

TOWN OF CHEVY CHASE
TOWN COUNCIL MEETING
January 12, 2005

Present: Bill Hudnut, Mayor; Mier Wolf, Vice Mayor; Rob Enelow, Treasurer; Scott Orbach, Secretary; Linna Barnes, Community Liaison; Todd Hoffman, Town Manager; Marty Hutt, Town Attorney; and Andi Silverstone, Town Clerk. Residents and guests: Don Duggan, 4306 Rosemary Street; Anders and Sheila Johansson, 4409 Walsh Street; Pat Rich, 4411 Walsh Street; and Joe Rubin, 4409 Ridge Street.

Note: The Council convened the meeting in the Anderson Room at the National 4-H Center due to the renovation of the Town Offices.

I. General Business

A. Call to order – 7:30 p.m.

Mayor Bill Hudnut called the meeting to order at 7:30 p.m.

B. Pledge Allegiance to the Flag

The Mayor led those in attendance in the pledge of allegiance to the flag.

C. Comments, questions, suggestions from residents

Don Duggan, 4309 Rosemary Street, came before the Council to express concerns about his shared driveway. Mr. Duggan shares a driveway with the owners of 4308 Rosemary Street. He said that there are not adequate setbacks for shared driveways. The Mayor asked that the Construction Committee look into the proposed side yard setback ordinance with regard to properties with shared driveways.

Joe Rubin, 4409 Ridge Street, came before the Council to hear what the Council plans to do about the new proposed setbacks for side yards. He expressed concerns about the impact on owners of 50-foot wide lots. Mayor Hudnut explained that the Council will be having a work session on the issue and may refer it to a professional consultant. There will also be a public hearing on the issue before the Council takes any action. The Mayor reported that the Construction Committee would refine the ordinance. Discussion followed about the impact of the proposed ordinance on property values and individual property rights. The Mayor thanked Mr. Rubin for his comments.

D. Approval of Minutes of December Council Meeting

Councilmember Enelow made a motion to approve the minutes of the December Council meeting. Councilmember Barnes seconded the motion, and it passed unanimously.

E. Acceptance of Financial Report for December

Councilmember Barnes made a motion to accept the financial report for December. Councilmember Orbach seconded the motion, and it passed unanimously.

F. Acceptance of FY04 Audit

There was brief discussion about the results of the FY04 audit. The auditors found everything to be in good order. Councilmember Orbach made a motion to accept the FY04 audit. Councilmember Barnes seconded the motion, and it passed unanimously.

II. Action

A. Variance, 4409 Walsh Street, Roofed Porch Setback

The Johanssons', 4409 Walsh Street, came before the Council to request a variance from Town building regulations to construct a roofed, unenclosed porch that extends six feet into the minimum required front yard setback. The Town Code allows roofed, unenclosed porches to extend no more than three feet into minimum required yards. Therefore, a variance of three feet is required from the Town. The applicants do not require a variance from Montgomery County, which allows unenclosed, roofed porches to extend up to nine feet into the minimum required front and rear yard setbacks.

Town Manager Todd Hoffman framed the issues for the Council. The applicants plan to demolish the existing house and build a new one. The proposed covered porch on the new house requires a variance. Among the hardships claimed by the applicants are the following: 1) the established front building restriction line is 36.5 feet. If the front setback for the applicants' property were 25 feet, the minimum for the R-60 zone, a variance would not be necessary; 2) the lot is uniquely shaped and poses difficulties for constructing a home with a functional covered porch within the allowable building envelope; 3) if the variance were granted, it would not be detrimental to public health, safety or welfare; nor would it be detrimental to the use and enjoyment of adjoining or neighboring properties; 4) any neighboring properties have portions of their homes extending into the established front yard setback. The Town Manager recommended approval of the variance request.

Councilmember Wolf made a motion to approve the variance as requested. Councilmember Enelow seconded the motion, and it passed unanimously. Councilmember Barnes pointed out that the lot was unique in that it was shaped like a "backwards L" with rear yards on the side and in the back.

III. Discussion

A. Discussion of Town's Speed Hump Policy

Town Manager Todd Hoffman had supplied Councilmembers with the existing speed hump policy, which had been adopted in 1991. The Manager reported that the Town has had a history of installing speed humps according to the policy. Discussion followed about the process used by residents to request speed humps and the process the Council uses for approval.

