



MONTGOMERY COUNTY PLANNING DEPARTMENT

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MCRB
ITEM #
5/3/07



MEMORANDUM

DATE: April 20, 2007

TO: Montgomery County Planning Board

VIA: Rose Krasnow, Chief
Catherine Conlon, Subdivision Supervisor *CAK*
Development Review Division

FROM: Richard A. Weaver, Coordinator (301) 495-4544 *RAW*
Development Review Division

REVIEW TYPE: Preliminary Plan of Subdivision, Resubdivision of 2 Lots and 1 Part of Lot

APPLYING FOR: 2 One-Family Detached Residential Lots

PROJECT NAME: Garrett Park

CASE #: 1-06016

REVIEW BASIS: Chapter 50, Sec. 50-29 (b) (2), Montgomery County Subdivision Regulations

ZONE: R-90

LOCATION: Located in the northwest corner of the intersection of Oxford Street and Clermont Avenue

MASTER PLAN: North Bethesda/Garrett Park

APPLICANT: Christine Shreves

ENGINEER: CAS Engineering

DATE FILED: August 10, 2005

HEARING DATE: May 3, 2007

Staff Recommendation: Approval pursuant to Section 50-29 (b) (2) of the Montgomery County Zoning Ordinance, and subject to the following conditions:

- 1) Approval under this preliminary plan application is limited to two (2) one-family detached residential lots.
- 2) The Applicant shall comply with the conditions of the approved tree save plan dated 12/8/06 prior to any demolition, clearing, or grading on the subject property.
- 3) The final sediment control plan must be consistent with limits of disturbance as shown on Tree Save Plan, dated 12/8/06.
- 4) Compliance with the conditions of the MCDPS stormwater management approval letter dated July 27, 2005.
- 5) Compliance with the conditions of the MCDPWT approval letter dated October 25, 2005, unless otherwise amended.
- 6) Other necessary easements shall be shown on the record plat.

SITE DESCRIPTION (Attachment1)

The 0.52-acre property is zoned R-90 and is located at the corner of Oxford Street and Clermont Avenue in the North Bethesda-Garrett Park Master Plan area. Currently, the property has one existing single-family house and is comprised of two lots and a part of a lot. The site is located in the Garrett Park Overlay Zone and is surrounded by single-family residential lots. There are no environmental features on the property except for specimen trees. The property is within the Lower Rock Creek watershed (a Use Class I-P stream).

The existing house straddles two lot lines, Lots 17 and 18, Block 53, Garrett Park. The application also includes a portion of Lot 16, which was created by deed. The existing house fronts on, and has access via driveway to, Oxford Street.

PROJECT DESCRIPTION (Attachment 2)

This application proposes to resubdivide the existing two lots and part of lot into two new lots. Portions of the existing house now encumber both of the existing lots and because of this, no additional permits can be issued for new structures on either lot unless the existing structure were removed. At its core, this preliminary plan realigns the existing lots from Clermont Avenue, and rotates them to front on Oxford Street. An approval would result in the existing house being located wholly on a new lot, with a second lot available for a building permit for a new home. The existing home could be renovated, altered or replaced with a new home. The house footprints shown on the plan are typical and are shown to establish a buildable envelope for tree protection. The plan has been revised to eliminate a detached garage shown on a former version previously reviewed by the Planning Board. The applicant deleted the garage in response to staff and adjacent property owner concerns.

PREVIOUS PLANNING BOARD REVIEW

This preliminary plan was reviewed by the Planning Board at a previous hearing on March 2, 2006. At that hearing there was considerable discussion about impacts of the project

on the neighborhood, including tree protection and drainage. There was also discussion about a lot line discrepancy and a detached garage shown on a previous version of the plan. The applicant requested deferral of the plan to address the issues. Staff believes that the current plan has addressed the issues to the extent possible.

ANALYSIS AND FINDINGS

Conformance to the Master Plan

The 1992 *North Bethesda-Garrett Park Master Plan* recommended that an Overlay Zone be applied to the Town of Garrett Park to unify the numerous zoning standards that apply to the properties within it, including the old Residential "A", R-60 and R-90 standards. The Overlay Zone generally follows the development standards of the current R-90 Zone but sets additional restriction as to setbacks and building coverage. This was done in an attempt to provide wider setbacks and control house sizes to preserve the "unique park-like setting of the 19th century garden suburb", as recognized by the Master Plan (p. 87). The Master Plan also recommends maintaining "the prevailing pattern of houses and open spaces by retaining the maximum amount of green area around new or expanded houses." The Overlay Zone has the potential for helping the Town "preserve some of the unique relationships of building scale and open space that makes Garrett Park visually distinct." (p. 90)

The preliminary plan meets all the specific requirements of the Overlay Zone. With the deletion of the detached garage, the plan provides additional tree save measures beyond what was shown on the previous submittal. The additional open space created by the Overlay Zone limitations has been utilized to the best of the applicant's ability to afford additional tree protection.

Conformance with the Subdivision Regulations and Zoning Ordinance

This application has been reviewed for compliance with the Montgomery County Code, Chapter 50, the Subdivision Regulations. The application meets all applicable sections as further discussed below. Access and public facilities will be adequate to support the proposed lots and uses. The proposed size, width, shape and orientation of the lots are appropriate for the location of the subdivision.

The lots were reviewed for compliance with the dimensional requirements for the R-90 zone as specified in the Zoning Ordinance. The lots as proposed will meet all the dimensional requirements for area, frontage, width, and setbacks in that zone. A summary of this review is included in attached Table 1. The application has been reviewed by other applicable county agencies, all of who have recommended approval of the plan.

Conformance with Section 50-29(b)(2)

Statutory Review Criteria

In order to approve an application for resubdivision, the Planning Board must find that the proposed lots comply with all seven of the resubdivision criteria, set forth in Section 50-29(b)(2) of the Subdivision Regulations, which states:

Resubdivision. Lots on a plat for the Resubdivision of any lot, tract or other parcel of land that is part of an existing subdivision previously recorded in a plat book shall be of the same character as to street frontage, alignment, size, shape, width, area and suitability for residential use as other lots within the existing block, neighborhood or subdivision.

Neighborhood Delineation

In administering the Resubdivision section, the Planning Board must determine the appropriate "neighborhood" for evaluating the application. For this application, a neighborhood of twenty lots has been defined for analysis purposes (Attachment 3). The neighborhood generally includes all lots that are contiguous to the subject property, that are in the same block as the subject property, and those lots along the typical travel routes to the subject property. A number of deed lots are not included in the neighborhood for comparison since they were not subjected to subdivision approval or record plat. The neighborhood provides the basis of the resubdivision review.

Analysis

Staff has reviewed the submitted application for compliance with the Resubdivision Criteria pursuant to Section 50-29 (b) (2) and has the following analysis:

Size: The proposed lots are of the same character with respect to size as all lots in the neighborhood.

Lots in the neighborhood range in size from 6,500 square feet to 22,500 square feet. This application proposes lots at 10,570 square feet (Lot 24) and 11,624 square feet (Lot 25). This resubdivision creates two lots that are near the middle of the range for all lot sizes in the defined neighborhood. The proposed lots are consistent with the neighborhood lots with respect to size.

Area: The proposed lots are of the same character with respect to area as the lots in the neighborhood.

The buildable areas of lots in the defined neighborhood range from 563 square feet to 12,500 square feet and average 4,151 square feet. The resubdivision proposes two lots at 4,161 and 4,021 square feet for Lot 24 and 25, respectively. Similar to the finding for size, the two proposed lots are near the middle of the neighborhood range for all lot areas in the neighborhood and are, therefore, of the same character.

Shape: The proposed lot shapes are in character with other lots in the neighborhood.

Except for one lot, the neighborhood is characterized by rectangular lots. The two proposed lots are rectangular and are of the same character.

Width: The proposed lots are of the same character with respect to width as the other lots in the neighborhood.

The range of lot widths at the front building line in the neighborhood range from 50 feet to 125 feet. Both of the proposed lots are within this range, at 85 and 96 feet, close to the middle of the range. Both lots are of the same character with respect to width at the building line.

Alignment: The proposed lots are of the same character with respect to alignment as all lots in the neighborhood.

All lots, including the proposed lots, align perpendicularly to the street. The proposed lots are of the same character as compared to the existing lots in the neighborhood.

Frontage: The proposed lots are of the same character with respect to frontage as the lots in the neighborhood.

The range of lot frontages in the neighborhood are from 50 feet to 199 feet. The proposed lot frontages are 85 and 124 feet for lot 24 and 25, respectively. They are well within the range for all lot frontages in the neighborhood. Therefore, the proposed lots of the same character as the lots in the neighborhood with respect to frontage.

Suitability: The proposed lots are suitable for residential development as are all other lots in the neighborhood.

In summary, the analysis performed by staff indicates that the proposed lots comply with all seven of the resubdivision criteria outlined in Sec. 50-29(b)(2) and that there is a high correlation between the area, size, shape, street frontage, alignment, width and suitability of the existing lots to the proposed lots.

Environmental

Forest Conservation/Tree Save Plan

There is no forest on this property, and this site is exempt from Forest Conservation Law as per #4-04249E, as a Small Property. A Tree Save Plan has been prepared and signed by an ISA certified arborist. The Tree Save Plan proposes to retain trees by restricting disturbance, as indicated by the limits of disturbance (LOD), and by recommending detailed and specific tree protection and stress reduction measures.

This property has approximately 7 specimen trees, 6 large trees ($\geq 24''$ DBH) and 19 smaller trees in a naturalistic landscape setting. The surrounding properties, as well as much of Garrett Park, are similar in character. The applicant's Tree Save Plan anticipates the retention of 2 specimen trees, 4 large trees ($\geq 24''$ DBH), and 12 smaller trees. All off-site and right-of-way trees have tree protection and stress reduction proposed, and will be retained.

Environmental Buffers

The site does not include any streams, wetlands, or floodplains and there are no environmental buffers on the property.

Stormwater Management Concept and Sediment Control

The applicant has secured a stormwater management concept approval from the Montgomery County Department of Permitting Services. The concept requires water quality control through the use of dry wells. One additional requirement is the installation of a large dry well that captures off-site drainage coming through the subject property. The intent of this device is to take the first one inch of runoff coming to this property and put it into the dry well where it can dissipate back into the ground. Channel protection volume is not required since the one-year post development peak discharge is less than or equal to 2.0 cubic feet per second. A detailed review of the stormwater computations and an engineered sediment control plan will be required at the time of building permit.

Citizen Correspondence.

A letter dated September 29, 2005 was submitted from the adjacent neighbor at 10808 Clermont Avenue. The letter questions the accuracy of the common lot boundaries and tree locations shown on the plan, and suggests the plan does not meet subdivision requirements. In staff's opinion these issues have been addressed. Surveyors, hired by the applicant and the affected property owner, have agreed that the disputed property line is accurately reflected on the plan. Although off-site tree locations were not surveyed, Environmental Planning staff has made numerous visits to the site, and feel that the new Tree Save Plan protects all off-site and on-site

trees adequately. The letter suggests the plan is not consistent with the Subdivision Regulations, Resubdivision Standards and the Garrett Park Overlay Zone. This report addresses conformance with the requirements found in these documents.

A second letter dated 10/3/05 from another neighbor requests noise and light buffering between the proposed homes and their existing house. These measures cannot be required under preliminary plan review.

Letters received to the file since the writing of the previous staff report question the need for a detached garage and its proximity to the northern property line. The garage has been deleted and the plan now shows a typical house footprint. The Town of Garrett Park, at this time, has no objection to the drainage generated by this site entering the nearest storm drain system. At building permit, the Town will request a complete storm drain analysis; the applicant's engineer believes that capacity is adequate.

The letters received made note of a depressed area that is currently located on the eastern portion of the Subject Property. This depression appears to be retaining runoff in a storm event and, while not a natural pond, has been cited by some neighbors as an important feature of the property. The depression may have the benefit of providing some level of water quality and quantity control. Its existence is not, however, protected by any law or regulation, nor is it required to be kept as part of the approved stormwater management concept.

The preliminary plan does show that the depression will be removed. The elimination of any water quality control that may have been provided by the depression has been accounted for in the stormwater management concept approved by MCDPS.

CONCLUSION

Staff finds that Preliminary Plan #1-06016, Garrett Park, meets all applicable requirements of the Subdivision Regulations, North Bethesda Garrett Park Master Plan, and the Zoning Ordinance, including the Garrett Park Overlay Zone. The two lots proposed under this preliminary plan meet all seven of the resubdivision criteria defined in Section 50-29(b) (2) of the Subdivision Regulations. The lots have a high correlation with the characteristics of the comparable neighborhood, namely: size, area, shape, width, alignment, frontage and suitability. The lots are consistent with the recommendations of the North Bethesda Garrett Park Master Plan and meet the minimum dimensional requirements of the Zoning Ordinance. As such, Staff recommends approval of the preliminary plan, subject to compliance with the conditions cited above.

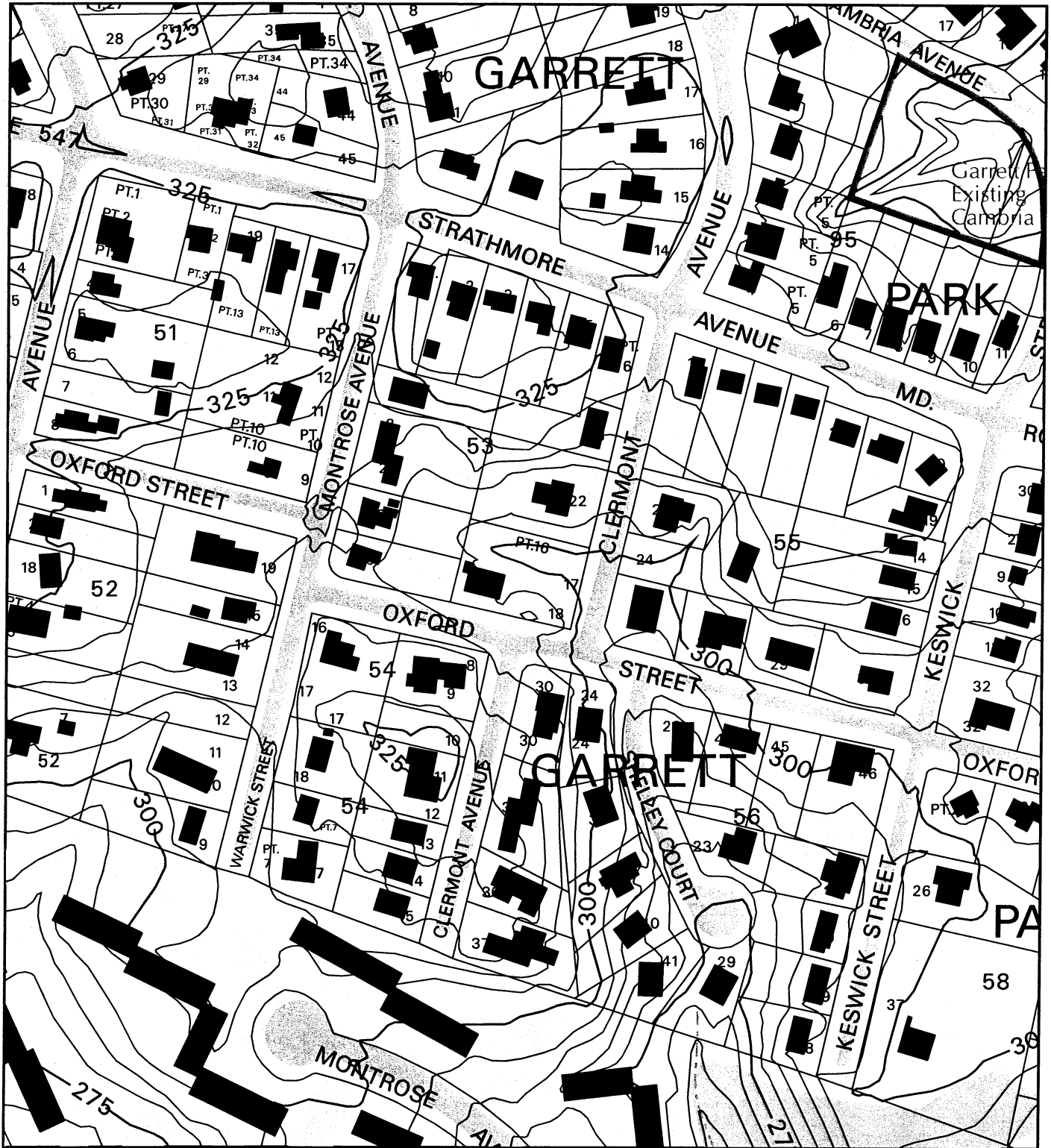
Attachments:

- Attachment 1 – Vicinity Map
- Attachment 2 – Preliminary Plan
- Attachment 3 – Neighborhood Delineation and Summary Table
- Attachment 4 – Preliminary Tree Save Plan
- Attachment 5 - Correspondence

| Plan Name: Garrett Park | | | | |
|--------------------------------------------------|-------------------------------------------|-----------------------------------------------|-------------|----------|
| Plan Number: 120060160 (formerly 1-06016) | | | | |
| Zoning: R-90 Overlay | | | | |
| # of Lots: 2 | | | | |
| # of Outlots: 0 | | | | |
| Dev. Type: Residential one-family | | | | |
| PLAN DATA | Zoning Ordinance Development Standard | Proposed for Approval on the Preliminary Plan | Verified | Date |
| Minimum Lot Area | 9,000 s.f.. | 10,569 s.f. and 11,623 s.f. | Rw | 2/17/06 |
| Lot Width | 75 ft. | Must meet minimum | Rw | 2/2/06 |
| Lot Frontage | 25 ft. | Must meet minimum | Rw | 2/2/06 |
| Setbacks | | | | |
| Overlay Zone: Front | 30 ft. Min. or E.B.L. | Must meet minimum | Rw | 2/2/06 |
| Overlay Zone: Side | 10ft. Min./ 25 ft. total | Must meet minimum | Rw | 2/2/06 |
| Overlay Zone: Rear | 25 ft. Min. | Must meet minimum | Rw | 2/2/06 |
| Height | 35 ft. Max. | May not exceed maximum | Rw | 2/2/06 |
| Max F.A. R. per Overlay Zone | 0.375 | May not exceed maximum | Rw | 2/2/06 |
| Overlay Zone: Building Coverage | 20% | May not exceed maximum | Rw | 2/2/06 |
| MPDUs | N/A | | | |
| TDRs | N/A | | | |
| Site Plan Req'd? | N/A | | | |
| FINDINGS | | | | |
| SUBDIVISION | | | | |
| Lot frontage on Public Street | Yes | Yes | Rw | 2/17/06 |
| Road dedication and frontage improvements | Dedication along frontage of public roads | Yes | DPWT letter | 10/25/05 |
| Environmental Guidelines | N/A | | | |
| Forest Conservation | Yes | Yes | Staff memo | 2/15/06 |
| Master Plan Compliance | Yes | Yes | CPB Letter | 2/13/06 |
| Other | | | | |
| ADEQUATE PUBLIC FACILITIES | | | | |
| Stormwater Management | Yes | Yes | DPS Letter | 7/24/05 |
| Water and Sewer (WSSC) | Yes | Yes | WSSC memo | 9/12/05 |
| Well and Septic | N/A | | | |
| Local Area Traffic Review | Not required | N/A | | |
| Fire and Rescue | Yes | Yes | Rw | 2/17/05 |

GARRETT PARK, SEC. 2 (1-06016)

Attachment "1"



Map compiled on September 01, 2005 at 12:10 PM | Site located on base sheet no. 214NW04

NOTICE

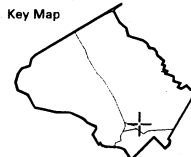
The planimetric, property, and topographic information shown on this map is based on copyrighted Map Products from the Montgomery County Department of Park and Planning of the Maryland-National Capital Park and Planning Commission, and may not be copied or reproduced without written permission from M-NCPPC.

