

AA-7013
Administrative Special Permit

Replace a concrete driveway in the same location measuring a maximum of seventeen (17) feet in width on private property.

Mr. David Frear &
Ms. Leslie Frear
12 East Melrose Street

**CHEVY CHASE VILLAGE
NOTICE OF ADMINISTRATIVE SPECIAL PERMIT REQUEST**

Please take notice that the Chevy Chase Village Building Officer and Village Manager will conduct an administrative review of a special permit application for the following:

**APPEAL NUMBER AA-7013
MR. DAVID FREAR & MS. LESLIE FREAR
12 EAST MELROSE STREET
CHEVY CHASE, MARYLAND 20815**

The applicants seek an administrative Special Permit pursuant to Sec. 8-11 of the Chevy Chase Village Building Code replace a concrete driveway in the same location measuring a maximum of seventeen (17) feet in width on private property.

The Chevy Chase Village Code Sec. 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 driveway in front of a two-car garage may extend the full width of the two-car garage, provided that such driveway does not exceed twenty (20) feet in length. An existing driveway that does not comply with the previous sentence may be replaced pursuant to Sec. 8-11.

The Chevy Chase Village Code Sec. 8-11(b)(2) states:

- (a) The Building Officer and the Village Manager, by joint action, may grant variances and special permits for the following construction.
- (2) Replacement of an existing driveway, provided that
 - (a) The replacement driveway is not wider than the existing driveway and
 - (b) The replacement driveway is in substantially the same location as the existing driveway.

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 (and emailed where possible) to abutting and confronting property owners on the 19th day of August 2016. Abutting or confronting property owners or any aggrieved resident may, within fifteen (15) days of the date the notices are issued, submit written comments and request that the application be submitted to the Board of Managers in accordance with Section 8-10 of the Chevy Chase Village Building Code.

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

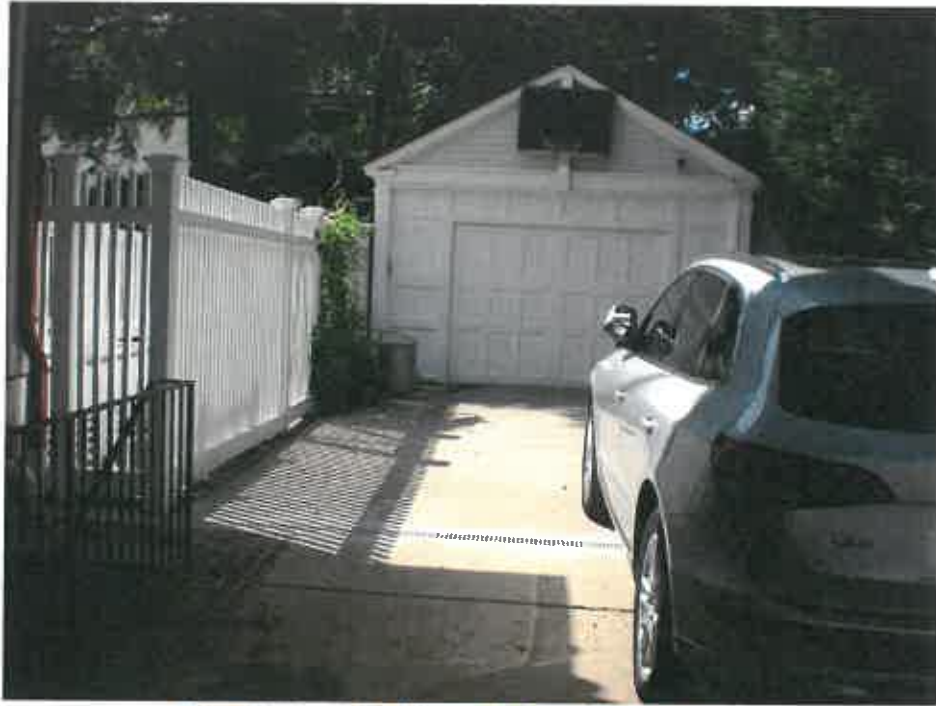


Figure 1: View of the driveway in front of the garage.



Figure 2: The portion on the right exceeds the width of the garage by two (2) feet. The driveway in this location measures seventeen (17) feet in width.

