

TOWN OF CHEVY CHASE  
TOWN COUNCIL MEETING  
November 12, 2008

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

Absent: Todd Hoffman, Town Manager

Residents and Guests: Bruce Russell, 7107 Oakridge Avenue; Joe Rubin, 4409 Ridge Street; Sally Kelly, 7300 Oak Lane; Steve Schmal (Chevy Chase Friends of the Library/Library Advisory Committee), 7317 Summit Avenue; Ann Wild, 7104 Oakridge Avenue; Vicky Taplin, 4120 Leland Street; Pat Burda, 4108 Woodbine Street; Barbara Bryniarski, 4228 East-West Highway; and Deborah Vollmer, 7202 44<sup>th</sup> Street.

I. General Business

A. Call to order

Mayor Strom called the meeting to order at 7:00 p.m.

B. Pledge Allegiance to the Flag

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

C. Approval of Minutes of October 14 Council Meeting and Executive Session

Councilmember Barnes made a motion to approve the minutes of the regular meeting and executive session. Mayor Strom proposed one correction. Councilmember Enelow seconded the motion with Mayor Strom's correction. The minutes of both sessions were approved unanimously.

D. Approval of October 2008 Financial Report

Council Treasurer Barnes presented the October 2008 financial report. She pointed out that income tax receipts are lower when compared to last year. Discussion followed about legal expenses and expenses for the Purple Line.

Councilmember Barnes made a motion to approve the financial report for October 2008. Councilmember Enelow seconded the motion, and it passed unanimously.

E. Public Comments

Deborah Vollmer, 7402 44<sup>th</sup> Street, asked the Council to consider a moratorium on "tear-downs" in the Town. She described her concerns about a proposed

home that is to be built next door to her. Mayor Strom will schedule a meeting with Ms. Vollmer to discuss on the Town code as it relates to the house being built next to her.

Bruce Russell, 7107 Oakridge Avenue, Chair of the Long Range Planning Committee, questioned why there is consideration of giving rebates to residents. He listed the pending projects his committee wants to work on and wanted to be assured that there would be funds for those projects.

## II. Variance Hearing

Zoning Consultant Alan Beal presented the staff report. Mr. and Mrs. James Hamsher, 7608 Lynn Drive, have applied for a variance from Town building regulations to construct an addition within the side yard setback. Town Code prohibits structures that project into a side setback; therefore, a variance is required.

The applicants propose to construct a rear addition to their home. The proposed addition projects a maximum of 1 foot into the 8 foot minimum required side setback; therefore a side yard setback variance of 1 foot is required.

As of October 31, 2008 the Town has received correspondence from Sheila Power and Larry Chartienitz, 7610 Lynn Drive, supporting the variance request.

The applicants made several claims in support of their variance:

- The topography of Lynn Drive caused the lots adjacent to the subject property to be platted with an accommodation for off-street parking (a portion of Lynn Drive widens to allow for parking). This accommodation caused the subject property to be platted with an unusual shape.
- The existing home is not constructed parallel to the west property line.
- The proposed addition is the minimum necessary to meet the needs of the family. Conforming to the Town's building ordinance would be impossible, impractical, would cause peculiar or unusual practical difficulties, and would cause undue hardship.
- Approval of the variance will not be detrimental to the use and enjoyment of neighboring properties.
- The request is the minimum necessary to overcome the exceptional condition that is causing the hardship.
- The request does not cause substantial impairment to the intent, purpose, and integrity of the general plan of the Town.

Councilmember Lang had a question about the slant of the property line. Councilmember Barnes explained that the proposed addition clips a corner of the building restriction line due to the shape of the lot. The encroachment is only 1 foot into the building line and would enable the applicants to have a square room.

Councilmember Lublin made a motion to approve the variance request because of the lot lines and location of building restriction lines, making the request the minimum necessary to overcome the hardship. Councilmember Barnes seconded the motion, and it passed unanimously. Mr. Hamsher thanked Permitting Manager David Walton and Zoning Consult Alan Beal for their help.

## III. Public Hearings and Council Actions

A. Public Hearing and Council Action on an Ordinance to Amend the Town Code to Eliminate the Requirement that an Absentee Ballot Applicant Must Enclose a Self-Addressed, Stamped Envelope with an Application or Appear in Person at the Town Office to Pick up an Absentee Ballot

The Council held a public hearing on an amendment to the ordinance concerning the procedures for requesting an absentee ballot. The amendment had been introduced at the October 14, 2008 Council meeting.

