

TOWN OF CHEVY CHASE
COUNCIL MEETING
TOWN HALL
April 13, 2016

5 p.m.: Naomi Kaminsky Bench Dedication Ceremony, Town Hall

OPEN SESSION TO VOTE TO ENTER CLOSED SESSION (6:15 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 and performance evaluation of an employee over whom it has jurisdiction; and pursuant to Section 3-305(b)(7) to consult with counsel to obtain legal advice on issues related to the Bethesda Sector Plan and on the Town's authority over the public right-of-way.

- I. GENERAL BUSINESS (7:00-7:15 p.m.)
 - A. Call to Order
 - B. Pledge of Allegiance
 - C. Approval of Minutes of March 9, 2016 Council Meeting and March 23, 2016 Work Session
 - D. Approval of March 2016 Financial Report
 - E. [Town Manager's Report](#)
 - F. Public Comments

- II. VARIANCE HEARINGS (7:15-8:30 p.m.)
 - A. [Blacklow, 6912 Oakridge Avenue, Front Yard Setback](#)
 - B. [Maisel, 7105 45th Street, Rear Yard Setback](#)
 - C. [Shapland/Courtney, 4329 Leland Street, Side Yard Setback](#)

- III. COUNCIL ACTIONS (8:30-9:00 p.m.)
 - A. Approval of Proposed FY17 Budget and Tax Rates
 - B. Introduction of FY17 Budget and Tax Rate Ordinance
 - C. Approval of Agreement with Montgomery County to Implement the Comcast Cable Franchise
 - D. Approval of Amended Agreement with Montgomery County to Implement the Verizon Cable Franchise

- IV. NEW BUSINESS (9:00 p.m.)

- V. ADJOURNMENT (9:15 p.m.)

MEMORANDUM

I-E

TO: Town Council
FR: Todd Hoffman, Town Manager
RE: Town Manager's Report
DATE: April 13, 2016

This report highlights many of the initiatives undertaken by Town staff over the past month. In the interest of brevity, I have not included ongoing staff functions. Please let me know if you have any questions or need additional information.

Council/Committee/Board Assistance:

- Worked with Community Relations Committee, Climate and Environment Committee and Public Services Committee on special events.
- Worked with Land Use Committee on Stormwater Management and Sediment Control Ordinance.

Special Projects:

- Developed FY17 proposed budget.
- Wrote and submitted revised Town position paper on Bethesda Sector Plan.
- Developed and issued RFP for Bethesda Sector Plan legal assistance.
- Met and worked with consulting architect on Bethesda Sector Plan model.
- Organized and attended work session on FY17 budget and Bethesda Sector Plan.
- Drafted SOPs for administrative variances.
- Drafted revised election procedures.
- Sent letter to County re. municipal tax duplication reimbursement.
- Sent updated address list to State Comptroller's office.
- Drafted postcard re. proposed property tax increase.
- Assisted with appointing new members to Election Board and Ethics Commission.
- Met with LWV and Election Board members to review procedures for 2016 election.
- Worked with Washington Gas and WSSC on pending infrastructure repairs and related MOUs.
- Attended FEMA meeting re. snow removal reimbursement.
- Assisted in reviewing proposed resident survey.
- Installed plaques in memory of Naomi Kaminsky on Town benches.
- Processed requests for traffic signs and street lights.

STAFF REPORT

II-A

TO: Town Council
FR: Todd Hoffman, Town Manager
RE: Blacklow, 6912 Oakridge Avenue, Front Yard Setback
DATE: April 13, 2016

Variance Requested:

Susan Blacklow, 6912 Oakridge Avenue, is proposing to install a generator at her house. The generator would project 28.7 feet into the 50.5 foot front yard setback from Oakridge Avenue. Town building regulations do not allow a generator to project into any required setback; therefore, a variance of 28.7 feet is required.

Background:

As of April 8, the Town has not received any correspondence about the variance request. Any comments received by the Town will be provided to the Council at the public hearing.

Staff note: The following assertions summarize materials provided by the applicant in support of the variance request. Their inclusion in the Staff Report does not intend to convey staff support for the approval or denial of the variance request. The applicant should indicate to the Council if any arguments have been misrepresented. Council should consider the entire record in considering the variance request.

