

AA-7006¹
Administrative Variance

Replace an external air conditioner that would encroach a maximum of four (4) feet into the seven (7) foot side (west) yard setback.

Mr. Richard D Kline &
Ms. Barbara G. Kline
7 Primrose Street

¹ Per Sec. 8-11(c) of the Village Code, notice requirements were waived in this application.

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

The following case was considered as an expedited review per Section 8-11(c) of the Village Code

**APPEAL NUMBER AA-7006
MR. RICHARD D. KLINE &
MRS. BARBARA G. KLINE
7 PRIMROSE 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 west (side) 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

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

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

Permit No: 7096

Property Address: <u>7 Primrose St.</u>	
Resident Name: <u>Richard Klaine</u>	
Daytime telephone: <u>(301) 951-0388</u>	Cell phone:
After-hours telephone:	
E-mail:	
Primary Contact for Project: <input checked="" type="checkbox"/> Resident <input type="checkbox"/> Architect <input type="checkbox"/> Project Manager <input type="checkbox"/> Contractor* *MHIC/MD Contractor's License No. (required):	
Primary Contact Information: Name: <u>Robert Nibeel</u> Daytime telephone: <u>(202) 528-2961</u> After-hours telephone: E-mail:	
Check all that apply: <input checked="" type="checkbox"/> Air Conditioning Unit [<u>1</u> # unit(s)] <input type="checkbox"/> Heat Pump(s) [_____ # unit(s)] Is this heat pump a geothermal/geoexchange or ground source heat pump? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, how many wells will be drilled? <input type="checkbox"/> Generator(s) [_____ #unit(s)]	
Check all appropriate boxes: Mechanical unit is: <input type="checkbox"/> new; <input type="checkbox"/> an enlargement of an existing unit; and/or <input type="checkbox"/> being relocated. <input checked="" type="checkbox"/> Mechanical unit is a replacement in-kind and in the same location.	
Description of type and location of mechanical unit(s) to be installed: <u>In-kind</u>	
To be completed by Village staff: Is this property within the historic district? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Staff Initials: <u>RB</u> Date application filed with Village: <u>8/9/16</u> Date permit issued: <u>8/10/16</u> Expiration date: <u>8/10/17</u>	

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).

Building Permit Application for Air Conditioning Units, Heat Pumps, Generators and Geothermal Wells: Filing Requirements

Application will not be reviewed until the application is complete

- Copy of stamped approved plans & permits 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 units
- 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).
- 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: Nancy Johnson

Date: 8/11/2016

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:
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) <i>pd check</i>	Chevy Chase Village 5906 Connecticut Ave. Chevy Chase, MD 20815
Tree Preservation Plan Fee: <input type="checkbox"/> \$250.00 <input checked="" type="checkbox"/> Not required for this project	
TOTAL Fees: <i>\$25.00</i>	Date: <i>8/9/16</i> Staff Signature: <i>[Signature]</i>
Damage Deposit/Performance Bond <input type="checkbox"/> \$ _____ <input checked="" type="checkbox"/> Waived by Village Manager	Date: <i>8/9/2016</i> Village Manager Signature: <i>[Signature]</i>

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

Variance

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: 7 PRIMROSE ST. CHEVY CHASE, MD	
Describe the Proposed Project: REPLACE EXISTING 2ND FLOOR AC UNIT	
Applicant Name(s) (List all property owners):	
Daytime telephone: 301-654-1242	Cell: 240-401-1763
E-mail: RICHARD.KLINE@58@GMAIL.COM	
Address (if different from property address):	
For Village staff use:	
Date this form received: 8/9/16	Special Permit No: AA1006

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: [Handwritten Signature]

Date: AUG 9, 2016

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:

THE UNIT IS REPLACING A UNIT IN THE SAME LOCATION & THE SAME SIZE IN THE SIDEYARD

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):

REPLACEMENT UNIT IS NO LARGER THAN THAT BEING REMOVED & ENCLOSED NEARER INTO THE SETBACK. UNIT IS MATERIALLY THE SAME AND IN THE SAME LOCATION SO ITS REPLACEMENT SHOULD BE ALLOWED

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*:

THE UNIT IS A REPLACEMENT IN KIND SO THERE IS NO ALTERATION TO THE PROPERTY.

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

Variance Filing Fee	Checks Payable To: Chevy Chase Village 5906 Connecticut Ave. Chevy Chase, MD 20815
<p><i>Per Village Code Sec. 6-2(a)(24):</i></p> <input type="checkbox"/> \$300.00 for new construction. <input checked="" type="checkbox"/> \$150.00 for replacing existing non-conformities. <input type="checkbox"/> \$300.00 for fences, walls, play equipment, trees, hedges, shrubbery in the public right-of-way. <input type="checkbox"/> Other: \$ _____	<p>Date Paid: _____</p> <p>Staff Signature: _____</p>
Fee Paid:	<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>

Applicant's Signature: _____

Date: 8/9/16

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 of the reasonable use of adjoining properties:

REPLACEMENT UNIT IS NO LARGER THAN THAT BEING REMOVED
AND ENCRACHES NO FURTHER INTO THE SETBACK. UNIT
IS MATERIALLY THE SAME AND IN THE SAME LOCATION
SEE VILLAGE PG 2

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:

2ND FLOOR OF HOUSES WITHOUT A/C IN EXTREME HEAT.
THE REPLACEMENT UNIT IS NO LARGER AND DOES NOT
INCRACH FURTHER INTO THE SETBACK.

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.

