

# CHEVY CHASE VILLAGE

5906 Connecticut Avenue  
Chevy Chase, Maryland 20815  
(301) 654-7300

Email: [ccvpermitting@montgomerycountymd.gov](mailto:ccvpermitting@montgomerycountymd.gov)

## BUILDING PERMIT

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*Permit Number: AA-7556*

*Date Issued: July 18, 2019*

*Expires: July 18, 2020*

*Name of Property Owner:* Nancy Stone  
*Address of Construction:* 2 Quincy Street  
Chevy Chase, MD 20815

*Contractor:* Davis and Davis  
*Contact Person:* Kevin Smith  
*Phone Number:* 240-620-9835

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### WORK TO BE DONE

- In-Kind Replacement of Air Conditioning Unit in Front (Quincy Street) yard
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### SPECIAL CONDITIONS

- Work must be done in accordance with submitted application.
  - Work must commence within six months of the issuance of this permit and must be completed by **July 18, 2020**.
  - Tree protection measures must be installed before work begins and must remain in place for the duration of project.
  - Posting of commercial signs is prohibited.
  - Noise-Generating activities and power equipment usage are prohibited until after 8:00 a.m. M-F and after 9:00 a.m. weekends & holidays.**
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*Permit Fee:* \$150.00

*Tree Protection Plan:* \$0.00

*Appeals:* N/A

*Total Fees Due:* \$150.00 (paid)

**THIS PERMIT MUST BE POSTED**

CASE NO. AA-7556  
Administrative Variance Request of Nancy B. Stone & Richard C. Miller

DECISION OF THE BUILDING OFFICER AND VILLAGE MANAGER

Summary of Case

This proceeding is an application for an administrative variance pursuant to Section 8-11 of the Chevy Chase Village Code (the "Village Code"). Nancy B. Stone and Richard C. Miller (the "Applicants") propose to replace an external air conditioning unit located in the front (Quincy Street) yard of the Property. The Property is known as Lot 8 and Part of Lot 7 in Block 58, in the "Section 2, Chevy Chase" subdivision, as per plat recorded in Liber J.A. No. 36 at folio 61, among the land records of Montgomery County, Maryland, also known as 2 Quincy Street, Chevy Chase, Maryland 20815 (the "Property").

Applicable Law

The Applicants seek an administrative variance pursuant to the requirements of Section 8-22(b)(2) of the Village Code, which provides as follows:

No person may replace an external air conditioner or heat pump within five (5) feet of any side lot line or rear lot line or in the front yard of any property.

Additionally, the Chevy Chase Village Code sec. 8-11(b) states:

The Building Officer and the Village Manager, by joint action, may grant administrative Special Permits and administrative variances for the following construction:

(3) Replacement of an external air conditioner, generator or heat pump (collectively referred to as "equipment"), provided that the replacement equipment is not materially larger and does not encroach farther into any setback than the existing equipment.

The Building Officer and the Village Manager, by joint action, may grant an administrative variance if they find that: (1) the variance is required because special conditions exist whereby the enforcement of the requirements of the building regulations would result in unwarranted

hardship and injustice to the owner; (2) the proposed variance would most nearly accomplish the intent and purpose of the requirements of the building regulations; and (3) except for variances authorized by Sections 8-21[fences], 8-26 [driveways] or Chapter 25 [public rights-of-way] of the building regulations, the structure authorized would not violate any covenant applicable to the property.

### **Procedural History**

The Applicants submitted a written application on July 15, 2019 for a variance for the above-referenced work. Pursuant to Section 8-11(c), which states that “Notwithstanding the foregoing, for Special Permits and variances for equipment described in Section 8-11(b)(3), the Building Officer and the Village Manager may waive the 15-day notice and comment period upon a showing of good cause.” The requested waiver was granted.

### **Summary of Evidence**

In support of the request, the Applicants submitted the following: (i) the denied Building Permit Application; (ii) the aforementioned Application for an Administrative Variance; (iii) a copy of the Montgomery County Mechanical Permit for the replacement air conditioner; (iv) a copy of the covenants applicable to the Property and (v) a plat of the Property depicting the location of the proposed replacement air conditioning unit in the same location as the existing unit.

The Applicants contend that there are special conditions at the Property as it is located on a corner and thus has two ‘front yards.’ They state that there is no abutting neighbor to the west as the Property fronts on Connecticut Avenue and thus “there is no [directly abutting] next door neighbor” on the side of the Property closest to the location of the replacement unit.

