



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

Item: 10

10-24-02

MEMORANDUM

DATE: October 18, 2002

TO: Montgomery County Planning Board

VIA: Joseph R. Davis, Chief, Development Review Division *JRD*

FROM: A. Malcolm Shaneman, Supervisor, Development Review Division *Shaneman*
Richard Weaver, Senior Planner, Development Review Division

REVIEW TYPE: Pre-Preliminary Plan Application

PROJECT NAME: Fawsett Farms

CASE NO. 7-02018

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

ZONE: R-200

LOCATION: West Side of the Intersection of Falls Road (MD 189) and Mac Arthur Boulevard,
North of Fawsett Road

VICINITY: Potomac

APPLICANT: Farid Srour

ENGINEER: Macris, Hendricks and Glascock

SUBMITTED: June 17, 2002

HEARING DATE: October 24, 2002

STAFF RECOMMENDATION: Pursuant to Section 50-29(b)(2) of the Montgomery County Subdivision Regulations Opposed to the Submission of a Preliminary Plan Application

PROJECT DESCRIPTION: Proposal

This resubdivision application proposes the creation of six (6) single family residential lots. The property is currently subdivided into four (4) residential lots. The proposed resubdivision would reconfigure the internal lot lines to yield an additional two (2) residential lots. The property is over 4.5 acres in size and is currently zoned R-200.

The existing four (4) lots range in size from 40,000 square feet to 67,500 square feet, with the largest lot located at the intersection of Falls Road (MD 189) and Mac Arthur Boulevard. There is one (1) single family dwelling located on Lot 14 to the northern end of the site. The current lot configuration orients two (2) lots directly towards Falls Road, one (1) square to the intersection of Falls Road and Mac Arthur Boulevard and one (1) towards Fawsett Road. The resubdivision proposed would create lots ranging in size from 24,100 to 34,100 square feet. The lot configuration proposed by this application would front four (4) lots on Falls Road and two (2) lots oriented to Mac Arthur Boulevard and Fawsett Road intersection. Access to four (4) of the lots would be provided by a common driveway easement to Falls Road for the lots fronting that right of way. The other two (2) lots would access Fawsett Road, also by a common driveway easement.

PROJECT DESCRIPTION: Vicinity

The subject property is located in the Fawsett Farms subdivision. The subdivision was recorded by plat in June 1945, prior to the adoption of the current R-200. The lots located within Block 5 of this neighborhood a generally comprised of large lots ranging in size from 44,000 to 54,000 square feet (not including the subject property). The lots are mostly rectangular in shape and are perpendicular to the abutting roadways. The block in which the subject property is located is zoned R-200, as are the blocks to the north across Chandler Road, and to the south across Fawsett Road. The properties located west of the subject property, across Falls Road are zoned RE-2.

Prior Actions By The Planning Board

In February 1996 an application for preliminary plan was submitted for a portion of the subject property. It included Lots 11 – 13, or three (3) of the lots being considered under this application. At that time the application proposed the resubdivision of the three (3) lots into one (1) 3.5 acre lot for the purpose of constructing a nursing and elderly care home facility. The Planning Board held two public hearings on this resubdivision application, the first in March 1997, were the applicant requested that the hearing be continued to allow the applicant adequate time to address the concerns raised by the Board regarding Master Plan compliance and Section 50-29(b)(2) the "Resubdivision" criteria. At the second hearing in January 1998, the Planning Board denied the resubdivision application on the basis that the proposed lot was not in conformance with the provisions under the resubdivision criteria. In the previous application,

the Planning Board was concerned about combining lots into one (1) large lot to accommodate a special exception use. The subject application proposes the creation of additional lots. While the proposals are very different, staff concludes that the subject application does not meet the resubdivision criteria, as the Board also found in the previous case

DISCUSSION OF ISSUES

Conformance to Chapter 50-29(b)(2)

In order to approve an application for Resubdivision, the Planning Board must find that the proposed lot(s) substantially meet all seven of the "Resubdivision Criteria" as 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."

In administering the Resubdivision section, the Planning Board must determine the appropriate "neighborhood" for evaluating the application. In this case, staff has provided a description of the area analyzed under the resubdivision criteria and has also provided an illustration that delineates the neighborhood.

Under the resubdivision criteria the neighborhood used to evaluate the application can only include lots within the same zoning (R-200) classification as the subject property. Therefore, staff excluded from consideration the lots on the west side of Falls Road across from the subject property. The defined neighborhood as depicted on the neighborhood delineation map includes all of Block 5 between Falls Road Chandler Road and Fawsett Road. Staff did not include the lots outside of Block 5 since most lots were oriented towards other road ways or were outside of the Fawsett Farms designated subdivision. Staff believes that the area contained in Block 5 is representative of the lot and development pattern originally established and has remained virtually unchanged since the initial recordation of the subdivision. (See Neighborhood Delineation Map)

Master Plan Compliance

The property is located within the Approved and Adopted Potomac Subregion Master Plan. The master plan does not contain specific recommendations applicable to this property but does give general guidance and recommendations regarding zoning and land use. The master plan recommends that this area to maintain the residential R-200 zoning as adopted and maintain the residential land use consisting of single-family detached homes.

