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Ma, Michael

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From: Dave Montgomery [dcmontgom@alum.mit.edu]  
Sent: Thursday, December 09, 2004 10:09 AM  
To: Ma, Michael  
Subject: 4618 Harrison Street, file number 8-96026A

Dear Mr. Ma:

As you are aware, members of the Brookdale Citizens' Association have been in consultation with Mr. Dale Shields in connection with the home he plans to build at 4618 Harrison St. in Chevy Chase.

To the best of my knowledge, there is no community objection to Mr. Shields' plans filed with the M-NCPPC as set forth below:

- "Site - Landscape Plan, Lot - 7, Block 4, Brookdale" as amended 12/06/04,
- "Front Elevation", "Elevation #2", as amended 10/15/04.

Mr. Shields attorneys, DuFour & Owens, have requested that the Front Elevation on file with the Planning Board be further annotated for the record to show that the roof shingles will be of slate type materials (eliminating a mistaken reference to "asphalt type"), and that the brick facade will be painted and we have a written undertaking from Mr. Shields to make the color either white or cream. These changes are a component of the agreement reached between the Association and Mr. Shields. Additionally, we understand that Mr. Shields plans do not include a carport on the property.

I would like to thank you, on behalf of members of the Brookdale Citizens Association, for the advice and assistance you have provided in making possible this mutually beneficial arrangement with Mr. Shields.

Since time is a factor this matter, I am sending you this message via email, with a signed original to follow.

David Montgomery, President, Brookdale  
Citizens' Association

**Ma, Michael**

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**From:** menefee301@comcast.net

**Sent:** Monday, December 06, 2004 7:10 PM

**To:** Ma, Michael

**Cc:** Dale Shields; claireccardella@earthlink.net; tacardella@earthlink.net

**Subject:** Re: Site Plan Amendment 8-96026A--Brookdale (4618 Harrison St.)

Hello Michael,

My husband and I appreciate you accepting comments from future neighbors of the Shields family. Pat and I would certainly be much relieved if the plan to move the house closer to Harrison Street is approved. Our home is on River Road and due to our oddly shaped lot, our property borders the Shields property on two sides. If the Shields house is built to meet the 1996 set-back, it will loom over our house, having direct sight views into the entire back of the house since their home will be perched on the top of the slope above our home.

We hope to hear good news.

Bernadette and Pat Menefee

4701 River Road

Bethesda, MD 20816

301-656-1677

**Ma, Michael**

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**From:** Ott, Marvin [Ottm@ndu.edu]  
**Sent:** Monday, October 18, 2004 5:35 PM  
**To:** Ma, Michael  
**Cc:** 'Elldeejay@comcast.net'  
**Subject:** 4618 Harrison St., Chevy Chase

Dear Mr. Ma:

I live at 5204 Murray Rd - quite close to the building site referenced above.

As you know, permission was granted to build on this site in 1996 only after extensive consideration by M-NCPPC and the community of Brookdale. Approval was contingent on very specific restrictions concerning how any house would be sited on the lot. Even then the M-NCPPC was of two minds and the decision to approve was by a one vote margin.

The reason that restrictions were imposed was made quite clear at the time. Brookdale is a community of homes constructed by a single builder/architect in the 1930's. As a result the community as a tangible harmony of appearance that is extremely rare in American suburban landscapes. The subdivision on Harrison represents the first and only time that this harmony will be violated by in-building. Recognizing this, the M-NCPPC tried to insure as much as possible that the new construction would do minimal violence to the existing community. Hence the requirement for a 50 foot setback to reduce to visual impact of new construction.

Mr. and Mrs. Shields bought the lot knowing all of this full well. Now, instead of abiding by the restrictions they contracted for in their purchase, they are trying to vitiate them - and with it the M-NCPPC effort to protect "compatibility."

The hearing today (Oct. 18) is being conducted without notice to the community and in violation of the assurances that Mr. and Mrs. Shields made to the community in an extended meeting recently.

The purpose of this communication is to protest the lack of notice and the clear attempt by the Shields to overturn the terms of the 1996 permit.

