

AA-6634

Administrative Variance Request

Replace an external air conditioner located in
the front (northwest) yard of the property.

Ms. Elizabeth King &
Mr. Stephen Jung
5419 Center Street

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

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

**APPEAL NUMBER AA-6634
MS. ELIZABETH KING & MR. STEPHEN JUNG
5419 CENTER 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 front (northwest) 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, 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 6th day of October, 2014. 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 8-11 of the Chevy Chase Village Building Code.

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

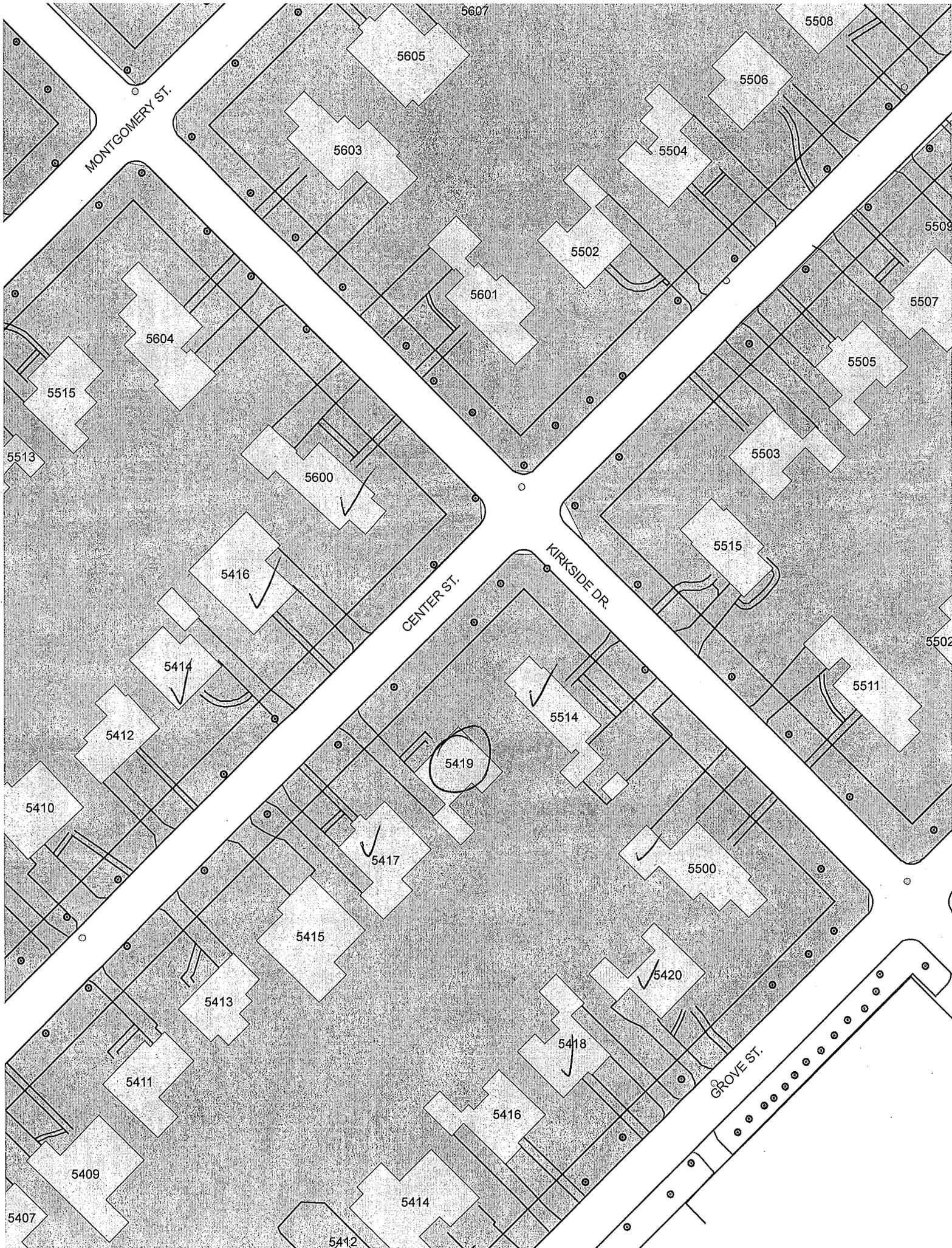
MAILING LIST FOR APPEAL AA-6634

MS. ELIZABETH KING &
MR. STEPHEN JUNG
5419 CENTER STREET
CHEVY CHASE, MD 20815

Adjoining and confronting property owners	
Mr. & Mrs. Paul A. Meyer Or Current Resident 5414 Center Street Chevy Chase, MD 20815	Dr. & Mrs. Phillip Sheridan Or Current Resident 5416 Center Street Chevy Chase, MD 20815
Mr. & Mrs. Seth Morgan Or Current Resident 5417 Center Street Chevy Chase, MD 20815	Ms. Karen Spangler & Mr. Matthew Yeo Or Current Resident 5418 Grove Street Chevy Chase, MD 20815
Mr. & Mrs. Jay Treadwell Or Current Resident 5420 Grove Street Chevy Chase, MD 20815	Ms. Julia Anne Matheson & Mr. Timothy Slagle Or Current Resident 5500 Kirkside Drive Chevy Chase, MD 20815
Mr. & Mrs. Martin Dagata Or Current Resident 5514 Kirkside Drive Chevy Chase, MD 20815	Mrs. James T. Clark Or Current Resident 5600 Kirkside Drive Chevy Chase, MD 20815


I hereby certify that a public notice was mailed to the aforementioned property owners on the 6th day of October 2014.

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



CHEVY CHASE VILLAGE

ESTABLISHED 1890

October 6, 2014

Ms. Elizabeth King &
Mr. Stephen Jung
5419 Center Street
Chevy Chase, MD 20815

Dear Ms. King & Mr. Jung:

Please note that your request for an administrative review of a variance application to replace the air conditioner located in the front yard of 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 6th day of October 2014 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

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

PATRICIA S. BAPTISTE
Vice Chair

RICHARD M. RUDA
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DAVID L. WINSTEAD
Assistant Secretary

GARY CROCKETT
Treasurer

ROBERT C. GOODWIN, JR.
Assistant Treasurer

ELISSA A. LEONARD
Board Member

VILLAGE MANAGER