Conclusion

In applying the resubdivision criteria to the analysis area delineated by staff, staff concludes that the proposed resubdivision does not satisfy the criteria set forth in Section 50-29(b)(2) as illustrated by the characteristics set forth in the attached tabular summary. The proposed lot sizes, as described earlier, are considerably smaller than the lots found in the defined neighborhood. The smaller lots sizes tend to produce smaller area (within the building envelope) statistics, which is also evident in the tabular summary. Frontages for the lots along Falls Road and Mac Arthur Boulevard and Fawsett Road are also less than the frontages currently established.

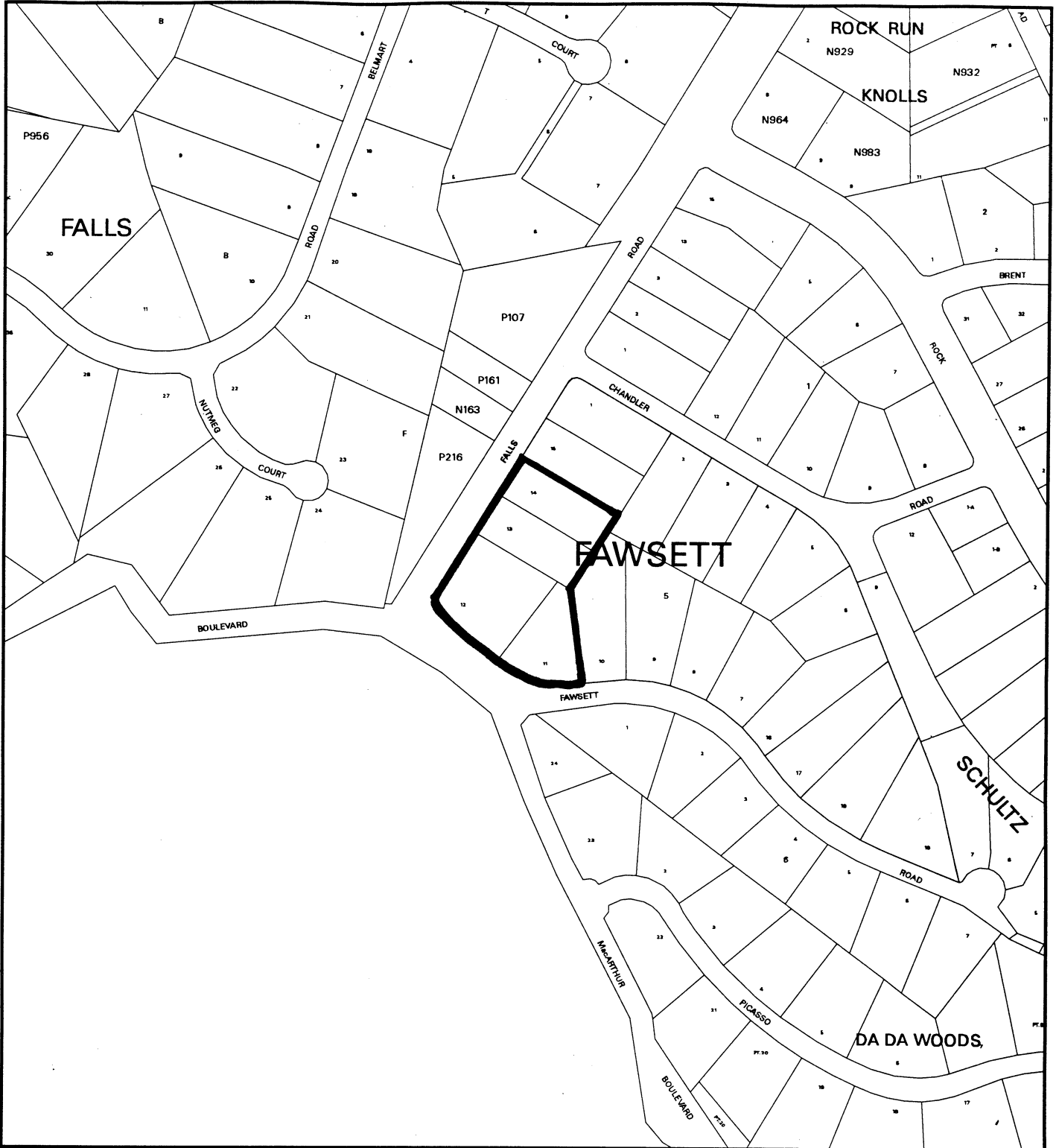
Staff is also concerned with the development pattern that will result from the resubdivision, especially along Mac Arthur Boulevard and Fawsett Road. Staff believes this pattern would be contrary to the existing pattern, or the home placements, along that roadway. As the attached Area Development map shows, the placement of homes along Fawsett Road, are set back in excess of 140 feet from the road way. The applicant's proposal places dwelling units as close as 75 feet from Mac Arthur Boulevard and 80 feet to Fawsett Road. Staff finds that the placement of homes at this location would be in conflict with Section 59-C-1.323(a) of the Montgomery County Zoning Ordinance which requires new buildings to be set back to an established building line. The ordinance defines "building line" as "a line parallel to a lot line, creating an area into which a structure must not project, except as provided in article 59-B...." Staff acknowledges that developing a home on existing Lot 11, as shown on the vicinity map, could be problematic with regards to the above referenced subsection of the ordinance. The lot as currently configured, however, does provide for a larger building area than the lots proposed by the resubdivision at this location.

