



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

Item: 6

10-31-02

MEMORANDUM

DATE: October 24, 2002

TO: Montgomery County Planning Board *JRO*

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

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

REVIEW TYPE: Preliminary Plan Application

PROJECT NAME: Hillmead – Bradley Hills Lot 100 - 102

CASE NO. 1-03104

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

ZONE: R-60

LOCATION: South Side of Green Tree Road, Approximately 150 Feet West of Ewing Drive

VICINITY: Potomac

APPLICANT: Kathryn Balaban

ENGINEER: Sutherland Associates

SUBMITTED: September 13, 2002

HEARING DATE: October 31, 2002

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

PROJECT DESCRIPTION: Proposal

This resubdivision application proposes the creation of three (3) single family residential lots. The property is currently identified as Part of Lot 22 and is developed with one single family dwelling located forward on the property fronting Green Tree Road. The proposed resubdivision would create two (2) additional lots. These lots would be located behind and to the side of the existing dwelling. Frontage would be provided through pipestems to Green Tree Road. Access would be by means of a common driveway that all lots would share.

The subject property is .74 acres or 31,885 square feet. Dedication of right of way for The subject property is located in the Green Tree Road reduces the net lot area to 28,165 square feet or .65 acres. The proposed three (3) lots would range in size from 7,884 square feet to 11,275 square feet. The proposed new lots would be situated behind the established line of home located from Ewing Drive to Ridge Place. The subject property is the deepest lot fronting on Green Tree Road. The lot extends the depth of the three (3) lots adjoining the subject site to the east along Ewing Drive. The proposed configuration would place one of the proposed lots directly behind the lots along Ewing Drive.

PROJECT DESCRIPTION: Vicinity

The subject property is located in the Hillmead-Bradley Hills subdivision. The subdivision was recorded by plat in 1922 prior to the adoption of the current R-60 zoning. Abutting the property to the east is the Bradmore subdivision platted in 1958. Lots in this subdivision are all 7,700 square feet. Across Green Tree Road is the Devonshire subdivision platted in 1952. The lots vary in size from 7,400 to 10,000 square feet. Most of the lots in the subdivisions adjoining the subject site have remained unchanged since the original recordation. The subject site was resubdivided as well as the properties immediately adjoining the site to the west.

The subject property was resubdivided in 1957 which created Lot 76 and the property as it stands today. Adjoining the subject property to the west are Lots 96 – 99. These lots were created by resubdivision in 1997 and range in size from 7,067 to 8,937. All of the differently named subdivisions are zoned R-60. A tabular summary is attached to this memorandum that identifies all the characteristics of the lots in these subdivisions.

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-60) classification as the subject property. Staff has also excluded from the analysis any unplatted remainder of resubdivided lots. For the purpose of the reviewing resubdivision criteria staff has identified a neighborhood for this analysis. The neighborhood consists of all the lots abutting the subject property in Block 1 from Ridge Place over to Ewing Drive. Staff did not include the entire area of Block 1 south along Ewing Drive since the whole block extended for such a long distance. Staff chose to “cut-off” the neighborhood boundary in Block 1 opposite to Lowell Street. Staff also included in the analysis area the lots fronting Green Tree Road directly across from the subject site. The neighborhood delineation is depicted on the map attached to this report.

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 frontages are considerably smaller than the lots found in the defined neighborhood. The alignment of the two (2) proposed lots is also a factor that must also be evaluated. Alignment refers to correct relative positioning. In subdivisions this means relative positioning of lots as compared to a common feature such as positioning of lot lines that intersect the street line. All of the existing lots in the defined neighborhood have a square alignment. One other characteristic that staff finds problematic is shape. There are no other pipestem configured lots in the analysis area. This application proposes two (2). The majority of the lots in the defined neighborhood are rectangular with the minority being radial.

In conclusion staff does not support the preliminary plan application for three (3) lots based on the provisions under Section 50-29(b)(2)

