

TOWN OF CHEVY CHASE
COUNCIL MEETING
March 9, 2022

OPEN SESSION TO VOTE TO ENTER CLOSED SESSION (5:30-6 p.m.)

The Town Council will meet in open session for the purpose of voting to enter a closed session pursuant to the Open Meetings Act, Maryland Code, General Provisions Article, Section 3-305(b)(7) to consult with counsel to obtain legal advice on land use issues.

WORK SESSION ON 4-H REDEVELOPMENT (6-7 p.m.)

The Town Council will hold a work session to discuss the Town's response to the concept plan for redevelopment of the 4-H property.

REGULAR MEETING (7 p.m.)

- I. GENERAL BUSINESS (7-7:15 p.m.)
 - A. Call to Order
 - B. February 2022 Financial Report
 - C. Town Manager's Report
 - D. Public Comments
 - E. Special Public Comment Period on FY23 Budget Priorities

- II. VARIANCE HEARING (7:15-7:30 p.m.)
 - A. [Jette, 4426 Ridge Street, Front Yard Fence](#)

- III. COUNCIL DISCUSSIONS (7:30-8:15 p.m.)
 - A. Zimmerman Park Redevelopment Plan
 - B. Enforcement of Landscaping Noise Regulations
 - C. East West Highway/Maple Avenue Crosswalk

- IV. ADJOURNMENT (8:15 p.m.)

Join Online

<https://us02web.zoom.us/j/3016547144?pwd=NnJvS1BpM3ZkSFA4bXBwbWZhWVM2UT09>

Meeting ID: 301 654 7144

Passcode: 6547144

Join by Phone

(301) 715-8592 US

Meeting ID: 301 654 7144

Passcode: 6547144

STAFF REPORT

II-A

TO: Town Council
FR: Todd Hoffman, Town Manager
RE: Jette, 4426 Ridge Street, Front Yard Fence
DATE: March 9, 2022

Nick Jette, 4426 Ridge Street, proposes to install a 42” tall picket fence in the front yard of his property and in the right-of-way adjacent to his property as shown on the attached site plan. The Town prohibits the installation of fences in front yards and in Town rights-of-way; therefore, a variance is required.

Background:

As of March 4, 2022, the Town has received one letter, attached, from two adjoining property owners supporting the request.

Staff note: The following assertions summarize materials provided by the applicant in support of the variance requests. Their inclusion in the Staff Report does not intend to convey staff support for the approval or denial of the variance requests. 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 Requests:

1. The location and layout of the applicant’s property represent extraordinary conditions. The house is significantly set back from the street, and there is a garage and patio that cover most of the rear yard. The property is very close to West Avenue and the businesses in Bethesda resulting in significant traffic. The applicant is requesting to install the fence in alignment with an existing fence at 4428 Ridge Street that is in the public right-of-way. Placing the fence in alignment with the neighboring fence will be more aesthetically pleasing and less visually obtrusive than placing the fence at the front property line.
2. Approval of the variance is requested because conforming to the Town’s building ordinance would cause undue hardship. Most of the open/available play space of the property is located in the front yard. The fence is necessary for safety of the applicant’s young child given the vehicular and pedestrian traffic near the house.
3. Approval of the variance would not be detrimental to the use and enjoyment of neighboring properties. The proposed fence will match a fence installed at 4428 Ridge Street. The proposed fence is low in height (42”) and will not obstruct sight lines needed for pedestrian or vehicular safety.
4. The request is the minimum necessary to overcome the exceptional condition that is causing the hardship. The proposed fence is the minimum height necessary to allow for the applicant’s child to safely play in the front yard.

5. The request does not impair the general plan of the Town. The proposed fence is a high-quality painted wooden fence. The fence, plus other landscaping improvements proposed to be installed by the applicant, will improve the appearance of the property and will not impair the general plan of the Town.

Staff Note: If the variance to install the fence in the right-of-way is approved by the Town Council, the Town typically requires the property owner to sign a revocable right-of-way usage license. The applicant is aware of this requirement and has indicated to the staff that he will sign such a license if required as a condition of the variance approval.