

TOWN OF CHEVY CHASE
COUNCIL MEETING
June 8, 2022, 7 p.m.

OPEN SESSION TO VOTE TO ENTER CLOSED SESSION (6-7 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)(1) to discuss the employment of employees over whom this public body has jurisdiction. The Council will discuss staffing needs and plans.

REGULAR MEETING

- I. GENERAL BUSINESS (7-7:15 p.m.)
 - A. Call to Order
 - B. May 2022 Financial Report
 - C. Town Manager's Report
 - D. Public Comments

- II. VARIANCE HEARING (7:15-7:45 p.m.)
 - A. [Intrater, 4216 Oakridge Lane, Driveway Width and Front Retaining Wall Height](#)

- III. COUNCIL DISCUSSIONS (7:45-9:00 p.m.)
 - A. 7100 Connecticut Avenue Redevelopment
 - B. Farm Women's Market Parks Project
 - C. Stormwater Management and Green Infrastructure Projects
 - D. PEPCO Streetlight Tariff

- IV. ADJOURNMENT (9:00 p.m.)

Join Online (via Zoom)

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

Join 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: Intrater, 4216 Oakridge Lane, Driveway Width and Front Retaining Wall Height
DATE: June 8, 2022

John and Emily Intrater, 4216 Oakridge Lane, propose to expand the driveway in their front yard and in the public right-of-way and install a new retaining wall in the front yard. The project requires the following variances:

- The driveway in the front yard and in the public right-of-way is proposed to have a maximum width of twelve feet. Town building regulations restrict the width of a driveway in the front yard and in the public right-of-way to not more than ten feet; therefore, a variance is required.
- The proposed retaining wall along the west side of the driveway has a maximum height of 67 inches. Town building regulations limit the height of a retaining wall in a front yard to not more than 30 inches; therefore, a variance is required.

Staff Note: In addition to the driveway expansion, the project involves replacing two retaining walls in the front yard. The retaining wall on the east side of the driveway is being replaced in the same location and at the same height. This is allowed under the Town's building regulations. The retaining wall on the west side of the driveway is being replaced by a wall that is in a different location, although the maximum height of the proposed wall is the same as the existing wall. Because the location is being changed, the Town considers it to be a new wall that is subject to the maximum height regulations.

Background:

A similar variance was requested by the applicants in May 2022 through the Town's administrative variance process. The Town received correspondence (attached) from three residents of the Town objecting to the approval of the administrative variance. As of June 3, 2022, the Town has not received any additional correspondence regarding the request.

The objections to the administrative approval generally focus on the proximity of the proposed improvements to trees located on the adjacent property (4218 Oakridge Lane) and in the public right-of-way. The Town arborist has reviewed the proposed construction work, including the necessary excavation to install the footer to support the proposed wall. A report and proposed tree protection plan is attached for the Council's review.

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.

Applicants' Claims for the Variance Requests:

1. The variance is requested because the property has unusual topographical conditions. The front yard is severely sloped, and the existing driveway is very narrow with a retaining wall on the east side and a retaining wall/steep slope on the west side. The narrowness of the driveway and the location of the existing walls and slopes creates a situation where there is not sufficient clearance to easily enter or exit a parked vehicle or use the garage.
2. Approval of the variance is requested because conforming to the Town's building ordinance would be impossible/impractical. The existing wall is becoming unstable and needs to be replaced. The current driveway is impractical for use by today's SUVs. The proposed wall is the same height as the existing wall. The location is proposed to be changed in order to make the driveway more usable and provide additional stability to the steep slope.
3. Approval of the variance would not be detrimental to the use and enjoyment of neighboring properties. The wall is proposed to be constructed entirely on the subject property. The driveway expansion into the right-of-way will not interfere with the neighbor's use or enjoyment of their property.
4. The request is the minimum necessary to overcome the exceptional condition that is causing the hardship. The existing walls and driveway are in poor repair and are in need of replacement. The proposed expansion of the driveway and related relocation of the existing wall is the minimum necessary to allow for the proper use of the driveway by the applicants.
5. The request does not impair the general plan of the Town. The project is being done tastefully and will improve the appearance of the front of the home.