CHEVY CHASE VILLAGE

ESTABLISHED 1890

August 19, 2016

Mr. & Ms. David Frear
12 East Melrose Street
Chevy Chase, MD 20815

Dear Mr. & Ms. Frear:

Please note that your request for an administrative review of a Special Permit application to replace the driveway at your property is being reviewed by the Building Officer and Village Manager.

A public notice was mailed to abutting and confronting property owners on the 19th day of August 2016 and a sign was posted at the property. Abutting or confronting property owners or any aggrieved resident, within fifteen (15) days of the date the notices are issued, may submit written comments and request that the application be submitted to the Board of Managers in accordance with Section 8-11 of the Chevy Chase Village Building Code.

For your convenience, enclosed please find copies of the Public Notice and mailing list. Please contact the Village office if you have any questions.

Sincerely,



Ellen Sands
Permitting and Code Enforcement
Chevy Chase Village

Cc: Steve Kirstein, BOWA Builders, via email

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

MICHAEL L. DENGER
Chair
ELISSA A. LEONARD
Vice Chair
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RICHARD M. RUDA
Board Member

VILLAGE MANAGER
SHANA R. DAVIS-COOK
LEGAL COUNSEL
SUFLEN M. FERGUSON

MAILING LIST FOR APPEAL AA-7013

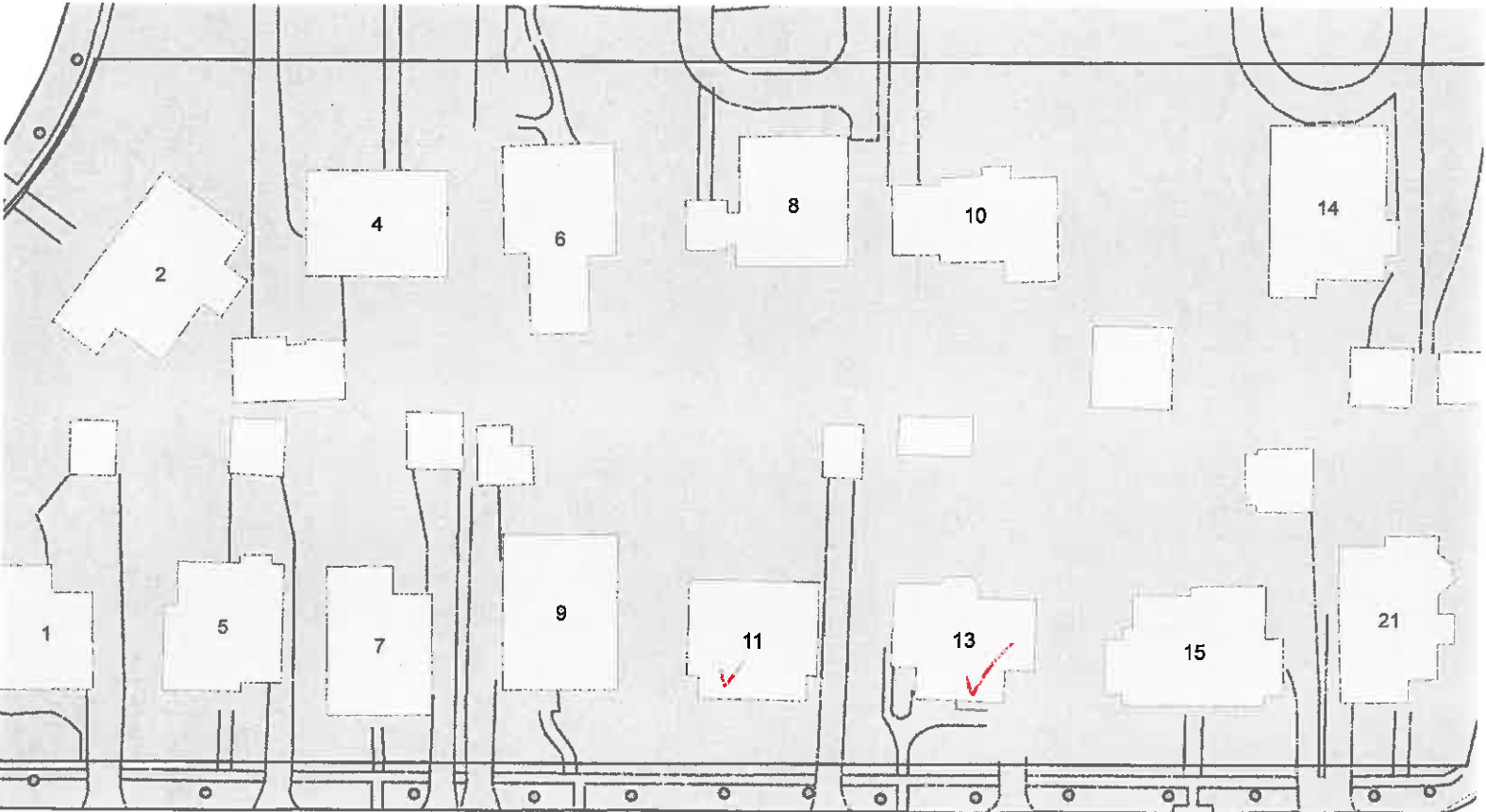
**MR. & MRS. DAVID FREAR
12 EAST MELROSE STREET
CHEVY CHASE, MD 20815**