I believe it is your professional responsibility as a planning official of Montgomery County to protect both the integrity of the community and the permitting process.

Thank you for your attention.

Marvin Ott  
(301) 656-4543

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**Ma, Michael**

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**From:** Gene Fynes [gfynes@yahoo.com]  
**Sent:** Tuesday, October 12, 2004 11:59 PM  
**To:** Ma, Michael  
**Cc:** Weaver, Richard  
**Subject:** Building Plans for 4618 Harrison Street

Mr. Michael Ma  
Development Review Division  
Montgomery County Department of Park & Planning  
8787 Georgia Avenue  
Silver Spring, MD 20910-3760

Dear Mr. Ma:

As residents of Harrison Street in the Brookdale neighborhood, we are writing to voice our concerns about plans to build a house at 4618 Harrison Street, plans that do not conform to restrictions put in place by M-NCPPC when the original lot was subdivided in 1996.

The new owners of that lot, Mr. and Mrs. Dale Shields, presented plans to Brookdale residents on Sept. 27 that included substantial revisions to the existing (and approved) site plan. Their plans detailed a structure that would be closer to the street than allowed by current restrictions; possibly include a car port; and generally be incongruous with neighboring houses because of its size and height. Additionally, since the house would lack a garage, already problematic street parking would be worsened.

It was the understanding of neighbors that no further action would be taken on the matter before January, so we were surprised to learn that M-NCPPC staff intends to include the matter on the board agenda for Oct. 18, and upset that no formal notice of the meeting was given to Brookdale residents.

Therefore, we request that M-NCPPC postpone the Oct. 18 meeting until November or later so that all residents affected by the plans have an opportunity to further review the proposed revisions and voice their concerns to the Planning Board, and so that Brookdale neighbors have the chance to work with Mr. and Mrs. Shields to resolve any differences about the proposed structure.

Sincerely,

Gene and Teresa Fynes  
4608 Harrison Street  
Chevy Chase MD 20815

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10/13/2004

**Ma, Michael**

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**From:** Ed Worthy [worthy@erols.com]  
**Sent:** Monday, October 11, 2004 10:54 AM  
**To:** Ma, Michael  
**Cc:** Weaver, Richard  
**Subject:** 4618 Harrison Street, Chevy Chase, MD

Dear Mr. Ma,

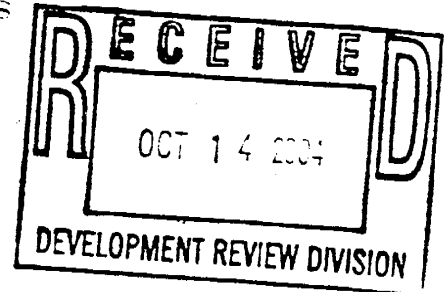
I have learned that M-NCPPC has scheduled a hearing on October 18 to review construction plans for the lot at 4618. I own the property at 4607 Harrison Street and am deeply concerned that this hearing apparently is being held without sufficient notification to neighbors and that the hearing may focus on plans that change or exceed the previously approved plan.

I do not oppose construction on the 4618 lot, but I do oppose the apparent new direction the approval process is taking. A hearing on October 18 is an undue rush to judgment. I respectfully request that: 1) the hearing be postponed; and 2) the neighbors most directly affected by the construction be clearly and fully informed of the plans under consideration.

Edmund H. Worthy, Jr.  
5805 Ogden Court  
Bethesda, MD 20816 (Please use this address to notify me about hearings on the 4618 Harrison Street project.)

10/11/2004

ERNEST C. RASKAUSKAS  
ATTORNEY AT LAW  
3109 SOUTH STREET N.W.  
WASHINGTON, D.C. 20007  
TEL (202) 364-8800 FAX (202) 336-4763



To: M-NCPPC  
Development Review Division  
Development Review Committee  
Attention: Michael Ma  
Re: **File # 8-96026A** (Brookdale, 4618 Harrison Street)  
Date: October 8, 2004

Submitted on behalf of : **adjoining property** owner Gertrude Delfino  
(adjoining on south boundary at 4616 Harrison St.)