Property lines are compiled by adjusting the property lines to topography created from aerial photography and should not be interpreted as actual field surveys. Planimetric features were compiled from 1:14400 scale aerial photography using stereo photogrammetric methods.

This map is created from a variety of data sources, and may not reflect the most current conditions in any one location and may not be completely accurate or up to date. All map features are approximately within five feet of their true location. This map may not be the same as a map of the same area plotted at an earlier time as the data is continuously updated. Use of this map, other than for general planning purposes is not recommended. - Copyright 1998

MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
8787 Georgia Avenue - Silver Spring, Maryland 20910-3760

Key Map



N



Research & Technology Center



1 inch = 200 feet
1 : 2400

GENERAL NOTES

- [illegible]

ZONING DATA

1) LENDING, N-W COR. OVERLAY ZONE (CASSETT PARK)
 MIN. LOT AREA = 4,000 SQ
 FRONT B.R.L. = 30.0 FT (PER R-300 ZONE)
 LOT WIDTH AT R/W = 25 FT
 REAR B.R.L. = 25 FT
 SIDE B.R.L. = 0 FT MIN. EACH SIDE,
 25 FT MIN. TOTAL.

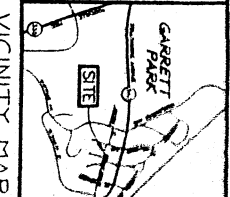
 - PARTS OF LOTS NOT INCLUDED



NOTE, THIS NEIGHBORHOOD MAP IS FOR GRAPHICAL REPRESENTATION ONLY. ALL LOT STATISTICS TAKEN FROM AVAILABLE RECORD PLATS.

SCALE: 1"=40'

VICINITY MAP
 ALL ROAD NAMES SHOWN IN ALL CAPS
 SCALE: 1" = 100'



APPLICANT

MS. CHRISTINE SHERVELL
11277 RICHMOND LANE
HERNDON, VIRGINIA 20171
(703) 460-8447 HOME
(703) 498-2077 OFFICE

4605 OXFORD STREET
PROPOSED LOTS 24 & 25
BLOCK 53
GARRETT PARK
NEIGHBORHOOD MAP
(PRELIMINARY PLAN NO. 1-06016)

4605 OXFORD STREET

PROPOSED LOTS 24 & 25, BLOCK 53
GARRETT PARK
ROCKVILLE (4TH) ELECTION DISTRICT
MONTGOMERY COUNTY, MARYLAND

| DATE | BY | REVISION | FIG. NO. | REV. |
|----------|-----|-------------------------------------------------------------------------------------------|----------|---------|
| 04/14/01 | JPD | REDUCE SIZE OF REMEDIATION: PTH AND PH. COPIENT FROM CATHY GARDEN AT 10m. POSTING, DIV-02 | 02-072B | 04/2001 |
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ENGINEERING
CIVIL • SURVEYING • LAND PLANNING
A DIVISION OF GAS ENTERPRISES, INC.

108 West Ridgeway Boulevard Suite 101 Mount Pleasant, South Carolina 29566

**COMPARABLE LOT DATA
PROPOSED LOTS 24 AND 25, BLOCK 53
GARRETT PARK, MARYLAND
(Per R-90 Zone)**

(REVISED 09/15/05 PER DRC REVIEW COMMENTS DATED 09/12/05)

SORTED BY: LOT SIZE

| Lot | Block | Frontage | Alignment | Lot Size | Lot Shape | Avg. Width | Buildable Area |
|---------------|-----------|------------|----------------------|---------------|--------------------|------------|----------------|
| 22 | 53 | 125 | Perpendicular | 22,500 | Rectangular | 125 | 12,500 |
| 24 | 55 | 60 | Perpendicular | 21,750 | Irregular | 105 | 11,264 |
| 21 | 53 | 70 | Perpendicular | 12,600 | Rectangular | 70 | 5,625 |
| 16 (3) | 54 | 130 | Parallel | 12,350 | Rectangular | 95 | 4,275 |
| 20 | 53 | 65 | Perpendicular | 11,700 | Rectangular | 65 | 5,000 |
| 25 (3) | 53 | 124 | Parallel | 11,624 | Rectangular | 96 | 4,021 |
| 19 (3) | 53 | 180 | Parallel | 11,614 | Rectangular | 65 | 3,375 |
| 23 | 55 | 90 | Perpendicular | 11,250 | Rectangular | 90 | 4,462 |
| 2 | 53 | 60 | Perpendicular | 10,864 | Rectangular | 60 | 4,407 |
| 1 (3) | 55 | 199 | Parallel | 10,798 | Rectangular | 55 | 2,381 |
| 24 | 53 | 85 | Perpendicular | 10,570 | Rectangular | 85 | 4,161 |
| 3 | 53 | 60 | Perpendicular | 10,504 | Rectangular | 60 | 4,197 |
| 23 | 53 | 75 | Perpendicular | 10,500 | Irregular | 50 | 3,563 |
| 4 | 53 | 60 | Perpendicular | 10,143 | Rectangular | 60 | 3,987 |
| 24 (3) | 56 | 133 | Parallel | 10,012 | Irregular | 65 | 2,991 |
| 30 (3) | 56 | 135 | Parallel | 10,000 | Rectangular | 80 | 3,001 |
| 5 | 53 | 60 | Perpendicular | 9,782 | Rectangular | 60 | 3,776 |
| 25 (3) | 55 | 100 | Parallel | 9,687 | Rectangular | 100 | 2,790 |
| 7 | 53 | 50 | Perpendicular | 9,000 | Rectangular | 50 | 3,125 |
| 8 | 53 | 50 | Perpendicular | 9,000 | Rectangular | 50 | 3,125 |
| 9 | 54 | 50 | Perpendicular | 6,500 | Rectangular | 50 | 1,875 |
| 8 (3) | 54 | 130 | Parallel | 6,500 | Rectangular | 50 | 563 |

Notes:

1. All values are based upon available record plat information.
2. Parts of lots and parcels are not included in neighborhood representation.
3. Longest front property line used for frontage calculation on corner lots.
4. Buildable areas are based upon standard R-90 zone requirements.

**COMPARABLE LOT DATA
PROPOSED LOTS 24 AND 25, BLOCK 53
GARRETT PARK, MARYLAND
(Per R-90 Zone)**

(REVISED 09/15/05 PER DRC REVIEW COMMENTS DATED 09/12/05)

SORTED BY: FRONTAGE

| Lot | Block | Frontage | Alignment | Lot Size | Lot Shape | Avg. Width | Buildable Area |
|---------------|-----------|------------|----------------------|---------------|--------------------|------------|----------------|
| 1 (3) | 55 | 199 | Parallel | 10,798 | Rectangular | 55 | 2,381 |
| 19 (3) | 53 | 180 | Parallel | 11,614 | Rectangular | 65 | 3,375 |
| 30 (3) | 56 | 135 | Parallel | 10,000 | Rectangular | 80 | 3,001 |
| 24 (3) | 56 | 133 | Parallel | 10,012 | Irregular | 65 | 2,991 |
| 16 (3) | 54 | 130 | Parallel | 12,350 | Rectangular | 95 | 4,275 |
| 8 (3) | 54 | 130 | Parallel | 6,500 | Rectangular | 50 | 563 |
| 22 | 53 | 125 | Perpendicular | 22,500 | Rectangular | 125 | 12,500 |
| 25 (3) | 53 | 124 | Parallel | 11,624 | Rectangular | 96 | 4,021 |
| 25 (3) | 55 | 100 | Parallel | 9,687 | Rectangular | 100 | 2,790 |
| 23 | 55 | 90 | Perpendicular | 11,250 | Rectangular | 90 | 4,462 |
| 24 | 53 | 85 | Perpendicular | 10,570 | Rectangular | 85 | 4,161 |
| 23 | 53 | 75 | Perpendicular | 10,500 | Irregular | 50 | 3,563 |
| 21 | 53 | 70 | Perpendicular | 12,600 | Rectangular | 70 | 5,625 |
| 20 | 53 | 65 | Perpendicular | 11,700 | Rectangular | 65 | 5,000 |
| 24 | 55 | 60 | Perpendicular | 21,750 | Irregular | 105 | 11,264 |
| 2 | 53 | 60 | Perpendicular | 10,864 | Rectangular | 60 | 4,407 |
| 3 | 53 | 60 | Perpendicular | 10,504 | Rectangular | 60 | 4,197 |
| 4 | 53 | 60 | Perpendicular | 10,143 | Rectangular | 60 | 3,987 |
| 5 | 53 | 60 | Perpendicular | 9,782 | Rectangular | 60 | 3,776 |
| 7 | 53 | 50 | Perpendicular | 9,000 | Rectangular | 50 | 3,125 |
| 8 | 53 | 50 | Perpendicular | 9,000 | Rectangular | 50 | 3,125 |
| 9 | 54 | 50 | Perpendicular | 6,500 | Rectangular | 50 | 1,875 |

Notes:

1. All values are based upon available record plat information.
2. Parts of lots and parcels are not included in neighborhood representation.
3. Longest front property line used for frontage calculation on corner lots.
4. Buildable areas are based upon standard R-90 zone requirements.

COMPARABLE LOT DATA
PROPOSED LOTS 24 AND 25, BLOCK 53
GARRETT PARK, MARYLAND
(Per R-90 Zone)

(REVISED 09/15/05 PER DRC REVIEW COMMENTS DATED 09/12/05)

SORTED BY: BUILDABLE AREA

| Lot | Block | Frontage | Alignment | Lot Size | Lot Shape | Avg. Width | Buildable Area |
|--------|-------|----------|---------------|----------|-------------|------------|----------------|
| 22 | 53 | 125 | Perpendicular | 22,500 | Rectangular | 125 | 12,500 |
| 24 | 55 | 60 | Perpendicular | 21,750 | Irregular | 105 | 11,264 |
| 21 | 53 | 70 | Perpendicular | 12,600 | Rectangular | 70 | 5,625 |
| 20 | 53 | 65 | Perpendicular | 11,700 | Rectangular | 65 | 5,000 |
| 23 | 55 | 90 | Perpendicular | 11,250 | Rectangular | 90 | 4,462 |
| 2 | 53 | 60 | Perpendicular | 10,864 | Rectangular | 60 | 4,407 |
| 16 (3) | 54 | 130 | Parallel | 12,350 | Rectangular | 95 | 4,275 |
| 3 | 53 | 60 | Perpendicular | 10,504 | Rectangular | 60 | 4,197 |
| 24 | 53 | 85 | Perpendicular | 10,570 | Rectangular | 85 | 4,161 |
| 25 (3) | 53 | 124 | Parallel | 11,624 | Rectangular | 96 | 4,021 |
| 4 | 53 | 60 | Perpendicular | 10,143 | Rectangular | 60 | 3,987 |
| 5 | 53 | 60 | Perpendicular | 9,782 | Rectangular | 60 | 3,776 |
| 23 | 53 | 75 | Perpendicular | 10,500 | Irregular | 50 | 3,563 |
| 19 (3) | 53 | 180 | Parallel | 11,614 | Rectangular | 65 | 3,375 |
| 7 | 53 | 50 | Perpendicular | 9,000 | Rectangular | 50 | 3,125 |
| 8 | 53 | 50 | Perpendicular | 9,000 | Rectangular | 50 | 3,125 |
| 30 (3) | 56 | 135 | Parallel | 10,000 | Rectangular | 80 | 3,001 |
| 24 (3) | 56 | 133 | Parallel | 10,012 | Irregular | 65 | 2,991 |
| 25 (3) | 55 | 100 | Parallel | 9,687 | Rectangular | 100 | 2,790 |
| 1 (3) | 55 | 199 | Parallel | 10,798 | Rectangular | 55 | 2,381 |
| 9 | 54 | 50 | Perpendicular | 6,500 | Rectangular | 50 | 1,875 |
| 8 (3) | 54 | 130 | Parallel | 6,500 | Rectangular | 50 | 563 |

Notes:

1. All values are based upon available record plat information.
2. Parts of lots and parcels are not included in neighborhood representation.
3. Longest front property line used for frontage calculation on corner lots.
4. Buildable areas are based upon standard R-90 zone requirements.

Attachment 8 4

MISS UTILITY

TO BE LOCATED ON THE EAST SIDE OF THE PROPOSED LOT 24, BLOCK 53, GARRETT PARK, SECTION 2, MONTGOMERY COUNTY, MARYLAND. THE UTILITY IS TO BE LOCATED AT A DEPTH OF 10 FEET BELOW THE FINISHED GRADE OF THE LOT. THE UTILITY IS TO BE LOCATED AT A DISTANCE OF 10 FEET FROM THE ADJACENT LOT. THE UTILITY IS TO BE LOCATED AT A DISTANCE OF 10 FEET FROM THE ADJACENT LOT. THE UTILITY IS TO BE LOCATED AT A DISTANCE OF 10 FEET FROM THE ADJACENT LOT.

CLERMONT AVE
50' R/W

OXFORD STREET
50' R/W

CLERMONT AVENUE
50' R/W

ARBORIST CERTIFICATION

I, the undersigned, a duly licensed and qualified arborist, have examined the trees shown on the attached plan and certify that the same are in good health and are not subject to removal. I have also examined the trees shown on the attached plan and certify that the same are in good health and are not subject to removal. I have also examined the trees shown on the attached plan and certify that the same are in good health and are not subject to removal.

