



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

ITEM # 7

DATE: 03-13-03



MEMORANDUM

DATE: February 14, 2003

TO: Montgomery County Planning Board

VIA: Joseph R. Davis, Chief Development Review Division

FROM: A. Malcolm Shaneman, Supervisor (301) 495-4587
Richard A. Weaver, Senior Planner (301) 495-4544
Development Review Division

REVIEW TYPE: Preliminary Plan Review

APPLYING FOR: Two Single Family Lots

PROJECT NAME: Bannockburn Heights

CASE #: 1-03051

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

ZONE: R-200

LOCATION: Southwest Side of River Road (MD 190), Between Orkney Parkway and Braeburn Parkway

MASTER PLAN: Bethesda – Chevy Chase

APPLICANT: Al S. KhalatBari

FILING DATE: January 9, 2003

HEARING DATE: March 13, 2003

STAFF RECOMMENDATION: Disapproval, Pursuant to Section 50-29 (b)(2), Montgomery County Subdivision Regulations

PROJECT DESCRIPTION: Proposal

The subject application requests the resubdivision of a 1.5 acre site, identified as Lot 7, into two (2) single-family residential lots. The proposed lots numbered 18 and 19 are proposed to be 36,230 square feet and 31,465 square feet respectively. A single-family dwelling exists on the property and is proposed for removal. The lots will have direct access to River Road (MD190).

PROJECT DESCRIPTION: Vicinity

The subject property is located on the southwest side of River Road between Orkney Parkway and Braeburn Parkway. The site identified as Lot 7 in Block 4 was recorded by record plat in 1939 as were the rest of the lots within the same block. The lots surrounding the subject property are developed with single-family dwelling units. The block in which the subject site is located has remained virtually unchanged since its original recordation except for one resubdivision which occurred between Lots 13 and 14 for the purpose of adjusting the property boundaries.

ISSUES TO DATE

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) complies with 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. The lots surrounding the subject property on the southwest side of River Road are all zoned all R-200. Staff has elected to limit the proposed neighborhood to those lots located in the same block as the subject property. Since the subject property fronts River Road staff does not feel that the lots on the other side of Orkney Parkway nor the other side of Braeburn Parkway should be included in the neighborhood.

Master Plan Compliance

The property is located within the Approved and Adopted Bethesda Chevy Chase Master Plan area. The master plan does not make specific recommendations for this property but does give general

guidance and recommendations regarding zoning and land use. The master plan recommends that the area including this property be maintained as a medium density (R-200) residential area. The lot pattern, discussed previously, has evolved into lots that range from the minimum required under the R-200 zone (20,000 sq.ft.) to lots that are twice that size (1 acre plus). Since the proposed lots meet the requirements for the R-200 zone, it is staff's conclusion that they comply with the general guidelines adopted in the master plan. Staff's final conclusion with regard to the resubdivision criteria is discussed below.

Analysis and Conclusion

In applying the resubdivision criteria to the neighborhood delineated by staff, staff finds that the proposed resubdivision does not comply with all seven of the criteria set forth in Section 50-29(b)(2) as illustrated by the characteristics set forth on the attached tabular summary. Staff finds that a high correlation does not exist between the frontage and widths of the proposed lots and existing lots within the delineated neighborhood.

As the tabular summary depicts the smallest lot frontages found in the defined neighborhood are those of the proposed lots. Indicative of smaller lot frontages are the smaller lot widths. As in this proposal, the proposed lots widths are amongst the smallest within the defined neighborhood.

The application, as proposed, clearly fails when applying the resubdivision criteria. Staff finds that the frontage and width of the proposed lots do not have a high correlation to those criteria of existing lots in the delineated neighborhood and therefore recommend disapproval of this proposed resubdivision.

Attachments

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