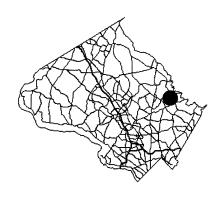
MCPB Item # 5/31/07



MEMORANDUM

DATE:

May 18, 2007

TO:

Montgomery County Planning Board

VIA:

Rose Krasnow, Chief

Catherine Conlon, Subdivision Supervision

Development Review Division

FROM:

Neil Braunstein, Planner Coordinator (301-495-4532)

Development Review Division

REVIEW TYPE:

Pre-Preliminary Plan Review per Section 50-33

APPLYING FOR:

Resubdivision of an existing one-family residential lot and outlot to create

two one-family residential lots in the RE-2 zone.

PROJECT NAME: Ashton Manor

CASE #:

720060500

REVIEW BASIS:

Chapter 50, Montgomery County Subdivision Regulations

ZONE:

RE-2 (Residential, One-Family)

LOCATION:

Located south of the intersection of Country View Way and Country View

Court.

MASTER PLAN:

Sandy Spring/Ashton

APPLICANT:

Marc Schrecengost

ENGINEER:

Macris Hendricks & Glascock

FILING DATE:

February 13, 2006

HEARING DATE: May 31, 2007

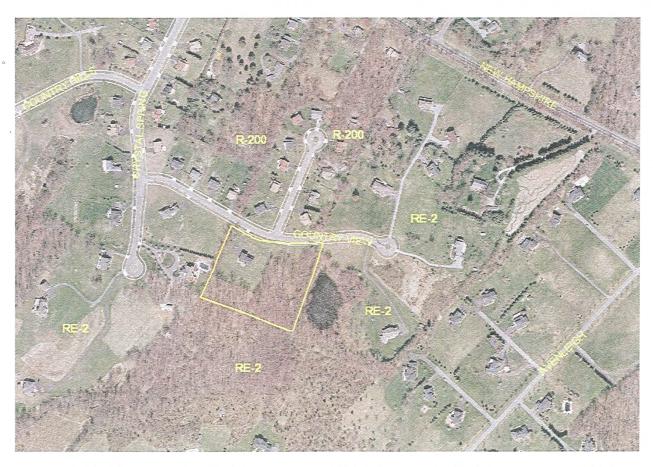
RECOMMENDATION: Objection to submission of the preliminary plan

SITE DESCRIPTION

The subject property, shown below and in Attachment A, consists of one recorded lot (Lot 22) and one recorded outlot (Outlot F) in the Ashton Manor subdivision. Lot 22 and Outlot F were created in a 1996 resubdivision of Outlots D and E, and a portion of Outlot C of the Ashton Manor subdivision.

The total property area is four acres and is located within the RE-2 zone. The property is located south of the intersection of Country View Way and Country View Court, in Ashton. The site is currently developed with a one-family residence, which is proposed to remain after completion of the proposed subdivision. The site is surrounded by developed one-family residential lots in the RE-2 zone to the west, south, and east, and in the R-200 zone to the north.

The property is located within the Northwest Branch watershed. An unnamed tributary exists near the eastern property boundary, flowing roughly from north to south. A stream valley buffer for this stream encompasses a large portion of the property, generally on the eastern portion of the site. A wetland buffer also exists near the stream. A 1.46 acre Category I conservation easement also exists on the eastern portion of the site.



PROJECT DESCRIPTION

The application is a Pre-preliminary Subdivision Plan that seeks Planning Board advice on the creation of two one-family residential lots of approximately two acres each. As noted above, the proposal is a resubdivision of existing Lot 22 and Outlot F in the Ashton Manor Subdivision. In order to provide a building site for a future residence on proposed Lot 24, the existing Category I conservation easement is proposed to be reconfigured by removing 0.14 acres from the easement near the western lot line of proposed Lot 24 and adding 0.91 acres in three locations at the southern, eastern, and northern boundaries of the tract. In sum, the reconfigured conservation easement will be 0.77 acres larger than the existing easement, an increase of 53%.

The applicant is requesting the Planning Board's non-binding opinion on two issues:

- 1. Is reconfiguration of the conservation easement appropriate and consistent with the Forest Conservation Law?
- 2. Does the Pre-Preliminary Plan conform to the resubdivision requirements in Section 50-29(b)(2) of the Subdivision Regulations?

