

TOWN OF CHEVY CHASE  
COUNCIL MEETING  
April 13, 2022

OPEN SESSION TO VOTE TO ENTER CLOSED SESSION (6:30-7:30 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. The Town Council will consult with legal counsel on land use and planning matters.

REGULAR MEETING

- I. GENERAL BUSINESS (7:30-7:45 p.m.)
  - A. Call to Order
  - B. March 2022 Financial Report
  - C. Town Manager's Report
  - D. Public Comments
  
- II. VARIANCE HEARING (7:45-8:15 p.m.)
  - A. [Jette, 4426 Ridge Street, Front Yard Fence \(Continuation from March 9, 2022\)](#)
  
- III. COUNCIL DISCUSSIONS (8:15-9 p.m.)
  - A. Farm Women's Market Parks Creation Project
  - B. [East West Highway/Maple Avenue Crosswalk Safety Survey](#)
  - C. American Rescue Plan Act (Final Rule)
  - D. [Discussion and Possible Introduction of an Ordinance to Adopt the FY23 Budget and Tax Rates](#)
  
- IV. ADJOURNMENT (9 p.m.)

Join Online

<https://us02web.zoom.us/j/3016547144?pwd=NnJvS1BpM3ZkSFA4bXBwbWZhWVM2UT09>

Meeting ID: 301 654 7144

Passcode: 6547144

Join by Phone

(301) 715-8592 US

Meeting ID: 301 654 7144

Passcode: 6547144

# STAFF REPORT

II-A

TO: Town Council  
FR: Todd Hoffman, Town Manager  
RE: Jette, 4426 Ridge Street, Front Yard Fence (*Continuation from March 9, 2022*)  
DATE: April 13, 2022

Nick and Jennifer Jette, 4426 Ridge Street, propose to install a fence with 40” tall pickets and 42” tall posts in the front yard of their property and in the right-of-way adjacent to their property as shown on the attached site plan. The Town prohibits the installation of fences in front yards and in Town rights-of-way; therefore, a variance is required.

To address comments received from the Council at the March 9 meeting, the applicants have provided additional claims supporting their variance request. In addition, they propose to install a planting bed in front of the fence, with plants and bushes acceptable to immediate neighbors, to obscure and beautify the fence.

## **Background:**

As of April 8, 2022, the Town has received correspondence regarding the variance request from:

- Beth Barnett, 4315 Elm Street -- Opposes
- Lydia and Brett Graham, 4404 Ridge Street -- Supports
- Andrea Dee Harris, 4428 Ridge Street -- Supports
- Brad and Laurie Haughey, 4424 Ridge Street -- Supports
- Barry Slevin, 7202 Oakridge Avenue -- Supports
- Sarah Smith, 6902 Maple Avenue -- Supports
- Maree Webster, 4425 Ridge Street -- Supports

All of the correspondence 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. The Council should consider the entire record in considering the variance request.*

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

1. The location and layout of the applicants’ property represent extraordinary conditions. The house is significantly set back from the street, and there is a garage and patio that cover most of the rear yard. The applicant is requesting to install the fence in alignment with an existing fence at 4428 Ridge Street that is in the public right-of-way. Placing the fence in alignment with the neighboring fence will be more aesthetically pleasing and less visually obtrusive than placing the fence at the front property line.

The property is very close to West Avenue and the businesses in Bethesda resulting in significant traffic, specifically traffic from St. John's Church, the Oneness Family School, customers of the adjacent shopping center, and vehicles using West Avenue as a cut-through during rush hours. Ridge Street is one of the few two-way streets in the area serving east-west traffic, making it more heavily used by delivery drivers.

As part of a resolution addressing traffic conditions on West Avenue in March 2020, the Town Council made a finding that use of West Avenue related to the church and school has created concerns "relating to the safety of residents and children in the area, traffic congestion, as well as difficulty for residents to obtain adequate on-street parking adjacent to or close by their places of residence."

