A-1712

Remove one 12.0-inch diameter Southern Magnolia tree located on the southeast corner of the pool to accommodate a proposed patio.

Mr. and Mrs. William R. Maloni
5 Chevy Chase Circle

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 6th day of April, 2009 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-1712
MR. AND MRS. WILLIAM R. MALONI
5 CHEVY CHASE CIRCLE
CHEVY CHASE, MARYLAND 20815

The applicants have filed an appeal pursuant to Section 17-4 (b) of the Chevy Chase Village Urban Forest Code to remove one 12.0-inch diameter Southern Magnolia tree located on the southeast corner of the pool to accommodate a proposed patio.

The Chevy Chase Village Code § 17-4 (b) states:

> The Board of Managers shall have the authority to permit the removal or destruction of a tree or the undertaking of any action that will substantially impair the health or growth of a tree if, after a public hearing, the Board finds that such removal, destruction or other action will not adversely affect the public health, safety or welfare, nor the reasonable use of adjoining properties and can be permitted without substantial impairment of the purpose and intent of this chapter.

Additional information regarding this case 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.ccvillage.org or you may contact the office for this information to be mailed to you.

This notice was mailed to abutting property owners on the 26th day of March, 2009.

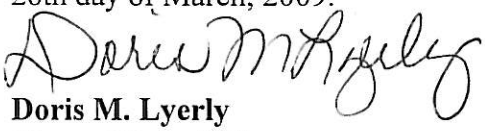
Chevy Chase Village Office
5906 Connecticut Avenue
Chevy Chase, Maryland 20815
301-654-7300

MAILING LIST FOR APPEAL A-1712

MR. WILLIAM R. MALONI
5 CHEVY CHASE CIRCLE
CHEVY CHASE, MARYLAND 20815

Adjoining and confronting property owners	
All Saints Episcopal Church Or Current Resident 3 Chevy Chase Circle Chevy Chase, MD 20815	Mr. Philip Day, Esq. Or Current Resident 5800 Connecticut Avenue Chevy Chase, MD 20815
Mr. Robert G. Josephs Ms. Geraldine M. Carr Or Current Resident 3 Grafton Street Chevy Chase, MD 20815	Mr. David D. Evans Ms. Ruth N. Robbins Or Current Resident 3 Magnolia Parkway Chevy Chase, MD 20815
Mr. and Mrs. Mark E. Talisman Or Current Resident 8 Grafton Street Chevy Chase, MD 20815	Mr. and Mrs. Jerome Bracken Or Current Resident 5 Magnolia Parkway Chevy Chase, MD 20815
Mr. Burt A. Braverman Ms. Kathleen Meredith Or Current Resident 2 Magnolia Parkway Chevy Chase, MD 20815	Mr. and Mrs. Richard W. Cass Or Current Resident 7 Magnolia Parkway Chevy Chase, MD 20815

I hereby certify that a public notice was mailed to the aforementioned property owners on the 26th day of March, 2009.



Doris M. Lyerly
Chevy Chase Village
5906 Connecticut Avenue
Chevy Chase, MD 20815

CHEVY CHASE VILLAGE
5906 CONNECTICUT AVENUE
CHEVY CHASE, MD 20815
Telephone (301) 654-7300
Fax (301) 907-9721
ccv@montgomerycountymd.gov

GEOFFREY B. BIDDLE
Village Manager
DAVID R. PODOLSKY
Legal Counsel

BOARD OF MANAGERS
DOUGLAS B. KAMEROW
Chair
DAVID L. WINSTEAD
Vice Chair
SUSIE EIG
Secretary
GAIL S. FELDMAN
Treasurer
BETSY STEPHENS
Assistant Treasurer
PETER M. YEO
Board Member
ROBERT L. JONES
Board Member

March 26, 2009

Mr. Thomas Wheeler
Cox Graae & Spack Architects
2909 M Street, N.W.
Washington, DC 20007

RE: Maloni Residence, 5 Chevy Chase Circle, Chevy Chase

Dear Mr. Wheeler:

Please note that your appeal to remove one Southern Magnolia tree located on the southeast corner of the pool to accommodate a proposed patio is scheduled before the Board of Managers on Monday, April 6, 2009 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 may be provided in support of your request.

