

TOWN OF CHEVY CHASE
COUNCIL MEETING
March 12, 2008

Present: Linna Barnes, Mayor; Rob Enelow, Vice Mayor; Lance Hoffman, Secretary; Kathy Strom, Treasurer; Mier Wolf, Community Liaison; Todd Hoffman, Town Manager; Ted Pochter, Assistant Town Manager; Andi Silverstone, Town Clerk; David Podolsky, Town Attorney; Alan Beal, Consultant. Residents and guests: Sam Schwartz, Harris Schechtman, and Annie Weinstock, Consultants from Sam Schwartz PLLC, Purple Line consultants; Pat Burda, 4108 Woodbine Street, for Long Range Planning Committee; William Pritchard, 7211 Ridgewood Avenue, for Public Services Committee; Morgan Halvorsen, 4601 N. Park Ave. (journalism student); Amir A. Afshar, 6804 Connecticut Avenue and architect Faramarz Sabouri; John Navratil, 7216 Oakridge Avenue; Joe Rubin, 4409 Ridge Street; William Walk, 7208 Oakridge Avenue; Judy McGuire, 4003 Rosemary Street; Mary Pat Couig, 7106 Oakridge Avenue; Lucy and Tom O'Bryon, 4010 East-West Highway; Mike Lebowitz, 7102 Oakridge Avenue; Katie Berg, 7217 Oakridge Avenue; Erin Walk, 7208 Oakridge Avenue; Blaney Harper, 4002 Rosemary Street; and the following members of Boy Scout Troop 52: Howard Oppenheim, Graham Mosley, Max Mouve, Zoe Ambargis, Campbell Peterson, Chris Schroder, Wills Green, Mike Galleher, and Marjorie Galleher.

I. General Business

A. Call to order

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

B. Pledge Allegiance to the Flag

Members of Boy Scout Troop 52 led those in attendance in the pledge of allegiance to the flag.

C. Approval of February 2008 Financial Report

Councilmember Strom made a motion to accept the financial report for February 2008. Councilmember Enelow seconded the motion, and it passed unanimously.

D. Approval of Minutes of January 2008 Council Meeting and Executive Session and February 2008 Council Meeting and Executive Session

Councilmember Hoffman made a motion to approve the minutes as listed on the agenda. Councilmember Wolf seconded the motion, and it passed unanimously.

E. Public Comments

Mayor Barnes explained that residents have the opportunity to make public comments except concerning the variances, which will be heard later. The Mayor asked residents to limit their comments to two minutes.

Doug Mangel, 4410 Leland Street (not on sign-in sheet), spoke in favor of setting a town-wide speed limit of 20 mph and not establishing a 25 mph speed limit on Leland Street.

Erin Walk, 7208 Oakridge Avenue, spoke in favor of installing sidewalks on Oakridge Avenue.

John Navratil, 7216 Oakridge Avenue, spoke in favor of a sidewalk on Oakridge Avenue and establishing a Town-wide speed limit of 20 mph.

Katie Berg, 7217 Oakridge Avenue, voiced support for a sidewalk on Oakridge Avenue between Curtis Road and Thornapple Street.

Mary Couig, 7106 Oakridge Avenue, requested a 3-way STOP sign at the corner of Curtis Road and Oakridge Avenue.

Michael Lebowitz, 7102 Oakridge Avenue, spoke in support of a sidewalk on Oakridge Avenue between Curtis Road and Thornapple Street.

II. Purple Line Presentation by Sam Schwartz, LLC

Sam Schwartz described his company's efforts to develop alternatives for the current Purple Line proposal and to study the impact of the current proposal on the Town of Chevy Chase. Mr. Schwartz described various options under consideration by the Maryland Transportation Administration (MTA). He identified the various funding sources that would be needed for the State's project.

Mr. Schwartz compared the building of the Purple Line on the Capital Crescent Trail (CCT) versus the Jones Bridge Road alignment in terms of costs, loss of trees, and [crime] the ability of the alignments to address BRAC-related transportation needs. The costs associated with the CCT alternative are higher, more trees would be lost, and it would [likely bring more crime to the neighborhood, since the tracks would be adjacent to the Town] address BRAC-related transportation needs as well as the JBR alignment.

Pat Burda, Chair of the Long Range Planning Committee (LRPC), recommended that a letter be sent to the State asking MTA to study other alternatives. She expressed the need for the Town to be on the record. The LRPC is establishing a working group to look at other options and increase attention to the environmental impact of the Purple Line.