Please file this as a comment to the above file, currently under review.

In reviewing the above-referenced plan application, the following comments are offered on behalf of the owner of the next door property:

1. **History** – An extensive file of hearings and other meetings concerning this property exists, culminating in the opinion of the Montgomery County Planning Board, Opinion of November 14, 1996 (Site Plan Review No. 8-96026) and subsequent Site Plan Enforcement Agreement of December 17 1996, including a plat with the location of the site of the proposed house that would eventually be constructed upon this newly created lot. The record is repetitively clear that the key to the entire approval of the re-subdivision which created this lot, is the required site of the structure on the lot with a 50 foot setback, found necessary in order to achieve compatibility with the neighborhood, and in particular with the neighboring property at 4616 Harrison Street.
2. **Compatibility in the 1996 Opinion** – The existing Opinion (of only 7 years ago) found that a future structure should be erected at the rear (the wider portion) of this wedge shaped lot, located at a bend at which Harrison and Murray Streets intersect. Significant in this determination was the observation that the next-door-neighbor's property has its principal entry, "front door", on the north side of its lot, facing this newly created lot rather than the

street. Additionally, since the new lot narrows as it approaches the street, a larger setback was imposed on the future development to also avoid a future structure from visually dominating, or incompatibly affecting, the neighborhood.

3. **Parking and Traffic flow in the 1996 Opinion** – This new lot has much smaller frontage than others in the neighborhood. Additionally, due to its location at a bend, parking on the street will impede vehicle flow around this turn. The driveway to a structure/garage with the 50 foot setback would address parking needs by the additional length.
4. **Incompatibility in the Current Proposal** – The proposal now before the Development Review Committee entirely eliminates all compatibility requirements of the 1996 Opinion and Site Plan Enforcement Agreement. Instead, the present proposal requests the M-NCPP's blessing to construct what will appear as an "in-your-face" McMansion practically at the front door of property owner Delfino. The problems principally exist due to the proposal's elimination of the 50-foot setback required in the 1996 Opinion and Site Plan Enforcement Agreement. The current proposal would create a structure that visually dominates the block as soon as one turns onto Harrison Street from Western Avenue. The proposed design is different architecturally in every respect from the entire community of harmonious structures that are unusually compatible. Quite literally, the new house will stick-out like a sore thumb, poked in the face of the house next door (Delfino's) and festering to the entire block.
5. **Third Story Expansion** – Visually, the proposed design contains a third floor dormer style, with windows all around. The steep slope of the roof will easily accommodate habitation expansion into this semi-finished cavity, thus adding to future parking problems at this property. The third floor dormers are unlike anything in the entire community.
6. **Structure/design changes**- The proposed plan shortens the driveway, eliminates the garage, creates likely parking spill-over to in front of the Delfino property, and increases the habitation area of the house from the 1996 plan.
7. **There exist no material changes in circumstances to justify voiding the 1996 Opinion and Enforcement Agreement, particularly the 50 Ft Setback to Assure Compatibility.** At the meeting on September 27, 2004 between the applicant and some members of the affected community, the applicant stated that the

only change in circumstances on the property, or in the neighborhood, since the 1996 opinion and Enforcement Agreement was the death of a single tree. At best, the loss of this tree should only affect the allowable path of the driveway that should lead to a garage. Nothing whatsoever has transpired to justify overturning the thoughtful decision embodied in the Opinion of 1996 and Enforcement Agreement, requiring a 50-foot setback. Without this setback, the application totally ignores compatibility as a requirement to which he is bound.

