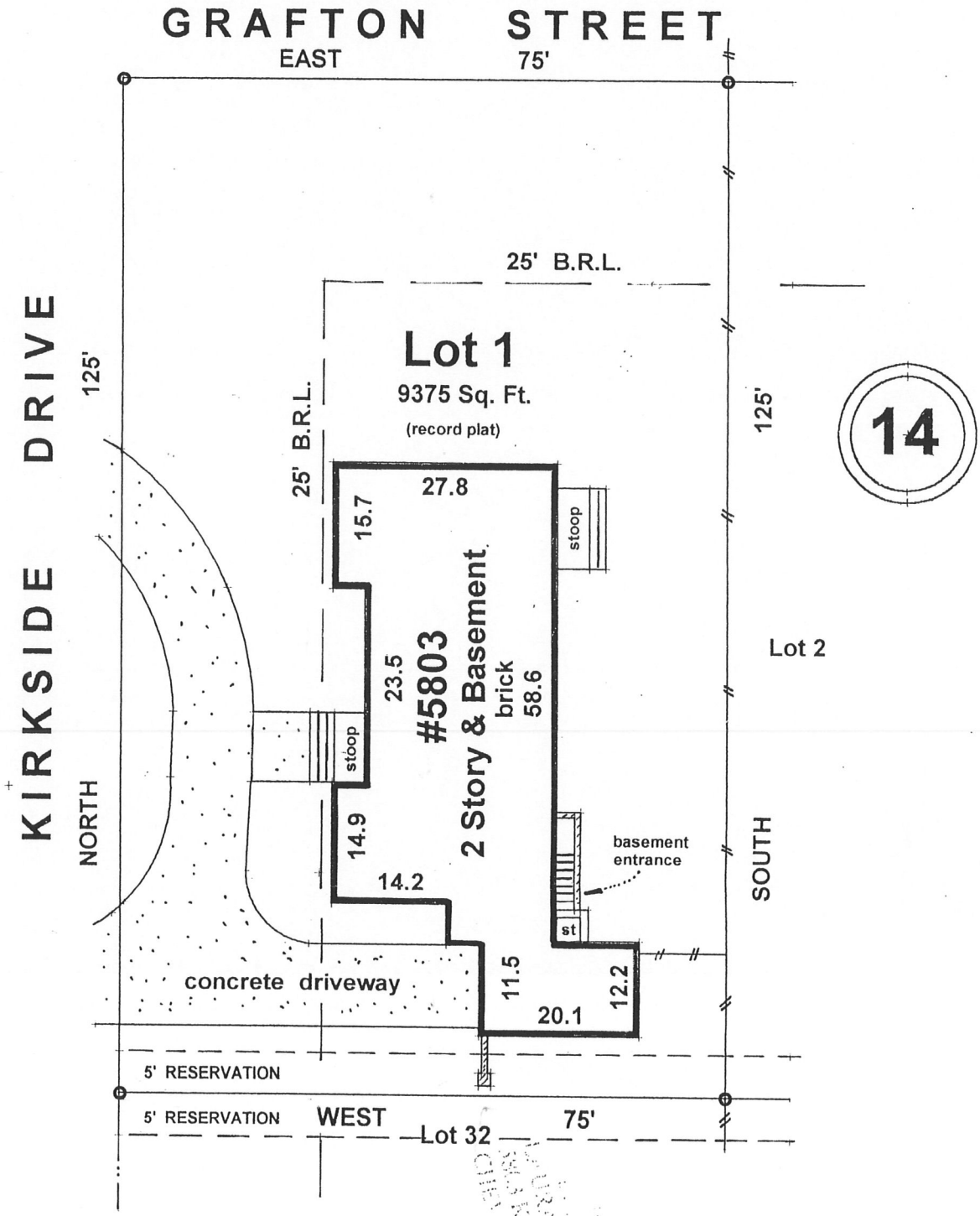
Jennifer Hughes

Acting Director, Department of Permitting Services

Landtech Associates Inc.

10260 Old Columbia Road Rivers Center-Suite J
Columbia, MD 21046
Phone: 410-290-8099 Fax: 410-290-8299

NOTE: NOT TO BE USED FOR ISSUANCE OF PERMITS



Location Survey of:	LOT: 1	BLOCK: 14
#5803 Kirkside Drive	PLAT BK: 4	PLAT#: 349
Section 1-A Chevy Chase	DATE: 11-30-09	SCALE: 1" = 20'
	CASE NUMBER:	091533-PM