

AA-6427

Administrative Special Permit

Replace an asphalt driveway with a concrete driveway with a paver border in the same location that would measure a maximum of thirty-one (31) feet in width on private property.

Mr. Patrick and Ms. Marie O'Brien
115 East Melrose Street

**CHEVY CHASE VILLAGE
NOTICE OF AN 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:

**APEAL NUMBER AA-6427
MS. MARIE & MR. PATRICK O'BRIEN
115 EAST MELROSE STREET
CHEVY CHASE, MARYLAND 20815**

The applicants seek an administrative special permit pursuant to Section 8-13 of the Chevy Chase Village Building Code to replace in the same footprint an asphalt driveway with a concrete driveway, including a new paver border, that would measure a maximum of thirty-one (31) 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 apron in front of a two-car garage may extend the full width of the two-car garage, provided that such apron does not exceed twenty (20) feet in length.

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 22nd day of November 2013. 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 8-12 of the Chevy Chase Village Building Code.

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

CHEVY CHASE VILLAGE

ESTABLISHED 1890

November 22, 2013

Mr. & Mrs. Patrick O'Brien
115 East Melrose Street
Chevy Chase, MD 20815

Dear Mr. & Mrs. O'Brien:

Please note that your request for an administrative review of a special permit 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 22nd day of November, 2013 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 8-12 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

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VILLAGE MANAGER
SHANA R. DAVIS-COOK