Attachments

Vicinity Map and Neighborhood
Delineation 4

Neighborhood Development Map 5

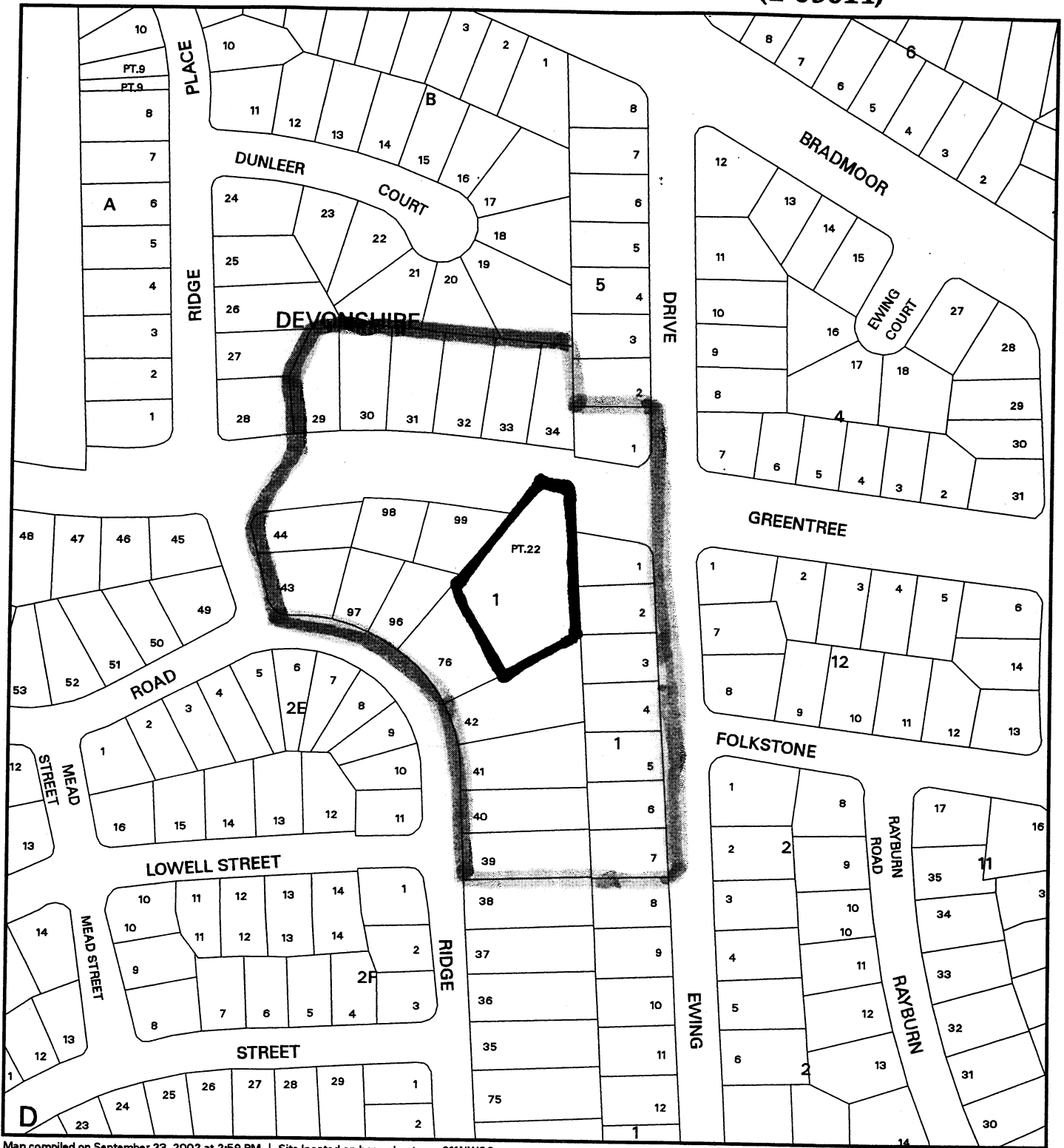
Proposed Development Plan 6

Tabular Summary (staff) 7

Correspondence to the file

VICINITY MAP FOR

HILLMEAD-BRADLEY HILLS LOTS-100 & 102 (1-03014)



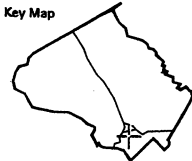
Map compiled on September 23, 2002 at 2:59 PM | Site located on base sheet no - 211NW06

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Property lines are compiled by adjusting the property lines to topography created from 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

