

Town of Chevy Chase Land Use Committee

Minutes

December 18, 2006

The Land Use Committee met at 7:00 p.m. on December 18, 2006. The meeting was attended by Council Liaison, Mayor Linna Barnes, Committee Chair, Julia Miller, and Committee Members, Lees Hartman, Dedun Ingram, Donna Kirk, Steve McConnell, and Joseph Rubin. Jon Hiatt, Sue Hill and Lee Dennison were absent. Handouts included an agenda, minutes of the November 20, 2006 meeting, a proposed mission statement, a list of wall variances recently approved by the Town, a memo by Julia Miller on issues relating to walls, and a written summary, prepared by Dave Walton, on wall variances.

Following approval of the minutes and adoption of the Committee's mission statement, as amended, the Committee focused its attention on the development of recommendations regarding the regulation of front-yard walls measuring less than 12 inches in height.

After due deliberation, the Committee decided to recommend to the Town Council that it adhere to the decision of its December 13, 2006 meeting, to continue to require a permit for all front-yard walls, but that such permits be granted "as of right" if a wall measures 12 inches or less in height and the wall is *not* located within 30 inches of another front-yard wall. If a wall is to be constructed closer than 30 inches, then the applicant would need approval through the Town's variance process. The Committee further decided to recommend that such "as of-right" permits be awarded on the basis of a house location survey rather than the more detailed documentation required for a variance request. Lastly, it decided to suggest that the Council seek the counsel of the Town Attorney as to whether a license to construct a retaining wall measuring 12 inches or less on the public's right of way should be required as a condition to obtaining a permit.

The Committee based its recommendation upon several factors, including the Town's objective of preserving its "open feel;" the need for the Town to know where a wall is to be sited—especially if it is to be located in its right-of-way; the need to ensure that the Town's wall requirements are followed in all cases; and the need to address the situation where the Town's prohibition against the construction of walls greater than 12 inches could be circumvented by the construction of a series of tiered walls measuring 12 inches or less, creating a result similar to that of the prohibited wall. The Committee opted for an "as of right" process and reliance on less stringent documentation to minimize the time and effort required by residents to obtain such a permit.

The Committee decided to study, at a future meeting, the current practice of using a variance process, rather than a special exception process, to address retaining walls, where virtually every wall application is approved. It also plans to provide recommendations regarding the town's present prohibition on locating walls within 2 feet of the Town's right of way.

Lastly, the Committee discussed scheduling options and the purpose of next month's meeting with Jakubiak & Assocs.

Having no further business, the meeting was adjourned at approximately 8:30 P.M.

Prepared by Julia Miller and approved by the Committee by e-mail on January 17, 2007.