2. Approval of the variance is requested because conforming to the Town's building ordinance would cause undue hardship. The house is set farther back from the front property line than the neighboring properties, and a large portion of the rear yard is taken up by a detached garage. This results in most of the open/available play space of the property being located in the front yard. The fence is necessary for safety of the applicants' young child given the vehicular and pedestrian traffic near the house.
3. Approval of the variance would not be detrimental to the use and enjoyment of neighboring properties. The proposed fence will match a fence installed at 4428 Ridge Street. The proposed fence is low in height and will not obstruct sight lines needed for pedestrian or vehicular safety. All of the occupied neighboring properties on Ridge Street are supportive of the request. The vacant property across the street (6801 West Avenue) has a chain link fence in the Ridge Street front yard.
4. The request is the minimum necessary to overcome the exceptional condition that is causing the hardship. The proposed fence is the minimum height necessary to allow for the applicants' child to safely play in the front yard.
5. The request does not impair the general plan of the Town. The proposed fence is a high-quality painted wooden fence, is low in height, exceeds 30% fenestration, and is proposed to have the finished side facing out. The fence, plus other landscaping improvements proposed to be installed by the applicant, will improve the appearance of the property and will not impair the general plan of the Town.

*Staff Note: If the variance to install the fence in the right-of-way is approved by the Town Council, the Town typically requires the property owners to sign a revocable right-of-way usage license. The applicants are aware of this requirement and have indicated to the staff that they will sign such a license if required as a condition of the variance approval.*

# **Resident Survey Report Usage & Safety Perception of Crosswalk at East-West Highway & Maple Avenue**

## **Introduction**

From March 10 - 21, 2022, Town residents were asked to fill out an online survey to provide feedback on the improved signalization at the East-West Highway crosswalk at Maple Avenue, which involved the installation of a rectangular rapid flashing beacon (RRFB) system.

The survey was filled out by 54 residents. Twenty-seven of those respondents were either a student or the parent of a student at Bethesda-Chevy Chase (B-CC) High School. In addition to this survey, four residents submitted emails to the Town Office expressing concerns with the current design of the RRFB system.

## **Summary**

In general, residents do not feel safe using the RRFB system, as it is currently designed, at this crosswalk. Following are summary statements and graphics based on survey results.

*Typically, how safe do you feel when using this crosswalk (scale of 1-100 from Unsafe (1) to Very Safe (100))?*

Overall, the perception of safety was low amongst all respondents while B-CC students and their parents rated even lower.

- All Respondents: 23 on a scale of 1-100
- B-CC Students & Parents: 19 on a scale of 1-100

*Typically, do you feel visible to vehicles while using this crosswalk?*

A large majority of respondents do not feel visible at this crosswalk, given that it is located at the valley of two downward slopes which is also a curved road. B-CC students and their parents rated visibility even lower.

- All Respondents: 74% do not feel visible
- B-CC Students & Parents: 85% do not feel visible

## **Summary of General Comments by All Respondents (44 Comments)**

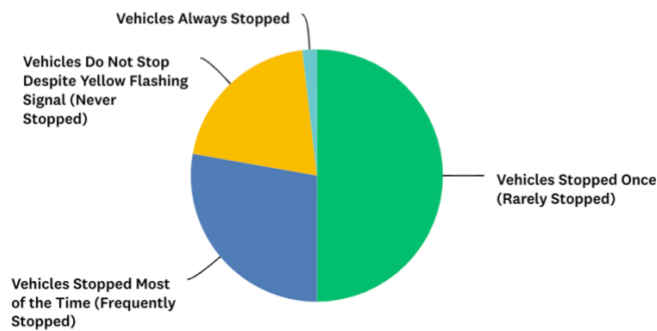
1. Because of East West Highway topography at Maple, there are blind spots. In addition, there needs to be more signage along the road to warn drivers in advance. The result is that many drivers do not have enough time to stop when they finally see the small flashing lights or crosswalk

2. Prefer a full-stop red light (since it is not clear who has the right of way – people or cars – when yellow flashing lights and since people have been taught to slow down – or speed up - when seeing a yellow light)
3. Any signal at this location is dangerous and should be removed due to a false sense of security. Instead, pedestrians should be encouraged to cross at Montgomery. Alternatively, a footbridge should be constructed.
4. Police support may be needed until enough drivers understand the process (much like how most cars are slowing down now given speed cameras)

## All Respondents

Recalling the last few times you visited this intersection, how often do vehicles stop after the yellow flashing signal commences?