Key Map



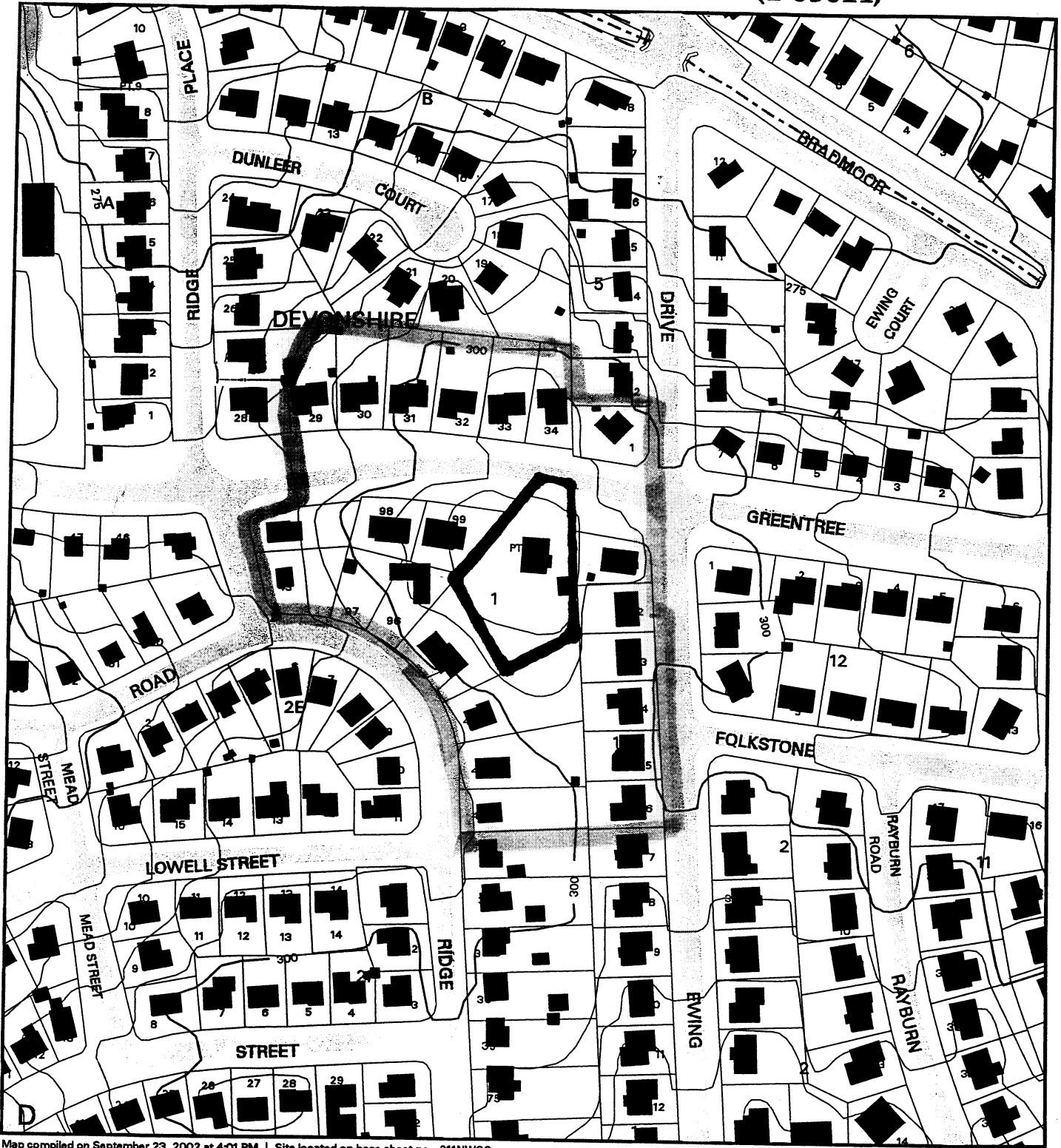
Research & Technology Center



1 : 2400

VICINITY MAP FOR

HILLMEAD-BRADLEY HILLS LOTS-100 & 102 (1-03014)

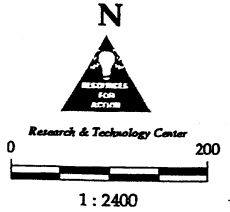


Map compiled on September 23, 2002 at 4:01 PM | Site located on base sheet no - 211NW06

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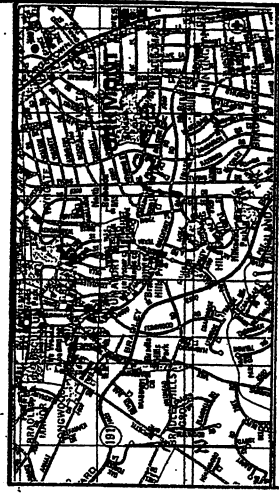
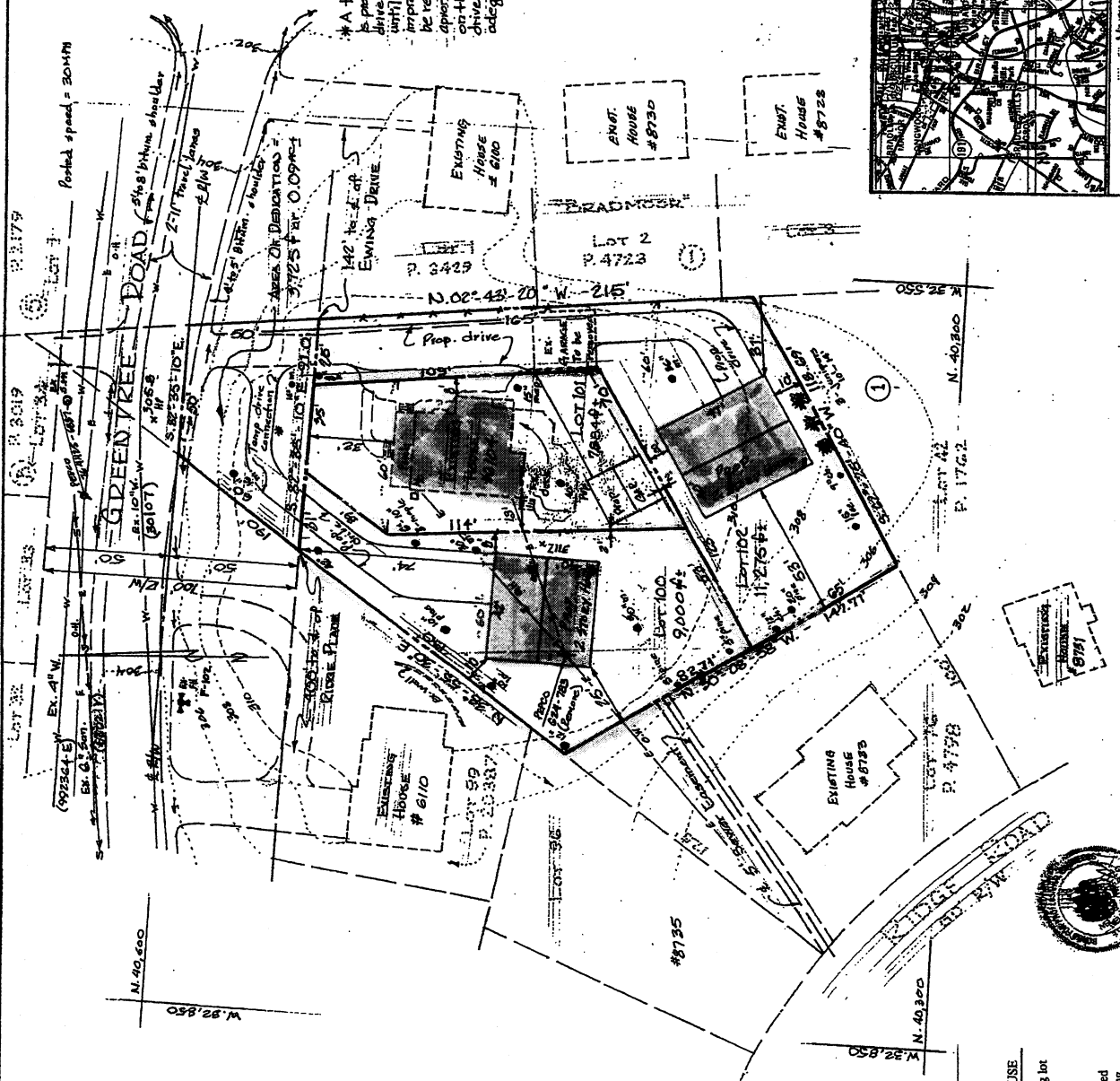
GENERAL NOTES