LEGAL COUNSEL
SUELLEN M. FERGUSON

MAILING LIST FOR APPEAL AA-6427

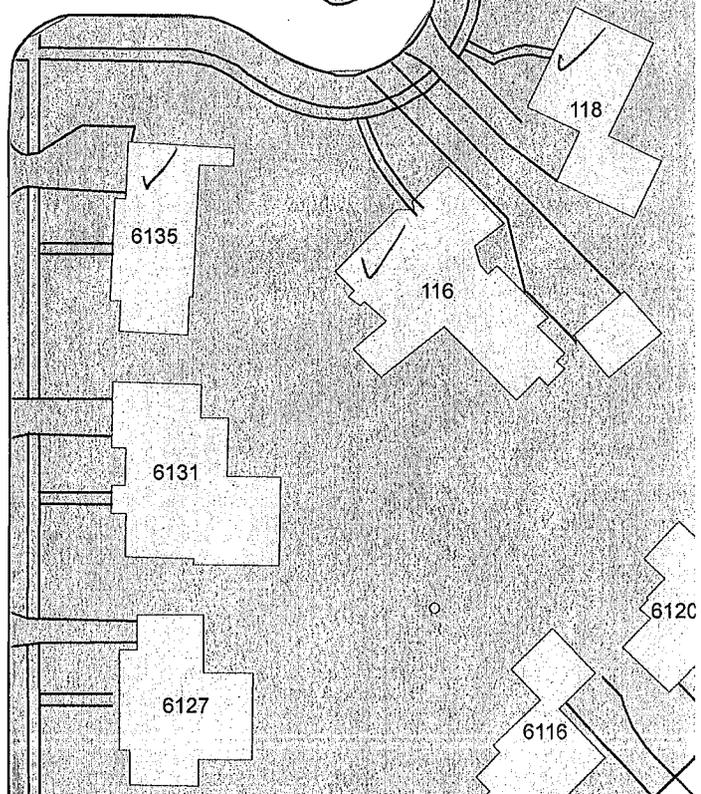
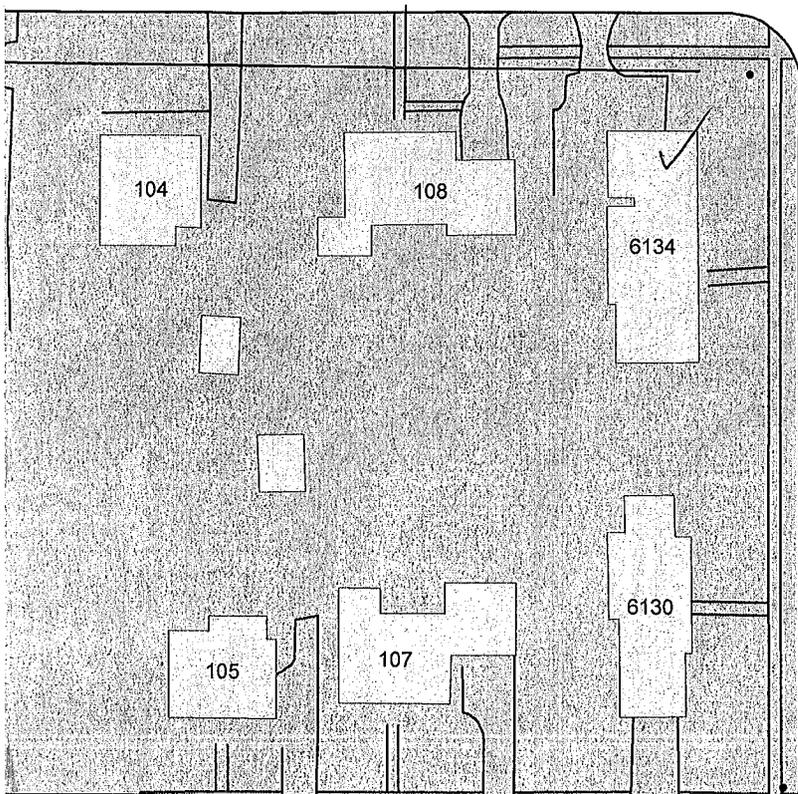
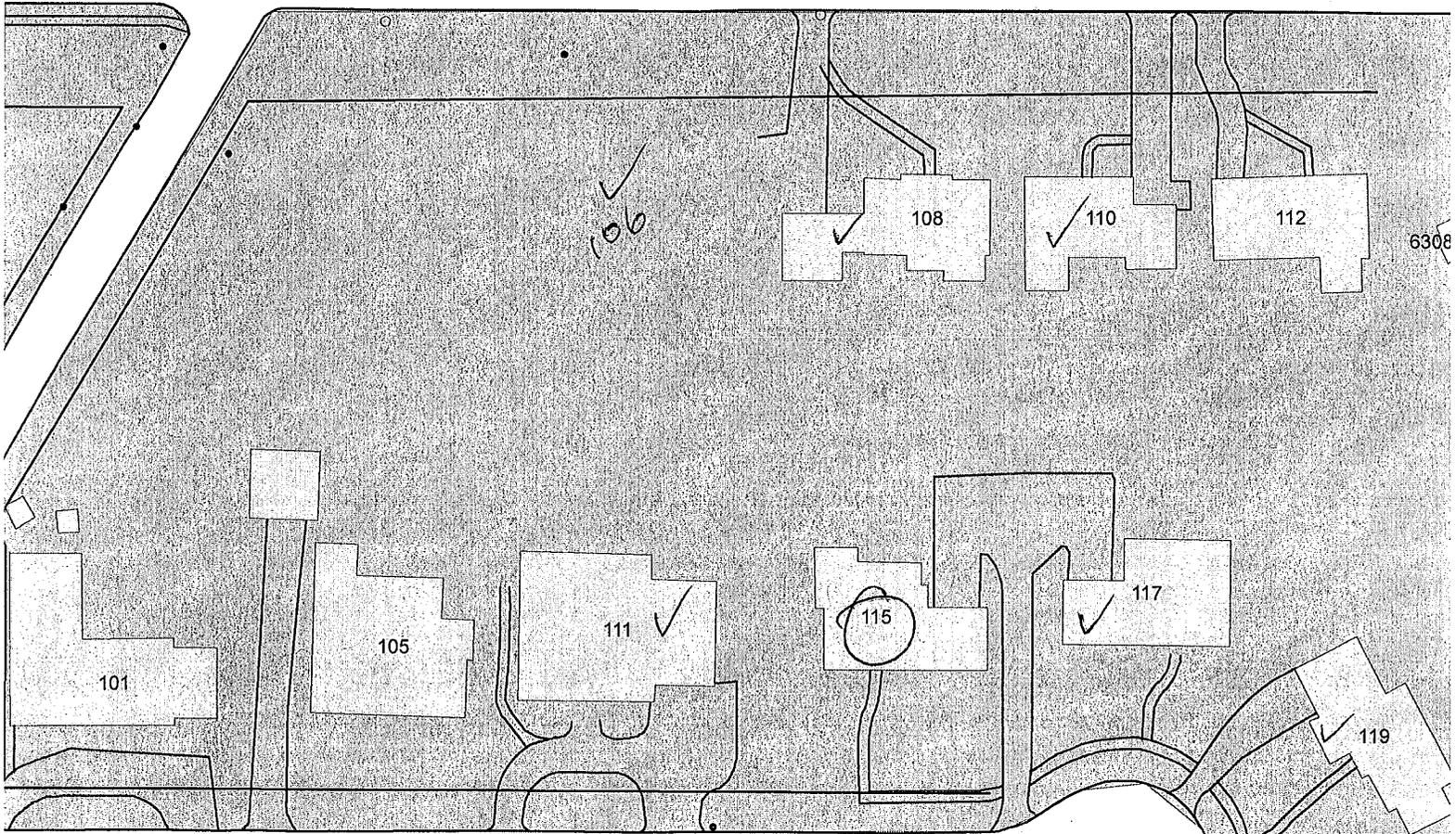
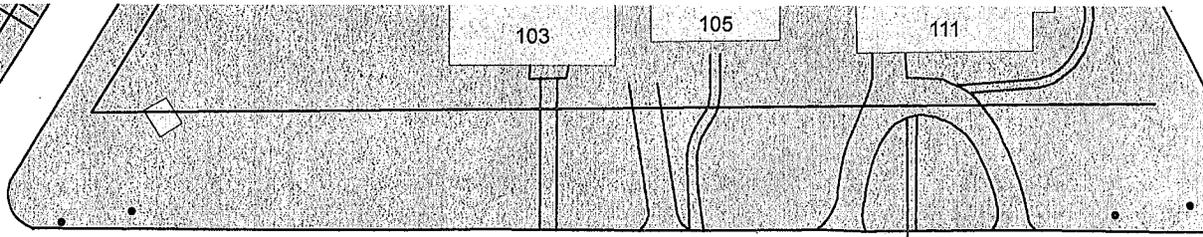
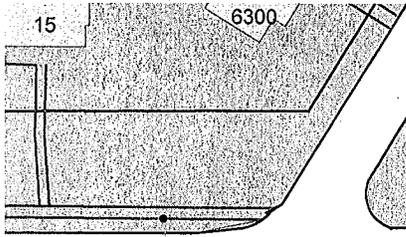
**MS. MARIE O'BRIEN &
MR. PATRICK O'BRIEN
115 EAST MELROSE STREET
CHEVY CHASE, MD 20815**