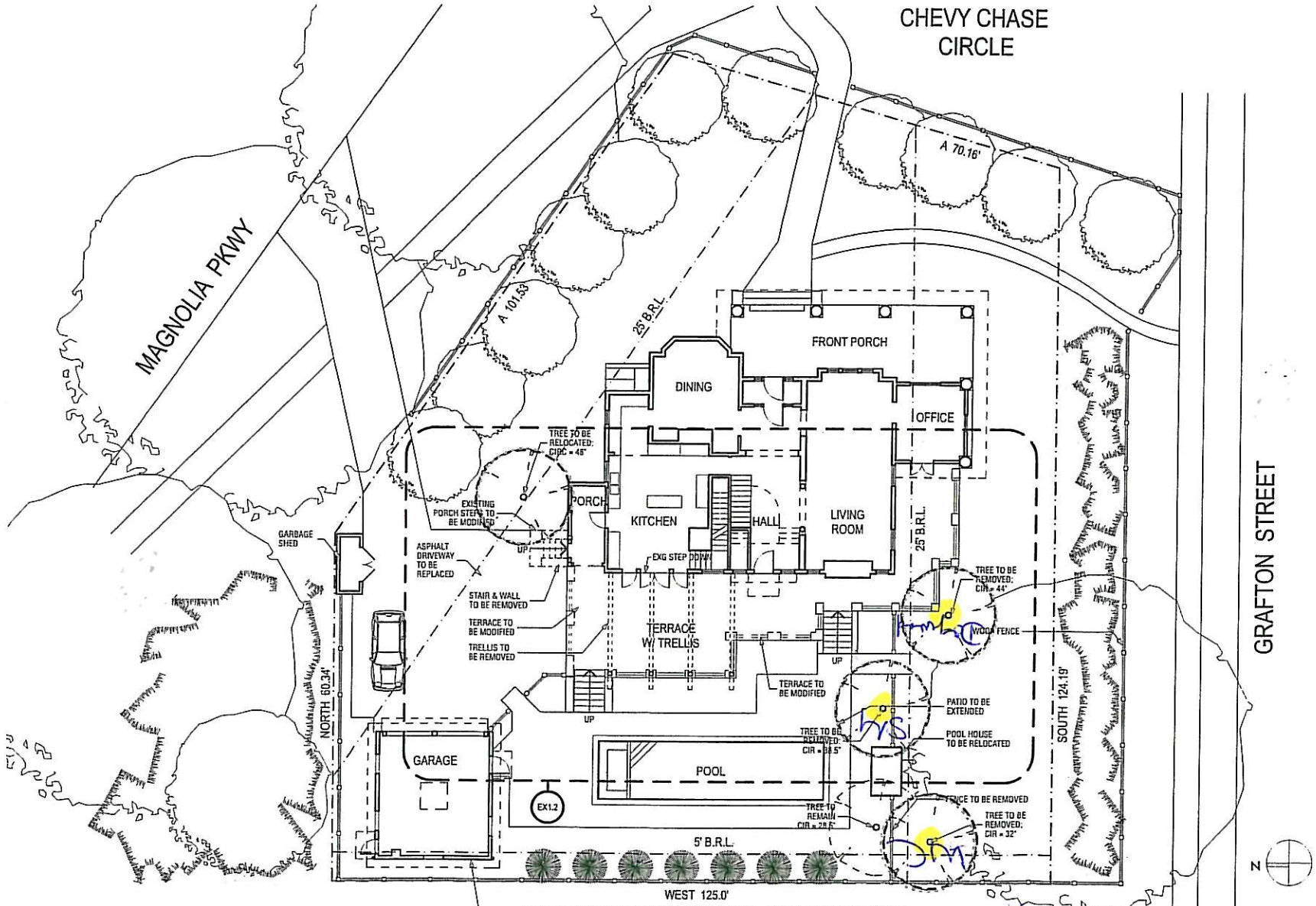
For your convenience, enclosed please find copies of the Public Hearing Notice and mailing list. Please contact the Village office in advance if you are unable to attend.

Sincerely,

Doris M. Lyerly
Permitting & Code Enforcement Specialist
Chevy Chase Village

Enclosures

cc: Mr. and Mrs. William R. Maloni, 5 Chevy Chase Circle, Chevy Chase



EXISTING GARAGE: THE MAJORITY OF THE GARAGE STRUCTURE INCLUDING WALL FRAMING AND SHEATHING IS TERMITE RIDDEN AND CANNOT BE REPLACED WITHOUT REMOVING THE EXISTING STUCCO. IT APPEARS THAT THE MAJORITY OF THE EXTERIOR WALL AREA (MORE THAN 50%) WILL HAVE TO BE REPLACED. EXISTING WOOD TRIM AND ARCHITECTURAL DETAILS WILL BE SALVAGED FOR REINSTALLATION WITH ONLY LIMITED IN-KIND REPLACEMENT.