Adjoining and confronting property owners	
Mr. & Mrs. Mark Aron Or Current Resident 8 East Melrose Street Chevy Chase, MD 20815	Ms. Nancy O'Connell & Mr. Raymond Wiacek Or Current Resident 16 East Melrose Street Chevy Chase, MD 20815
Mr. & Mrs. Eugene Flanagan Or Current Resident 11 East Melrose Street Chevy Chase, MD 20815	Mr. Darwin Curtis Or Current Resident 13 East Melrose Street Chevy Chase, MD 20815
Mr. & Mrs. Britt Snider Or Current Resident 11 East Lenox Street Chevy Chase, MD 20815	Ms. Rickie Niceta & Mr. Thomas Lloyd Or Current Resident 15 East Lenox Street Chevy Chase, MD 20815

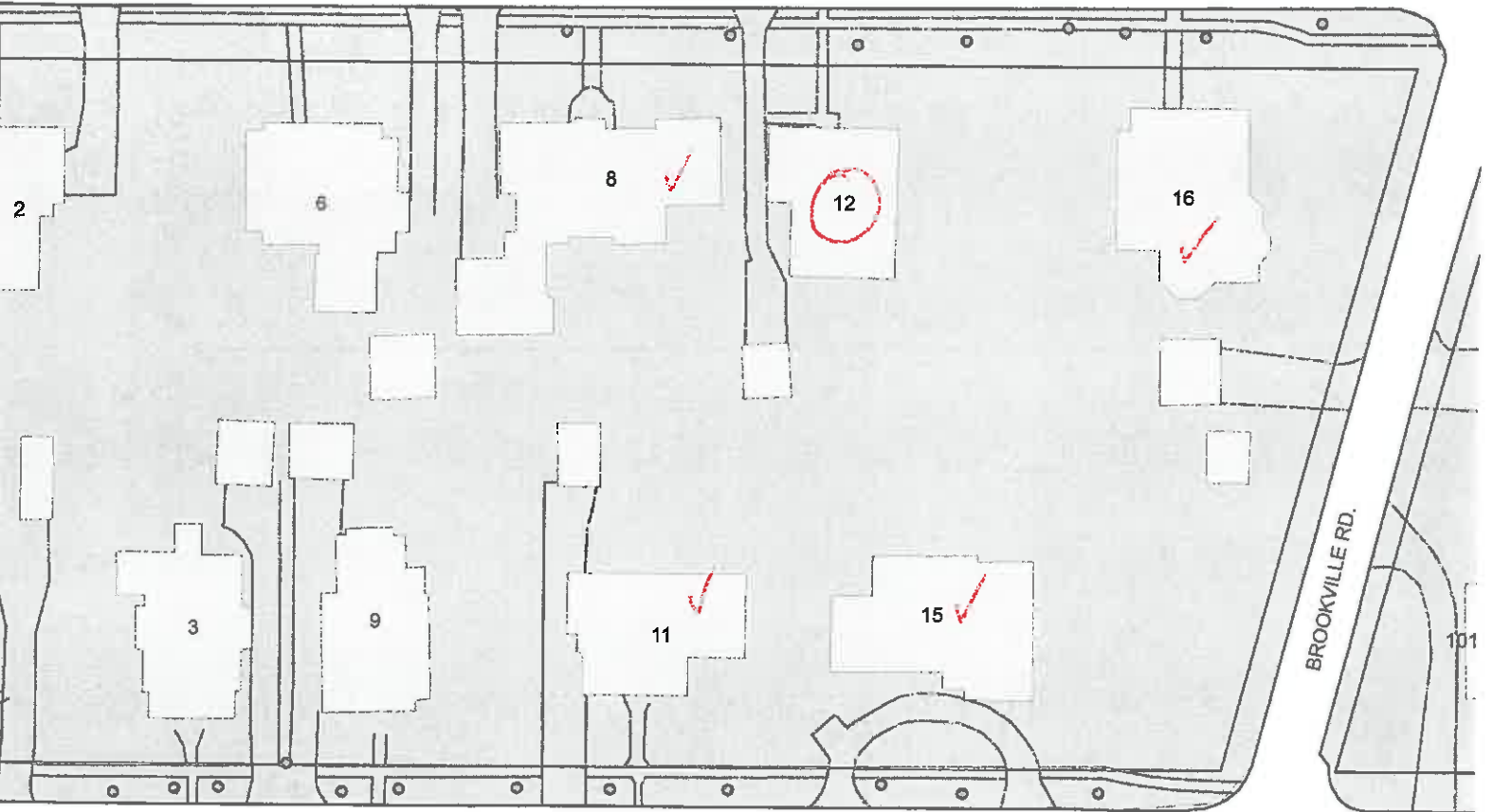
ES

I hereby certify that a public notice was mailed (and emailed where possible) to the aforementioned property owners on the 19th day of August 2016.

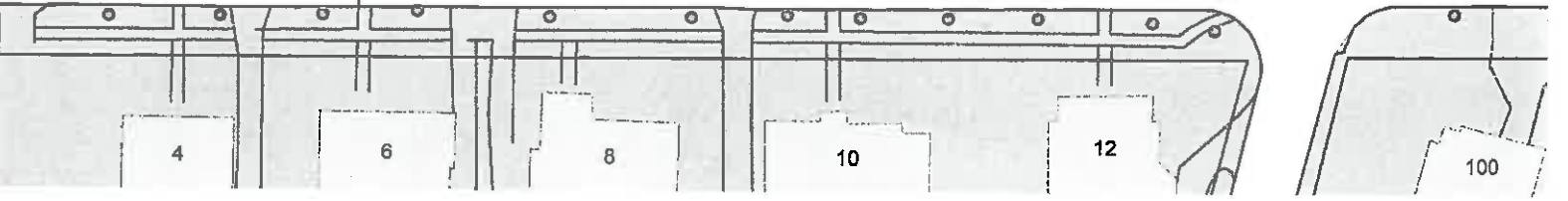
**Ellen Sands
Permitting and Code Enforcement Coordinator
Chevy Chase Village
5906 Connecticut Avenue
Chevy Chase, MD 20815**



E. MELROSE ST.



E. LENOX ST.



Chevy Chase Village Building Permit Application for Driveways and Other Features at Grade

Permit No: AA-7013

Property Address: 12 East Melrose, Chevy Chase MD 20815	
Resident Name: Leslie Frear Daytime telephone: 203-803-3769 Cell phone: After-hours telephone: E-mail: leslierear@aol.com	
Primary Contact for Project: <input type="checkbox"/> Resident <input type="checkbox"/> Architect <input type="checkbox"/> Project Manager <input checked="" type="checkbox"/> Contractor* *MHIC/MD Contractor's License No. (required): 129471	
Primary Contact Information: Name: Steve Kirstein Daytime telephone: 708-929-8915 After-hours telephone: E-mail: steve@bowa.com	
Check all that apply: <input checked="" type="checkbox"/> Driveway (If a new curb cut is required, note additional fee.) <input type="checkbox"/> Walkway <input type="checkbox"/> Patio, terrace, or deck at grade	
Check all appropriate boxes: Feature is: <input checked="" type="checkbox"/> new; <input type="checkbox"/> an enlargement of an existing feature; and/or <input type="checkbox"/> being relocated. <input checked="" type="checkbox"/> Feature is a replacement in-kind and in the same location.	
Description of project: Replacing concrete driveway. No change of material OR QUANTITY OF CONCRETE.	
To be completed by Village staff: Is this property within the historic district? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Staff Initials: JB Date application filed with Village: 8/18/16 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.