Adjoining and confronting property owners	
Mr. Richard Ruda Or Current Resident 108 Newlands Street Chevy Chase, MD 20815	Ms. Sara G. Dash Or Current Resident 110 Newlands Street Chevy Chase, MD 20815
Mr. Brendan O'Neill Or Current Resident 106 Newlands Street Chevy Chase, MD 20815	Ms. Susan Goldberg & Mr. Geoffrey Etnire Or Current Resident 111 East Melrose Street Chevy Chase, MD 20815
Mr. & Mrs. Robert Cullen Or Current Resident 117 East Melrose Street Chevy Chase, MD 20815	Mr. & Mrs. Kelly Kramer Or Current Resident 119 East Melrose Street Chevy Chase, MD 20815
Mr. & Mrs. Philip R. Bevan Or Current Resident 118 East Melrose Street Chevy Chase, MD 20815	Ms. Darlene M. Trandel & Mr. Keith M. Korenchuk Or Current Resident 116 East Melrose Street Chevy Chase, MD 20815
Mr. & Mrs. Benjamin Rippeon Or Current Resident 6134 Nevada Avenue Chevy Chase, MD 20815	Mr. & Mrs. Jose Rodriguez Or Current Resident 6135 Nevada Avenue Chevy Chase, MD 20815



I hereby certify that a public notice was mailed to the aforementioned property owners on the 22nd day of November, 2013.

