

The Town of
GLEN ECHO
Chartered 1904

Town Hall • 6106 Harvard Avenue • Glen Echo • Maryland 20812 • (301) 320-4041
townhall@glenecho.org

TOWN COUNCIL HEARING MINUTES
7326 UNIVERSITY AVENUE RIGHT OF WAY AGREEMENT FOR FENCE
April 28, 2021
Held Virtually Via Zoom

CALL TO ORDER: MAYOR WILLEM POLAK, 7:06 PM

PRESENT

Mayor: Willem Polak.

Councilmembers: (CM) Dia Costello, Dan Speelman, and Julia Wilson.

Town Manager: (TM) Beth Boa.

Volunteer Advisor to the Town: Jean Sperling.

Town Attorney: Ron Bolt.

Town Engineer: Joe Toomey.

Residents: Dawn Tanner and Emily Siegel (University Ave), Forest Yang (Wellesley Cir).

Presentation of Staff Report: Joe Toomey (Town Engineer) described the location of the fence. It will be 2 feet in from the sidewalk and between 2.6 – 3.8 feet into the right of way. It is a 6.6 foot tall wooden Wingate fence.

Applicants' Presentation: Ms. Tanner and Ms. Siegel noted the current 3' high fence is in the ROW and was placed there with a 2009 permit from the County and Town. The new fence will be further in from the sidewalk closer to their property line. Their abutting and adjoining neighbors support the new fence (21 Vassar and 21 Wellesley signed off on the permit). The new, higher fence is needed as their dog tries to jump the small fence. The fence would be in the right of way as the residents' feel that their yard space is not sufficient.

Resident Comments: Forest Yang (21 Wellesley Cir) had no objection to the new fence. The Town Council received written comments from three residents, two in favor of the new fence's placement and one concerned with the precedent approving a fence in the right of way would set.

Ron Bolt confirmed that the residents would need to maintain the right of way as established in Town Code Section 5.9: Weed Control

No owner of any property within the Town shall permit on the property or upon any abutting sidewalk or street any weeds, grass or other vegetation exceeding twelve inches (12") in height. The Town shall have the right to require the owner to cut, destroy, and/or remove any such weeds, grass or other vegetation found growing, lying or located on such owner's property, or upon the sidewalk or street abutting same.

(Ord. No. 16-02, effective 1/30/17; Ord. No. 18-02, effective 6/3/18)

Motion to Approve Right of Way Agreement (Attached) for the Fence at 7325 University: CM Wilson; 2nd CM Costello. Approved 3-0; CM Stiglitz was absent for this hearing.

ADJOURNMENT:

Meeting Adjourned 7:41 pm

Minutes Prepared by: Beth Boa, Town Manager

Approved by: Dia Costello Date: 5/12/2021
Mayor Dia Costello

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TOWN OF GLEN ECHO
RIGHT OF WAY AGREEMENT HEARING AGENDA
7326 UNIVERSITY AVE, GLEN ECHO MD
MEETING VIA ZOOM
Wednesday, April 28, 2021

7:00 PM CALL TO ORDER: Polak

7:00 PM HEARING ON RIGHT OF WAY AGREEMENT:

1. Presentation of staff report
2. Applicant's presentation
3. Council questions
4. Resident questions/comments
5. Applicant's rebuttal
6. Council deliberation and vote

Town of Glen Echo

Mayor
Willem Polak

Town Council
Dia Costello
Dan Speelman
Matt Stiglitz
Julia Wilson

NOTICE OF RIGHT OF WAY AGREEMENT PUBLIC HEARING

Case No. 04-21-01

To: Residents Abutting & Confronting 7326 University Avenue
From: Beth Boa, Town Manager
Date: April 23, 2021
Re: Right of Way Agreement: Fence

A public hearing will be held by the Town Council via Zoom on **April 28, 2021 at 7pm** to consider the request of Dawn Tanner and Emily Siegel, owners of the referenced property, to install a fence in the public right-of-way, as depicted on the attached site plan.

