A-6297 (Special Permit Request)

Replace and widen a concrete driveway, including a new paver border, that would measure a maximum of thirteen feet, nine inches (13'-9") in width in the Park Street public right-of-way.

Mr. & Mrs. Jerry Pritchett
5607 Park Street

CHEVY CHASE VILLAGE
BOARD OF MANAGERS
MAY 13, 2013 MEETING
STAFF INFORMATION REPORT

TO: BOARD OF MANAGERS

FROM: ELLEN SANDS, PERMITTING AND CODE ENFORCEMENT COORDINATOR

DATE: 5/2/2013

SUBJECT: HEARING OF APPEAL CASE NO. A-6297 SPECIAL PERMIT REQUEST
MR. & MRS. JERRY PRITCHETT 5607 PARK STREET
REPLACE AND WIDEN A CONCRETE DRIVEWAY, INCLUDING A NEW PAVER BORDER, THAT WOULD MEASURE A MAXIMUM OF THIRTEEN FEET, NINE INCHES (13'-9") IN WIDTH IN THE PARK STREET PUBLIC RIGHT-OF-WAY.

NOTICE REQUIREMENTS: Abutting Owners; Public Notice

APPLICABLE CHEVY CHASE BUILDING REGULATION:

The Chevy Chase Village Code § Sec. 8-30 (a) states:
Any portion of a private driveway which crosses the public right-of-way may not exceed ten (10) feet in width without a special permit from the Board of Managers, except that the apron where the driveway connects with the street shall be allowed a five-foot radius on each side of the driveway for a total entrance at the curbside not to exceed twenty (20) feet in width.

APPLICABLE COVENANTS:

None; covenants are not required to be submitted for Special Permit requests authorized by Article IV and Section 8-26 of the Village Code.

FACTUAL AND BACKGROUND INFORMATION:

The property is located on the southeast side of Park Street.

The entire driveway, including the portion on private property and in the right-of-way, is being replaced and widened.

A portion of the existing driveway measures a maximum of eleven feet, six inches (11'-6") in width in the public right-of-way. The proposed driveway would measure a maximum of thirteen feet, nine inches (13'-9") in width in the right-of-way. The Code allows a driveway in this location to measure a maximum of ten (10) feet in width.[1]

The apron and the curb cut are not proposed to be widened.

A diagram of allowable and proposed widths, prepared by Village staff, is included immediately following this report.

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[1] The portion of the driveway located on private property currently measures a maximum of eight (8) feet in width. The proposed driveway would measure a maximum of eleven (11) feet in width on the private property. The Code allows a driveway in this location to measure a maximum of fifteen (15) feet in width.

Figure 1: View of 5607 Park Street.

The Village arborist has assessed the property for tree protection measures for the proposed project. There are no tree impact concerns related to the proposed work.

To date there have been no letters received from abutting and confronting neighbors regarding the requests.

Applicable Fees: Special Permit Fee: $300.00; Building Permit Application for Driveways and Features at Grade: $30. Total: $330.00

RELEVANT PRECEDENTS

Specific to driveways in the public right-of-way, on June 20, 2005, Mr. & Mrs. Rodney Joyce of 10 Laurel Parkway were granted permission to **replace** an existing driveway which would measure seventeen (17) feet in width in the public right-of-way. On September 29, 2005, Mr. & Mrs. B. Francis Saul III of 14 Newlands Street were granted a special permit to **replace** an existing gravel driveway which would measure fifteen (15) feet in width in the public right-of-way. On December 18, 2005, Mr. & Mrs. Lee Jundanian of 15 West Lenox Street were granted a special permit to **replace** a driveway with a maximum width of twelve (12) feet in width in the public right-of-way. On July 17, 2006 Ms. Robin Heller of 19 Grafton Street was granted permission to **replace** a driveway measuring twenty-four (24) feet in width on private property and (11'-8") in width in the public right-of-way. On November 18, 2009, Linda and Kenneth Kaufman of 6311 Broad Branch Road were granted a special permit to **relocate, widen and replace** a driveway which would have a maximum width of

