

AA-7619
Administrative Special Permit

Replace an existing asphalt driveway in the same location measuring a maximum of seventeen feet, six inches (17' 6") in width on private property.

Mr. Andrew D. Herman
and Ms. Katharine R. Herman
20 West Irving Street



October 28, 2019

Mr. & Mrs. Andrew Herman
20 West Irving Street
Chevy Chase, MD 20815

RE: AA-7619: Administrative Special Permit Application for driveway replacement

Dear Mr. & Mrs. Herman:

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 28th day of October, 2019 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,

Jessica Gebhart
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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SHANA R. DAVIS-COOK

LEGAL COUNSEL
SUELLEN M. FERGUSON

**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-7619
MR. ANDREW D. HERMAN AND
MS. KATHARINE R. HERMAN,
20 WEST IRVING 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 maintain an existing asphalt driveway which was replaced in the same location measuring a maximum of seventeen feet, six inches (17' 6") 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 28th day of October 2019. 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**

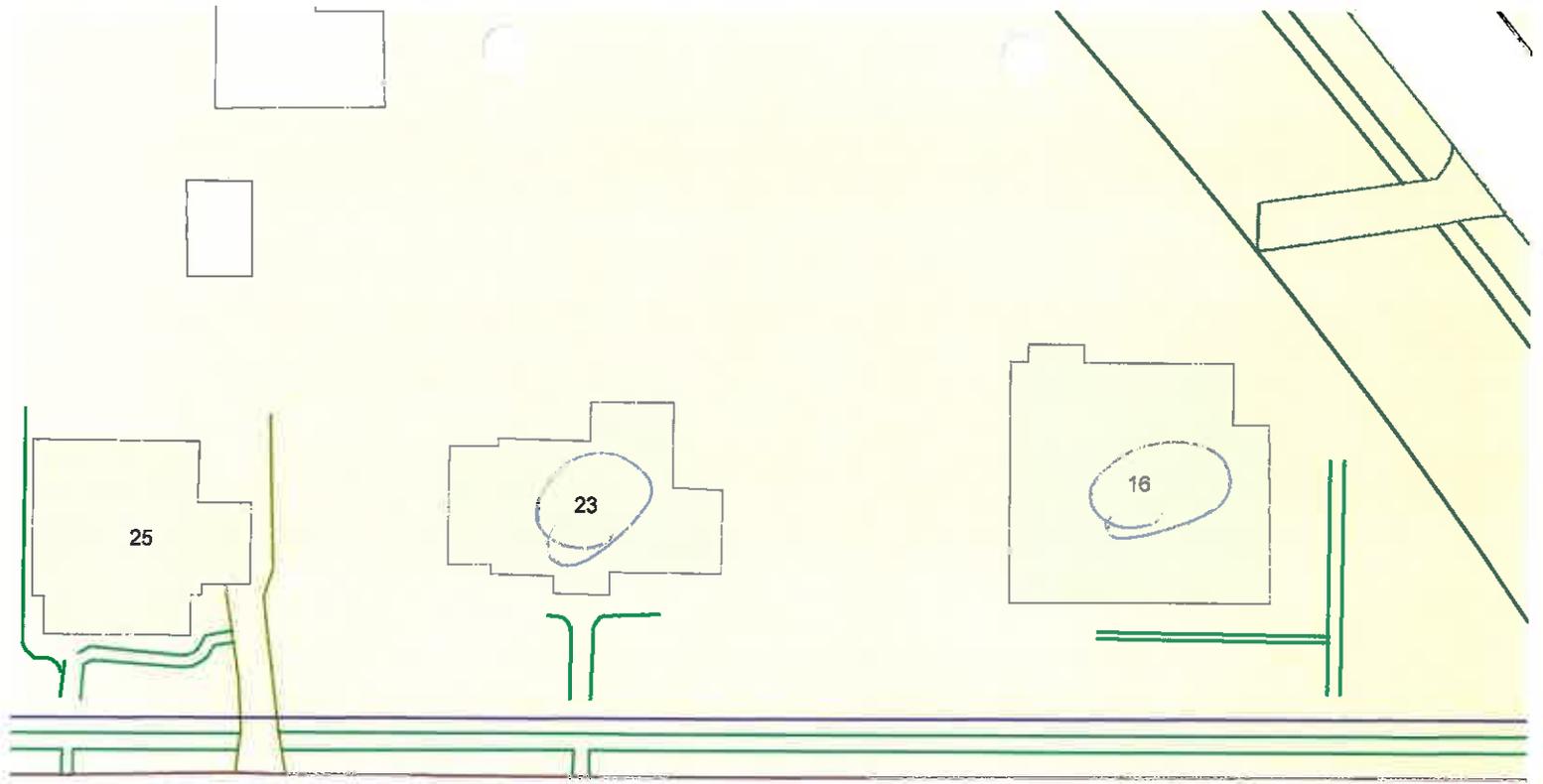
MAILING LIST FOR APPEAL AA-7619

MR. & MRS. ANDREW HERMAN
20 WEST IRVING STREET
CHEVY CHASE, MARYLAND 20815

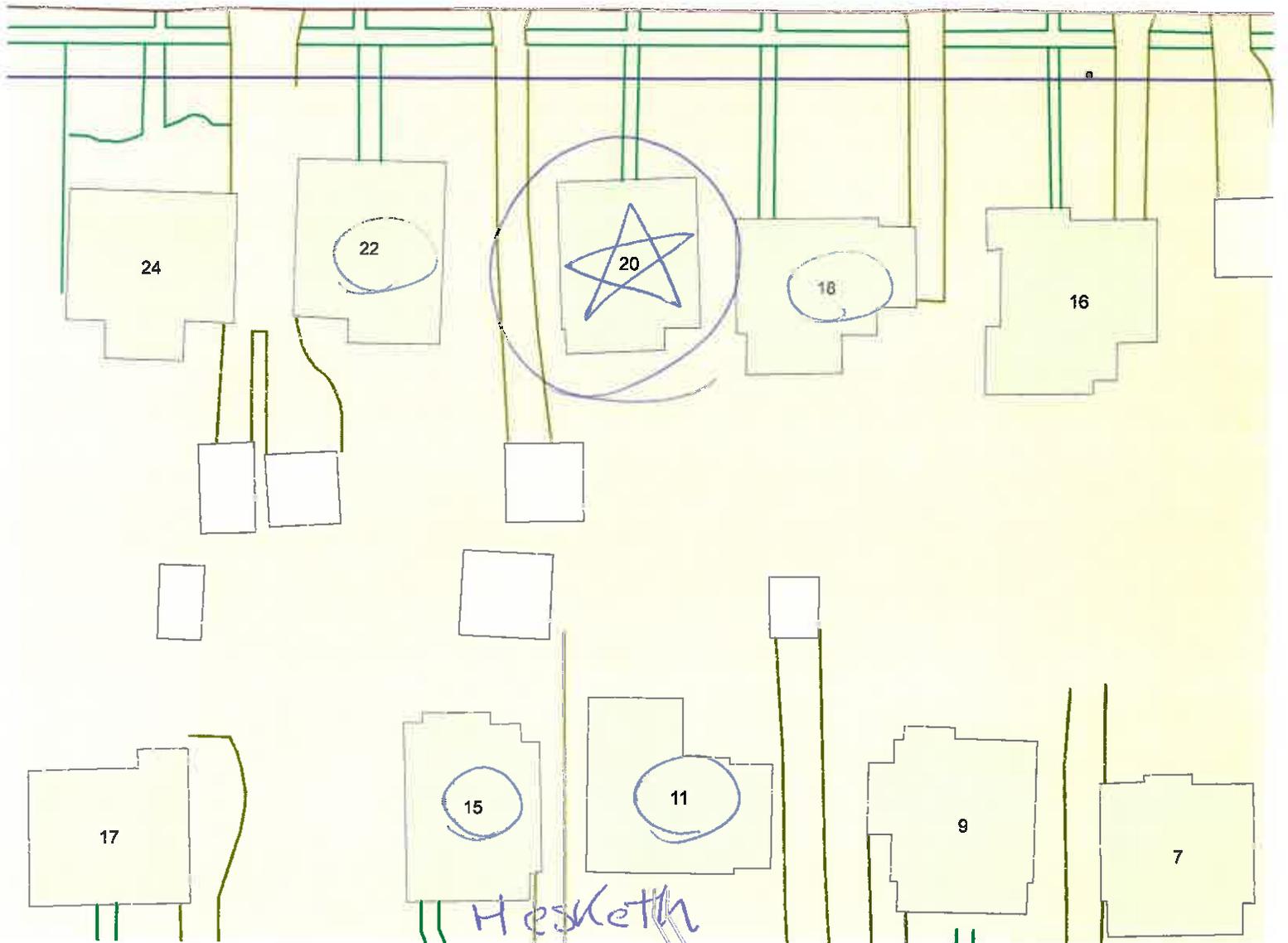
Adjoining and confronting property owners	
Mr. & Mrs. Andrew Herman Or Current Resident 22 West Irving Street Chevy Chase, MD 20815	Mr. James Meisel & Ms. Julia Dahlberg Or Current Resident 18 West Irving Street Chevy Chase, MD 20815
Mr. & Mrs. Duane Gibson Or Current Resident 23 West Irving Street Chevy Chase, MD 20815	Ms. Marea Hatzios Grant Or Current Resident 16 West Irving Street Chevy Chase, MD 20815
Mr. David Evans & Ms. Deanne Ottaviano Or Current Resident 15 Hesketh Street Chevy Chase, MD 20815	Mr. & Mrs. Gordon Griffin Or Current Resident 11 Hesketh Street Chevy Chase, MD 20815

I hereby certify that a public notice was mailed to the aforementioned property owners on the 28th day of October, 2019.