The site plan shows the location of the proposed fence, which would be installed to enclose the rear yard of the property. The property is a corner lot, located at University Avenue and Wellesley Circle. The plan proposes locating the fence section that faces Wellesley Circle, 2.6 – 3.8 feet beyond the property line, and within the public right-of-way. The right-of-way extends approximately four to five feet beyond the back of the sidewalk along the section of Wellesley Circle where the fence would be placed. The site plan shows that proposed fence would be located 2 feet off of the back of the sidewalk.

The proposed fence would be a six foot tall board-on-board, with lattice top, Wyngate style fence. The existing three and one-half wood rail and wire fence, which is located approximately one foot off of the back of the sidewalk would be removed.

The hearing will take place by video conference:

Topic: 7326 University ROW Agreement Hearing – Fence

Time: Apr 28, 2021 07:00 PM Eastern Time (US and Canada)

Join Zoom Meeting
<https://us02web.zoom.us/j/85766434660?pwd=RGdQbzhYc0lmeU1BN2UwaVo1WThRdz09>

Meeting ID: 857 6643 4660
Passcode: 265554
One tap mobile
+13017158592,,85766434660#,,,*265554# US (Washington DC)
+13126266799,,85766434660#,,,*265554# US (Chicago)

Dial by your location
+1 301 715 8592 US (Washington DC)
+1 312 626 6799 US (Chicago)
+1 646 558 8656 US (New York)

From: Joseph F. Toomey, Permit reviewer for the Town of Glen Echo
To: Elizabeth Boa, Town Manager of the Town of Glen Echo
Subject: A review of the 7326 University Avenue Fence Permit Application
Date: April 24, 2021

A Review of the Permit Application to Place a Fence in the Right-of-way

Emily Siegel and Dawn Tanner, owners of the property at 7326 University Avenue, in the Town of Glen Echo, have submitted a building permit application to construct a new fence that will enclose their rear yard. Their property is a corner lot, located at University Avenue and Wellesley Circle. Their plan proposes locating the fence section that faces Wellesley Circle beyond their property line, and within the public right-of-way.