5 CHEVY CHASE CIRCLE
EXISTING CONDITIONS PLAN

02.06.2009

Bill Maloni cell
202-641-3340

Chevy Chase Village Tree Removal Permit Application

Permit Number: A-1712

Date of Application: 02.06.2009

Applicant Name: BILL & HEIDI MALONI	
Address: 5 CHEVY CHASE CIRCLE	**Phone:** 301.951.3375
Contractor (*Required*): TBD	**Phone:**
Contact Person:	**MD DNR License No. (*Required*)**

Chapter 17. Urban Forest §17-1 and 17-2. Permit Required

Chapter 17 applies to trees on private property with trunks that measure at least twenty-four (24) inches in circumference at four and one-half (4 ½) feet above ground level. § 17-2 reads: "no person shall remove or destroy, or cause the removal or destruction, of a tree or undertake any action that will substantially impair the health or growth of a tree without first obtaining a permit from the Village Manager. No permit shall be required for normal and reasonable trimming or other tree care designed to maintain the health, shape, or balance of a tree."

§17-3 Permit Standards

The Village Manager is authorized to issue a permit only if at least one (1) of the following conditions applies:

- ☐ The tree is damaged beyond restoration, insect infected beyond restoration, or injured beyond restoration;
- ☐ The tree is dead or dying or in danger of falling;
- ☐ The tree constitutes a hazard to the safety of persons;
- ☐ The tree constitutes a hazard and threatens the safety of property;
- ☐ The tree constitutes a hazard and threatens injury to, or would have a negative effect on the health of other trees;
- ☐ The tree is injurious to or creates a condition injurious to the health of a person, certified to by a qualified medical practitioner.

An applicant who is denied a tree removal permit by the Village Manager may appeal the Manager's decision to the Board in writing within ten (10) days of the denial for the application of the permit.

Filing Requirements

- ☐ There is a $50.00 per tree filing fee for a Chevy Chase Village Tree Removal Permit.
- ☐ Copy of the findings and recommendations report from either the Village staff or the Chevy Chase Village Consulting arborist.
- ☐ A completed Tree Removal Permit Application, including the selected tree contractor's name and phone number, and payment of filing fees.

By signing below, I understand that no work may be performed until the Village permit is issued and posted to be visible from the street.

Applicant's Signature [signature] Date: 3-16-09

For use by HPC only:
Historic Area Work Permit required? Yes ☐ No ☐ _____ (HPC Initials)

Tree Removal Plans (including reforestation plan, if any)
1. SEE ATTACHED SITE PLANS INDICATING TREES TO BE REMOVED. (SHOWN ON EXISTING CONDITIONS PLAN) & PROPOSED IMPROVEMENTS (SHOWN ON PROPOSED PLAN.
2. REMOVALS ARE REQUESTED TO ACCOMODATE PROPOSED RENOVATIONS.

For Use By Village Manager	Approved with the following conditions:
APPROVED MAR 13 2009 Chevy Chase Village Manager	#3 Dogwood Jeff Bile

For Use By Village Manager	Denied for the following reasons:
DENIED MAR 13 2009 Chevy Chase Village Manager	#1 & #2 Weeping cherry & Magnolia Heath Jeff Bile

Filing Fees	Checks Payable to:	Chevy Chase Village 5906 Connecticut Avenue Chevy Chase, MD 20815
Permit Fee: 150.00	#3961	
Damage Deposit:		
Appeal Fee:	Date: 3/11/09	
Total Fees & Deposits: 150.00	Staff Signature: Doris M Rigby	

Tree Inspection Request

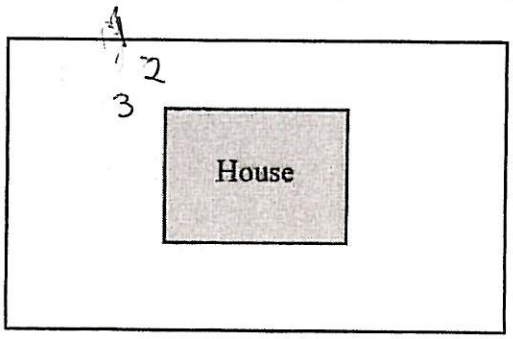
Address 5 CHEVY CHASE CIRCLE Date 02.06.09

Resident's Name BILL & HEIDI MALONI Phone #'s 301. 951.3375

Circle One: **Private Property** **Village Street/Park Tree** _____

Concern(s) _____

(SEE ATTACHED PLANS)



Call taker to indicate location of tree(s) using "plat" and Number designation itemized below.

