

Resolution No. 04-01
Introduced: 4-10-02
Adopted: 1-14-04
Effective: 2-14-04

**RESOLUTION
OF THE
TOWN OF CHEVY CHASE**

SUBJECT: Amendments to Chapter 4 of Town Code, entitled "Buildings"

WHEREAS, Article III, Section 301(b) of the Town Code authorizes the Town Council to enact regulations and a building code in regard to the construction of buildings in the Town of Chevy Chase; and

WHEREAS, Article 28, Section 8-115.1 of Maryland, as amended, clarifies and confirms the authority of a municipal corporation in Montgomery County to impose by ordinance or regulation an additional or stricter building requirement than is otherwise required by any State, regional, or county unit that exercises zoning or planning authority over the municipal corporation as it relates to fences, walls, hedges, and similar barriers; signs; residential parking; residential storage; and the location of structures, including setbacks, provided a variance process is created; and

WHEREAS, the Town Council for fences, walls and hedges has enacted Section 4-50 entitled "Variances"; and

WHEREAS, the Town Council wishes to amend Article III, Section 4-50, entitled "Variances," of Chapter 4 to add a new subsection (e) entitled "Administrative Variances" authorizing the Mayor and Town Manager under certain specified conditions to grant variances from the provisions of Article III, Chapter 4 of the Town Code for new and replacement retaining walls.

NOW, THEREFORE, BE IT ENACTED that Article III, Section 4-50 of the Town Code entitled "Variances" is amended to read as follows:

Section 4-50(e) Administrative Variances

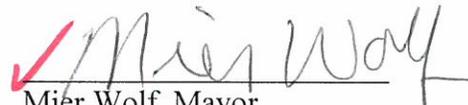
- 1) Front Yard Retaining Walls
The Town Manager and Mayor may grant variances for new or replacement front yard retaining walls.
- 2) Posting Requirement - Fifteen (15) days prior to the Town Manager and Mayor acting upon the variance application, the Town shall post the property and provide written notification to all adjoining and confronting property owners and to all Councilmembers.

- 3) Appeal – If prior to the expiration of the fifteen (15) day notice requirement, written objection to the variance application is filed with the Town Manager, the variance application shall be scheduled for public hearing and heard by the Town Council in accordance with the provisions of Section 4-50 et. seq., otherwise the Town Manager and Mayor may approve the variance application with or without conditions.

ATTEST:


Linna M. Barnes, Secretary

TOWN OF CHEVY CHASE


Mier Wolf, Mayor