(Attachment B – proposed plan)

ANALYSIS AND FINDINGS

Environment

The site is covered by an approved forest conservation plan. The existing Category I conservation easement is mostly in the stream valley buffer. The proposed location for the house on proposed Lot 24 is, however, outside of the stream valley buffer. Further, a portion of the stream valley buffer that is not currently within the conservation easement will be protected by the reconfigured easement on proposed Lot 23.

It is staff's opinion that the proposed reconfiguration of the conservation easement is acceptable and consistent with the Forest Conservation Law because the entirety of the stream valley buffer onsite will be protected within the easement and there is a net gain in easement area of 0.77 acres, or a 53% increase in the size of the existing easement.

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

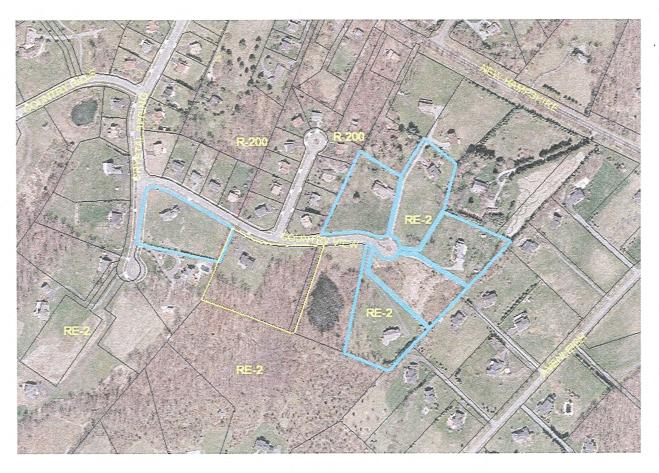
A. Statutory Review Criteria

In order to approve an application for resubdivision, the Planning Board must find that each of the proposed lots complies 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.

B. Neighborhood Delineation

In administering Section 50-29(b)(2) of the Subdivision Regulations, the Planning Board must determine the appropriate "neighborhood" for evaluating the application. In this instance, the Neighborhood selected by the applicant, and agreed to by staff, consists of six lots, as shown below and in Attachment C. The neighborhood includes lots on Country View Way that are in the RE-2 zone. All the lots share a single access point. An outlot owned by the homeowners association that contains a stormwater management pond is excluded from the delineation. The designated neighborhood provides an adequate sample of the lot and development pattern of the area. A tabular summary of the area based on the resubdivision criteria is included in Attachment D.



C. Analysis

Comparison of the Character of Proposed Lots to Existing

In performing the analysis, the above-noted resubdivision criteria were applied to the delineated neighborhood. Based on the analysis, staff finds that the proposed lots would not be of the same character with respect to one of the seven resubdivision criteria as other lots within the defined neighborhood. Therefore, the proposed resubdivision would not comply with the criteria of Section 50-2(b)(2). As set forth below, the attached tabular summary and graphical documentation support this conclusion:

Frontage: In a neighborhood of six lots, lot frontages range from 25 feet to 433 feet. Three of the lots have frontages of less than 100 feet, and three of the lots have frontages of more than 100 feet. The three lots with frontages under 100 feet are either pipestem configurations and/or located at the terminus of a cul-de-sac street. The two proposed lots will be among the lots with larger frontages in the neighborhood, with frontages greater than 200 feet. Therefore, the proposed lots will be of the same character as existing lots in the neighborhood with respect to lot frontage.

Alignment: There are four radial and two perpendicular lots in the existing neighborhood. The two proposed lots are perpendicular in alignment. Therefore, the proposed lots will be of the same character as existing lots with respect to the alignment criterion.

<u>Size:</u> The lot sizes in the delineated neighborhood range from 87,180 square feet to 113,454 square feet. The two proposed lots are 87,138 square feet and 87,161 square feet. Although these would be the two smallest lots in the neighborhood, the 42-square foot difference between the smallest existing lot and the smallest proposed lot is not considered to be significant. Therefore, the proposed lot size is in character with the size of existing lots in the neighborhood.

<u>Shape:</u> There is a large amount of variation in lot shape in this six-lot neighborhood. There are two irregular lots, one trapezoidal lot, two pipestem lots, and one corner lot. The two proposed lots are irregular in shape. Therefore, the shapes of the proposed lots will be in character with shapes of the existing lots.