#1 _____

#2 _____

#3 _____

(Please list no more than three trees per page)

**********To be completed by arborist**********

Tree #1: Type and Diameter Weeping Cherry 10.5" DBH

Assessment: healthy

Tree #2: Type and Diameter Southern Magnolia 12" DBH

Assessment: healthy

Tree #3: Type and Diameter Dogwood 10" DBH

Assessment: Declining, covered with mus

If removal requested. –	Approved	Denied	Permit Required?	Y	N
Tree #1	☐	☒		☒	☐
Tree #2	☐	☒		☒	☐
Tree #3	☒	☐		☒	☐

Signature _____ Date 3-3-09

cox graae + spack architects
2909 m street nw ▪ washington dc 20007 ▪ tel 202.965.7070 ▪ fax 202.965.7144 ▪ www.cgsarchitects.com

12 March 2009

Board of Managers
Chevy Chase Village
Chevy Chase, Maryland 20815

Re: 5 Chevy Chase Circle: Appeal for permission to remove one magnolia tree

This appeal is prepared on behalf of Bill & Heidi Maloni, residents of 5 Chevy Chase Circle.

The context of the appeal is as follows:

1. Renovations are planned for the patio and yard areas behind the house. Those renovations include extension of the existing patio towards Grafton Street and renovations of the side yard adjacent to Grafton Street. In order to extend the patio, the existing pool equipment enclosure and a 12" diameter (38.5" circumference) magnolia are slated for removal.

2. The Village Arborist reviewed a Tree Removal Application that requested permission to remove three trees, one of which is the referenced magnolia. One tree was approved for removal but two others were denied, one of which is the magnolia. Since the time of the Arborist's decision, it has been decided that the other 'denied' tree (a cherry) will be retained and any patio extension will be routed around it. See attached site plan drawing AS-E 1.0 for the existing conditions

Several circumstances support the proposed variance request:

1. The Owner's plan to create a open lawn area for family children in the side yard adjacent to Grafton Street The patio area behind the house is separated from the side yard along Grafton Street by the magnolia and a pool equipment enclosure. Removing the tree and enclosure will allow the patio to be extended and the rear patio area to be visually connected to the lawn at the side yard, thereby allowing supervision of the children.

2. The magnolia does not have any outstanding qualities as to species or age; it is believed that the previous owner planted the tree.

3. The Owners plan to replace the tree with an ornamental tree (currently the plans are to plant a large caliper weeping cherry). See attached site plan drawing AS-PRP 1.0 for the proposed tree location.

4. Removal will not adversely affect the public health, safety or welfare, or the reasonable use of adjoining properties.

david cox faia
principal

christoffer a. graae aia
principal

william l. spack aia
principal

joanna schmickel aia
principal

donald h. gregory aia
associate principal

f. thompson wheeler aia
associate principal

robin mcgrew aia
associate

Sincerely,
cox graae + spack architects

Tom Wheeler

Tom Wheeler, AIA
Associate Principal

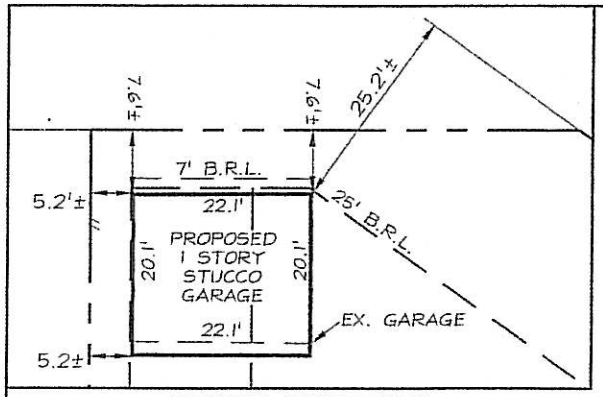
Maloni Residence
5 Chevy Chase Circle

03.12.09

Patio Views

Magnolia / Pool Equipment Enclosure

Pool Equipment Enclosure / Back Yard



PROPOSED GARAGE INSET
SCALE 1"=10'