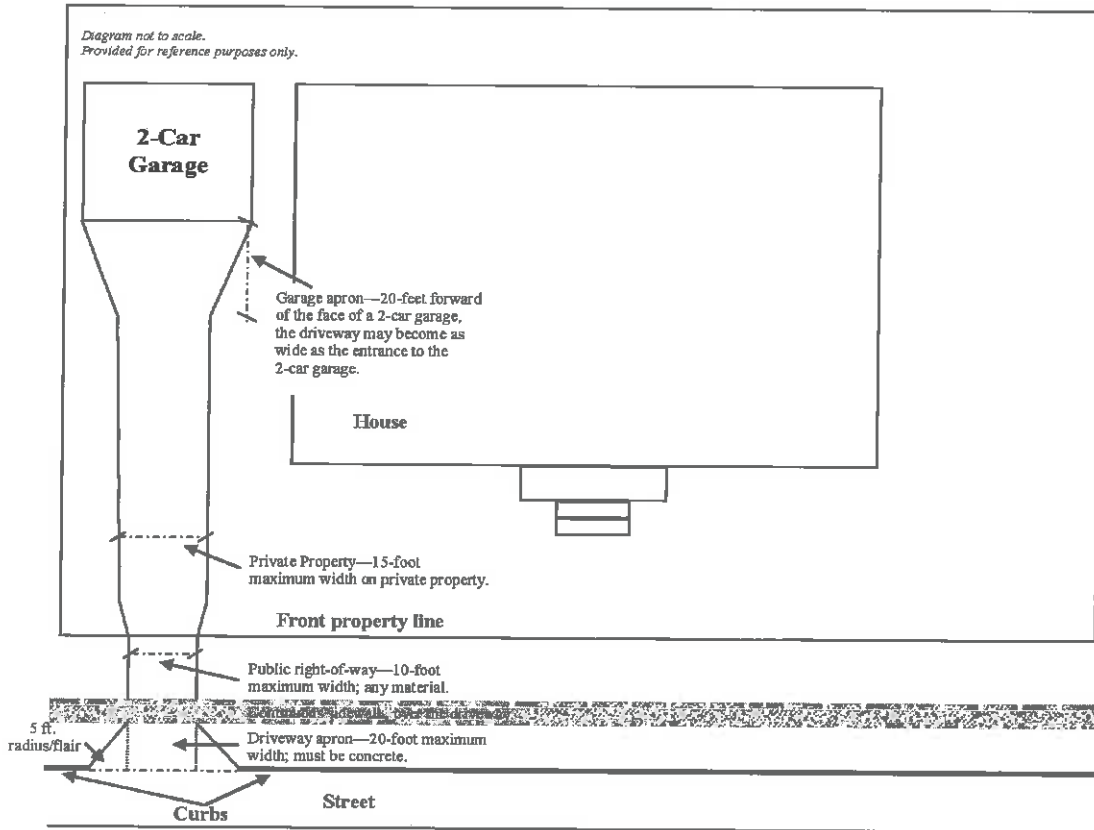
(3) Driveway Aprons

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 in accordance with current Montgomery County standards.

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 or Historic Preservation Commission (HPC).
- 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: Leslie Green **Date:** 8-5-16

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

Filing Fees (due when application submitted)	Checks Payable to: Chevy Chase Village 5906 Connecticut Ave. Chevy Chase, MD 20815
Permit Filing Fee: <input type="checkbox"/> \$30.00 (if new, enlarged or relocated) <input checked="" type="checkbox"/> \$15.00 (if a replacement in-kind and in the same location) <input type="checkbox"/> \$50.00 for new curb cut. <input type="checkbox"/> \$50.00 for construction in the Public Right-of-Way.	
Tree Preservation Plan Fee: <input type="checkbox"/> \$250.00 <input checked="" type="checkbox"/> Not required for this project	
TOTAL Fees: <i>check # 135052</i> <i>\$1500</i>	Date: <i>8/18/16</i> Staff Signature: <i>[Signature]</i>
Damage Deposit/Performance Bond <input type="checkbox"/> \$ _____ <input type="checkbox"/> Waived by Village Manager	Date: Village Manager Signature:

<i>For Village Staff use:</i> Field file for inspections by Code Enforcement Officer has been created: <input type="checkbox"/> Yes (Date: _____)
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Chevy Chase Village Application for an Administrative Special Permit

