

TOWN OF CHEVY CHASE
COUNCIL MEETING
April 10, 2024

[DISCUSSION WITH WONDERS EARLY LEARNING \(6:30 p.m.\)](#)

The Town Council will meet with representatives from Wonders Early Learning and Extended Day to discuss the organization's services, enrollment trends, and financial needs.

- I. GENERAL BUSINESS (7:00-7:30 p.m.)
 - A. Call to Order
 - B. March 2024 Financial Report
 - C. Town Manager's Report
 - D. Public Comments

- II. PUBLIC HEARINGS (7:30-8:00 p.m.)
 - A. [Variance, Front Yard Fence, 6700 East Avenue](#)
 - B. [Ordinance to Amend Chapter 1 \(General Provisions\) of the Town Code to Clarify Language and Revise the List of County Laws that Apply in the Town](#)

- III. COUNCIL DISCUSSIONS (8:00-8:45 p.m.)
 - A. Discussion and Possible Introduction of an Ordinance to Adopt the FY25 Budget and Tax Rates
 - B. Discussion and Possible Introduction of an Ordinance to Require a Real Property Sale Disclosure Regarding Town Regulations
 - C. Bethesda Market Park

- IV. OTHER BUSINESS/UPDATES (8:45-9:15 p.m.)
 - A. Attainable Housing Strategies Initiative
 - B. Purple Line
 - C. MML Legislative Updates

- V. ADJOURNMENT (9:15 p.m.)

How to Join the Council Meeting

- 1. In-Person
4301 Willow Lane, Chevy Chase, MD 20815

- 2. [Online via Zoom](#)

- 3. By Phone via Zoom
(301) 715-8592
Meeting ID: 301 654 7144
Passcode: 6547144

Wonders Early Learning + Extended Day and Town of Chevy Chase Community Partnership

March 27, 2024

Since 1989, [Wonders Early Learning at Leland](#) has long been a valuable member of The Town of Chevy Chase community. We have educated and cared for many of the Town's children and partnered with their families over the past 35 years. Wonders would like to strengthen our partnership with the Town and its residents. We respectfully request the Town Council consider our request for a recurring grant to Wonders Early Learning at Leland to enhance our learning environment and community connection.

We regularly hear from families that it is the strong sense of community that makes Wonders unique. Our leadership and educators firmly believe in respectful, reciprocal, and caring partnerships with families. We build these partnerships through effective communication, family events, and an open door policy.

Wonders Early Learning at Leland is accredited by the National Association for the Education of Young Children. Only 11% of all early care and education programs in the country have obtained this nationally recognized level of quality. Additionally, Leland has obtained a level 5 EXCELS rating, the highest level in Maryland's child care quality rating system.

Leland Program Information

We serve children who are 18 months to 5 years of age

Three classrooms

MSDE accredited curriculum

Focus on equity teaching and learning practices

Specialists that enhance our curriculum include a music program and pilates

Parent education workshops

Community Partnership Proposal

Wonders as a resource for families:

1. Wonders will contribute a parenting resource to the monthly Town of Chevy Chase newsletter.
2. Town of Chevy Chase parents will be invited to attend bi-monthly parent education workshops offered by Wonders. These are virtual 1-1.5 hour long workshops presented by education and parenting experts.

Enhancing the learning environment (need varies from year to year):

1. New resources for the children who attend Wonders at Leland would include classroom materials such as updated furniture.
2. Expanded curriculum specialist program to include STEAM activities.
3. Replacement of appliances or other infrastructure upgrades (currently, the commercial stove/oven needs to be replaced).

The learning enhancements would include time sensitive items as well as established activities and related staff costs.

Total request

\$10,000 annual grant from the Town of Chevy Chase

(\$4,000 for resource activities and \$6,000 for learning environment enhancements)

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STAFF REPORT

II-A

TO: Town Council
FR: Todd Hoffman, Town Manager
RE: Ghorban, 6700 East Avenue, Front Yard Fence
DATE: April 10, 2024

Variance Requested:

Morad and Sharlene Ghorban, 6700 East Avenue, propose to install a 6-foot-tall fence in the front yards of their property along East Avenue and Bradley Lane, as shown on the attached site plan. Town building regulations do not allow fences in front yards; therefore, a variance is required.

Background:

As of April 5, the Town has received one email, attached, in support of the request.

The fence is proposed to replace a 4-foot picket fence in the same location. The picket fence was installed in 2003 following the approval of a Town front yard fence variance. The Town's traffic engineer has evaluated the proposed fence and determined that it will not interfere with sightlines needed for vehicular or pedestrian safety (the existing fence was located to preserve the same sightlines, so the condition will not change). In December 2016, the Town approved a variance to allow the installation of four lattice panels in the front yard. If the variance for a taller fence is granted, the applicant intends to remove those panels.

