AA-6408
Administrative Variance

Replace two external air conditioning units that would encroach a maximum of two (2) feet into the seven (7) foot west (side) yard setback.

Mr. & Mrs. William J. Walsh
24 Hesketh 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 variance application for the following:

APPEAL NUMBER AA-6408
MR. & MRS. WILLIAM J. WALSH
24 HESKETH STREET
CHEVY CHASE, MARYLAND 20815

The applicants seek an administrative variance pursuant to Section 8-13 of the Chevy Chase Village Building Code to replace two replacement external air conditioning units that would encroach a maximum of two (2) feet into the seven (7) foot side yard setback.

The Chevy Chase Village Code § 8-20(a) states in pertinent part:

> An external air conditioner heat pump or generator which is located so that it is a developmental nonconformity may not be replaced, unless the Board of Managers grants a variance.

Additionally:

The Chevy Chase Village Code § 8-13 states in pertinent part:

> (c) The Building Officer and the Village Manager, by joint action, may grant variances and special permits 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 9th day of August, 2013. 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.

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

MAILING LIST FOR APPEAL AA-6408

MR. & MRS. WILLIAM J. WALSH
24 HESKETH STREET
CHEVY CHASE, MD 20815

Adjoining and confronting property owners	
Current Resident 25 Hesketh Street Chevy Chase, MD 20815	Ms. Mel Oncu & Mr. Ross Wiener Or Current Resident 21 Hesketh Street Chevy Chase, MD 20815
Mr. & Mrs. John Lively Or Current Resident 23 Hesketh Street Chevy Chase, MD 20815	Ms. Mary Frances Pearson & Mr. Joseph G. Howe, III Or Current Resident 26 Hesketh Street Chevy Chase, MD 20815
Mr. & Mrs. Robert Marcus Or Current Resident 22 Hesketh Street Chevy Chase, MD 20815	Ms. Robin C. Heller Or Current Resident 19 Grafton Street Chevy Chase, MD 20815
Mr. & Mrs. William J. McKee Or Current Resident 21 Grafton Street Chevy Chase, MD 20815	Mr. & Mrs. Richard Zantzinger Or Current Resident 23 Grafton Street Chevy Chase, MD 20815

I hereby certify that a public notice was mailed to the aforementioned property owners on the 9th day of August 2013.

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

CHEVY CHASE VILLAGE
ESTABLISHED 1890

August 9, 2013

Mr. & Mrs. William J. Walsh
24 Hesketh Street
Chevy Chase, MD 20815

Dear Mr. & Mrs. Walsh:

Please note that your request for an administrative review of a variance application to replace the external air conditioning units in the west (side) yard 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 9th day of August 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
PATRICIA S. BAPTISTE, *Chair*
MICHAEL L. DENGER, *Vice Chair*
RICHARD M. RUDA, *Secretary*
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 8-23(c). Permit No:

Property Address:
24 HESKETH STREET

Resident Name: WENDI WALSH.
Daytime telephone: Cell phone:
After-hours telephone:
E-mail:

Primary Contact for Project:
☐ Resident ☒ Architect ☐ Project Manager ☐ Contractor*
*MHIC/MD Contractor's License No. (*required*):

Primary Contact Information:
Name: NEAL THOMSON
Daytime telephone: 202-747-4823 After-hours telephone: SAME
E-mail: NEAL@THOMSONCOOKE.COM

Check all that apply:
☒ Air Conditioning Unit [2 # unit(s)]
☐ Heat Pump(s) [_____# unit(s)])
Is this heat pump a geothermal/geoexchange or ground source heat pump? ☐ Yes ☐ No
If yes, how many wells will be drilled?
☐ Generator(s) [_____ #unit(s)]

Check all appropriate boxes:
Mechanical unit is: ☐ new;
☐ an enlargement of an existing unit; and/or
☐ being relocated.
☒ Mechanical unit is a replacement in-kind and in the same location.

Description of type and location of mechanical unit(s) to be installed:
REPLACE (2) EXISTING CONDENSERS IN WEST SIDE YARD.

