

TOWN OF CHEVY CHASE
COUNCIL MEETING
TOWN HALL
January 11, 2017

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)(8) to consult with legal counsel about pending litigation regarding a code enforcement matter.

REGULAR MEETING (7 p.m.)

- I. GENERAL BUSINESS
 - A. Call to Order
 - B. Pledge of Allegiance
 - C. [Town Council Vacancy](#)
 - D. Approval of Minutes of December 21, 2016 Council Meeting & Executive Session
 - E. Approval of December 2016 Financial Report
 - F. [Town Manager's Report](#)
 - G. Public Comments

- II. COUNCIL DISCUSSIONS
 - A. Bethesda Downtown Plan
 - B. Purple Line Mitigation
 - C. [FY17 Budget Reductions](#)

- III. VARIANCE HEARINGS
 - A. [Ingram/Scensny, 4312 Willow Lane, Front Yard Setback, Rear Yard Setback, Side Yard Setback, Wall Plane Length](#)
 - B. [Stein, 4212 Maple Terrace, Driveway Width and Non-Vegetative Front Yard Surface Coverage](#)

- IV. ADJOURNMENT

Town Council Vacancy

I-C

At its January 11 meeting, the Town Council will address filling the vacancy created on the Council by the resignation of John Bickerman on December 31, 2016. According to the Town Code, “In case of a vacancy on the council for any reason, the council shall elect some qualified person to fill the vacancy for the unexpired term. Any vacancies on the council shall be filled by the favorable votes of a majority of the remaining members of the council. The results of any such vote shall be recorded in the minutes of the council.”

The Council has already begun considering possible appointees for the vacant seat, and at the January meeting will receive public comments prior to acting to fill the seat. Residents who are unable to attend this meeting may submit written comments to townoffice@townofchevy Chase.org prior to the meeting. The appointee’s term will expire on May 10, 2017, coinciding with the expiration of Mr. Bickerman’s term.

MEMORANDUM

I-F

TO: Town Council
FR: Todd Hoffman, Town Manager
RE: Town Manager's Report
DATE: January 11, 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:

- Provided assistance with Town efforts related to the Bethesda Downtown Plan and Purple Line mitigation.
- Continued to work with Election Board to review 2016 election and develop recommendations to Council for future elections.
- Continued work related to proposed Stormwater Management and Sediment Control Ordinance.
- Worked with Community Relations Committee on special events.

Special Projects:

- Met with State Senator Rich Madaleno to discuss legislative solutions to reduce or eliminate repayment of overdistributed income tax revenue.
- Attended Capital Crescent Surface Trail Stakeholders Meeting.
- Continued oversight of Washington Gas and WSSC infrastructure repairs.
- Processed requests for traffic signs and new street lights.

TOWN OF CHEVY CHASE		
Budget Summary	FY17	FY17
	Budget	Estimated Actual
OPERATING REVENUES		
Taxes		
Income Taxes	2,200,000	2,020,000
Real Property Tax (\$0.01 for FY17)	120,000	120,000
Highway User Taxes	88,000	88,000
Subtotal - Taxes	2,408,000	2,228,000
Reimbursements and Bank Shares	130,500	132,178
Permit Fees and Cable TV Revenue	115,000	113,000
Other Revenue	30,500	42,400
TOTAL OPERATING REVENUES	2,684,000	2,515,578
OPERATING EXPENDITURES		
General Government		
Administration	940,500	984,982
Civic Affairs and Community Programs	109,000	104,500
Subtotal - General Government	1,049,500	1,089,482
Public Safety	353,000	353,295
Public Works		
Sanitation and Waste Removal	360,500	354,750
Parks, Grounds and Trees	157,000	152,375
Streets and Roads	219,000	205,500
Subtotal - Public Works	736,500	712,625
TOTAL OPERATING EXPENDITURES	2,139,000	2,155,402
CAPITAL EXPENDITURES		
Streets and Roads	510,000	507,500
Parks, Grounds and Trees	30,000	10,000
Facilities and Equipment	5,000	0
TOTAL CAPITAL EXPENDITURES	545,000	517,500
TOTAL OPERATING & CAPITAL EXPENDITURES	2,684,000	2,672,902
SURPLUS/DEFICIT	0	(157,324)
COUNTY UNFUNDED ACCRUED LIABILITY PAYMENT	0	142,582
CHANGE TO GENERAL FUND BALANCE	0	(299,906)
ENDING GENERAL FUND BALANCE	7,529,486	7,229,580
FY17 Budgeted Expenditures	\$2,684,000	
FY17 Supplemental Appropriations	\$82,750	
Total FY17 Amended Expenditures	\$2,766,750	
FY17 Estimated Actual Expenditures	\$2,672,902	
FY17 Administrative Savings	\$93,848	

