

TOWN OF CHEVY CHASE  
COUNCIL MEETING  
TOWN HALL  
November 9, 2016, 7 p.m.

OPEN SESSION TO VOTE TO ENTER CLOSED SESSION (6 p.m.)

The Town Council will meet in open session for the purpose of voting to enter a closed session pursuant to the Open Meetings Act, Maryland Code, General Provisions Article, Section 3-305(b)(7) to consult with counsel to obtain legal advice on a legal matter regarding private improvements in the public right-of-way; and pursuant to Section 3-305(b)(3) to consider the acquisition of real property for a public purpose and matters directly related to the acquisition.

REGULAR MEETING (7 p.m.)

- I. GENERAL BUSINESS
  - A. Call to Order
  - B. Pledge of Allegiance
  - C. Approval of Minutes of October 13, 2016 Council Meeting & Executive Session
  - D. Approval of October 2016 Financial Report
  - E. [Approval of FY16 Operating Budget Transfers](#)
  - F. [Town Manager's Report](#)
  - G. Public Comments
  
- II. COUNCIL DISCUSSIONS
  - A. Bethesda Downtown Plan and Subdivision Staging Policy
  - B. Purple Line Mitigation
  
- III. VARIANCE HEARINGS
  - A. [Sislen, 4509 Leland Street, Driveway Width, Number of Garage Doors, Garage Offset](#)
  - B. [Stoll, 7404 Ridgewood Avenue, Front and Side Yard Setbacks](#)
  
- IV. ADJOURNMENT

# MEMORANDUM

I-E

TO: Town Council  
FR: Todd Hoffman, Town Manager  
RE: Approval of FY16 Operating Budget Transfers  
DATE: November 9, 2016

Staff requests the following fund transfers in the fiscal year 2016 operating budget to cover unanticipated expenditures in several programs.

From: Administration  
To: Public Safety  
Amount: \$1,500  
Expenditure to be covered:

- Code Enforcement (snow storm coverage)

From: Parks & Grounds  
To: Streets & Roads  
Amount: \$111,000  
Expenditures to be covered:

- Sidewalk Snow Removal
- Street Snow Removal

# MEMORANDUM

I-F

TO: Town Council  
FR: Todd Hoffman, Town Manager  
RE: Town Manager's Report  
DATE: November 9, 2016

This report highlights many of the initiatives undertaken by Town staff over the past month. In the interest of brevity, I have not included ongoing staff functions. Please let me know if you have any questions or need additional information.

## **Council/Committee/Board Assistance:**

- Scheduled multiple meetings related to the Bethesda Downtown Plan.
- Submitted Town's oral and written testimonies on the Bethesda Downtown Plan to the Montgomery County Council.
- Scheduled meeting related to the Lynn Drive underpass.
- Communicated with MTA officials about Purple Line pre-construction work.
- Communicated with Election Board members about report to Council.
- Continued work related to Stormwater Management and Sediment Control Ordinance.
- Worked with Community Relations Committee on special events.

## **Special Projects:**

- Met with State Comptroller's office regarding income tax overpayments.
- Completed FY16 audit.
- Authorized traffic analyses to be performed along Wisconsin Avenue as part of the Town's efforts related to the Bethesda Downtown Plan.
- Communicated with SHA regarding signal timing on Connecticut Avenue between Rosemary Street and Bradley Lane.
- Communicated with Town's trash collection contractor regarding contract terms and pricing.
- Attended meetings, and communicated to Council, about land donation offer to the Town.
- Continued oversight of Washington Gas and WSSC infrastructure repairs.
- Continued negotiations regarding a retaining wall in the Town right-of-way.
- Began leaf collection.
- Held annual flu clinic.
- Prepared for fall tree and flower plantings.
- Processed requests for traffic signs and new street lights.
- Began redesign and reorganization of Town website.

# STAFF REPORT

# III-A

TO: Town Council  
FR: Todd Hoffman, Town Manager  
RE: Sislen, 4509 Leland Street, Driveway Width, Number of Garage Doors, Garage Offset  
DATE: November 9, 2016

### **Variance Requested:**

David and Pamela Sislen, 4509 Leland Street propose to widen the driveway and construct a front-loading garage. The project requires variances, as follows:

- The expanded driveway would have a maximum width of 25 feet on private property as shown on the attached site plan. Town building regulations limit the width of a driveway on private property to 10 feet; therefore a variance of 15 feet is required.
- The proposed plan calls for the installation of a front-loading garage door. The proposed garage door is flush with the adjoining wall plane. Town building regulations require a front-loading garage door to be offset from all adjoining front wall planes of the main building by at least 3 feet. The proposed garage door is not offset from the adjoining wall plane; therefore, a variance is required.
- Installing the new garage door eliminates the required three-foot offset for the existing garage door, and makes it flush with the adjoining wall plane. Town building regulations require a front-loading garage door to be offset from all adjoining front wall planes of the main building by at least 3 feet. The existing garage door will no longer be offset from the adjoining wall plane; therefore, a variance is required.
- The south façade of the house has an existing front-loading garage door. Town building regulations require that there be not more than 1 door for a front-loading garage per main building; therefore the installation of a second door requires a variance.