In conclusion staff does not support the pre-preliminary plan application for six (6) lots based on the provisions under Section 50-29(b)(2) and the requirements identified under Chapter 59 of the Zoning Ordinance.

Attachments

Vicinity Map and Neighborhood Delineation	4
Neighborhood Development Map	5
Proposed Development Plan	6
Tabular Summary (staff)	7
Support Information (Applicant)	8 – 9
Section 59-A-5.33 Established Building Line	10 - 11

VICINITY MAP FOR
FAWSETT FARM (7-02018)



Map compiled on October 17, 2002 at 12:09 PM | Site located on base sheet no - 210NW11

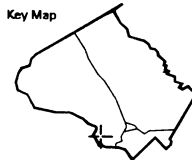
NOTICE

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Key Map



1 : 4800

VICINITY MAP FOR
FAWSETT FARM (7-02018)



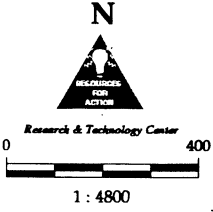
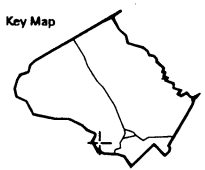
Map compiled on October 02, 2002 at 9:16 AM | Site located on base sheet no - 210NW11

NOTICE

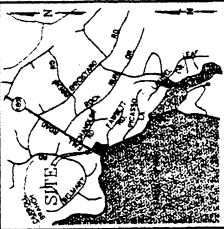
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MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING
 THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
 8787 Georgia Avenue - Silver Spring, Maryland 20910-3760



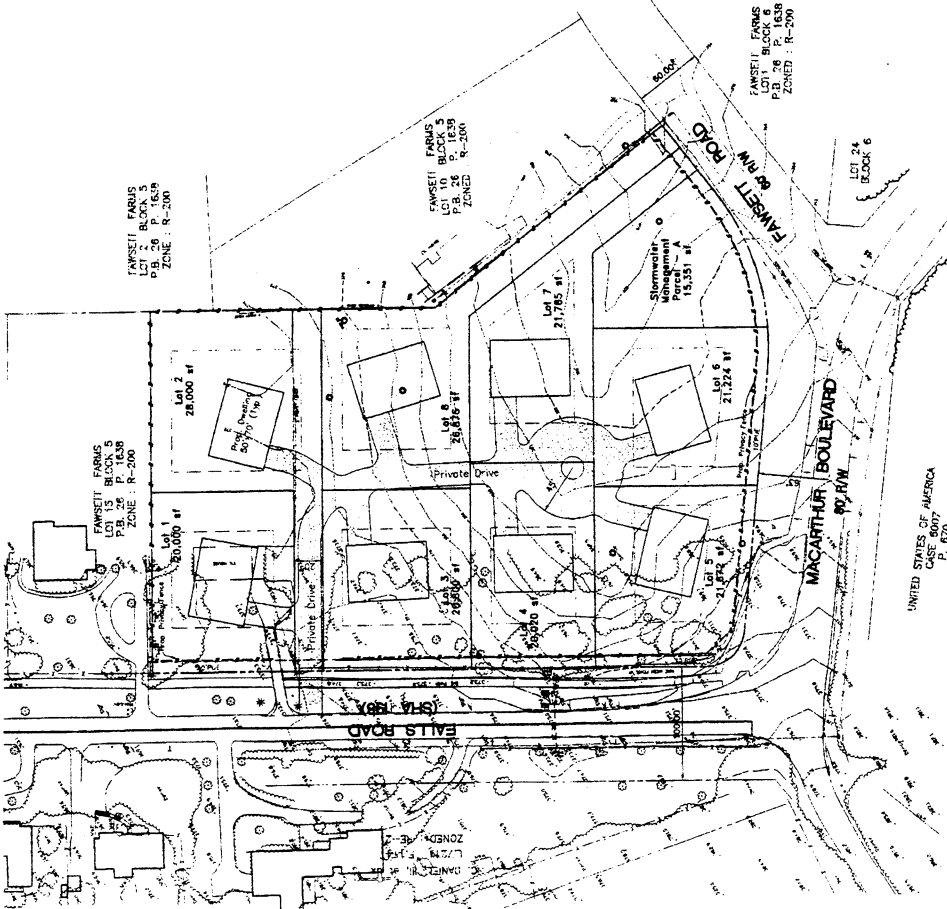
VICINITY MAP
SCALE 1" = 2,000'