Answered: 54 Skipped: 0

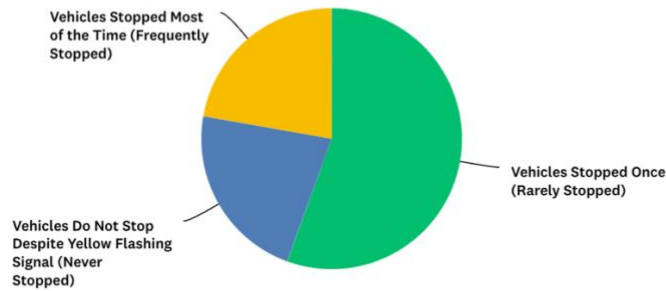


ANSWER CHOICES	RESPONSES	
▼ Vehicles Stopped Once (Rarely Stopped)	50.00%	27
▼ Vehicles Stopped Most of the Time (Frequently Stopped)	27.78%	15
▼ Vehicles Do Not Stop Despite Yellow Flashing Signal (Never Stopped)	20.37%	11
▼ Vehicles Always Stopped	1.85%	1
<b>TOTAL</b>		<b>54</b>

## B-CC Students & Parents

Recalling the last few times you visited this intersection, how often do vehicles stop after the yellow flashing signal commences?

Answered: 27 Skipped: 0



ANSWER CHOICES	RESPONSES
▼ Vehicles Stopped Once (Rarely Stopped)	55.56% 15
▼ Vehicles Do Not Stop Despite Yellow Flashing Signal (Never Stopped)	22.22% 6
▼ Vehicles Stopped Most of the Time (Frequently Stopped)	22.22% 6
▼ Vehicles Always Stopped	0.00% 0
<b>TOTAL</b>	<b>27</b>

*Typically, once vehicles stop, do you have enough time to cross before the yellow flashing signal times out?*

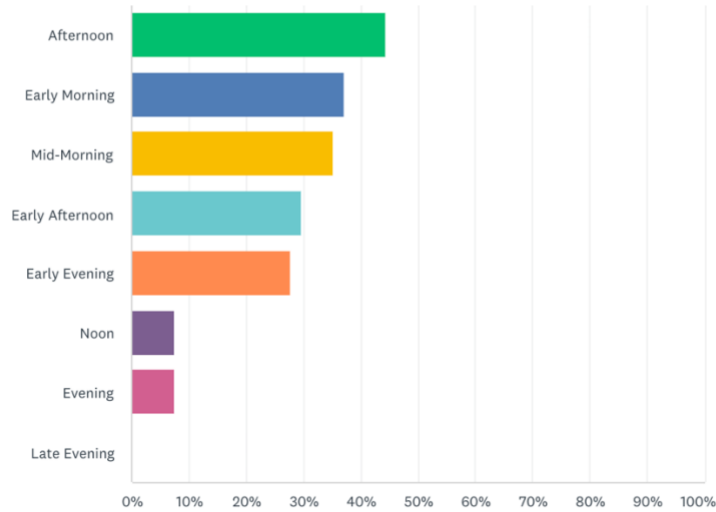
A large majority of respondents felt that they could cross in time once vehicles stopped. Note that the answer to the previous question, which indicated a perception by respondents that vehicles “rarely stopped” or “never stopped” approximately 75% of the time. Respondents may have answered this question with the mindset that if cars did stop in a reasonable amount of time, there would still be enough time to cross given the RRFB time set.

