

TOWN OF CHEVY CHASE
COUNCIL MEETING
February 27, 2007

Present: Linna Barnes, Mayor; Rob Enelow, Vice Mayor; Kathy Strom, Secretary; Lance Hoffman, Treasurer; Mier Wolf Community Liaison; Todd Hoffman, Town Manager; Ted Pochter, Assistant Town Manager; David Podolsky and Ronald Bolt, Town Attorneys; Andi Silverstone, Town Clerk; and Alan Beal, consultant to Town staff.

Residents and guests: Marc Bergoffen, attorney for Patrick Keating, re: 4320 Leland Street; Margaret Bright, 4311 Thornapple Street; Noel Fisher, 7200 Ridgewood Avenue; Adam Goozh, 7202 Ridgewood Avenue; Linda Gummel, 4318 Leland Street; Bridget Hartman, 7214 Ridgewood Avenue; Valerie Hirsch, 4322 Leland Street; Beth Inabinett, 3915 Underwood Street; Dedun Ingram, 4411 Elm Street; Patrick K. Keating, 4320 Leland Street; Judy McGuire, 4003 Rosemary Street; Sean Mullin, Studio Z Design Concepts, re: 4320 Leland Street; Eric Murtagh, 4117 Leland Street; Bill Pritchard, 7211 Ridgewood Avenue; Joe Rose, 7007 East Avenue; Joe Rubin, 4409 Ridge Street; Stuart Sessions, 7700 Meadow Lane; and Larry Swift, 15 Leather Leaf.

I. General Business

A. Call to order

Mayor Barnes called the meeting to order at 7:00 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

Dedun Ingram, 4411 Elm Street, came before the Council to request that the Council ask the Environmental Committee to look into the Town's use of salt on Town streets during snow and ice storms, because she is concerned about its safety.

Beth Inabinett, 3915 Underwood Street, came before the Council to request that the Council grant her building permit application conditioned upon the holding of a site management meeting. She would like to have her permit approved in time to avoid the conditions of the water drainage ordinance. Mayor Barnes explained that the permitting process is an administrative matter. The Council will consider Ms. Inabinett's request at the end of the Council meeting, and she will be informed of the Council's decision tomorrow.

Valerie Hirsch, 4322 Leland Street, requested that the Council check the parking signage in front of her house to determine the ability to create additional on-street parking.

Dedun Ingram, 4411 Elm Street, asked the Council if the sidewalk snow removal crews could shovel the snow from Elm Street Park pathway to metro. Staff was directed to research this ability with the contractor.

The Mayor made a motion to amend the agenda to add a discussion of the sidewalk snow removal program. Councilmember Enelow seconded the motion, and it passed unanimously.

D. Approval of Minutes of December Regular Meeting and Executive Session and January Regular Meeting and Executive Session

Councilmember Enelow made a motion to approve the minutes of December Regular Meeting and Executive Session and January Regular Meeting and Executive Session. Councilmember Hoffman seconded the motion, and it passed unanimously.

E. Acceptance of January Financial Report

Councilmember Wolf made a motion to accept the January financial report. Councilmember Strom seconded the motion, and it passed unanimously.

F. Capital Crescent Trail Tunnel

David Dabney, Executive Director of the Bethesda-Urban Partnership, Inc., was unable to attend the Council meeting. Town Manager Todd Hoffman described how graffiti has been an on-going problem in the Capital Crescent Trail (CCT) tunnel. The CCT Board agreed to fund one-half of the cost of extending fencing along the tunnel to make it inaccessible to those who paint graffiti. Three bids were solicited. The lowest bid was \$23,500. The CCT Board is requesting help with funding the project from the Town, Montgomery County, and the owners of the Air Rights building.

Councilmember Wolf praised the project and made a motion that the Town contribute \$11,500 to complete the fence in the tunnel. Councilmember Enelow seconded the motion, and the motion passed unanimously.

II. Variance Requests

A. Goozh-Holder, 7202 Ridgewood Avenue, Front Yard Setback

Note: This request is a continuance from the January 2007 Town Council meeting. The applicant has completed the variance application as requested by Council. There are no substantive changes to the request.

Adam Goozh and Elizabeth Holder, 7202 Ridgewood Avenue, have applied for a variance from Town building regulations to construct a roofed front porch.

The proposed roofed porch would extend 7.3 feet into the minimum required front yard of the property. The Town building code allows roofed porches to extend no more than 3 feet into any minimum required yard; therefore, the variance request is for 4.3 feet.