They contend that it would constitute a hardship to relocate the unit to a compliant location because “[a]ll of the wiring and the electrical boxes for the current air conditioning unit that requires replacement are on the front of the [P]roperty”. They further contend that the unit is not visible from Connecticut Avenue nor from Quincy Street because of “a fence and a grove of tall bamboo and [the unit is] also shielded from view from Quincy Street by tall Holly trees...as well as bushes in front of the unit”. They assert that replacement of the unit in the same location would accomplish the intents and purposes of the Village code because “the unit will be screened from view”. They further assert replacement of the unit “will not block vistas and will not in any way affect any neighbors’ use and enjoyment of their property because [the air conditioner] will be on the side of the property closest to Connecticut Avenue, where there is no neighboring [residential] property”. The covenants applicable to the Property state only that “no stable, carriage house or shed shall be erected within twenty five feet of the front line of said premises”, hence there is no covenant conflict.

### **Findings of Fact**

Based upon the testimony and evidence of record, the Building Officer and the Village Manager make the following findings in connection with this matter:

1. The Subject Property is located on the southeast corner of the intersection of Quincy Street and Connecticut Avenue;
2. There are currently two (2) air conditioning units located in the front yard of the Property, one of which needs to be replaced at this time;
3. The proposed replacement air conditioning unit will be installed in the same location as the existing unit and will not be any larger than the existing unit;

4. The replacement air conditioning unit satisfies the requirements for granting of an administrative variance as stipulated in Section 8-11(b) (3) of the Village Code; and

5. Replacement of the air conditioner would not be a violation of the enumerated covenants applicable to the Property.

### **Conclusions**

Based upon the foregoing findings, the Building Officer and Village Manager conclude that: (i) the variance is authorized by the Village building regulations because it satisfies the criteria stipulated in Section 8-11(b)(3) of the Village Code; (ii) the variance will not adversely affect the health, safety or welfare nor the reasonable use of adjoining properties because it is a replacement in-kind and is screened from view by a fence, trees and shrubbery; (iii) the variance can be granted without substantial impairment of the intent and purpose of the [building regulations] because it will not adversely impact the neighbor's use and enjoyment of their property; and (iv) the variance will not violate any covenant applicable to the Property.

### **Grant of Variance**

Accordingly, the requested administrative variance to replace the air conditioning unit in the front yard is GRANTED subject to the following conditions:

1. The construction shall be performed in accordance with all the Applicants' representations submitted for the record of this matter;

2. The variance is hereby granted shall expire if the work is not completed on or before July 15, 2020.

**Decision**

The foregoing Decision was issued on this 18<sup>th</sup> day of July, 2019.

  
\_\_\_\_\_  
Gary Crockett  
Building Officer, Chevy Chase Village

  
\_\_\_\_\_  
Shana Davis-Cook  
Village Manager, Chevy Chase Village

**AA-7556**  
**Administrative Variance**

Replace an air conditioner located in the Quincy Street  
(front) yard of the property.

Ms. Nancy B. Stone &  
Mr. Richard C. Miller  
2 Quincy Street

**CHEVY CHASE VILLAGE  
NOTICE OF ADMINISTRATIVE VARIANCE REQUEST**

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*The following case was considered as an expedited review per Section 8-13(d) of the Village Code*

**APPEAL NUMBER AA-7556  
MS. NANCY B. STONE &  
MR. RICHARD C. MILLER  
2 QUINCY STREET  
CHEVY CHASE, MARYLAND 20815**

The applicants seek an administrative variance pursuant to Section 8-11 of the Chevy Chase Village Building Code to replace an external air conditioner located in the Quincy Street (front) yard of the property.

**The Chevy Chase Village Code sec. 8-22(b)(2) states:**

No person may replace an external air conditioner or heat pump within five (5) feet of any side lot line or rear lot line or in the front yard of any property.

Additionally,

**The Chevy Chase Village Code sec. 8-11(b) states:**

The Building Officer and the Village Manager, by joint action, may grant administrative Special Permits and administrative variances for the following construction:

(3) Replacement of an external air conditioner, generator or heat pump (collectively referred to as "equipment"), provided that the replacement equipment is not materially larger and does not encroach farther into any setback than the existing equipment.

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 or you may contact the office for this information to be mailed to you.

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

# Chevy Chase Village

## Application for an Administrative Variance

A variance is permission granted by the Board of Managers pursuant to, and subject to, the conditions of Sec. 8-9(c) of Chapter 8 to construct, install, remove or alter a structure or planting, or take any other action that does not otherwise meet the requirements of the Chapter. The administrative variance is a written authorization from the Building Officer and Village Manager pursuant to Sec. 8-11 permitting construction in a manner not otherwise allowed by the Village Code.

