

TOWN OF CHEVY CHASE
TOWN COUNCIL MEETING
June 14, 2006

Present: Linna Barnes, Mayor; Rob Enelow, Vice Mayor; Kathy Strom, Secretary; Lance Hoffman, Treasurer; and Mier Wolf, Community Liaison; Todd Hoffman, Town Manager; David R. Podolsky, Town Attorney; and Andi Silverstone, Town Clerk.

Residents and guests: Nick Anderson, 7101 Oakridge Avenue; Susan and William Blacklow, 6912 Oakridge Avenue; Diane Blizzard, 7103 44th Street; Janet and Andy Freimuth, 4009 Underwood Street; Bridget and Lees Hartman, 7214 Ridgewood Avenue; S. C. Keeble, 4414 Walsh Street; Sally Kelly, 7300 Oak Lane; John Murtagh, 7002 Maple Avenue; Scott and Mo Orbach, 4401 Stanford Street; Joan Pollitt, 7313 Maple Avenue; Joe Rubin, 4409 Ridge Street; Julia Randall, 4210 Oakridge Lane; Bruce Russell, 7107 Oakridge Avenue; Mark Scott, architect for Peter and Monique Shimm; and Peter and Monique Shimm, 4215 Thornapple Street.

I. General Business

A. Call to order – 7:00 p.m.

Mayor Barnes called the meeting to order at 7:05 p.m.

B. Pledge Allegiance to the Flag

Mayor 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 May 8 Regular Meeting and Executive Session and May 23 Executive Session

Councilmember Wolf made a motion to approve the minutes of the May 8 regular meeting and executive session and the May 23 executive session. Councilmember Enelow seconded the motion, and it passed unanimously.

E. Acceptance of Financial Report for May

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

Councilmember Hoffman reported that a supplemental appropriation of \$33,865 is needed for legal expenses incurred in May. He made a motion to approve the

supplemental appropriation. Councilmember Wolf seconded the motion, and it passed unanimously.

II. Variance Requests

(Note: All variance requests were recorded and transcribed. Copies of transcripts are available in the Town office.)

A. 4215 Thornapple Street, Rear Yard Setback

Peter and Monique Shimm, 4215 Thornapple Street, came before the Council to apply for a variance from Town building regulations to construct a second story addition to the rear of their home. The Town Manager described the project. A portion of the proposed addition would encroach 3 feet into the required 20 foot rear yard setback. The Town Code does not allow main buildings to encroach into rear setbacks; therefore, a variance of 3 feet is required. The applicant has an irregularly shaped lot with an angled rear lot line. The proposed dormer addition will not increase the footprint of the existing house, as it will be constructed over an existing non-conforming first floor. The Town Manager reported that the Town has received two letters of support for the variance from neighboring residents.

Town resident Nick Anderson, 7101 Oakridge Avenue, spoke to the issue of a non-conforming lot and asked the Council about precedence for variances in such cases. He did not oppose the variance.

Mrs. Shimm described the hardships being claimed, which included that constructing an alteration that would conform to current setback restrictions would not be structurally feasible or architecturally pleasing. In addition, their lot is unusually shaped: the rear setback line is angled in such a way that a portion of the current house is non-conforming to the rear setback requirement.

Councilmembers discussed the request and evaluated it against the standards used to grant a variance. It was the sense of Councilmembers that the request met the standards due to the unusual and peculiar shape of the lot and practical difficulties in complying with the setbacks.

Councilmember Wolf made a motion that the variance be approved as requested. Councilmember Enelow seconded the motion, and it passed unanimously.

B. 7313 Maple Avenue, Front Yard Hedge

Joan Pollitt, 7313 Maple Avenue, came before the Council to request a variance from Town building regulations to retain a front yard hedge over 3 feet tall. The Town Manager explained the variance request for the hedge. The arborvitae hedge has already been installed. It is located perpendicular to the front property line on the south side of the front yard. The applicant states that she plans to maintain the hedge at a height of 5-6 feet. The Town code does not allow front yard hedges over 3 feet. Originally, the applicant had a hedge on the north side of her property, too, but after her neighbor objected to it, she removed it. She withdrew her request for a variance for that hedge.

Discussion followed about what constitutes a hedge and what constitutes a row of trees. Councilmembers Hoffman and Wolf found no basis to grant the variance. Councilmember Enelow mentioned that it would be a hardship for the applicant to have to remove the arborvitae. The Town attorney explained that it would be a self-created hardship.

Councilmember Strom made a motion to deny the variance. Councilmember Hoffman seconded the motion, and it passed with Councilmembers Strom, Hoffman, and Wolf in favor and Councilmember Enelow opposed.