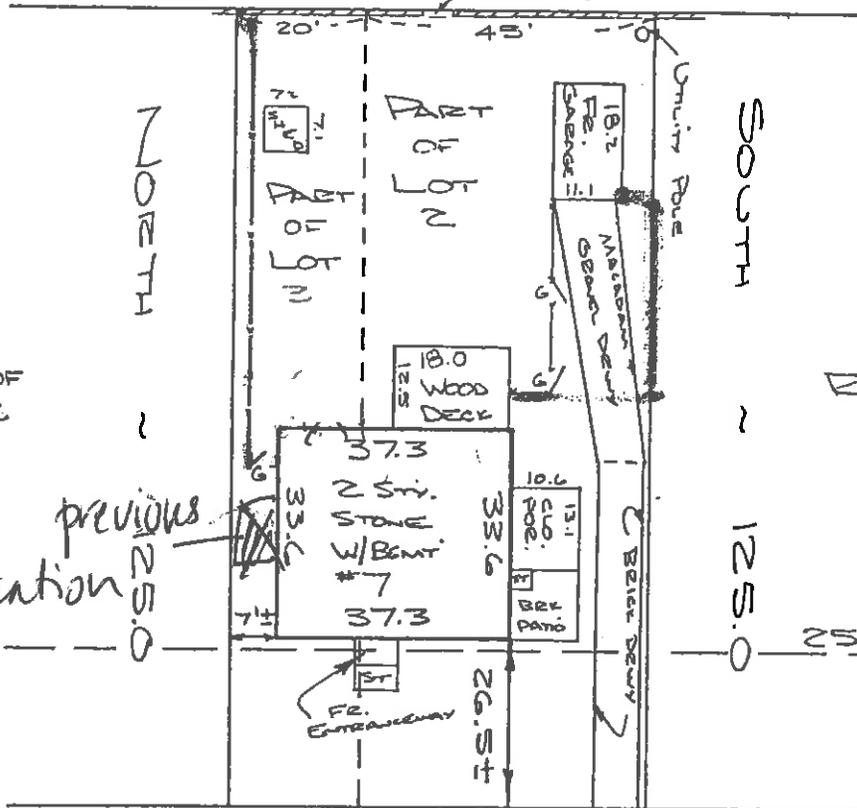
<p align="center">Special Permit Filing Fees</p>	<p>Checks Payable To: Chevy Chase Village 5906 Connecticut Ave. Chevy Chase, MD 20815</p>
<p><i>Per Village Code Sec. 6-2(a)(24):</i></p> <p><input type="checkbox"/> \$300.00 for new construction.</p> <p><input checked="" type="checkbox"/> \$150.00 for replacing existing non-conformities.</p> <p><input type="checkbox"/> \$2,250.00 for demolition of main building.</p> <p><input type="checkbox"/> \$300.00 for demolition of accessory building or structure.</p> <p><input type="checkbox"/> \$300.00 for fences, walls, play equipment, trees, hedges, shrubbery in the public right-of-way.</p> <p>Fee Paid: \$150.00</p>	<p>Date Paid:</p> <p>Staff Signature:</p>

	<p>Approved to Issue Building Permit per Decision Signed by the Building Officer and Village Manager on:</p> <p>Date: <u>8/9/2016</u></p> <p>Signature: <u>[Signature]</u> Building Officer</p> <p>Signature: <u>[Signature]</u> Village Manager</p>
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TOTAL AREA = 8125.55

EAST ~ 65.0

1.0 CONC. WALL
DOOR



58

REM. OF LOT 3

REM. OF LOT 2

previous location
25.0

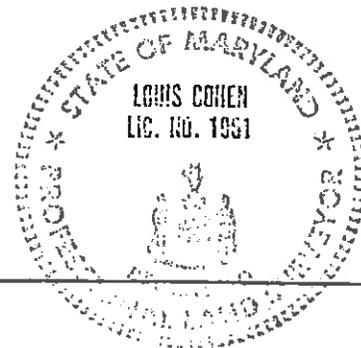
WEST - 65.0

SOUTH

125.0

25' B.R.L.

7 PRIMROSE STREET



CAPITOL SURVEYS

NOTE: This drawing is not intended to establish property lines. The existence of corner monuments is not guaranteed. All information shown hereon taken from the field records of the county or city in which the property is located.

HOUSE LOCATION
 PARTS OF LOTS 2 & 3 BLOCK 58
 SECTION NO. 2
CHEVY CHASE
 MONTGOMERY COUNTY, MARYLAND
 Recorded in Plat Book 2 Plat 106 Scale 1" = 30'

I hereby certify that the position of all of the existing improvements on the above described property have been established by a transit tape measurement and that unless otherwise shown there are no visible encroachments.

[Signature]
 LOUIS COHEN
 Registered Land Surveyor
 Maryland No. 1961

DATE: Nov. 29, 1984

CASE: 693-84

FILE: 17771



DEPARTMENT OF PERMITTING SERVICES

Isiah Leggett
County Executive

Diane R Schwartz Jones
Director

MECHANICAL PERMIT

Issue Date: 08/09/2016

Permit No: 767365
Expires: 08/10/2017
ID: 264140

THIS IS TO CERTIFY THAT: _ ACADEMY HEATING & AIR CONDITIONING
11720 NEBEL ST
ROCKVILLE, MD 20852

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

Table with 4 main columns: Heating Equipment, Cooling Equipment, Tanks (Fuel-oil, LP-gas), and Tanks (Expansion). Each column has sub-columns for Capacity and Quantity, with specific values for various equipment types like Gas, Electric, Oil, Commercial Hoods, etc.

PREMISE ADDRESS: 7 PRIMROSE ST
CHEVY CHASE, MD 20815

PERMIT CONDITIONS: Existing Residential - Replacement - 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: P2 - 58 ZONE: ELECTION DISTRICT: 07
BOND NO.: BOND TYPE:
PERMIT FEE: \$ 88.00 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 Diane R. Schwartz Jones

Director, Department of Permitting Services