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



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

Permit No:

Property Address: 115 EAST MELROSE, CHEVY CHASE, MD 20815	
Resident Name: PATRICK & MARIE O'BRIEN	
Daytime telephone:	Cell phone:
After-hours telephone:	
E-mail: ECS.O'BRIEN4@COMCAST.NET	
Primary Contact for Project:	
<input checked="" type="checkbox"/> Resident <input checked="" type="checkbox"/> Architect <input type="checkbox"/> Project Manager <input type="checkbox"/> Contractor*	
*MHIC/MD Contractor's License No. (required):	
Primary Contact Information:	
Name: LUKE OLSON	
Daytime telephone: (240) 333-2021 After-hours telephone:	
E-mail: LOLSON@GTMARCHITECTS.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 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:	
Replace existing shared driveway w/ new concrete driveway with brick border. Extents of existing driveway to remain as-is.	
To be completed by Village staff:	
Is this property within the historic district? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Staff Initials: JB
Date application filed with Village: 10/21/13	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.

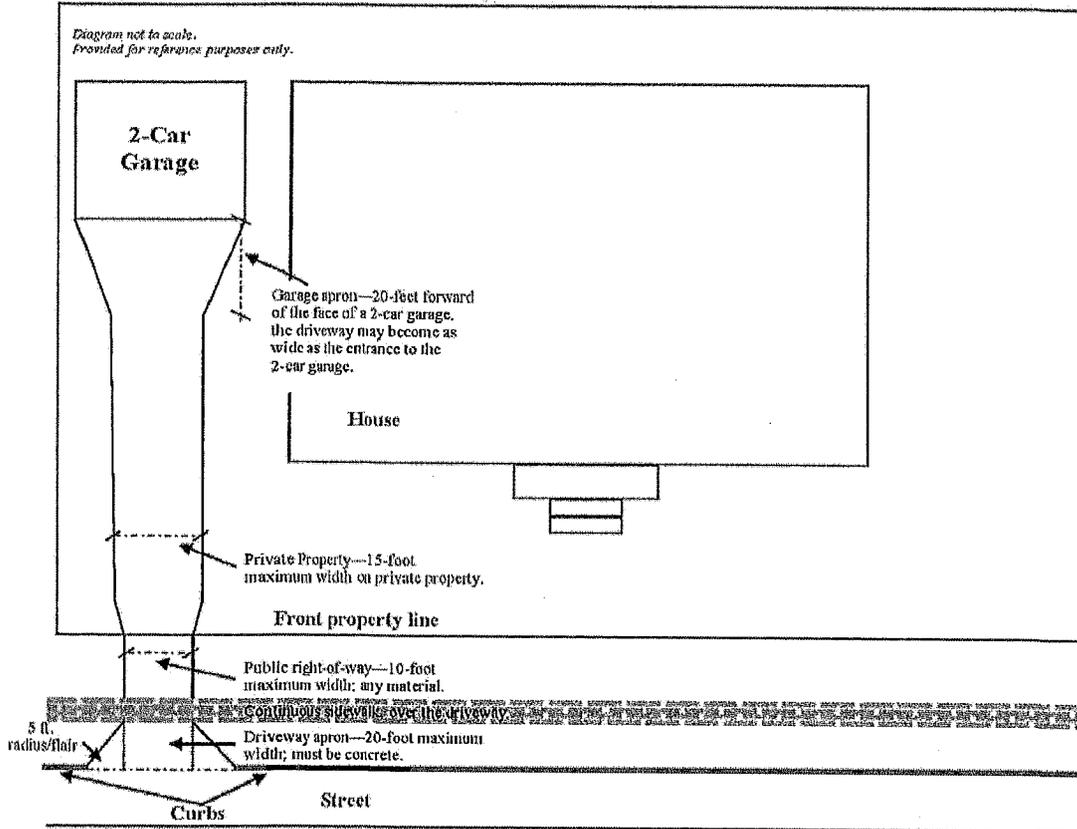
(3) Driveway Aprons

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 using concrete in accordance with current Montgomery County standards. Thus, no matter the material used for the driveway itself, the apron must be concrete.

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.
- 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: *Richard Green* **Date:** *Oct 17, 2013*

For Use By Village Manager	Application approved with the following conditions:
DENIED OCT 23 2013 Chevy Chase Village Manager	Application denied for the following reasons:

Filing Fees (due when application submitted)	Checks Payable to:
Permit Filing Fee: <input checked="" type="checkbox"/> \$30.00 (if new, enlarged or relocated) <input 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.	Chevy Chase Village 5906 Connecticut Ave. Chevy Chase, MD 20815
Tree Preservation Plan Fee: <input type="checkbox"/> \$250.00 <i>if planned, assessed w/ 117 E</i> <input checked="" type="checkbox"/> Not required for this project <i>Melrose</i>	
TOTAL Fees: <i>\$30.00</i>	Date: <i>10/21/13</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 a Special Permit

Chevy Chase Village Code Section 8-1(aa) 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.