NOTES

1. Topography with 2 foot intervals pattern by this office.
2. Boundary information from recorded deeds and plats.
3. Water and sewer category M-1 and M-2, respectively.
4. The property is zoned R-200. The proposed land use is residential.
5. Number of lots prepared by this plan is 6.
6. This site is within Potomac Subregion, Planning Area #23.
7. This site is within the Potomac Transportation Policy Area.

Development Standards

Min. Lot Area	Max. Lot Area	Max. Lot Width	Min. Lot Width	Max. Building Footprint	Min. Building Footprint	Max. Building Height	Min. Setback	Max. Setback
20,000 sq ft	20,000 sq ft	100 ft	100 ft	10,000 sq ft	10,000 sq ft	30 ft	10 ft	10 ft



100' MAP TP. 341

MSC 2100111

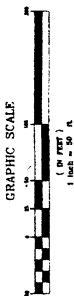
PRE-APPLICATION CONCEPT PLAN

Fawcett Farm
(Lots 11-14 PB.26 P.1638) 210 N.W.12

10TH ELECTION DISTRICT - MONTGOMERY COUNTY - MARYLAND

Macaris, Hendricks & Glascock, P.A.
Engineers & Planners • Surveyors
1220 W. Johns Road
FAX (301) 440-0683
Montgomery County, Maryland
WWW.MHPA.COM

Design	Date	Scale
MAP	11-14-07	1"=200'
MAP	11-14-07	1"=200'
MAP	11-14-07	1"=200'



Fawsett Farms - Resubdivision Table		Block	Frontage	Alignment	Size sq. ft.	Shape	Width *	Lot Area*
1	5	295'/120'	Perpendicular	47,340	Rectangular	120'	13,250	
2	5	140'	Perpendicular	46,593	Rectangular	140'	25,600	
3	5	140'	Perpendicular	45,144	Rectangular	140'	24,800	
4	5	133'	Perpendicular	42,088	Rectangular	133'	23,100	
5	5	210'	Perpendicular	46,719	Rectangular	165'	25,700	
6	5	175'	Perpendicular	42,733	Rectangular	160'	23,500	
7	5	130'	Perpendicular	44,139	Rectangular	150'	24,400	
8	5	120'	Perpendicular	44,410	Rectangular	135'	24,400	
9	5	120'	Perpendicular	54,923	Rectangular	135'	30,200	
10	5	130'	Perpendicular	48,485	Rectangular	140'	26,700	
15	5	125'	Perpendicular	40,000	Rectangular	125'	22,000	
16	5	100'	Perpendicular	49,624	Rectangular	115'	27,300	
17	5	150'	Perpendicular	51,261	Rectangular	140'	28,200	
18	5	200'	Perpendicular	54,300	Rectangular	180'	29,800	
19	5	300'	Perpendicular	54,108	Irregular	280'	29,800	
1		110'	Perpendicular	24,117	Rectangular	188'	12,800	
2		110'	Perpendicular	24,738	Rectangular	153'	13,100	
3		180'/120'	Perpendicular	30,133	Rectangular	105'	8,500	
4		105'	Perpendicular	34,125	Rectangular	105'	19,100	
5		105'	Perpendicular	32,475	Rectangular	105'	19,100	
6		105'	Perpendicular	32,499	Rectangular	105'	19,100	
Proposed lots								
							* Width at Building Frontage Line	*Area Within Building Envelope

SUBDIVISION	LOT NO.	BLOCK	PLAT BOOK & PLAT NO.	DATE RECORDED	ORIGINAL SUBDIVISION	RESUB.	FRONTAGE	ALIGNMENT TO STREET	SHAPE	WIDTH @ STREET	SIZE	BUILDABLE AREA	COMMENT
Fawssett Farms	18	5	26/1638	8/23/45	Yes	No	200'	Radial	Trapezoidal	200'	54,300 sf	±33,600 sf	
	19	5	26/1638	8/23/45	Yes	No	300'	Radial	Triangular	300'	54,108 sf	±27,600 sf	
Schultz Tract	5	--	72/6872	12/27/62	Yes	No	59'	Radial	Irregular	59'	45,505 sf	±24,300 sf	
	6	--	72/6872	12/27/62	Yes	No	78'	Radial	Irregular	78'	43,773 sf	±18,100 sf	
	7	--	72/6872	12/27/62	Yes	No	89'	Non-Radial	Irregular	89'	53,250 sf	±25,000 sf	
	9	--	18648	8/26/92	Yes	No	100'	Perpendicular	Rectangular	100'	50,867 sf	±20,000 sf	
Smallest Lot							59'			59'	23,118 sf	+/- 15,100 sf	
Largest Lot							300'			300'	54,923 sf	+/- 33,800 sf	
Median Lot							130'			128'	46,656 sf	+/- 26,550 sf	
Average Lot							150'			139'	46,418 sf	+/- 26,180 sf	
95-354 RESUBCHT.7													