To be completed by Village staff:
Is this property within the historic district? Yes ☑ No ☐ Staff Initials: GS
Date application filed with Village: 8/4/13 Date permit issued: _____ Expiration date: _____

Excerpt from the Chevy Chase Village Code:

Sec. 8-4. Residential building permits. [...A]ny person intending to construct any of the following must, after obtaining a valid County building permit, obtain a building permit from the Village: [...] (6) Construction or installation of an external antenna, air conditioner or heat pump, including the replacement of any external air conditioner or heat unit, which is a developmental nonconformity (see sections 8-20 and 8-23);

Sec. 8-20. Developmental nonconformities.
(a) [...] An external air conditioner, heat pump or generator which is located so that it is a developmental nonconformity may not be replaced, unless the Board of Managers grants a variance.

Sec. 8-23. Tennis courts, antennae, air conditioners, heat pumps and generators.
(c) *Air conditioners, heat pumps and generators.* No person shall install an external air conditioner, heat pump or generator within seven (7) feet of any side lot line or rear lot line nor in the front yard of any property without a special permit from the Board of Managers. 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, ' 6-3(a)(12).

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). 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: JWalsh _____ **Date:** _____

For Use By Village Manager	Application approved with the following conditions:

For Use By Village Manager	Application denied for the following reasons:
DENIED AUG 09 2013 Chevy Chase Village Manager	

Filing Fees (due when application submitted)	**Checks Payable to:** **Chevy Chase Village** **5906 Connecticut Ave.** **Chevy Chase, MD 20815**
Permit Application Fee: ☐ $50.00 (if mechanical unit is new, enlarged or relocated) ☑ $25.00 (if mechanical unit is a replacement in-kind and in the same location)	
Tree Preservation Plan Fee: ☐ $250.00 ☑ Not required for this project	
TOTAL Fees: $25.00	Date: 8/9/13 Staff Signature:
Damage Deposit/Performance Bond ☐ $_____ ☐ 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: 24 HESKETH STREET.	
Describe the Proposed Project: REPLACEMENT OF EXISTING A/C CONDENSORS IN EXIST. LOCATION.	
Applicant Name(s) (List all property owners): BILL WALSH, NANCI WALSH.	
Daytime telephone:	Cell:
E-mail:	
Address (if different from property address):	
For Village staff use: Date this form received: 8/9/13	Special Permit No: AA-6408

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: Nancy Walsh Date: _____

Applicant's Signature: _____ Date: _____

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:

REPLACEMENT A/C CONDENSER ARE SMALLER THAN EXISTING UNITS, AND WILL NOT ENCROACH INTO 5'-0" SIDE YARD SETBACK.

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*:

UNITS ARE LOCATED TO NOT ENCROACH INTO SIDE YARD SETBACK.

