

TOWN OF CHEVY CHASE  
TOWN COUNCIL MEETING  
July 9, 2008

Present: Kathy Strom, Mayor; Rob Enelow, Vice Mayor; David Lublin, Secretary; Linna Barnes, Treasurer; Al Lang, Community Liaison; Todd Hoffman, Town Manager; Andi Silverstone, Town Clerk; David Podolsky and Adam Cohen, Town Attorneys; and Alan Beal, Town Consultant.

Residents and guests: Ann Wild, 7104 Oakridge Avenue; Marjorie Wollberg, 3907 Leland Street; Ray Squitieri and Lone-Lin Wang, 4114 Stanford Street; Mark Grisar, architect for Mr. Squitieri and Ms. Wang; Monique Shimm, 4215 Thornapple Street; Andy and Janet Freimuth, 4009 Underwood Street; Michael and Alisa Lebowitz, 7102 Oakridge Avenue; Beth Kevles, 4407 Elm Street; Mary Pat Couig, 7106 Oakridge Avenue; Pat O'Rourke, 3904 Rosemary Street; Judy McGuire, 4003 Rosemary Street; Betsey Haddad, 3906 Rosemary Street; Rose Miller, 7000 Valley Place; Kate Berg, 7217 Oakridge Avenue; Jim Eichner, 4540 Langdrum Lane; Joan April, 3911 Leland Street, Pat Burda, 4108 Woodbine Street; Margaret Clark, 7205 Oakridge Avenue; Nicholas Hadley, 3907 Rosemary Street; Bruce Russell, 7107 Oakridge Avenue; Nick Anderson, 7101 Oakridge Avenue; Mike and Georgia Guhin, 4006 Rosemary Street; Jon Navratil, 7216 Oakridge Avenue; D. Kesterman, 7303 Oakridge Avenue; Stephanie Flack, 7111 Oakridge Avenue; Karen Elkins, 4213 Thornapple Street; Susan Milner, 4404 Stanford Street; Anjali Prakash, 4309 Elm Street; Doug Lowenstein, 3902 Rosemary Street; and Murray Horwitz, 3903 Rosemary Street.

I. General Business

A. Call to order

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

B. Pledge of Allegiance to the Flag

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

C. Approval of the Minutes of the June 2008 Council Meetings

Councilmember Lublin made a motion to approve the minutes of the June open and executive Council meetings. Councilmember Barnes seconded the motion, and it passed unanimously.

D. Public Comments

Ann Wild, 7104 Oakridge Avenue, spoke about the need for more communication to residents about crime in the neighborhood. Mayor Strom indicated that the Community Services Committee will work on determining how best to communicate with residents concerning crimes.

II. Variance Hearings (The variance hearings were recorded)

A. Wang/Squitieri, 4114 Stanford Street, Side Yard Setback Variance

Town consultant, Alan Beal, presented the staff report for the variance request. He distributed 6 statements from residents in support of the request. Jone-lin Wang and Ray Squitieri, 4114 Stanford Street, applied for a variance from Town building regulations to construct an addition within the side yard setback of the subject property. Town building regulations prohibit construction within a side yard setback; therefore, a variance is required.

Mark Grisar, the architect for the project, described the plans. The applicants propose to construct an addition to the southwest corner of the existing home. The town code requires a total side yard setback of 18 feet, with a minimum of 8 feet on one side, for this property. The east side of the existing home is located 5.8 feet from the side property line at its closest point; therefore the side yard setback from the west property line is 12.2 feet. The applicants propose to build the addition 11 feet from the west property line at its closest point; therefore a variance of 1.2 feet is required. The applicants are requesting a variance of 1.5 feet to allow for a margin of error during construction.

Among the claims made by the applicant are that the lot is very small (under 4900 s.f.), exceptionally shallow and unusually shaped. The existing house is not sited squarely on the lot. The northeast and southwest corners of the building are much closer to the property lines than they would be if the house sides were parallel to the side property lines. Conforming to the side yard setback would result in an oddly shaped side wall that would cut off the corner of the addition and not be in character with the existing home or other homes in the Town. According to the applicants, approval of the variance will not be detrimental to the neighbor's use and enjoyment of their properties. The addition is one story, with a total area of 45 s.f. Only 3.2 s.f. of the proposed addition would be non-conforming. The proposed addition would be constructed 11 feet from the side property line, more than the 8 or 10 foot minimums for most 60 foot wide lots.