Chevy Chase Village Code Section 8-1 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. The administrative Special Permit 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: 12 E MELROSE, CHEVY CHASE, MD	
Describe the Proposed Project: REPLACE THE EXISTING BROKEN CONCRET W/ NEW IN SAME EXACT LOCATION	
Applicant Name(s) (List all property owners): LESLIE FREAR (STEVE KINSTEIN W/ BOUJA)	
Daytime telephone: 703 929 8915	Cell:
E-mail: STEVE@BOUJA.COM	
Address (if different from property address):	
For Village staff use:	
Date this form received: 8/18/16	Special Permit No: AA-7013

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 an Administrative Special Permit* (this form)
- Completed *Chevy Chase Village Building Permit Application*
- Completed *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, except for Special Permits authorized by Secs. 8-21, 8-26 or Chapter 25 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 in this matter. I hereby authorize the Village Manager, or the Manager's designee, 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: 8/18/16

Applicant's Signature: 

Date: 8/8/16

Describe the basis for the Special Permit (Applicants should become familiar with the pertinent sections of the Village Code. 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:

THIS IS FOR THE REPLACEMENT OF THE EXISTING CONCRETE. THE NEIGHBOR IS NOT IMPACTED BY THIS WORK. THE EXISTING CONCRETE IS BROKEN AND UNSIGHTLY. - SAME FOOTPRINT

Describe the reasons why the Special Permit can be granted without substantial impairment of the intent and purpose of Chapter 8 or Chapter 25 of the Chevy Chase Village Code:

THIS IS REPAIR WORK OF EXISTING BROKEN MATERIALS W/ NO IMPACT ON NEIGHBORS AND A LOGICAL RELATION TO THE FUNCTION OF THE GARAGE + HOME.

In exercising its powers in connection with an administrative special permit request, the Chevy Chase Village Building Officer and the Village Manager 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
<i>Per Village Code Sec. 6-2(a)(24):</i> <input type="checkbox"/> \$300.00 for new construction. <input checked="" type="checkbox"/> \$150.00 for replacing existing non-conformities. <input type="checkbox"/> \$2,250.00 for demolition of main building. <input type="checkbox"/> \$300.00 for demolition of accessory building or structure. <input type="checkbox"/> \$300.00 for fences, walls, play equipment, trees, hedges, shrubbery in the public right-of-way. Fee Paid: <u>\$ 150⁰⁰</u>	Date Paid: <u>8/18/16</u> Staff Signature: <u></u>