SUBDIVISION	LOT NO.	BLOCK	PLAT BOOK & PLAT NO.	DATE RECORDED	ORIGINAL SUBDIVISION	RESUB.	FRONTAGE	ALIGNMENT TO STREET	SHAPE	WIDTH @ STREET	SIZE	BUILDABLE AREA	COMMENT
Proposed Subdivision	1		N/A	N/A	No	Yes	110'	Non-Radial	Trapezoidal	+/- 188'	24,117 sf	+/- 12,800 sf	
	2		N/A	N/A	No	Yes	110'	Perpendicular	Trapezoidal	+/- 153'	24,738 sf	+/- 13,100 sf	
	3		N/A	N/A	No	Yes	180' 120'	Perpendicular	Rectangular	105'	30,133 sf	+/- 8,500 sf	
	4		N/A	N/A	No	Yes	105'	Perpendicular	Rectangular	105'	34,125 sf	+/- 19,100 sf	
	5		N/A	N/A	No	Yes	105'	Perpendicular	Rectangular	105'	32,475 sf	+/- 19,100 sf	
	6		N/A	N/A	No	Yes	105'	Perpendicular	Rectangular	105'	32,499 sf	+/- 19,100 sf	
Smallest Lot							105'			105'	24,117 sf	+/- 8,500 sf	
Largest Lot							180'			188'	34,125 sf	+/- 19,100 sf	
Median Lot							110'			105'	31,304 sf	+/- 16,100 sf	
Average Lot							119'			127'	29,681 sf	+/- 15,283 sf	

MONTGOMERY COUNTY CODE
ZONING ORDINANCE
Chapter 59

§59-A-5.3

Article 59-A

59-A-5.31. Open to sky.

All yards and courts required by this chapter shall be open and unobstructed to the sky, except as provided herein.

59-A-5.32. Show windows.

In any commercial or industrial zone, no show window or other projection, except signs, subject to the provisions of article 59-F of this chapter, shall extend beyond the building line, except upon the issuance by the director of a revocable license. The owner shall agree that such show window or projection will be removed at the owner's expense, immediately upon notice to the owner of such director's revocation of the license.

59-A-5.33. Established building line.

- (a) An established building line, is defined in Sec. 59-A-2.1, and applies only in the R-60, R-90, R-150 and R-200 zones.
- (b) The buildings considered in determining the established building line must:
 - (1) be within 300 feet of the side property line of the proposed construction site (excluding corner lots);
 - (2) be along the same side of the street;
 - (3) be between intersecting streets or to the point where public thoroughfare is denied;
 - (4) exist at the time when the building permit application is filed;
 - (5) not be nonconforming, unlawfully constructed, or constructed pursuant to a lawfully granted variance; and
 - (6) not be located on a pipestem or flag-shaped lot.
- (c) The established building line is the minimum setback for the zone, unless more than 50 percent of the buildings as defined in (b) above are set back greater than the minimum, in which case the average setback of all the buildings as defined in (b) above is the established building line.

MONTGOMERY COUNTY CODE
ZONING ORDINANCE
Chapter 59

Article 59-A

- (d) Corner lots have two front yards and are subject to established building line standards on both streets.

Sec. 59-A-5.4. Height of buildings and structures.

No building shall be erected, reconstructed or structurally altered to exceed in height the limit hereinafter designated for the zone in which such building is located, except as otherwise specifically provided in article 59-B.

59-A-5.41. Additional stories on sloping lot.

On any sloping lot, stories in addition to the number permitted in the zone in which such lot is situated shall be permitted on the downhill side of any building erected on such lot, but the building height limit shall not otherwise be increased above that specified for the zone.

59-A-5.42. Height of public buildings.

In any zone wherein public and quasi-public buildings are permitted, such buildings may be erected to a height not over 120 feet; but the minimum front, rear and side yards shall be increased one foot for each one foot by which such building exceeds the height limit herein established for the zone in which such building is erected.

59-A-5.43. Height in airport approach areas.

Building height limits, as provided in this chapter, shall not apply in airport approach areas. In such airport approach areas, the height limit of all buildings and structures, including chimneys, superstructures, flag poles, spires, radio towers and any other projections into the air, shall be limited to provide a clear glide path from the end of the useable landing strip, such glide path being a plane surface laid out in accordance with the operating characteristics of the aircraft for which the airport is designed, and in accordance with the criteria set forth by the special exception under which the airport has been established. The first 500 feet of such glide path shall be wholly within the airport.