<u>Width:</u> The lot widths at the front building restriction line range from 150 feet to 290 feet. Five of the six existing lots have widths of 150 feet. The proposed lots have widths of 214 feet and 243 feet. Therefore, the proposed lots will be in character with existing lots in the neighborhood with respect to width.

Area: In the six-lot neighborhood, buildable area ranges from 30,807 square feet to 65,158 square feet. Proposed Lot 23 has a buildable area of 40,650 square feet and proposed Lot 24 has a buildable area of 12,300 square feet. The buildable area of Lot 24 is greatly reduced because the lot is constrained with a large conservation easement that occupies the majority of the lot. Although the existing lot with smallest buildable area is

similarly constrained by a conservation easement, proposed Lot 24 has less than half the buildable area of the existing lot with the smallest area. Therefore, the proposed lots would not be of the same character as other lots in the neighborhood with respect to buildable area.

<u>Suitability for Residential Use:</u> The existing and the proposed lots are zoned residential and the land is suitable for residential use.

Citizen Correspondence and Issues

On March 15, 2006, the applicant notified adjacent and confronting property owners and local citizens associations that the Ashton Manor Pre-Preliminary Plan had been filed with MNCPPC and that it was under review. In response to this notification, six letters of support were received. No letters expressing concern or opposing the application were received.

CONCLUSION

Section 50-29(b)(2) of the Subdivision Regulations specifies seven criteria with which resubdivided lots must comply. They are frontage, alignment, size, shape, width, area, and suitability for residential use within the existing block, neighborhood, or subdivision. As set forth above, proposed Lot 24 is not of the same character as the existing lots in the delineated neighborhood with respect to buildable area. Staff's evaluation indicates that the buildable area of the proposed lot is less than half the area of the existing lot with the smallest area. Therefore, the proposed resubdivision does not comply with Section 50-29(b)(2) of the Subdivision Regulations. As such, staff objects to the submission of the preliminary plan.