ZONING INFORMATION NOTES:
THE PROPERTY SHOWN HEREON IS ZONED R-60 (RESIDENTIAL). BUILDING RESTRICTION LINES HAVE BEEN TAKEN FROM TYPICAL R-60 ZONING CHARTS AND ARE SUBJECT TO VERIFICATION BY MONTGOMERY COUNTY ZONING AUTHORITIES.

BUILDING RESTRICTION LINES:

AVERAGE SETBACK	N/A CORNER LOT
FRONT B.R.L.	25'
REAR B.R.L.	20'
SIDE B.R.L.	7' EACH SIDE

PLAT RECORDED PRIOR TO 12/31/59

ACCESSORY BUILDING FOR CHEVY CHASE
SIDE AND REAR 7'

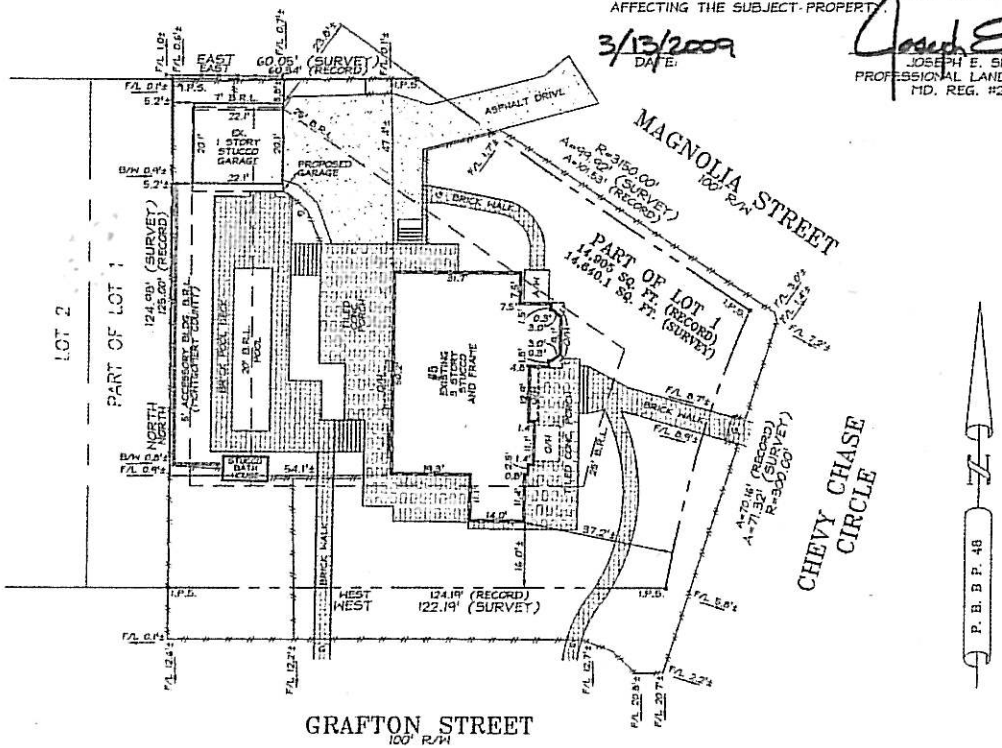
SURVEYOR'S CERTIFICATE:
I HEREBY CERTIFY THAT THE INFORMATION SHOWN HEREON HAS BEEN BASED UPON AN ACTUAL FIELD SURVEY, PERFORMED BY ACCEPTED METHODS, PURSUANT TO THE PLAT OF RECORD. PROPERTY CORNER MARKERS HAVE BEEN RECOVERED OR PLACED AND VERIFIED TO BE IN RELATIVE AGREEMENT WITH THE RECORD INFORMATION AS SHOWN. THE INFORMATION SHOWN HAS BEEN DERIVED WITHOUT THE BENEFIT OF A TITLE REPORT, AND MAY NOT SHOW ALL EASEMENTS OR ENCUMBRANCES AFFECTING THE SUBJECT PROPERTY.