Staff note: The following assertions summarize materials provided by the applicants in support of the variance request. Their inclusion in the Staff Report does not intend to convey staff support for the approval or denial of the variance request. The applicants should inform the Council if any arguments have been misrepresented.

Applicants' Claims for the Variance Request:

1. The variance is requested because the location of the property and its configuration represent extraordinary conditions. The property is a corner lot, and the only usable yard/patio space is in the yard adjacent to Bradley Lane. This area functions as the "rear" yard for the property.
2. Approval of the variance is requested because conforming to the Town's building ordinance would be impractical, cause unusual practical difficulties, and cause undue hardship. The property is a corner lot adjacent to Bradley Lane, which is a highly trafficked street. The fence is needed to provide privacy from the traffic and increase safety for the applicants' home and family.
3. The proposed fence will not be detrimental to the use and enjoyment of neighboring properties.
4. The request is the minimum necessary to overcome the exceptional condition that is causing the hardship. The proposed height of the fence is the minimum necessary to provide privacy and safety for the house and family.

5. The proposed improvements do not impair the general plan of the Town. The fence will enhance the property, which is well maintained and more appealing than when the applicants purchased it. The existing fence is in disrepair.

Residents who wish to review the supporting documents for this variance request may contact the Town office at townoffice@townofchevy Chase.org or 301-654-7144.

**Town of Chevy Chase
(Applicability of County Code)**

Ordinance No.: 24-06
Introduced: March 20, 2024
Adopted:
Effective:

AN ORDINANCE TO AMEND SECTION 1-7 OF THE TOWN CODE TO ALLOW CERTAIN COUNTY LAWS TO APPLY IN THE TOWN, TO EXEMPT THE TOWN FROM CERTAIN LAWS, AND TO CLARIFY THE TOWN'S GENERAL EXEMPTION.

WHEREAS, Maryland Code, Local Government Article, Section 5-202, as amended, authorizes the legislative body of each municipal corporation in the State of Maryland to pass ordinances that such legislative body deems necessary to assure the good government of the municipality, to protect and preserve the municipality's rights, property and privileges, to preserve peace and good order, to secure persons and property from danger and destruction, and to protect the health, comfort, and convenience of the citizens of the municipality;

WHEREAS, Maryland Code, Local Government Article, Section 4-111, as amended, authorizes a municipality to exempt itself by ordinance from County legislation related to a subject on which the municipality has legislative authority;

WHEREAS, Section 301 of the Town of Chevy Chase Charter authorizes the Town Council to pass ordinances as it may deem necessary for the good government of the Town; for the protection and preservation of the Town's property, rights and privileges; for the preservation of peace and good order; for securing persons and property from violence, danger and destruction; and for the protection and promotion of the health, safety, comfort, convenience, welfare, and happiness of the resident(s) of the Town; and for such other police and health matters as it may deem necessary;

WHEREAS, on the 23rd day of July 2013, the Montgomery County Council enacted Bill No. 41-12, effective on the 1st day of March 2014, amending County Code Chapters 8, 19, and 49, concerning conservation measures for trees in County and State rights-of-way;

WHEREAS, the Town Council finds that Bill No. 41-12 would create an additional unnecessary level of regulation and burden on residents, as residents must already comply with the Maryland Roadside Tree law and Town requirements;

WHEREAS, the Town Council finds that the Maryland Roadside Tree law, and the Town's tree planting program adequately promote right-of-way tree maintenance, removal, and planting in the Town;

WHEREAS, the Land Use and Long-Range Planning Committees provided a joint report assessing whether Section 1-7 of the Town Code should be amended, as the applicability of certain

Chapters of the County Code had not been reviewed for several years and some Chapters of the County Code have been amended, removed, and replaced;

WHEREAS, after proper notice to the public, the Town Council introduced the following Ordinance in an open meeting conducted on the 20th day of March 2024;

WHEREAS, after proper notice to the public, the Town Council considered the following Ordinance in public session assembled on the 10th day of April 2024;

WHEREAS, based on the joint report, the Town Council finds that the ordinance as hereinafter set forth is necessary for the good government of the Town; for the protection and preservation of the Town's property, rights and privileges; for the preservation of peace and good order; for securing persons and property from violence, danger and destruction; and for the protection and promotion of the health, safety, comfort, convenience, welfare, and happiness of the residents of the Town;

THEREFORE, BE IT ORDAINED AND ORDERED, this 10th day of April 2024, by virtue of the authority given to it by the Maryland Code and the Town of Chevy Chase Charter, the Town Council of the Town of Chevy Chase does hereby adopt the following ordinance.