Subject Property: <u>115 EAST MELROSE ST. CHEVY CHASE, MD</u>	
Describe the Proposed Project: <u>REPLACE EXISTING DRIVEWAY IN-KIND W/ NEW CONCRETE DRIVEWAY W/ BRICK BORDER</u>	
Applicant Name(s) (List all property owners): <u>MARIE & PATRICK O'BRIEN</u>	
Daytime telephone:	Cell:
E-mail:	
Address (if different from property address):	
For Village staff use:	
Date this form received: <u>11/3/13</u>	Special Permit No: <u>AA-6427</u>

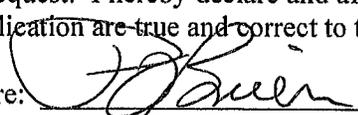
Filing Requirements:

Application will not be accepted or reviewed until the application is complete

- Completed *Chevy Chase Village Application for a Special Permit* (this form)
- Completed *Chevy Chase Village Building Permit Application*
- 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 Sections 8-22, 8-26 or Article IV of Chapter 8 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 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 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: 11/4/2013

Applicant's Signature: Marie O'Brien

Date: 10/31/13

Describe the basis for the special permit request (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 IN-KIND REPLACEMENT DOES NOT CHANGE ANY OF THE EXISTING
SITE CONDITIONS. THIS IS BEING COMPLETED PURSUANT
TO ADMINISTRATIVE APPEAL.

Describe the reasons why the special permit can be granted without substantial impairment of the intent and purpose of Chapter 8 of the Chevy Chase Village Code, entitled *Buildings and Building Regulations*:

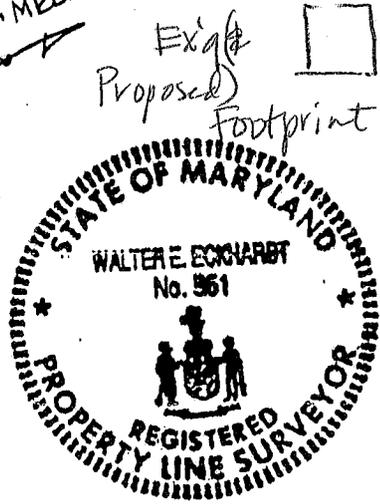
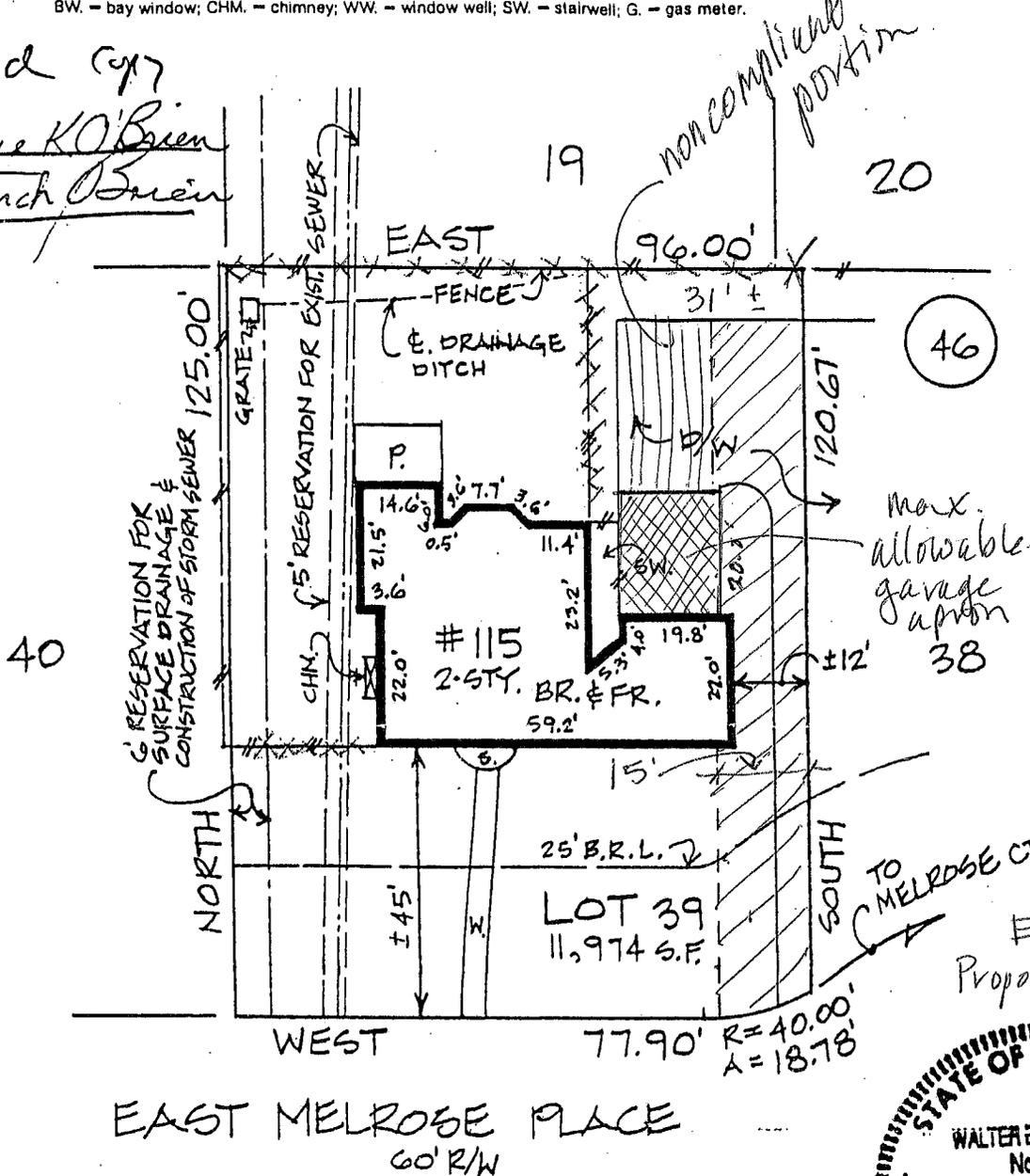
SEE ABOVE