Subject Property:	2 Quincy Street, Chevy Chase, MD 20815	
Describe the Proposed Project:	replace existing air conditioner with new in same location	
Applicant Name(s) (List all property owners):	Nancy Stone/Richard C. Miller	
Daytime telephone:	202-778-6431	Cell: 202-669-8747 (best)
E-mail:	nstone@schiffhardin.com	
Address (if different from property address):	n/a	
For Village staff use:		
Date this form received:	7/16/19	Variance No: AA-7556

### Filing Requirements:

Applications will be reviewed for satisfaction of all requirements and are not considered complete until approved as such by staff.

- Completed Chevy Chase Village Application for a Variance (this form)
- Completed Chevy Chase Village Building Permit Application
- Completed Chevy Chase Village Website Posting Notice
- 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 Secs. 8-21 and 8-26 or Chapter 25 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: Nancy B. Stone

Date: 7-15-2019

Applicant's Signature: \_\_\_\_\_

Date: \_\_\_\_\_

**Describe the basis for the variance request** (Applicants should become familiar with the pertinent sections of the Village Code. 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:

*See attachment A*

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):

*See attachment A*

Describe how the proposed variance most nearly accomplishes the intent and purpose of the requirements of Chapter 8 or Chapter 25 of the Chevy Chase Village Code, entitled *Buildings and Building Regulations*:

*See attachment A*

*In exercising its powers in connection with a variance request, the Chevy Chase Village Building Officer and Village Manger may reverse or affirm, wholly or partly, or may modify the requirement, decision or determination as it deems appropriate.*

<p align="center"><b>Variance Filing Fee</b></p> <p><i>Per Village Code Sec. 6-2(a)(24)</i></p> <p><input type="checkbox"/> \$300.00 for new construction.</p> <p><input checked="" type="checkbox"/> \$150.00 for replacing existing non-conformities.</p> <p><input type="checkbox"/> \$300.00 for fences, walls, play equipment, trees, hedges, shrubbery in the public right-of-way.</p> <p><input type="checkbox"/> Other: \$ _____</p> <p>Fee Paid: <i>\$150.00</i></p>	<p><b>Checks Payable To: Chevy Chase Village 5906 Connecticut Ave. Chevy Chase, MD 20815</b></p> <p>Date Paid: _____</p> <p>Staff Signature: _____</p>
<p align="center"><b>APPROVED</b></p> <p align="center"><b>JUL 18 2019</b></p> <p align="center"><b>Chevy Chase Village Manager</b></p>	<p><b>Approved to Issue Building Permit per Decision Signed by the Building Officer and Village Manager on:</b></p> <p>Date: <i>July 18, 2019</i></p> <p>Signature: <i>[Signature]</i> Building Officer</p> <p>Signature: <i>[Signature]</i> Village Manager</p>

Stone/Miller  
2 Quincy Street  
Chevy Chase MD, 20815

## ATTACHMENT A

### **Special conditions of the property:**

The property is at the corner of Quincy Street and Connecticut Avenue, facing Quincy Street. The only next-door neighbor is at 4 Quincy Street, and there is no next-door neighbor on the Connecticut Avenue side of the property. There is a tall grove of bamboo and a fence on the Connecticut Avenue side of the property, as well as tall holly trees along the front perimeter of the property.

### **How enforcement of the building regulations would result in an unwarranted hardship and injustice:**

Our property has two "front yards" that face onto public roads, on the Connecticut Avenue side and on the Quincy Street side, which reduces our options as far as possible placement of the air conditioning units. All of the wiring and the electrical boxes for the current air conditioning unit that requires replacement are on the front of the property, where we wish to place the replacement unit. The units are not visible at all from the Connecticut Avenue side of the property because of a fence and a grove of tall bamboo and are also shielded from view from Quincy Street by tall holly trees along the perimeter of the property as well as bushes in front of the unit.

### **How accomplishes intent and purpose of the requirements of the Code:**

Installation of the new air conditioning unit in the same place as the old unit will not adversely change the character of the property in any way, as the unit will be screened from view as described above. In addition, installation of the new unit where we propose will not create unsafe conditions, will not block vistas, and will not in any way affect any neighbor's use and enjoyment of their property because it will be on the side of the property closest to Connecticut Avenue, where there is no neighboring property.