Sec. 59-A-5.5. Off-street parking.

Automobile off-street parking shall be provided in connection with any permitted use or special exception in accordance with the provisions of article 59-E of this chapter.

Item #10



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

M E M O R A N D U M

DATE: October 18, 2002
TO: Montgomery County Planning Board
FROM: A. Malcolm Shaneman
Development Review Division
(301) 495-4587
SUBJECT: Informational Maps for Subdivision Items on the
Planning Board's Agenda for October 25, 2002.

Attached are copies of plan drawings for Items #03, #08, #10, #11, #12. These subdivision items are scheduled for Planning Board consideration on October 25, 2002. The items are further identified as follows:

Agenda Item #03 - Preliminary Plan 1-98048A
Cross Creek Club

Agenda Item #08 - Preliminary Plan 1-02094
Green Hills Subdivision

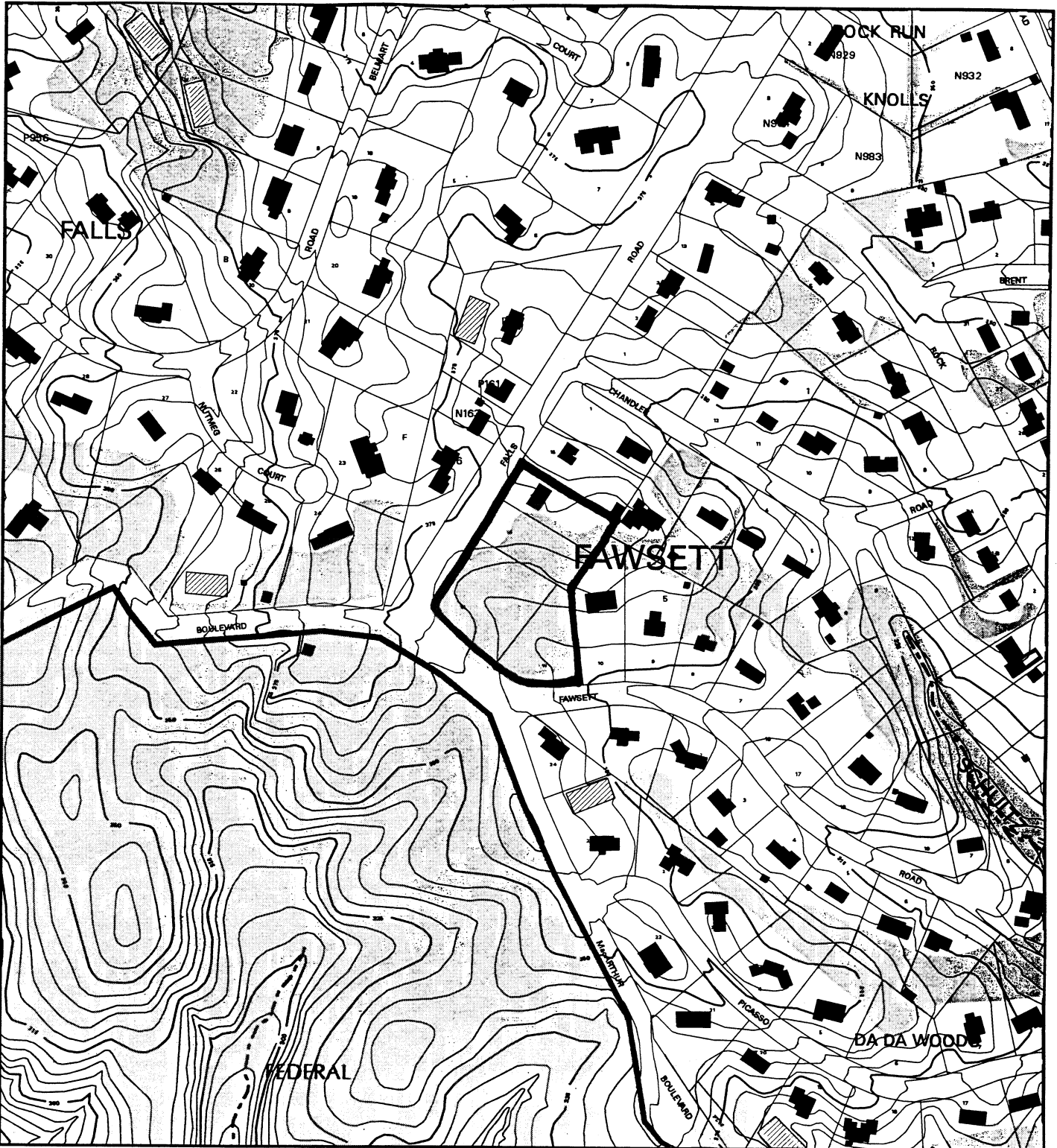
Agenda Item #10 - Pre-Preliminary Plan 7-02018
Fawsett Farm