SHANA R. DAVIS-COOK

LEGAL COUNSEL
SUELLEN M. FERGUSON

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: AA-6634

Property Address: <u>5419 Center St.</u>	
Resident Name: <u>ELIZABETH KING</u> Daytime telephone: <u>301-907-9578</u> Cell phone: <u>202-679-3759</u> After-hours telephone: E-mail: <u>JUNG-KING-FAMILY@YAHOO.COM</u>	
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: Daytime telephone: 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 checked="" type="checkbox"/> new; <input type="checkbox"/> an enlargement of an existing unit; and/or <input type="checkbox"/> being relocated. <input 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>Replace 1 Air conditioning condenser in same location</u>	
<i>To be completed by Village staff:</i> Is this property within the historic district? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Staff Initials: <u>ES</u> Date application filed with Village: <u>9/22/14</u> Date permit issued: _____ Expiration date: _____	

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: Elgabeth Kij

Date: 9-29-2014

For Use By Village Manager	Application approved with the following conditions:
DENIED SEP 29 2014 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 Application Fee: <input checked="" type="checkbox"/> \$50.00 (if mechanical unit/system is new, enlarged or relocated) <input type="checkbox"/> \$25.00 (if mechanical unit is a replacement in-kind and in the same location)	
Tree Preservation Plan Fee: <input type="checkbox"/> \$250.00 <input checked="" type="checkbox"/> Not required for this project	
TOTAL Fees: <i>check # 2116</i> <i>\$50.00</i>	Date: <i>9/29/14</i> Staff Signature: <i>[Signature]</i>
Damage Deposit/Performance Bond <input type="checkbox"/> \$ _____ <input type="checkbox"/> 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 an Administrative Variance

A variance is permission granted by the Board of Managers pursuant to, and subject to, the conditions of Sec. 8-9(c) of Chapter 8 to construct, install, remove or alter a structure or planting, or take any other action that does not otherwise meet the requirements of the Chapter. The administrative variance 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: 5419 CENTER ST.
Describe the Proposed Project: REPLACE EXTERNAL AIR CONDITIONING UNIT
Applicant Name(s) (List all property owners): ELIZABETH KING / STEPHEN JUNG
Daytime telephone: 301-907-9578 Cell: 202-679-3757
E-mail: JUNG_KING_FAMILY@YAHOO.COM
Address (if different from property address):
For Village staff use: Date this form received: 9/29/14 Variance No: AA-6634

