A-6197 (rescheduled)
Special Permit Request
Replace an existing concrete driveway, the garage apron of which would measure a maximum of twenty-three feet, seven inches (23'-7") in width.

Ms. Nancy Orvis & Mr. Michael Fistere
12 West Irving Street

CHEVY CHASE VILLAGE
BOARD OF MANAGERS
OCTOBER 8, 2012 MEETING
STAFF INFORMATION REPORT

TO: BOARD OF MANAGERS

FROM: ELLEN SANDS, PERMITTING AND CODE ENFORCEMENT COORDINATOR

DATE: 9/26/2012

SUBJECT: HEARING OF CASE NO. A-6197 SPECIAL PERMIT REQUEST-RESCHEDULED
MS. NANCY ORVIS & MR. MICHAEL FISTERE, 12 WEST IRVING STREET
REPLACE AN EXISTING CONCRETE DRIVEWAY, THE GARAGE APRON OF WHICH WOULD MEASURE A MAXIMUM OF TWENTY-THREE FEET, SEVEN INCHES (23'-7") IN WIDTH.

NOTICE REQUIREMENTS: Abutting Owners; Public Notice

APPLICABLE CHEVY CHASE BUILDING REGULATION:

The Chevy Chase Village Code § 8-26 states:

Any driveway on private property may not exceed fifteen (15) feet in width without a special permit from the Board of Managers, except that the apron in front of a two-car garage may extend the full width of the two-car garage, provided that such apron does not exceed twenty (20) feet in length.

APPLICABLE COVENANTS:

Covenants are not applicable for Special Permits authorized by Section 8-26 of the Village Code.

Figure 1: View of the driveway, garage apron and garage in the rear (south) yard. The portion of the driveway to the right (west) exceeds the full width of the garage by four feet, nine inches (4'-9"). The Applicants also proposes to widen the driveway to the east, installing pavers up to the wall of the house but that width (15') in that location would be compliant with Village regulations. It is only the garage apron which exceeds the allowable width.

Figure 2: Close-up of the garage apron proposed to be replaced that exceeds the allowable width for a garage apron. The existing garage apron extends four feet, nine inches (4'-9") beyond the width of the garage.

FACTUAL AND BACKGROUND INFORMATION:

This case was scheduled to be heard at the Board's September 10, 2012 meeting. Neither the Applicants nor their representative appeared, hence the case was rescheduled for the Board's October agenda.

The Applicants propose to replace and widen the existing driveway.

Although the Code allows driveways on private property to exceed fifteen (15) feet in width, this is limited to the width of the driveway forward of the two-car garage (referred to as a "garage apron") for a length of no more than twenty (20) feet forward of the garage. On the Subject Property, the portion of the driveway located in front of the existing two-car garage that is proposed to be replaced exceeds the width of the garage by four feet, nine inches (4'-9"). The garage apron is being replaced in-kind.[1]

The Village arborist has assessed the project for tree protection measures and will provide a tree protection plan for the proposed project.

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

Applicable Fees: Special Permit Fee: $150.00; Building Permit Application for Driveways and Features at Grade: $30. Total: $180.00

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[1] A portion of the driveway that is proposed to be widened along the east side of the existing driveway currently measures ten (10) feet in width. This portion will be widened to fifteen (15) feet, a width that is compliant with Village regulations.

OTHER INFORMATION:

The Applicants have been working with Village staff and the consulting arborist to replace the apron (at the street; see photo) of the subject driveway while avoiding damage to a large Village tree.

Figure 3: View of the apron for 12 West Irving Street at the street.