- 1.) Total area this plan: 31,885 sq. feet or 0.74 acres
- 2.) Proposed dedication this plan: 3,725 sq. feet or 0.09 acres
- 3.) Net lot area: 28,159 sq. feet or 0.65 acres
- 4.) Zone: R-60 (6,000 sq. foot lot min.)
- 5.) Proposed number of lots: 3
- 6.) Average lot size: 9,386 sq. feet or 0.22 acres.
- 7.) Boundary from plats and deeds
- 8.) Topography from aerial survey and visual inspection.
- 9.) Public water and sewer systems to be utilized - W.S.S.C. 2007, these #211 NW c. - 14th Floor - 058 (W-4-S-1)
- 10.) This property is the remainder of lot 22, Block One, "Hillmead - Bradley Hills", as recorded among the Land Records of Montgomery County, Maryland, in Plat Book 3, Plat 294.
- 11.) This proposed plan is a subdivision of Part of Lot 22, Block One, "Hillmead - Bradley Hills".
- 12.) This property is exempt from the Storm Water Management Regulations. Watershed: Cabin John Creek - Tributary 28.
- 13.) This property is exempt from the Forest Conservation Regulations - there is no forest on this site.
- 14.) The existing house on the property will remain. The existing garage will be removed.
- 15.) There are no historic features, Special Protection Areas, 100 year flood plains, wet lands, or critical habitats on this property.
- 16.) Tax Account Number: 07-00594382.
- 17.) Soils Map 23 of 28 - soil = 27-C (methany all loam)

* A temporary drive way connection is proposed from lot 100 to the east driveway (to be used for lot 101 & 102) with such drive way connection EA is to be improved. At that time, lot 100 will be required to have a separate drive way to Green Tree Dr. Some grading on the west side of the existing driveway is necessary to provide adequate sight distance to the west.

- PERCO
1610 Gaither Road
Rockville, Md. 20850
- Washington Gas
6801 Industrial Road
Springfield, Va. 22151
- WSSC
14501 Sweitzer Lane
Laurel, Md. 20707
- Ventura
3rd Floor
3901 Calverton Blvd.
Bethesda, Md. 20705
- Comcast
20 West Gude Drive
Rockville, Md. 20850

EWING DR.



VICINITY MAP
SCALE: 1" = 2000'
DATE: JULY 2002
APPROVED BY: [Signature]
REVISIONS: [Table]

PRELIMINARY PLAN

ENGINEERS CERTIFICATE
I hereby certify that the boundary shown hereon is based on existing plats recorded among the Land Records of Montgomery County. The topography shown hereon is based on aerial photography. The boundary is subject to revision upon the completion of a final survey.