DATE: 04/11/00
BY: [Signature]



CLIENT

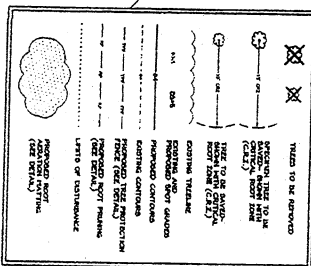
4605 OXFORD STREET
GARRETT PARK, SECTION 2
PRELIMINARY TREE SAVE PLAN

DATE: 04/11/00
BY: [Signature]

ARBORIST

4605 OXFORD STREET
GARRETT PARK, SECTION 2
PRELIMINARY TREE SAVE PLAN

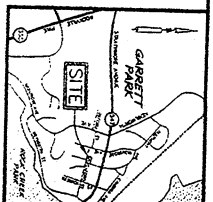
DATE: 04/11/00
BY: [Signature]



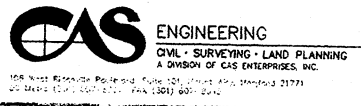
LEGEND

- GENERAL NOTES**
- 1) WATER CATEGORIES - SEE SHEET 02.072B
 - 2) THE PROPOSED LOT 24, BLOCK 53, GARRETT PARK, SECTION 2, MONTGOMERY COUNTY, MARYLAND, IS TO BE LOCATED AT A DISTANCE OF 10 FEET FROM THE ADJACENT LOT.
 - 3) THE PROPOSED LOT 25, BLOCK 53, GARRETT PARK, SECTION 2, MONTGOMERY COUNTY, MARYLAND, IS TO BE LOCATED AT A DISTANCE OF 10 FEET FROM THE ADJACENT LOT.
 - 4) THE PROPOSED LOT 26, BLOCK 53, GARRETT PARK, SECTION 2, MONTGOMERY COUNTY, MARYLAND, IS TO BE LOCATED AT A DISTANCE OF 10 FEET FROM THE ADJACENT LOT.
 - 5) THE PROPOSED LOT 27, BLOCK 53, GARRETT PARK, SECTION 2, MONTGOMERY COUNTY, MARYLAND, IS TO BE LOCATED AT A DISTANCE OF 10 FEET FROM THE ADJACENT LOT.
 - 6) THE PROPOSED LOT 28, BLOCK 53, GARRETT PARK, SECTION 2, MONTGOMERY COUNTY, MARYLAND, IS TO BE LOCATED AT A DISTANCE OF 10 FEET FROM THE ADJACENT LOT.
 - 7) THE PROPOSED LOT 29, BLOCK 53, GARRETT PARK, SECTION 2, MONTGOMERY COUNTY, MARYLAND, IS TO BE LOCATED AT A DISTANCE OF 10 FEET FROM THE ADJACENT LOT.
 - 8) THE PROPOSED LOT 30, BLOCK 53, GARRETT PARK, SECTION 2, MONTGOMERY COUNTY, MARYLAND, IS TO BE LOCATED AT A DISTANCE OF 10 FEET FROM THE ADJACENT LOT.
 - 9) THE PROPOSED LOT 31, BLOCK 53, GARRETT PARK, SECTION 2, MONTGOMERY COUNTY, MARYLAND, IS TO BE LOCATED AT A DISTANCE OF 10 FEET FROM THE ADJACENT LOT.
 - 10) THE PROPOSED LOT 32, BLOCK 53, GARRETT PARK, SECTION 2, MONTGOMERY COUNTY, MARYLAND, IS TO BE LOCATED AT A DISTANCE OF 10 FEET FROM THE ADJACENT LOT.

VICINITY MAP



4605 OXFORD STREET
PROPOSED LOTS 24 AND 25, BLOCK 53
GARRETT PARK, SECTION 2
MONTGOMERY COUNTY, MARYLAND
PRELIMINARY TREE SAVE PLAN



| DATE | BY | REVISION |
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| 02/07/00 | JMO | REVISED FOR MONTGOMERY COUNTY RECORDS |
| 02/07/00 | JMO | REVISED FOR MONTGOMERY COUNTY RECORDS |
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Attachment 5

10910 Montrose Avenue
P.O. Box 571
Garrett Park, Md. 20896
March 2, 2006

✓ Added
4/20/07
PSC

Mr. Derick P. Berlage, Chairman
Montgomery County Planning Board
8787 Georgia Avenue
Silver Spring, Md. 20910-3760

Re: Preliminary Plan 120060160 (formerly 1-06016)
Proposed Re-subdivision
Garrett Park, Md.

Dear Chairman Berlage:

I write this letter in support of the position of Ms. Beth Irons in the above matter.

I have been a resident of Garrett Park for more than 20 years, and served as a Town Council member for three years in the early 1990s. During my Council term, I was involved in writing the Town's Setback Ordinance and working with the County in creation of the Town's special Overlay Zone, which is now part of the County's zoning ordinance. During that time, I also worked with the County Historic Preservation Commission in creating our historic district.

I believe Ms. Irons is correct in objecting to the placement of the proposed garage and driveway in the re-subdivision plan. She correctly interprets the letter and intent of the Garrett Park Overlay Zone and the Town's Code of Ordinances, and the consequent violations inherent in the subdivision plan as contained in the staff report dated February 17, 2006.

Her interpretation of the County Subdivision Ordinance also appears to be correct.

If the re-subdivision plan were allowed to go forward as is, the resulting loss of trees and changes in the drainage patterns would do significant damage to the area surrounding the property, and damage the town as a whole.

I would also bring your attention to Section 401-c-1 of the Town's Code of Ordinances, which Ms. Irons cites. This provision, which requires replatting when a house is demolished, was written specifically to prevent the construction of two houses in the place of a single house that straddles two lots. It reflected the desire of the Town to retain open spaces and prevent over-building. The above plan clearly would violate the requirement of the replatting ordinance.

As you know, Garrett Park has been honored by being placed on the National Register of Historic Sites for its historic and aesthetic properties, including its heavy tree canopy. The massive loss of trees necessitated by the building plan would fly in the face of the purpose for which the town was placed on the Register. I would also violate the purpose of the Town's

Overlay Zone, as correctly pointed out by Ms. Irons.

The so-called "McMansionization" of Montgomery County has become a major concern for the people of the county, and has threatened the physical integrity of many neighborhoods. Garrett Park is a special place, and has been so for well over a century. We should all do anything we can to preserve the unique nature of the town. Retaining trees should be a primary goal.

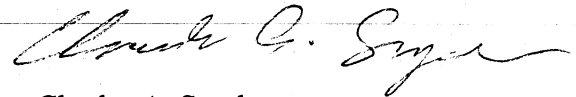
Ms. Irons' alternative proposal is a sensible one which would prevent much the damage that the original plan would cause. It would also be in keeping with the desires of the majority of the people in Garrett Park, whose old-time charm attracted most of them to the Town in the first place. At the same time, it would respect the rights of the property owner to build on the property.

I urge you and the other Planning Board members to accept Ms. Irons' suggestions.

If you have any questions of me, I can be reached at (301) 942-2442.

Thank you.

Yours sincerely,

A handwritten signature in cursive script, reading "Charles A. Snyder". The signature is written in dark ink and is positioned above the printed name.

Charles A. Snyder

Barbara E. Jackson
10922 Montrose Ave.
Garrett Park, MD 20896-0378

February 28, 2006

Mr. Derick Berlage, Chair
MNCPPC
8787 Georgia Ave.
Silver Spring, MD 20910-3760

Dear Mr. Berlage:

I am writing in support of the rejection of the proposed plan for the proposed resubdivision File number 120060160 (formerly 1-06016.) I think that my neighbor, Beth Irons, has presented reasonable, convincing, and accurate arguments against the subdivision of this lot. Garrett Park, like the rest of Montgomery County, now finds itself under siege from developers and politicians who owe their jobs to the campaign funds donated by these same developers. So much attention is paid to the, "individual property owner's rights," and their right to make the most money they possibly can from their property, that the impact this greed may have upon neighbors and indeed the town as a whole is ignored.

When one purchases a home in an area that has zoning regulations as well as local regulations in place, the value of that home is theoretically protected by the fact that these restrictions are in place. We, as a town, attempted to anticipate and prevent the destruction that could be wreaked by developers by passing Garrett Park's ordinance Section 401-c-1 over 15 years ago. In addition, the Town pursued a Garrett Park Overlay Zone to attempt to preserve the character, open space and trees in town. Granting this resubdivision violates both the Overlay Zone as well as the local ordinance. This is an **extremely dangerous precedent** that could result in chaos and the destruction of the town as each property owner seeks to redefine their property in order to maximize the number of houses that each lot could hold.

Finally, I also object strenuously to the lack of regulation regarding garages and out buildings in the county. The new homes being built in Garrett Park are all accompanied by garages that are easily the size of a house and, several stories high. Some, with the approval of the county, even boast complete plumbing and kitchen facilities and are certainly comparable to a house in every way except the set back requirements are far more lenient than those that apply to a house. By permitting such large garages to be built the county is effectively allowing the construction of two houses per lot.

boxed in 02/28/06

*Added
4/24/07
PSC*

I urge the Planning Board to reject this resubdivision and to take into account the larger issues brought to light by this request.

Sincerely,

Barbara E. Jackson
Town resident for 47 years.

Carol & Les Henig

P.O. Box 530, Garrett Park, MD 20896

February 28, 2006

Derick P. Berlage, Chairman
Montgomery County Planning Board
8787 Georgia Avenue
Silver Spring, MD 20910-3760

Re: Garrett Park re-subdivision, file number 120060160

Dear Chairman Berlage:

I was a member of the Garrett Park Town Council at the time the overlay zone/set back issue was being discussed and eventually put in place. At that time, we wrestled with the issue of individual property owners rights weighed against the rights of adjacent property owners to enjoy their own space while keeping in mind the overall goal of maintaining significant open space in the town.

As the county becomes ever more densely populated, every bit of open space becomes more precious. I have examined the plans related to the above named file and support **rejection** of the proposed plan for reasons outlined by Beth Irons in her letter to you on February 25, 2006. In addition to the reasons cited in that letter, all of which are very compelling, it has been the policy of the MNCPPC for more that 40 years to support open space. There is no reason to backtrack on that policy now. It should also be noted that the Army Corp of Engineers has an interest in preventing the disruption of the natural flow of water. They have intervened in a number of other similar projects in Garrett Park where they felt that re-routing the natural flow of water would cause damage to environmentally sensitive areas.

Sincerely,


Les Henig

February 25, 2006

Mr. Derick Berlage, Chair
MNCPPC
8787 Georgia Ave.
Silver Spring, MD 20910-3760

Re: Preliminary Plan 120060160 (formerly 1-06016)
Proposed Re-subdivision
Garrett Park, MD

*Added
4/20/07
psl*

Dear Mr. Berlage and Members of the Montgomery County Planning Board:

I support rejection of the proposed plan for the above resubdivision contained in the staff report dated Feb. 17, 2006 for the reasons outlined in the letter of February 25th from Beth Irons. I strongly support adoption of a plan consistent with and in the spirit of the Exhibit B Alternative attached to that letter.

| <u>Name</u> | <u>Address</u> | <u>Comments</u> |
|-------------|----------------|-----------------|
|-------------|----------------|-----------------|

| | | |
|--------------------|-----------------------------------------------|--|
| Barbara G. Shidler | 4515 Strathmore Ave Garrett Park, MD 20896 | |
|--------------------|-----------------------------------------------|--|

as a resident of Garrett Park for 45 years, I am increasingly disturbed by the cavalier attitude of many recent builders. They pay little attention to either the Overlay Zone or the county's resubdivision ordinances. Did anyone actually look at this site? It seems incomprehensible that a large driveway garage could be approved five feet from the 10808 Clemmont Ave. property line. And is there any reason to face the proposed house toward Oxford and the driveway toward Clemmont? I am familiar with the site where these two houses are proposed to be built. It is unthinkable that this lovely corner is to be destroyed. Surely better planning could produce two houses where legally there should be one more compatible with the neighborhood and sensitive to the natural surroundings.

COVER

10808 Clermont Ave.
POBox 570
Garrett Park, MD 20896

✓ Added
4/29/07
PSE

Sept. 29, 2005

Mr. Derick Berlage, Chair
MNCPPC
8787 Georgia Ave.
Silver Spring, MD 20910-3760

Re: Preliminary Plan 1-06016
Proposed Re-subdivision
Garrett Park, MD

Dear Mr. Berlage:

I am the adjacent neighbor to the above property. I have the following serious concerns about this proposed re-subdivision:

Property Line

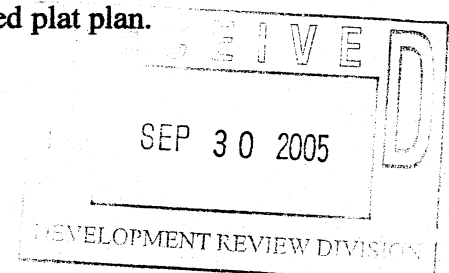
The line show on the proposed subdivision is not where my understanding of the property line between my home and the subject property is. I have spoken with CAS Engineering about this. The metes and bounds shown on their plat is not the same as the metes and bounds shown on a survey I have for my property. I am in the process of engaging a professional surveyor to obtain a second opinion. As you may be aware, there are a number of boundary issues in Garrett Park. When a large structure is proposed only 5 feet from my yard where I have just invested major time and money to improve my garden and patio area, a few feet can become very critical.

Thank you for putting this process on hold until the correct property line can be verified.

Plat Pan is incorrect

There is a large tree on public property that is not shown on the proposed plat plan. It happens to be right beside my property so I noticed it was not shown on the proposed plat plan. How many other "over sights" are there on this plan?

I would request that staff field verify the conditions shown on the proposed plat plan.



Inconsistent with Subdivision Ordinance

The re-subdivision as proposed is inconsistent with the County's Subdivision ordinance in several major respects:

+ It will result in major drainage problems and does not preserve natural streams and drainage swales as required by the subdivision ordinance. There is already a drainage problem in this area because of the nature of the soils and the natural topography. I have been forced to invest over \$10,000 in correcting drainage problems on my property. The re-subdivision proposes to fill a major drainage swale on the property. I suspect it is the natural drainage swale for the surrounding area. When this is filled, where will the water go?? It will back up on my and other property owners' property.

+ There are a number of large and significant trees on this site. The subdivision as proposed would decimate these trees, leaving a barren site. This is inconsistent with the purpose of preserving trees as stated in the ordinance.

Re-subdivision Standards

As I understand it, there are special provisions that apply to a re-subdivision. There are numerous large lots in this area of Garrett Park. This proposal plan would create 2 small lots in an area of larger lots.

It is also an area of significant open space and tree cover, even on the smaller lots that do exist. The relationship of the scale of existing homes to their sites creates this happy result. As pointed out above, the proposed site plan with its nearly complete grade-out of the site would result in the loss of nearly every existing tree on the property. Two barren lots in the midst of a very treed area would result.

Because of the proposed grading—right up to the property line, several large trees on my property would eventually be lost. Who is going to pay to have these trees taken down in several years after they die a slow death from root destruction from the grading?

Inconsistent with Garrett Park Overlay Zone

For the reasons outlined above, the proposed plan is also inconsistent with the Garrett Park Overlay Zone, Sec. 59-C-18.11 whose purposes are to:

“(a) Preserve the unique park-like setting of the 19th century garden suburb, maintain the prevailing pattern of houses and open spaces, and retain the maximum amount of green area surrounding new or expanded houses

(b) Encourage a compatible relationship between new or expanded houses and neighboring structures in scale, siting and orientation on the lot.”

Page 3

For the reason outlined above, I ask that this proposed re-subdivision not be approved. Thank you for your consideration of these issues.

Sincerely,

A handwritten signature in black ink, appearing to read "Beth Irons", written over a horizontal line.

Beth Irons

301 942-0994

b.iron@comcast.net

CC:

Catherine Conlon, Development Review Division, MNCPPC

Christine Shreves, Applicant

Ulla Lustig, Owner of subject property

February 25, 2006

Mr. Derick Berlage, Chair
MNCPPC
8787 Georgia Ave.
Silver Spring, MD 20910-3760

Originals
8

Re: Preliminary Plan 12006016
Proposed Re-subdivision
Garrett Park, MD

Dear Mr. Berlage and Members of the Montgomery County Planning Board:

I support rejection of the proposed plan for the above resubdivision contained in the staff report dated Feb. 17, 2006 for the reasons outlined in the letter of February 25th from Beth Irons. I strongly support adoption of a plan consistent with and in the spirit of the Exhibit B Alternative attached to that letter.

| <u>Name</u> | <u>Address</u> | <u>Comments</u> |
|---------------------------------------------|--------------------------------------------|-----------------------------------------|
| ARTHUR M. HEYMAN <i>Arthur M. Heyman</i> | 4418 CAMBRIA AVE GARRETT PARK, MD 20896 | ✓ <i>Added 4/20/07</i> <i>psu</i> |
| <i>Joe M. L...</i> <i>Sean M. Moran</i> | 4419 Cambria Ave Garrett Park, MD 20896 | ✓ |
| James E. Agnew | 10902 Raleigh Av. Garrett Pk, MD | |
| Stephen H. Holden | 4417 Cambria Avenue Garrett Park, MD 20896 | |
| Mary Ruth | 4415 Cambria Ave Garrett Park MD 20896 | |
| Frank O'Brien | 4407 Cambria Ave Garrett Pk MD 20896 | |
| Les Henry | 4400 Cambria Ave, G. P., MD 20896 | |
| Sen D. R... | 4415 Cambria Ave Garrett Park MD 20896 | |
| M. Rutkay | 4415 Cambria Ave. Garrett Park, MD 20896 | |

* I agree with Mr. Irons position, but I would go further. It would be a pity to destroy that beautiful lot by putting two houses on it, no matter the contribution.

February 25, 2006

Mr. Derick Berlage, Chair
MNCPPC
8787 Georgia Ave.
Silver Spring, MD 20910-3760

Re: Preliminary Plan 120060160 (formerly 1-06016)
Proposed Re-subdivision
Garrett Park, MD

Dear Mr. Berlage and Members of the Montgomery County Planning Board:

I strongly urge you to reject the proposed plan for the above resubdivision contained in the staff report dated Feb. 17, 2006. This plan is attached as Exhibit A and shows the huge area of impervious surface in red.

Problems with Proposed Plan

The plan, as currently proposed, would result in 2 large "McMansions", with at least one having a large 2 car garage (which could be 2 stories high) sitting virtually (5 feet away) on top of the neighboring property (which I own). The resulting lots would be almost denuded of trees and the tree canopy destroyed. The natural topography would be obliterated, with a large increase in impervious surface and the resulting drainage problems. The proposed plan would invade my privacy and destroy the quite enjoyment of my property and its value.