8. **Negative Economic Impact upon 4616 Harrison-** The current proposal, eliminating the 50-foot setback, will substantially negatively impact the value of the adjoining property by having an incompatible structure built so near the main door to this property, and with an architecturally dominating and incompatible structure on this block.
9. **Applicant purchased lot knowing of 50 ft requirement-**The applicant recently purchased this property in an arms-length transaction aware of the existing 1996 Opinion, Enforcement Agreement, and in particular, with an awareness of the 50 foot setback requirement in the site plan. Without a doubt, this lot was favorably priced to reflect these requirements attaching to the future development of the lot, particularly the 50-foot setback requirement. A significant part of the value that the applicant's lot inherently possesses is due to the harmony and compatibility of all construction in the unusually beautiful neighborhood. Yet, the applicant does not himself contribute to the compatibility of the neighborhood with his own proposal for development.
10. **Compatibility was not a consideration in the development of the current application:** The applicant represented to the gathering at the neighborhood meeting on September 27, 2004, that his architect did not visit the site in the development of the current application. Surely, a proposal that was sensitive to the important issue of compatibility would have accounted for the unique features of this lot, including the narrower frontage, the side principal entry of the Delfino property which would face the proposed structure, the diminishing width of the lot toward the street, and the rising grade of the lot toward the street, all contributing to the proposed structure becoming dominant and offensive, rather than compatible and harmonious.



### Conclusion

The key requirement of the 1996 Opinion and Enforcement Agreement is the 50-foot setback. The application currently under review should not be permitted to avoid this issue in the development of the lot. Besides assuring compatibility for all the reasons covered in 1996, the enforcement of the 50-foot setback will additionally address the significant parking problems and vehicular flow issues which the current application creates. The Delfino property at 4616 Harrison Street (next door) will bear the brunt of the lack of compatibility as well as the negative economic impact on the value of her property.

Respectfully submitted,



Ernest C. Raskauskas  
Attorney for Gertrude Delfino

**Ma, Michael**

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**From:** Eric Itsweire [eric.itsweire@mindspring.com]  
**Sent:** Friday, October 08, 2004 3:04 PM  
**To:** Ma, Michael  
**Cc:** Weaver, Richard  
**Subject:** Comments on plans for construction at 4618 Harrison St., Chevy Chase, MD

Dear Mr. Ma:

We are writing you to express our concerns with the plans of Mr. and Mrs. Dale Shields to build a new house at 4618 Harrison St., Chevy Chase, MD on the vacant lot they recently purchased. First, we want to make it clear that we do not contest the right of Mr. and Mrs. Shields to build a house that conforms to the restrictions put in place by M-NCPPC at the time the original lot was subdivided in 1996. Our understanding is that these restrictions were put in place by the planning commission to preserve the character of the neighborhood and account for the unusual shape and location of the lot. These restrictions were clearly disclosed to anyone interested in purchasing the lot. Thus, we find it very surprising to learn that a hearing to remove some of these restrictions could be held so quickly after the purchase of the lot and with no official notice to the community.

Like many of our neighbors, we have serious concerns with the plans presented by Mr. and Mrs. Shields in a recent informational meeting regarding the placement of the structure closer to the street, possible inclusion of a car port, the minimal (at best) space available for on street parking (absent a garage) and the proposed size and height of the building, and its lack of congruity with original structures in Brookdale. During the course of that meeting Mr. Shields indicated that there would be no further action on his proposal until at least January of next year, which turns out to be misleading at best. Their recent actions do not indicate a good faith engagement of the community.

Since we have only learned about the review scheduled for October 18 by chance, we and our neighbors have had, therefore, very little opportunity fully to consider what is being proposed. We are uncertain as to exactly what is under formal consideration at this stage, i.e., whether the plans shown to us briefly on September 27 are those now officially under consideration, whether Mr. and Mrs. Shields intend to present further amendments to the plan and on what basis is it possible to open for revision an already approved site plan, which we considered to be a closed matter.

In light of the above, we need substantially more time to consider these and other factual and legal issues and to come to a considered community view that balances preserving the character of the neighborhood and recognizing Mr. and Mrs. Shields' rights as property owner. We and our neighbors look forward to a public hearing before the M-NCPPC at the appropriate time to express our concerns and defend our community interests.

In the meantime we urgently request a postponement until at least early November of the review now scheduled for October 18.

Eric Itsweire and Frances Stadler  
4610 Harrison St  
Chevy Chase, MD