3/13/2009
DATE

JOSEPH E. SNIDER
PROFESSIONAL LAND SURVEYOR
MD. REG. #21229

GENERAL NOTES:

1. FLOOD ZONE "X" PER H.U.D. FLOOD INSURANCE RATE MAPS COMMUNITY PANEL NUMBER 240049-0455D.
2. PROPERTY SHOWN IN MONTGOMERY COUNTY TAX ASSESSMENT MAP HN-41.
3. ALL PROPERTY CORNERS HAVE BEEN RECOVERED OR SET AND VERIFIED PER SURVEY PERFORMED: FEBRUARY 5, 2009
4. PROPERTY RECORDED IN LIBER 10554 AS FOLIO 301 AMONG THE LAND RECORDS OF MONTGOMERY COUNTY MD.
5. PROPERTY SHOWN IN PLAT BOOK B AT PLAT 48 AS RECORDED AMONG THE LAND RECORDS OF MONTGOMERY COUNTY MD.
6. THIS PLAN IS NOT INTENDED TO BE USED AS A SITE PLAN FOR BUILDING PERMIT SUBMISSION. PROPOSED ADDITIONS AND RELOCATED STRUCTURES SHOWN GRAPHICALLY ONLY.
7. CURRENT OWNER OF RECORD: W. R. & H. W. MALCONI
8. PREMISE ADDRESS: #5 CHEVY CHASE CIRCLE CHEVY CHASE, MD 20815



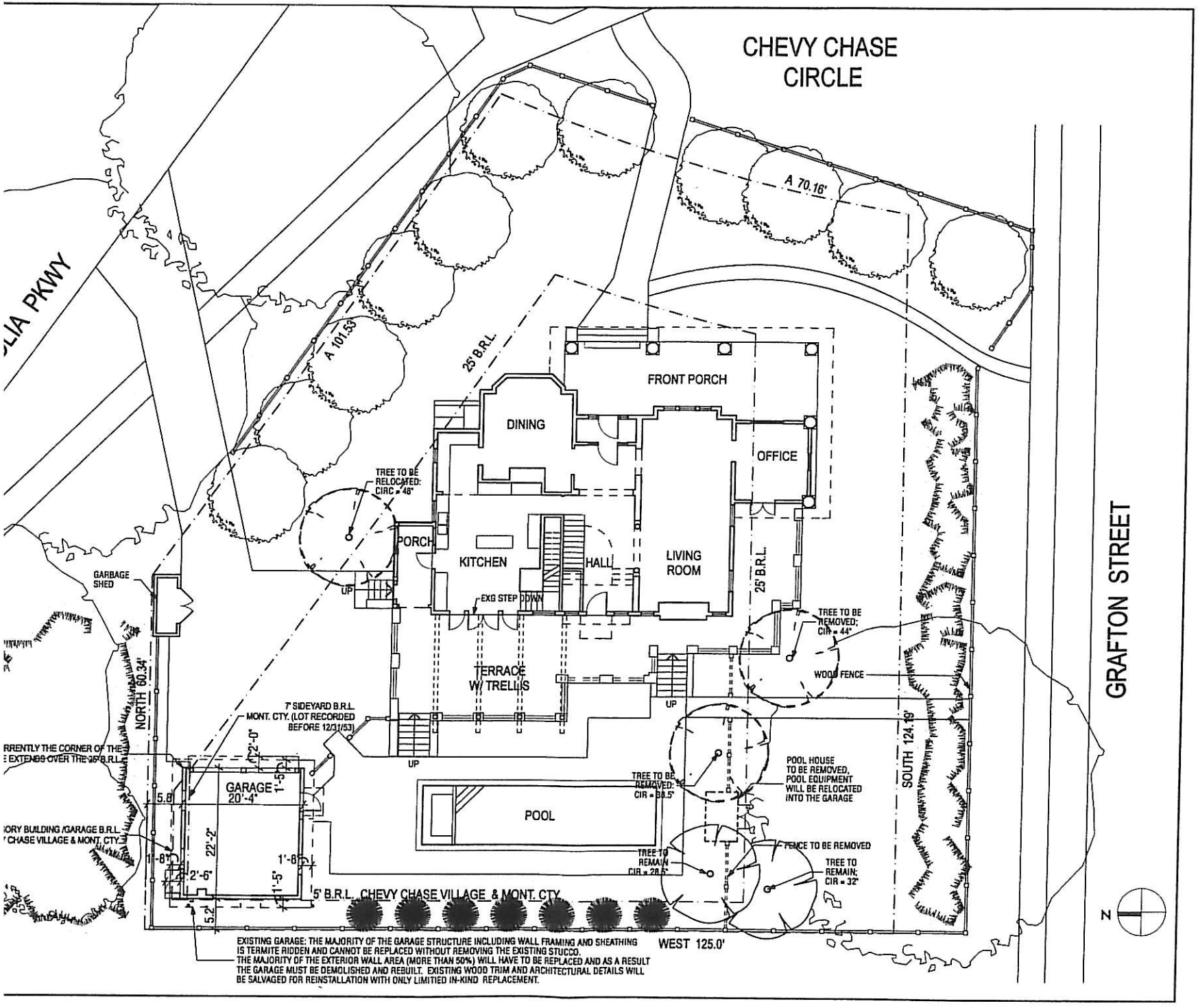
PLAT OF SURVEY
WITH PROPOSED
RELOCATED GARAGE
PART OF LOT 1
BLOCK 25
#5 CHEVY CHASE CIRCLE
CHEVY CHASE
SECTION-2
BETHESDA (7th) ELECTION DISTRICT
MONTGOMERY COUNTY, MARYLAND
SCALE: 1" = 20' FEBRUARY, 2009

