

Chevy Chase Village Board of Managers

Special Meeting

April 28, 2008

BOARD OF MANAGERS

Douglas B. Kamerow, Chair	Present
David L. Winstead, Vice Chair	Present
Susie Eig, Secretary	Absent
Gail S. Feldman, Treasurer	Present
Betsy Stephens, Assistant Treasurer	Present
Peter M. Yeo, Board Member	Present
Robert L. Jones, Board Member	Absent

STAFF

David R. Podolsky, Legal Counsel	Present
Ronald M. Bolt, Assistant Legal Counsel	Present
Geoffrey B. Biddle, Village Manager	Present
Shana R. Davis-Cook, Manager of Administration	Present
Michael W. Younes, Manager of Contracts and Capital Projects	Present
Doris M. Lyerly, Permitting and Code Enforcement Specialist	Present

Douglas Kamerow, Chair of the Chevy Chase Village Board of Managers, called the Special Meeting to order at 7:32 p.m. Nore Winter of *Winter & Company* attended via video-conference. Ms. Eig and Mr. Jones were absent.

Approval of the Minutes from the March 31, 2008 Special Board Meeting

Mr. Winstead made a motion to approve the minutes of the March 31, 2008 Special Board Meeting. Ms. Stephens seconded the motion. Dr. Kamerow, Mr. Winstead, Ms. Feldman and Ms. Stephens voted in favor of the motion. Mr. Yeo was absent from the March 31, 2008 Special Meeting, and did not vote. The motion passed.

Building Regulations Review

Synopsis of resident comments:

Margaret Cook of 5410 Center Street supported a referendum vote on the draft regulations.

Margaret Sheridan of 5416 Center Street concurred with Margaret Cook.

Peter Kilborn of 4007 Oliver Street recommended balance and simplicity in the drafting of the proposed regulations.

Gary Crockett of 142 Grafton Street stated that the Board should not sit back and wait to see what happens. He encouraged enacting regulations that would prevent the level of mansionization seen in neighboring communities, and said that he did not think the proposed

regulations would negatively impact property values, but that not enacting the draft regulations would.

Mark Nadel of 5808 Cedar Parkway asked a series of questions about the accuracy of County tax data. Dr. Kamerow responded that the Board was aware that County calculations were flawed, but that it was the most accurate data available.

Simon Linder of 5506 Park Street asked a series of questions about the statistics calculated by Village staff and the variance process, and also whether an economic impact study had been performed pursuant to the proposed regulations.

Robert Toth of 21 Primrose Street suggested removing the specification to include attics and virtual floors in the FAR calculation because it is too confusing. He advocated not conducting a referendum on the proposed regulations.

Jackie Stark of 5503 Grove Street said she felt the existing building regulations were not being enforced.

Nicole Jundanian of 15 West Lenox Street expressed personal concerns about neighbors' abuse of the existing building permit processes in the historic district.

Diane Kartalia of 5412 Grove Street encouraged developing basic regulations along with the use of a Design Review Committee comprised of Village residents whenever a proposed project falls into one of the following categories: teardown, new home construction or an addition that would increase the square footage by 40% or more.

Cary Euwer of 43 West Lenox Street further explained the recommendation outlined by Ms. Kartalia and outlined a plan for the use of a Design Review Committee.

Sam Sterrett of 133 Hesketh Street stated that the Ordinance should be revised as follows: apply to vacant lots, teardowns (demolition of 50% or more of the existing house) and additions that increase the house by 40% or more; include a sunset clause; conduct a referendum vote; once enacted, continue to monitor the regulations' effect on the community and the effect of the enacted regulations in the Town of Chevy Chase; appoint a Design Review Committee and apply the regulations to the entire Village.

Richard Guerney of 5606 Montgomery Street encouraged adoption of regulations that would prevent the mansionization experienced in the Town of Chevy Chase; however, he felt the current draft was too extreme and that existing attic space should be exempted from the FAR calculation.

Alison Powers of 3929 Oliver Street said that residents had made various misrepresentations about the originally proposed Ordinance, and responded with clarifications based on her understanding of the relevant issues.

Ron Holroyd of 3929 Oliver Street stated that the original draft regulations were the result of the professional consultant's (*Winter & Company*) recommendations for best meeting majority opinions expressed by the community in the survey conducted during the summer of 2007.

Philip Sheridan of 5416 Center Street said the originally proposed regulations should be enacted because the community is in danger of losing its character as a result of mansionization. He encouraged the Board to allow residents to vote on the originally proposed regulations.

David Jones, AIA of 15 Primrose Street stated his recommendation for a .50 FAR based upon FAR calculations he made of six homes he designed within the Village's historic district. He also supported inclusion of the Town's basic methodology for calculating the FAR. He cautioned against creating a Village Design Review Committee because to be fair it would require concise guidelines and because it would mean that residents of the Historic District would be subject to two design reviews, one by Chevy Chase Village and one by the Historic Preservation Commission. He stated his support for the blanket enactment of regulations across the entire Village.

Thomas Mudlaff of 5604 Montgomery Street supported a "trigger" mechanism in conjunction with a Design Review Committee as previously outlined by Ms. Kartalia and Mr. Euwer as a middle-ground for residents on both sides of the debate.

Jim Leslie of 47 West Lenox Street concurred with Mr. Mudlaff and stated his concern that the proposed regulations might have an adverse economic impact on property values.

Mark Dettlebach of 5603 Kirkside Drive said he thought that the public right-of-way immediately adjacent to one's property should be included in the FAR calculation.

Jane Roemer of 5402 Center Street encouraged inclusion of the "trigger" mechanisms previously outlined by Ms. Kartalia and Messrs. Euwer and Mudlaff and expansion of the Design Review Committee proposal to include all residents in the applicant(s)'s block and the block directly behind the respective property.

The Board directed Counsel to modify the draft regulations as follows:

- Apply currently proposed regulations to vacant lots, teardowns (more than 50%) and additions that would increase the footprint by a cumulative 40% or more. Apply a FAR of .50 only in these instances.
- Remove curb cut regulation.
- Change main building height maximum to 30' for a flat roof.
- Calculation of a property's FAR shall exclude any land area previously severed from the lot by a conveyance to the Village (without monetary compensation).

The Board concurred that there would be a final review of the draft Ordinance at the May 12 regular meeting, and that as soon as a draft Ordinance was approved, it would be submitted to the Montgomery County Council for review and to Chevy Chase Village residents for a referendum vote. Discussion followed.

Ms. Stephens made a motion to adjourn the special meeting. Mr. Winstead seconded the motion. Dr. Kamerow, Mr. Winstead, Ms. Feldman, Ms. Stephens and Mr. Yeo voted in favor of the motion. The motion passed. The special meeting adjourned at 11:02 p.m.

Secretary, Chevy Chase Village Board of Managers

Final.