The subject property is located on the north side of Ridgewood Avenue. As illustrated in the attachments, the applicants wish to relocate the front door of the house and construct a roofed porch that extends 7.3 feet into the minimum front yard of the property. The established building line for the subject property is 33.6 feet, and the front line of the house is located 34.6 feet from the front property line; therefore, the proposed porch would extend 8.3 feet from the front house line and would be located 26.3 feet from the front property line.

The Town has received four letters expressing support for the variance request and one letter in opposition to the variance request. There were no residents in attendance at the meeting who wanted to speak to the application.

There was discussion about the unique features of the property such as the topography and the roof line of the house.

Councilmember Enelow made a motion to approve the request for a variance. Councilmember Wolf seconded the motion, and it passed unanimously. The applicants were reminded not to start work until the permits are issued and the variance opinion has been signed.

B. Parmet, 4318 Curtis Road, Retaining Walls Setback

Note: This agenda item was deferred, because the applicant was unable to attend the meeting.

C. PKK Builders, 4320 Leland Street, Front Yard Setback

PKK Builders has applied for a variance from Town building regulations to construct an addition and roofed porch to the existing house at 4320 Leland Street. The proposed improvements must conform to the front yard setback as determined by the Established Building Line (EBL).

The EBL for the subject property is 70.4 feet and the property is 88 feet deep. The front line of the existing house is located 41.1 feet into the EBL and 29.3 feet from the front property line. The Town code prohibits building within the front yard setback; therefore, three variances are requested: 38 feet for the side addition, 35.4 feet for the front porch and 42.4 feet for the porch roof. All of the proposed improvements would be set back at least 25 feet from the front property line.

The 88 foot deep lot is non-conforming in the R-60 zone and is extremely shallow when compared to the nearby lots included in the EBL analysis.

Marc Bergoffen, attorney for Mr. Keating, described the hardships claimed by the applicant. Among them are: the property, a 2-bedroom, 1 bathroom residence constructed on a concrete slab, requires substantial improvement; the parcel's extreme shallowness and exceptionally deep EBL make additions and/or improvements difficult or impossible; and the properties immediately east and west across Leland Street are two-story residences; therefore, the proposed renovation would be compatible in scale. The lot is shallow. More than 50% of the existing house will be preserved. The

improvements would comply with all building regulations and standards except for the EBL.

Margaret Bright, 4311 Thornapple Street, expressed concerns about water run-off as a result of a deteriorating retaining wall. Valerie Hirsch, 4322 Leland Street, questioned whether or not the project was a tear down and not a renovation, since she believed that less the 50% of the house will remain. She also mentioned that the retaining wall should be rebuilt and requested that the parking pad in front of the house be made for two cars to help with parking problems on the street. Linda Gummel, 4318 Leland Street, requested that Councilmembers get expert advice on how the variance would affect the neighboring homes. Joe Rose, 7007 East Avenue, indicated that he believed the project was not a renovation but was equivalent to a tear down. Dedun Ingram, 4411 Elm Street, agreed with the previous speakers and indicated that she believed the house was out of scale for the lot. Joe Rubin, 4411 Ridge Street, said that the EBL is in the back yard of the house so there is no way to build on the lot.

There was discussion about whether or not the project would fall under the water drainage ordinance. An engineer would have to determine that.

Councilmember Wolf made a motion to approve the variance request. Councilmember Enelow seconded the motion. Mr. Keating agreed to work with the neighbors, the Town staff, and a water engineer to mitigate any water run-off problems. Councilmember Strom pointed out that the basis for granting a variance is the shallowness of the lot and the front yard setback. A vote on Councilmember Wolf's motion was called, and it passed unanimously.

III. Council Actions

A. Introduction of an Ordinance to Amend Chapter 8 of the Town of Chevy Chase Municipal Code to Clarify and Codify the Absentee Ballot Process

Mayor Barnes explained the provisions of the ordinance. Councilmember Hoffman made a motion to introduce the ordinance regarding the absentee ballot process. Councilmember Strom seconded the motion, and it passed unanimously.

IV. Discussions

A. Community Services Survey Results

It was the sense of the Council to wait for the Jakubiak study results before making any decisions on the issues related to concerns expressed about new construction and house size. Councilmembers discussed some of the comments received from residents from the Community Services Survey and noted what areas needed attention. Councilmembers discussed sending out targeted surveys and referring the responses to the appropriate committee. It was the sense of the Council that the committees could do more targeted surveys rather than the Council.