Agenda Item #11 - Preliminary Plan 1-97036E
Wheel of Fortune

Agenda Item #12 - Preliminary Plan 1-02111
Four Chimney Estates

Attachment

VICINITY MAP FOR
FAWSETT FARM (7-02018)



Map compiled on October 02, 2002 at 9:16 AM | Site located on base sheet no - 210NW11

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Key Map



Research & Technology Center

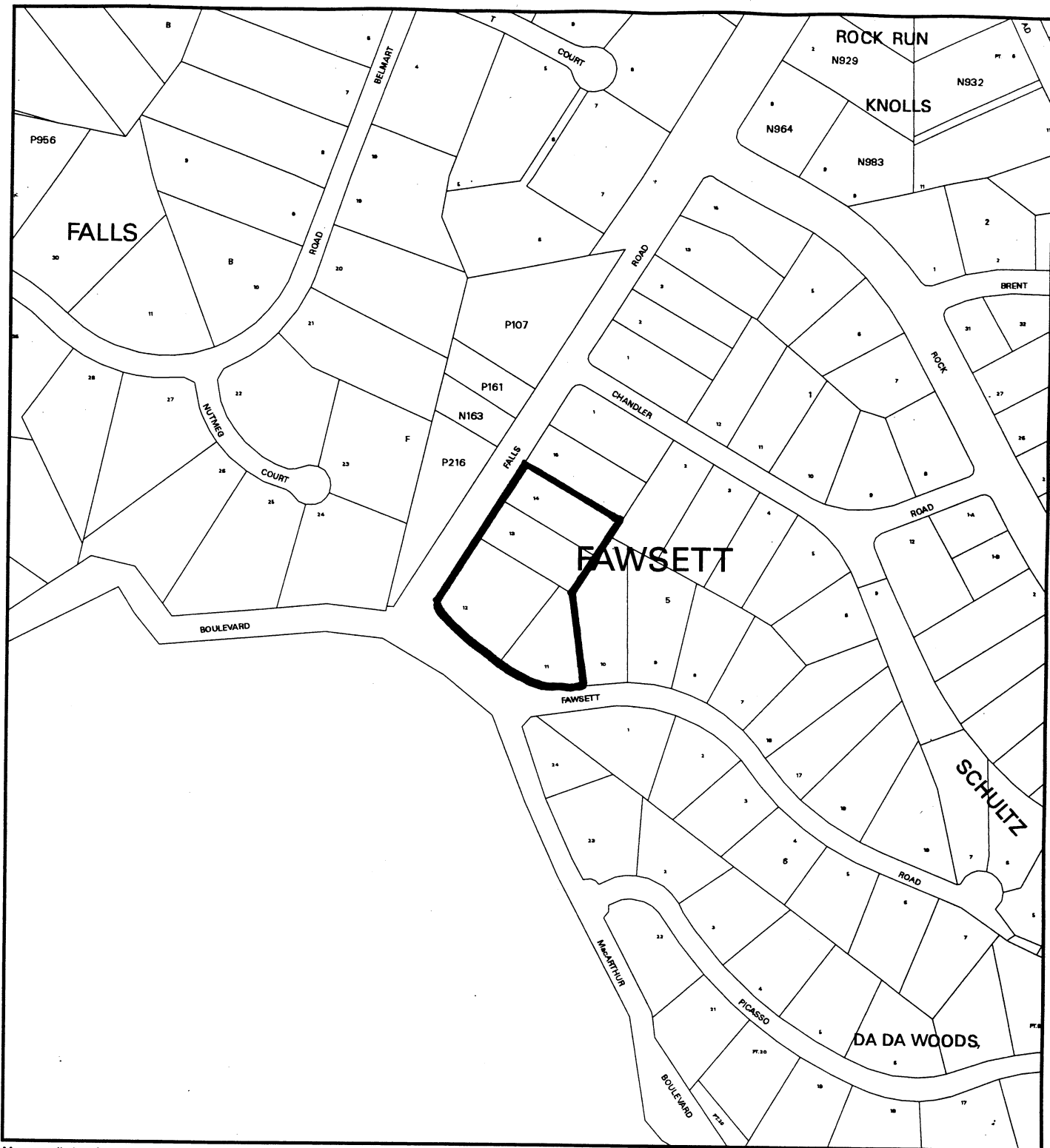


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M-NCPPC

VICINITY MAP FOR

FAWSETT FARM (7-02018)



Map compiled on October 17, 2002 at 12:09 PM | Site located on base sheet no - 210NW11

