



ITEM # 5
DATE: 5/1/03

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MEMORANDUM

DATE: April 25, 2003

TO: Montgomery County Planning Board

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

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

REVIEW TYPE: Pre-Preliminary Plan Review

APPLYING FOR: Resubdivision of Lot 13 and 14, Block 21 - B. F. Leighton's Addition to Woodside

PROJECT NAME: Graser/Thomas Property

CASE #: 7-03045

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

ZONE: R-60

LOCATION: Southeast side of Grace Church Road, approximately 300 feet southwest of Second Avenue

MASTER PLAN: North Silver Spring

APPLICANT: Will and Sara Thomas

FILING DATE: March 11, 2003

HEARING DATE: May 1, 2003



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

DISCUSSION OF ISSUES

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

In order to support an application for Resubdivision, the Planning Board must find that the proposed lot(s) have a high correlation 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.

Defined 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. The lots surrounding the subject property are zoned R-60. For this application, staff included all "whole" lots within Block 21, which includes the subject properties. Staff excluded Part of Lot 8 at the corner of Elkhart Street and Second Avenue. For the purposes of this review, staff included Part of Lot 7, Block 21, located on Elkhart Street. This Part of a Lot was the subject of a preliminary plan of resubdivision (1-02071) approved by the Planning Board on June 12, 2002 as a 60 foot wide lot. **While it was approved by the Planning Board, it has not been recorded to date.** A plat application for Part of Lot 7 has been submitted and was conditionally approved by the Planning Board. It is currently under review.

Also included in the neighborhood delineation are the "whole" lots located on the northern side of Grace Church Road in Block 20. Again, staff excluded the three parts of lots, identified as Part of Lot 4. Staff feels that the neighborhood illustrated for Planning Board consideration provides a good representation of the overall lot characteristics.

DESCRIPTION

Vicinity

The lots within the B. F. Leighton's Addition to Woodside subdivision were originally recorded by plat in 1890. The original lots have remained relatively intact, except for two resubdivisions. The first resubdivision in 1945, created lots 18, 19, and 20 in Block 21. The second resubdivision in 1992 resulted from an abandonment of a portion of Third Avenue and created Lots 21 and 22, Block 21.

The neighborhood is well established with existing homes. A number of otherwise "buildable" lots do remain vacant within the defined neighborhood. An existing home crosses the lot line between the two lots that are the subject of this application.

Proposal

This application for resubdivision proposes to shift the dividing lot line between the two subject lots 14 ft. to accommodate a side yard setback of 8 ft. for the existing house which now partially straddles the dividing lot line. Staff notes that had the applicant been able to meet their needs by shifting the lot line to a lesser degree (i.e. less than 5% of the total lot area), this applicant would have qualified for a minor subdivision. However, in order to shift the lot line to meet setbacks for the existing house, the "5% rule" for a minor lot line adjustment was not possible.

This lot line shift results in two lots; one with a width and frontage of 61 ft. and the second with a width and frontage of 89 ft. The narrower lot would be 9,150 square feet in size and the wider lot would be 13,350 square feet in size. Respectively, lot area (within the established setbacks) is 5,400 square feet and 7,870 square feet. Staff's objection to this application is focused on the size, area, width and frontage characteristics of both lots. Suitability, alignment and shape appear to conform to the resubdivision criteria.

Master Plan Compliance

The property is located within the *Approved and Adopted Silver Spring 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-60) residential area. If a preliminary plan were ultimately approved for this application, it is staff's conclusion that they would comply with the general guidelines adopted in the master plan.

ANALYSIS

Staff's objection to the application is focused on size, area, width and frontage. The proposed lots do not reflect a high correlation with respect to the range of lot sizes, areas, widths and frontages in the defined neighborhood (see attached tabular summary). The lots, as proposed, will create one lot that smaller and narrower compared to the greater majority of lots in the neighborhood. Similarly, the proposal would create a lot that is larger and wider than the greater majority of lots in the neighborhood. Staff does note that all seven of the resubdivision characteristics for the proposed lots fall within the range of the lots in the defined neighborhood.

Although Part of Lot 7 is currently a lot altered by deed and not normally included in the defined neighborhood, it was the subject of a recent Planning Board approval as a resubdivision (1-02071) and is therefore included in this neighborhood. The lot approved by the Planning Board in that application is currently in the record plat review process and is likely to be recorded soon as a 9,000 square foot lot with a width and frontage of 60 ft. This lot will be generally smaller in dimensions than the smaller lot (New Lot 14) proposed by the applicant for subject application.

Of the 23 lots in the neighborhood, there are only four lots with less square footage and area than New Lot 14 and three lots with less frontage and width than New Lot 14. The second proposed lot, (New Lot 13), will be the second largest lot in size and area the neighborhood. New Lot 13 will also be the second widest lot in the neighborhood.

CONCLUSION

The proposal, as submitted, does not reflect a high correlation with all seven of the resubdivision criteria, pursuant to Section 50-29 (b)(2) of the Montgomery County Subdivision Regulations. Specifically, the application proposes two lots that are generally not of the same dimensional character with respect to size, area, frontage and width as the majority of lots within the neighborhood. Staff does object to the submission of a preliminary plan.

Attachments

Vicinity and Neighborhood Delineation Map	5
Neighborhood Development Map	6
Proposed Resubdivision Plan	7
Tabular Summary	8

To date no citizen correspondence has been submitted to the file