

TOWN OF CHEVY CHASE
COUNCIL MEETING
September 20, 2023

- I. DISCUSSION WITH COUNTY EXECUTIVE MARC ELRICH (6:00-7:00 p.m.)
- II. GENERAL BUSINESS (7:00-7:45 p.m.)
 - A. Call to Order
 - B. August 2023 Financial Report
 - C. Town Manager's Report
 - D. Public Comments
- III. PUBLIC/VARIANCE HEARINGS (7:45-8:30 p.m.)
 - A. [Speed Hump, 3900/4000 Thornapple Street](#)
 - B. [Front Yard Fence Variance, 4100 Aspen Street](#)
 - C. [Front Yard Retaining Wall and Driveway Width Variance, 6812 Meadow Lane](#)
- IV. COUNCIL DISCUSSIONS (8:30-9:45 p.m.)
 - A. Corso Chevy Chase
 - 1. Site Access
 - 2. Stormwater Management Concept Plan & Report
 - B. Bethesda Market Park
 - C. Gas-Powered Leaf Blower Ban/Enforcement
 - D. TOCC Real Estate Disclosure Forms
- V. OTHER BUSINESS/UPDATES (9:45-10:00 p.m.)
 - A. MML Involvement and 2024 Legislative Priorities
- VI. ADJOURNMENT (10:00 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

MEMORANDUM

III-A

TO: Town Council
FR: Todd Hoffman, Town Manager
RE: Public Hearing on a Speed Hump Request for the 3900/4000 Block of Thornapple Street
DATE: September 20, 2023

At the September 20 meeting, the Town Council will hold a public hearing on a request to install a third speed hump in the 3900/4000 block of Thornapple Street. The proposed location of the speed hump is shown on the attached map. The hump was requested by petition of residents in accordance with the Town's Speed Hump Policy.

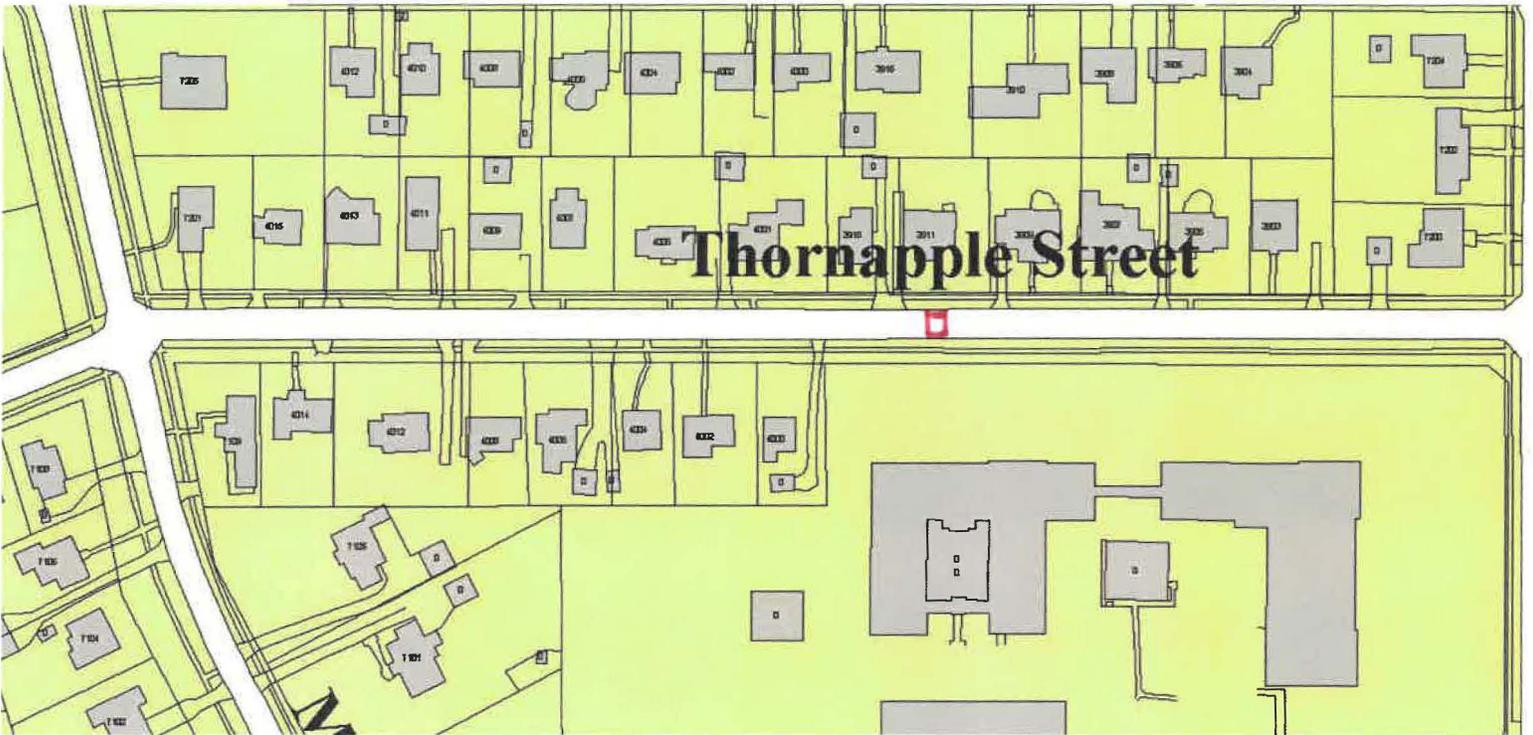
Following receipt of the petition, the Town engineer evaluated the street segment and found that the street profile and alignment would support the installation of an additional speed hump.