Proposed FY17 Budget Cuts

Program/Service	Change	FY 17 Est. Savings (2/1-6/30/17)	Rationale
Police Services	Reduce to 8 hours per day	\$70,000	Police coverage may be reduced to one shift (8 hours) per day. This shift can be staggered so as to provide coverage at different hours each day.
Sidewalk Snow Removal	Discontinue and require residents to clear the sidewalks adjacent to their property	\$100,000	This is a discretionary service that may be eliminated or reduced in scope.
	Discontinue and offer assistance to Town residents over the age of 65	\$75,000	
Code Enforcement	Reduce to 15 hours per week	\$5,250	Some code enforcement responsibilities can be assigned to existing staff to supplement contractual services.
	Reduce to 10 hours per week	\$10,500	
Household Trash Collection	Reduce collection to once per week	\$35,000	Since the Town now offers single-stream recycling, household trash collection may be reduced to once per week per household.
Household Organic Waste Collection	Discontinue service and allow residents to continue to participate for a fee.	\$34,000	Town residents may continue to participate in this program at a cost of \$22/month or \$222/year.
Forecast Newsletter	Discontinue mailing; Distribute electronically (via Town Crier) and post on Town website. Provide hard copy printouts upon request.	\$7000 (4 months)	It is uncertain how many residents read the hard copy version of the newsletter; however, a number of residents have asked to receive the newsletter in electronic format only. Also, very few residents RSVP to events printed in the newsletter; the vast majority respond to events advertised via Town Crier.

STAFF REPORT

III-A

TO: Town Council
FR: Todd Hoffman, Town Manager
RE: Ingram/Scensny, 4312 Willow Lane, Front Yard Setback, Rear Yard Setback, Side Yard Setback, Wall Plane Length
DATE: January 11, 2017

Variations Requested:

Deborah Ingram and Leonard Scensny, 4312 Willow Lane, are proposing to construct an addition to their house. The project requires variations as follows:

Front Yard Setback:

- The addition is proposed to project 3 feet beyond the 29.2 foot front yard setback. Town building regulations do not allow an addition to project into a front yard setback; therefore, a variance of 3 feet is required. The eave of the proposed addition projects 4 feet into the 29.2 foot front yard setback. Town building regulations allow eaves to project no more than 2.5 feet into a front yard setback; therefore, a variance of 1.5 feet is required.

The proposed project includes a new front porch and stairs. The roof covering over the porch is proposed to project 6 feet into the 29.2 foot front yard setback. Town building regulations allow a porch roof covering to project no more than 3 feet into a front yard setback; therefore, a variance of 3 feet is required. The proposed front stairs project 12 feet into the 29.2 foot front yard setback. Town building regulation allow front stairs to project no more than 9 feet into a front yard setback; therefore, a variance of 3 feet is required.

Rear Yard Setback:

- The addition is proposed to project a maximum of 2 feet into the 57 foot rear yard setback. Town building regulations do not allow an addition to project into a rear yard setback; therefore, a variance of 2 feet is required. The eave of the proposed addition projects a maximum of 3 feet into the 57 foot rear yard setback. Town building regulations allow eaves to project no more than 2.5 feet into a rear yard setback; therefore, a variance of 0.5 feet is required. The project is proposed to have an air conditioner that projects 6 feet into the 57 foot rear yard setback. Town building regulations allow an air conditioner to project no more than 5 feet into a rear yard setback; therefore, a variance of 1 foot is required.

Side Yard Setback:

- The subject property has a combined side yard setback requirement of 34.2 feet. The existing house is set back 5.8 feet from the east property line, resulting in a required side yard setback of 28.4 feet from the west side property line. The addition is proposed to project 6.4 feet into the 28.4 foot side yard setback. Town building regulations do not allow an addition to project into a side yard setback; therefore, a variance of 6.4 feet is required. The eave of the addition is proposed to project 7.7 feet into the 28.4 foot side yard setback. Town building regulations allow an eave to project no more than 2.5 feet into a side yard setback; therefore, a variance of 5.2 feet is required. The project is proposed to have 2 air conditioners that project 5.9 feet into the 28.4 foot side yard setback. Town building regulations do not allow an air conditioner to project into a side yard setback; therefore, a variance of 5.9 feet is required.

Wall Plane Length

- The proposed addition will create a wall plane with a length of 39.1 feet along the front wall of the house, and a wall plane with a length of 35.1 feet along the rear wall 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 2 feet deep and 5 feet long. The proposed walls do not have such an articulation; therefore, a variance is required for each wall.