[Signature]
Date: 8/20/02

Notis Sweitzer, Md. P.E. #1149

PLANS PREPARED BY: SUTHERLAND ASSOCIATES
13938 LAYHILL ROAD
SILVER SPRING, MD. 20906
PHONE: 301-871-6527
FAX: 301-438-3139
EMAIL: lj@earthlink.net

SITE DEVELOPMENT DATA

LOT #	AREA	ZONE	MINIMUM SIZE	USE
Part of Lot 22 (residue of lot recorded 1922)	31,885 s.f. or 0.74 acres *	R-60	6,000 s.f.	Existing lot
Proposed Lot 100	9,000 s.f.	"	"	Proposed dwelling
Proposed Lot 101	7,884 s.f.	"	"	Existing dwelling & proposed garage
Proposed Lot 102	11,275 s.f.	"	"	Proposed dwelling

* 3,725 s.f. to be dedicated for Greentree Rd.
Minimum building restrictions:
a) front = 25' (60' wide)
b) side = 8' min. & 18' total
c) rear = 20'
d) accessory use = 2'



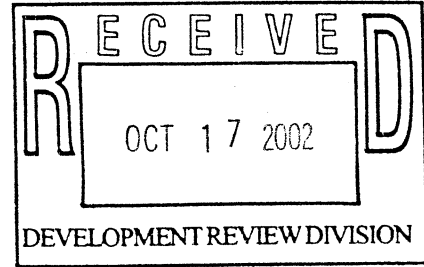
Comparable Lot Data Table

Lot #	Block	Frontage	Alignment	Size	Shape	Width*	Area**
29	B	64	perpendicular	9,067	rectangular	64	4,900
30	B	65	perpendicular	10,269	rectangular	68	5,550
32	B	62	perpendicular	9,923	rectangular	62	5,360
33	B	65	perpendicular	9,348	rectangular	65	5,050
34	B	67	perpendicular	7,339	rectangular	53	3,960
1	B	corner	square	8,306	rectangular	110	4,480
1	1	70	perpendicular	7,700	rectangular	70	3,311
2	1	70	perpendicular	7,700	rectangular	70	3,311
3	1	70	perpendicular	7,700	rectangular	70	3,311
4	1	70	perpendicular	7,700	rectangular	70	3,311
5	1	70	perpendicular	7,700	rectangular	70	3,311
6	1	70	perpendicular	7,700	rectangular	70	3,311
7	1	70	perpendicular	7,700	rectangular	70	3,311
39	1	64	perpendicular	11,267	rectangular	64	6,084
40	1	64	perpendicular	11,278	rectangular	64	5,980
41	1	65	perpendicular	11,289	rectangular	76	5,980
42	1	64	radial	18,134	rectangular	79	9,610
76	1	97	radial	13148	square	106	6970
96	1	60	radial	7,814	rectangular	64	4,920
97	1	60	radial	7,067	rectangular	63	3,745
43	1	corner	perpendicular	10,010	square	72	5,300
44	1	corner	square	10,064	rectangular	70	5,330
98	1	90	perpendicular	7,359	square	90	3,900
99	1	120	perpendicular	8,937	rectangular	104	4,740
Proposed							
100	1	25	offset	9,000	irregular	78	3,600
101	1	35	perpendicular	7,884	rectangular	60	4,000
102	1	102	offset	11,275	irregular	65	5,500
* denotes width at building line							
** denotes area within building envelope							

John & Sue Stricklett

8733 Ridge Road
Bethesda, MD 20817

Phone: (301) 365-0565
Fax: (301) 365-0960



Delivered Via First Class Mail

October 11, 2002

Malcolm Shaneman
Subdivision Supervisor
Development Review Division
M-NCPPC Department of Park and Planning
Montgomery County, Maryland

8787 Georgia Avenue
Silver Spring, Maryland 20910-3760

RE: Resubdivision Plan Part Lot 22, Hillmead – Bradley Hills; Drawing No. S-18-01; Owner Kathryn B. Balaban

Dear Mr. Shaneman:

This is to summarize our urgent concerns with respect to the above referenced resubdivision plan.

We are the owners of 8733 Ridge Road. You will find from the above referenced drawing that our entire backyard abuts Lot 22. We have lived in this house for almost eight years. We have two children, six and three, one attending Bradley Hills Elementary and the other a local pre-school. We intend to remain in this community to rear our children and then retire living here. We, therefore, have a great deal at stake to maintain the character of this neighborhood as we had originally found it.

Our house is located in Hillmead – Bradley Hills, a community with distinct boundaries marked by “Welcome to Hillmead” signs posted at its entrances through Valley Road/Bradley Boulevard and through Ridge Place/Greentree Road. Whereas Hillmead does not have a formally organized Homeowners’ Association, we do have a very active Citizens’ Association that collects membership dues, hosts a number of events throughout the year, maintains a neighborhood directory and distributes periodic newsletters.

The above referenced proposal has a serious adverse impact both on us, as homeowners, and our Hillmead community in three ways:

1. Loss of Privacy: We purchased our property expecting that the character of Lot 22 will not be disturbed by development. Other than Mrs. Balaban’s existing house with street frontage on Greentree Road, her entire backyard is tucked away behind the home adjacent to her on Greentree Road. Therefore, it is impossible to build any additional homes on Lot 22 with

street frontage. We very much enjoy the privacy and greenery that overlooks our backyard now and would like this to remain the same. In addition, we recently upgraded, at a very high cost, our one-story brick rambler home to a large colonial. We do not want the loss of privacy from the proposed re-subdivision plan to adversely impact either our home value or the use and enjoyment of our property.