III. Public Hearings

A. Public Hearing on a Revised Ordinance to Amend Chapter 4 of the Town of Chevy Chase Code to Clarify Terminology, Codify and Enhance Procedures, Modify Structure Location Requirements, and Provide for Penalties, Remedial Action and Executive Regulations.

(Note: The public hearing on the revised ordinance to amend Chapter 4 of the Town of Chevy Chase was recorded. A transcript will be made available upon request.)

Councilmembers discussed the amendments to Chapter 4 of the Town code. Diane Blizzard, 7103 44th Street, explained the need for the revisions. There had been gaps in the code. The revisions will formalize processes and codify certain requirements, such as a penalty schedule for violations. There were no other residents present who wanted to testify about the amendment to the code.

IV. Work Session

A. Discussion of Proposed Regulatory Review and Enforcement Ordinance

Bruce Russell, Chair of the Regulatory Review and Enforcement Committee, explained the need for a Regulatory Review and Enforcement Ordinance and the need to establish standard operating procedures. Discussion followed about some of the specifics of the language in the ordinance. Items discussed included, but were not limited to, defining “wall check” and “survey,” determining how old a plat could be and still be acceptable to the Town for permitting purposes, whether or not to include an emergency provision, and whether to post notices of site management meetings on the website. There was discussion about fines and repeat violators.

The Mayor reviewed the items that the Council wanted to change in the proposed ordinance. The Council will consider the ordinance at the July Council meeting.

V. Discussion

A. Wall Regulations on Private Property – Deferred until July Council meeting

B. Front Yard Hedge Regulations – Deferred until July Council meeting

VI. Consent Agenda

A. Introduction of a Water Drainage Ordinance

Councilmember Hoffman, who had been Chair of the Water Committee, provided the major highlights of the ordinance. He made a motion to introduce the ordinance. Councilmember Enelow seconded the motion, and it passed unanimously.

VII. New Business

A. Setback/Zoning Study

New legislation passed by the State legislature and approved by the Governor, gives new authority to municipalities. Councilmembers discussed sending out a request for proposal (RFP) for a study to be conducted to evaluate what regulations would be best for the Town in terms of using this new authority, in areas such as building height, lot coverage, and bulk, among other things. It was the sense of the Council that using this new authority will be complicated, and the Town will need to determine how it will regulate growth and maintain community character.

Discussion followed about what would be the best timing of the study, since the Town had just lifted its building moratorium and had already passed new ordinances for setbacks and permit regulations and enforcement.

Councilmember Strom made a motion to ask staff to work with Town resident Julia Miller on an RFP for such a study. Councilmember Wolf seconded the motion, and it passed with Mayor Barnes and Councilmembers Wolf and Strom in favor, and Councilmembers Hoffman and Enelow opposed. Mayor Barnes, Councilmember Strom, Town Manager Todd Hoffman and Julia Miller will work on the language for the RFP and circulate a draft to the rest of the Councilmembers.

B. Pre-PAC and Site Management Meetings

Councilmembers discussed having each Councilmember volunteer to take turns attending Pre-PAC and site management meetings, so that there is always a Councilmember present, whenever possible. Staff will notify Councilmembers of the dates of those meetings.

C. Town Management Study – Deferred

D. Town Booklet Brochure - Deferred

VIII. Council/Staff Reports

A. Mayor's Report: Councilmembers discussed the format for the June 22nd meeting on open space acquisition. It was the sense of Mayor Barnes and Councilmembers Enelow, Strom, and Wolf to allow the History Committee to videotape the public hearing on open space acquisition scheduled for June 22 so long as residents are given the option to request that their testimony not be videotaped. Councilmember Hoffman recused himself. The meeting also will be recorded by a court reporter. Town Attorney Podolsky will discuss financing options. There will be an update on the status of the resubdivision of the property at 7206 Meadow Lane. There will not be a facilitator at this meeting, because the Council is not trying to get a consensus at this time. Councilmembers are looking for input from residents. Flip charts will be used to record issues raised by attendees.

Mayor Barnes asked Councilmembers to review the list of committees that she proposed and add any that Councilmembers feel would be helpful.

B. Town Manager: There was discussion about placing small flags in front of residences for the July 4 holiday. The Town Manager indicated that Town staff would distribute the flags and pick them up after the holiday.

IX. Adjournment

There being no further business, the meeting was adjourned at 10:45 p.m.

Respectfully submitted,

Kathy Strom
Secretary

Transcribed by Andi Silverstone