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
Per Village Code Sec. 6-2(a)(24): <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: \$150.00	Date Paid: 11/4/13 Staff Signature: <i>[Handwritten Signature]</i>
	Approved to Issue Building Permit per Board Decision Signed by the Board Secretary on: Date: _____ Signature: _____ Village Manager

- ES:
1. This is NOT a Property Line/Boundary survey and is NOT to be used for the erection of fences or any other improvement; this Survey is for Title Purposes ONLY; Title Report was not furnished.
 2. This survey was prepared in accordance with the plat of subdivision and/or deed as recorded in the Land Records of Montgomery County, Maryland.
 3. This property shown hereon is subject to easements and right-of-way(s) of record.
 4. The location of any Fence or Fences shown hereon are Approximate ONLY, the Exact location of same has NOT been determined by this survey.
 5. LEGEND: OH. - building overhang; D. - deck; S. - stoop; W. - walkway; P. - patio; AW. - aerial wire(s); P.L. - property line; BW. - bay window; CHM. - chimney; WW. - window well; SW. - stairwell; G. - gas meter.

Recid 977
 Marie K O'Brien
 Patrick O'Brien



HOUSE LOCATION SURVEY

115 E. MELROSE PLACE

LOT 39 BLOCK 46

SECTION 2

CHEVY CHASE

P.B. 15 P. No. 974

7th Election District

Montgomery County, Maryland

Note: This property lies within Flood Zone C, an area of Minimal flooding, as established by the National Flood Insurance Program, (F.E.M.A.)

CERTIFICATION:

I certify, to the best of my knowledge and belief, that the existing visible improvements shown hereon have been established by accepted land surveying practices and that unless otherwise shown there are no visible encroachments.

Walter E. Eckhardt

Walter E. Eckhardt
 Property Line Surveyor, Md. Reg. No. 551

MSI METROPOLITAN SURVEYS, INC.

11262 Georgia Ave. • Suite 102
 Wheaton, MD 20902
 (301) 929-8195
 FAX: (301) 929-8197