Discussion followed about whether or not to have a moratorium on speed humps. It was the sense of the Council to take a case-by-case approach to requests for speed humps. There was discussion about the need for objective criteria for speed humps and whether volume or speed is best controlled with them. Councilmember Orbach suggested that the Council consider other options in addition to speed humps for traffic calming.

Discussion followed about installing speed bumps in the Leland Center parking lot. The Town Manager had met with officials from the Maryland-Capital Park and Planning Commission. They had expressed concerns about snow plowing operations and suggested using carefully worded signage instead of speed bumps. The Town Manager was asked to provide a memo to the Council about his meeting with Park and Planning officials. Councilmember Wolf and Town Manager Todd Hoffman will work on a speed hump policy to present to the Council.

B. Consideration of 'Do Not Enter' Restriction on Southbound Leland Street at Oak Lane

Councilmembers were asked to consider the Traffic Committee's recommendation to restrict thru traffic on southbound Leland Street at Oak Lane. The recommendation would divert southbound traffic on Leland Street onto Oak Lane and Maple Avenue. The restriction would be effected through the installation of two 'Do Not Enter' signs on southbound Leland Street at the intersection of Oak Lane.

Mayor Hudnut asked if residents who would be affected by the traffic pattern change had been notified. Councilmember Enelow, liaison to the Traffic Committee, reported that the immediate neighbors had been notified and were supportive of the plan. Councilmember Orbach made a motion to accept the proposed new traffic pattern at Leland Street and Oak Lane. Councilmember Barnes seconded the motion, and it passed unanimously. It was the sense of the Council to send a letter to the three residents on the block of Leland Street who will be most affected by the change. Flags will be put on the new signs to make drivers aware of the change.

IV. Reports

A. Mayor: Mayor Hudnut reported that four residents were recommended for the Traffic Committee, and he has invited them to serve until June. The residents are Jason Engel, Scott DeCain, Andy Bennett, and Don Chapman. Letters will be sent to the new members letting them know of their appointment to the committee until June 2005. Discussion followed about putting a limit on the size of the committee as well as how long a member can serve.

At the Mayor's request, Councilmembers discussed whether or not to reduce the Town's property tax rate to zero in consideration of the great increase in property assessments. It was the sense of the Council to keep the property tax rate at the constant yield for the FY06 budget. The amount of savings to each household in the Town would be negligible. Councilmembers discussed the possibility of donating to a charity or a public school.

B. Town Manager: Town Manager Todd Hoffman reported that the County Attorney had served papers to the Lis for a show cause hearing for contempt, scheduled for February 15, 2005. The Town Manager will attend the hearing. The Lis are trying to sell their property on Meadow Lane. The Lis or the new owners will be asked to move the existing fence to the property line.

The Town Manager reported that he attended citation authority training with Larry Plummer and Andi Silverstone. Although Larry will have the authority to write citations for municipal infractions, he will continue to try to seek compliance.

The renovations of the Town office are going well and on schedule.

C. Committee Reports

1. Construction Committee: Councilmember Barnes reported that the Construction Committee will be meeting on January 24, 2005 to discuss rear yard setbacks. It was the sense of the Council to ask the committee to find an expert to study the implications of the proposed side yard setback ordinance in terms of architectural impact and real estate values. The Council asked the staff to review the previous survey sent to residents regarding construction issues to determine if the survey was successful in terms of the response rate. It was the sense of the Council that a work session would be needed.

2. Environmental Committee: Councilmember Orbach reported that the Environmental Committee has prepared an amendment to the Tree Ordinance that was passed about two years ago. He will forward the proposed changes to Town Attorney Marty Hutt to determine whether the amendment is technical in nature, and what, if any, steps the Town must take prior to action by the Council.

3. History Committee: Mayor Hudnut reported that Mary Ann Hoffman, 7104 44th Street, has volunteered to conduct an architectural tour of the Town.

4. Town Boundary: Councilmember Wolf announced that he would be appointed the head of the Greater Bethesda-Chevy Chase Coalition. He also reported that the hotel project planned for the building on Wisconsin Avenue at Elm Street will be presented to Park and Planning. The Town Boundary Committee negotiated good adjustments to the proposal.

5. Traffic Committee: Councilmember Enelow said that the Traffic Committee met with traffic engineer Doug Kennedy. He will present options for the

installation of a sidewalk in the 4200 block of Leland Street to narrow the street. He will also study the intersection at Leland Street and East Avenue.

There being no further business, the meeting was adjourned at 10:05 p.m.

Respectfully submitted,

Scott Orbach
Secretary

Transcribed by Andi Silverstone