The Town commissioned a traffic study to determine whether the speed and volume of traffic on that block meet the Town's qualifying thresholds for speed humps. While the results do not meet these thresholds, the Town Council agreed to hold a public hearing on the request and may approve installation of the speed hump if it finds significant mitigating factors in support of the request.

As of September 15, 2023, the Town has received one email, attached, in support of the request.

If approved, the speed hump will be installed following WSSC water main replacement in the block, which has just begun.

Attachments: Map, Petition, Email Supporting Request, Email from the Traffic Engineer with Relevant Traffic Count, Public Notice, Speed Hump Policy



□ - Proposed speed hump

STAFF REPORT

III-B

TO: Town Council
FR: Todd Hoffman, Town Manager
RE: Laycox, 4100 Aspen Street, Front Yard Fence Variance
DATE: September 20, 2023

Ed and Sandra Laycox, 4100 Aspen Street, propose to install a metal picket fence in the front yard of the subject property adjacent to Chatham Road as shown on the attached site plan. The fence is proposed to be 5 feet in height. Town building regulations prohibit the installation of fences in front yards; therefore, a variance is required.

Background:

As of September 15, 2023, the Town has not received any correspondence related to the request. The fence is proposed to replace a chain-link fence in approximately the same location along the front and rear property lines. The proposed fence includes a new section that would extend from the side of the house to the portion of the fence adjacent to the sidewalk.

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 applicant should indicate to the Council if any arguments have been misrepresented. The Council should consider the entire record in considering the variance request.

Applicants' Claims for the Variance Request:

1. The applicants' property is a corner lot located at the intersection of Aspen Street and Chatham Road that is unusually shaped and has unusual topographical features. The property is also subject to other extraordinary conditions. Because of the shape of the lot, there is little functional rear yard. There is also an unusually steep slope with uneven surfaces and sink holes in the front yard of the property adjacent to Chatham Road. The applicant is also installing a pool as part of an ongoing construction project.
2. Approval of the variance is requested because conforming to the Town's building ordinance would cause peculiar or unusual practical difficulties and cause undue hardship. Because of the shape of the lot and the extremely steep slope, constructing a conforming fence is impractical and would not address the safety concerns related to the drop-off of the yard. Montgomery County requires pools to be surrounded by protective fencing that is five feet in height. Approval of the variance would allow the applicant to meet this requirement without installing a second fence that would divide the usable yard space.
3. Approval of the variance would not be detrimental to the use and enjoyment of neighboring properties. The new fence would enhance the sidewalk with a higher, more protective fence and would improve the appearance of the streetscape. The portion of the fence along the rear property line is in disrepair and needs to be replaced. A fence is necessary to protect against accidental injuries resulting from the installation of a pool, steepness of the slope, and

condition of the yard, which include sinkholes, an uneven storm drain inlet top, and unsafe stairs.

