

TOWN OF CHEVY CHASE
COUNCIL MEETING
September 9, 2020, 7 p.m.

COMMITTEE ORGANIZATIONAL MEETING (5:00-6:00 p.m.)

- I. GENERAL BUSINESS (7:00-7:15 p.m.)
 - A. Call to Order
 - B. Approval of Meeting Minutes
 - C. Acceptance of August 2020 Financial Report
 - D. [Town Manager's Report](#)
 - E. Public Comments

- II. VARIANCE HEARINGS (7:15-7:45 p.m.)
 - A. [Eggleston/Hair, 4213 Rosemary Street, Front Yard Fence](#)

- III. PRESENTATIONS & DISCUSSIONS (7:45-9:00 p.m.)
 - A. Zimmerman Park Redevelopment
 - B. Racial & Social Justice Special Committee
 - C. Town Land Use Authority

- IV. OTHER BUSINESS (9:00-9:15 p.m.)

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

How to Join the Council Meeting via Zoom®

Join Online:

<https://us04web.zoom.us/j/3016547144>

Meeting ID: 301 654 7144

Join by Phone:

301-715-8592

Meeting ID: 301 654 7144

MEMORANDUM

I-D

TO: Town Council
FR: Todd Hoffman, Town Manager
RE: Town Manager's Report
DATE: September 9, 2020

This report highlights some of the initiatives undertaken by Town staff over the past month. In the interest of brevity, I have not included ongoing staff functions. Please let me know if you have any questions or need additional information.

- Continued management and oversight of:
 - Town-wide traffic study.
 - Zimmerman Park redevelopment project.
 - Sustainable Garden improvements and maintenance.
 - Washington Gas main replacement work and related road repairs.
- Organized Council work sessions on Zimmerman Park redevelopment and Subdivision Staging Policy.
- Scheduled Council work session (September 22) on Gas-Powered Leaf Blowers.
- Assisted with preparing and sending a letter to the County Council regarding Thrive Montgomery 2050.
- Communicated with the County's Department of Transportation regarding analysis and remediation of storm drainage problems on Thornapple Street.
- Communicated with municipal managers and state officials regarding conversion to LED streetlights.
- Secured Program Open Space funds for Zimmerman Park redevelopment.
- Assisted the Long-Range Planning Committee with tracking Bethesda redevelopment projects.
- Assisted the Public Services Committee with responding to resident requests and inquiries regarding public safety, traffic, and street lighting.
- Assisted with committee recruitment and appointments.
- Continued enforcement of overgrown vegetation and signs in the rights-of-way.

STAFF REPORT

II-A

TO: Town Council
FR: Todd Hoffman, Town Manager
RE: Eggleston/Hair, 4213 Rosemary Street, Front Yard Fence
DATE: September 9, 2020

Neil Eggleston and Penda Hair, 4213 Rosemary Street, propose to install a fence in the front yards of the subject property adjacent to Rosemary Street and Maple Avenue. The fence would have a maximum height of 4 feet and is proposed to be set back from the Rosemary Street sidewalk by 20 feet and from the Maple Avenue sidewalk by 2 feet. Town building regulations prohibit the installation of fences in front yards; 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. As of September 4, 2020, the Town has received one additional letter, attached, from the owner of 4300 Rosemary Street supporting approval of the request.

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. 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 Rosemary Street and Maple Avenue and has unusual topographical features. The applicants wish to create a fenced play area to prevent children and dogs from accessing the street. The lower side yard along Maple Avenue is the logical area for such an improvement, and the applicants would like the entire grassy area to be included.
2. Approval of the variance is requested because conforming to the Town's building ordinance would cause peculiar or unusual practical difficulties. The side yard along Maple Avenue is at a lower elevation than the rest of the property and is cut off from the rest of the yard by a large retaining wall, making this portion of the yard not very usable without the requested fence. The placement of the driveway and detached garage on the east side of the property makes it impractical to create an enclosed space in the rear yard.
3. Approval of the variance would not be detrimental to the use and enjoyment of neighboring properties. The proposed fence is located away from neighboring homes. The fence is proposed to be low in height, of open construction, and shielded from view by existing plantings, so the fence will not block existing vistas.

4. The request is the minimum necessary to overcome the exceptional condition that is causing the hardship. The design and location of the fence, which is proposed to be set back from Rosemary Street, provide the needed enclosed space.
5. The improvements do not impair the general plan of the Town. The fence will be set back from Rosemary Street and will not be highly visible due to its open design and low height. The fence is proposed to be constructed of high-quality materials that fit the character of the Town.