



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

MCPB
Item # 1B
2/2/2012

MEMORANDUM

DATE: January 25, 2012

TO: Montgomery County Planning Board

VIA: Catherine Conlon, Supervisor
D.A.R.C. Division *CAC*
(301) 495-4542

FROM: Stephen Smith, Senior Planner *SS*
D.A.R.C. Division
(301) 495-4522

SUBJECT: Informational Maps and Summary of Record Plats for the Planning Board
Agenda for February 2, 2012

The following record plats are recommended for APPROVAL, subject to the appropriate conditions of approval of the preliminary plan and site plan, if applicable, and conditioned on conformance with all requirements of Chapter 50 of the Montgomery County Code. Attached are specific recommendations and copies of plan drawings for the record plat. The following plats are included:

220110390 **Sunshine Acres**

Plat Name: Sunshine Acres
Plat #: 220110390

Location: Located on the south side of New Hampshire Avenue (MD 650),
approximately 500 feet northwest of Sapling Ridge Lane
Master Plan: Olney
Plat Details: RC zone; 2 lots
Private Well, Private Septic
Owner: Estate of Barbara Ann Charles

Staff recommends approval of this minor subdivision plat pursuant to **Section 50-35A (a)(9)** of the Subdivision Regulations, which states:

Parcels that satisfy Section 59-B-8.1 of the Chapter 59; Aforesaid parcels may be platted under the minor subdivision procedure; provided:

- a. Any required street dedication along the frontage of the proposed lots is shown on the record plat.
- b. There is adequate sewerage and water service to the property, which may be either public service or approved private septic system/private well.

Additionally, this plat also contains a minor lot line adjustment between the resulting lots pursuant to **Section 50-35A(a)(1)** of the Subdivision Regulations, which states:

Minor Lot line Adjustment. The sale or exchange of part of a lot between owners of adjacent lots for the purpose of small adjustments in boundaries; provided:

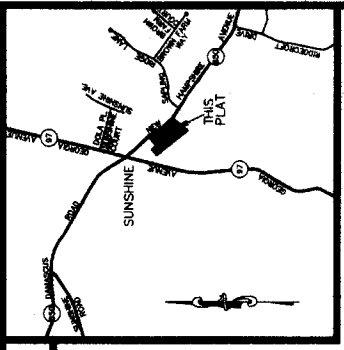
- a. The total area of the adjustment does not exceed five percent of the combined area of the lots affected by the adjustment;
- b. No additional lots are created;
- c. The adjusted lot line is approximately parallel with the original lot line or, if it is proposed to intersect with the original line, it does not significantly change the shape of the lots involved; and,
- d. The owner submits a sketch plan for review and approval by the Planning Board staff. The sketch plan may be a copy of the existing record plan and must contain the following information:
 - i. proposed lot line adjustment as a dashed line;
 - ii. any buildings, driveways, or other physical improvements located within fifteen feet of the proposed adjusted lot line;
 - iii. any minimum building setback that would be altered by the minor lot line adjustment; and
 - iv. the amount of lot area affected by the minor lot line adjustment.

The sketch plan must be approved, approved with revision or denied, in writing, within ten business days after the plan is submitted or the sketch plan is deemed approved, provided requirements i through iii, above, are

met. A final record plat must be submitted to Planning Board staff within ninety days after sketch plan approval or the sketch plan is no longer valid.

- e. Any minor lot line adjustment between properties that occurred prior to May 19, 1997, remains an exception to platting as provided in Section 50-9(d)

Staff applied the above-noted minor subdivision criteria for this property and concludes that the proposed subdivision complies with the requirements of Section 50-35A(a)(9) and Section 50-35A(a)(1) of the subdivision regulations and supports this subdivision record plat.



VICINITY MAP
SCALE: 1" = 2000'

LEGEND

- PROPERTY MARKER FOUND & MEASUREMENT
- IRON PIPE & I.D. CAP "CORP. 25P" SET
- S.E.B.L. SEPTIC BUILDING RESTRICTION LINE
- EX. WOOD UTILITY POLE
- EX. OVER-HEAD WIRES

NOTES:

THIS PLAT CONFORMS WITH THE REQUIREMENTS OF SECTION 50-35A OF THE MONTGOMERY COUNTY SUBDIVISION REGULATIONS, BEING CHAPTER 50 OF THE COUNTY CODE. THIS PLAT INVOLVES THE RECORDED OF TWO UNPLATTED PARCELS CONTAINING ONE-FAMILY DETACHED DWELLING UNITS AS RECORDED LOTS IN ACCORDANCE WITH SECTION 50-35A(G)(9) AND A SUBSEQUENT LOT LINE ADJUSTMENT IN ACCORDANCE WITH SECTION 50-35A(G)(1).