- All Respondents: 77.78% felt that they can cross in time
- B-CC Students & Parents: 74.07% felt that they can cross in time

*Typically, what time of day do you use this crosswalk (select all that apply)?*  
 Respondents indicated that they mostly use the crosswalk in the afternoon, early and mid-morning hours while, as expected, B-CC students use the crosswalk in the early morning and afternoon hours.

Typically, what time of day do you use this crosswalk (select all that apply)?

Answered: 54 Skipped: 0

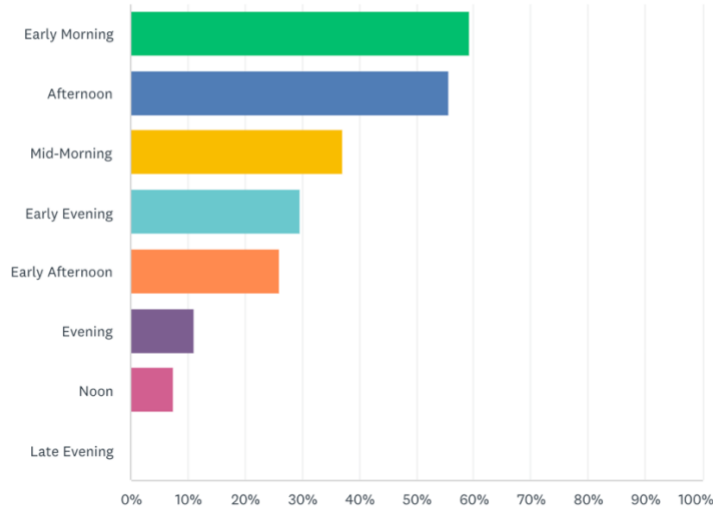


ANSWER CHOICES	RESPONSES
▼ Afternoon	44.44% 24
▼ Early Morning	37.04% 20
▼ Mid-Morning	35.19% 19
▼ Early Afternoon	29.63% 16
▼ Early Evening	27.78% 15
▼ Noon	7.41% 4
▼ Evening	7.41% 4
▼ Late Evening	0.00% 0
<b>Total Respondents: 54</b>	

## B-CC Students & Parents

Typically, what time of day do you use this crosswalk (select all that apply)?

Answered: 27 Skipped: 0

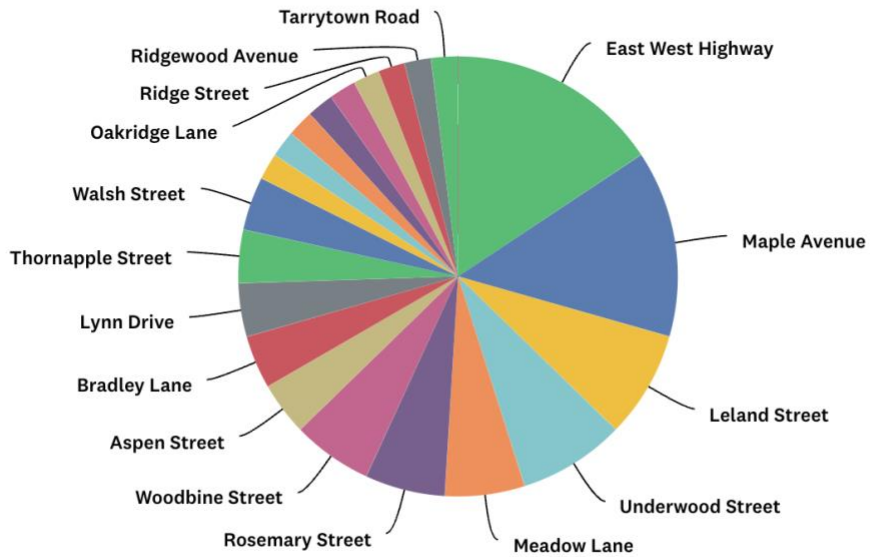


ANSWER CHOICES	RESPONSES
▼ Early Morning	59.26% 16
▼ Afternoon	55.56% 15
▼ Mid-Morning	37.04% 10
▼ Early Evening	29.63% 8
▼ Early Afternoon	25.93% 7
▼ Evening	11.11% 3
▼ Noon	7.41% 2
▼ Late Evening	0.00% 0
<b>Total Respondents: 27</b>	