RELEVANT PRECEDENTS:

Many of the precedents related to driveway special permit requests involve requests for circular driveways (which have more than one pair of curb cuts), requests for "turnarounds", or requests for driveways wider than the allowable fifteen (15) feet on private property. This request is to replace in-kind a driveway garage apron (that exceeds the width of the two-car garage) in its current size and location. The most relevant precedents therefore are as follows: On November 9, 1999, Ms. Susan Gallagher and Mr. Michael Williams were granted permission to **expand** an existing driveway an additional fifteen (15) feet, increasing the total width of the driveway to forty-five (45) feet at the property line. In September 2010, Mr. & Mrs. Stephen C. Conley of 9 West Lenox Street were granted a special permit to **replace and expand** an existing gravel driveway with a paver driveway. The proposed apron and turnaround area were located on private property and have a maximum width of fifty-four (54) feet. Other recent driveway special permits include: on July 11, 2011, Laura Billings and David O'Neil were granted permission to **replace** an existing concrete driveway with a brick driveway that measured 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 measured a maximum of twenty (20) feet in width on private property. On June 9, 2012 Mr. & Mrs. Alvin Schall of 103 Grafton Street were granted permission to **widen** an existing driveway to a maximum width of sixteen (16) feet.

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.

Draft Motion

I move to direct staff to draft a decision **APPROVING/DENYING** the special permit request in case A-6197, based on the findings that ...

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 8th day of October, 2012 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-6197- rescheduled
MS. NANCY ORVIS & MR. MICHAEL FISTERE
12 WEST IRVING STREET
CHEVY CHASE, MARYLAND 20815

The applicants have filed a request for a special permit pursuant to Section 8-11 of the Chevy Chase Village Code to replace an existing concrete driveway, the garage apron of which would measure a maximum of twenty-three feet, seven inches (23'-7") in width.

The Chevy Chase Village Code § 8-26 states:

> Any driveway on private property may not exceed fifteen (15) feet in width without a special permit from the Board of Managers, except that the apron in front of a two-car garage may extend the full width of the two-car garage, provided that such apron does not exceed twenty (20) feet in length.

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.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 27th day of September, 2012.

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

MAILING LIST FOR APPEAL A-6197 (RESCHEDULED)

MS. NANCY ORVIS & MR. MICHAEL FISTERE
12 WEST IRVING STREET
CHEVY CHASE, MD 20815

Adjoining and confronting property owners	
Mr. & Mrs. Ashk Adamiyatt Or Current Resident 5 West Irving Street Chevy Chase, MD 20815	Ms. Barbara Bissinger Or Current Resident 9 West Irving Street Chevy Chase, MD 20815
Mr. & Mrs. David H. Bralove Or Current Resident 11 West Irving Street Chevy Chase, MD 20815	Mr. & Mrs. Christopher S. Abell Or Current Resident 14 West Irving Street Chevy Chase, MD 20815
Mr. & Mrs. William J. Grace, Jr. Or Current Resident 8 West Irving Street Chevy Chase, MD 20815	Mr. & Mrs. Ralph C. Stephens Or Current Resident 11 Magnolia Parkway Chevy Chase, MD 20185
Mr. & Mrs. Richard Gluck Or Current Resident 13 Magnolia Parkway Chevy Chase, MD 20815	Dr. & Mrs. Joel Rosenberg Or Current Resident 9 Magnolia Parkway Chevy Chase, MD 20185

I hereby certify that a public notice was mailed to the aforementioned property owners on the 27th day of September, 2012.

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

CHEVY CHASE VILLAGE
ESTABLISHED 1890

September 27, 2012

Ms. Nancy Orvis & Mr. Michael Fistere
12 West Irving Street
Chevy Chase, MD 20815

Dear Ms. Orvis & Mr. Fistere:

Please note that your request to replace the driveway on your property is scheduled before the Board of Managers on Monday, October 8, 2012 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

BOARD OF MANAGERS
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VILLAGE MANAGER
SHANA R. DAVIS-COOK

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Chevy Chase Village

Building Permit Application for Driveways and Other Features at Grade

Permit No: A-6197

Property Address:
12 W IRVING ST.

Resident Name:

Daytime telephone: 301 656-8582 Cell phone: —

After-hours telephone: same

E-mail: 88MICHAEL@Verizon.Net.