THIS PLAT DOES NOT CONSTITUTE SUBDIVISION OF LAND IN THE CONTEXT OF THE STATE REGULATION COMAR 26-0403.

ALL TERMS, CONDITIONS, AGREEMENTS, LIMITATIONS AND REQUIREMENTS ASSOCIATED WITH ANY PRELIMINARY PLAN, SITE PLAN, PROJECT PLAN OR OTHER PLAN ALLOWING DEVELOPMENT OF THIS PROPERTY APPROVED BY THE MONTGOMERY PLANNING BOARD ARE INTENDED TO SURVIVE AND NOT BE EXTINGUISHED BY THE RECORDED OF THIS PLAT UNLESS EXPRESSLY CONTAINED BY THE PLAN AS APPROVED. THE OFFICIAL PUBLIC FILES FOR ANY SUCH PLAN ARE MAINTAINED BY THE PLANNING BOARD AND ARE AVAILABLE FOR PUBLIC REVIEW DURING NORMAL BUSINESS HOURS.

THIS SUBDIVISION RECORD PLAT IS NOT INTENDED TO SHOW EVERY MATTER AFFECTING THE OWNERSHIP AND USE, NOR EVERY MATTER RESTRICTING THE OWNERSHIP AND USE, OF THIS PROPERTY. THE BUYER IS ADVISED TO OBTAIN AN EXAMINATION OF TITLE OR TO DEPCT ON NOTE ALL MATTERS OF TITLE.

THE SEPTIC BUILDING RESTRICTION LINES ARE SUBJECT TO CHANGE PER MONTGOMERY COUNTY DEPARTMENT OF PERMITTING SERVICES APPROVAL.

THE SEPTIC AREA FOR LOT 91 IS CURRENTLY APPROVED FOR A 3 BEDROOM DWELLING. THE SEPTIC AREA FOR LOT 92 IS DESIGNED FOR 8 BEDROOM DWELLING.