# Online Form Submittal: Building Permit Application for Air Conditioning Units, Heat Pumps, Generators and Geothermal Wells

noreply@civicplus.com

Mon 7/15/2019 10:12 AM

To:CCV Permitting <ccvpermitting@montgomerycountymd.gov>; Village, Chevy Chase <ChevyChase.Village@montgomerycountymd.gov>;

[EXTERNAL EMAIL]

## Building Permit Application for Air Conditioning Units, Heat Pumps, Generators and Geothermal Wells

### Step 1

These mechanical units are regulated by Chevy Chase Village Code Section 8-22(b)

Property Address:	2 Quincy Street, Chevy Chase Village
Name	Nancy Stone
Email Address	nstone@schiffhardin.com
Phone Number	202-778-6431
Cell Number	202-669-8747
After-hours Phone Number	202-669-8747

(Section Break)

Primary Contact for Project:	Resident
*MHIC/MD Contractor's License No.	Davis & Davis master license no. 5532

240-620-9835

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

Name	Field not completed.
Email Address	Field not completed.
Work Telephone	Field not completed.
Cell Number	Field not completed.
After-hours Telephone	Field not completed.

(Section Break)

Check all that apply: Air Conditioning Unit

# of Air Conditioning Units	1
# of Heat Pump Units	Field not completed.
# of generator units	Field not completed.
Is this heat pump a geothermal/geoexchange or ground source heat pump?	Field not completed.
If yes, how many wells will be drilled?	Field not completed.

(Section Break)

Check all appropriate boxes:	a replacement in-kind and in the same location
Description of type and location of mechanical unit(s) to be installed:	Lennox EL16XC1 high-efficiency, single-stage air conditioner to be placed at same location as old unit.

(Section Break)

**Step 2**

Excerpt from the Chevy Chase Village Code:  
*Sec. 8-5. Residential building permits. [...A]ny person intending to construct, install, replace, alter, add to, expand or make any material alteration to any of the following, whether on private property or in the public right-of-way must first obtain any required County building permit and then obtain any required building permit from the Village: (12) Any external antenna, air conditioner, generator or heat pump including the replacement of any such external feature that is a developmental nonconformity.*

Sec. 8-22. Antennae, air conditioners, heat pumps and generators. (b) Setbacks No person may 1) Install an external air conditioner or heat pump within seven (7) feet of any side lot line or rear lot line nor in the front yard of any property. 2) Replace an external air conditioner or heat pump within five (5) feet of any side lot line or rear lot line or in the front yard of any property 3) Install or replace a generator within seven (7) feet of any side lot line or rear lot line or in the front yard of any property. All external air conditioners, heat pumps and generators must comply with the noise control provisions and building regulations of the county.

Cross reference(s)--Fine for violation of this section, Sec. 6-3(a)(1).

(Section Break)

Building Permit Application for Air Conditioning Units, Heat Pumps, Generators and Geothermal Wells: Filing Requirements	This application form, signed by resident., Boundary Survey, Filing Fee (due at time of application). Fees schedule is listed in Chapter 6 of the Village Code.
File Upload	<a href="#">Stone, 2 Quincy Street Plat.pdf</a>

Once this permit application is complete, the Village Manager will review the application and accompanying documents and, under most circumstances, act on

the application with in 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.

Electronic Signature Agreement I agree.

Electronic Signature Nancy B. Stone

Date: 7/15/2019

**Step 3**

Filing Fees  
*(due when application submitted)*

*Permit Application Fee:*

(if mechanical unit/system is a replacement in-kind and in the same location) - \$25

Quantity 1

Email not displaying correctly? [View it in your browser.](#)

<b>For Use By Village Manager</b>	<b>Application approved with the following conditions:</b>
<b>For Use By Village Manager</b>  <b>DENIED</b> <b>JUL 18 2019</b>  <b>Chevy Chase Village Manager</b>	<b>Application denied for the following reasons:</b>
	<i>Denial</i>
	<i>Unit located in the front yard.</i>

<b>Filing Fees</b> (due when application submitted)	<b>Checks Payable to:</b>
Permit Application Fee: <input type="checkbox"/> \$50.00 (if mechanical unit/system is new, enlarged or relocated) <input checked="" type="checkbox"/> \$25.00 (if mechanical unit is a replacement in-kind and in the same location)	<b>Chevy Chase Village</b> <b>5906 Connecticut Ave.</b> <b>Chevy Chase, MD 20815</b>
Tree Preservation Plan Fee: <input type="checkbox"/> \$250.00 <input checked="" type="checkbox"/> Not required for this project	Date: <i>7/18/19</i> Staff Signature: <i>[Signature]</i>
TOTAL Fees: <i>\$250.00</i>	
<b>Damage Deposit/Performance Bond</b> <input type="checkbox"/> \$ _____ <input type="checkbox"/> Waived by Village Manager	Date: _____ Village Manager Signature: _____