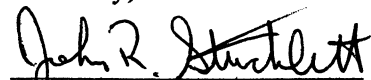
2. Unacceptable Precedence: We very much enjoy the character and intimacy of the Hillmead community and do not want this to be destroyed by over crowding resulting from backyard re-subdivisions. If Mrs. Balaban were permitted to re-subdivide her backyard to build two additional homes on her property with no street frontage, then it would be difficult to prevent others along Ridge Road, with similarly large backyards from doing the same. Certainly the financial incentive to do so is there! Essentially, such precedence opens up a, yet unavailable lucrative market, for property developers and real estate speculators to profiteer, in an area where land is a dwindling resource. With property values already skyrocketing in our area and many looking to buy into our Whitman-cluster school district, the consequence of such precedence can be devastating to the community.
3. Long Term Impact: Mrs. Balaban's re-subdivision plan will not immediately affect public services such as transportation, roads and schools. However, in the long term, the precedence she sets for others to follow will adversely alter the demand for such services. Whereas the size and other attributes of Mrs. Balaban's proposed new homes are by and large consistent with the neighborhood, the lack of street frontage is an anomaly. The property next to our house on Ridge Road originally had one home on a very large lot stretching from Ridge Road to Greentree Road. A developer purchased the property around 1997 and re-subdivided the lot into four new homes. The difference between that re-subdivision and what Mrs. Balaban proposes is that all four new homes have street frontage – two on Ridge Road and two on Greentree Road. While high priced property upgrades in our area have contributed to the upward pressure in home value, we do not want this trend to lead to backyard re-subdivisions into multiple homes with no street frontage and alter the character of the neighborhood forever.

The neighbors who have learned from us of Mrs. Balaban's proposal share our concern. We have also recently passed on a copy of the above referenced drawings to Marion Danis, the current President of Hillmead Citizen's Association for review and perusal. Ms. Danis had not been provided with the plan until we brought it to her attention.

Due to the foregoing reasons, we urge the Development Review Division to deny the proposed re-subdivision plan of Lot 22 in Hillmead-Bradley Hills. We will testify at the formal hearing before the Planning Board to request the same.

Please feel free to call us if you have any questions. Thank You.

Sincerely,


John R. Stricklett


Sutapa Ghosh Stricklett

Item #6



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

M E M O R A N D U M

DATE: October 25, 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 31, 2002.

Attached are copies of plan drawings for Items #06, #07, #08. These subdivision items are scheduled for Planning Board consideration on October 31, 2002. The items are further identified as follows:

- Agenda Item #06 - Preliminary Plan 1-03014
Hillmead-Bradley Hills
- Agenda Item #07 - Preliminary Plan 1-02069
Clark Meadows Property
- Agenda Item #08 - Preliminary Plan 1-97055A
Wheaton Independent Baptist Church

Attachment

VICINITY MAP FOR

HILLMEAD-BRADLEY HILLS LOTS-100 & 102 (1-03014)



Map compiled on September 23, 2002 at 4:01 PM | Site located on base sheet no - 211NW06