Councilmembers discussed strategies for having the State conduct the necessary studies and analyses to compare a variety of transit options, including re-locating the train tracks and looking into tunneling and cut and cover. Ms. Burda advocated for asking the State for a different alignment. Staff was directed to include a discussion of Purple Line alternatives on the agenda for the April meeting.

Councilmembers thanked Sam Schwartz, PLLC for their draft report.

III. Variance Requests (Out of agenda order.)

A. O'Bryon, 4010 East-West Highway, Side Yard Setback

Mayor Barnes described the procedure for hearing the variance requests. Assistant Town Manager Ted Pochter presented the staff reports.

Tom and Lucy O'Bryon, 4010 East-West Highway, applied for a variance from building regulations to construct a roofed porch that would extend 7 feet into the front yard setback of the property. The Town building code prohibits roofed porches to extend more than 3 feet into any setback; therefore, a variance of 4 feet is required.

The subject property is located on a corner lot at the intersection of East-West Highway and Chatham Road; as such, the property has two front yards. The proposed roofed porch would extend 7 feet into the 26-foot minimum required yard along Chatham Road.

The Town has received two letters of support for this variance. The applicants' claims of hardship include the following: the lot is exceptionally narrow and shallow due to its triangular shape; a portion of the applicants' front yard along Chatham Road abuts the neighbors' side lot line, but this same lot line is defined as the applicants' rear lot line with a 20 foot setback, rather than an 8 foot side setback; this configuration makes the applicants building envelope even shallower and cuts through the existing house; the lot has a steep drop off, which further reduces the usability of the yard; the lot is subject to the extraordinary condition of being located on East-West Highway and this location subjects the applicants to greater foot traffic than elsewhere in the neighborhood as well as more noise and pollution, requiring that the outdoor orientation be focused on Chatham Road as there is no usable backyard space; in order to use the yard space along Chatham Road, the applicants need a porch with steps, since the house is located up a steep incline from the road and sidewalk.

According to the applicants, approval of this variance will not be detrimental to the use and enjoyment of neighboring properties. The applicants assert that the request is the minimum necessary to overcome the shape of the lot and the inaccessibility of the yard; that the proposed improvements will not impact sight lines, and state that the unenclosed columned porch would result in a minor change in footprint (less than 80 square feet) and that it is a modest renovation that will greatly improve the exterior appearance of the house.

The residents stated that there are three large trees on the property that are being protected. The project will have no impact on the trees on their property.

Councilmember Wolf made a motion that the variance request be granted as proposed. Councilmember Hoffman seconded the motion. Discussion followed about how the project met the criteria for a variance: the lot is unusually shaped with unusual topographical conditions, and the applicants' proposal is the minimum necessary to overcome these hardships. The motion was approved unanimously.

B. Afshar, 6814 Connecticut Avenue, Front Yard Wall

Assistant Town Manager Ted Pochter presented the staff report to the Council.

Amir and Kianosh Chitsaz Afshar, 6814 Connecticut Avenue, have applied for a variance from Town building regulations to construct a series of front yard retaining walls over 1 foot high to be located on the property line along Connecticut Avenue. The Town building code prohibits front yard walls over 1 foot high; therefore, a variance is required. The applicants were granted an administrative variance previously, by opinion dated December 28, 2007, for a series of front yard retaining walls, including three walls located along portions of the driveway and three replacement walls located parallel to Connecticut Avenue, all at a maximum height of 42 inches. The applicants have amended their request to construct the retaining walls to a maximum height of 51 inches. The walls would be constructed of concrete block finished with stucco.

Discussion followed about the need to have the wall reduced in height, since it is already built. Councilmember Wolf was not in favor of having Mr. Afshar tear down the wall. He made a motion to accept the proposed variance as requested because the wall would not be a uniform height if it were lowered. Councilmember Enelow seconded the motion. Councilmember Enelow pointed out that no one was objecting to the appearance of the wall. He suggested that the Town look into the possibility of fining residents who violate the conditions of their permit. Councilmember Hoffman pointed out that Mr. Afshar had not met the criteria for a variance to be granted. Councilmember Strom also said that the applicant had not satisfied the tests for variances.

The vote was called with Councilmembers Wolf and Enelow in favor of granting the amended request, and Councilmembers Barnes, Hoffman, and Strom opposed.

VI.. New Business (out of agenda order)

Mary Anne Hoffman, 7104 44th Street, and Tina Coplan, 7003 Meadow Lane, described a plan for an art project on the Capital Crescent Trail to help the community and elected officials visualize the impact of a train on the trail. They requested a donation of \$3,000 from the Town for supplies. They are planning an event for May 31, 2008.