Primary Contact for Project:

☑ Resident ☐ Architect ☐ Project Manager ☐ Contractor*

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

Primary Contact Information: same as above

Name:

Daytime telephone: After-hours telephone:

E-mail:

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: New Apron & Driveway — See plan

To be completed by Village staff:

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

Date application filed with Village: 4/11/12 Date permit issued: _____ Expiration date: _____

Guidelines for Building, Replacing and Maintaining Driveways

Village Code states that any person intending to install, replace or alter a driveway, or any material part thereof, must first obtain a Building Permit from the Village office. (Residents within the Historic District must also obtain a Historic Area Work Permit; please contact the Historic Preservation Commission directly.)

Driveways are regulated in three areas: (1) the portion of the driveway located on private property, (2) the portion of the driveway that crosses the public right-of-way, and (3) the driveway apron, which is the portion of the driveway that meets the public street. Please refer to the illustration below for an example of these components.

(1) Driveways on Private Property

Driveways on private property may be installed using any material the resident chooses (although residents within the Historic District must consult with HPC), provided that the driveway does not exceed fifteen feet (15') in width. Village Code allows residents to install a wider garage apron—the section of a driveway just forward of a garage—for two-car garages. The apron in front of a two-car garage may extend the full width of the two-car garage for a distance up to twenty feet (20') from the face of the garage. The Code applies this accommodation only for two-car garages.

(2) Driveways on the Public Right-of-Way

All driveways must cross the public right-of-way to access the street, but where private property ends and the public right-of-way begins ends is not always consistent from street to street, and may even vary from block to block (as discussed above). The first step is to determine where the right-of-way begins in front of your property. Your proposed driveway cannot exceed ten feet (10') in width where the driveway crosses the right-of-way. Also, if your driveway (whether new or replacement) crosses or intersects with a public sidewalk, the sidewalk material must be restored/maintained across the driveway so as to create a continuous public sidewalk of consistent material type.