It was the sense of the Council to do another survey of residents next fall.

B. Strategic Plan

1. Town Management Study – Mayor Barnes and Town Manager Todd Hoffman recommended that the study be deferred until September. The scope of work will be developed by Councilmembers Wolf and Hoffman, working with the Town Manager. The task dates for this project were changed.

2. Council/Staff/Committee Training & Education Goals & Budgeting Policy – It was the recommendation of the Council that a consultant would develop the Town handbook. Councilmembers asked the Town Manager to make recommendations for consultants to prepare the handbook. Councilmembers Wolf and Hoffman and Town Manager Todd Hoffman will recommend a policy for committee budgeting.

3. Education & Communication Materials – Councilmembers discussed the goals for training and education of Council, staff and committees.

C. Committee Budgets & Requests

1. Environment Committee Request

a. Research Assistant – Judy McGuire, Chair of the Environment Committee, came before the Council to request \$1,200 to hire a research associate. Councilmember Wolf made a motion to approve the committee’s request for funding the services of a research assistant. Councilmember Strom seconded the motion, and it passed unanimously.

2. Public Services Committee Requests

a. Traffic Analysis – Councilmember Hoffman made a motion to approve the request for a traffic study on Chatham Road and Aspen Street with the results to be made available as soon as possible. Councilmember Wolf seconded the motion, and it passed unanimously.

b. Speed Hump Policy – Councilmembers discussed whether or not to stay with the current policy for speed humps until another one is developed. Mayor Barnes is concerned about the policy and does not think that there is any reason to endorse it, again. She indicated that there are no definitive standards to determine if a speed hump is needed. The Public Services Committee will work on standards. In the interim, the Town should use the County standards.

D. Traffic Committee Recommendations – Crosswalks

Phase 1 of the traffic plan recommends installing crosswalks at hot spot crossings and at all border intersections surrounding the Town. Councilmembers were given a list of “hot spots.” It was the sense of the Council to do a pilot project selecting three locations in Town.

E. Website Posting Policy – Audit Posting

Councilmembers discussed developing a policy as to what information would be posted on the Town’s website. Councilmember Hoffman had requested that the

Town's FY06 audit be posted on the website. Although not all Councilmembers agreed with it, it was the general sense of the Council to post the audit.

Councilmember Wolf's Community Relations Committee will look into whether or not to have an interactive listserv.

F. Water Management Ordinance – Application Fee

In anticipation of the water drainage ordinance becoming effective on March 8, 2007, the Town Council needs to set the application fee for review of a Water Management Plan. The Town Manager reported that staff recommends that the fee be set at \$500.00. This fee is the same amount as the application fee charged for new residential construction and is the highest application fee currently charged by the Town.

Councilmember Enelow made a motion to approve the \$500.00 application fee for review of a Water Management Plan. Councilmember Hoffman seconded the motion, and it passed unanimously.

G. Police Reports and the Town Listserv

Councilmembers discussed whether or not to post crime reports on the Town listserv. It was the sense of the Council to leave the dissemination of those reports to public safety officials.

At the request of the Town Manager, Councilmembers discussed the current sidewalk snow removal program in terms of when the contractor should be directed to start shoveling sidewalks. Currently, the contract specifies a depth of 5 inches on the sidewalk.

Councilmember Enelow made a motion to lower the depth to 3 inches. Councilmember Wolf seconded the motion. Discussion followed. Councilmember Strom amended the motion to set the depth at 4 inches. Councilmember Wolf seconded the amended motion. Councilmembers Strom and Wolf voted in favor of the amended motion and Councilmembers Enelow and Hoffman were opposed. Councilmember Hoffman pointed out that shoveling the sidewalks was a real amenity for residents and wanted the amendment amended to the level of the original motion, which called for a depth of 3 inches. A vote was taken and all Councilmembers voted for a depth of 3 inches. Staff was directed to publicize the change in the FORECAST and on the Town's website.

Councilmembers discussed Beth Inabinett's, 3915 Underwood Street, request to grant her building permit conditioned upon the holding of a site management meeting so that she would be exempt from the water ordinance. It was the sense if the Council not to grant an exemption.

Councilmember Wolf informed the Council that the Community Relations Committee is looking into creating a community block captain program.

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

Respectfully submitted,

Kathy Strom
Secretary

Transcribed by Andi Silverstone