4. The request is the minimum necessary to overcome the exceptional condition that is causing the hardship. The fence would be the minimum necessary to replace the dated and damaged fence and also connect it to the house. The fence is intended to prevent children and pets from wandering into the yard and possibly falling down the hill or otherwise becoming injured by the uneven terrain. The fence would serve to meet the County's requirements related to pool safety. It would also drastically improve the appearance of the yard by replacing the existing chain link fence.
5. The improvements do not impair the general plan of the Town. The fence is intended to improve the appearance and safety of the yard.

STAFF REPORT

III-C

TO: Town Council
FR: Todd Hoffman, Town Manager
RE: Ayad/Zaki, 6812 Meadow Lane, Front Yard Wall and Driveway Width Variance
DATE: September 20, 2023

Nagi Ayad and Mona Zaki, 6812 Meadow Lane, propose to install a retaining wall and driveway in the front yard of the property as shown on the attached site plan. The retaining wall will replace an existing retaining wall in a different location to facilitate the proposed replacement/widening of the driveway. A site plan showing the existing conditions is attached.

The project requires variances, as follows:

- The driveway is proposed to have a maximum width of 13.5 feet in the front yard. Town building regulations limit the width of the driveway in a front yard to not more than 10 feet; therefore, a variance is required.
- The driveway is proposed to have a maximum width of 12.2 feet in the public right-of-way (behind the sidewalk). Town building regulations limit the width of the driveway in a public right-of-way to not more than 10 feet; therefore, a variance is required.
- The applicant proposes to construct a retaining wall along the north side of the driveway with a maximum height of 4.4 feet. Town building regulations limit the height of a retaining wall in the front yard to not more than 2.5 feet; therefore, a variance is required.

Background:

This variance request was originally considered through the Town's administrative variance process. The Town received an objection (attached) to the administrative approval of the request, so a public hearing of the Council has been requested by the applicants and is required for approval. In response to the objection, the applicant reduced the proposed width of the driveway adjacent to the sidewalk as shown on an attached site plan. The Town has not received any correspondence related to the current proposal.

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 applicant should indicate to the Council if any arguments have been misrepresented. The Council should consider the entire record in considering the variance request.

Applicants' Claims for the Variance Request:

1. The applicants' property has unusual topographical features and has other extraordinary conditions. A portion of the existing driveway is very narrow and is in disrepair. The driveway is located between two retaining walls, which makes it difficult to open the doors to enter and exit a vehicle. The retaining wall on the north side of the driveway is failing and in

need of replacement.

2. Approval of the variance is requested because conforming to the Town's building ordinance would be impractical. Because of the existing grade of the yard, a conforming retaining wall (30" or less in height) would not be tall enough to support the front stoop and adjacent soils. The additional driveway width is necessary to allow for the safe parking of the applicants' vehicles.
3. Approval of the variance would not be detrimental to the use and enjoyment of neighboring properties. The proposed work is contained within the applicants' property. The existing driveway and retaining wall are in poor condition, so the work will improve the appearance of the property.
4. The request is the minimum necessary to overcome the exceptional condition that is causing the hardship. The proposed driveway width is the minimum amount needed to allow for safe parking of the applicants' vehicles. The retaining wall is no taller than necessary to support the existing grade in the proposed location.
5. The improvements do not impair the general plan of the Town. The existing driveway and retaining wall are in disrepair and not functional. The appearance of the property will be improved by the proposed improvements.