

TOWN OF CHEVY CHASE
TOWN COUNCIL MEETING
May 8, 2006

Present: Linna Barnes, Mayor; Rob Enelow, Vice Mayor; Lance Hoffman, Treasurer; Kathy Strom, Secretary; Mier Wolf, Community Liaison; Todd Hoffman, Town Manager; Marty Hutt, Town Attorney; and Andi Silverstone, Town Clerk. Residents and guests: Robert Baskin, 6925 Woodside Place; Susan and William Blacklow, 6912 Oakridge Avenue; Jeb Brown, 4011 Underwood Street; Richard Clay, 3917 Woodbine Street; Michael Coplan, 7003 Meadow Lane; Karen Depew, 4414 Walsh Street; Janet and Andy Freimuth, 4009 Underwood Street; Bob Hunt, 7005 Meadow Lane; Anders and Sheila Johansson, 4409 Walsh Street; Mark Kramer, 4414 Walsh Street; Jeff and Shelly Kupfer, 7011 Meadow Lane; Judy McGuire, 4003 Rosemary Street; Joel Miller, 4212 Oakridge Lane; John Powers, 4416 Walsh Street; Pat Rich, 4411 Walsh Street; Joe Rubin, 4409 Ridge Street; Ketch Ryan, 6904 Oakridge Avenue; Sarah and Wes Siegner, 3916 Woodbine Street; and John White, 6807 Meadow Lane.

I. General Business

A. Call to order

Councilmember Linna Barnes called the meeting to order at 7:00 p.m.

B. Pledge of Allegiance to the Flag

Councilmember Barnes led those in attendance in the pledge of allegiance to the flag.

C. Public Comments

There were no residents in attendance who wanted to speak on any non-agenda item.

D. Approval of Minutes of Open and Closed Meetings of February 22 and April 5 Meeting

Councilmember Barnes asked that only previous members of the Council vote on the minutes, since the newly elected members were not in office at the time of the meetings. Councilmember Wolf made a motion to approve the minutes of the open and closed sessions of February 22. Councilmember Enelow seconded the motion, and it passed with Councilmembers Barnes, Enelow and Wolf voting in favor. Councilmember Wolf made a motion to approve the minutes of the April 5 meeting. Councilmember

Enelow seconded the motion, and it passed with Councilmembers Barnes, Enelow and Wolf voting in favor.

E. Acceptance of Financial Report for April

Councilmember Wolf made a motion to accept the financial report for April. Councilmember Enelow seconded the motion, and it passed unanimously.

F. Supplemental Appropriation for Legal Counsel

Staff presented the Council with a request for a supplemental appropriation of \$54,935 for legal expenses for March and April. Councilmember Enelow made a motion to approve the supplemental appropriation. Councilmember Wolf seconded the motion, and it passed unanimously.

G. Swearing-In of Newly-Elected Councilmembers

Town Clerk Andi Silverstone administered the oath of office to newly-elected Councilmembers Lance Hoffman and Kathy Strom, and to re-elected Councilmember Mier Wolf.

H. Election of Officers

Councilmember Wolf made a motion that Linna Barnes serve as Mayor, Rob Enelow serve as Vice Mayor, Lance Hoffman serve as Treasurer, Kathy Strom serve as Secretary, and Mier Wolf serve as Community Liaison. Councilmember Hoffman seconded the motion, and it passed unanimously.

II. Committee Reports

A. Moratorium Implementation Steering Committee

The report from the Moratorium Implementation Steering Committee was deferred.

III. Variance Requests

Note: All variance requests were transcribed by a court reporter. Transcripts are available in the Town office.

Mayor Barnes described the process by which the variance requests would be heard: Briefing by Town Manager, presentation by applicant, comments by residents, and questions from Councilmembers of the applicant.

A. Variance Request, 4414 Walsh Street, Front Yard Retaining Walls

Applicants Stephen Keeble and Karen Depew, 4414 Walsh Street, came before the Council for a variance request for two front yard retaining walls. The Town building code prohibits front yard walls. They asked to withdraw their previous variance requests, which were heard and denied by the Council at its April 5 meeting. The Town Attorney had not written an opinion on the hearing held on April 5. Discussion followed about recording hearings and issuing opinions. Staff was directed to research code amendments about variance application withdrawals and reconsiderations.