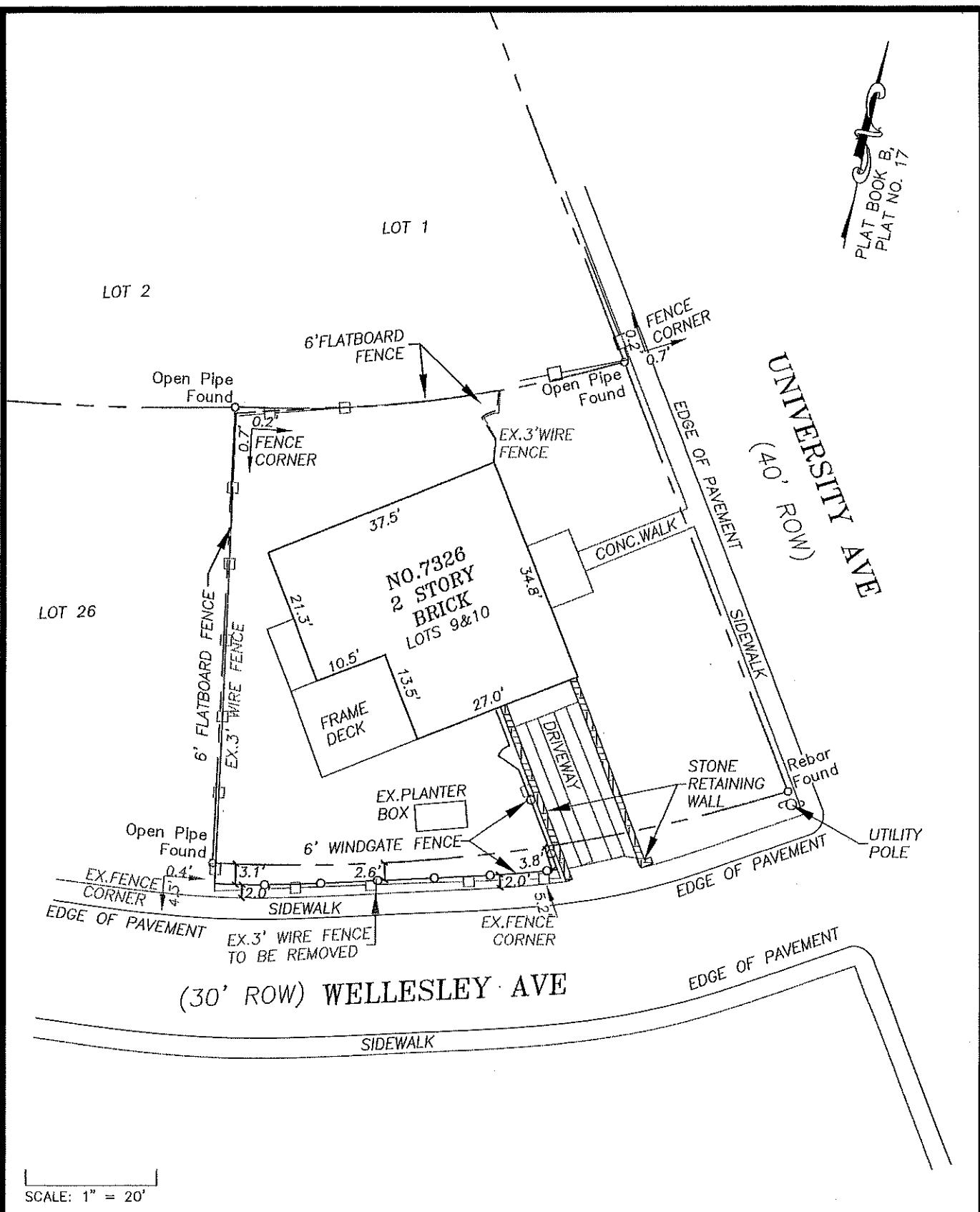
The original application proposed that a 6'-6" tall fence would be installed on the landowner's property, along the property lines of the adjacent lots, and along a portion of their Wellesley Circle property line. The owner's have requested an amendment to that application proposing that the fence section along Wellesley Circle would be located beyond their property line, projecting 2.6 to 3.8 feet into the right-of-way. They have provided a survey of the property that shows the property boundaries, sidewalk and pavement edges, proposed new fence location, the location of an existing fence along Wellesley Circle, and other features of the property.

The right-of-way is a portion of land, set aside in the subdivision of a larger parcel of land, for the public use, and to provide access to individual lots. The right-of-way is generally greater than the width of a street pavement and sidewalks, so as to provide an area for utilities, other public needs, and any uses that future generations may feel necessary. The right-of-way extends approximately four to five feet beyond the back of the sidewalk along the section of Wellesley Circle where the owner's propose to place the fence.

There is an existing three and a half foot tall wood rail fence installed along this section of Wellesley Circle. It was placed approximately one foot off of the back of the sidewalk, projecting from their property line three to five feet into the right-of-way. It would be removed as part of this project. The proposed fence would be within the right-of-way, located 2.0 feet off of the back of the sidewalk.

The owner's propose to install a six foot tall board-on-board style with a lattice top along Wellesley Circle, and a six foot tall flatboard fence along the adjacent property line boundaries. The proposed fence will continue from each end, to the face of the house, to complete the enclosure of the rear yard. The original request of a proposed three foot tall fence that would be enclose the front yard, along University Avenue and a portion of Wellesley Circle, has been eliminated.

The survey of the property, showing the proposed fence location, and photographs of the existing Wellesley Circle fence, are attached.



SCALE: 1" = 20'

**A FENCE LOCATION SURVEY OF
7326 University Ave. Glen Echo, MD
Plat Book B, Plat No. 17**

SUBVEYED BY: JBB

DRAWN BY: JBB

CHECKED BY: JW

DATE: APRIL 23, 2021