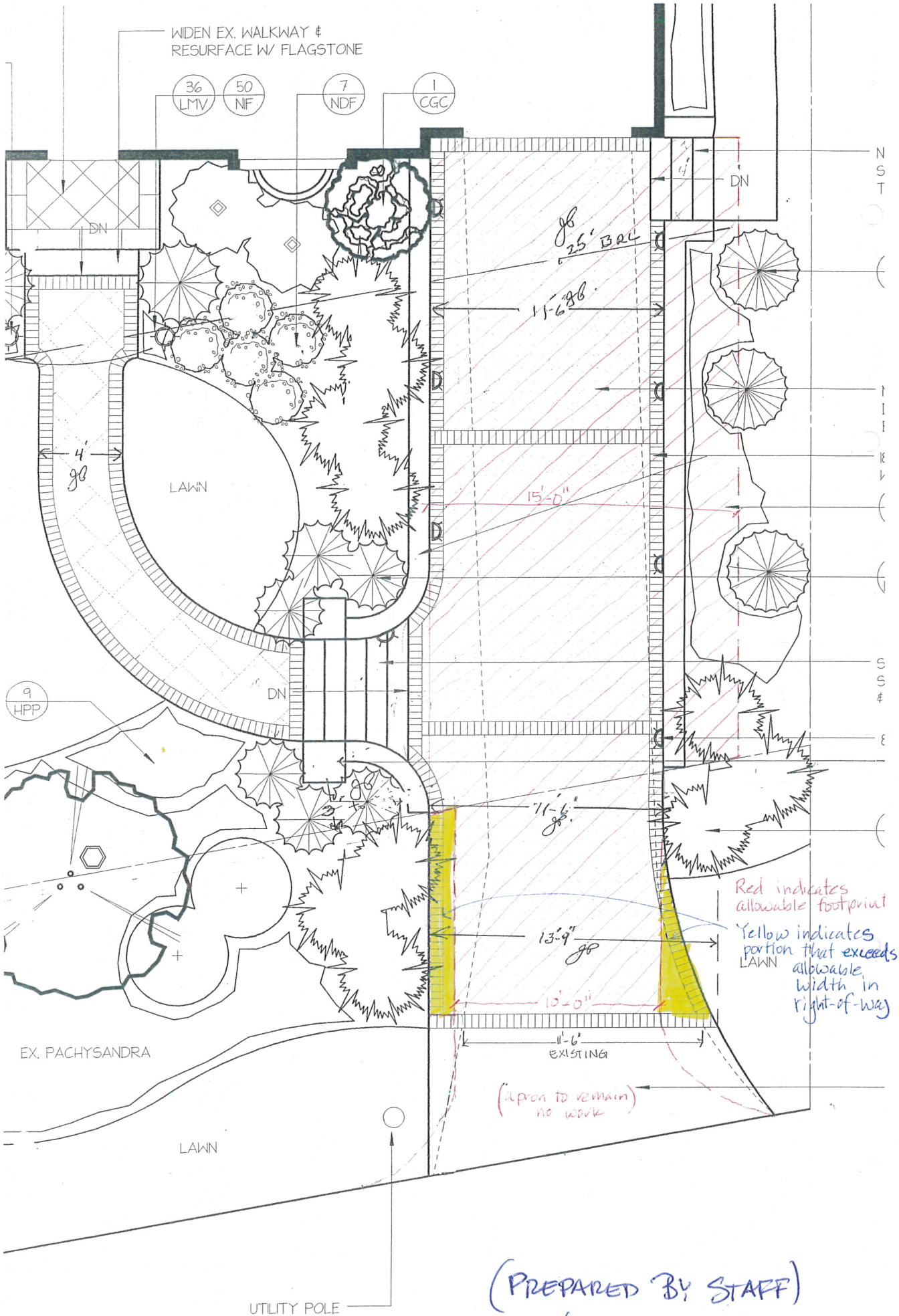
12'-9" in the public right-of-way. On July 11, 2011, Laura Billings and David O'Neil of 5803 Kirkside Drive were granted permission to **replace** an existing concrete driveway with a brick driveway that would measure a maximum of sixteen (16) feet in width in the Kirkside Drive public right-of-way and to **replace** an existing concrete driveway with a brick driveway that would measure a maximum of twenty (20) feet in width on private property. On March 18, 2013, Ms. Minh Le and Mr. Chris Dymond, of 3933 Oliver Street, were granted permission to **replace** an existing gravel driveway with a paver driveway that would measure a maximum of twenty-six (26) feet in width in the west front yard of the property.

