

TOWN OF CHEVY CHASE
TOWN COUNCIL MEETING
December 10, 2008

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

Residents and Guests : Dian Seidel, 4426 Stanford Street; Judy McGuire, 4003 Rosemary Street; Jim Roy, 4511 Elm Street; Andy Knaus, 4109 Rosemary Street; Joe Rubin, 4409 Ridge Street; Elizabeth Mumford, 4301 Stanford Street; Betsey Haddad, 3906 Rosemary Street, and Charlotte Bruner, 6817 Connecticut Avenue.

I. General Business

A. Call to order

Mayor Strom called the meeting to order at 7:10 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 November 12 Council Meeting and Executive Session

Councilmember Barnes made a motion to approve the minutes of the November 12 Council meeting and Executive Session. Councilmember Lang seconded the motion, and it passed unanimously.

D. Approval of November 2008 Financial Report

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

1. Council Authorization to Establish New Line Item for Code Enforcement Services and to Transfer Funds from Code Enforcement Salary Line Item

Town Manager Todd Hoffman asked the Council to authorize the establishment of a new line item under Public Safety entitled "Code Enforcement Services" and to transfer \$60,000 from the Code Enforcement salary line item to the new Code Enforcement Services line item. The FY09 Budget included funds for a Code

Enforcement Officer; however, rather than filling that position with a new employee, the Town Manager hired a contractor to perform code enforcement activities.

Councilmember Barnes made a motion to create a new line item for Code Enforcement Services and to transfer \$60,000 from the Code Enforcement Officer line item in the Administration program to a new Code Enforcement Services line item in the Public Safety Program. Councilmember Lang seconded the motion, and it passed unanimously.

E. Acceptance of FY08 Audit

Councilmember Barnes made a motion to accept the FY08 Audit. Councilmember Lublin seconded the motion, and it passed unanimously.

F. Public Comments

There were no residents present who wanted to speak on any non-agenda item.

II. Variance Hearings

A. Roy, 4511 Elm Street, Front Porch Covering

Zoning Consultant Alan Beal presented the staff report. Jim Roy, 4511 Elm Street, applied for a variance from Town building regulations to construct a roofed porch that would extend 6.33 feet into the 31.14 foot front setback. The Town building code allows porch coverings to extend a maximum of 3 feet into a front setback; therefore, a variance of 3.33 feet is required.

The subject property is located at the end of Elm Street, adjacent to Elm Street Park. The applicant is redeveloping the property by demolishing the existing house and constructing a new house. The applicant has provided letters from three

adjacent homeowners supporting the variance request. The applicants made several claims in support of their variance:

- 4511 Elm Street is shallower than other lots along the same block. The property is also rather narrow relative to the rest of the neighborhood.
- Setting back the proposed house to accommodate the porch covering is impossible due to the location of an existing garage that will be maintained.
- The proximity of 4511 Elm Street to the Capital Crescent Trail and Air Right's Center creates an undue hardship.
- Approval of the variance will not be detrimental to the use and enjoyment of neighboring properties.
- A three foot porch covering is not practical for use as a "covered" porch.
- The requested variance is the minimum reasonably necessary to overcome the exceptional condition that is causing the hardship.
- The request does not cause impairment to the intent, purpose, and integrity of the general plan of the Town. The proposed porch covering will soften the look of the front of the new home and will fit in visually with other Elm Street houses.

Councilmember Barnes asked Mr. Roy why he couldn't move the building back to be able to cover the front porch without the need for a variance. Mr. Roy explained that the garage would exceed the FAR given the slope of his back yard.

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

B. O'Bryon, 7717 Chatham Road, Front Yard Fence

The Council decided to reschedule the variance hearing for the O'Bryons, because they were not present.

III. Public Hearing and Council Actions

A. Public Hearing and Council Action on The Chevy Chase Challenge Climate Action Plan

The Council held a public hearing on The Chevy Chase Challenge Climate Action Plan. There were no residents present who wanted to speak at the public hearing. The Chair of the Climate Protection Committee, Judy McGuire, and some members of her committee were in attendance to support the plan.

Ms. McGuire, 4003 Rosemary Street, briefed the Council on the background of the plan and how it was developed. The plan was developed, in part, as a response to the U.S. Mayors' Climate Protection Agreement, which the Town signed.

Mayor Strom proposed several small changes to the plan. She made a motion to adopt The Chevy Chase Challenge Climate Action Plan with these changes. Councilmember Enelow seconded the motion, and it passed unanimously.

IV. Discussions & Presentations

A. Community Services Survey

Councilmembers discussed the results of the Community Services Survey. They were particularly interested in the public safety responses, since, for most survey responders, public safety was one of the most important issues facing the Town. There was discussion about street lighting and security issues. Other issues that were important to residents included the Purple Line, mansionization, traffic/speeding and the environment. Communications, public service, and trash collection received high ratings.

The Council directed staff to post the survey results on the Town website.

B. Discussion of Establishing a Capital Fund

Councilmembers discussed establishing a Capital Fund as part of the annual budgeting process. Town Manager Todd Hoffman described how other jurisdictions, similar in size to the Town, fund their capital projects.

Mayor Strom suggested that there be a Town Hall meeting to get input from Town residents and involve them in the process.

It was the sense of the Council to continue discussion of whether or not to establish a formal Capital Fund at the January Council meeting.

C. Appointment of Volunteers to Town Parks and Playgrounds

Councilmember Lublin nominated Town residents Anjali Prakash, 4309 Elm Street, and Susan Milner, 4404 Stanford Street, to a new Parks and Playgrounds Commission. The Commission will operate as a sub-committee of the Land Use Committee. Councilmember Barnes seconded the motion, and it passed unanimously.

D. Proposal to Widen Oakridge Avenue

Councilmembers discussed whether to consider widening the 7100 block of Oakridge Avenue to accommodate additional on-street parking on that block. Councilmember Lang noted that residents do not want to widen the street at this time and recommended that the Council not proceed with widening the street. The Council concurred.

V. New Business

Councilmember Barnes reported that the League of Women Voters has agreed to contract with the Town to manage next year's election for \$5,000. It was the sense of the Council to execute the contract with the League.

Councilmembers agreed to pay for improvements at 4313 Bradley Lane to improve vehicular sight lines at the intersection of East Avenue and Bradley Lane.

The Town Manager asked the Council how to regulate overgrown vegetation in the Town right-of-way. It was the sense of the Council that staff should work with residents who need help and to issue citations if necessary to obtain compliance.

There being no further business, the meeting was adjourned at 9:30 p.m.

Respectfully submitted,

David Lublin
Secretary

Transcribed by Andi Silverstone