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Key Map



N



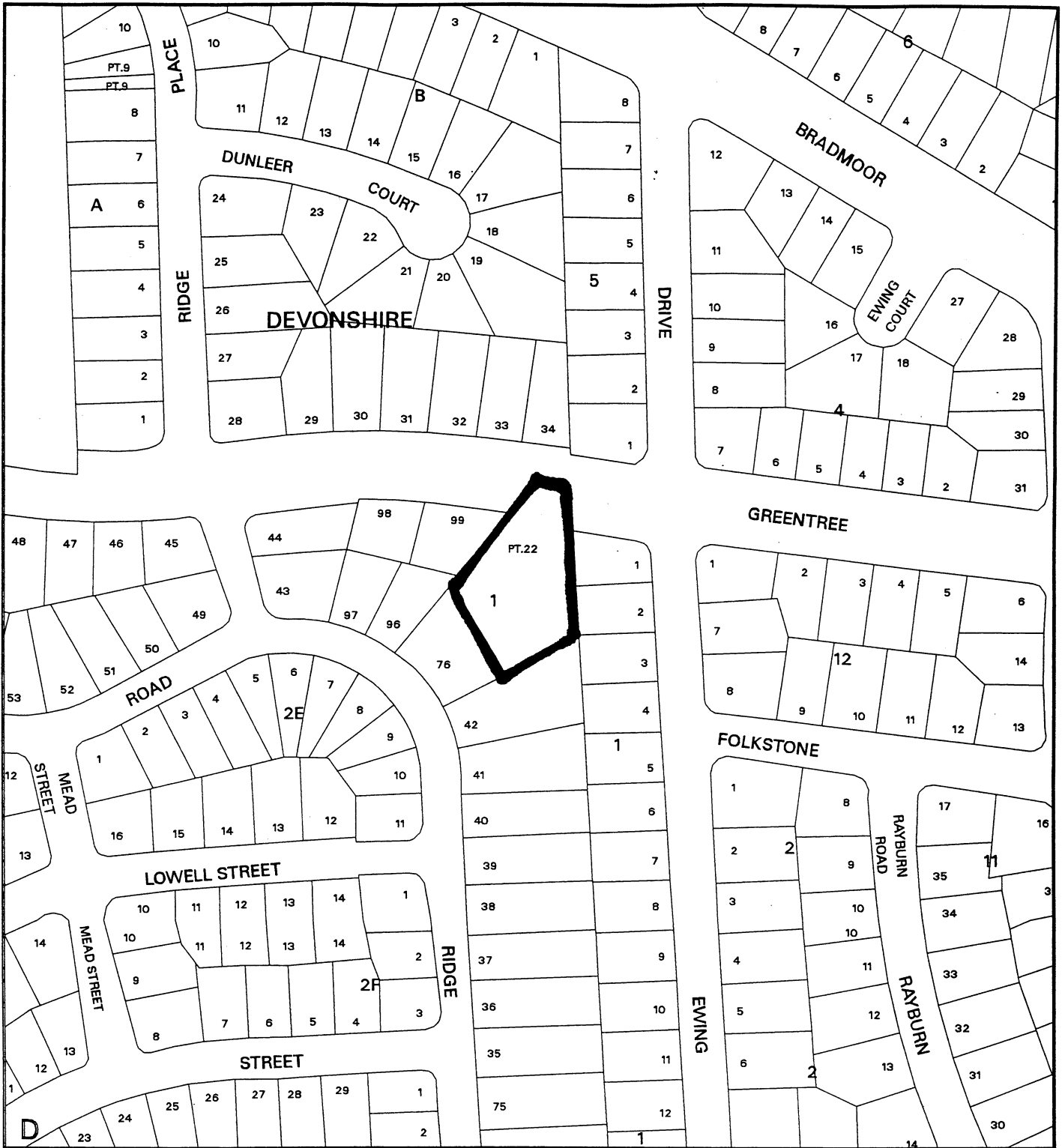
Research & Technology Center



1 : 2400

VICINITY MAP FOR

HILLMEAD-BRADLEY HILLS LOTS-100 & 102 (1-03014)



Map compiled on September 23, 2002 at 2:59 PM | Site located on base sheet no - 211NW06

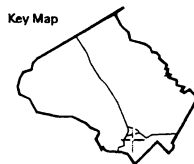
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Key Map



Research & Technology Center



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EWING DR.

* A temporary driveway connection is proposed from lot 100 to the existing driveway (to be used for lots 101 & 102) until such time that GreenTree Rd. is improved. At that time, lot 100 will be required to have a separate drive upon to GreenTree Rd. Some grading on the west side of the existing driveway is necessary to provide adequate sight distance to the west.

- PERCO
1610 Gather Road
Rockville, Md. 20850
- Washington Gas
6801 Industrial Road
Springfield, Va. 22151
- WSSC
14501 Sweitzer Lane
Laund, Md. 20707
- Verizon
3rd Floor
3901 Calverton Blvd.
Bethesda, Md. 20705
- Comcast
20 West Guide Drive
Rockville, Md. 20850