FINDINGS REQUIRED:

1. That the proposed special permit is authorized by the Village building regulations.
2. That the proposed special permit will not adversely affect the public health, safety or welfare nor the reasonable use of the adjoining properties.
3. That the proposed special permit can be granted without substantial impairment of the purpose and intent of the Village building regulations.
4. That the structure authorized by the proposed special permit would not violate the covenants applicable to the subject property.

Draft Motion

I move to direct staff to draft a decision **APPROVING/DENYING** the special permit request in case A-6297, to widen and replace the driveway in the public right-of-way, based on the findings (see "Findings of Fact", above) that…



(PREPARED BY STAFF)
(NOT TO SCALE)

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 13th day of May, 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-6297
MR. & MRS. JERRY PRITCHETT
5607 PARK STREET
CHEVY CHASE, MARYLAND 20815

The applicants seek a special permit from the Board of Managers pursuant to Section 8-11 of the Chevy Chase Village Building Code to replace and widen a concrete driveway, including a new paver border, that would measure a maximum of thirteen feet, nine inches (13'-9") in width in the Park Street public right-of-way.

The Chevy Chase Village Code § Sec. 8-30 (a) states:

> Any portion of a private driveway which crosses the public right-of-way may not exceed ten (10) feet in width without a special permit from the Board of Managers, except that the apron where the driveway connects with the street shall be allowed a five-foot radius on each side of the driveway for a total entrance at the curbside not to exceed twenty (20) feet in width.

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 2nd day of May, 2013.

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

MAILING LIST FOR APPEAL A-6297

MR. & MRS. JERRY PRITCHETT
5607 PARK STREET
CHEVY CHASE, MD 20815

Adjoining and confronting property owners	
Ms. Nina Bang-Jensen & Mr. Jeffrey W. Kampelman Or Current Resident 4029 Oliver Street Chevy Chase, MD 20815	Ms. Sukgi S. Choi & Mr. Charles F. Monk Or Current Resident 4027 Oliver Street Chevy Chase, MD 20815
Ms. Susan M. Hoffman Or Current Resident 4025 Oliver Street Chevy Chase, MD 20815	Mr. Peter Booth Or Current Resident 4016 Oliver Street Chevy Chase, MD 20815
Ms. Sarah L. Williams & Mr. Peter L. Mali Or Current Resident 4019 Oliver Street Chevy Chase, MD 20815	Ms. Ilene Weinreich & Mr. David C. Smith Or Current Resident 4021 Oliver Street Chevy Chase, MD 20815
Mr. & Mrs. Thomas J. Mudlaff Or Current Resident 5604 Montgomery Street Chevy Chase, MD 20815	Mr. & Mrs. Leon Bramson Or Current Resident 5608 Montgomery Street Chevy Chase, MD 20815
Dr. Anne E Medinger & Mr. Sean T. Beeny Or Current Resident 5605 Park Street Chevy Chase, MD 20815	Ms. Marilyn E. Manser & Mr. Richard D. Gurney Or Current Resident 5606 Montgomery Street Chevy Chase, MD 20815
Ms. P. A. Murphy & Mr. John Humphrey Davis Or Current Resident 4023 Oliver Street Chevy Chase, MD 20815	

I hereby certify that a public notice was delivered to the aforementioned property owners on the 2nd day of May 2013.