Councilmember Lang made a motion to approve the variance as requested. Discussion followed about the fact that the variance meets the criteria for granting a variance. Councilmember Lublin seconded the motion, and it passed unanimously.

B. Minchik, 4212 Thornapple Street, Side Yard Setback Variance and Rear Yard Setback Variance

Consultant Alan Beal presented the staff report. He reported that 3 letters had been received from residents expressing support for Mr. Minchik's project.

Councilmember Lublin recused himself from this variance hearing, because he is Mr. Minchik's neighbor.

Richard Minchik, 4212 Thornapple Street, applied for a variance from Town building regulations to construct an addition within the side yard setback and rear yard setback of the subject property. Town building regulations prohibit construction within setbacks; therefore, a variance is required.

The applicant proposes to add a second story addition over an existing non-conforming first story. The town code requires a total side yard setback of 16 feet, with a minimum of 8 feet on each side, for this property. The applicant proposes to construct the addition 6.5 feet, at its closest point, from the northeast side property line; therefore a side yard variance of 1.5 feet is required. The town code requires a total rear yard setback of 20 feet for this property. The applicant proposes to construct the addition 10.2 feet, at its closest point, from the rear property line; therefore a variance of 9.8 feet is required.

Among the hardships described by the applicant are that the lot is small and irregularly-shaped with no other possible location for a bathroom addition. The addition does not change the footprint of the house. The improvement is vertical and is non-conforming based on current setbacks. The addition will be compatible with the character of the existing home. The proposed addition will not increase the height of the home and is compliant with the new F.A.R. restrictions.

Councilmember Barnes made a motion to grant the variance on the grounds that the lot is very small, the existing house is non-conforming, and the lot is irregularly shaped. Councilmember Lang seconded the motion, and it passed with a vote of 4-0.

C. Murray, 3909 Leland Street, Driveway Variance and Front Yard Retaining Wall Variance

Alan Beal presented the variance request. Two residents spoke in support of the variance: Margaret Clark, 7295 Oakridge Avenue, and Joan April, 3911 Leland Street.

John Murray, 3909 Leland Street, applied for a variance from Town building regulations to construct a front yard retaining wall that extends into the Town right-of-way and for a variance to construct a driveway wider than 10 feet. Town building regulations prohibit front yard walls, walls in the Town right-of-way, and driveways on private and public property wider than 10 feet; therefore, three variances are required. The applicant proposes to remove an existing non-conforming front yard retaining wall and construct a new front yard retaining wall with a maximum height of 48 inches to accommodate the proposed new driveway. The proposed wall would extend from the sidewalk to the front line of the house (approximately 46 feet). The town code prohibits front yard walls on private property that are 12 inches or higher; therefore a front yard wall variance is required. The proposed wall would extend approximately 17 feet into the Town right-of-way. The town code prohibits the installation of any wall on public property devoted to private use, so a variance is required to install the wall in the Town right-of-way.

The applicant also proposes to widen the existing 10 foot wide driveway by 5 feet in the front yard. The town code prohibits driveways on private property wider than 10 feet in front of the front building line of the house; therefore a variance of 5 feet is required. The applicant proposes to widen the existing 10 foot wide driveway in the Town right-of-way by up to 5 feet. The town code prohibits driveways wider than 10 feet in the Town right-of-way; therefore a variance of 5 feet is required.

The lot has unusual topographic features. The existing driveway is 5' below grade. The existing driveway is framed by retaining walls that extend from the house to the sidewalk (46 feet). The current wall on the east side of the driveway is falling over. The current driveway is unusable due to its narrowness (applicant cannot get in or out of his car when parked in the driveway). The proposed improvements will not impact the neighboring properties. The average car with its doors open is 12 feet wide. The 15 foot proposed driveway will permit loading and unloading of the car in the driveway. The proposed driveway improves the safety of children by preventing them from getting in and out of a car on Leland Street.

Councilmember Lang made a motion to grant the variance request. Councilmember Lublin seconded the motion, and it passed unanimously.

### III. Public Hearings and Council Actions

#### A. Public Hearing on Proposed Sidewalks for Oakridge Avenue and Thornapple Street (The public hearing was recorded.)

The Council held a public hearing on proposed sidewalks for Oakridge Avenue and Thornapple Street. The Council decided to discuss the Oakridge Avenue sidewalk plan and the Thornapple Street sidewalk plan separately. Councilmember Lublin recused himself from the siting of the proposed sidewalk on Thornapple Street.