Violates Garrett Park Overlay Zone – This resulting situation is wholly inconsistent with the Garrett Park Overlay Zone, Sec. 59-C-18.11 whose purposes, among others, are to:

"(a) Preserve the unique park-like setting of the 19th century garden suburb, maintain the prevailing pattern of houses and open spaces, and retain the maximum amount of green area surrounding new or expanded houses

(b) Encourage a compatible relationship between new or expanded houses and neighboring structures in scale, siting and orientation on the lot."

Violates Garrett Park Regulations—Garrett Park regulations provide that, "A house situated on more than one lot may only be demolished or razed only if the site is replatted to a single lot." Section 401-c-1. The applicant's house sits on 2 lots of record. The natural evolution of this planned resubdivision and then demolition violates this regulation.

Inconsistent with Montgomery County Subdivision Ordinance regarding Preserving Trees and Natural Drainage—As described in detail in my attached letter, the proposed re-subdivision as proposed is inconsistent with the County's Subdivision ordinance in several major respects:

- + It does not preserve natural streams and drainage swales as required by the subdivision ordinance and will result in exacerbating existing drainage problems due to the nature of the soils and the natural topography. The re-subdivision proposes to fill a major, natural drainage swale on the property. When this is filled, where will the water go? It will back up on surrounding property.
- + The re-subdivision as proposed would decimate a number of large and significant trees and virtually eliminate the existing tree canopy. This is inconsistent with the intent of preserving trees as stated in the ordinance.

Does not meet Re-subdivision Standards— There are special provisions that apply to a re-subdivision. There are numerous large lots in this area of Garrett Park. This proposed plan would create 2 small lots in an area of larger lots.

It is also an area of significant open space and tree cover, even on the smaller lots that do exist. The relationship of the scale of existing homes to their sites creates this happy result. The proposed site plan with its nearly complete grade-out would result in the loss of the majority of existing trees on the property. Two nearly barren lots in the midst of a very treed area would result. The size and shape of the footprints on the proposed plan clearly show houses that are inconsistent with the scale and character of the surrounding neighborhood. These inconsistencies were NOT addressed in the staff report.

Unique Opportunity

The subject property, if it is to be redeveloped, presents a unique opportunity in Garrett Park. It has large trees which create a significant canopy in this area of town. The natural topography is lovely and unique. There is a garden with many native, Maryland wildflowers. With proper and environmentally sensitive siting of homes, appropriate to the location and considering the character of the surrounding neighborhood, it would be possible to put 2 houses which respect the unique characteristics of the site, blend with the character of the neighborhood and respect the quiet enjoyment of neighboring property. This should also satisfy the desires of the applicant and the future families that purchase the new houses.

The attached Exhibit B shows a plan which meets many of the concerns raised above:

- + A significantly greater number of trees are preserved, including 2 specimen sycamores because the area of disturbance is reduced substantially.
- + The natural drainage swale is respected.
- + The area of impervious surface is substantially reduced.
- + The privacy and quiet enjoyment of neighboring property owners is respected.
- + In addition, it provides proper backyards for family life for both houses.

If it is determined that a proposed re-subdivision can move forward, I urge the Board to adopt a plan consistent with the plan as outlined in Exhibit B and set conditions and standards which truly achieve the objectives of the Montgomery County ordinances, including the Garrett Park Overlay Zone.

The Garrett Park Overlay Zone embodies the reasons people want to live in Garrett Park and stay in Garrett Park. Meeting the requirements of the spirit and intent of this Zone is the only way to continue to keep Garrett Park a unique and wonderful place to live.

Thank you for your time and consideration.

A handwritten signature in cursive script, appearing to read "Beth Irons".

Beth Irons
10808 Clermont Ave.
POBox 570
Garrett Park, MD 20896-0570

[illegible]

OXFORD STREET

CLERMONT AVENUE

ENGINEER'S CERTIFICATE

RESEARCH & ANALYSIS *With the assistance of a team of researchers, the author has conducted a series of interviews with industry executives and government officials.*

02/09/06
BATT
Capt A. S. ...
Capt A. S. ...

CLIENT

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3457-3460
3461-3

4605 OXFORD STREET
PROPOSED LOT 24 AND
PROPOSED LOT 25, BLOCK 53
GARRETT PARK, SECTION 2
PRELIMINARY PLAN #1-06016

GENERAL NOTE

VICINITY MAP

Model 1

ALTE / ZONING DATA

[illegible]

111 See *Smith v. Smith*, 2007 WL 1252222, 2007 AMC 2122 (S.D. Cal. Apr. 11, 2007).

4605 OXFORD STREET

PROPOSED LOTS 24 AND 25, BLOCK 58
GARRETT PARK, SECTION 2.

ROCKVILLE (4TH) ELECTION DISTRICT
MONTGOMERY COUNTY, MARYLAND

PRELIMINARY PLAN #1-06016



ENGINEERING
CIVIL • SURVEYING • LAND PLANNING
A DIVISION OF BAY DISTRICTS, INC.

120 West Magnolia Boulevard, Suite 101, Mount Airy, Maryland 21771
DC Metro (202) 887-8331 FAX (202) 681-8343

[illegible]

| | |
|---------|---------|
| 02-0728 | 02/2006 |
| JMO | JMO |
| 1"=10' | CAS |

EXHIBIT A- PROPOSAL

Additional Trees Saved

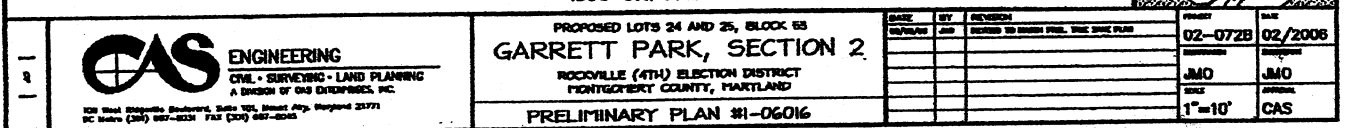


EXHIBIT B- ALTERNATIVE


February 25, 2006

Mr. Derick Berlage, Chair
MNCPPC
8787 Georgia Ave.
Silver Spring, MD 20910-3760

Re: Preliminary Plan 120060160 (formerly 1-06016)
Proposed Re-subdivision
Garrett Park, MD

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I support rejection of the proposed plan for the above resubdivision contained in the staff report dated Feb. 17, 2006 for the reasons outlined in the letter of February 25th from Beth Irons. I strongly support adoption of a plan consistent with and in the spirit of the Exhibit B Alternative attached to that letter.

| <u>Name</u> | <u>Address</u> | <u>Comments</u> |
|-----------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------|-----------------|
| ROBERT W. REINHARDT, AIA  | BOX 129 10706 ITENILWORTH AVE. GARRETT PARK, MD 20896 | |

February 25, 2006

Mr. Derick Berlage, Chair
MNCPPC
8787 Georgia Ave.
Silver Spring, MD 20910-3760

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Proposed Re-subdivision
Garrett Park, MD

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I strongly urge you to reject the proposed plan for the above resubdivision contained in the staff report dated Feb. 17, 2006. This plan is attached as Exhibit A and shows the huge area of impervious surface in red.

Problems with Proposed Plan

The plan, as currently proposed, would result in 2 large "McMansions", with at least one having a large 2 car garage (which could be 2 stories high) sitting virtually (5 feet away) on top of the neighboring property (which I own). The resulting lots would be almost denuded of trees and the tree canopy destroyed. The natural topography would be obliterated, with a large increase in impervious surface and the resulting drainage problems. The proposed plan would invade my privacy and destroy the quite enjoyment of my property and its value.

Violates Garrett Park Overlay Zone – This resulting situation is wholly inconsistent with the Garrett Park Overlay Zone, Sec. 59-C-18.11 whose purposes, among others, are to:

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(b) Encourage a compatible relationship between new or expanded houses and neighboring structures in scale, siting and orientation on the lot.”

Violates Garrett Park Regulations—Garrett Park regulations provide that, “A house situated on more than one lot may only be demolished or razed only if the site is replatted to a single lot.” Section 401-c-1. The applicant’s house sits on 2 lots of record. The natural evolution of this planned resubdivision and then demolition violates this regulation.

Inconsistent with Montgomery County Subdivision Ordinance regarding Preserving Trees and Natural Drainage—As described in detail in my attached letter, the proposed re-subdivision as proposed is inconsistent with the County's Subdivision ordinance in several major respects:

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- + The re-subdivision as proposed would decimate a number of large and significant trees and virtually eliminate the existing tree canopy. This is inconsistent with the intent of preserving trees as stated in the ordinance.

Does not meet Re-subdivision Standards-- There are special provisions that apply to a re-subdivision. There are numerous large lots in this area of Garrett Park. This proposed plan would create 2 small lots in an area of larger lots.

It is also an area of significant open space and tree cover, even on the smaller lots that do exist. The relationship of the scale of existing homes to their sites creates this happy result. The proposed site plan with its nearly complete grade-out would result in the loss of the majority of existing trees on the property. Two nearly barren lots in the midst of a very treed area would result. The size and shape of the footprints on the proposed plan clearly show houses that are inconsistent with the scale and character of the surrounding neighborhood. These inconsistencies were NOT addressed in the staff report.

Unique Opportunity

The subject property, if it is to be redeveloped, presents a unique opportunity in Garrett Park. It has large trees which create a significant canopy in this area of town. The natural topography is lovely and unique. There is a garden with many native, Maryland wildflowers. With proper and environmentally sensitive siting of homes, appropriate to the location and considering the character of the surrounding neighborhood, it would be possible to put 2 houses which respect the unique characteristics of the site, blend with the character of the neighborhood and respect the quiet enjoyment of neighboring property. This should also satisfy the desires of the applicant and the future families that purchase the new houses.

The attached Exhibit B shows a plan which meets many of the concerns raised above:

- + A significantly greater number of trees are preserved, including 2 specimen sycamores because the area of disturbance is reduced substantially.
- + The natural drainage swale is respected.
- + The area of impervious surface is substantially reduced.
- + The privacy and quiet enjoyment of neighboring property owners is respected.
- + In addition, it provides proper backyards for family life for both houses.

If it is determined that a proposed re-subdivision can move forward, I urge the Board to adopt a plan consistent with the plan as outlined in Exhibit B and set conditions and standards which truly achieve the objectives of the Montgomery County ordinances, including the Garrett Park Overlay Zone.

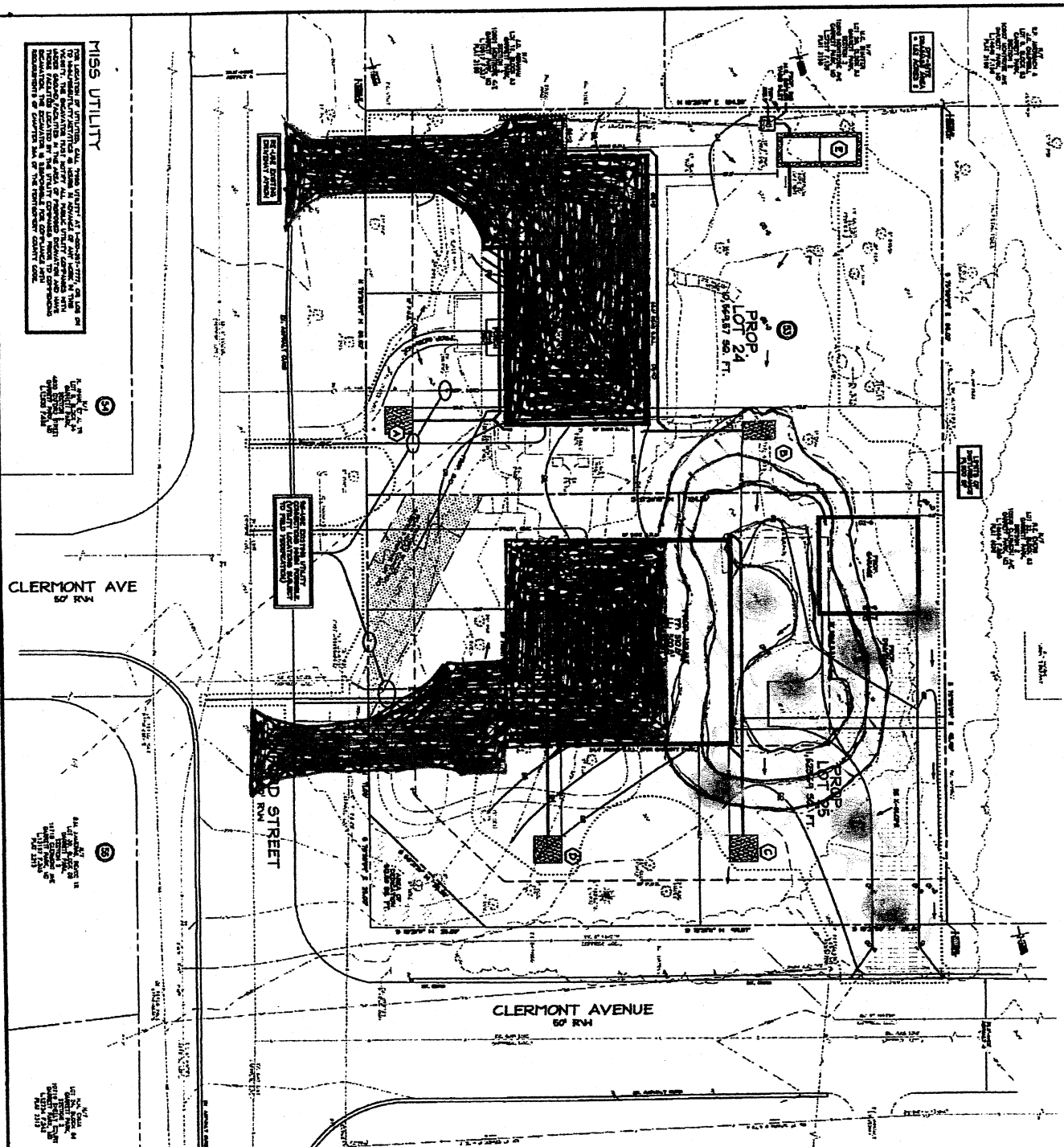
The Garrett Park Overlay Zone embodies the reasons people want to live in Garrett Park and stay in Garrett Park. Meeting the requirements of the spirit and intent of this Zone is the only way to continue to keep Garrett Park a unique and wonderful place to live.

Thank you for your time and consideration.

A handwritten signature in cursive script, appearing to read "Beth Irons".

Beth Irons
10808 Clermont Ave.
POBox 570
Garrett Park, MD 20896-0570

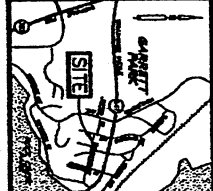
Impervious Surface
Natural Drainage Swale



GENERAL NOTES

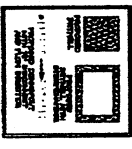
1. ALL DIMENSIONS ARE IN FEET AND INCHES.
2. THE PROPOSED LOTS 24 AND 25, BLOCK 53, GARRETT PARK, SECTION 2, MONTGOMERY COUNTY, MARYLAND, ARE SHOWN ON THE ATTACHED PRELIMINARY PLAN #1-06016.
3. THE PROPOSED LOTS 24 AND 25, BLOCK 53, GARRETT PARK, SECTION 2, MONTGOMERY COUNTY, MARYLAND, ARE SHOWN ON THE ATTACHED PRELIMINARY PLAN #1-06016.
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VICINITY MAP



SITE / ZONING DATA

| PROPOSED LOT | PROPOSED LOT AREA (SQ. FT.) | PROPOSED LOT AREA (AC.) | PROPOSED LOT AREA (SQ. YD.) | PROPOSED LOT AREA (SQ. MI.) |
|-------------------------|-----------------------------|-------------------------|-----------------------------|-----------------------------|
| PROPOSED LOT 24 | 10,000 | 0.23 | 1,111 | 0.0007 |
| PROPOSED LOT 25 | 10,000 | 0.23 | 1,111 | 0.0007 |
| TOTAL PROPOSED LOT AREA | 20,000 | 0.46 | 2,222 | 0.0014 |



ENGINEER'S CERTIFICATE

I, the undersigned, being a duly Licensed Professional Engineer in the State of Maryland, do hereby certify that the foregoing is a true and correct copy of the original as submitted to me for my review and approval.