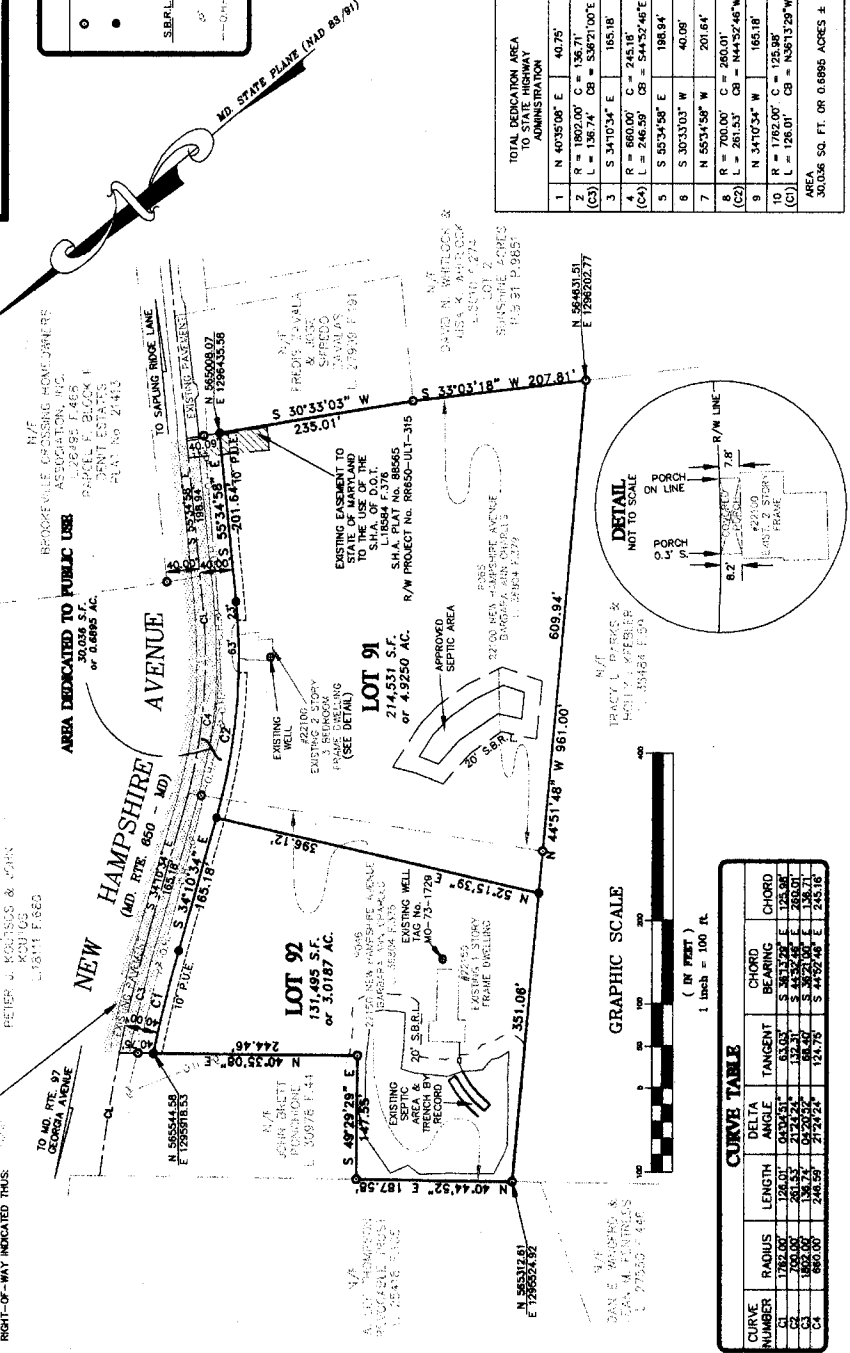
THIS PROPERTY IS ZONED RC.

THE LOTS SHOWN HEREON ARE CREATED PURSUANT TO SECTION 50-6-8.1 OF THE MONTGOMERY COUNTY ZONING ORDINANCE.

W.S.S.C. GROSS 230 NW03 & 231 NW 03

TAX MAP HV; PARCELS P048 & P085.

FLAT NO.



TOTAL DEDICATION AREA TO STATE HIGHWAY ADMINISTRATION

1	N 40°35'08" E	40.75'
2	R = 1802.00' C = 136.71'	(C) L = 136.74' CB = 538°21'00"E
3	S 34°10'34" E	151.18'
(A)	L = 860.00' C = 245.18'	(C) L = 246.59' CB = 54°32'46"E
5	S 55°34'58" E	188.64'
6	S 30°33'03" W	40.09'
7	N 55°34'58" W	201.64'
8	R = 700.00' C = 240.01'	(C) L = 261.53' CB = 144°32'46"W
9	N 34°10'34" W	165.18'
10	N 1°03'00" C = 128.08'	(C) L = 128.01' CB = 128°13'29"W

3633.68 SQ. FT. OR 0.8686 ACRES ±

OWNERS' CERTIFICATE:

I, TRAVIS H. TOMLINSON, JR., PERSONAL REPRESENTATIVE OF THE ESTATE OF BARBARA ANN CHARLES, ADMINISTRATION GRANTED JULY 13, 2011 - ESTATE NO. W87296, OWNER OF THE PROPERTY SHOWN AND DESCRIBED HEREON, DO HEREBY ADAPT THIS PLAT OF SUBDIVISION, ESTABLISH MINIMUM BUILDING RESTRICTION LINES AND DEDICATE THE AREA AS SHOWN ALONG NEW HAMPSHIRE AVENUE TO PUBLIC USE.

I FURTHER GRANT A TEN FOOT PUBLIC UTILITY EASEMENT, SHOWN HEREON AS "TO P.U.E." TO THOSE PARTIES NAMED IN THE DOCUMENT ENTITLED, "DECLARATION OF TERMS AND PROVISIONS OF PUBLIC UTILITY EASEMENTS" AS RECORDED IN LIBER 3834 AT FOLIO 457 AMONG THE LAND RECORDS OF MONTGOMERY COUNTY, MARYLAND.