Discussion followed about the width of the sidewalk and on which side(s) to allow parking on the street. Councilmembers discussed what type of surface to use. It was the sense of the Council to use concrete in this location, because the preponderance of evidence supports the use of permeable surfaces in larger areas and not in small applications. Councilmember Lang made a motion to accept option 5. Councilmember Barnes seconded the motion. Councilmember Enelow made a motion to amend option 5 to have the width of the sidewalk be 4 feet except around the storm drain. Councilmember Lang seconded Councilmember Enelow's amendment. Councilmembers Strom, Barnes, and Lang voted in opposition to the amendment, and it failed. The original motion was called. Councilmembers Strom, Enelow, Barnes, and Lang voted to adopt option 5, which places the proposed new sidewalks on the north side of Thornapple Street. Councilmember Lublin abstained.

Councilmembers discussed options for the proposed sidewalk on Oakridge Avenue including the placement of the sidewalk and the use of stop signs and crosswalks. Councilmember Lang made a motion to install the sidewalk on Oakridge Avenue per option 5. Councilmember Lublin seconded the motion. Councilmember Enelow made an amendment to the motion to have another meeting to discuss the feasibility of two-sided parking on Oakridge Avenue. Councilmember Lang seconded Councilmember

Enelow's motion for purposes of discussion. Mayor Strom noted that there had already been three public hearings on the sidewalk. Councilmember Enelow's amendment failed, with Councilmembers Strom, Lublin, Barnes and Lang opposed and Councilmember Enelow in favor. Councilmember Lang offered to have a study done to determine if two-sided parking could be done for the bottom of Oakridge Avenue in front of the two houses at the bottom of the hill.

A vote was called on Councilmember Lang's original motion, and it passed unanimously. The Council agreed that the sidewalk would be concrete and would have a width of 3.5 feet. Councilmembers unanimously approved, by consensus, the installation of sidewalks on Curtis Road and Oakridge Avenue. The Council directed staff to prepare a resolution to require traffic in all directions to stop at the intersection of Oakridge Avenue and Curtis Road and to schedule a public hearing on the resolution at a future meeting. Crosswalks were also unanimously approved at the intersection of Oakridge Avenue and Thornapple Street and at the intersection of Maple Avenue and Thornapple Street.

**B. Public Hearing on Proposed Chevy Chase Elementary School (CCES) Traffic Plan (The public hearing was recorded.)**

Councilmembers were presented with a petition from residents urging Councilmembers to make six decisions relating to the CCES traffic plan: 1) establishment of one area for non-bus drop-offs, 2) limiting school bus traffic to one-way on Rosemary Street from 8-4, 3) enforcing all restrictions, 4) not eliminating allowed parking on the north side of Rosemary Street, 5) opposing any new signage that could make problems worse for residents and their guests, 6) and beginning a broader review of long-term traffic issues around the school and on Rosemary Street.

The Council heard testimony from residents about the proposed CCES Traffic Plan and the possible impact on the vicinity of the school. The Council decided to have a work session on the proposed CCES Traffic Plan in late July and to hold another public hearing on the proposed plan after the work session. The CCES traffic work session and public hearing are to consider both existing proposals as well as new ideas.

It was the sense of the Council that the principal of the school should contact parents about the traffic issues around the school. The Town has the authority to control traffic within its borders.

**C. Introduction of an Ordinance to Amend Section 15-4 of the Town Code to Establish Special School Zone Speed Limits on Certain Roadways and to Authorize the Town Manager to Erect Appropriate Signs**

Councilmember Barnes made a motion to introduce the ordinance to establish special school zone speed limits on certain Town roadways and to erect appropriate signs. Councilmember Lublin seconded the motion, and it passed unanimously. The ordinance will be considered at the public hearing on the CCES Traffic Plan.

**D. Consideration of a Resolution Authorizing the Mayor to Execute a Cooperation Agreement with Montgomery County for Participation in the**

Community Development Block Grant Program (CDBG) and the Home Investment Partnership Program (HOME) for Fiscal Years 2009, 2010 and 2011

Town Manager Todd Hoffman briefed Councilmembers on the cooperation agreement with Montgomery County. The County has asked the Town to renew a cooperation agreement in the CDBG and HOME. Both grant programs are administered by the U.S. Department of Housing and Urban Development and provide a source of funding for neighborhood revitalization and house programs to benefit low and moderate income County residents.

Councilmember Barnes made a motion to renew the cooperative agreement with the County and participate in the programs. Councilmember Lublin seconded the motion, and it passed unanimously.