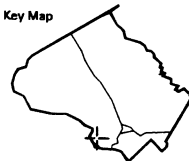
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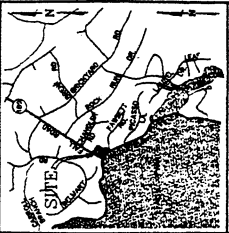
Key Map



Research & Technology Center



1 : 4800



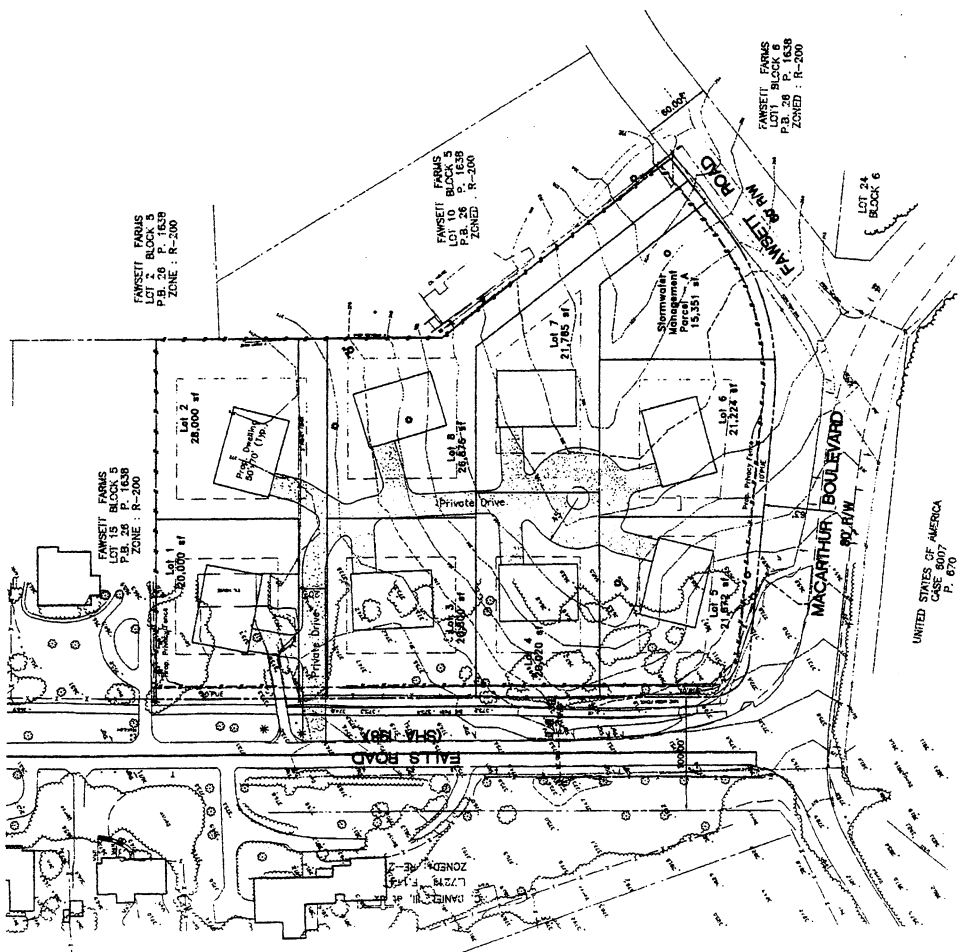
VICINITY MAP
SCALE 1" = 2,000'

NOTES

1. Topography with 2 foot intervals shown by this office.
2. Boundary information from recorded deeds and plats.
3. Water and sewer mains 36" and 60" shown in black.
4. The property is shown as 2000. The proposed lot size is residential.
5. Name of lots prepared by this plan.
6. This site is within the Baltimore Suburban Planning Act (BSA).
7. This site is within the Baltimore Transportation Policy Act.

Development Standards

No.	Lot Area	Max. Permitted	Proposed
1	20,000 sq. ft.	24,000 sq. ft.	24,000 sq. ft.
2	100' x 100' (min.)	100' x 100' (min.)	100' x 100' (min.)
3	Setback	25' (min.)	25' (min.)
4	Height	35'	35'
5	Building Height	35'	35'



TIN MAP PP. 341

WSSC 2100W11

PRE-APPLICATION CONCEPT PLAN

Fawcett Farm
(Lots 11-14 PB.26 P.1638) 210 NJ012-

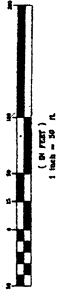
10TH ELECTION DISTRICT - MONTGOMERY COUNTY - MARYLAND

Macris, Hendricks & Glascock, P.A.
Engineers & Planners & Surveyors
1001 17th St., Suite 120
P.O. Box 1001
Montgomery, Md. 20886
www.mhpa.com

Drawn	Checked	Date	Scale
MM	MM	Nov 2001	1"=50'

Job No.	Sheet
95-304	1 of 1

GRAPHIC SCALE



UNITED STATES OF AMERICA
CASE 670