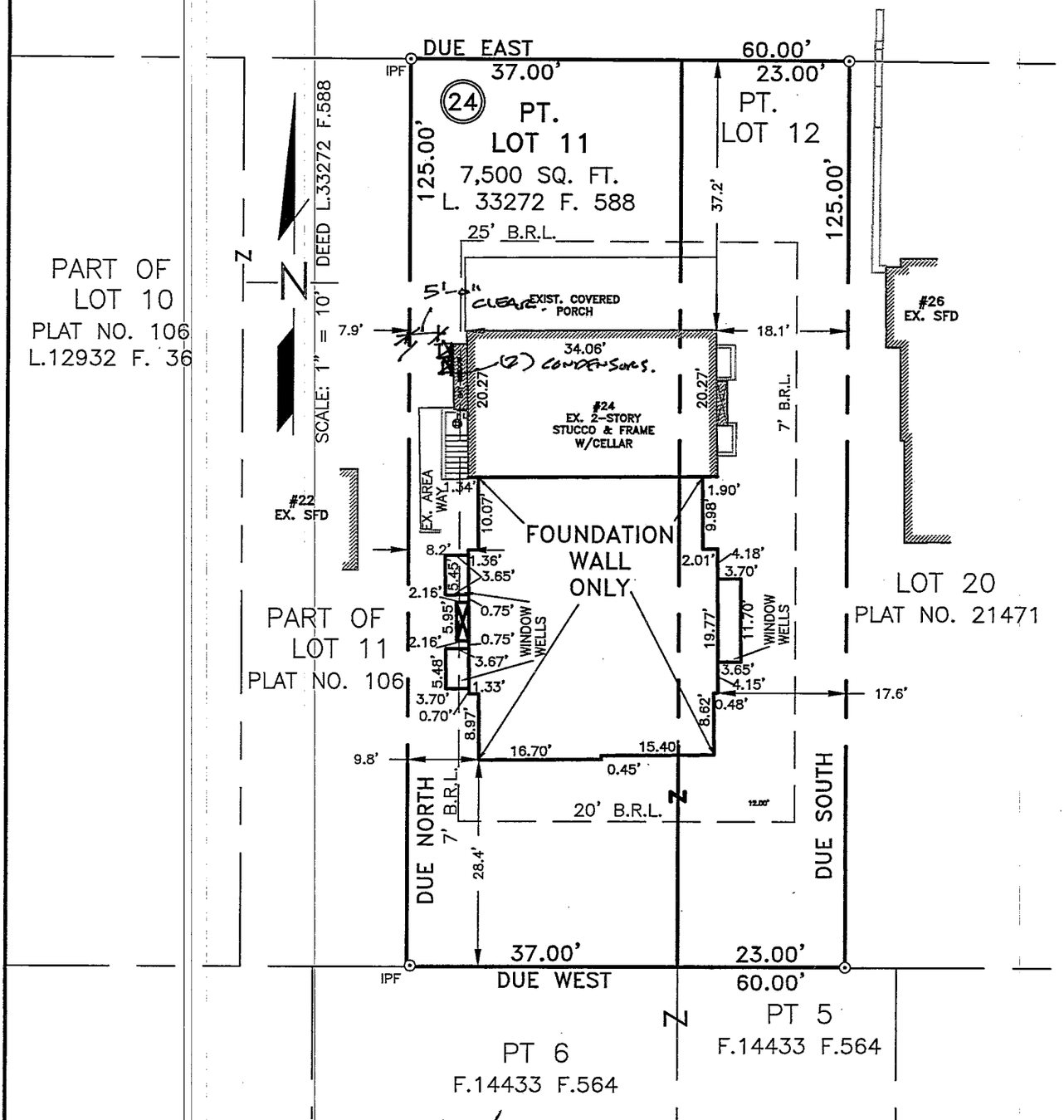
In exercising its powers in connection with a special permit request, the Chevy Chase Village Board of Managers may reverse or affirm, wholly or partly, or may modify the requirement, decision or determination as it deems appropriate.

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): ☐ $300.00 for new construction. ☐ $150.00 for replacing existing non-conformities. ☐ $2,250.00 for demolition of main building. ☐ $300.00 for demolition of accessory building or structure. ☐ $300.00 for fences, walls, play equipment, trees, hedges, shrubbery in the public right-of-way. **Fee Paid:**	**Date Paid:** **Staff Signature:**
	Approved to Issue Building Permit per Board Decision Signed by the Board Secretary on: **Date:** _____ **Signature:** _____ **Village Manager**

HOUSE LOCATION SURVEY

24 HESKETH STREET
PARTS OF LOT 11 & 12, BLOCK 24
CHEVY CHASE, SECTION 2
PLAT NO. 106
LIBER 33272 FOLIO 588
7th ELECTION DISTRICT
MONTGOMERY COUNTY, MARYLAND

HESKETH STREET
60.0' R/W



5/14/13

STATE OF MARYLAND
CHARLES THOMAS GRIMSLEY
NO. 21392
REGISTERED
PROFESSIONAL LAND SURVEYOR

I HEREBY CERTIFY THAT THE PROPERTY DELINEATED HEREON IS IN ACCORDANCE WITH THE PLAT OF SUBDIVISION AND/OR DEED OF RECORD, AND THAT THE IMPROVEMENTS WERE LOCATED BY ACCEPTED FIELD PRACTICES. THIS SURVEY WAS PREPARED UNDER MY SUPERVISION.

Charles T. Grimsley

Charles Thomas Grimsley
Professional Land Surveyor
Maryland No. 21392
Expiration Date: February 4, 2014

LEGEND:
⊙IPF — IRON PIPE FOUND

WALL CHECK:05/13/13
BUILDING PERMIT NO. 628189

DRAWN BY: JRL	REFERENCE
DATE: MAY 10, 2013	PLAT 106 L. 33272 F. 588
SCALE: 1"=20'	
JOB NO.: 1302	

LANDMARK ENGINEERING, INC.
6110 EXECUTIVE BLVD, SUITE 110
ROCKVILLE, MARYLAND 20852
PHONE: (301) 230-5881
FAX: (301) 230-5884
CONSULTING ENGINEERS PLANNERS SURVEYORS