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 a Variance (this form)
- Completed Chevy Chase Village Building Permit Application
- Completed Chevy Chase Village 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 applicable to the property except for variances from Secs. 8-21 and 8-26 or Chapter 25 of the Chevy Chase Village Code.
- Variance fee (See fee schedule 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 variance 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: Elizabeth K. King
Applicant's Signature: Stephen M. Jung

Date: 9-29-2014
Date: 9/29/14

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:

SEE Attached

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):

SEE Attached

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*:

SEE Attached

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 <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"/> \$300.00 for fences, walls, play equipment, trees, hedges, shrubbery in the public right-of-way. <input type="checkbox"/> Other: \$ _____	Checks Payable To: Chevy Chase Village 5906 Connecticut Ave. Chevy Chase, MD 20815
Fee Paid: \$150.00 Check # 2116	Date Paid: Staff Signature: 
	Approved to Issue Building Permit per Decision Signed by the Building Officer and Village Manager on: Date: _____ Signature: _____ Building Officer Signature: _____ Village Manager

**Attachment to Application for an Administrative Variance
5419 Center Street**

Describe the special conditions of the property:

Located in the backyard of the property is a swimming pool with a surrounding flagstone deck. In addition, there is only 7.2 feet between house and side property line. See attached survey.

Describe how enforcement of the building regulations would result in an unwarranted hardship and injustice because of the special conditions(s) described above:

The side lot is not wide enough to allow us to relocate air conditioning units to the side yard within 7 feet of the side lot line as required by Sec. 8-22(b) of the Village Code or within 5 feet of the side lot line as required by covenants.

We cannot relocate the air conditioning units to the backyard because of the flagstone deck that abuts the house and covers (together with the pool) most of the backyard. The only possible place to consider moving the units is behind the garage. Moving the units behind the garage would require running new lines to the air handler in the attic and the basement. These changes and the distance from a location behind the garage to the attic and basement locations of the air handlers would make it very costly to install the condenser units behind the garage. We received an estimate of \$8101.75 to move the units to this location, which would represent a hardship for us.

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:

The proposed project is to replace an external air conditioner unit with a unit that is not materially larger. The new unit is a 16 Seer and replaces an 8 Seer unit. The new unit is substantially quieter and more energy efficient and is not materially larger.