Attachments

Attachment A – Vicinity Development Map

Attachment B – Proposed Development Plan

Attachment C – Neighborhood Delineation Map

Attachment D – Neighborhood Tabular Summary

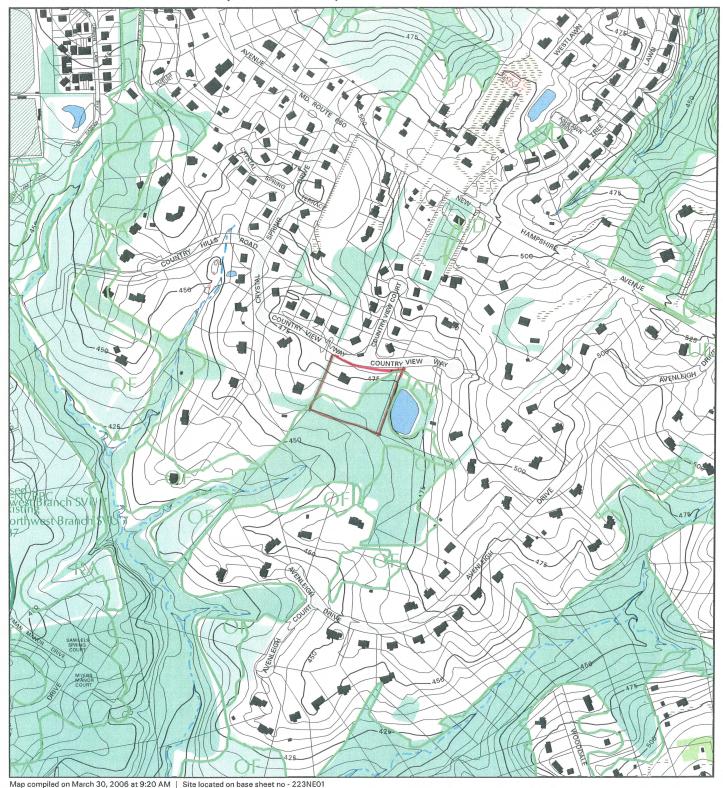
Attachment E – Citizen Correspondence

Table 1: Preliminary Plan Data Table and Checklist

Plan Name: Ashton Manor Plan Number: 720060500 Zoning: RE-2 # of Lots: 2 # of Outlots: 0 Dev. Type: Pre-Preliminary Plan **PLAN DATA Zoning Ordinance Proposed for** Verified Date Development Approval the Standard **Preliminary Plan** 87,139 sq. ft. is 5/18/07 Minimum Lot Area 87,120 sq. ft. NB minimum proposed 150 ft. 214 ft. is minimum 5/18/07 Lot Width NB proposed 214 ft. is minimum 5/18/07 25 ft. Lot Frontage NB proposed Setbacks NB 50 ft. Min. Must meet minimum 5/18/07 Front Must meet minimum¹ 17 ft. Min./ 35 ft. 5/18/07 Side NR total Must meet minimum¹ NB Rear 35 ft. Min. 5/18/07 May not exceed 5/18/07 Height 50 ft. Max. maximum¹ Max Resid'l d.u. 5/18/07 2 2 per Zoning **MPDUs** 0 5/18/07 **TDRs** N/A 5/18/07 Site Plan Req'd? No 5/18/07

¹ As determined by MCDPS at the time of building permit.

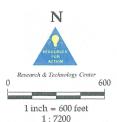
ASHTON MANOR (720060500)



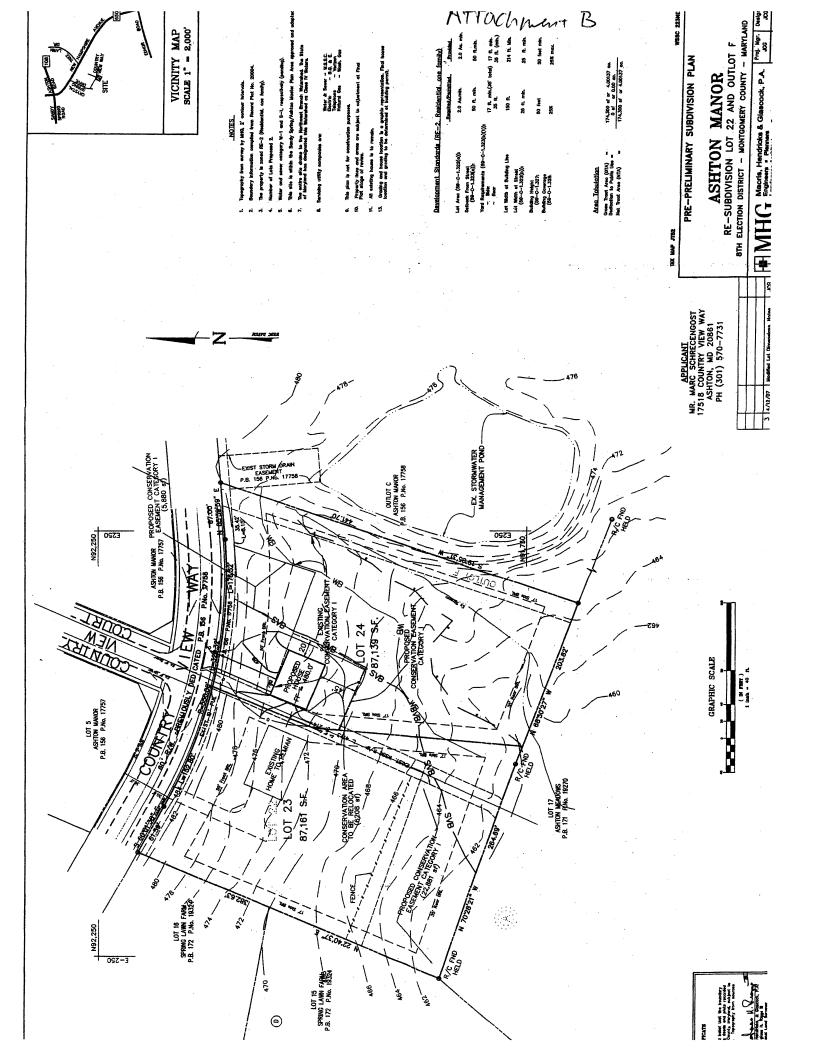
The planimetric, property, and topographic information shown on this map is based on copyrighted Map Products from the Montgomery County Department of Park and Planning of the Maryland -National Capital Park and Planning Commission, and may not be copied or reproduced without written permission from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

