

TOWN OF CHEVY CHASE  
COUNCIL MEETING  
July 12, 2023

- I. MEETING WITH STATE DISTRICT 18 DELEGATION (6:00 p.m.)
  
- II. GENERAL BUSINESS (7:00-7:30 p.m.)
  - A. Call to Order
  - B. June 2023 Financial Report
  - C. Town Manager's Report
  - D. Public Comments
  
- III. VARIANCE HEARINGS (7:30-7:45 p.m.)
  - A. [Gerlach, 4004 Underwood Street, Rear and Side Yard Retaining Wall Setback](#)
  
- IV. COUNCIL DISCUSSIONS (7:45-8:45 p.m.)
  - A. Corso Chevy Chase
  - B. Bethesda Market Park
  - C. Antisemitism Resolution
  
- V. ADJOURNMENT (8:45 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 US  
Meeting ID: 301 654 7144  
Passcode: 6547144

# STAFF REPORT

II-A

TO: Town Council  
FR: Todd Hoffman, Town Manager  
RE: Gerlach, 4004 Underwood Street, Rear and Side Yard Retaining Wall Setback  
DATE: July 12, 2023

Kristin Gerlach, 4004 Underwood Street, proposes to maintain a retaining wall with a maximum height of 2.8 feet that was recently constructed closer than 2 feet from the rear and side property lines as shown on the attached site plan. Town building regulations require walls taller than 1 foot to be set back a minimum of 2 feet from a rear or side lot line; therefore, a variance is required.

*Note: This hearing is a continuation of a June 12, 2023 hearing for the same wall. Following the June hearing, the applicant agreed to remove fill soil placed on an adjacent property behind the wall. This will result in a few additional inches of the rear façade of the wall extending above the adjacent ground level. Because wall height is measured from the adjacent ground level to the top of the wall, the height of the wall has increased from 2.5 to 2.8 feet to reflect the removal of the soil. The applicant also has agreed to remove drainpipes that were placed in the wall.*

## **Background:**

As of July 7, 2023, the Town has received one email, attached, related to the modified request. Three letters received prior to the June hearing also are included in the record for the case.

*Staff note: The following assertions summarize materials provided by the applicant 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 applicant should indicate to the Council if any arguments have been misrepresented. The Council should consider the entire record in considering the variance request.*

## **Applicant's Claims for the Variance Request:**

1. The applicant's property has unusual topographical conditions and is subject to other extraordinary conditions. The wall is necessary to support the yard. The wall replaces an existing low timber wall and fence that were failing due to erosion resulting from excessive stormwater that runs along the rear property line. The wall is constructed of concrete block that will prevent future erosion.
2. Approval of the variance is requested because conforming to the Town's building ordinance would be impractical, cause peculiar or unusual practical difficulties, and cause undue hardship. The wall replaces a lower wall in the same location. The wall is sited to allow the preservation of 3 large cryptomeria trees.
3. Approval of the variance would not be detrimental to the use and enjoyment of neighboring properties. The wall, as built, is not higher than necessary to keep the soil in the applicant's yard from eroding.

4. The request is the minimum necessary to overcome the exceptional condition that is causing the hardship. The wall is located near the rear property line and is not visible from any neighboring properties.
5. The improvements do not impair the general plan of the Town. The wall is on the rear property line and is heavily screened by vegetation. It will not be seen, even by the adjacent property owner.