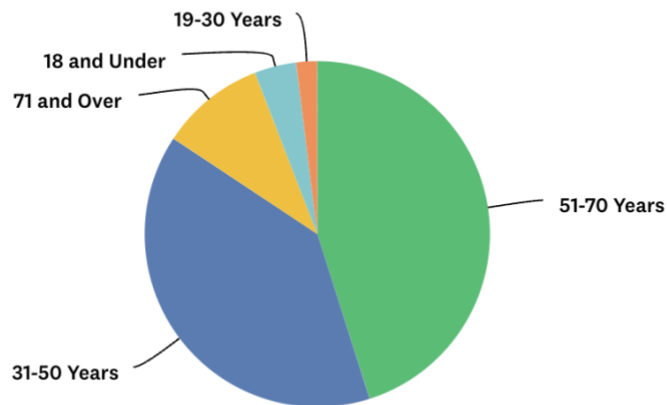
Please provide the name of your street.

Answered: 51 Skipped: 3



Please provide your age range

Answered: 51 Skipped: 3



## Summary of B-CC Students & Parents/Guardians

Twenty-seven (27) respondents identified themselves as a student or the parent/guardian of one or more current (or soon-to-be) B-CC High School student(s).

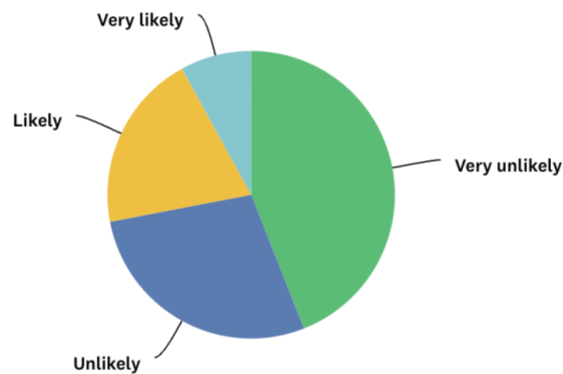
*As a student or a parent or guardian of a current (or soon-to-be) B-CC student, how comfortable are you using or having your child(ren) use this crosswalk?*

- 25 B-CC Respondents: 20 on a scale of 1-100 which was slightly higher than the score (19/100) given in original question. Two respondents skipped the question.

After being provided additional information about the Sleaford Access Trail, approximately 72% of B-CC student and parent respondents indicated that they were either “very unlikely” or “unlikely” to use it once it is constructed.

When construction for the Purple Line is complete, B-CC students will have another option for walking to B-CC (click on this hyperlink for a graphical view) if they don't want to walk along East-West Highway. The option is to use the same crosswalk to access the Sleaford Access Trail and then proceed to Kentbury Drive straight up to B-CC. With the East-West Highway crosswalk's current signalization in place, how likely are you as a student or the parent or guardian of a student to use this alternate route?

Answered: 25 Skipped: 2



ANSWER CHOICES	RESPONSES
Very unlikely	44.00% 11
Unlikely	28.00% 7
Likely	20.00% 5
Very likely	8.00% 2
<b>TOTAL</b>	<b>25</b>

**Town of Chevy Chase  
Budget and Tax Rate Ordinance**

Resolution No.:  
Introduced:  
Adopted:  
Effective Date:

**SUBJECT:** AN ORDINANCE TO ADOPT A BUDGET FOR FISCAL YEAR JULY 1, 2022 TO JUNE 30, 2023 AND TO LEVY A TAX ON CERTAIN REAL AND PERSONAL PROPERTY UNDER THE PROVISIONS OF SECTION 6-203 OF THE TAX-PROPERTY ARTICLE OF THE MARYLAND CODE, AS AMENDED

