

TOWN OF CHEVY CHASE
COUNCIL MEETING
November 21, 2024

COUNCIL DISCUSSION WITH COUNTY POLICE (6:30 p.m.)

The Town Council will meet with Montgomery County Police Department officials about crime information and community notifications.

- I. GENERAL BUSINESS (7:00-7:15 p.m.)
 - A. Call to Order
 - B. October 2024 Financial Report
 - C. Town Manager's Report
 - D. Public Comments

- II. PUBLIC HEARING (7:15-7:30 p.m.)
 - A. [Variance, 4116 Aspen Street, Retaining Wall Setback](#)

- III. COUNCIL DISCUSSIONS (7:30-8:30 p.m.)
 - A. Screening of Capital Crescent Trail Fencing and Barrier
 - B. Proposed Amendments to Town Building Code
 - C. Permit Parking Regulations

- IV. OTHER BUSINESS/UPDATES (8:30-9:00 p.m.)
 - A. Bethesda Market Park
 - B. County Attainable Housing Strategies Initiative
 - C. Technical Amendment to State Law to Clarify Municipal Regulatory Authority
 - D. Bethesda Downtown Plan Minor Master Plan Amendment

- V. ADJOURNMENT (9:00 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

STAFF REPORT

II-A

TO: Town Council
FR: Todd Hoffman, Town Manager
RE: Ficca, 4116 Aspen Street, Retaining wall setback variance
DATE: November 21, 2024

Meredith and Dave Ficca, 4116 Aspen Street, propose to construct a retaining wall along the side property line to replace an existing (failing) retaining wall in the same location. A portion of the proposed wall, beginning at the front of the existing garage and extending toward Aspen Street for a length of 25 feet is proposed to be increased in height from 40 inches to 50 inches. Because the height of the wall is proposed to be increased, Town building regulations require the wall to be set back a minimum of two feet from the side property line in the rear and side yards. The proposed wall is not set back at least two feet from the side property line; therefore, a variance is required.

Background:

As of November 15, 2024, the Town has received one letter, attached, from Susan Baer and Michael Abramowitz, 4114 Aspen Street. In their letter, they acknowledge the need to replace the retaining wall and give the Ficca's contractor consent to cross the shared property line for the purpose of installing the below grade footer.

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 variance is requested because the property has unusual topographical features. The 4116 Aspen Street property is lower in elevation than the adjacent 4114 Aspen Street property. The height of the existing wall near the garage is not sufficient to keep soil from 4116 Aspen Street from eroding onto the 4114 Aspen Street driveway.
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. The replacement wall is proposed to be installed in the same location as the existing wall. Moving the wall so it conforms to the required setback would significantly impact the usability of the driveway and require the installation of significant fill soils and extensive grading.
3. Approval of the variance would not be detrimental to the use and enjoyment of neighboring properties. The proposed wall would benefit the adjoining property owners by providing additional stabilization of their yard by retaining soils that would otherwise erode over the top of the existing wall.

4. The request is the minimum necessary to overcome the exceptional condition that is causing the hardship. The wall needs to be replaced because it is failing. The proposed replacement wall is the minimum height necessary to retain soils from the adjoining property.
5. The improvements do not impair the general plan of the Town. The wall replaces a wall in the same location. The increased height will not negatively impact any properties and is needed to solve an existing grading problem.