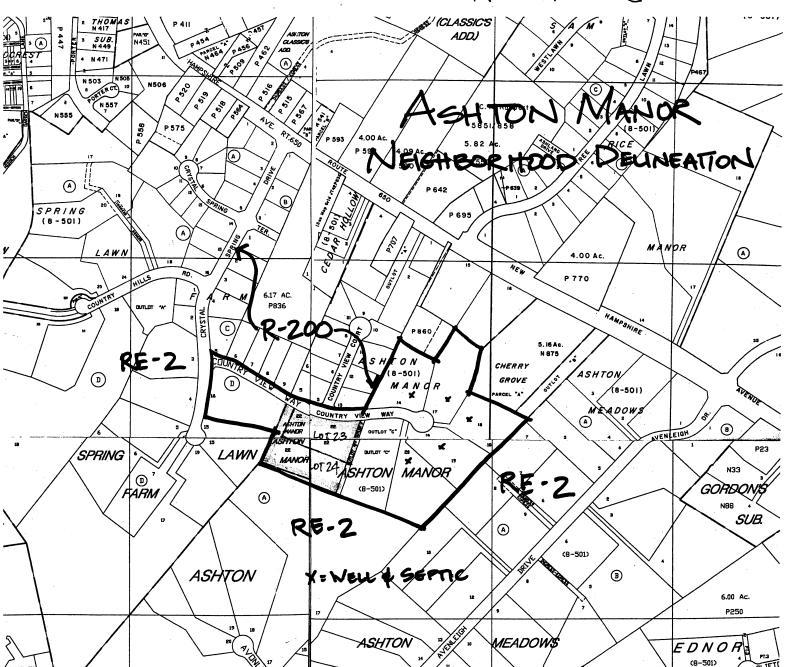




MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION



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Attachment E

Date:

11-27-06

Subject:

Schrecengost's RE-2 re-subdivision request in Ashton.

From:

Ellen Coleman

To:

Maryland National Capital Park and Planning Commission (MNCPPC)

Attn: Ms. Cathy Conlon 8787 Georgia Avenue Silver Spring, Md 20910

Dear Ms. Conlon,

I would like to offer my support of Marc Schrecengost's proposed subdivision of a 4 acre residential lot, into two 2 acre RE-2 residential parcels. Since I live just a couple of doors away from the Schrecengost's home on an RE-2 lot, I can attest that the proposed subdivision is in keeping with the balance of the existing residential community known as Spring Lawn Farm (SLF).

When the SLF community was developed in 1990, the Schrecengost property vas documented as two outlots, so the proposed subdivision is in concert with the original potential plan for the community. I am aware of the financial benefits that can be derived for the county and for the state from creation of new residential property, through recurring property taxes and income taxes originating at the new address. It seems that the county will benefit significantly from the Schrecengost's re-subdivision, without any county investment.

I can attest that the Schrecengost's are productive members in the Ashton com nunity, have served as HOA board members, and participate in community related programs and activities. The Schrecengost's both live and work in Montgomery County. Mrs. Schrecengost is a nurse at the Montgomery General Hospital in Olney, and Mr. Schrecengost works as a Facility Planner for the US Department of Justice in Rockville. Because of their lifelong support in public and community service within the County, I offer them my full support, and I encourage the Montgomery County Government and MNCPPC to give them their full support as well.

If I can be of any assistance related to the Schrecengost's subdivision proposal, please contact me.

Sincerely,

Ellen Coleman

141 Crystal Spring Drive

Ashton, Md 20861

June 27, 2006

Ms. Cathy Conlon Maryland National Capital Park and Planning Commission 8787 Georgia Ave. Silver Spring, MD 20910

Re: Schrecengost's RE-2 Subdivision Request, Ashton, MD

Dear Ms. Conlon,

I live at 17508 Country View Way, Ashton, MD, which is in close proximity to where Marc Schrecengost currently lives and where he is proposing to subdivide a 4 acre residential lot. My family has lived in Ashton since 1993.

I would like to offer my support of Mr. Schrecengosts' proposal to subdivide the 4 acre lot into two, 2 acre lots. I am very familiar with our neighborhood and have seen firsthand the engoing development of the remaining lots in our community. I also serve on the Spring Lawn Farm Homeowners' Association Board of Directors, and with that experience have come to learn a lot about our community and our neighbors.