Background:

As of January 6, the Town has received three letters, attached, 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 Requests:

1. The variances are requested because the lot is shallow, unusually shaped, and the placement and configuration of the existing house on the lot represents an extraordinary condition. The lot is triangular in shape, resulting in a rear yard setback that is very large when compared to the functional lot depth. The lot is exceptionally wide at the front established building line, resulting in large side yard setbacks. The house is also constructed very close to the east side property line, resulting in a large combined side yard setback for the addition, which is proposed to be constructed on the west side of the house. The existing house is constructed in front of the established building line, which limits the ability to make needed improvements to the front of the house. The setback requirements and interior configuration of the existing house are unusual conditions that necessitate the wall plane length variances.
2. Approval of the variance is requested because conforming to the Town's building ordinance would cause unusual practical difficulties and cause undue hardship. The required rear and side yard setbacks unreasonably limit the ability to construct a practically sized addition that meets the applicants' needs. Constructing improvements that meet the Town's front yard setback requirements is not practical due to the non-conforming location of the existing house and the house's existing interior layout. It is desirable to locate the air conditioning units as close as possible to their existing location on the west side of the house. There is no conforming location on the property in the area of the proposed addition for the air conditioning units to be placed.
3. The proposed addition and associated improvements will not be detrimental to the use and enjoyment of neighboring properties. The addition is modest in size and has been designed to be consistent with the scale and style of the existing house. The enclosed space of the addition will not project past the front or rear walls of the existing house, and a portion of the addition is only one-story in height. The proposed construction will have architectural features that will visually break up the non-conforming wall planes.

4. The request is the minimum necessary to overcome the exceptional condition that is causing the hardship. The goal of the project is to add an addition to the modestly-sized house just large enough to allow for the construction of code-compliant stairs, a more functional kitchen, and a half-bath on the first floor. The proposed addition is the minimum needed to accomplish the project's goals. The addition has been efficiently designed, with a total footprint of only 368 square feet, a portion of which is located in the area of an existing sunroom to be removed. This results in a total footprint increase of only 205 square feet. The front porch covering and replacement stairs are necessary to replace the existing front steps, which are very steep, with safer steps. The project calls for variances related only to the odd-shape of the lot, its shallowness, and the location of the house on the property. It does not require variances related to FAR or height.

5. The proposed improvements do not impair the general plan of the Town. The location, style, and scale of the addition adhere to the design of the existing house and fit with the style of the surrounding community. The addition does not disturb any trees. The addition will enhance the house both functionally and aesthetically.

STAFF REPORT

III-B

TO: Town Council
FR: Todd Hoffman, Town Manager
RE: Stein, 4212 Maple Terrace, Driveway Width and Non-Vegetative Front Yard
Surface Coverage
DATE: January 11, 2017

Variance Requested:

Michael and Jennifer Stein, 4212 Maple Terrace, are proposing to expand the driveway in the front yard of their house. The project requires variances as follows:

- The proposed improvements will increase the driveway to a maximum width of 34 feet in the front yard (with a maximum continuous width of 27 feet). Town building regulations do not allow driveways in front yards to be wider than 10 feet; therefore, a variance of 24 feet is required.
- The proposed improvements will create a non-vegetative surface area equaling 55.3 percent of the front yard. Town building regulations limit the non-vegetative surface area in the front yard to no more than 35 percent; therefore, a variance is required.

Background:

This project required a variance from Montgomery County, as it exceeds the County's front yard surfaced parking area limitation. The County Board of Appeals granted the variance in December 2016. The County variance decision is attached. Seven letters of support, attached, from Town residents were submitted to the County Board of Appeals, and were included with the applicants' Town variance application. As of January 6, the Town has not received any additional correspondence related to the Town variance requests.

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 Requests:

1. The variances are requested because the property is unusually narrow, is unusually shaped, has extraordinary topographical features, and has other extraordinary conditions. The property is very narrow at the street front, measuring only 28.95' wide at the property line, and approximately 22' wide at the curb edge. This, combined with an existing storm drain inlet in front of the house, limits the available off-street parking area and possible driveway configurations. The house is located too close to the side property line, and the lot slopes too severely, to allow for the construction of a driveway that extends into the rear yard. Additionally, the existing driveway, which has retaining walls on each side, is too steep and narrow to be used practically. The pie-shaped front yard has an unusually small footprint compared to rectangular lots, necessitating the surface coverage variance.

2. Approval of the variance is requested because conforming to the Town's building ordinance would be impractical, cause unusual practical difficulties, and cause undue hardship. The existing driveway is very steep and narrow, and cannot be practically used by two cars. The alternative to the requested variance would be to alter the terrain of the yard and abandon the existing garage, which would be extremely costly and substantially alter the existing house. The improvements are necessary because the existing parking conditions are creating hardship for the applicants.
3. The proposed improvements will not be detrimental to the use and enjoyment of neighboring properties. The applicant has provided letters of support from other houses in the cul-de-sac. Approval of the variance will eliminate congestion at the end of the cul-de-sac which will ease the access and maneuvering of all residents using the cul-de-sac.
4. The request is the minimum necessary to overcome the exceptional condition that is causing the hardship. The proposed parking pad will be constructed of permeable pavers and is the minimum size necessary to park one car on a more level area, while ensuring the protection of the Town Japanese maple tree.
5. The proposed improvements do not impair the general plan of the Town. All of the homes on Maple Terrace already include parking pads and driveways, many of which allow for the side-by-side parking of two cars. The proposed plan does not alter the curb-cut or apron. The proposed parking pad will be shielded from view by the Japanese maple tree.