

**COUNCIL OF CHEVY CHASE VIEW**  
**Special Meeting**

Date: August 22, 2019  
Place: Christ Episcopal Church, Kensington, Maryland  
Present: Paula Fudge, Chair; Lisa Fair, Peter Marks, Carlos  
Molina and Ron Sherrow, Council members  
Jana Coe, Town Manager  
Ron Bolt, Legal Counsel for Town (via telephone)  
Joseph Toomey, CCV Building Permit Administrator  
Others Present: Meghan Cross, 4221 Franklin Street  
Erin Aslan, 3904 Dresden Street

Called Meeting to Order: 7:25 p.m. by Paula Fudge, Chair

**Building Permit Application - Piers, Arbor and Flagpole -**

**4221 Franklin Street (Cross):** Alex and Meghan Cross submitted a building permit application for revisions to their front yard landscaping at 4221 Franklin Street. The description of their work on the application includes two stone piers, an arbor and a flagpole.

The plans indicate that two masonry piers, each 40" tall with 2" cap, will be constructed with one on each side of the front walk, where the walk meets the front property line. The plans show that the arbor will be constructed as a landscape feature at the end of a masonry walk that terminates in the front yard. The Building Regulations specify that the front setback requirement for any structure (Sec.13-402(a)) is the Established Building Line (EBL). The EBL for this property is 49.8 feet. The plans show that the arbor will be only 42.5 feet from the front property line and would not meet the EBL setback restriction. The flagpole, in the front yard, is exempt from the requirement of a permit (Sec. 13-202(a)).

After considerable discussion, Paula Fudge moved that the two stone piers be approved on the basis that the piers were considered as a short masonry wall, and the arbor placement would be set back to the face of the house and would be a minimum of 7' from the side property line. Carlos Molina seconded the motion and it passed by a vote of 5-0.

Walls are permitted in front yards if under 4 feet in height. (Town Code Section 13-301). The Council will further discuss whether such stone piers, or similar front-yard monuments, should be separately regulated by the Town.

**Building Permit Application - Addition/Driveway Apron - 3904 Dresden Street (Aslan/Graham):** Erin Aslan and Keith Graham, owners of the property at 3904 Dresden Street, submitted a building permit application for a large addition and a new driveway/apron location.

Mr. Toomey's review of the permit application has brought up several issues, namely the side setback and the new driveway apron. The unusual, non-rectangular, shape of this property which made up of parts of three separate original lots has raised a question on the side setback and how the setback "distance" should be measured. The applicants asserted that the required 15-foot distance should be measured perpendicular from the property line.

Ron Bolt, legal counsel for the Town, stated that, typically, setbacks are measured from the closest point of a lot line to the closest point of a building. (The County definition is as follows: "Setback: The minimum distance that a structure or parking area must be located from a specified lot line or right-of-way.") For most lots, this is the same as measuring "perpendicular", for oddly-shaped lots, that may not always be the case. He stated that "distance" is not a term that needs to be defined because it ordinarily means a measurement from point to point.

It was noted, however, that the Town Code could be clarified. The Council will further discuss whether the Code should be amended, or interpretative guidance should be issued, to more expressly define how the setback is measured for such an odd lot.

Given the small encroachment into the required side setback that would be needed to be obtained by a variance, and given the very odd shape of the lot (created by, among other causes, a prior owners' granting of a portion of the lot to a neighbor to accommodate a driveway), and further given the confusion that resulted concerning how the setback is measured, Ron Sherrow suggested that the Town Council could exercise discretion and not require strict compliance with the Code.

After considerable discussion, Carlos moved that the addition be approved and the Council's decision to exercise discretion be memorialized. Paula Fudge seconded the motion and it passed by a vote of 5-0.

The proposed construction would include the expansion of the existing porch. Existing non-conforming front porches may be replaced provided the replacement does not increase the non-conforming dimension(s). (Town Code Section 13-404(g)). However, the Town has historically allowed front porches to project 5 feet from the front wall. The Council will further discuss whether the Code should be amended to alter or clarify the rules for the replacement of non-conforming front porches.

The second issue is the design and location of the new driveway apron. The existing right-of-way tree creates a problem with the location of the apron. The applicants' design has been modified several times for the purpose of protecting the tree and to prevent interference with an adjacent driveway apron. Another concern is the potential consequences of storm water runoff diverted to the adjacent lots. Section 13-303 of the Municipal Code gives the Council allows the Council to adopt standards for the construction of curb cuts and driveway aprons.

Paula Fudge moved the driveway apron approval be tabled, and the Council will evaluation the placement/design of driveway apron as construction proceeds. Ron Sherrow seconded the motion and it passed by a vote of 5-0.

**Motion to Adjourn:** At 8:25 p.m., Paula Fudge moved the meeting be adjourned. Carlos Molina seconded the motion and it passed by a vote of 5-0.

**Time and Place of Next Meeting:** The Council will meet next for its monthly Council meeting on Wednesday, September 18, 2019, at the Christ Episcopal Church, Kensington, Maryland.

Respectfully submitted,  
Jana Coe, Town Manager