*For Village Staff use:*

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





DEPARTMENT OF PERMITTING SERVICES

Marc Elrich
County Executive

Hadi Mansouri
Acting Director

MECHANICAL PERMIT

Issue Date: 07/15/2019

Permit No: 882648
Expires: 07/15/2020
ID: 423778

THIS IS TO CERTIFY THAT: DAVIS & DAVIS A/C AND HEATING, INC.
10530 DETRICK AVE
KENSINGTON, MD 20895

HAS PERMISSION TO: REPLACE SINGLE FAMILY DWELLING
Y Residential Building N Commercial Building

Table with columns: Heating Equipment, Cooling Equipment, Tanks (Fuel-oil, LP-gas), Tanks (Expansion). Rows include Capacity, Quantity, and specific equipment types like Commercial Hoods, Cooling Towers, etc.

PREMISE ADDRESS: 2 QUINCY ST
CHEVY CHASE, MD 20815

PERMIT CONDITIONS: Same size same location same tonnage

The permit fee is calculated based on the approved Executive Regulations multiplied by the Enterprise Fund Stabilization Factor for the current fiscal year.

LOT - BLOCK: P7 - 58 ZONE: ELECTION DISTRICT: 07
BOND NO.: BOND TYPE:
PERMIT FEE: \$ 120.04 SUBDIVISION: CHEVY CHASE SEC 2 PS NUMBER:

PERMIT MUST BE KEPT AT THE JOB SITE

The equipment noise levels must comply with the receiving property line limits when measured in accordance with Ch. 31-B, MCC. For further information, contact the Department of Environment Protection at 240-777-7770.

The work performed on this permit must be in compliance with Montgomery County Zoning Ordinance development standards of the zone including location, setbacks, and height.

Handwritten signature of Hadi Mansouri
Acting Director, Department of Permitting Services

Real Property Data Search

Search Result for MONTGOMERY COUNTY

View Map View GroundRent Redemption View GroundRent Registration

Tax Exempt: Special Tax Recapture:  
 Exempt Class: NONE  
 Account Identifier: District - 07 Account Number - 00458078

Owner Information  
 Owner Name: MILLER RICHARD C & NANCY B STONE Use: RESIDENTIAL  
 Principal Residence: YES  
 Mailing Address: 2 QUINCY ST Deed Reference: /19630/ 00394  
 CHEVY CHASE MD 20815-4227

Location & Structure Information  
 Premises Address: 2 QUINCY ST Legal Description: CHEVY CHASE SEC 2  
 CHEVY CHASE 20815-4227 LT 8

Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:
HN41	0000	0000		0009		58	P7	2017	Plat Ref:

Special Tax Areas: Town: CHEVY CHASE VILLAGE  
 Ad Valorem:  
 Tax Class: 19

Primary Structure Built	Above Grade Living Area	Finished Basement Area	Property Land Area	County Use
1931	3,629 SF	651 SF	16,875 SF	111

Stories	Basement	Type	Exterior	Full/Half Bath	Garage	Last Major Renovation
2	YES	STANDARD UNIT	STUCCO	4 full/ 1 half	1 Detached	

Value Information

	Base Value	Value As of 01/01/2017	Phase-in Assessments As of 07/01/2018	As of 07/01/2019
Land:	848,800	848,800		
Improvements	1,214,000	1,060,600		
Total:	2,062,800	1,909,400	1,909,400	1,909,400
Preferential Land:	0			0

Transfer Information  
 Seller: GLADSTONE, CHRISTOPHER D & Date: 09/05/2001 Price: \$1,200,000  
 Type: ARMS LENGTH IMPROVED Deed1: /19630/ 00394 Deed2:  
 Seller: STEPHEN A & A T WEISWASSER Date: 09/11/1995 Price: \$849,000  
 Type: ARMS LENGTH IMPROVED Deed1: /13618/ 00501 Deed2:  
 Seller: Date: Price:  
 Type: Deed1: Deed2:

Exemption Information

Partial Exempt Assessments:	Class	07/01/2018	07/01/2019
County:	000	0.00	
State:	000	0.00	
Municipal:	000	0.00 0.00	0.00 0.00

Tax Exempt: Special Tax Recapture:  
 Exempt Class: NONE

Homestead Application Information  
 Homestead Application Status: Approved 09/09/2008