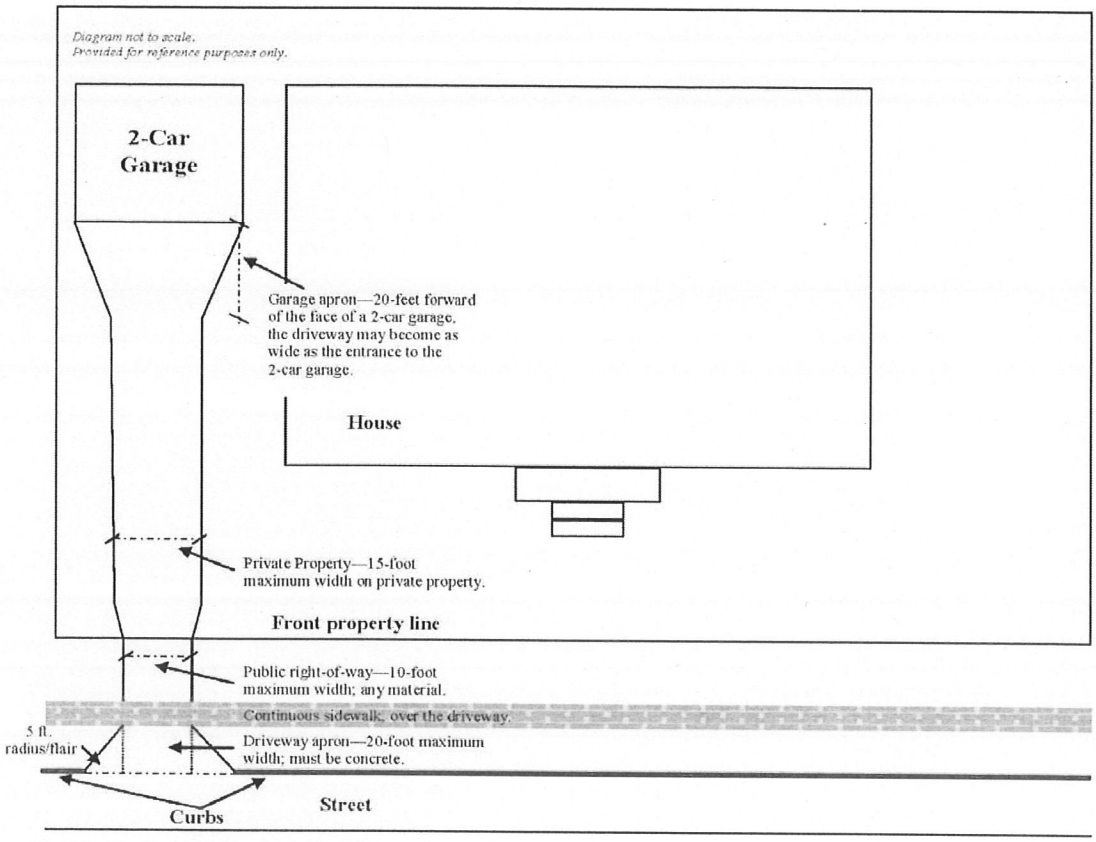
(3) Driveway Aprons

The driveway apron is the portion of the driveway that meets the public street. In addition to the ten foot (10') maximum width of the driveway where the driveway crosses the public right-of-way, the Village Code allows a five foot (5') radius on either side to establish the driveway apron, thereby allowing a maximum width at the curb of twenty feet (20'). While driveways on private property may be installed in any material or color that residents choose, the Village Code specifies that the driveway apron must be installed using concrete in accordance with current Montgomery County standards. Thus, no matter the material used for the driveway itself, the apron must be concrete.

Village Code limits the number of curb cuts permitted per property to one. Accordingly, residents who wish to install a circular driveway will need to request a variance from the Board of Managers.

Unlike other improvements in the public right-of-way, a **License to Use the Public Right-of-Way** is not required to install or replace driveways or driveway aprons. Replacement of a driveway apron is the sole responsibility of the adjoining property owner, not the Village.

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: Michael Fistere **Date:** 7/18/12

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

For Use By Village Manager	Application denied for the following reasons:
DENIED AUG 09 2012 Chevy Chase Village Manager	[signature] The garage apron exceeds the maximum allowed width on private property.

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 ~~$15.00~~	Date: 4/11/12 Staff Signature: [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:	12 West Irving St. Ch Ch. Md 20815
Describe the Proposed Project:	Replace existing driveway
Applicant Name(s) (List all property owners):	MICHAEL FISTERE / NANCY ORVIS
Daytime telephone: 301 656-8582	Cell:
E-mail: 88 MICHAEL@Verizon.Net	
Address (if different from property address):	N/A
For Village staff use: Date this form received: 7/20/12	Special Permit No: A-6197

Filing Requirements:

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

- [x] Completed *Chevy Chase Village Application for a Special Permit* (this form)
- [x] Completed *Chevy Chase Village Building Permit Application*
- [x] 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.
- [x] 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. N/A
- [ ] 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: Michael Fistere Date: 7/18/12

Applicant's Signature: Nancy J Orvis Date: 7/18/12

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:

Current Driveway is broken. –

Will replace the driveway as exists w/ new pavers. –

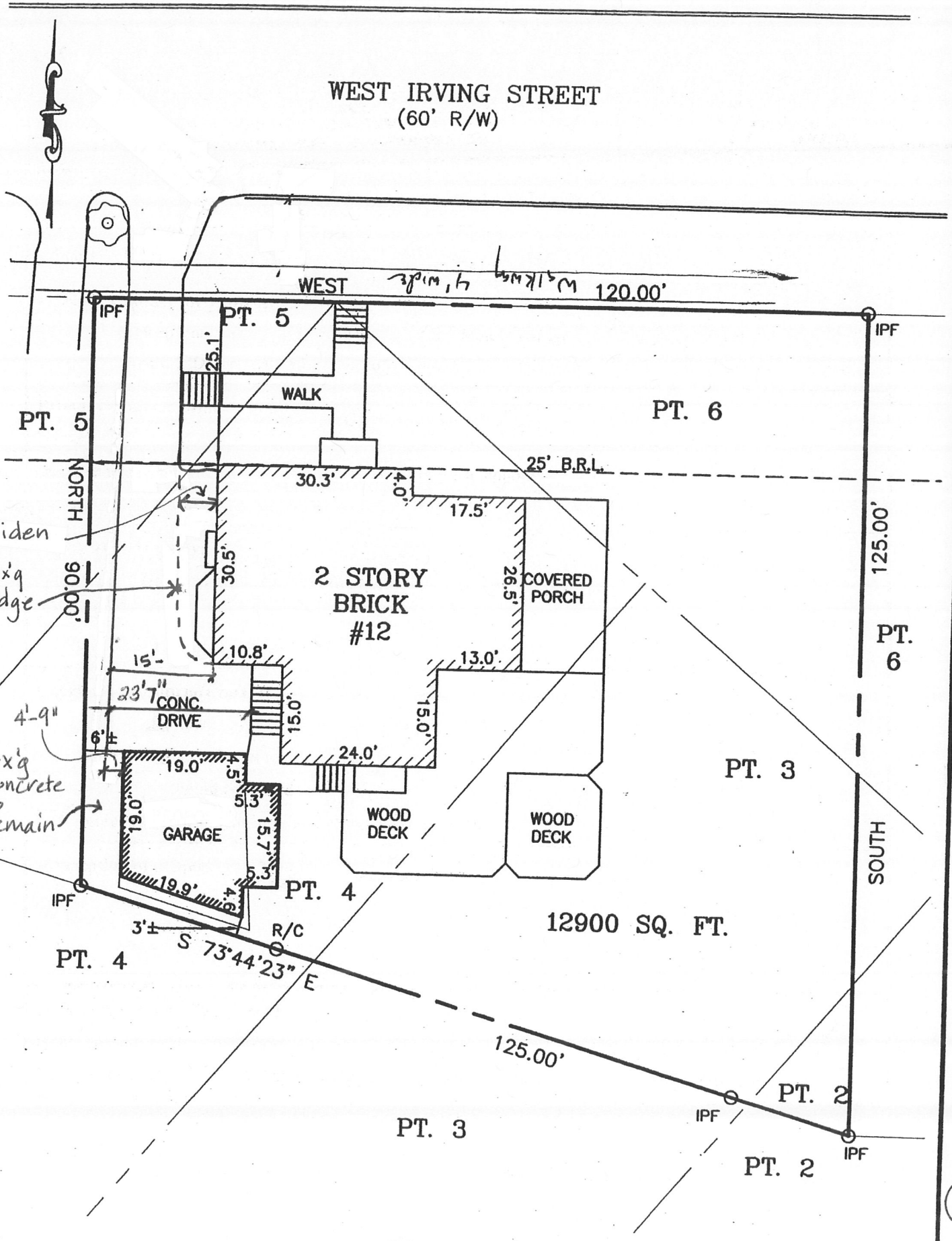
Describe the reasons why the special permit can be granted without substantial impairment of the intent and purpose of Chapter 8 of the Chevy Chase Village Code, entitled *Buildings and Building Regulations*:

Will not: 1) Block air circulation 2) adversely change the character of the property 3) create unsafe conditions. 4) block vistas, restrict air circulation. 5) adversley effect the neighbor's enjoyment of their property. 6) decrease green ~~spce~~ space

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:** $150.00	**Date Paid:** 7/28/12 **Staff Signature:** Ellen Jarvis

ADDRESS: 12 WEST IRVING STREET
CHEVY CHASE, MD. 20815



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