### **Background:**

As of November 4, the Town has received letters from three residents supporting the variance request. Additionally, the applicant provided a letter signed by three additional residents with the variance application. Any additional comments received by the Town will be provided to the Council at the public hearing.

*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.*

### **Applicants' Claims for the Variance Request:**

1. The variance is requested because the proximity of the lot to Bethesda represents an extraordinary situation. The intersection of Leland Street and 46<sup>th</sup> Street is heavily trafficked. This condition will be exacerbated by upcoming development of the area and makes additional off-street and enclosed parking necessary for this property.

2. Approval of the variance is requested because conforming to the Town's building ordinance would cause unusual practical difficulties and cause undue hardship. There is a lack of on street parking on Leland Street, and both streets are subject to heavy traffic volumes. Many cars do not abide by the posted parking regulations, and those regulations are not consistently enforced, making the driveway and additional driveway necessary.
3. The proposed porch will not be detrimental to the use and enjoyment of neighboring properties. The improvements will enhance the use and enjoyment of neighboring properties by improving the aesthetics of the property's southern façade and improving the safety on 46<sup>th</sup> Street.
4. The request is the minimum necessary to overcome the exceptional condition that is causing the hardship. By widening the driveway and adding the garage door, the applicant can safely park their car rather than exacerbating dangerous conditions on 46<sup>th</sup> Street. The applicant cannot add the necessary off-street parking and garage door in a way that does not require a variance.
5. The proposed improvements do not impair the general plan of the Town. There are fewer than 10 homes facing 46<sup>th</sup> Street within the Town. Improving safety on 46<sup>th</sup> Street is necessary, and will have very little impact.

# STAFF REPORT

# III-B

TO: Town Council  
FR: Todd Hoffman, Town Manager  
RE: Stoll, 7404 Ridgewood Avenue, Front and Side Yard Setbacks  
DATE: November 9, 2016

### **Variance Requested:**

Benjamin Stoll, 7404 Ridgewood Avenue, is proposing to construct an addition at that address. The project requires variances as follows:

- The addition is proposed to have combined side yard setbacks on both sides of 14.8 feet. Town building regulations require combined side yard setbacks of 16 feet; therefore a variance of 1.2 feet is required.
- A portion of the addition (second floor over existing non-conforming first floor) is proposed to be set back 5.2 feet from the south property line. Town building regulations require a minimum side yard setback on one side of 8 feet; therefore, a variance of 2.8 feet is required.
- The proposed improvements include new front stairs to the existing covered porch. The proposed stairs project 14.8 feet into the 30.7 foot front yard setback. Town building regulations allow steps to project not more than 9 feet in a front setback; therefore, a variance of 5.8 feet is required.

### **Background:**

As of November 4, the Town has one phone call from a resident, Sarah Brophy, 7402 Ridgewood Avenue, supporting the approval of the requested variances.

*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.*

### **Applicants' Claims for the Variance Request:**

1. The variance is requested because the lot is very narrow, and because the location of the existing house on the lot, combined with the Town's wall plane articulation requirement, represents an extraordinary situation. Saving the existing footprint and structures of the bungalow style home creates practical problems meeting the Town's wall plane articulation requirements while also meeting the Town's setback requirements. The proposed second story addition that requires the setback variance will be constructed over a non-conforming wall of the main building.
2. Approval of the variance is requested because conforming to the Town's building ordinance would cause undue hardship. Because of the existing placement of the home on the lot, a design that would meet the Town's building requirements would not allow the applicant to save the existing footprint and structures and maintain the bungalow appearance.
3. The proposed porch will not be detrimental to the use and enjoyment of neighboring properties. The proposed construction will enhance the curb appeal of the property by centering the home's stairs to

make it feel more inviting from the street and sidewalk. The proposed setback variance on the south side will allow for the continuation of the existing wall plane from the first floor to the second floor, and is no closer to the neighboring property than the existing house. Although the addition on the north side of the house is minimally closer to the north property line than the existing house wall, it is proposed exceed the minimum side yard setback for the lot by 1.5 feet.

4. The request is the minimum necessary to overcome the exceptional condition that is causing the hardship. The requested variance would allow the existing home to be salvaged and renovated along with an efficiently designed addition. Setbacks more restrictive than what is requested would not allow for the existing home to be salvaged. The home ultimately needs to accommodate a growing family and the requested variances allow for this while maintaining a wonderfully charming home.
5. The proposed improvements do not impair the general plan of the Town. The location, style, setbacks, and scale of the house and addition complement the existing neighborhood and surrounding community. The new space is efficiently designed and will allow for a growing family to stay in the home and community for many years.