Jessica Gebhart
Permitting and Code Enforcement Coordinator
Chevy Chase Village
5906 Connecticut Avenue
Chevy Chase, MD 20815



○ W. Irving



Hesketh

Online Form Submittal: Application for an Administrative Special Permit

noreply@civicplus.com

Fri 10/11/2019 03:13 PM

To: CCV Permitting <ccvpermitting@montgomerycountymd.gov>; Village, Chevy Chase <ChevyChase.Village@montgomerycountymd.gov>

[EXTERNAL EMAIL]

Application for an Administrative Special Permit

Step 1

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: 20 W. Irving Street

Describe the Proposed Project: In-kind driveway replacement

Applicant Name(s) (List all property owners): Katharine R. Herman, Andrew D. Herman

Phone Number 2022582362

Cell Number 2022582362

Email Address herman.katie@gmail.com

Address (if different from property address): 20 W. Irving Street

For Village staff use:

(Section Break)

Filing Requirments: Completed Chevy Chase Village Application for an Administrative Special Permit (this form)

(Section Break)

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.

Electronic Signature Agreement I agree.

Electronic Signature Katharine R. Herman

Date: 10/11/2019

Electronic Signature Agreement I agree.

Electronic Signature Andrew D. Herman

Date: 10/11/2019

Step 2

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:	We are asking simply to replace an existing driveway that leads to an existing 2-car garage. We are restoring this property and replacing in-kind a driveway that has been there for close to 50 years with the previous owners. We live next door at 22 W. Irving and are not concerned with any impact on our own property.
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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:	Proposed driveway is replacing in kind driveway leading to two-car garage per required dimensions.
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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 Fees
Per Village Code Sec. 6-2(a)(24):

For new construction:

Filing Fee Cost
\$300

Quantity 0

For replacing existing non-conformities:

\$150

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For demolition of main building:

\$2,250

0

For demolition of accessory building or structure:

\$300

0

For fences, walls, play equipment, trees, hedges, shrubbery in the public right-of-way:

\$300

0

File Upload

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Email not displaying correctly? [View it in your browser.](#)

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:

Completed Online

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:

Completed Online

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
<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: <i>Paid Online 10/11/19</i></p> <p>Staff Signature: <i>[Signature]</i></p>
	<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>

Online Form Submittal: Building Permit Application for Driveways and Other Features at Grade

noreply@civicplus.com

Wed 9/25/2019 12:45 PM

To: CCV Permitting <ccvpermitting@montgomerycountymd.gov>; Village, Chevy Chase <ChevyChase.Village@montgomerycountymd.gov>

[EXTERNAL EMAIL]

Building Permit Application for Driveways and Other Features at Grade

Step 1

Property Address: 20 W Irving St
Name: Katie Herman
Email Address: herman.katie@gmail.com
Phone Number: 301-6373566
Cell Number: *Field not completed.*
After-hours Phone Number: *Field not completed.*

(Section Break)

Primary Contact for Project: Contractor*
*MHIC/MD Contractor's License No. 128309

Information for Primary Contact for Project (if different from property owner):

Name: Josh Rosenthal
Email Address: josh@cabinjohnbuilders.com
Work Telephone: 301-637-3566
Cell Number: 301-370-3592
After-hours Telephone: *Field not completed.*

(Section Break)

Check all that apply: Driveway (If a new curb cut is required, note additional fee.)

(Section Break)

Check all appropriate boxes: a replacement in-kind and in the same location

Description of project: replacement in kind of existing asphalt driveway and apron

(Section Break)

Step 2

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.) (12) Any external antenna, air conditioner, generator or heat pump including the replacement of any such external feature that is a developmental nonconformity.

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.

Step 3

(Section Break)

Building Permit Application *Field not completed.*
Filing Requirements

File Upload *Field not completed.*

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.

Electronic Signature I agree.
Agreement

Electronic Signature Joshua L Rosenthal

Date: 9/25/2019

Step 4

Filing Fees
(due when application submitted)

Permit Filing Fee:

(if a replacement in-kind and in the same location) - \$15

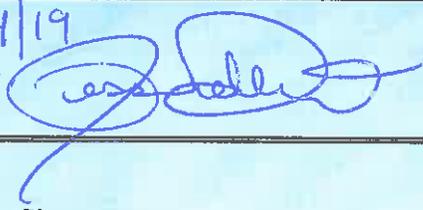
Quantity

1

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For Use By Village Manager	Application approved with the following conditions:
For Use By Village Manager DENIED OCT 11 2019 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 type="checkbox"/> Not required for this project	Date: 10/4/19 Staff Signature: 
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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20 West Irving Street
Photo of Existing Driveway

