

MINUTES OF THE LAND USE COMMITTEE MEETING 4-26-2018

The meeting was called for 7 pm in the Town Hall. Present were Dedun Ingram, chair; Tom Collins, Kathy Flaxman, Lees Hartman, Rod Henderer, Stuart Sessions (7:10); Barney Rush, Council liaison; and one member of the public, Elaine Collins.

The committee reviewed several building code issues.

Driveways: Driveway width is limited to 10 feet in the front yard, but this can be increased to 16 feet via the administrative variance process. The issue was whether it is feasible to craft language that would require the 16-foot width to taper down to 10 feet to reduce the amount of paved surfaces in front yards and preserve the Town's green landscape character. The Town Council has required tapering for some driveway expansions. Eric Murtagh spoke with a civil engineer who has done work for the Town, and also talked to Dave Walton. The conclusion was that given the shallowness of most front yards, it is not feasible to design a tapering scheme. Recommendation: Leave the code as it currently exists. If a driveway width variance comes to the Town Council, it can evaluate tapering on a case-by-case basis and/or require that pervious materials be used. The committee agreed.

Maximum roof height: The committee was asked to review whether solar panels, generators, A/C units, and other items should be allowed to project above the maximum roof height of 33 feet (peak) or 28 feet (flat roof). Chimneys are an obvious allowed projection. The County exempts other items such as solar panels. This exception is current practice in the Town because the Town code does not specifically address this and therefore the County code applies.

Solar panels: must be at least 4 inches above the roof, preferably 6 inches. The consensus of the committee was that solar panels should be allowed to extend beyond the maximum roof height if they were co-planar with the roof (not canted) and up to 6 inches above the roof plane. However, the Committee has not been provided with any evidence that solar panel installations have been problematic, so at this time it does not seem necessary to have a Town regulation about this. Generators and A/C units also are being placed on roof tops and depending on how these are installed they could be unsightly or noisy. Town staff has indicated that this is a growing trend. We will ask Dave Walton if he sees this as an actual problem.

Retaining Walls: Retaining walls up to 30 inches in height are currently allowed at the side property line in front yards but in side and rear yards they must be set back two feet from the property line. The Committee was asked to review the two-foot setback for walls. Tom provided 16 photos of retaining walls located throughout the Town.

An objection raised to the 2-foot setback is that it may effectively cede property to the adjoining neighbor. The Committee discussed benefits of the 2-foot setback such as: 1) it allows space for plantings to camouflage the wall and 2) it allows access to the wall for maintenance without trespassing on the neighboring property. The Committee reviewed the photos of

retaining walls installed at various heights and in various situations. For a variety of reasons, the Committee concurred that generally the 2-foot setback should be retained.

Allowing no setback in the front yard seems an anomaly but is primarily to allow a retaining wall along the side of a driveway. If there is a driveway along the side property line with a retaining wall in the front yard along the driveway, then having that wall jog in 2-feet once the driveway goes past the front of the house does not work well. The Committee determined that an exception to the two foot setback should be made when a driveway extends past the front of the house and a retaining wall is needed. In such cases, the Committee will recommend allowing a retaining wall (height limit to be determined) to be constructed at the property line by right, provided a survey accurate to .1 foot has been done.

Currently nonconforming retaining walls can be repaired but not replaced. After discussion, the Committee concurred that the Town should allow existing nonconforming walls on private property to be replaced, provided equal or better materials are used, the dimensions are not enlarged, and the location is the same.

Improvements in the Right of Way: Homeowners are responsible for maintaining the right of way in front of their houses and there are various restrictions on what improvements can be made in the right-of-way. The Committee continued the discussion of public property devoted to private use including discussion of the underlying principles. The Committee agreed that it would be desirable to collect some data on what is currently being done with rights of way around the Town. A possible concern is excessive use of pavers. We should review the code sections dealing with private property and public right-of-way to better organize and streamline them.

Dog zone: There is a resident initiative asking for the development of a dog zone. A petition has 300 signatures. Dedun said that she had talked to some proponents. County regulations would prevent the Town from having a “dog park”, but would allow a dog zone. The suggested location is Zimmerman Park, but there may be issues with runoff into Coquelin Run. We have been told that a previous effort to establish a dog park there was rejected by the County because of runoff issues. The Council will be presented with the dog zone proposal at its May meeting and will pass it to the Committee to examine feasibility.

Floating Zones/Bethesda development: Dedun has spoken with a number of residents of Elm Street and said that she thought that the idea of redeveloping properties along the Purple Line, under floating zones is spreading.

The meeting adjourned at 8:30 pm.

Next meeting is scheduled for May 24 (fourth Thursday).