SNIDER & ASSOCIATES
SURVEYORS
3 Professional Drive, Suite 216
Gaithersburg, Maryland 20879
301/948-6100 - Fax 301/229-3185

DRAFTING	C.W.T.	COMPUTATIONS	C.W.T.
PROJECT	09-00335	APPROVAL	J.E.S.

Call "Miss Utility" at 1-800-257-7777 For Utility Location at least 48 Hours Prior to Beginning Construction.

DATE	REVISIONS



Maloni Residence

5 Chevy Chase Circle
Chevy Chase, Maryland

cox graae + spack
architects
2908 M Street NW
Washington DC 20007
202-965-7070
fax 202-965-7144

Seal

No:	Date:	Revision:
	03.13.09	Garage Variance

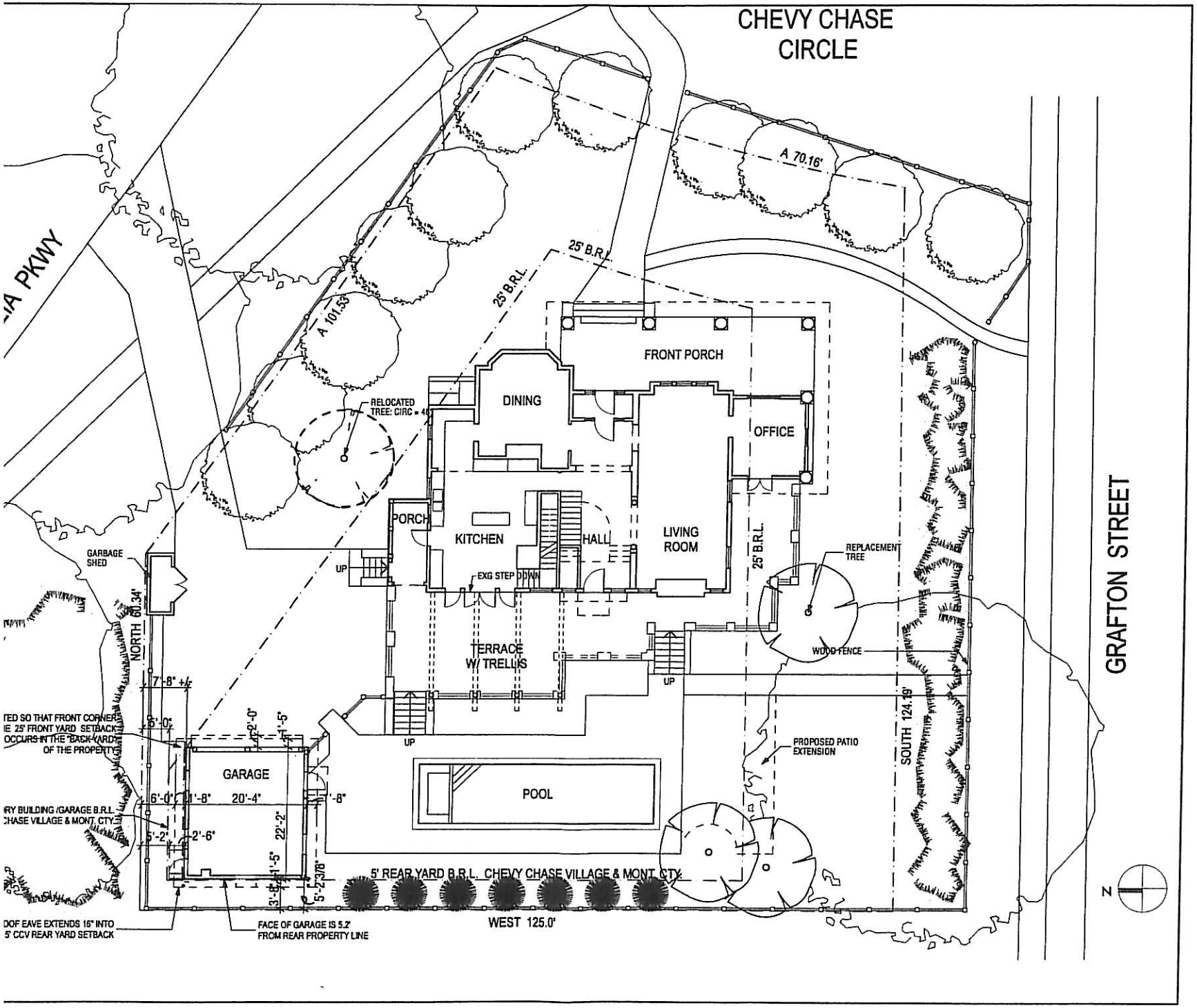
Drawing Title:
SITE PLAN: EXISTING CONDITIONS