I support Mr. Schrecengosts' proposal for the following reasons:

- 1. The use of 2 acre lots in our community is quite common. We have over 20, two acre homesites which already are built on, or are in the process of being built on. With a total community of about 60 homes, this represents about 1/3 of the total households. Adding another 2 acre homesite to our neighborhood would be entirely in keeping with the character of our community and would be consistent with the architecture and land use already in place.
- 2. The proposed subdivision is actually in keeping with the original plan for the community (early '90's) which called for 2 outlots, each of which was 2 acres. So in my view, the current proposal is actually more in line with the original plan for the community. One wonders why it was ever changed.
- 3. In a vote of our homeowner association members last year, more than 2/3rd's of of the households voted in favor of Mr. Schrecengosts' proposed subdivision.

I have known Mr. Schrecengost and his family for several years and know them to be productive members of our community, and good neighbors. Their plan is consistent with kind of development that has worked well within our community.

I encourage the appropriate authorities and the MNCPPC to approve Mr. Schrecengosts' plan. If I can be of any assistance in this matter, please feel free to contact me.

Very truly yours,

Robert, C. Bulik

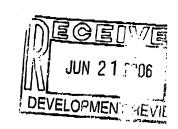
17508 Country View Way

Ashton, MD 208

301-774-6215 RCBulik@aol.com

Note: This is a juivalent to two letter of support since Bob Bullet owns two RE2 lots on my street! Thomas and Janice Valois 144 Crystal Spring Drive Ashton, Maryland 20861 301-570-0460

June 19, 2006



Maryland National Capital Park and Planning Commission (MNCPPC)
Attn: Ms. Cathy Conlon
8787 Georgia Avenue
Silver Spring, MD 20910

Re: Schrecengost's RE-2 Subdivision Request in Ashton

Dear Ms. Conlon,

We would like to offer our support of Marc Schrecengost's proposed subdivision of a 4-acre residential lot into two 2-acre RE-2 residential parcels. We live next door to the Schrecengost property and share 100' of their western property line and we can attest that the proposed subdivision is in keeping with the balance of the existing residential community known as Spring Lawn Farm (SLF). We support the Schrecengost family's desire to subdivide their lot and build one new single family home so long as it is situated between their existing home and the community pond on Country View Way.

When the SLF community was developed in 1990, the Schrecengost property was documented as two outlots, so the proposed subdivision is in concert with the original plan for the community. We are aware of the financial benefits that can be derived for the county and for the state from creation of new residential property, through recurring property taxes and income taxes originating at the new address. It seems that the county will benefit significantly from the Schrecengost's re-subdivision, without any county investment.

We can attest that the Schrecengosts are productive members in our community, have served as HOA board members, and participate in community related programs and other social responsibilities and htye have been great neighbors. Mrs. Schrecengost is a nurse at the Montgomery General Hospital in Olney, and Mr. Schrecengost works as a Facility Planner for the US Department of Justice in Rockville. Because of their life long support in public and community service within the County, we offer them our full support, and we encourage the Montgomery County Government and MNCPPC to give hem their full support as well.

If we can be of any assistance related to the Schrecengost's subdivision proposal, please contact us.

Sincerely,

Thomas Valois

homas bulon

Janiee Valois

en Oslori

720060500 - REANOR

Gabe & Susan Najjar

17308 Avenleigh Drive, Ashton, MD 20861 Home: 301.570.9442 • Mobile: 301.343.0035 •Email: gabenajjar@yahoo.com

July 10, 2006

Maryland National Capital Park and Planning Commission (MNCPPC)
Attn: Ms. Cathy Conlor
8787 Georgia Avenue
Silver Spring, Md 20910



Re: Marc Schrecengost's RE-2 subdivision request at 17518 Country View Way, Ashton, Mandand 20861

Dear Ms. Conlon,

I would like to offer my support of Marc Schrecengost's proposed subdivision of a 4 acre resid ential lot into two 2 acre RE-2 residential parcels. I live directly behind the Schrecengost property and share 440' of their southern property line. I can attest that the proposed subdivision is in keeping with the balance of the e disting residential community known as Spring Lawn Farm (SLF). I support the Schrecengost family's desire to subdivide their lot and build one new single family home situated between their existing home and the SLF community pond on Country View Way.