SECTION 1. BE IT ORDAINED AND ORDERED, by the Town Council of the Town of Chevy Chase, acting under and by virtue of the aforementioned authority, that the Town Code is hereby amended to read as follows:

* * *

Sec. 1-7. Applicability of county legislation within town.

(a) Except as provided in this section, the town council exempts the town from all legislation heretofore or hereafter enacted by the county, relating to any subject upon which the town council has heretofore or is hereafter granted legislative authority either by public general law or by the town charter.

(b) Subsection (a) of this section does not repeal or prohibit any town ordinance that specifically adopts or incorporates by reference any county legislation, and such county legislation adopted or incorporated as of the adoption of this section or incorporated by references into this Code in the future shall have full force and effect to the extent provided in the town ordinance adopting or incorporating the same.

(c) The following chapters of the Montgomery County Code, ~~1984~~, or portions thereof, ~~enacted by the county~~, **as such may be amended, replaced, or relocated**, are exceptions to the general exemption set forth in subsection (a) of this section and shall be applicable within the town until such time as the town council shall exempt the town from their application:

(1) Chapter 1, entitled "General Provisions," shall apply within the town only to the extent that such application is necessary to effectively implement other county laws that apply within the town.

(2) Chapter 2, entitled "Administration," shall apply within the town only to the extent that such application is necessary to effectively implement other county laws that apply within the town.

(3) Chapter 2B, entitled "Agricultural Land Preservation."

(4) Chapter 3, entitled "Air Quality Control."

(5) Chapter 3A, entitled "Alarms," but the application of the chapter shall not be construed to supersede any provisions of this Code or the town covenants.

(6) Chapter 5, entitled "Animal Control."

Chapter 5A, entitled "Arts & Humanities."

(7) Chapter 7, entitled "Bicycles."

(8) Chapter 8, entitled "Buildings," **except that sections 8-26(n) and 8-26(o), concerning roadside trees, shall not apply within the town.**

(9) Chapter 8A, entitled "Cable Communications."

(10) Chapter 9, entitled "Cemeteries and Burials."

(11) Chapter 10A, entitled "~~Group Day Care Centers~~ **Child Care**."

(12) Chapter 11, entitled "Consumer Affairs Protection."

(13) Chapter 15, entitled "Eating and Drinking Establishments."

(14) Chapter 17, entitled "Electricity."

(15) Chapter 18, entitled "Elm Disease."

(16) Chapter 19, entitled "Erosion, Sediment Control and Stormwater Management," **except that section 19-71, concerning roadside trees, shall not apply within the town.**

(17) Chapter 21, entitled "Fire and Rescue Services."

(18) Chapter 22, entitled "Fire Safety Code."

(19) Chapter 23, entitled "Gaming."

(20) Chapter 23A, entitled "Group ~~Residential Care Facilities~~ **Homes.**"

(21) Chapter 24, entitled "Health and Sanitation."

(22) Chapter 24A, entitled "Historic Resources Preservation."

(23) Chapter 25, entitled "Hospitals, Sanitariums, Nursing and Care Homes."

(24) Chapter 26, entitled "Housing **and Building Maintenance** Standards."

(25) Chapter 27, entitled "Human Relations and Civil Liberties."

Chapter 27A, entitled "Individual Water Supply and Sewage Disposal Facilities."

(26) Chapter 29, entitled "Landlord-Tenant Relations."

(27) Chapter 30A, entitled "Montgomery County Municipal Revenue Program."

(28) ~~Chapter 30B, entitled "Massage Establishments and Massage Technicians."~~

(29) Chapter 31, entitled "Motor Vehicles and Traffic."

(30) Chapter 31B, entitled "Noise Control."

(31) Chapter 31C, entitled "~~Obscene Matter~~ **New Home Builder and Seller Registration and Warranty.**"

(32) Chapter 32, entitled "Offenses—Miscellaneous **Victim Advocate.**"

(33) Chapter 33A, entitled "Planning Procedures."

(34) Chapter 33B, entitled "Pesticides."

(35) Chapter 34, entitled "Plumbing and Gas Fitting."

(36) Chapter 35, entitled "Police."

(37) Chapter 36, entitled "Pond, Well and Excavation Standards **Safety.**"

(38) Chapter 37, entitled "Public Welfare."

(39) Chapter 39, entitled "Rat Control."

(40) Chapter 40, entitled "Real Property."

(41) Chapter 41, entitled "Recreation and Recreational Facilities."