Engineer's Name: [Signature]
Title: Professional Engineer
License No.: [Number]
Expiration Date: [Date]

CLIENT

4605 OXFORD STREET
 PROPOSED LOT 24 AND
 PROPOSED LOT 25, BLOCK 53
 GARRETT PARK, SECTION 2
 PRELIMINARY PLAN #1-06016



CAS ENGINEERING
 CIVIL • SURVEYING • LAND PLANNING
 A DIVISION OF CAS ENTERPRISES, INC.
 100 West Potomac Boulevard, Suite 101, Mount Airy, Maryland 21771
 DC Metro (301) 807-8231 FAX (301) 887-8045

PROPOSED LOTS 24 AND 25, BLOCK 53
 GARRETT PARK, SECTION 2
 ROCKVILLE (4TH) ELECTION DISTRICT
 MONTGOMERY COUNTY, MARYLAND
 PRELIMINARY PLAN #1-06016

| DATE | BY | REVISION |
|----------|-----|----------------------------------------|
| 02-07-28 | JMO | REVISION TO BRUSH PILL, TREE SIZE PLAN |
| | | |
| | | |
| | | |
| | | |

| PROJECT | DATE |
|---------|---------|
| 02-0728 | 02/2006 |
| JMO | JMO |
| JMO | JMO |
| CAS | CAS |

FX HERBIT B - ALTERNATIVE

February 25, 2006

Mr. Derick Berlage, Chair
MNCPPC
8787 Georgia Ave.
Silver Spring, MD 20910-3760

Re: Preliminary Plan 120060160 (formerly 1-06016)
Proposed Re-subdivision
Garrett Park, MD

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| <u>Name</u> | <u>Address</u> | <u>Comments</u> |
|---------------------------------------------|--------------------------------------------|-----------------|
| ARTHUR M. HEYMAN <i>Arthur M. Heyman</i> | 4418 CAMBRIA AVE GARRETT PARK, MD 20896 | |

February 25, 2006

*Added
4/20/07*

Mr. Derick Berlage, Chair
MNCPPC
8787 Georgia Ave.
Silver Spring, MD 20910-3760

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| <u>Name</u> | <u>Address</u> | <u>Comments</u> |
|--------------------------|-----------------------------|-----------------|
| <i>Kenneth E. Leppel</i> | <i>4403 Oxford St. G.P.</i> | <i>✓</i> |
| <i>Susie Matthews</i> | <i>4405 Oxford St, G.P.</i> | <i>✓</i> |
| <i>Bonnie Bass</i> | <i>4409 Oxford St G.P.</i> | <i>✓</i> |

February 25, 2006

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| Name | Address | Comments |
|---------------------|-------------------------------------------------|--------------------------|
| <i>K.S. Barclay</i> | <i>10809 CLERMONT AVE. GARRETT PARK, MD</i> | <i>Added 4/20/07</i> |

February 25, 2006

Added
4/20/07

Mr. Derick Berlage, Chair
MNCPPC
8787 Georgia Ave.
Silver Spring, MD 20910-3760

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| <u>Name</u> | <u>Address</u> | <u>Comments</u> |
|----------------------------|--------------------------------------------------|---------------------------------------------------------------------|
| Courtenay J. Culp | 10707 Montrose Ave. Garrett Park, MD 20896 | Beth's plan looks very positive to me. |
| Liz Overstreet | 10707 Montrose Ave Garrett Park MD 20896 | |
| Salvador Cortes | 10705 Montrose Ave Garrett Park, MD 20896 | Beth's plan makes much "more sense" |
| Jeanne Mandelblatt | 10716 Montrose Ave Garrett Park, MD 20896 | Plan B is more consistent with Garrett Park. |
| Elizabeth + Dick Doring | 10701 Montrose Ave Garrett Park 20896 | Better to have trees & drainage Keep 10' - new Better plan |

February 25, 2006

Mr. Derick Berlage, Chair
MNCPPC
8787 Georgia Ave.
Silver Spring, MD 20910-3760

Re: Preliminary Plan 120060160 (formerly 1-06016)
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Garrett Park, MD

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| <u>Name</u> | <u>Address</u> | <u>Comments</u> |
|----------------|-------------------------------------|-----------------|
| Jennifer Sars | 4406 Oxford St. P.O. Box 188, GP | ✓ |
| Betsy Costello | 4406 Oxford St. P.O. Box 188, GP | |
| Nancy Walz | 10701 Weymouth St. P.O. Box 525, GP | |
| Marlene Mohr | 10701 Weymouth St. P.O. Box 525, GP | Added |
| John Lett | 10701 Weymouth St. P.O. Box 525, GP | 4/20/07 |
| Killian Hunter | 10700 Weymouth St. P.O. Box 225, GP | |

February 25, 2006

Mr. Derick Berlage, Chair
MNCPPC
8787 Georgia Ave.
Silver Spring, MD 20910-3760

*Added
4/20/07*

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| <u>Name</u> | <u>Address</u> | <u>Comments</u> |
|--------------------------|-------------------------------------------------------|-----------------|
| <i>Ronnie Gostenberg</i> | <i>10805 Charmant Ave Garrett Park, Md. 20896</i> | <i>✓</i> |

February 25, 2006

Mr. Derick Berlage, Chair
MNCPPC
8787 Georgia Ave.
Silver Spring, MD 20910-3760

Copied

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|---------------------------------------------|-----------------------------------------------|------------------------------------------------------------------------------------------------------|
| ARTHUR M. HEYMAN <i>Arthur M. Heyman</i> | 4418 CAMBRIA AVE GARRETT PARK, MD 20896 | |
| JILL JOSEPH <i>Jill Joseph</i> | 10901 Raleigh Ave Garrett Park MD 20896 | <i>Added 4/24/08</i> I support GARRETT PARK'S REG. 401-C - NO SUBDIVISION OF THE LOT. |

February 25, 2006

Mr. Derick Berlage, Chair
MNCPPC
8787 Georgia Ave.
Silver Spring, MD 20910-3760

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Thank you for your time and consideration.

A handwritten signature in cursive script, appearing to read "Beth Irons".

Beth Irons
10808 Clermont Ave.
POBox 570
Garrett Park, MD 20896-0570

MISS UTILITY

THE LOCATION OF UTILITIES, GAS, WATER, SEWER, ETC., SHOWN ON THIS PLAN IS BASED ON THE RECORD DRAWINGS OF THE PUBLIC UTILITIES COMPANIES. THE ENGINEER HAS CONDUCTED A VISUAL SURVEY OF THE SITE AND HAS FOUND NO DISCREPANCIES. THE ENGINEER HAS CONDUCTED A VISUAL SURVEY OF THE SITE AND HAS FOUND NO DISCREPANCIES. THE ENGINEER HAS CONDUCTED A VISUAL SURVEY OF THE SITE AND HAS FOUND NO DISCREPANCIES.

CLERMONT AVE
60' R/W

OXFORD STREET
60' R/W

CLERMONT AVENUE
60' R/W

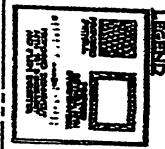
4605 OXFORD STREET
PROPOSED LOT 24 AND
GARRETT PARK, SECTION 2
PRELIMINARY PLAN #1-06016

ENGINEER'S CERTIFICATE

I, **CURT A. SLOAN**, a duly Licensed Professional Engineer in the State of Maryland, do hereby certify that the above described project has been prepared by me or under my direct supervision and that I am a duly Licensed Professional Engineer in the State of Maryland.

CLIENT

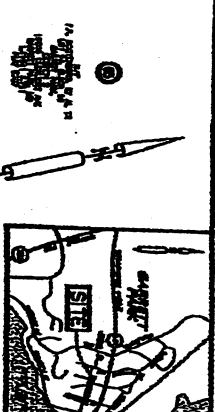
CURT A. SLOAN
1001 N. W. 11th Ave., Suite 200
Fort Lauderdale, FL 33304
(954) 571-1111



ADDITIONAL DATA

| NO. | DESCRIPTION | DATE | BY | CHECKED BY |
|-----|----------------------------------------------------------------------------------------------------------------------------|---------|-----|------------|
| 1 | PROPOSED LOTS 24 AND 25, BLOCK 55, GARRETT PARK, SECTION 2, ROCKVILLE (4TH) ELECTION DISTRICT, MONTGOMERY COUNTY, MARYLAND | 02/2006 | JMO | CAS |

- GENERAL NOTES**
1. THE PROPOSED LOTS 24 AND 25, BLOCK 55, GARRETT PARK, SECTION 2, ROCKVILLE (4TH) ELECTION DISTRICT, MONTGOMERY COUNTY, MARYLAND, ARE SHOWN ON THIS PLAN.
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 5. THE PROPOSED LOTS 24 AND 25, BLOCK 55, GARRETT PARK, SECTION 2, ROCKVILLE (4TH) ELECTION DISTRICT, MONTGOMERY COUNTY, MARYLAND, ARE SHOWN ON THIS PLAN.
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 7. THE PROPOSED LOTS 24 AND 25, BLOCK 55, GARRETT PARK, SECTION 2, ROCKVILLE (4TH) ELECTION DISTRICT, MONTGOMERY COUNTY, MARYLAND, ARE SHOWN ON THIS PLAN.
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 9. THE PROPOSED LOTS 24 AND 25, BLOCK 55, GARRETT PARK, SECTION 2, ROCKVILLE (4TH) ELECTION DISTRICT, MONTGOMERY COUNTY, MARYLAND, ARE SHOWN ON THIS PLAN.
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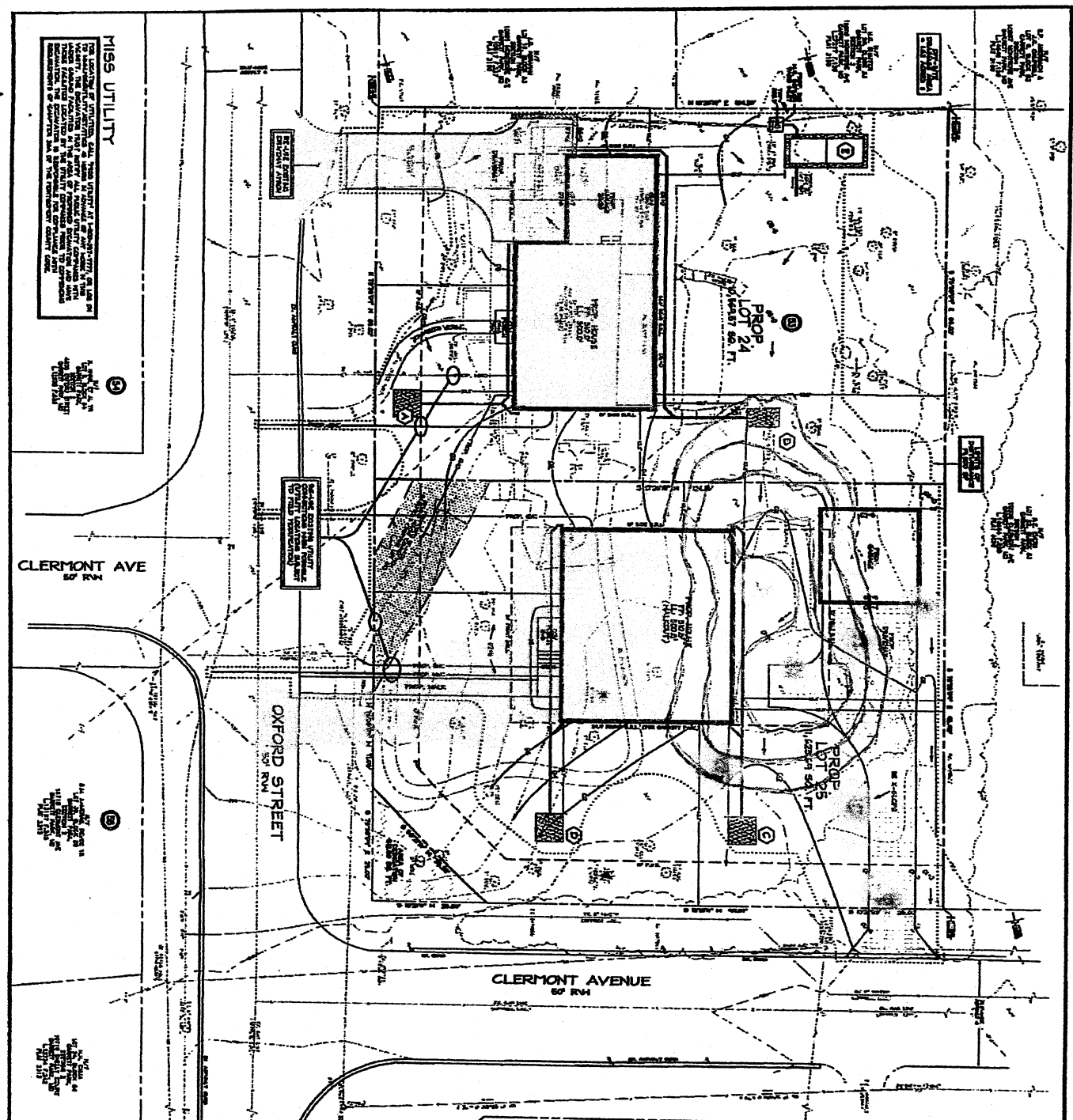
4605 OXFORD STREET
PROPOSED LOTS 24 AND 25, BLOCK 55
GARRETT PARK, SECTION 2
ROCKVILLE (4TH) ELECTION DISTRICT
MONTGOMERY COUNTY, MARYLAND
PRELIMINARY PLAN #1-06016

| NO. | DESCRIPTION | DATE | BY | CHECKED BY |
|-----|----------------------------------------------------------------------------------------------------------------------------|---------|-----|------------|
| 1 | PROPOSED LOTS 24 AND 25, BLOCK 55, GARRETT PARK, SECTION 2, ROCKVILLE (4TH) ELECTION DISTRICT, MONTGOMERY COUNTY, MARYLAND | 02-0729 | JMO | CAS |

CAS ENGINEERING
CIVIL - SURVEYING - LAND PLANNING
A DIVISION OF CAS ENGINEERING, INC.
1001 N. W. 11th Ave., Suite 200
Fort Lauderdale, FL 33304
(954) 571-1111

EXHIBIT A - PROPOSAL

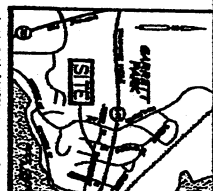
Natural Drainage Swale
Additional trees saved



GENERAL NOTES

1. THE PROPOSED LOTS 24 AND 25, BLOCK 63, GARRETT PARK, SECTION 2, MONTGOMERY COUNTY, MARYLAND, ARE SHOWN ON THE PRELIMINARY PLAN #1-06016.
2. THE PROPOSED LOTS 24 AND 25, BLOCK 63, GARRETT PARK, SECTION 2, MONTGOMERY COUNTY, MARYLAND, ARE SHOWN ON THE PRELIMINARY PLAN #1-06016.
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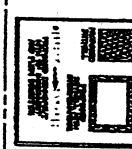
VICINITY MAP



SITE & ZONING DATA

| NO. | DESCRIPTION | DATE | BY | REVISION |
|-----|-----------------------------------------------------------------------------------------|---------|-----|----------|
| 1 | PROPOSED LOTS 24 AND 25, BLOCK 63, GARRETT PARK, SECTION 2, MONTGOMERY COUNTY, MARYLAND | 02/2006 | JMO | CAS |
| 2 | PROPOSED LOTS 24 AND 25, BLOCK 63, GARRETT PARK, SECTION 2, MONTGOMERY COUNTY, MARYLAND | 02/2006 | JMO | CAS |
| 3 | PROPOSED LOTS 24 AND 25, BLOCK 63, GARRETT PARK, SECTION 2, MONTGOMERY COUNTY, MARYLAND | 02/2006 | JMO | CAS |
| 4 | PROPOSED LOTS 24 AND 25, BLOCK 63, GARRETT PARK, SECTION 2, MONTGOMERY COUNTY, MARYLAND | 02/2006 | JMO | CAS |
| 5 | PROPOSED LOTS 24 AND 25, BLOCK 63, GARRETT PARK, SECTION 2, MONTGOMERY COUNTY, MARYLAND | 02/2006 | JMO | CAS |
| 6 | PROPOSED LOTS 24 AND 25, BLOCK 63, GARRETT PARK, SECTION 2, MONTGOMERY COUNTY, MARYLAND | 02/2006 | JMO | CAS |
| 7 | PROPOSED LOTS 24 AND 25, BLOCK 63, GARRETT PARK, SECTION 2, MONTGOMERY COUNTY, MARYLAND | 02/2006 | JMO | CAS |
| 8 | PROPOSED LOTS 24 AND 25, BLOCK 63, GARRETT PARK, SECTION 2, MONTGOMERY COUNTY, MARYLAND | 02/2006 | JMO | CAS |
| 9 | PROPOSED LOTS 24 AND 25, BLOCK 63, GARRETT PARK, SECTION 2, MONTGOMERY COUNTY, MARYLAND | 02/2006 | JMO | CAS |
| 10 | PROPOSED LOTS 24 AND 25, BLOCK 63, GARRETT PARK, SECTION 2, MONTGOMERY COUNTY, MARYLAND | 02/2006 | JMO | CAS |

LEGEND



ENGINEER'S CERTIFICATE

I, the undersigned, being a duly Licensed Professional Engineer in the State of Maryland, do hereby certify that the foregoing is a true and correct copy of the original as shown to me by the owner.