Councilmember Enelow made a motion to adopt the ordinance. Councilmember Lublin seconded the motion, and it passed unanimously.

B. Public Hearing and Council Action on an Ordinance to Amend Certain Provisions of Chapter 4 of the Town Code Relating to the Regulation of Signs Displayed Within Town Limits

The Town Council held a public hearing on an ordinance to amend certain provisions of Chapter 4 of the Town Code relating to the regulation of signs displayed within Town limits that was introduced at the September Council meeting. Deborah Vollmer, 7202 44<sup>th</sup> Street, submitted written comments and provided comments and requests for clarifications of some of the provisions of the ordinance. Sally Kelly, 7300 Oak Lane, asked the Council to consider installing bulletin boards in the Town where residents could leave notices.

Councilmembers discussed each provision of the ordinance and made some changes. Councilmember Lublin made a motion to adopt the sign ordinance as amended. Councilmember Barnes seconded the motion, and it passed unanimously.

IV. Discussions & Presentations

A. Chevy Chase Community Library Presentation

Steve Schmal, Chairman of the Friends of the Library, Chevy Chase Chapter and co-chairman of the Library Advisory Committee at the library spoke to the Council about a citizen education program that his organizations are undertaking. He also asked to be able to contribute an article to the FORECAST about the two organizations he represents. It was the sense of the Council to consider articles for the FORECAST from Mr. Schmal's organizations.

B. "Shades of Green" Initiative

Vicky Taplin, Chair of the Environment Committee, and Sally Kelly, 7300 Oak Lane, briefed the Council on an idea for a brief, regular informational column in the FORECAST called "Shades of Green" as part of the Environment Committee's "educate and facilitate" initiative. The column, along with green webpages on the Town website, would provide links for more information and local and online resources. It was the sense of the Council to support adding the column to the FORECAST but the Council

advised that disclaimers would be needed and that no recommendations for vendors could be made.

C. Erlich Amendments to Forest Conservation Legislation (EC)

Vicky Taplin, Chair of the Environment Committee, explained County Councilmember Elrich's Amendments to the Forest Conservation Legislation. The committee recommended sending a letter of support for the amendments. She presented a draft of a letter to be reviewed by the Council. Councilmembers agreed to comment on the letter and send it to the County Council when finalized.

D. Purple Line Analysis

Pat Burda, Chair of the Long Range Planning Committee, briefed Councilmembers on meetings she attended regarding the Purple Line. She requested that the Council allocate a maximum additional \$30,000 for the Town's consultant to attend meetings in the area and to work in concert with the Town's recently retained attorney.

Councilmember Enelow made a motion to approve an additional allocation of a maximum of \$30,000 for the conclusion of the analysis of the Purple Line. Councilmember Lublin seconded the motion, and it passed unanimously.

E. Overnight Security Patrols

Councilmembers discussed the recent car break-ins on the weekends. The Town Manager directed the overnight security service to provide patrols on Sunday and Monday nights for the next few weeks. The regular schedule provides patrols Tuesdays through Saturdays. The Council agreed to maintain the extended hours of the service.

Councilmember Lublin recommended that the Council take a comprehensive look at public safety, including current police services and street lights.

F. Proposed Policy for Use of the Town Crier Listserv

Ann Wild, Chair of the Community Relations Committee, presented a Proposed Policy for Use of the Town Crier. One of the purposes of the Town Crier is to be an e-mail alert system to be used as a source of information for Town residents.

Councilmember Strom made a motion to adopt the policy with one correction. Councilmember Enelow seconded the motion, and it passed unanimously,

G. Update on Leland Center Naming

Mayor Kathy Strom reported that there would be a dedication ceremony when the Leland Center is renamed the Jane Lawton Community Center. She also reported that the State is establishing a "Jane Lawton Conservation Loan Program" in Ms. Lawton's honor.

V. New Business

Vicky Taplin described the public/private partnerships and incentives for planting and maintaining trees on private property that the Environment Committee is investigating as a possibility for Town residents.. There was discussion about the legality of using Town funds for planting trees on private property. The Town attorney was directed to look into that issue.

There being no further business, the meeting was adjourned at 10:05 p.m.

Respectfully submitted,

David Lublin  
Secretary

Transcribed by Andi Silverstone