THERE ARE NO SAITS, ACTIONS AT LAW, LEASES, LIENS, OR MORTGAGES AFFECTING THE PROPERTY SHOWN HEREON, EXCEPT FOR A CERTAIN TRUST RECORDED IN LIBER 20350, FOLIO 773 AMONG THE APPROPRIATE LAND RECORDS, AND THE PARTIES OF INTEREST THERETO HEREBY INDICATE THEIR ASSENT.

WITNESS: *[Signature]* DATE: *1-5-11*

WITNESS: *[Signature]* DATE: *1-5-11*

TRAVIS H. TOMLINSON, JR. PERSONAL REPRESENTATIVE OF THE ESTATE OF BARBARA A. CHARLES

TRACY L. PATRICE & LARRY L. WEFER, JR. 35484 E. 99

WE, SANDY SPRING BANK, HEREBY ASSENT TO THIS PLAN OF SUBDIVISION:

WITNESS: *[Signature]* DATE: *1-5-11*

WITNESS: *[Signature]* DATE: *1-5-11*

ROMA MCDONELL, TRUSTEE

STEVE ANDERSON, TRUSTEE

SURVEYOR'S CERTIFICATE:

I HEREBY CERTIFY TO THE BEST OF MY PROFESSIONAL KNOWLEDGE AND BELIEF, THE PLAT SHOWN HEREON IS CORRECT; THAT IT IS A SUBDIVISION OF ALL OF THE LAND CONVEYED BY BARBARA A. CHARLES UNTO BARBARA ANN CHARLES BY DEEDS DATED MARCH 23, 2009 AND RECORDED IN LIBER 38804 AT FOLIO 375 AND LIBER 38804 AT FOLIO 379 AMONG THE LAND RECORDS OF MONTGOMERY COUNTY, MARYLAND AND THAT PROPERTY MARKERS HAVE BEEN FOUND OR SET AS INDICATED HEREON IN ACCORDANCE WITH SECTION 50-24(c) OF THE MONTGOMERY COUNTY CODE.

THE TOTAL AREA SHOWN ON THIS PLAT IS 376,082 SQUARE FEET, OR 8.6332 ACRES OF LAND, OF WHICH 30,036 SQUARE FEET, OR 0.6885 ACRES ARE DEDICATED TO PUBLIC USE.

RUSSELL E. REESE REGISTERED PROFESSIONAL LAND SURVEYOR MD NO. 11014 LICENSE EXPIRES 8/24/2012

CURVE TABLE

CURVE NUMBER	RADIUS	DELTA ANGLE	TANGENT BEARING	CHORD BEARING
C1	1782.00'	126.01'	S 36°13'29" E	128.08'
C2	103.00'	30.52'	S 44°32'46" E	260.01'
C3	180.00'	246.59'	N 24°10'34" W	245.18'
C4	860.00'	217°24'24"	N 12°13'29" W	245.18'

FOR PRIVATE WELL AND PRIVATE SEPTIC SYSTEMS ONLY.

DATE: _____

PLAT NO. _____

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION APPROVED

CHAIRMAN _____ ASST. SECRETARY - TREASURER _____

M.N.C.P. & P.C. RECORD FILE NO. _____

MONTGOMERY COUNTY DEPARTMENT OF PERMITTING SERVICES APPROVED

DIRECTOR _____

MINOR SUBDIVISION PLAT REVIEW SHEET

(This form contains 3 pages)

Plat Name: SUNSHINE ACRES Plat Number: 220110390
 Plat Submission Date: 10-7-2010
 DRD Plat Reviewer: S. Swift
 DRD Prelim Plan Reviewer: N/A

*For category of minor subdivision see pages 2 and 3

Initial DRD Review:

Pre-Preliminary Plan No. N/A Checked: Initial N/A Date N/A
 Preliminary Plan No. _____ Checked: Initial _____ Date _____
 Planning Board Opinion - Date _____ Checked: Initial _____ Date _____
 Site Plan Name if applicable: _____ Site Plan Number: _____
 Planning Board Opinion - Date _____ Checked: Initial _____ Date _____

Lot # & Layout Lot Area Zoning Bearings & Distances ok Coordinates ok
 Plan # N/A Road/Alley Widths ok Easements ok Open Space N/A Non-standard
 BRLs N/A Adjoining Land ok Vicinity Map Septic/Wells
 TDR note N/A Child Lot note N/A Surveyor Cert Owner Cert Tax Map
 SPA N/A

