

AA-7396
Administrative Special Permit

Replace an existing asphalt driveway in the same location measuring a maximum of twenty-three (23) feet in width.

Ms. Mary Barrett and
Mr. David P. Nikodem
3917 Oliver 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-7396
MMS. MARY BARRETT AND MR. DAVID P. NIKODEM
3917 OLIVER STREET
CHEVY CHASE, MARYLAND 20815**

The applicants seek an administrative Special Permit pursuant to Sec. 8-11 of the Chevy Chase Village Building Code to replace an existing asphalt driveway in the same location measuring a maximum of twenty-three (23) feet in width.

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 25th day of September 2018. 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 Sec. 8-10 and 8-11 of the Chevy Chase Village Building Code.

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



September 25, 2018

Mr. & Mrs. David Nikodem
3917 Oliver Street
Chevy Chase, MD 20815

RE: AA-7396: Administrative Special Permit Application for driveway replacement

Dear Mr. & Mrs. Nikodem:

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 25th day of September 2018 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 Sec. 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
Municipal Operations Coordinator
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

ELISSA A. LEONARD
Chair

ROBERT C. GOODWIN, JR.
Vice Chair

DAVID L. WINSTEAD
Secretary

RICHARD M. RUDA
Assistant Secretary

GARY CROCKETT
Treasurer

MINH LE
Assistant Treasurer

NANCY E. WATTERS
Board Member

VILLAGE MANAGER
SHANA R. DAVIS-COOK

LEGAL COUNSEL
SUELLEN M. FERGUSON

MAILING LIST FOR APPEAL AA-7396

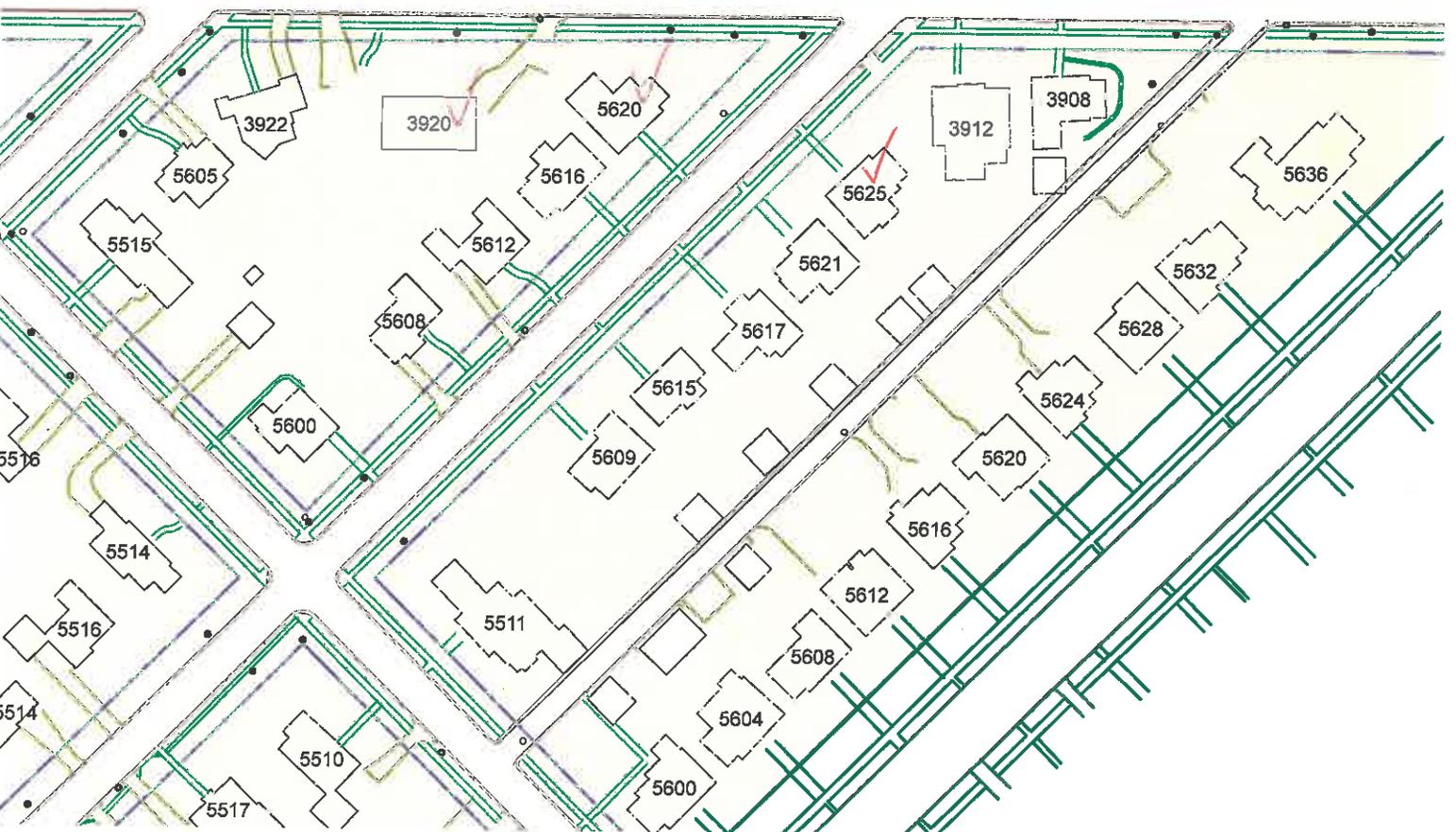
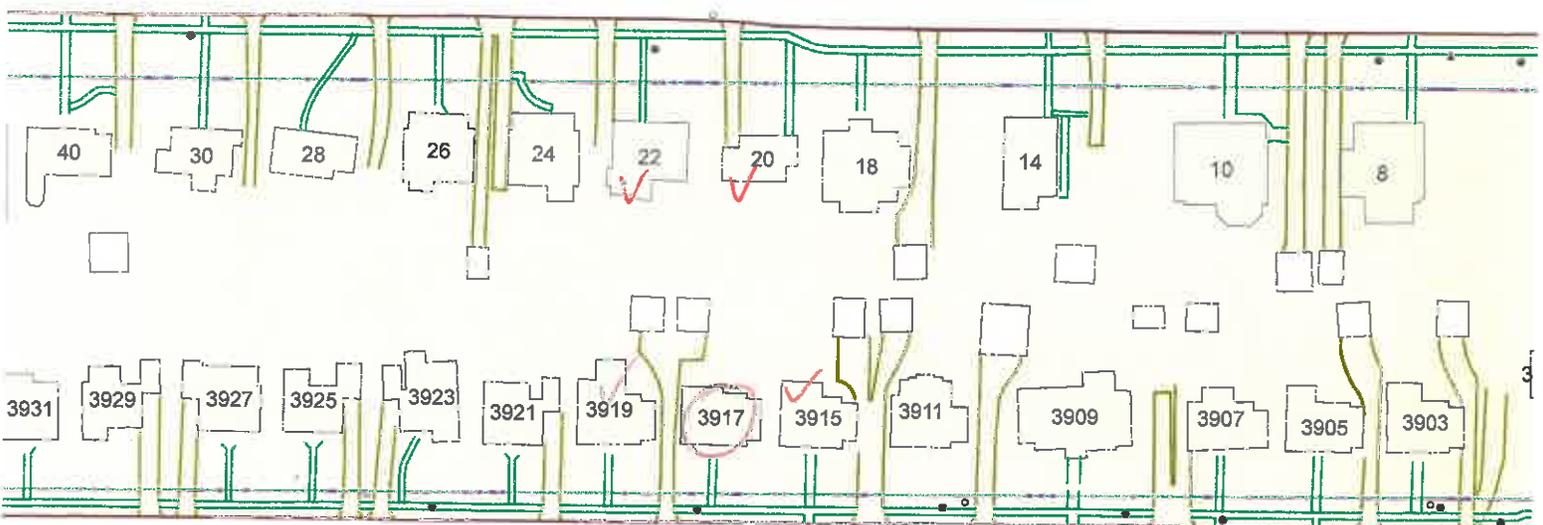
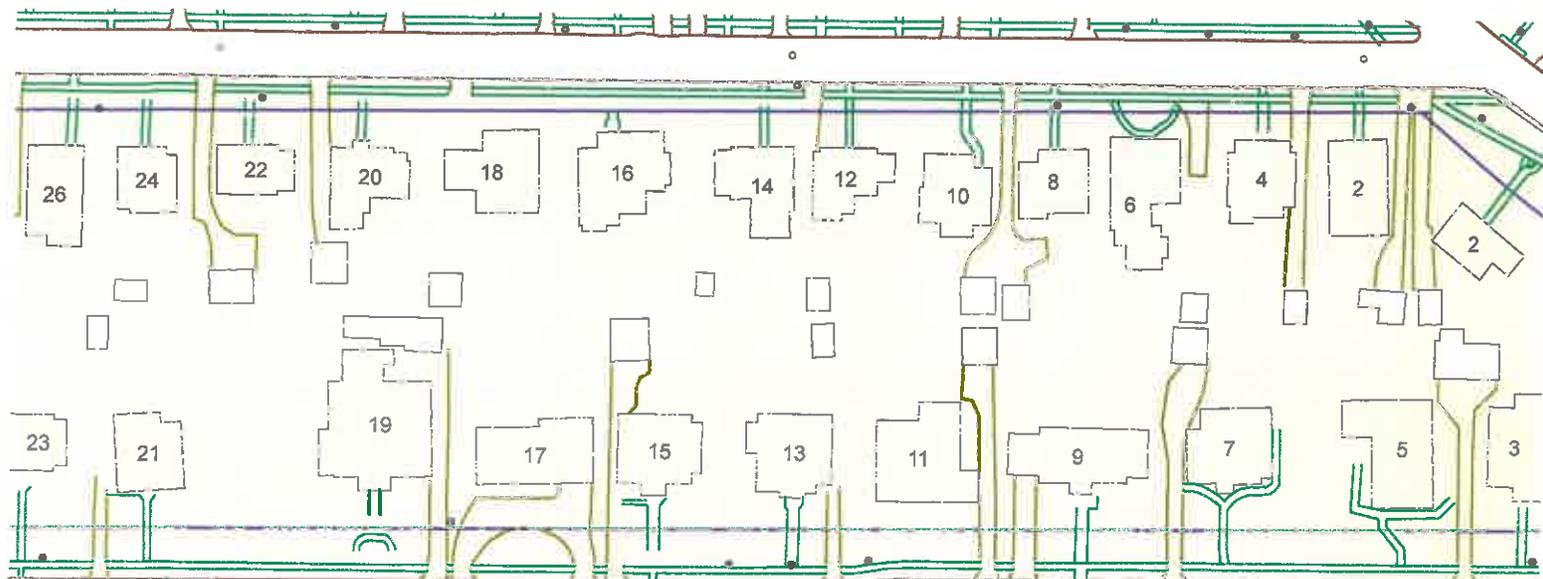
**MR. & MRS. DAVID NIKODEM
3917 OLIVER STREET
CHEVY CHASE, MARYLAND 20815**