Applicant's Claims for the Variance Request:

1. The variance is requested because the placement of the existing house on the lot relative to the required front yard setback represents an extraordinary condition. The lot is a corner lot with two front yards. The neighboring houses to the south are set back over fifty feet from their respective front property lines, creating a very large front yard setback requirement (established building line). The location of the house on the lot leaves no practical option for the placement of the generator other than the requested site, which is close to the needed gas and electrical connections of the house.
2. Approval of the variances is requested because conforming to the Town's building ordinance would be impractical, cause unusual practical difficulties, and cause undue hardship. There is no alternative location for the placement of the generator due to the unusual setbacks for the home as well as where access to the gas lines and electric hookups are available. The required setbacks for this lot represent an unusual challenge for placement of a generator.
3. The proposed generator will not be detrimental to the use and enjoyment of neighboring properties. The generator would not be close to neighboring houses, operates at a reasonable decibel level, and would be used infrequently (during limited maintenance cycles and during power outages). In the event of a power outage, the generator would allow the applicant to make her home available to her neighbors in need.
4. The request is the minimum necessary to overcome the exceptional condition that is causing the hardship. The generator will be placed as close to the home as possible (18" from the wall). The generator is small in size.
5. The proposed generator does not impair the general plan of the Town. The generator will be placed away from neighboring properties, will be screened with vegetation, and the installation will not require the removal of any trees.

STAFF REPORT

II-B

TO: Town Council
FR: Todd Hoffman, Town Manager
RE: Maisel, 7105 45th Street, Rear Yard Setback
DATE: April 13, 2016

Variance Requested:

Harvey Maisel and Andrea Boyarsky-Maisel, 7105 45th Street, are proposing to install a generator at their house. The generator would project 55 feet into the 60 foot rear yard setback. Town building regulations do not allow a generator to project into any required setback; therefore, a variance of 55 feet is required.

Background:

As of April 8, the Town has not received any correspondence about the variance request. Any comments received by the Town will be provided to the Council at the public hearing.

Staff note: The following assertions summarize materials provided by the applicant in support of the variance request. Their inclusion in the Staff Report does not intend to convey staff support for the approval or denial of the variance request. The applicant should indicate to the Council if any arguments have been misrepresented. Council should consider the entire record in considering the variance request.

Applicants' Claims for the Variance Request:

1. The variance is requested because the placement of the house on the lot represents an extraordinary condition. The main building is built up to the Town's setback lines, leaving no room for the installation of a generator. The house includes an electric sump pump to prevent the basement from flooding. The generator is needed to ensure the sump pump is always operational.
2. Approval of the variances is requested because conforming to the Town's building ordinance would be impossible. The main house is currently built to the building setback lines; therefore there is no place to locate the generator per the Town's regulations.
3. The proposed generator will not be detrimental to the use and enjoyment of neighboring properties. The generator is proposed to be placed in the rear yard next to an existing accessory structure. There is currently a fence surrounding the property. The applicants also propose to enclose the generator with a screen. The fence, accessory structure, and screen collectively will buffer the noise.
4. The request is the minimum necessary to overcome the exceptional condition that is causing the hardship. The proposed location by the accessory building in the rear yard will ensure that the generator is not visible from the street or from the neighbors' properties. This is the least obtrusive location and in the neighbors' best interest.
5. The proposed generator does not impair the general plan of the Town. The generator is advertised as providing quiet neighborhood-friendly performance. It will run about once a week for 10-15 minutes at 66 decibels. The owner can schedule this time to accommodate the neighbors.

STAFF REPORT

II-C

TO: Town Council
FR: Todd Hoffman, Town Manager
RE: Shapland and Courtney, 4329 Leland Street, Side Yard Setback
DATE: April 13, 2016

Variance Requested:

Edward Shapland and Maryanne Courtney, 4329 Leland Street, are proposing to construct a screened porch, with an enclosed storage area beneath. The improvement is proposed to project 7.0 feet into the 14.3 foot side yard setback. Town building regulations do not allow this improvement to project into the side yard setback; therefore, a variance is required.

Background:

As of April 8, the Town has not received and correspondence about the variance request. Any comments received by the Town will be provided to the Council at the public hearing.

Staff note: The following assertions summarize materials provided by the applicant in support of the variance request. Their inclusion in the Staff Report does not intend to convey staff support for the approval or denial of the variance request. The applicant should indicate to the Council if any arguments have been misrepresented. Council should consider the entire record in considering the variance request.

Applicants' Claims for the Variance Request:

1. The variance is requested because the lot is unusually shaped. The lot is triangular in shape, narrowing from front to back. The Town's side yard setback is determined based on the width of the lot at the front building restriction line, resulting in an exceptionally large side yard setback for the proposed addition compared to the width of the lot at the location of the addition.
2. Approval of the variance is requested because conforming to the Town's building ordinance would be impossible. Given the floor plan of the house, the only practical location for the porch is where it is proposed to be constructed.
3. The proposed addition will not be detrimental to the use and enjoyment of neighboring properties. The proposed porch has been designed to match the design and improve the appearance of the back of the house, and will replace an unattractive deck and a water damaged storage area that projects closer to the side lot line than the porch will.
4. The request is the minimum necessary to overcome the exceptional condition that is causing the hardship. The dimensions of the screened porch are the minimum necessary to meet the applicants' needs for usable space and improve the appearance of the house.
5. The proposed plan does not impair the general plan of the Town. The porch will improve the appearance of the house and will not impact the general plan of the Town.