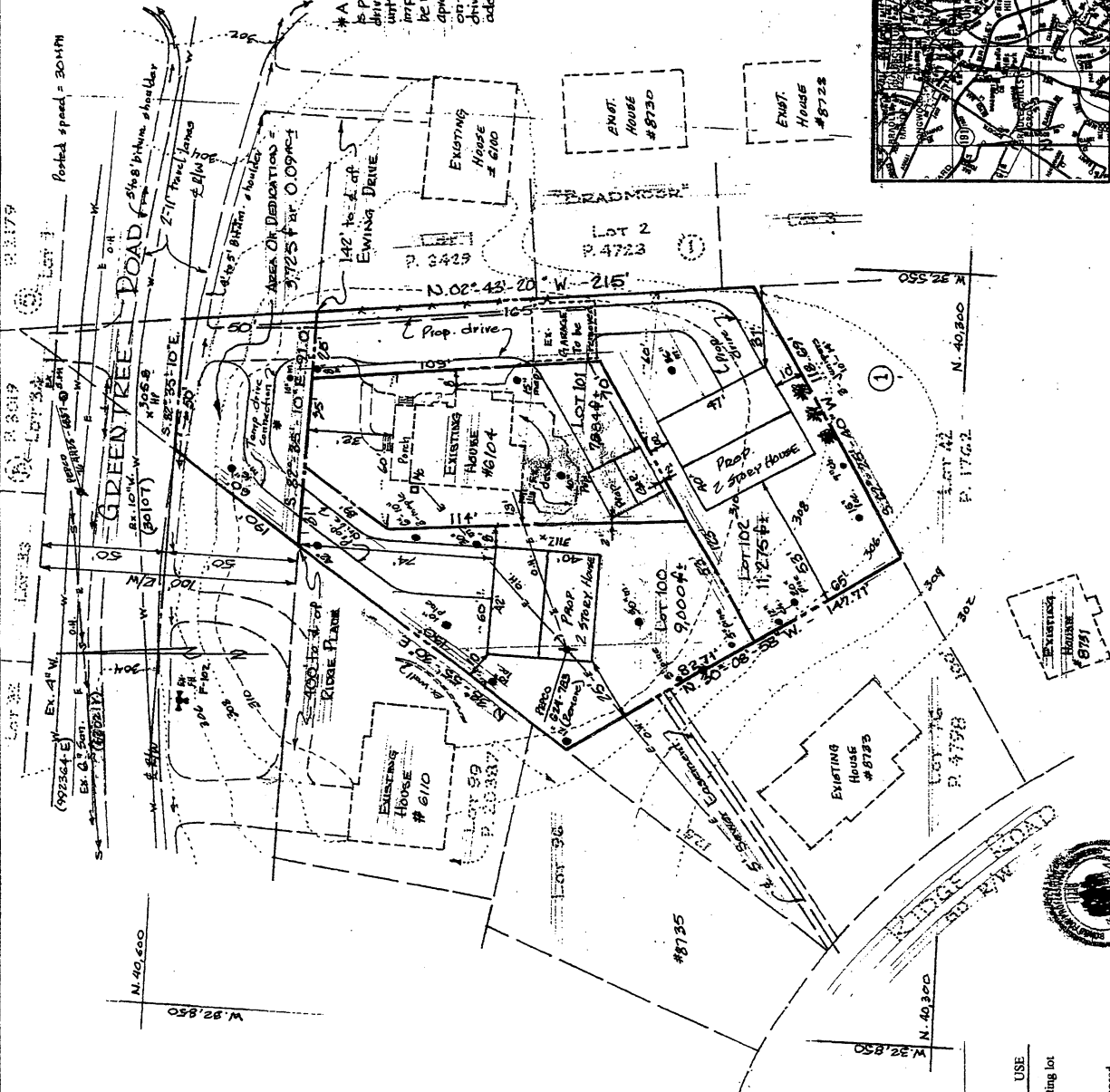


VICINITY MAP
SCALE: 1" = 200'

DATE: JULY 02
DRAWN BY: [Name]
REVIEWED: [Name]

OWNER: KATHERINE P. BAYBAM - PLANNING - 301-325-5272
5104 GREENSTREE RD., BETHESDA, MD. 20817

PRELIMINARY PLAN



- GENERAL NOTES
- Total area this plan: 31,885 sq. feet or 0.74 acres.
 - Proposed dedication this plan: 3,725 sq. feet or 0.09 acres.
 - Net lot area: 28,159 sq. feet or 0.65 acres.
 - Zone: R-60 (6,000 sq. foot lot min.)
 - Proposed number of lots: 9,386 sq. feet or 0.22 acres.
 - Average lot size: 9,386 sq. feet or 0.22 acres.
 - Boundary from plats and deeds.
 - Topography from aerial survey and visual inspection.
 - Public water and sewer systems to be utilized - W.S.S.C. 2007 sheet # 211 NW 6 - Mint Eaton Circle (M-14 S-1) Bradley Hills, as recorded among the Land Records of Montgomery County, Maryland, in Plat Book 3, Plat 234.
 - This proposed plan is a resubdivision of Part of Lot 22, Block One, "Hillmead - Bradley Hills".
 - This property is exempt from the Storm Water Management Regulations - Watershed, Cabin John Creek - Tributary 28.
 - This property is exempt from the Forest Conservation Regulations - there is no forest on this site.
 - The existing houses on the property will remain. The existing garage will be removed.
 - There are no historic features, Special Protection Areas, 100 year flood plains, wet lands, or critical habitats on this property.
 - Tax Account Number: 07-00594382.
 - Soils Map 23 of 28 - soil = 27-C (methamium silt loam)

SITE DEVELOPMENT DATA

LOT #	AREA	ZONE	MINIMUM SIZE	USE
Part of Lot 22 (residue of lot recorded 1922)	31,885 s.f. or 0.74 acres *	R-60	6,000 s.f.	Existing lot
Proposed Lot 100	9,000 s.f.	"	"	Proposed dwelling
Proposed Lot 101	7,884 s.f.	"	"	Existing dwelling & proposed garage.
Proposed Lot 102	11,275 s.f.	"	"	Proposed dwelling

Minimum building restrictions:
 a) front = 25' (60' wide)
 b) side = 8' min. & 18' total
 c) rear = 20'
 d) accessory use = 2'

ENGINEERS CERTIFICATE
 I hereby certify that the boundary shown hereon is based on existing plats recorded among the Land Records of Montgomery County. The topography shown hereon is based on aerial photography. The boundary is subject to revision upon the completion of a final survey.

Neha Schwartz
 Neha Schwartz, Md. P.E. # 11449
 Date: 6/20/02

PLANS PREPARED BY: SUTHERLAND ASSOCIATES
 13938 LAYHILL ROAD
 SILVER SPRING, MD. 20906
 PHONE: 301-971-6577
 FAX: 301-498-3139
 EMAIL: jsutera@sutherland.com