Councilmember Enelow made a motion to donate \$5,000 to the project. Discussion followed. It was the sense of the Council to provide a \$3,000 donation as requested, with the understanding that another donation would be considered if needed. Councilmember Hoffman amended Councilmember Enelow's motion to approve a donation of \$3,000 for the art project. Councilmember Wolf seconded the motion, and it passed unanimously.

IV. Council Actions

A. Introduction of Building Regulations Ordinance

Mayor Barnes made a motion to introduce the amended Building Regulations Ordinance. Councilmember Strom seconded the motion, and it passed unanimously. A public hearing on the ordinance will be held during the first week in April.

B. Introduction of an Ordinance to Set Town-Wide Speed Limit of 25 MPH, to Establish Special Speed Limits on Certain Town Roadways, and to Authorize the Town Manager to Provide for the Erection and Maintenance of Speed Limit Signs

Councilmember Hoffman made a motion to introduce the ordinance regarding speed limits. Councilmember Wolf seconded the motion, and it passed unanimously. A public hearing will be scheduled during the April 9 Council meeting. If necessary, a work session also will be scheduled.

V. Discussions

A. Election Procedures

Councilmembers discussed the Town's current election procedures. The Council appoints an election board and establishes elections procedures. The long-time chairperson of the Town's Election Board, Sue Hill, has decided to resign.

Discussion followed about contracting with the League of Women Voters to handle the Town's next election. Staff was directed to contact the League of Women Voters to determine their availability to manage the Town election on May 6 and the cost for their services. Councilmembers discussed having the polls open all day, from 8 a.m. to 8 p.m., and scheduling the election on a Saturday. Staff was directed to schedule, at a future Council meeting, a discussion of holding Town elections on a Saturday.

The Council will appoint the Elections Board at the April Council meeting. Councilmembers were asked to provide Mayor Barnes with suggestions for members.

Mayor Barnes made a motion to have the polls open from 8 a.m. to 8 p.m. on Election Day, the first Tuesday in May. Councilmember Wolf seconded the motion, and it passed unanimously.

B. Oakridge/Thornapple Sidewalks & Other Sidewalks Recommended by Public Services Committee

Councilmember Hoffman, liaison to the Public Services Committee, explained that the committee was following up on the recommendations of the old Traffic Committee and resident requests.

There was discussion about the best way to notify residents about the proposed sidewalk installation. It was the sense of the Council to hand deliver a letter to

every residence on Thornapple Street and Oakridge Avenue who would be affected by the installation of a sidewalk. Staff was directed to let residents know that plans and information on the proposed sidewalk are available on the Town's website. Council asked that a postcard be sent to all Town residents about the proposed sidewalk installation. A public hearing will held at the April 9 Council meeting.

Councilmember Strom mentioned timeline issues in terms of construction of the sidewalk before school begins. She asked how long it would take to implement. The Town Manager indicated that the sidewalk could be installed by the early fall.

C. Request for STOP Sign(s) at Oakridge Avenue/Curtis Road Intersection

Town Manager Todd Hoffman presented the staff report on the request for STOP signs at Oakridge Avenue and Curtis Road. The engineer who did the feasibility study recommended against STOP signs at this location and offered alternatives, including posting a 20 mph speed limit on the 7200 block of Oakridge Avenue.

Councilmember Enelow recommended deferring decisions about STOP signs until a decision is made about sidewalk installation along Oakridge Avenue.

Councilmember Hoffman made a motion to amend the Speed Limit Ordinance introduced earlier in the meeting to include posting a 20mph speed limit on the 7200 block of Oakridge Avenue. Councilmember Wolf seconded the motion. Councilmembers Barnes, Strom, Hoffman, and Wolf voted in favor of the motion. Councilmember Enelow was opposed. The motion carried with a vote of 4-1.

C. Request for STOP Sign(s) at Meadow Lane/Blackthorn Street

The Town Manager presented the staff report on the request for a STOP sign at Meadow Lane and Blackthorn Street. The engineer recommended against installing a stop sign at this location.

The Council decided against the request for a STOP sign at Meadow Lane and Blackthorn Street.

E. Building Permit Appeal Procedures – Deferred until April Meeting

F. Time Limits on Variance Approvals – Deferred until April Meeting

VI. New Business (continued)

Town Manager Todd Hoffman reported on a meeting he had with Mayor Barnes, Councilmember Wolf, and Dr. John Petersen, a George Mason University economist, concerning an economic impact study of the proposed building regulations ordinance. They will meet with another applicant from the University of Maryland next week and will evaluate both proposals and costs and report back to the Council.

There being no further business, the meeting was adjourned at 10:40 p.m.

Respectfully submitted,

Lance Hoffman
Secretary

Transcribed by Andi Silverstone