CLIENT

PROPOSED LOTS 24 AND 25, BLOCK 63, GARRETT PARK, SECTION 2, MONTGOMERY COUNTY, MARYLAND

4605 OXFORD STREET
PROPOSED LOT 24 AND
PROPOSED LOT 25, BLOCK 63
GARRETT PARK, SECTION 2
PRELIMINARY PLAN #1-06016

CAS ENGINEERING
CIVIL - SURVEYING - LAND PLANNING
A DIVISION OF CAS ENTERPRISES, INC.
100 West Ridgeville Boulevard, Suite 100, Ridgeville, Maryland 21117
Tel: (301) 807-0000 Fax: (301) 807-0001

4605 OXFORD STREET
PROPOSED LOTS 24 AND 25, BLOCK 63
GARRETT PARK, SECTION 2
ROCKVILLE (4TH) ELECTION DISTRICT
MONTGOMERY COUNTY, MARYLAND
PRELIMINARY PLAN #1-06016

| DATE | BY | REVISION |
|---------|-----|----------|
| 02/2006 | JMO | 02/2006 |
| 02/2006 | JMO | 02/2006 |
| 02/2006 | JMO | 02/2006 |
| 02/2006 | JMO | 02/2006 |
| 02/2006 | JMO | 02/2006 |
| 02/2006 | JMO | 02/2006 |
| 02/2006 | JMO | 02/2006 |
| 02/2006 | JMO | 02/2006 |
| 02/2006 | JMO | 02/2006 |

EXHIBIT B - ALTERNATIVE

February 25, 2006

Mr. Derick Berlage, Chair
MNCPPC
8787 Georgia Ave.
Silver Spring, MD 20910-3760

✓ Added
4/20/07

Re: Preliminary Plan 120060160 (formerly 1-06016)
Proposed Re-subdivision
Garrett Park, MD

Dear Mr. Berlage and Members of the Montgomery County Planning Board:

I support rejection of the proposed plan for the above resubdivision contained in the staff report dated Feb. 17, 2006 for the reasons outlined in the letter of February 25th from Beth Irons. I strongly support adoption of a plan consistent with and in the spirit of the Exhibit B Alternative attached to that letter.

| <u>Name</u> | <u>Address</u> | <u>Comments</u> |
|-------------------|------------------------|-----------------|
| JAMES C. LOCKWOOD | 4606 STRATHMORE AVE | |
| J. C. Lockwood | GARRETT PARK, MD 20894 | |
| 02/27/06 | | |

10808 Clermont Ave.
POBox 570
Garrett Park, MD 20896

Nov. 21st 2005

Mr. Derick Berlage, Chair
MNCPPC
8787 Georgia Ave.
Silver Spring, MD 20910-3760

Re: Preliminary Plan 1-06016
Proposed Re-subdivision
Garrett Park, MD



COPY
psc

Dear Mr. Berlage:

I wrote you on Sept. 29th regarding my several concerns over the above proposed resubdivision. The first one related to the location of the property line between my property and the applicants. I have hired a surveyor to perform a boundary survey of my property. They have confirmed that my concern was indeed justified. To-date, they have determined there is an almost two (2) feet discrepancy about where the property line is between my property and the subject property. It goes without saying that when someone proposes a large structure five (5) feet from one's property line (the side adjacent to my deck and patio which is much used), those 2 feet are a MAJOR concern. Again, I ask the MNCPPC not to take action on this proposal until this critical issue as well as the other concerns I raised are resolved. I am also concerned that I have not had a response from the Commission to my Sept. 29th letter. Thank you for your attention to these matters.

Sincerely,

Beth Irons
301 942-0994
b.iron@comcast.net

CC:

Catherine Conlon, Development Review Division, MNCPPC
Amy Lindsey, Planner, MNCPPC
Christine Shreves, Applicant
Ulla Lustig, Owner of subject property

John and Barbara Abraham
10801 Montrose
Garrett Park, MD 20896

✓ Added
4/21/07
PSC

#8

Derick P. Berlage, Chairman
Maryland-National Park and Planning Commission
8787 Georgia Avenue
Silver Spring, MD 20910-3760

Re: Preliminary Plan 120060160

Dear Mr. Berlage,

We live at 10801 Montrose in Garrett Park. The entire east boundary of our property is the west boundary of 4605 Oxford Street, the property of Ulla Lustig, which is proposed to be subdivided. We have seen the preliminary plan; and we have no objection to its approval.

Sincerely,


John Abraham

February 28, 2006

✓ added 4/20/07
#8

Janet Holley Wegner
10904 Clermont Avenue
Post Office Box 151
Garrett Park MD 20896

RECEIVED
MAR 02 2006

OFFICE OF THE CHAIRMAN
THE MARYLAND NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

March 2, 2006

Mr. Derick Berlage, Chair
MNCPPC
8787 Georgia Avenue
Silver Spring MD 20910-3760

Re: Preliminary Plan 120060160 (formerly 1-06016)
Proposed re-subdivision
Garrett Park MD

Dear Mr. Berlage and Members of the Montgomery County Planning Board:

I am deeply concerned about the effect of the proposed subdivision and building plan for the property on the Northwest corner of Clermont Avenue and Oxford Street in Garrett Park. I have lived in Garrett Park for more than thirty years and in that time have seen a slow but steady deterioration in the aesthetic appeal of the town, both in the eclectic small-town nature of the housing stock, the amount of green space, and the thickness of the tree canopy. This trend has accelerated dramatically in the past few years to the point where it seems likely that Garrett Park will look like any tract development within a very short time. The houses that have been built in the past few years are, for the most part, completely out of scale with neighboring properties and with the size of the lots they are built on. I would urge the Planning Board to postpone making a decision on this property until such time as the County Council has an opportunity to explore thoroughly the issues of tree preservation, scale of infill housing, and drainage within the county.

With regard to this specific property, it has one of the finest stands of trees in the neighborhood and the proposed building plan would not only take out the trees but infringe on the privacy and comfort of the immediate neighbor at 10808 Clermont Avenue. At the very least, the building plan should be revised so that the driveway and garage are placed as far away from that property as possible.

In addition, the issue of drainage should be addressed, as the current proposal would require extensive re-grading of the property which will inevitably result in water problems for the surrounding properties, especially 10808 Clermont Avenue. We have seen this problem before in Garrett Park and it places a truly unfair burden on the already existing properties.

I believe that the best option at this time would be to reject the proposed plan for all of the reasons outlined by Beth Irons in her letter of February 25th.

Sincerely yours,

Janet Holley Wegner
Janet Holley Wegner

#8

John and Barbara Abraham
10801 Montrose
Garrett Park, MD 20896

COPY

Derick P. Berlage, Chairman
Maryland-National Park and Planning Commission
8787 Georgia Avenue
Silver Spring, MD 20910-3760

Re: Preliminary Plan 120060160

Dear Mr. Berlage,

We live at 10801 Montrose in Garrett Park. The entire east boundary of our property is the west boundary of 4605 Oxford Street, the property of Ulla Lustig, which is proposed to be subdivided. We have seen the preliminary plan; and we have no objection to its approval.

Sincerely,


John Abraham

February 28, 2006

COPY

MCP-CTRACK

From: MORRISMAI@aol.com
Sent: Wednesday, March 01, 2006 7:21 AM
To: MCP-Chairman
Subject: Mairi Morrison's letter in support of resubdivision at Oxford & Clermont

Dear Mr. Berglage:

I know you are discussion this matter on March 2d.

Please let me know you received this so I am certain it will be taken into consideration.

Mrs. Lustig has been through a lot since she began this process in 2001. Right after the death of her husband a Garrett Park Council Member actually visited her and asked her to donate the land to the Town. The fact that she didn't accede has meant a private property matter has turned into a cause celebre, albeit only among a handful of Town malcontents, one of which happens to be an adjacent neighbor empowered by the climate of the Town and its disrespect for private property.

The actual letter is attached these are just my morning thoughts!! Thanks for your time.

Mairi Nicola Morrison

Mairi Nicola Morrison
10707 Shelley Court
Garrett Park, MD 20896
(301) 949-9259

February 28, 2006

Mr. Derek P. Berlage
Montgomery County Planning Board
8787 Georgia Avenue
Silver Spring, MD 20910-3760

Re: In Support of Resubdivision at Oxford & Clermont

b

Dear Mr. Berlage:

I live across the street (cati corner) from Mrs. Lustig at the corner of Oxford & Clermont. Although I am not an adjacent neighbor, I have a clear, uninterrupted view of the property, a view which has gone largely unchanged for over 40 years (I live in the house I grew up in). As I plan to keep the house for the duration and have real ties to the place I believe I would feel the impact of any development of the land as much as anyone.

I fully support Mrs. Lustig's application for resubdivision. It would be grossly unfair to deny Mrs. Lustig either the peace of mind of getting her estate in order or the benefit of the bargain she and the late Mr. Lustig had over 40 years ago when they were wise enough to purchase three lots for their one house, the fact that folks have "gotten used to" having an empty lot there notwithstanding.

As Mr. Weaver's report implicitly acknowledges neighborhood controversy over this type of infill development is, if expected, misplaced. Garrett Park is already developed. Mr. Weaver is explicit in his catalogue of neighborhood lots sizes – observing that average lot sizes here are as small or smaller than those resultant in the resubdivision. Ten years ago there were quite a few of these extra lots. All but a handful have been sold or built on. It is only right that Mrs. Lustig should be able to do the same with hers.

We in the Clermont Oxford area and in greater Garrett Park certainly are merely going to have to get used to the fact that at some point in the future, (unless the Town or a neighbor feels like buying the extra lot at market value) there will likely be a new house on Clermont Avenue. It will be surrounded with the normal amount of green space, will be landscaped nicely and will house a new family who will be part of the Town just like everyone else. Those of the complainants who are still in Town when and if this contingency occurs will adjust. And life will go on!

My last point relates to conditioning the approval of the resubdivision on a "Tree Save Plan" which seems to encompass not just street trees but also trees in

neighboring lots (most of which are in pretty poor shape) I agree with the applicant that such a plan should take place at the time of permitting rather than now, particularly as there are no plans to sell or build on the land it seems wasteful and of little utility to spend money on an arborist to evaluate tree health etc. when the position could be very different when the land is, if it is, ultimately developed.

I also question the value of preserving any and every tree, particularly those which may become dangerously large sooner rather than later. It seems an all too frequent event here in Garrett Park that a huge, poorly conditioned Tulip Poplar falls on a power line, or as with last week, a house! and causes all manner of havoc to actual human being.

In sum, I support Mrs. Lustig's plan to resubdivide and ask that you reconsider the requirement of the Tree Save Plan at this stage. Please feel free to contact me if you wish further information.

Sincerely yours,

Mairi Nicola Morrison

faxed in 02/28/06

Barbara E. Jackson
10922 Montrose Ave.
Garrett Park, MD 20896-0378

February 28, 2006

Mr. Derick Berlage, Chair
MNCPPC
8787 Georgia Ave.
Silver Spring, MD 20910-3760

COPY

Dear Mr. Berlage:

I am writing in support of the rejection of the proposed plan for the proposed resubdivision File number 120060160 (formerly 1-06016.) I think that my neighbor, Beth Irons, has presented reasonable, convincing, and accurate arguments against the subdivision of this lot. Garrett Park, like the rest of Montgomery County, now finds itself under siege from developers and politicians who owe their jobs to the campaign funds donated by these same developers. So much attention is paid to the, "individual property owner's rights," and their right to make the most money they possibly can from their property, that the impact this greed may have upon neighbors and indeed the town as a whole is ignored.

When one purchases a home in an area that has zoning regulations as well as local regulations in place, the value of that home is theoretically protected by the fact that these restrictions are in place. We, as a town, attempted to anticipate and prevent the destruction that could be wreaked by developers by passing Garrett Park's ordinance Section 401-c-1 over 15 years ago. In addition, the Town pursued a Garrett Park Overlay Zone to attempt to preserve the character, open space and trees in town. Granting this resubdivision violates both the Overlay Zone as well as the local ordinance. This is an **extremely dangerous precedent** that could result in chaos and the destruction of the town as each property owner seeks to redefine their property in order to maximize the number of houses that each lot could hold.

Finally, I also object strenuously to the lack of regulation regarding garages and out buildings in the county. The new homes being built in Garrett Park are all accompanied by garages that are easily the size of a house and, several stories high. Some, with the approval of the county, even boast complete plumbing and kitchen facilities and are certainly comparable to a house in every way except the set back requirements are far more lenient than those that apply to a house. By permitting such large garages to be built the county is effectively allowing the construction of two houses per lot.

I urge the Planning Board to reject this resubdivision and to take into account the larger issues brought to light by this request.

Sincerely,

Barbara E. Jackson
Town resident for 47 years.

COPY

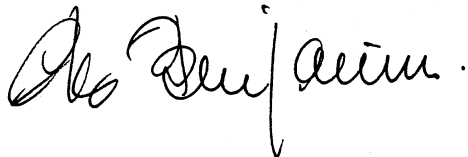
March 2, 2006

Montgomery County Planning Board
8787 Georgia Ave.
Silver Spring, MD 20910-3760

Dear Commissioners,

This letter is in support of Beth Iron's request to reject the plan for resubdivision (120060160) as currently proposed. I understand the right of property owners to obtain the most value for their property, however I feel that that action should not come at the cost of devaluation of adjacent property. In this case the location of a proposed garage only five feet from a neighbor's deck seems to me unacceptable. The destruction of tree canopy is an additional negative aspect of this proposed plan. As the former Director of Brookside Gardens and Chair of the Garrett Park Arboretum Committee I have been very concerned about the serious loss of tree canopy in Garrett Park. The town's strong effort to plant trees in public areas simply does not compensate for the number of trees lost to construction on private property. It seems to me that a reasonable alternative should be found so undesired tree loss can be avoided and the privacy can be retained for Ms. Irons situation. This would preserve the value of her property and will also benefit the town as a whole. Garrett Park is a unique community which prides itself on its woody setting, to the point that it has declared the whole town to be an arboretum which at this time has more than 400 different species and varieties of woody plants in its public spaces. To denude areas on private property for a building that could be relocated seems to fly against the prevailing wish for preserving trees. Thank you for your attention to this issue.

Sincerely,



Els Benjamin
11115 Kenilworth Ave
Garrett Park, MD 20896

Laura Retherford
11209 Kenilworth Ave.
Garrett Park, MD 20896

March 2, 2006

Mr. Derick Berlage, Chair
MNCPPC
8787 Georgia Ave.
Silver Spring, MD 20910-3760

COPY

RE: Preliminary Plan 120060160 (formerly 1-06016)
Proposed Re-subdivision
Garrett Park, MD

Dear Mr. Berlage and Montgomery County Planning Board Members,

I urge that this re-subdivision proposal be approved only if specific drainage and tree preservation conditions are attached. The proposed site plan radically alters existing topography and vegetation, and greatly increases the area of impervious surface on the site. This could present adverse drainage conditions for surrounding properties if appropriate measures are not taken. Barring a County ordinance concerning residential drainage regulations, it is important that explicit requirements be stipulated. In addition, Garrett Park Overlay Zone regulations stress maintenance of "the unique park-like setting...,prevailing pattern of houses...,and maximum amount of green area surrounding new or expanded houses." Natural conditions and mature trees should be retained, especially along borders with adjacent properties, to the greatest extent possible.

Goals of homeowners who wish to expand or develop their properties need not be incompatible with desires of surrounding property owners to preserve privacy, views or other existing conditions on their sites, if development proceeds in an appropriate and well considered manner.

Thank you,


Laura Retherford

COPY 3/1/06

I moved to Garrett Park nearly a decade ago, not only for the sense of community displayed by its long established neighbors – many of whom have lived here for generations – but for its garden like surroundings, and diversity of housing structures which existed among the 19th C Victorians, the 1950s ramblers and the 1920's Chevy houses. Over the years, since my arrival, many of the once large lots have been subdivided, centuries old trees have been removed, and in their place identical super size housing has been erected overshadowing and dwarfing the once quaint cottages and simple housing structures. The community instead of keeping its unique diversity is becoming homogenized.

There can and should be a reasonable and workable solutions between the wishes of the Garrett Park community and developers and owners who want to subdivide their property, and contractors who want to build. The proposed recommendation before the Board is not one of them. It does not take into consideration the wishes of the neighbors, it proposes the elimination of decades old trees which would inevitable result in drainage problems, and it would change the characteristic of the neighborhood.

I encourage, no strongly urge, the Board to consider other alternative recommendations for subdividing the property that would preserve a greater number of trees, maintain the natural drainage on the property, preserve the privacy and wishes of neighboring property owners and help to keep, preserve the characteristic of this unique community.

Harley Mitchell
4517 Clemons Pl.
Garrett Park, MD

February 25, 2006

Mr. Derick Berlage, Chair
MNCPPC
8787 Georgia Ave.
Silver Spring, MD 20910-3760

COPY

Re: Preliminary Plan 120060160 (formerly 1-06016)
Proposed Re-subdivision
Garrett Park, MD

Dear Mr. Berlage and Members of the Montgomery County Planning Board:

I support rejection of the proposed plan for the above resubdivision contained in the staff report dated Feb. 17, 2006 for the reasons outlined in the letter of February 25th from Beth Irons. I strongly support adoption of a plan consistent with and in the spirit of the Exhibit B Alternative attached to that letter.

| <u>Name</u> | <u>Address</u> | <u>Comments</u> |
|--------------------|-------------------|-----------------|
| Kathryn L Mitchell | 4517 Clermont Pl. | |

February 25, 2006

COPY

Mr. Derick Berlage, Chair
MNCPPC
8787 Georgia Ave.
Silver Spring, MD 20910-3760

Re: Preliminary Plan 120060160 (formerly 1-06016)
Proposed Re-subdivision
Garrett Park, MD

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| <u>Name</u> | <u>Address</u> | <u>Comments</u> |
|--------------|----------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Jane Brantly | 41604 Strathmore Ave Garrett Park MD 20896 | Alternative (B) preserves trees that |
| H. Kuyfins | also 4604 Strathmore Ave barrett Park, MD 20896 | are important to the character of the neighborhood if removed, the house & garage will not only impact the adjoining property but also those to the South (uphill) by removing a substantial part of our "green" view. Moving the driveway to open onto Oxford avoids these impacts, preserves trees, and does not affect the property access to Oxford because its is access is further down Clement. |

1) A 2-story garage
should not be considered
an "out building" allowing
a 5 foot set back.

2) Such a determination
results in destruction
of many trees, thus
destroying park-like
character of our
community.