IV. Discussions & Presentations

A. Leland Center Playground – Request for Town Contribution

Susan Milner, 4404 Stanford Street, and Anjali Parekh Prakash, 4309 Elm Street, came before the Council to request that the Town approve a contribution of \$30,000 to supplement the County's \$60,000 budget for the playground renovation at the Leland Community Center.

Mrs. Milner and Mrs. Prakash described the background of the playground renovation, the design, and the process they followed to obtain funding from the County. They stated that there will be two sections of the playground to accommodate children ages 2 – 5 and one for children ages 5 -12.

Councilmember Barnes made a motion to approve a \$30,000 contribution for the Leland Center playground with a supplemental appropriation from the General Fund to Civic Affairs. Councilmember Lang seconded the motion, and it passed unanimously.

Councilmember Barnes thanked Mrs. Milner and Mrs. Prakash for their efforts and for bringing the community together to work on this project.

B. Purchasing Carbon Offsets for Town Streetlights

Judy McGuire, 4003 Rosemary Street, came before the Council on behalf of the Climate Protection Committee to request that Councilmembers approve a contribution of \$780 to offset the carbon from the Town streetlights, as the Council did two years ago.

Councilmember Lang requested more specific data about the benefits of purchasing carbon offsets and what other options the Town may have for contributions next year.

Councilmember Enelow made a motion to approve a donation of \$780 of carbon offsets. Councilmember Barnes seconded the motion, and it passed unanimously.

C. Removal of "Access to Wisconsin Avenue Restricted" Signs on Streets Intersecting Connecticut Avenue

Town Manager Todd Hoffman briefed Councilmembers on a recommendation from the Town engineer to remove “Access to Wisconsin Avenue Restricted” signs on the streets that intersect Connecticut Avenue. According to the engineer, the signs compete with new 25 mph signs at entry points to the Town and are no longer needed to restrain non-local traffic flow. The Public Services Committee agrees with the engineer’s recommendation. The Town Manager reported that the Town office received two e-mails in support of removing the signs and one e-mail opposed to removing the signs.

Councilmember Enelow made a motion to remove the “Access to Wisconsin Avenue Restricted” signs on streets intersecting Connecticut Avenue. Councilmember Lang seconded the motion, and it passed unanimously.

D. Legislation to Modify Requirement for 30-day Notification to County for Building Code Changes

It was the sense of the Council to support legislation to modify the requirement for 30-day notification to Montgomery County for building code changes.

E. Update on Renaming Leland Center for Jane Lawton

Mayor Strom updated Councilmembers on the efforts of the County Council to have the Leland Recreation Center named after former Mayor and Town resident Jane Lawton. The name change is being considered by the Maryland-National Capital Park and Planning Commission.

F. Public Safety & Security Patrols

In light of recent events in Elm Street Park, the Council directed staff to ask Park police and Montgomery County police to increase patrols in the park. Staff will monitor the police coverage. Off-duty Montgomery County police officers who work for the Town also will increase patrol in Elm Street Park.

Councilmembers discussed how to communicate with residents concerning local crimes. Mayor Strom’s Community Relations Committee will develop a policy to identify methods, in addition to the Forecast newsletter, that the Town can use to provide timely alerts to residents about criminal activities. It was the sense of the Council to only use the Town Crier in emergency situations.

V. New Business

Pat Burda, Chair of the Long Range Planning Committee, came before the Council to describe a plan Montgomery County has to direct a bike path down 47<sup>th</sup> Street and Willow Lane. It is called Bethesda Bikeways. Since the tunnel in Elm Street Park is available, it is unclear why the County is proposing the new bike path that will require the removal of some trees. Mrs. Burda asked the Council to go on record as opposing the new bike path.

Councilmember Lublin made a motion that the Town go on record as opposing Bethesda Bikeways. Councilmember Lang seconded the motion, and it passed unanimously.

Mrs. Burda presented Councilmembers with the final accounting of donations and expenses for the Connect the Trail event. Total donations collected were \$7,030. Total expenditures were \$8,927.22, leaving a deficit of \$1,897.22. On behalf of the committee for the event, Mrs. Burda requested that the Town donate \$1,897.22 to cover the deficit.

Councilmember Barnes made a motion to donate an additional \$1,897.22 for the Connect the Trail event. Mayor Strom seconded the motion, and it passed unanimously.

There being no further business, the meeting was adjourned at 10:50 p.m.

Respectfully submitted,

David Lublin  
Secretary

Transcribed by Andi Silverstone