Agency Reviews Req'd	Reviewer	Date Sent	Due Date	Date Rec'd	Comments
Environment	Evelyn Gibson	10/7/10	10/20/10	10/14/10	NO REVISIONS OK
Research	Bobby Fleury			10-8-10	
SHA	Corren Giles				
PEPCO	Bobbie Dickey				
Parks	Doug Powell				
DRD	Keiona Clark				

Final DRD Review:

Consultant Notified (Final Mark-up): SJS Initial SJS Date 10/25/2011
 Final Mylar & DXF/DWG Received: SJS Initial SJS Date 1-9-2012
 Final Mylar Review Complete: SJS Initial SJS Date 1-18-12

Board Approval of Plat:

Plat Agenda: SJS Initial SJS Date 2/2/2012

Planning Board Approval: _____
 Chairman's Signature: _____

MCDPS Approval of Plat:

Consultant Pick-up for DPS Signature: _____
 Final Mylar for Reproduction Rec'd: _____

Plat Reproduction:

Addressing: _____
 File Card Update: _____
 Final Zoning Book Check: _____
 Update Address Books with Plat #: _____
 Update Green Books for Resubdivision: _____
 Complete Reproduction: _____
 Notify Consultant to Seal Plats: _____
 Surveyor's Seal Complete: _____
 Sent to Courthouse for Recordation: _____
 Recordation Info Entered into Hansen: _____

No. _____

MINOR SUBDIVISION SECTION 50-35A

Select which Category of Minor Subdivision and fill information as required

Requirements under Sec 50-35A (A)

(1) Minor Lot Adjustment

- a) Total area does not exceed 5% of combined area affected: OK 3.9%
- b) No additional lots created: ✓
- c) Adjusted line is approximately parallel/does not significantly change shape of the lots: OK
- d) Date sketch plan submitted: 10/13/11
- e) Sketch plan revised or denied within 10 business days: yes
- f) Final record plat submitted within ninety days: OK
- g) Sketch shows following information:
 - i. proposed lot adjustment: ✓
 - ii. physical improvements within 15 feet of adjusted line: ✓
 - iii. alteration to building setback: ✓
 - iv. amount of lot area affected: ✓

(2) Conversion of Outlot into a Lot

- a) Outlot not required for open space or otherwise constrained: _____
- b) Adequate sewerage and water service/public or private: _____
- c) Adequate public facilities and AGP satisfied: _____
- d) Any conditions/agreements of original subdivision: _____
- e) Special Protection Area, Water Quality Plan required: _____

(3) Consolidation Of Two of More Lots

- a) Any prior subdivision conditions: _____
- b) Part of lot created by deed prior to June 1 1958: _____

(4) Further Subdivision of Commercial/Industrial/Multi-Family Lot

Any subdivision/conditions; APF agreement satisfied: _____

(5) Plat of Correction

- a) All owners and trustees signed: _____
- b) Original Plat identified: _____

(6) Plats for Residentially Zoned Parcels Created by Deed prior to June 1958

- a) Deed(s) submitted: _____
- b) Developable with only one single family detached unit: _____

(7) Plat for Existing Places of Worship, Private Schools, Country Club, Private Institution, and Similar Uses located on Unplatted Parcels

- a) Adequate Public Facilities satisfied: _____
- b) Street dedication required: _____
- c) Forest conservation: _____
- d) Storm water management: _____
- e) Special Protection Area/Water Quality Plan: _____
- f) Landscaping and lighting plan including parking lot layout: _____
- g) Approved Special Exception: _____

(8) *Plats for Certain Residential Lots in the RDT Zone; 5 Lot Maximum*

- a) Number of Lots: _____
- b) Written MCDPS approval of proposed septic area: _____
- c) Required street dedication: _____
- d) Easement for balance of property noting density and TDRS: _____
- e) Average lot size of 5 acres: _____
- f) Forest Conservation requirements met: _____

(9) *Parcels satisfying the provisions of Section 59-B-8.1 of Zoning Ordinance*

- a) Any required street dedication: _____ *ok*
- b) Adequate sewerage/water service to the property: _____ *yes*