3) Construction of
driveway is more
appropriate onto Oxford St.
than onto the

February 25, 2006

COPY

Mr. Derick Berlage, Chair
MNCPPC
8787 Georgia Ave.
Silver Spring, MD 20910-3760

Re: Preliminary Plan 120060160 (formerly 1-06016)
Proposed Re-subdivision
Garrett Park, MD

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| <u>Name</u> | <u>Address</u> | <u>Comments</u> |
|----------------|--------------------|-----------------|
| Pat Nyderheide | 10908 Clermont Av. | |
| Alan S. | 10908 Clermont Av. | |

The green space of Garrett Park is an important community characteristic. Limiting the amount of space paved over and built upon helps drainage. The alternative plan is entirely reasonable. Thank you for considering it.

February 25, 2006

COPY

Mr. Derick Berlage, Chair
MNCPPC
8787 Georgia Ave.
Silver Spring, MD 20910-3760

Re: Preliminary Plan 120060160 (formerly 1-06016)
Proposed Re-subdivision
Garrett Park, MD

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| <u>Name</u> | <u>Address</u> | <u>Comments</u> |
|--------------------------------------|-------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Bruce Antim 3/1/06 Bruce Antim | 10810 CLERMONT AVE. GARRETT PARK | I believe that Beth Irons has raised legitimate concerns and that revisions to the proposal are in order, particularly with respect to the area bordering her deck which is now, and has been for many years, buffered by trees. It seems that a reasonable compromise to can and should be reached with respect to an appropriate vegetation buffer, water run-off plan, and the potential siting and size of a garage. The current proposal by the Antim's can and should be improved. |

March 2, 2006

Mr. Derick Berlage, Chair
MNCPPC
8787 Georgia Avenue
Silver Spring, MD, 20910-3760

COPY

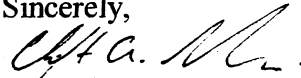
Dear Mr. Berlage and Members of the Montgomery County Planning Board,

I would like to include just a brief note about development in Garrett Park and how it has affected my property.

Two years ago a developer purchased a home that was on the backside of my lot. His plan was to take an existing small A-frame house structure and "add a second story". This matter is different in that it does not involve subdivision of the property, but what resulted was typical of what is happening to many parts of Garrett Park.

The structure that now sits behind me is in fact *two and a half* stories tall, and its footprint, though in keeping with the county regulations, is visually grossly out of proportion to the existing structures around it. The new house also caused drainage problems for the neighbor immediately next to it and a loss of privacy for me; a 50 year old pine tree with a handsome branch structure and canopy that stood between our lots was cut down at the request of the new owner.

Sincerely,



Clift A. Seferlis

February 25, 2006

Mr. Derick Berlage, Chair
MNCPPC
8787 Georgia Ave.
Silver Spring, MD 20910-3760

COPY

Re: Preliminary Plan 120060160 (formerly 1-06016)
Proposed Re-subdivision
Garrett Park, MD

Dear Mr. Berlage and Members of the Montgomery County Planning Board:

I support rejection of the proposed plan for the above resubdivision contained in the staff report dated Feb. 17, 2006 for the reasons outlined in the letter of February 25th from Beth Irons. I strongly support adoption of a plan consistent with and in the spirit of the Exhibit B Alternative attached to that letter.

| <u>Name</u> | <u>Address</u> | <u>Comments</u> |
|---------------|-----------------------------------|-----------------|
| ANDY SEFERLIS | 4703 ALBEMARLE AVE . GARRETT PARK | |

10910 Montrose Avenue
P.O. Box 571
Garrett Park, Md. 20896
March 2, 2006

COPY

Mr. Derick P. Berlage, Chairman
Montgomery County Planning Board
8787 Georgia Avenue
Silver Spring, Md. 20910-3760

Re: Preliminary Plan 120060160 (formerly 1-06016)
Proposed Re-subdivision
Garrett Park, Md.

Dear Chairman Berlage:

I write this letter in support of the position of Ms. Beth Irons in the above matter.

I have been a resident of Garrett Park for more than 20 years, and served as a Town Council member for three years in the early 1990s. During my Council term, I was involved in writing the Town's Setback Ordinance and working with the County in creation of the Town's special Overlay Zone, which is now part of the County's zoning ordinance. During that time, I also worked with the County Historic Preservation Commission in creating our historic district.

I believe Ms. Irons is correct in objecting to the placement of the proposed garage and driveway in the re-subdivision plan. She correctly interprets the letter and intent of the Garrett Park Overlay Zone and the Town's Code of Ordinances, and the consequent violations inherent in the subdivision plan as contained in the staff report dated February 17, 2006.

Her interpretation of the County Subdivision Ordinance also appears to be correct.

If the re-subdivision plan were allowed to go forward as is, the resulting loss of trees and changes in the drainage patterns would do significant damage to the area surrounding the property, and damage the town as a whole.

I would also bring your attention to Section 401-c-1 of the Town's Code of Ordinances, which Ms. Irons cites. This provision, which requires replatting when a house is demolished, was written specifically to prevent the construction of two houses in the place of a single house that straddles two lots. It reflected the desire of the Town to retain open spaces and prevent over-building. The above plan clearly would violate the requirement of the replatting ordinance.

As you know, Garrett Park has been honored by being placed on the National Register of Historic Sites for its historic and aesthetic properties, including its heavy tree canopy. The massive loss of trees necessitated by the building plan would fly in the face of the purpose for which the town was placed on the Register. I would also violate the purpose of the Town's

Overlay Zone, as correctly pointed out by Ms. Irons.

The so-called "McMansionization" of Montgomery County has become a major concern for the people of the county, and has threatened the physical integrity of many neighborhoods. Garrett Park is a special place, and has been so for well over a century. We should all do anything we can to preserve the unique nature of the town. Retaining trees should be a primary goal.

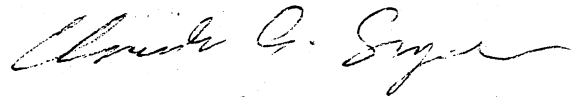
Ms. Irons' alternative proposal is a sensible one which would prevent much the damage that the original plan would cause. It would also be in keeping with the desires of the majority of the people in Garrett Park, whose old-time charm attracted most of them to the Town in the first place. At the same time, it would respect the rights of the property owner to build on the property.

I urge you and the other Planning Board members to accept Ms. Irons' suggestions.

If you have any questions of me, I can be reached at (301) 942-2442.

Thank you.

Yours sincerely,

A handwritten signature in cursive script, appearing to read "Charles A. Snyder".

Charles A. Snyder

February 28, 2006

Derick P. Berlage, Chairman
Montgomery County Planning Board
8787 Georgia Avenue
Silver Spring, MD 20910-3760

COPY


Re: Garrett Park re-subdivision, file number 120060160

Dear Chairman Berlage:

I was a member of the Garrett Park Town Council at the time the overlay zone/set back issue was being discussed and eventually put in place. At that time, we wrestled with the issue of individual property owners rights weighed against the rights of adjacent property owners to enjoy their own space while keeping in mind the overall goal of maintaining significant open space in the town.

As the county becomes ever more densely populated, every bit of open space becomes more precious. I have examined the plans related to the above named file and support **rejection** of the proposed plan for reasons outlined by Beth Irons in her letter to you on February 25, 2006. In addition to the reasons cited in that letter, all of which are very compelling, it has been the policy of the MNCPPC for more that 40 years to support open space. There is no reason to backtrack on that policy now. It should also be noted that the Army Corp of Engineers has an interest in preventing the disruption of the natural flow of water. They have intervned in a number of other similar projects in Garrett Park where they felt that re-routing the natural flow of water would cause damage to environmentally sensitive areas.

Sincerely,


Les Henig

February 25, 2006

Mr. Derick Berlage, Chair
MNCPPC
8787 Georgia Ave.
Silver Spring, MD 20910-3760

COPY

Re: Preliminary Plan 120060160 (formerly 1-06016)
Proposed Re-subdivision
Garrett Park, MD

Dear Mr. Berlage and Members of the Montgomery County Planning Board:

I support rejection of the proposed plan for the above resubdivision contained in the staff report dated Feb. 17, 2006 for the reasons outlined in the letter of February 25th from Beth Irons. I strongly support adoption of a plan consistent with and in the spirit of the Exhibit B Alternative attached to that letter.

| <u>Name</u> | <u>Address</u> | <u>Comments</u> |
|--------------------|-----------------------------------------------|-----------------|
| Barbara G. Shidler | 4515 Strathmore Ave Garrett Park, MD 20896 | |

as a resident of Garrett Park for 45 years, I am increasingly disturbed by the cavalier attitude of many recent builders. They pay little attention to either the Overlay Zone or the county's resubdivision ordinances.

Did anyone actually look at this site? It seems incomprehensible that a large driveway garage could be approved five feet from the 10808 Clemmont Ave. property line. And is there any reason to face the proposed house toward Oxford on the driveway toward Clemmont?

I am familiar with the site where these two houses are proposed to be built. It is unthinkable that this lovely corner is to be destroyed. Surely better planning could produce two houses (where legally there should be one) more compatible with the neighborhood and sensitive to the natural surroundings.

I ask that you repeat the preliminary plan 120060160
(formerly 1-26016) and give serious consideration to
the arguments and proposals made by Mrs. Irons.

Sincerely,
Barbara J. Thidley

Mr. and Mrs. Christopher Keller
4501 Clermont Place
Post Office Box 34
Garrett Park, Maryland 20896

COPY

March 1, 2006

Montgomery County Planning Board
8787 Georgia Avenue
Silver Spring, Maryland 20910

Re: Subdivision file 120060160 (formerly 1-06016)

Dear Chairman Berlage and Members of the Board,

We write to urge *rejection* of the staff's recommendation for approval of the subject plan of subdivision, resubdivision in the captioned matter. We believe that, as noted in Ms. Irons' correspondence, as well as that of others who have submitted comments to you, the proposed subdivision is not in harmony with the neighborhood, nor with the letter and spirit of specific legal provisions aimed at preserving the unique qualities of Garrett Park. We submit these comments to enlarge on those general objections, with specific reference to the Development Review Division staff recommendation of February 17, 2006. We write as residents of Garrett Park for over 25 years who have taken an active role in many Town activities, with particular emphasis on preservation issues.¹

Compatibility with the neighborhood. Lot size. The staff report finds that the proposed lots are "of the same character with respect to size of all lots in the neighborhood" (at p. 5 of the memorandum), and concludes that the proposed lots are thus "consistent with the neighborhood lots with respect to size." Yet the staff's own recitation notes the extraordinarily large variation in lot sizes (from 6,500 sq. ft. to 22,500 sq. ft.). Averaging such widely different lot sizes and concluding that the proposed lots are "of the same character" because they approximate the "average lot size for the neighborhood" ignores the role that *diversity* plays in establishing the unique character of Garrett Park.

¹Although we do not submit this comment in any official capacity, to establish relevant background, we note that Mrs. Keller served as Acting Clerk/Treasurer and Assistant Clerk/Treasurer of the Town of Garrett Park, and has served consistently for 25 years in a wide variety of volunteer positions in Town. Mr. Keller was a member of the Garrett Park Historic Preservation Committee from its inception until 1995, and a member of the Garrett Park Arboretum Committee from 1981 until 1995; from 1995 until 2005, he was an elected member of the Town Council of Garrett Park, with responsibility for all Town trees; he is currently a director of the Garrett Park Conservation Trust. For over 30 years, Mr. Keller has participated in preservation activities through positions allied with the National Trust for Historic Preservation, and through *pro bono* legal service.

It is certainly the case that the average lot size in Garrett Park is approximately 10,000 square feet. But that observation tells you little about the character of the Town or the immediate neighborhood. Calculating an arithmetic mean of individual lot sizes that vary by over 300% produces a virtually meaningless statistic when applied to the larger question of whether the subdivision is in harmony with the neighborhood.

Buildable area. The staff memo concludes that the average [buildable] lot area for the proposed lots is “at the average lot area for the overall neighborhood” and is thus “of the same character.” This analysis suffers the same drawback as that for lot size; the buildable areas for lots in the neighborhood vary by nearly 800%. When the neighborhood includes such a wide diversity of buildable lot areas, asserting that a lot is “of the same character” as the neighborhood because it is “at the average” is an outrageous distortion of the notion of neighborhood character.

In general, the criteria for ascertaining whether a proposed lot subdivision is “in character” with the neighborhood is fundamentally flawed by looking only to measurements, calculations, and (most especially) averages as the standard by which compatibility with neighborhood character is determined. This dry standard seems arbitrary in its application, as discussed above. Similar observations can be made about the staff’s conclusions with respect to width of lots (the neighborhood presents a 250% variation) and frontages (a 400% variation). The “character” of the Garrett Park neighborhood is unmistakably its *variety* – a quality fundamentally at odds with the notion that there can be a single “average” standard for elements that are, by definition, diverse.

Environmental considerations. Garrett Park is an arboretum and has valued its trees since the inception of the Town. One of the earliest laws of the Town – Ordinance #4, enacted May 27, 1898 – concerns preservation of trees and shrubbery. The mature tree canopy, comprised of trees on both public and private land, is one of the prime distinguishing attributes of Garrett Park. The staff analysis of the environmental impact of the proposed subdivision (at pp. 6-7 of the staff memorandum) is inadequate and conclusory.

In particular, the staff environmental discussion slights the impact of eradicating the unique topographic character of the subject lots. Not only will existing trees be removed, but those that remain will be adversely impacted by changed soil depth over feeder roots and profoundly altered drainage patterns. The topographic map of the existing condition (Attachment 1) does not adequately reflect the uniquely varied terrain at the subject lots.²

²It also fails to show at least five new homes built within the area of the Attachment 1 map extract.

The scope of alteration that is proposed for the easternmost of the two proposed lots is major and will require extensive fill dirt and attendant drainage remediation. This will result in immediate loss of topographic variety and tree canopy. The character of the mature trees and other vegetation that will be lost cannot be regained, even over time, given the immense change wrought on the terrain that will make up the subdivided lot.

General comments about the character of Garrett Park as it bears on this application.
As the Board knows, Garrett Park was laid out in the 1880's by William Saunders, the U.S. Department of Agriculture's first botanist and landscape architect. The winding streets and varied terrain of Garrett Park produced many unique lot sizes, shapes, and topographies. In those areas where the pattern of streets and terrain permitted, lot sizes are relatively uniform in size and shape, but *visual diversity* was achieved by varied styles of architecture, planting and, in some instances, retaining unique topography.

The recent pattern of new construction in Garrett Park is adversely changing not only the variety of the built environment but the overall diversity of the town. This is the case because builders no longer construct a mixture of housing and architectural styles, utilizing design and construction techniques that accommodate variation in terrain and vegetation. Instead, in order to maximize profit, builders use off-the-shelf, standardized plans for structures that can be erected relatively quickly and cheaply. These plans, in turn, require a flat lot, free of trees and other irregular characteristics. While the impact of any individual structure thus constructed may be major or relatively modest (depending primarily on its compatibility with its immediate neighbors), the cumulative effect of a significant number of such houses is devastating to the character of the neighborhood as a whole.

We urge you to help preserve the unique character of Garrett Park, and of the immediate neighborhood of the subject application, by denying the subdivision sought here.

Respectfully submitted,



Christopher W. Keller



Henrietta L. Keller

Mr. and Mrs. Christopher Keller
4501 Clermont Place
Post Office Box 34
Garrett Park, Maryland 20896

✓ Added
4/20/07
psx

March 1, 2006

Montgomery County Planning Board
8787 Georgia Avenue
Silver Spring, Maryland 20910

Re: Subdivision file 120060160 (formerly 1-06016)

Dear Chairman Berlage and Members of the Board,

We write to urge *rejection* of the staff's recommendation for approval of the subject plan of subdivision, resubdivision in the captioned matter. We believe that, as noted in Ms. Irons' correspondence, as well as that of others who have submitted comments to you, the proposed subdivision is not in harmony with the neighborhood, nor with the letter and spirit of specific legal provisions aimed at preserving the unique qualities of Garrett Park. We submit these comments to enlarge on those general objections, with specific reference to the Development Review Division staff recommendation of February 17, 2006. We write as residents of Garrett Park for over 25 years who have taken an active role in many Town activities, with particular emphasis on preservation issues.¹

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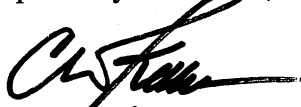
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We urge you to help preserve the unique character of Garrett Park, and of the immediate neighborhood of the subject application, by denying the subdivision sought here.

Respectfully submitted,



Christopher W. Keller



Henrietta L. Keller

COPY

Barbara E. Jackson
10922 Montrose Ave.
Garrett Park, MD 20896-0378

February 28, 2006

Mr. Derick Berlage, Chair
MNCPPC
8787 Georgia Ave.
Silver Spring, MD 20910-3760

Dear Mr. Berlage:

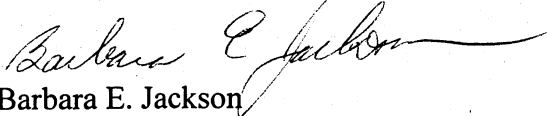
I am writing in support of the rejection of the proposed plan for the proposed resubdivision File number 120060160 (formerly 1-06016.) I think that my neighbor, Beth Irons, has presented reasonable, convincing, and accurate arguments against the subdivision of this lot. Garrett Park, like the rest of Montgomery County, now finds itself under siege from developers and politicians who owe their jobs to the campaign funds donated by these same developers. So much attention is paid to the, "individual property owner's rights," and their right to make the most money they possibly can from their property, that the impact this greed may have upon neighbors and indeed the town as a whole is ignored.