Councilmember Wolf made a motion to grant the applicants' request that the five previously requested variances be withdrawn. Councilmember Hoffman seconded the motion, and it passed unanimously.

The hearing for the variance request proceeded and was recorded.

Councilmember Enelow made a motion that the variance be granted with conditions: that there be a detailed landscape plan, including trees, drainage, a sump pump in consultation with the Town Manager, who would sign off on the project. Councilmember Wolf seconded the motion. Councilmember Enelow amended his motion to include that no detached garage would be built and that the driveway and existing garage would be removed. Councilmember Wolf seconded the amended motion. The application for the variance was denied with Councilmembers Enelow and Wolf in favor and Councilmembers Barnes, Hoffman, and Strom opposed.

B. Variance Request, 3916 Woodbine Street, Front and Side Setbacks

Applicants Wes Siegner and Sarah Smith, 3916 Woodbine Street, came before the Council to request a variance in order to construct a roofed front porch that will extend 6.16 feet into the front yard setback of 39.8 feet. The Town building code allows roofed porches to project beyond the front setback no more than 3 feet. Therefore, a variance of 3.16 feet is requested. In addition the applicants would like to construct a second floor addition over an existing sun room located on the west side of their property. At the location of the proposed new construction, the sum of the side yard setbacks is 14.4 feet. The Town building code requires total side yard setbacks at the location of the proposed construction to be 18 feet; therefore, the applicants are requesting a variance of 3.6 feet from the side yard setback requirements.

The hearing for the variance request proceeded and was recorded. It was the sense of the Council that the deepness of the established building line and other circumstances and location of the side porch satisfied the test of uniqueness for the front roofed porch and side construction.

Councilmember Wolf made a motion to approve the variance for the front porch as requested. Councilmember Hoffman seconded the motion, and it passed unanimously.

Councilmember Strom made a motion to grant the variance for the side addition. Councilmember Wolf seconded the motion, and it passed unanimously.

C. Variance Request, 4011 Underwood Street, Front Setback

Applicants Jeremy and Katharine Brown, 4011 Underwood Street, came before the Council to request a variance to construct a partially covered front porch. The Town allows roofed, unenclosed porches to extend no more than 3 feet into required yards and allows uncovered porches to extend no more than 9 feet into minimum required yards. The proposed roofed covering would project 10 feet beyond the established building line of 34 feet and, therefore, requires a 4.5 foot variance. The hearing proceeded and was recorded.

Councilmember Enelow made a motion to grant the variance as requested. Councilmember Hoffman seconded the motion. The motion was denied with Councilmembers Enelow and Hoffman voting in favor and Councilmembers Barnes, Strom and Wolf opposed.

D. Variance Request, 7011 Meadow Lane, Rear Setback

Applicants Jeffrey and Rochelle Kupfer, 7011 Meadow Lane, came before the Council to request a variance to construct an addition to the rear of their home. The proposed addition would encroach 19.33 feet, 19.17 feet and 18.5 feet, at separate points, into the required 20 foot rear yard setback. The applicants have obtained a variance from County setback requirements for the proposed addition. The hearing proceeded and was recorded.

Councilmember Wolf made a motion to approve the variance. Councilmember Strom seconded the motion, and it passed unanimously. It was the sense of the Council that the property met the standard of being small and unique in shape.

E. Variance Request, 6922 Woodside Place, Rear Setback

Ken and Amy Dice, 6922 Woodside Place, came before the Council to request a variance from the Town building regulations to construct an addition and deck to the rear of their home. The proposed addition would encroach 4.58 feet and 0.75 feet, at separate points, into the required 71 foot rear yard setback. The proposed deck would encroach 15.5' into the required 71 foot rear yard setback. The Town building code allows uncovered decks to encroach not more than 9 feet into the rear yard setback restriction. Therefore, a variance of 6.5 feet is required. The hearing proceeded and was recorded.

Councilmember Wolf made a motion to approve the request for the variance. Councilmember Enelow seconded the motion. Councilmember Hoffman proposed an amendment to the motion that would condition approval on a meeting being held (if a pre-application consultation is not required) to address water issues. There being no second to the proposed amendment to the motion, the amendment was defeated. The vote was called on the original motion, and all voted in favor of granting the variance as requested.