Adjoining and confronting property owners	
Ms. Ardith Eymann & Mr. Eric Thompson Or Current Resident 22 Grafton Street Chevy Chase, MD 20815	Ms. Mary Candon Or Current Resident 20 Grafton Street Chevy Chase, MD 20815
Mr. & Mrs. John Williamson Or Current Resident 3919 Oliver Street Chevy Chase, MD 20815	Mr. & Mrs. Oliver Davidson Or Current Resident 3915 Oliver Street Chevy Chase, MD 20815
Mr. & Mrs. Wes Nichols Or Current Resident 3920 Oliver Street Chevy Chase, MD 20815	Mr. & Mrs. Ronald Shapiro Or Current Resident 5620 Grove Street Chevy Chase, MD 20815

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I hereby certify that a public notice was mailed to the aforementioned property owners on the 25th day of September 2018.

**Ellen Sands
Municipal Operations Coordinator
Chevy Chase Village
5906 Connecticut Avenue
Chevy Chase, MD 20815**



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:	3917 Oliver Street	
Describe the Proposed Project:	Driveway replacement	
Applicant Name(s) (List all property owners):	David w/ May Nikodem	
Daytime telephone:	917 282 8521	Cell: 917 282 8521
E-mail:	david.nikodem@gmail.com	
Address (if different from property address):		
For Village staff use:		
Date this form received:	9/20/18	Special Permit No: AA-7396

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: 9/19/18

Applicant's Signature: _____

Date: _____

Describe the basis for the Special Permit request (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:

The combined area of the shared driveway is too large for CCV. The proposed replacement driveway is an in kind replacement and will not alter the character of the existing driveway. A drainage system for the driveway already exists to collect water run off, and it will be maintained. The area of non-compliance is approximately 210 sq ft and is located next to the water drain.