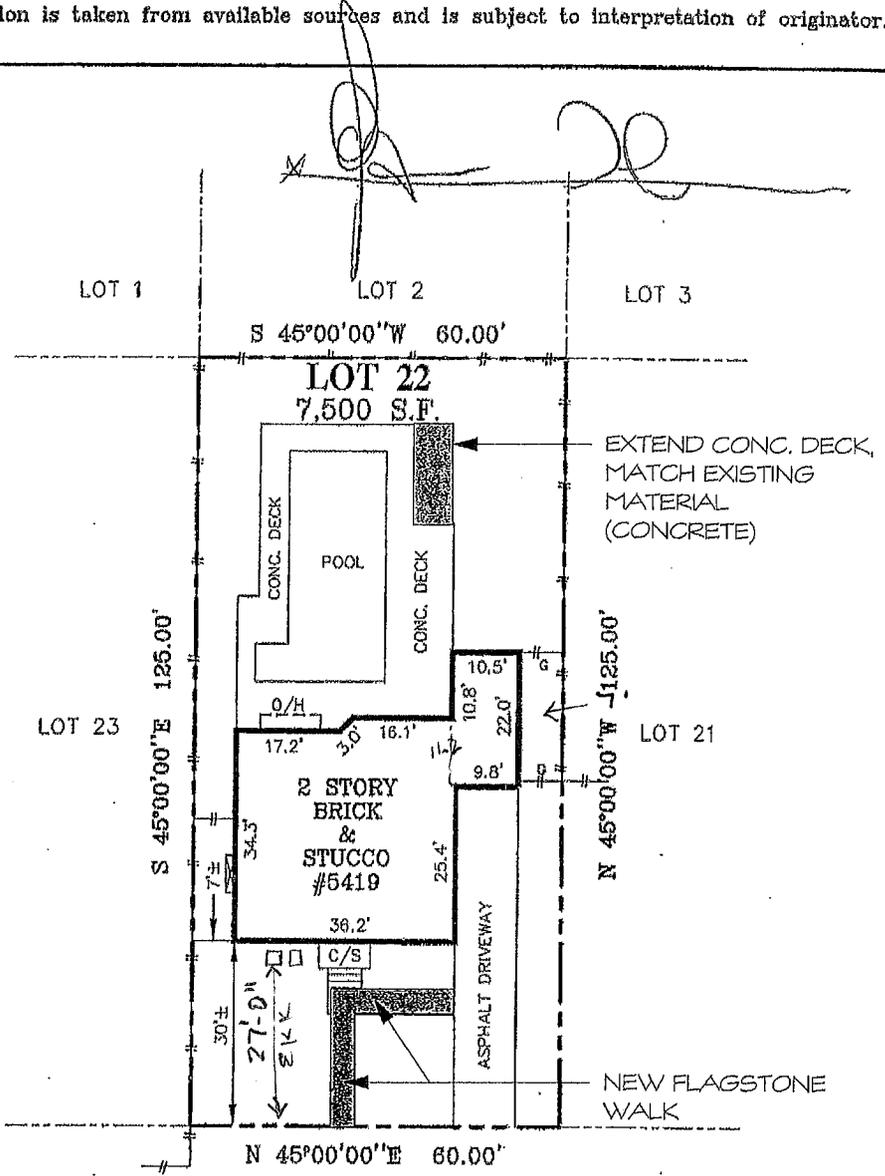
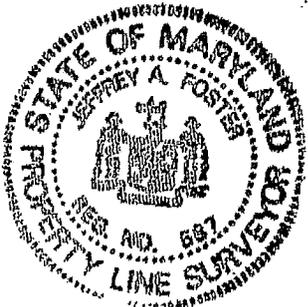
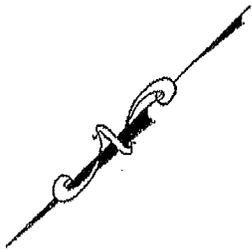
The prior owners of the house received a permit to install two air conditioning units in the front yard of the house. The continuation of the current variance for location of the air conditioning units in the front yard is required because special conditions of the property exist, as described above. Enforcement of the setback requirements in connection with replacing an old external air conditioner unit would result in unwarranted hardship and injustice because the air conditioning units were located in the front yard when we purchased the property in August 2013 and the cost of moving the units to the only location in the backyard that would accommodate the units would be extremely costly.

CONSUMER INFORMATION NOTES:

1. This plan is a benefit to a consumer insofar as it is required by a lender, 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. Flood zone "X" per H.U.D. panel No. 0456D.
2. 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 22, BLOCK 7
 SECTION 1-A

CHEVY CHASE

MONTGOMERY COUNTY, MARYLAND

CENTER STREET
 (60' R/W PER PLAT)

<p>SURVEYOR'S CERTIFICATE</p>	<p>REFERENCES</p>	 <p>SNIDER & ASSOCIATES LAND SURVEYORS 20270 Goldenrod Lane, Suite 110 Germantown, Maryland 20876 301/948-5100 Fax 301/948-1286</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> 587 MARYLAND PROPERTY LINE SURVEYOR REG. NO. 587</p>	<p>PLAT BK. 4 PLAT NO. 349</p> <p>LIBER FOLIO</p>	
<p>DATE OF LOCATIONS: _____ SCALE: 1" = 30'</p> <p>WALL CHECK: _____ DRAWN BY: E.H.</p> <p>HSE. LOC.: 4-14-09 JOB NO.: 09-01189</p>		

**Chevy Chase Village
Website Posting Notice
for Appeal, Special Permit & Variance Hearings**

Case Number: AA-6634

Hearing Date:

By signing below, I acknowledge as the applicant/appellant in the above-referenced case number that all supporting information and documentation for my case will be posted on the Village's website at <www.chevychasevillagemd.gov> for review by the general public.

Applicant/Appellant Name: ELIZABETH KING

Address: 5419 Center St.

Telephone: 301-907-9578

E-mail: JUNG-KING-FAMILY@YAHOO.COM

Applicant/Appellant Signature: Elizabeth King

Agent Name for applicant/appellant (if necessary):

Telephone:

Address:

E-mail:

Signature of agent:

Village staff initials: GB

Date: 9/29/14