

TOWN OF CHEVY CHASE
COUNCIL MEETING
March 8, 2023

Discussion with Montgomery County Council President Evan Glass (7 p.m.)

REGULAR MEETING (7:45 p.m.)

- I. GENERAL BUSINESS (7:45-8 p.m.)
 - A. Call to Order
 - B. February 2023 Financial Report
 - C. Town Manager's Report
 - D. Public Comments
 - E. Special Public Comment Period on FY24 Budget Priorities

- II. VARIANCE HEARING (8-9 p.m.)
 - A. [Sindall, 4312 Stanford Street, Rear Yard Setback](#)
 - B. [Candler, 3911 Virgilia Street, Wall Plane Length and Side Yard Setback](#)

- III. COUNCIL DISCUSSIONS (9-9:30 p.m.)
 - A. Corso Chevy Chase Redevelopment
 - B. Farm Women's Market Parks Development
 - C. Zimmerman Park Redevelopment & Coquelin Run Improvements
 - D. [Antisemitism Awareness Resolution for Consideration by County Municipalities](#)

- IV. ADJOURNMENT (9:30 p.m.)

How to Join the Council Meeting

1. In-Person
4301 Willow Lane, Chevy Chase, MD 20815

2. [Online via Zoom](#)

3. By Phone via Zoom
(301) 715-8592 US
Meeting ID: 301 654 7144
Passcode: 6547144

STAFF REPORT

II-A

TO: Town Council
FR: Todd Hoffman, Town Manager
RE: Sindall, 4312 Stanford Street, Rear Yard Setback
DATE: March 8, 2023

Michael and Meghan Sindall, 4312 Stanford Street, propose to construct an addition to the side of their house that projects a maximum of 24.6 feet into the Town's 33.3 foot required rear yard setback. Town building regulations do not allow buildings to project into a rear yard setback; therefore, a variance is required.

Background:

As of March 3, 2023, the Town has received correspondence (attached) from four abutting property owners supporting approval of the variance request. Montgomery County has approved a rear yard setback variance for the same project. The Board of Appeals decision is attached.

Staff note: The following assertions summarize materials provided by the applicants in support of the variance request. Their inclusion in the Staff Report does not intend to convey staff support for the approval or denial of the variance request. The applicants should indicate to the Council if any arguments have been misrepresented. Council should consider the entire record in considering the variance request.

Applicants' Claims for the Variance Request:

1. The applicants' property is exceptionally shallow and unusually shaped. The property resembles an inverted pipe stem lot, the rear portion of which is exceptionally narrow. The wider front portion of the lot is exceptionally shallow. The existing house is non-conforming to the Town's setback requirements.
2. Approval of the variance is requested because conforming to the Town's building ordinance would be impractical and cause peculiar or unusual practical difficulties. Any proposed construction in the narrow "pipestem" area of the lot would be more impactful to neighboring properties and would require the approval of setback variances. Construction in the eastern side of the lot is severely restricted by the presence of a large Gingko tree. The original structure, which was built in 1929, sits 8.7 feet from the rear property line. The variance requests permission to align the new addition with the existing rear face of the house.
3. Approval of the variance would not be detrimental to the use and enjoyment of neighboring properties. The proposed exterior style, massing, and materials will compliment and extend the existing architecture. The proposed location of the addition is between the existing house and an existing detached garage and driveway -- both of which will remain. Of the possible locations for an addition, the proposed location is the least intrusive and least impactful to neighboring properties. The four adjacent property owners have reviewed the plans and do not object to the variance request.

4. The request is the minimum necessary to overcome the exceptional condition that is causing the hardship. Because of the site conditions, any proposed side or rear addition would likely require the approval of a variance. Construction in the rear yard and east side yard is not practical. The proposed addition is modest in size and does not extend beyond the existing rear wall of the house. The addition is the minimum size necessary to meet the project goals.
5. The proposed improvements do not impair the general plan of the Town. The addition is modest in size and designed in a way that will complement the existing house.