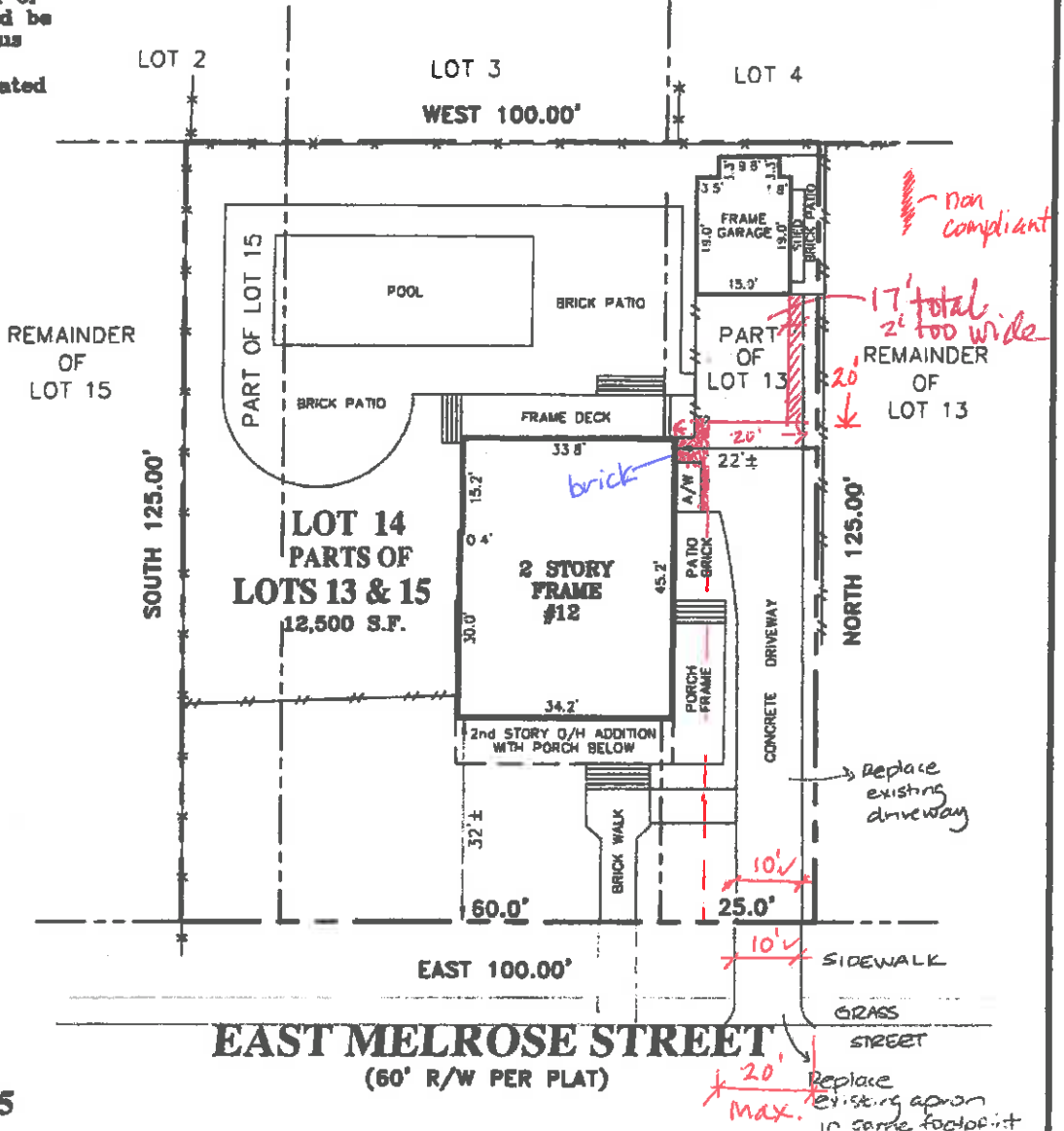
	<p>Approved to Issue Building Permit per Decision Signed by the Building Officer and Village Manager on:</p> <p>Date: _____</p> <p>Signature: _____ Building Officer</p> <p>Signature: _____ Village Manager</p>
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CONSUMER INFORMATION NOTES

1. This plan is a benefit to a consumer insofar as it is required by a lender or a title insurance company or its agent in connection with contemplated transfer, financing or re-financing.
2. This plan is not to be relied upon for the establishment or location of fences, garages, buildings, or other existing or future improvements.
3. This plan does not provide for the accurate identification of property boundary lines, but such identification may not be required for the transfer of title or securing financing or re-financing.
4. Building line and/or Flood Zone information is taken from available sources and is subject to interpretation of originator.
5. No Title Report furnished.

Notes:

1. Setback distances as shown to the principal structure from property lines are approximate. The level of accuracy for this drawing should be taken to be no greater than plus or minus 1 foot.
Fences, if shown, have been located by approximate methods.



LOCATION DRAWING
LOT 14
&
PARTS OF LOTS 13 & 15
BLOCK 44
SECTION 2
CHEVY CHASE
MONTGOMERY COUNTY, MARYLAND

<p>SURVEYOR'S CERTIFICATE</p> <p>THE INFORMATION SHOWN HEREON HAS BEEN BASED UPON THE RESULTS OF A FIELD INSPECTION PURSUANT TO THE DEED OR PLAT OF RECORD. EXISTING STRUCTURES SHOWN HAVE BEEN FIELD LOCATED BASED UPON MEASUREMENTS FROM PROPERTY MARKERS FOUND OR FROM EVIDENCE OF LINES OF APPARENT OCCUPATION.</p> <p><i>Jeffrey A. Foster</i></p> <p>MARYLAND PROPERTY LINE SURVEYOR REG. NO. 587 Expires: 04-02-2017</p>	<p>REFERENCES</p> <p>PLAT BK. 2</p> <p>PLAT NO. 106</p> <p>LIBER</p> <p>FOLIO</p>	<p>SNIDER & ASSOCIATES LAND SURVEYORS 20270 Goldenrod Lane, Suite 110 Germantown, Maryland 20878 301/948-5100 Fax 301/948-1286</p> <p>DATE OF LOCATIONS SCALE: 1" = 30'</p> <p>WALL CHECK: DRAWN BY: D.M.L.</p> <p>HSE. LOC.: 06-29-15 JOB NO.: 15-02295</p>
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