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

CHEVY CHASE VILLAGE

ESTABLISHED 1890

May 2, 2013

Mr. & Mrs. Jerry Pritchett
5607 Park Street
Chevy Chase, MD 20815

Dear Mr. & Mrs. Pritchett:

Please note that your request for a special permit to widen and replace the driveway in the right-of-way abutting your property is scheduled before the Board of Managers on Monday, May 13, 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 for Driveways and Other Features at Grade

Permit No: A 6297

Property Address: 5607 PARK ST
CHEVY CHASE, MD. 20815

Resident Name: JERRY & MOLLY PRITCHETT

Daytime telephone: 301-606-7372 Cell phone: 301-343-6919

After-hours telephone:

E-mail: J.Pritchett@Pritchettcontrols.com

Primary Contact for Project:

☑ Resident ☐ Architect ☐ Project Manager ☐ Contractor*

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

Primary Contact Information:

Name: JERRY PRITCHETT

Daytime telephone: 301-343-6919 After-hours telephone:

E-mail: J.Pritchett@Pritchettcontrols.Com

Check all that apply:

☑ Driveway (If a new curb cut is required, note additional fee.)

☑ Walkway

☐ Patio, terrace, or deck at grade

Check all appropriate boxes:

Feature is: ☐ new;

☑ an enlargement of an existing feature; and/or

☐ being relocated.

☐ Feature is a replacement in-kind and in the same location.

Description of project:

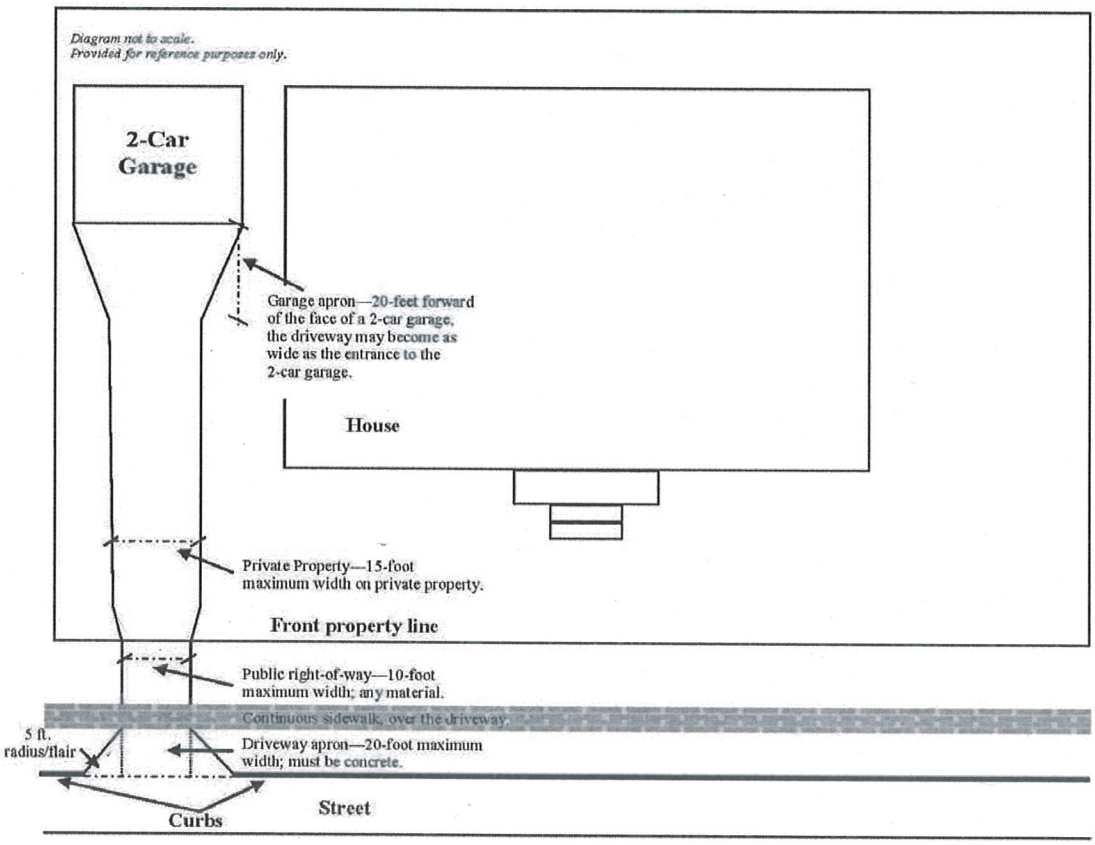
Expansion of driveway and walk way to make more room for exiting car.
Relocation of existing lamp.