~~(42)~~ Chapter 41A, entitled "~~Rent Relief in Lieu of Tax Credits~~ **Rental Assistance.**"

~~(43)~~ Chapter 44, entitled "Schools and Camps."

~~(44)~~ Chapter 44A, entitled "Secondhand Personal Property."

~~(45)~~ Chapter 45, entitled "Sewers, Sewage Disposal and Drainage."

~~(46)~~ Chapter 46, entitled "Slaughterhouses."

~~(47)~~ Chapter 47, entitled "~~Solicitors, Hawkers and Peddlers~~ **Vendors.**"

~~(48)~~ Chapter 48, entitled "Solid Wastes (**Trash**)," except to the extent it is in conflict with any provision of this Code.

~~(49)~~ Chapter 50, entitled "Subdivision of Land."

~~(50)~~ Chapter 51, entitled "Swimming Pools."

~~(51)~~ Chapter 52, entitled "Taxation."

~~(52)~~ Chapter 53, entitled "Taxicabs and Limousines."

~~(53)~~ Chapter 55, entitled "Unsafe Buildings."

~~(54)~~ Chapter 57, entitled "Weapons."

~~(55)~~ Chapter 58, entitled "Weeds."

~~(56)~~ Chapter 59, entitled "Zoning."

~~(57)~~ Chapter 86, entitled "Washington Suburban Sanitary District."

~~(58)~~ Chapter 87, entitled "Washington Suburban Transit District."

~~(d)~~ Any amendment to the provisions and chapters specified in subsection (c) of this section or the enactment of new chapters to the Montgomery County Code after June 11, 1988, concerning the same subject matter, shall be applicable within the corporate boundaries of the town until the town council adopts an ordinance which exempts such amendment or new chapter within the corporate boundaries of the town.

~~(e)~~ **(d)** The county is requested to enforce the chapters described in subsection (c) of this section within the town as county laws to the same extent and in the same manner that such county laws are enforced in unincorporated areas of the county.

(f) ~~(e)~~ Whenever county and town legislation apply within the town on the same subject matter, they shall be construed together in such manner as to both be effective within the town. Notwithstanding the provisions of subsection (c) of this section, whenever a conflict exists between a provision of this Code and a county law that applies within the town as a county law, the Town Code provision supersedes the conflicting county law. Nothing contained in subsection (c) of this section repeals or otherwise affects any town ordinance.

~~(g)~~ ~~(f)~~ Nothing contained in this section limits or otherwise affects the town's authority, whether exercised previously or in the future, to request the enforcement of town legislation in whole or in part by the county and to enter into agreements providing for the same.

~~(h)~~ ~~(g)~~ Nothing contained in this section repeals or impairs any agreement or authorization previously executed between the town and county, until done so by consent of the town and county.

~~(i)~~ ~~(h)~~ Nothing in this section repeals any town ordinance which specifically adopts or incorporates by reference any county legislation, and until so repealed by act of the town council.

~~(j)~~ ~~(i)~~ Nothing in this section limits or otherwise affects the town's authority to adopt by reference any law or regulation of the county as its own law or regulation.

~~(k)~~ ~~(j)~~ Notwithstanding the specific exemptions to the general exemption from the application and effect of county legislation and regulations set forth in this section, county laws and regulations apply in each of the following situations:

(1) A law or regulation is enacted by the county council ~~sitting as a board of health for the county~~ **for application county-wide, in accordance with the procedures set forth in Maryland Code, Local Government Article, Section 4-111, as amended, replaced, or relocated.**

(2) A law or regulation is enacted by the county **council**, involving county revenue or taxation pursuant to the provisions of article 81 of the Annotated Code of Maryland **subject to the Maryland Code, Local Government Article, Title 16, Subtitle 5 and Title; the Tax – General Article; or the Tax – Property Article,** as amended, **replaced, or relocated.**

(3) The Maryland General Assembly, by express provisions of public general law, so provides.

* * *

SECTION 2. AND BE IT FURTHER ORDAINED AND ORDERED, by the Town Council of the Town of Chevy Chase, acting under and by virtue of the aforementioned authority, that:

(1) If any part or provision of this ordinance is declared by a court of competent jurisdiction to be invalid, the part or provision held to be invalid shall not affect the validity of the ordinance as a whole or any remaining part thereof; and

(2) This ordinance shall take effect on the day of 10th day of May 2024 (30 days after adoption).

ATTEST:

TOWN OF CHEVY CHASE

Stephanie Martz, Secretary

Irene Lane, Mayor
Town of Chevy Chase

Bold and Underline indicates new material

~~Strike-through~~ indicates material deleted

* * * indicates material unchanged