STAFF REPORT

II-B

TO: Town Council
FR: Todd Hoffman, Town Manager
RE: Candler, 3911 Virgilia Street, Wall Plane Length and Side Yard Setback
DATE: March 8, 2023

Elizabeth Candler, 3911 Virgilia Street, proposes to construct a one-story addition with a chimney to the house as shown on the attached site plan. The project requires variances, as follows:

- The proposed addition creates a wall plane that measures 39.1 feet in length along the west façade of the house. Town building regulations prohibit walls with a plane length greater than 34 feet unless there is an offset or articulation in the wall plane that measures at least 5 feet long and two feet deep. The proposed wall does not have such an articulation; therefore, a variance is required.
- The addition includes a chimney that projects 3 feet into the required 8-foot side yard setback (for chimneys). Town building regulations allow a chimney to project not more than 2 feet into the required setback; therefore, a variance is required.

Background:

As of March 3, 2023, the Town has not received any correspondence related to the variance request.

Staff note: The following assertions summarize materials provided by the applicant in support of the variance request. Their inclusion in the Staff Report does not intend to convey staff support for the approval or denial of the variance request. The applicant should indicate to the Council if any arguments have been misrepresented. Council should consider the entire record in considering the variance request.

Applicant's Claims for the Variance Request:

1. The applicant's property is subject to unusual conditions. The property has an existing foundation wall that is set back seven feet from the side property line. The area where the addition is proposed is currently a low deck that covers a finished basement. The addition proposes to use the existing basement foundation wall, which is non-conforming to the Town's wall plane length requirement. The flat roof under the existing deck is causing water to leak into the finished basement, and repairs to the flat roof are not expected to hold up long-term (they would only be warrantied for 3 years). In addition to providing a small amount of additional living space on the main level, the proposed addition will allow for the construction of a sloped roof that will better manage water runoff and keep it out of the basement. As part of the heating solution for the space, the applicant would like to add a gas firebox that projects 2 feet beyond the wall of the addition.

Staff note: The Town allows a chimney to project 2 feet into a minimum setback. In this case, the existing house is constructed 7 feet from the side property line and is non-conforming. While the Town allows the setback nonconformity to be extended for the addition, the

chimney must conform to the more restrictive 8-foot side yard setback minus a 2-foot projection.

2. Approval of the variance is requested because conforming to the Town's building ordinance would be impractical and cause peculiar or unusual practical difficulties. The addition proposes to use an existing foundation wall. Setting in a portion of the addition to create the necessary wall plane offset in such a small space would be impractical and would look unusual. The proposed chimney box, which is centered in the addition, creates a 2-foot by 5-foot wall plane offset, but it is located beyond the point where the wall reaches 34 feet in length.
3. Approval of the variance would not be detrimental to the use and enjoyment of neighboring properties. The wall to be extended already partially exists, albeit in the form of deck railing and a deck pergola. Extending the wall is simply enclosing an existing space. The chimney projection does not create a large protrusion, and it will not be significantly visible from the street. It will be much more modest than the chimney projection on the side of the property at 3915 Virgilia Street.
4. The request is the minimum necessary to overcome the exceptional condition that is causing the hardship. The proposed one-story addition is necessary to correct flooding problems the applicant is experiencing. The proposed fireplace will help to heat the new space. The addition is the minimum size necessary to cover the existing basement space.
5. The proposed improvements do not impair the general plan of the Town. The addition is modest in size and designed in a way that will complement the existing house. The addition extends an existing wall plane and is proposed to be built on an existing basement foundation wall. The addition is only one story in height and will not be noticeable from the street.

Developing an “Antisemitism Awareness” Public Education Program: An Initiative of Montgomery County Municipalities

Background

Montgomery County is home to approximately [105,000](#) Jewish residents out of a total population of 1.1 million. Our county has many elected officials who are Jewish and a vibrant Jewish religious, cultural, and political scene. As one of the most diverse counties in the country, this would be the last place to expect a spate of hate incidents directed at the Jewish community, yet that is exactly what is taking place. In just the past several months there have been [physical assaults](#) and Nazi Swastikas have been found at area [high schools](#) and [middle schools](#), in [public parks](#) and in [leaflets](#) deposited in front of Jewish homes.