Graphic Scale:
1/8" = 1'-0"

Drawn By: Checked By:

Project No: Date:

Drawing No:
AS-E 1.0



Maloni Residence

5 Chevy Chase Circle
Chevy Chase, Maryland

cox graae + spack
architects
2909 M Street NW
Washington DC 20007
202 965-7273
fax 202 965-7144

Seal

No:	Date:	Revision:
	03.13.09	Garage Variance

Drawing Title:
SITE PLAN: PROPOSED

Graphic Scale:
1/8" = 1'-0"

Drawn By: Checked By:

Project No: Date:

Drawing No:
AS 1.0

Copyright cox graae + spack architects 2009

To Whom it may concern,

We support the application for a variance request by Bill & Heidi Maloni at 5 Chevy Chase Circle to remove two trees in their back yard and replace them with two trees of an appropriate species to be planted in another part of their yard.

Signed

Cynthia & Joel Rosenberg
name

9 Magnolia Parkway
address

301 654 0757
phone number

To Whom it may concern,

We support the application for a variance request by Bill & Heidi Maloni at 5 Chevy Chase Circle to remove two trees in their back yard and replace them with two trees of an appropriate species to be planted in another part of their yard.

Signed

Heather M. Cass Richard N Cass

name

7 MAGNOLIA PARKWAY

address

301.656.6582

phone number

HEATHER CASS

RICHARD CASS

To Whom it may concern,

We support the application for a variance request by Bill & Heidi Maloni at 5 Chevy Chase Circle to remove two trees in their back yard and replace them with two trees of an appropriate species to be planted in another part of their yard.

Signed

name

3 Magnolia Pl Cly

address

301-907-9451

phone number

To Whom it may concern,

We support the application for a variance request by Bill & Heidi Maloni at 5 Chevy Chase Circle to remove two trees in their back yard and replace them with two trees of an appropriate species to be planted in another part of their yard.

Signed

Adam Wenner
name

2 Hesketh St.
address

301 654 2149
phone number

To Whom it may concern,

We support the application for a variance request by Bill & Heidi Maloni at 5 Chevy Chase Circle to remove two trees in their back yard and replace them with two trees of an appropriate species to be planted in another part of their yard.

Signed

Jerome Bracken

name

5 Magnolia Parkway

address

301-654-9320

phone number

To Whom it may concern,

We support the application for a variance request by Bill & Heidi Maloni at 5 Chevy Chase Circle to remove two trees in their back yard and replace them with two trees of an appropriate species to be planted in another part of their yard.

Signed

Kathleen Meredith

name

2 MAGNOLIA PARKWAY

address

301. 654. 4274

phone number