Describe the reasons why the Special Permit can be granted without substantial impairment of the intent and purpose of Chapter 8, entitled *Buildings and Building Regulations*, or Chapter 25, entitled *Public Rights-of-Way* of the Chevy Chase Village Code

In kind replacement won't alter the property in any way

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
<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:</p>	<p>Date Paid:</p> <p>Staff Signature:</p>
	<p>Approved to Issue Building Permit per Signed Board Decision.</p> <p>Signature: _____</p> <p>Village Manager</p> <p>Date: _____</p>

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

Permit No: **7396**

Property Address: 3917 Oliver St 3919 Oliver St	
Resident Name: Daytime telephone: 917 282 8521 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: David Nikodem Daytime telephone: 917 282 8521 After-hours telephone: same E-mail: David.Nikodem@gmail.com	
Check all that apply: <input checked="" type="checkbox"/> Driveway (If a new curb cut is required, note additional fee.) <input checked="" type="checkbox"/> Walkway <input type="checkbox"/> Patio, terrace, or deck at grade	
Check all appropriate boxes: Feature is: <input 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: put in new driveway and garage floors put in a 2nd drain to connect to existing drain put in new front walkway (so/s)	
To be completed by Village staff: Is this property within the historic district? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Staff Initials: GB Date application filed with Village: 8/20/18 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.

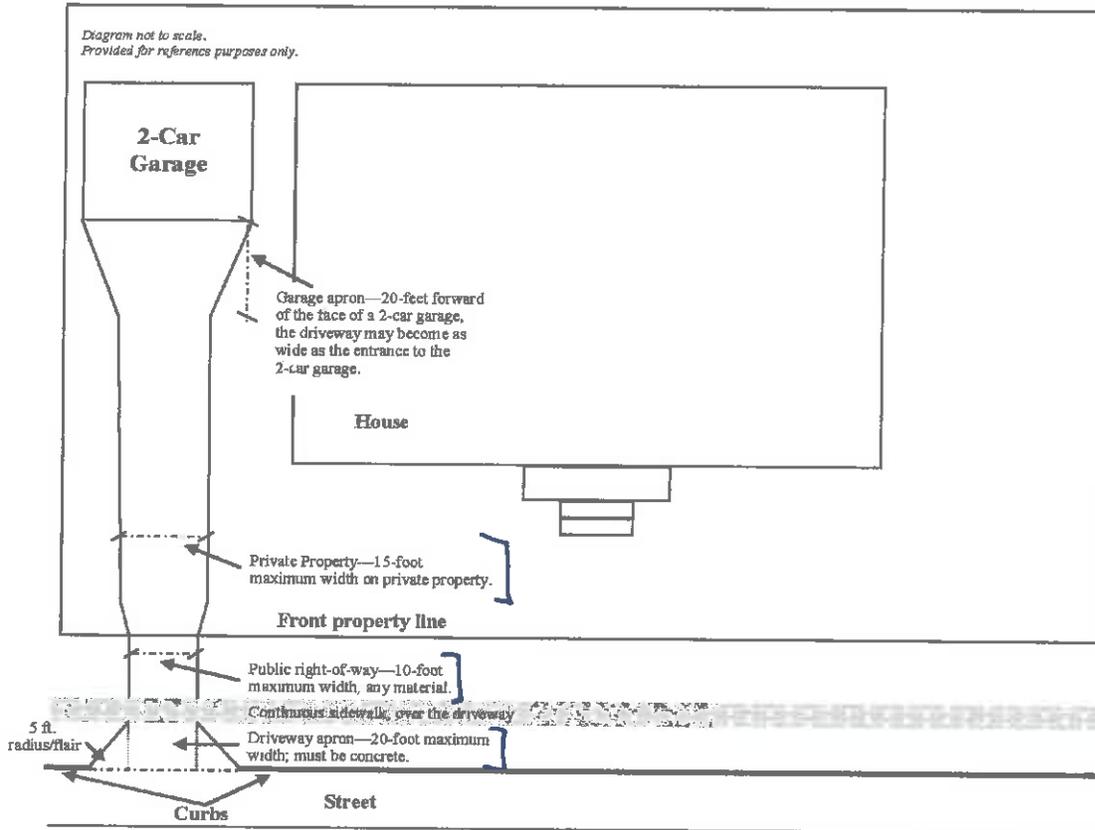
(3) Driveway Aprons

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:

[Handwritten Signature]

Date: 7/23/18

D. Williamson

08/18/18

For Use By Village Manager	Application approved with the following conditions:
For Use By Village Manager DENIED SEP 26 2018 Chevy Chase 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: \$15.00		
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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