According to a recent [report](#), in 2022, the Montgomery County Police Department reported 48 anti-Jewish bias incidents, up 55% compared to 2021. This was far more than any other religious-based bias incident, with nearly half of the 2022 incidents occurring in the last four months of the year, according to police data. In addition, roughly 85% of the state’s religious-based hate crimes are directed against Jews.

In response to this rising threat, the Montgomery County Council and County Executive have taken two concrete actions that we applaud.

First, the County Council passed a [resolution](#) on November 1, 2022, to address and combat antisemitism. At its core, this resolution defined antisemitism for county residents as well as government responses to such hate. Here’s the definition:

Antisemitism is a certain perception of Jews, which may be expressed as hatred toward Jews. Rhetorical and physical manifestations of antisemitism are directed toward Jewish or non-Jewish individuals and/or their property, toward Jewish community institutions and religious facilities.

Second, County Executive Elrich [announced](#) on January 30, 2023 the disbursement of \$800,000 in grants to local organizations to improve security and deter hate crimes through the County’s Nonprofit Security Grants program. Countering antisemitic activities is included in these grants.

However, much more must be done. Therefore, we believe that it is crucial for local municipalities in Montgomery County -- which are the first level of public engagement for our residents -- to engage in countering this scourge through direct activities that educate our residents about the challenge that we as an entire community are facing. When one group of our residents is unsafe, all of our residents are unsafe.

Resolution

Whereas, we in Montgomery County have seen a sharp increase in the incidents of antisemitic incidents that have horrified County residents of all faiths;

Whereas, the County Council unanimously passed a resolution condemning antisemitism and all forms of hate speech and bigotry towards any racial or ethnic group;

Whereas the County Council resolution states that Montgomery County commits to countering antisemitism and hate through engagement with community leaders; and

Whereas, we elected municipal officials in Montgomery County believe that the voices of our communities should be added to the County's, in expressing our condemnation of these antisemitic acts,

Therefore, we, as local elected municipal leaders of Montgomery County, resolve the following:

Antisemitism has no place in our communities, at our schools, in our public areas, and on our doorsteps. As local elected leaders, we fully condemn this age-old hatred of the Jewish people and stand in solidarity with our Jewish residents.

We stand firmly against any and all actions that aim to intimidate our Jewish residents through the use of hate speech, display of hate symbols, such as Nazi Swastikas, and through physical assault. We oppose with equal fervor, any expression of hate or bigotry against people of any racial, religious, ethnic identity, or sexual orientation.

We support activities undertaken in our schools that educate our children about the history of antisemitism, raise awareness of this bigotry, and encourage students to oppose antisemitism and other hate speech and activities when they see or hear of them.

We also believe that activities must take place in our communities to raise greater public awareness about antisemitism, both historically and contemporaneously, and commit to implementing a public awareness campaign against antisemitism that engages every municipality in Montgomery County.

This campaign will be comprised of public "antisemitism awareness" events in differing municipalities of the county this calendar year. We will seek the broadest possible public involvement in these activities.

We will work with experts and leaders, such as the Anti-Defamation League and Jewish Community Relations Council, the Maryland Municipal League's Montgomery County chapter, and local law enforcement and other entities, to provide a full spectrum of topics to increase awareness of antisemitism and hate in our communities. We believe that vigorous, consistent public education will provide the most effective defense against this and other age-old hatreds that have no place in our dynamic, diverse, and inclusive communities.

Draft Action Plan – Events to be held in Municipalities in 2023 [not part of Resolution]:

Each participating municipality will offer community meeting space so experts and leaders can have the opportunity to host an event. The municipality will publicize the event – including its summary – to its residents, and also invite the attendance of residents from other municipalities. The events will be both in-person and online, so that as many of our residents as possible across the County can participate.

Potential Topics for the five “Antisemitism Awareness” events:

1. Status of antisemitic hate crimes in our area.
2. How to discuss antisemitism with your children.
3. How antisemitism can be dealt with in your community.
4. The Holocaust and roots of historic antisemitism.
5. Broader trends of hate in the U.S. and how communities can counter them.