WHEREAS, Maryland Code, Local Government Article, Section 5-202, as amended, grants to the legislative body of every incorporated municipality in Maryland, including the Town of Chevy Chase, general power to pass such ordinances not contrary to the Constitution of Maryland, or the public general law, as deemed necessary in order to assure the good government of the municipality, to protect and preserve the municipality's rights, property, and privileges, to preserve peace and good order, to secure persons and property from danger and destruction, and to protect the health, comfort and convenience of the citizens of the municipality;

WHEREAS, Maryland Code, Local Government Article, Section 5-205, as amended, authorizes the legislative body of each municipal corporation in the State of Maryland to spend money for any public purpose and to affect the safety, health, and general welfare of the municipality and its occupants;

WHEREAS, Maryland Code, Tax-Property Article, Section 6-203, as amended, grants authority to municipal corporations to levy a tax on personal property, land, and improvements thereon, within the municipal corporation;

WHEREAS, Section 301 of the Town of Chevy Chase Charter authorizes the Town Council to pass ordinances as it may deem necessary for the good government of the Town; for the protection and preservation of the Town's property, rights and privileges; for the preservation of peace and good order; for securing persons and property from violence, danger and destruction; and for the protection and promotion of the health, safety, comfort, convenience, welfare and happiness of the resident(s) of the Town; and for such other police and health matters as it may deem necessary;

WHEREAS, pursuant to Section 501 of the Town of Chevy Chase Charter, the Town operates on an annual budget;

WHEREAS, Section 503(a) of the Town of Chevy Chase Charter authorizes the Town Council to levy and collect from the owners of real and/or taxable tangible personal property used in a trade or business in the town, tax on the assessed valuation of the real and/or taxable

tangible personal property used in a trade or business within the boundaries of the Town at a rate or rates set by the Town Council;

WHEREAS, the Town Council introduced the following Ordinance in public session assembled on the 13<sup>th</sup> day of April 2022;

WHEREAS, the Town Council, after proper notice to the public, considered the following Ordinance at a public hearing held on the 3<sup>rd</sup> day of May 2022; and

WHEREAS, the Town Council finds that the ordinance as hereinafter set forth is necessary for the good government of the Town; for the protection and preservation of the Town's property, rights and privileges; for the preservation of peace and good order; for securing persons and property from violence, danger and destruction; and for the protection and promotion of the health, safety, comfort, convenience, welfare and happiness of the residents of the Town.

NOW, THEREFORE, the Town Council does hereby adopt the foregoing Ordinance.

BE IT ORDAINED AND ORDERED, this 3<sup>rd</sup> day of May 2022, by the Town Council, acting under and by virtue of the authority given it by the Maryland Code and the Town of Chevy Chase Charter, that the attached Budget be and is hereby adopted.

AND BE IT FURTHER ORDAINED AND ORDERED, that the Town Council of the Town of Chevy Chase, pursuant to the authority granted by the Town Charter and Section 6-203 of the Tax-Property Article of the Maryland Code, hereby levies a tax at the following rates:

- (i) ninety-seven one-hundredths of a cent (\$0.0097) per One Hundred Dollars of assessable value (fair market value) on real property subject to taxation;
- (ii) zero dollars and zero cents (\$0.00) per One Hundred Dollars of assessed value of assessable business-owned personal property subject to taxation; and
- (iii) zero dollars and sixty-six cents (\$0.66) per One Hundred Dollars of assessed value of assessable utility property subject to taxation.

AND BE IT FURTHER ORDAINED AND ORDERED, by the Town Council, acting under and by virtue of the authority granted to it by the Maryland Code, and the Charter of the Town of Chevy Chase, that:

- (1) That the tax levied hereby be certified to the County Council for Montgomery County, Maryland;
- (2) If any part or provision of this Ordinance is declared by a court of competent jurisdiction to be invalid, the part or provision held to be invalid shall not affect the validity of the Ordinance as a whole or any remaining part thereof; and

(3) This Ordinance shall take effect on the 1<sup>st</sup> day of July 2022.

ATTEST:

TOWN OF CHEVY CHASE

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Joel Rubin, Secretary

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Barney Rush, Mayor  
Town of Chevy Chase