To be completed by Village staff:

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

Date application filed with Village: 3/21/13 Date permit issued: _____ Expiration date: _____

Example:



Building Permit Application Filing Requirements

Application will not be reviewed until the application is complete

- ❒ Copy of stamped approved plans from Montgomery County.
- ❒ This application form, signed by resident.
- ❒ Boundary Survey
- ❒ Site Plan (see: Village Site Plan Checklist to ensure completeness) showing exact location of existing and proposed features.
- ❒ 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). 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: _____ **Date:** 3/21/13

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

For Use By Village Manager	Application denied for the following reasons:
DENIED MAR 21 2013 Chevy Chase Village Manager	Denied The proposed driveway exceeds the maximum allowable width in the public right-of-way.

Filing Fees (due when application submitted)	Checks Payable to: Chevy Chase Village, 5906 Connecticut Ave., Chevy Chase, MD 20815
Permit Filing Fee: ☒ $30.00 (if new, enlarged or relocated) ☐ $15.00 (if a replacement in-kind and in the same location) ☐ $50.00 for new curb cut. ☐ $50.00 for construction in the public right-of-way.	
Tree Preservation Plan Fee: ☐ $250.00 ☒ Not required for this project	
TOTAL Fees: $30.00	Date: 3/21/13 Staff Signature:
Damage Deposit/Performance Bond ☐ $_____ ☐ 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:_____)

Chevy Chase Village

Application for a Special Permit

Chevy Chase Village Code Section 8-1(aa) defines a Special Permit as permission granted by the Board of Managers in accordance with Article II Division B of this Chapter [8], to construct, install, remove or alter a structure or planting , or take other action where such permission is required by this Chapter.

Subject Property: 5607 PARK ST.	
Describe the Proposed Project: EXPANSION OF DRIVEWAY AND WALKWAY TO MAKE MORE ROOM FOR EXITING CAR. RELOCATION OF EXISTING LAMP.	
Applicant Name(s) (List all property owners):	
Daytime telephone:	Cell: 301-343-6919
E-mail: J. Pritchett@Pritchett Controls.Com	
Address (if different from property address):	
For Village staff use: Date this form received: 3/22/13	Special Permit No: A6297

Filing Requirements:

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

- ☑ Completed *Chevy Chase Village Application for a Special Permit* (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, except for special permits authorized by Sections 8-22, 8-26 or Article IV of Chapter 8 of the Chevy Chase Village Code.
- ☐ Applicable special permit fee 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 special permit 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: 3/21/13

Applicant's Signature: _____ Date: 3/21/13

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Describe the basis for the special permit request (attach additional pages as needed):

Describe the reasons why approval of the special permit would not adversely affect the public health, safety or welfare or the reasonable use of adjoining properties:

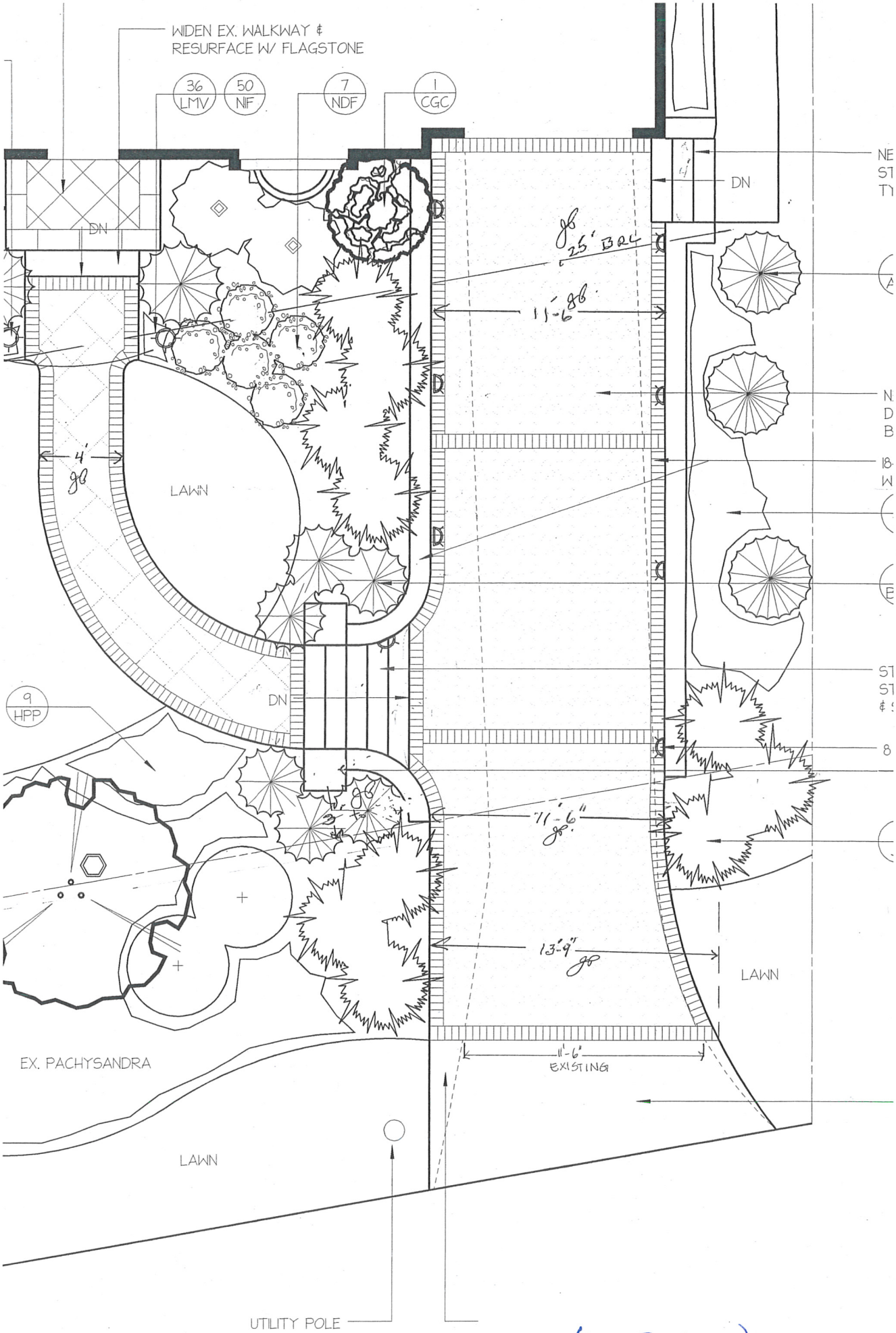
It will improve walking area around vehicles and add lighting for guests at night.

Describe the reasons why the special permit can be granted without substantial impairment of the intent and purpose of Chapter 8 of the Chevy Chase Village Code, entitled *Buildings and Building Regulations*:

It improves walking area and makes it more safe for people exiting vehicles. It won't block air circulation or vistas.

In exercising its powers in connection with a special permit 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.

Special Permit Filing Fees	**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. ☐ $2,250.00 for demolition of main building. ☐ $300.00 for demolition of accessory building or structure. ☐ $300.00 for fences, walls, play equipment, trees, hedges, shrubbery in the public right-of-way. **Fee Paid:** $330.00	**Date Paid:** 3/21/13 **Staff Signature:** [signature]
	Approved to Issue Building Permit per Board Decision Signed by the Board Secretary on: **Date:** _____ **Signature:** _____ **Village Manager**



(NOT TO SCALE)

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