When the SLF community was developed in 1990, the Schrecengost property was documented as two outlots, so the proposed subdivision is in concert with the original plan for the community. I am aware of the financial benefits that can be derived for the county and for the state from creation of new residential property, through recurring property taxes and income taxes originating at the new address. It seems that the county will benefit significantly from the Schrecengost's re-subdivision, without any county investment.

I can attest that the Schrecengost's are productive members in our community, having served as HOA board members. They participate in community related programs and fulfill other social responsibilities. The Schrecengost's both live and work in Montgomery County. Mrs. Schrecengost is a nurse at the Montgomery General Hospital in Olney, and Mr. Schrecengost works as a Facility Planner for the US Department of Justice in Rockville. Because of their lifelong support in public and community service within the County, I offer them my full support and I encourage the Montgomery County Government and MNCPPC to give them their full support as well.

If I can be of any assistance related to the Schrecengost's subdivision proposal, please contact me at the above address and numbers.

Sincerely,

Gahe Naiiar

Date:

7-30-06

720060500

Subject:

Schrecengost's RE-2 subdivision request in Ashton.

From:

Herman Taylor

To:

Maryland National Capital Park and Planning Commission (MNCPPC)

Attn: Ms. Cathy Conlon 8787 Georgia Avenue Silver Spring, MD 20910

I would like to offer my support of Marc Schrecengost's proposed re-subdivision of a 4 acre residential lot, into two 2 acre RE-2 residential parcels. Since I live four doors a way from the Schrecengost property, I can attest that the proposed re-subdivision is in keeping with the balance of the existing residential community known as Spring Lawn Farm (SLF). The involved SLF Homeowners Association polled it's membership, and approximately 75% of the homeowners voted in support the Schrecengost's subdivision proposal.

I can attest that the Schrecengost's are productive members in our community, have served as HOA board members, and participate in community related programs and responsibilities. The Schrecengost's both live and work in Montgomery County. Mrs. Schrecengost is a nurse at the Montgomery General Hospital in Olney, and Mr. Schrecengost works as a Faci ity Planner for the US Department of Justice in Rockville. Because of their lifelong support in public and community service within the County, I offer them my full support, and I encourage the Montgomery County Government and MNCPPC to give them their full support as well.

If I can be of any assistance related to the Schrecengost's re-subdivision proposal, please contact me.

Sincepely,

Herman Taylor

17505 Country View Way

Ashton, MD 20861

Date:

11-27-06

Subject:

Schrecengost's RE-2 re-subdivision request in Ashton.

From:

Lucy Schindel

To:

Maryland National Capital Park and Planning Commission (MNCPPC)

Attn. Ms. Cathy Conlon 8787 Georgia Avenue Silver Spring, Md 20910

Dear Ms. Conlon,

I would like to offer my support of Marc Schrecengost's proposed subdivision of a 4 acre residential lot, into two 2 acre RE-2 residential parcels. Since I live just a couple of doors away from the Schrecengost's home on an RE-2 lot, I can attest that the proposed subdivision is in keeping with the balance of the existing residential community known as Spring Lawn Farm (SLF).

When the SLF community was developed in 1990, the Schrecengost property v/as documented as two outlots, so the proposed subdivision is in concert with the original potential for the community. I am aware of the financial benefits that can be derived for the ccunty and for the state from creation of new residential property, through recurring property taxes and income taxes originating at the new address. It seems that the county will benefit significantly from the Schrecengost's re-subdivision, without any county investment.

I can attest that the Schrecengost's are productive members in the Ashton com nunity, have served as HOA board members, and participate in community related programs and activities. The Schrecengost's both live and work in Montgomery County. Mrs. Schrecengost is a nurse at the Montgomery General Hospital in Olney, and Mr. Schrecengost works as a Facility Planner for the US Department of Justice in Rockville. Because of their lifelong support in put lic and community service within the County, I offer them my full support, and I encourage the Montgomery County Government and MNCPPC to give them their full support as well.

If I can be of any assistance related to the Schrecengost's subdivision proposal please contact me.

Sincerely

Lucy Schindel

149 Crystal Spring Drive

un Silinal

Ashton, Md 20861