F. Variance Request, 4409 Walsh Street, Front Yard Retaining Walls

Anders and Sheila Johansson, 4409 Walsh Street, came before the Council to request a variance to construct a series of front yard retaining walls. One proposed

retaining wall will run along each side of the steps adjacent to the front porch. Both of these walls will be a maximum of 2 feet high, 17.4 feet long and 12 inches wide. A third proposed wall will run along the front property line for a distance of 48 feet. This wall will be a maximum of 29 inches high and 12 inches wide. A fourth proposed wall will run parallel to the driveway from the front of the steps to the property line for a distance of 20.5 feet. This wall will be a maximum of 29 inches high and 12 inches wide. A fifth proposed wall will run along the west property line for a distance of 33.5 feet. This wall will be a maximum of 16 inches high and 12 inches wide. All of the proposed retaining walls will be constructed of cinder block with mortared stone facing. The Town building code prohibits front yard walls.

The proposed wall running along the front property line would be constructed behind the front property line but would not be set back two feet from the Town right-of-way as required by Town building regulations.

The hearing proceeded and was recorded. Councilmember Strom made a motion to deny the request for the variance. Councilmember Hoffman seconded the motion, and it passed unanimously.

IV. Resolutions

A. Consideration of a Resolution to Participate in the Cities for Climate Protection Campaign of Communities of 21 Program

As directed by Council, the Town has applied for membership in ICLEI (formerly known as “International Council for Local Government Environmental Initiatives”)- Local Governments for Sustainability. As a requirement of application for membership, the Town is asked to adopt a resolution to participate in the Cities for Climate Protection Campaign of Communities 21 Program. Council is asked to introduce and adopt the resolution, effective May 8, at the May 8 Council meeting. A copy of the resolution was provided to each Councilmember.

Councilmember Wolf made a motion to ratify the resolution that the Town participate in Cities for Climate Protection Campaign 21 Program. Councilmember Enelow seconded the motion, and it passed unanimously.

V. Council/Staff Reports

A. Mayor’s Report : Mayor Barnes reported that the Council needs to schedule two work sessions: one on the Regulatory Review and Enforcement Ordinance and one on the Strategic Plan of the Visioning Committee with members of the committee. A public meeting needs to be scheduled concerning the property at 7206 Meadow Lane, formerly the Li property, to hear residents’ concerns and explain the Town’s process. A public hearing also has to be scheduled on the comprehensive amendments to Chapter 4 of the Town’s building code. It was the sense of the Council to schedule the hearing on the amendments to Chapter 4 and the work session on the Regulatory Review and Enforcement Ordinance during the June 14 Council meeting. A public meeting on the property at 7206 Meadow Lane will be scheduled for some time in June. Staff was asked to poll Councilmembers about availability for the public hearing.

The Mayor asked Councilmembers to be thinking about what committees are needed for the Town in the upcoming year. Staff was directed to include an article in the June Forecast about the status of the committees.

B. Town Manager's Report: Town Manager Todd Hoffman described how the staff handles complaints through complaint forms that are received. He distributed copies of recent complaints and their dispositions. A resident requested that the Town contribute \$ 1,000 to a block party. While the Town supports block parties and permits road closure for that purpose, the Town has not ever contributed to block parties before. It was the sense of the Council not to start a policy of making contributions to block parties.

The Town Manager reported that Verizon has approached the Town about installing a fiber-based system. Their presence in the Town would promote competition with Starpower. There was discussion about what fees, if any, to charge them. It was the sense of the Council that staff should contact Jane Lawton, Town resident and former Councilmember, who used to head Montgomery County's cable television office. In addition, the Council asked for staff to arrange for representatives from Verizon to attend a Council meeting and make a presentation.

Councilmember Strom asked about a complaint concerning the application of pesticides in the Town and why that complaint was not included in the list distributed to the Council. The Town Manager had directly contacted all Councilmembers about that complaint when it was received. Discussion followed about the Town's policy toward the use of pesticides. That policy had required that pesticides be used judiciously. Councilmember Hoffman asked that this issue be referred to the Environmental Committee for recommendations.

It was the sense of the Council that when the contract for trash collection is re-bid, specifications be added to include large rolling carts for mixed paper recycling.

There being no further business, the meeting was adjourned at 10:30 p.m. Councilmembers reconvened in Executive Session to discuss personnel matters.

Respectfully submitted,

Kathy Strom
Secretary

Transcribed by Andi Silverstone