When one purchases a home in an area that has zoning regulations as well as local regulations in place, the value of that home is theoretically protected by the fact that these restrictions are in place. We, as a town, attempted to anticipate and prevent the destruction that could be wreaked by developers by passing Garrett Park's ordinance Section 401-c-1 over 15 years ago. In addition, the Town pursued a Garrett Park Overlay Zone to attempt to preserve the character, open space and trees in town. Granting this resubdivision violates both the Overlay Zone as well as the local ordinance. This is an **extremely dangerous precedent** that could result in chaos and the destruction of the town as each property owner seeks to redefine their property in order to maximize the number of houses that each lot could hold.

Finally, I also object strenuously to the lack of regulation regarding garages and out buildings in the county. The new homes being built in Garrett Park are all accompanied by garages that are easily the size of a house and, several stories high. Some, with the approval of the county, even boast complete plumbing and kitchen facilities and are certainly comparable to a house in every way except the set back requirements are far more lenient than those that apply to a house. By permitting such large garages to be built the county is effectively allowing the construction of two houses per lot.

I urge the Planning Board to reject this resubdivision and to take into account the larger issues brought to light by this request.

Sincerely,

A handwritten signature in cursive script, reading "Barbara E. Jackson", followed by a long horizontal flourish.

Barbara E. Jackson
Town resident for 47 years.

COPY

February 25, 2006

Mr. Derick Berlage, Chair
MNCPPC
8787 Georgia Ave.
Silver Spring, MD 20910-3760

Re: Preliminary Plan 120060160 (formerly 1-06016)
Proposed Re-subdivision
Garrett Park, MD

Dear Mr. Berlage and Members of the Montgomery County Planning Board:

I strongly urge you to reject the proposed plan for the above resubdivision contained in the staff report dated Feb. 17, 2006. This plan is attached as Exhibit A and shows the huge area of impervious surface in red.

Problems with Proposed Plan

The plan, as currently proposed, would result in 2 large "McMansions", with at least one having a large 2 car garage (which could be 2 stories high) sitting virtually (5 feet away) on top of the neighboring property (which I own). The resulting lots would be almost denuded of trees and the tree canopy destroyed. The natural topography would be obliterated, with a large increase in impervious surface and the resulting drainage problems. The proposed plan would invade my privacy and destroy the quite enjoyment of my property and its value.

Violates Garrett Park Overlay Zone – This resulting situation is wholly inconsistent with the Garrett Park Overlay Zone, Sec. 59-C-18.11 whose purposes, among others, are to:

"(a) Preserve the unique park-like setting of the 19th century garden suburb, maintain the prevailing pattern of houses and open spaces, and retain the maximum amount of green area surrounding new or expanded houses

(b) Encourage a compatible relationship between new or expanded houses and neighboring structures in scale, siting and orientation on the lot."

Violates Garrett Park Regulations—Garrett Park regulations provide that, "A house situated on more than one lot may only be demolished or razed only if the site is replatted to a single lot." Section 401-c-1. The applicant's house sits on 2 lots of record. The natural evolution of this planned resubdivision and then demolition violates this regulation.

Inconsistent with Montgomery County Subdivision Ordinance regarding Preserving Trees and Natural Drainage—As described in detail in my attached letter, the proposed re-subdivision as proposed is inconsistent with the County's Subdivision ordinance in several major respects:

+ It does not preserve natural streams and drainage swales as required by the subdivision ordinance and will result in exacerbating existing drainage problems due to the nature of the soils and the natural topography. The re-subdivision proposes to fill a major, natural drainage swale on the property. When this is filled, where will the water go? It will back up on surrounding property.

+ The re-subdivision as proposed would decimate a number of large and significant trees and virtually eliminate the existing tree canopy. This is inconsistent with the intent of preserving trees as stated in the ordinance.

Does not meet Re-subdivision Standards-- There are special provisions that apply to a re-subdivision. There are numerous large lots in this area of Garrett Park. This proposed plan would create 2 small lots in an area of larger lots.

It is also an area of significant open space and tree cover, even on the smaller lots that do exist. The relationship of the scale of existing homes to their sites creates this happy result. The proposed site plan with its nearly complete grade-out would result in the loss of the majority of existing trees on the property. Two nearly barren lots in the midst of a very treed area would result. The size and shape of the footprints on the proposed plan clearly show houses that are inconsistent with the scale and character of the surrounding neighborhood. These inconsistencies were NOT addressed in the staff report.

Unique Opportunity

The subject property, if it is to be redeveloped, presents a unique opportunity in Garrett Park. It has large trees which create a significant canopy in this area of town. The natural topography is lovely and unique. There is a garden with many native, Maryland wildflowers. With proper and environmentally sensitive siting of homes, appropriate to the location and considering the character of the surrounding neighborhood, it would be possible to put 2 houses which respect the unique characteristics of the site, blend with the character of the neighborhood and respect the quiet enjoyment of neighboring property. This should also satisfy the desires of the applicant and the future families that purchase the new houses.

The attached Exhibit B shows a plan which meets many of the concerns raised above:

+ A significantly greater number of trees are preserved, including 2 specimen sycamores because the area of disturbance is reduced substantially.

+ The natural drainage swale is respected.

+ The area of impervious surface is substantially reduced.

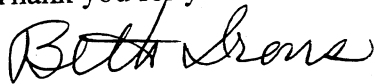
+ The privacy and quiet enjoyment of neighboring property owners is respected.

+ In addition, it provides proper backyards for family life for both houses.

If it is determined that a proposed re-subdivision can move forward, I urge the Board to adopt a plan consistent with the plan as outlined in Exhibit B and set conditions and standards which truly achieve the objectives of the Montgomery County ordinances, including the Garrett Park Overlay Zone.

The Garrett Park Overlay Zone embodies the reasons people want to live in Garrett Park and stay in Garrett Park. Meeting the requirements of the spirit and intent of this Zone is the only way to continue to keep Garrett Park a unique and wonderful place to live.

Thank you for your time and consideration.

A handwritten signature in cursive script, appearing to read "Beth Irons".

Beth Irons
10808 Clermont Ave.
POBox 570
Garrett Park, MD 20896-0570

PRELIMINARY PLAN #1-06016

GVHTRT A. PROPOSAL

[illegible]

OXFORD STREET

CLERMONT AVENUE
50' BWH

4605 OXFORD STREET
PROPOSED LOT 24 AND
PROPOSED LOT 25, BLOCK 53
GARRETT PARK, SECTION 2
PRELIMINARY PLAN #1-06016

ENGINEER'S CERTIFICATE

02/09/06
Curt A. Schmitt
Curt A. Schmitt, Jr.

CLIENT

CHRISTIAN SERVICES
P.O. BOX 144
HARRISBURG, PA 17107
(717) 650-0770

[illegible]

4605 OXFORD STREET

PROPOSED LOTS 24 AND 25, BLOCK 58
GARRETT PARK, SECTION 2

ROCKVILLE (4TH) ELECTION DISTRICT
MONTGOMERY COUNTY, MARYLAND

PRELIMINARY PLAN #1-06016

GENERAL NOTES

VICINITY MAP

12. **Grading**

SITE

| | |
|---------|---------|
| 02-072B | 02/2006 |
| JMO | JMO |
| 1"=10' | CAS |

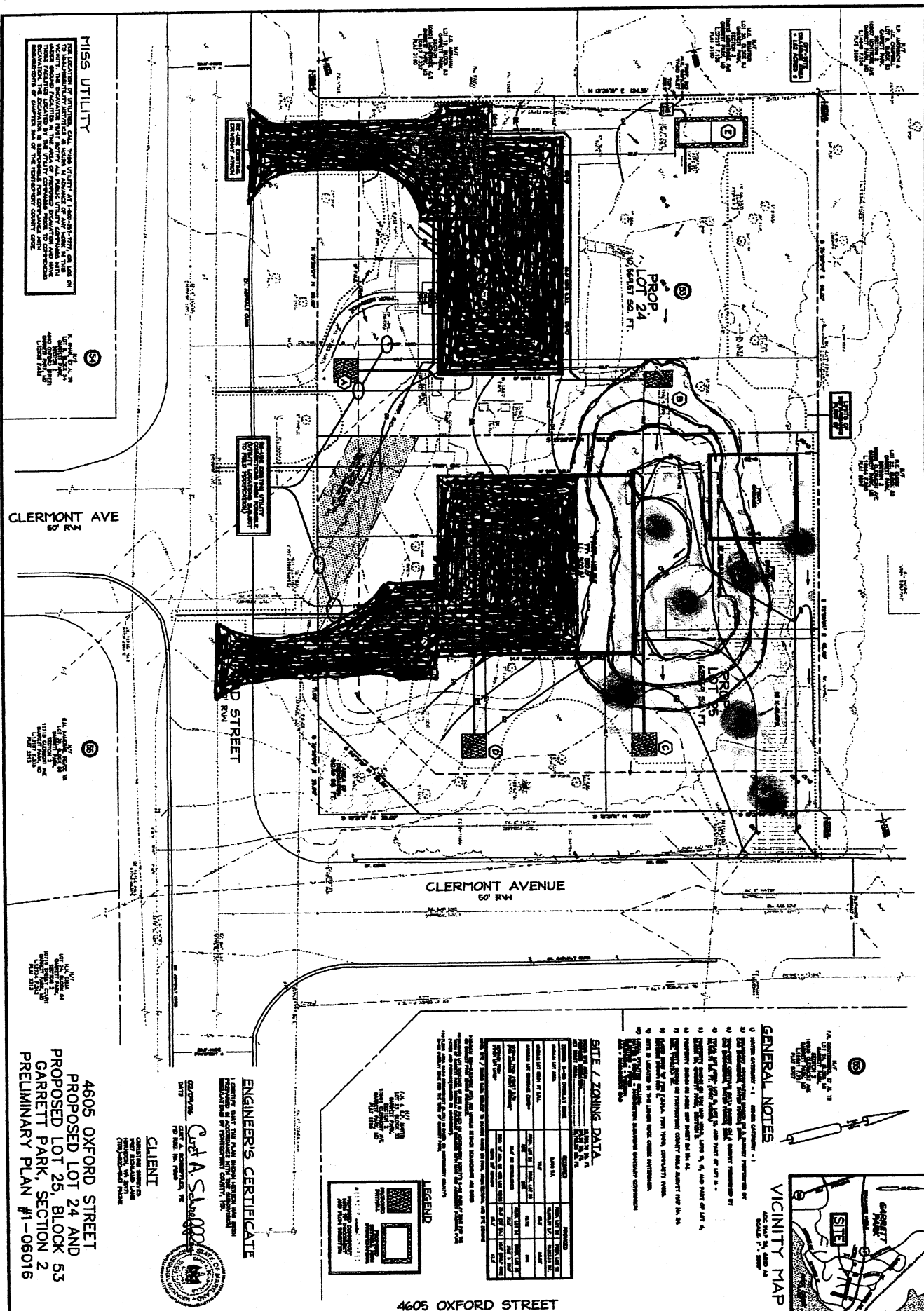


ENGINEERING
CIVIL • SURVEYING • LAND PLANNING
A DIVISION OF GAS ENTERPRISES, INC.

100 West Ridgeville Boulevard, Suite 101, Manassas Park, Maryland 21777
DC Metro (301) 807-8331 FAX (301) 807-0045

[illegible]

Additional Trees Saved



| | | | | |
|------------------|-----------|--------------------------------------------------|--------------------|------------------|
| DATE 02/06/08 | BY JMO | REASON REQUIRED TO MATCH PREL. TIME SINK PLAN | PROJECT 02-072B | DATE 02/20/08 |
| | | | SUPPRESSED | SUPPRESSED |
| | | | JMO | JMO |
| | | | SCALE | APPEND |
| | | | 1"=10' | CAS |

PROPOSED LOTS 24 AND 25, BLOCK 53
GARRETT PARK, SECTION 2
ROCKVILLE (4TH) ELECTION DISTRICT
MONTGOMERY COUNTY, MARYLAND
PRELIMINARY PLAN #1-06016

CAS ENGINEERING
CIVIL • SURVEYING • LAND PLANNING
A DIVISION OF CAS ENTERPRISES, INC.

101 West Ridgeville Boulevard, Suite 101, Mount Airy, Maryland 21771
DC Metro (301) 807-8031 FAX (301) 487-8045

EV 11 # BTT D NITER NATIVE

#8

399 Clermont Avenue
Garrett Park, MD

✓ Added
4/20/07

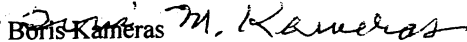
Mr. Derick Berlage, Chairman
MNCPPC
8787 Georgia Avenue, MD 20910-3760

Re: Preliminary Plan 120060160

Dear Mr. Berlage,

I live at 10715 Clermont Avenue directly opposite the proposed new lot at the corner of Clermont and Oxford in Garrett Park. I have seen the proposed preliminary plan for the proposed re-subdivision and I have no objection to its approval.

Sincerely,


Boris Kameras

February 28, 2006

#8

399 Clermont Avenue
Garrett Park, MD

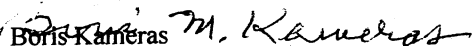
Mr. Derick Berlage, Chairman
MNCPPC
8787 Georgia Avenue, MD 20910-3760

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Sincerely,


Boris Kameras

February 28, 2006

FROM :

FAX NO. : 3019491963

Mar. 01 2006 09:08AM P1

#8

Added
4/20/07
ps

Mairi Nicola Morrison
10707 Shelley Court
Garrett Park, MD 20896
(301) 949-9259

RECEIVED
0243
MAR 01 2006

OFFICE OF THE CHAIRMAN
THE MARYLAND NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

February 28, 2006

Mr. Derek P. Berlage
Montgomery County Planning Board
8787 Georgia Avenue
Silver Spring, MD 20910-3760

Re: In Support of Resubdivision at Oxford & Clermont

Dear Mr. Berlage:

I live across the street (cati corner) from Mrs. Lustig at the corner of Oxford & Clermont. Although I am not an adjacent neighbor, I have a clear, uninterrupted view of the property, a view which has gone largely unchanged for over 40 years (I live in the house I grew up in). As I plan to keep the house for the duration and have real ties to the place I believe I would feel the impact of any development of the land as much as anyone.

I fully support Mrs. Lustig's application for resubdivision. It would be grossly unfair to deny Mrs. Lustig either the peace of mind of getting her estate in order or the benefit of the bargain she and the late Mr. Lustig had over 40 years ago when they were wise enough to purchase three lots for their one house, the fact that folks have "gotten used to" having an empty lot there notwithstanding.

As Mr. Weaver's report implicitly acknowledges neighborhood controversy over this type of infill development is, if expected, misplaced. Garrett Park is already developed. Mr. Weaver is explicit in his catalogue of neighborhood lots sizes - observing that average lot sizes here are as small or smaller than those resultant in the resubdivision. Ten years ago there were quite a few of these extra lots. All but a handful have been sold or built on. It is only right that Mrs. Lustig should be able to do the same with hers.

We in the Clermont Oxford area and in greater Garrett Park certainly are merely going to have to get used to the fact that at some point in the future, (unless the Town or a neighbor feels like buying the extra lot at market value) there will likely be a new house on Clermont Avenue. It will be surrounded with the normal amount of green space, will be landscaped nicely and will house a new family who will be part of the Town just like everyone else. Those of the complainants who are still in Town when and if this contingency occurs will adjust. And life will go on!

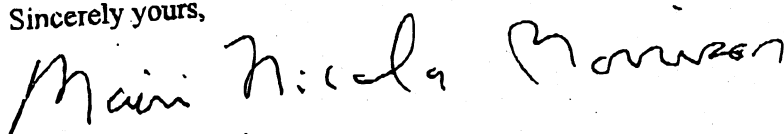
My last point relates to conditioning the approval of the resubdivision on a "Tree Save Plan" which seems to encompass not just street trees but also trees in

that such a plan should take place at the time of permitting rather than now, particularly as there are no plans to sell or build on the land it seems wasteful and of little utility to spend money on an arborist to evaluate tree health etc. when the position could be very different when the land is, if it is, ultimately developed.

I also question the value of preserving any and every tree, particularly those which may become dangerously large sooner rather than later. It seems an all too frequent event here in Garrett Park that a huge, poorly conditioned Tulip Poplar falls on a power line, or as with last week, a house! and causes all manner of havoc to actual human being.

In sum, I support Mrs. Lustig's plan to resubdivide and ask that you reconsider the requirement of the Tree Save Plan at this stage. Please feel free to contact me if you wish further information.

Sincerely yours,

A handwritten signature in cursive script that reads "Mairi Nicola Morrison". The signature is written in dark ink and is positioned above the printed name.

Mairi Nicola Morrison

FROM :

FAX NO. : 3019491963

Mar. 01 2006 09:07AM P1.

TO: Mr. Derek P. Berlage, Chairman, Montgomery County Board of Park &
Planning
FAX #: 301 495 1320

FROM: Mairi Nicola Morrison, 10707 Shelley Court, Neighbor ~~to~~ Mrs. Lustig

RE: Support Letter for Resubdivision at Oxford & Clermont to be ~~de~~liberated on
March 2, 2006

TIME SENSITIVE – for March 2 hearing

Please confirm receipt to (301) 949-9259