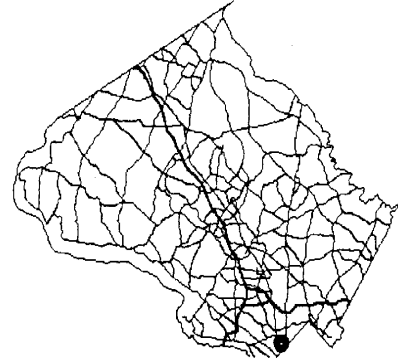




THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

ITEM # 7

DATE: 1-02-04



MEMORANDUM

DATE: January 2, 2004

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: American University Park

CASE #: 1-04014

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

ZONE: R-60

LOCATION: On the East Side of Park Avenue, at the western terminus of Brookdale Road

MASTER PLAN: Bethesda – Chevy Chase

APPLICANT: Douglas Construction Group

FILING DATE: August 22, 2003

HEARING DATE: January 8, 2004

STAFF RECOMMENDATION: Approval Pursuant to Section 50-29(b)(2) of the Montgomery County Subdivision Regulations, Subject to the Following Conditions:

- (1) Applicant to submit a detailed tree save and protection plan to MNCPPC technical staff for review and approval prior to issuance of building permit
- (2) Record plat to reflect building restriction lines as depicted on the approved preliminary plan

- (3) Prior to issuance of building permits, applicant to submit an engineered sediment and erosion control plan to MCDPS for review and approval
- (4) Compliance with conditions of MCDPWT letter dated, December 22, 2003 unless otherwise amended
- (5) Compliance with conditions of MCDPS stormwater management approval
- (6) This preliminary plan will remain valid for thirty-seven (37) months from the date of mailing of the Planning Board opinion. Prior to this date, a final record plat must be recorded for all property delineated on the approved preliminary plan, or a request for an extension must be filed
- (7) Other necessary easements

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 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.

Given the relative consistency of lots dimensions and shapes in the neighborhood, staff felt it prudent to restrict the neighborhood to those lots within close proximity to the subject property which would be most impacted by the proposed resubdivision. Therefore, the neighborhood includes a cross section of lots within Block 18 and Block 19 of the American University Park subdivision as shown on the attached neighborhood map. Staff believes the lots within the defined neighborhood provide a fair representation of the overall American University Park neighborhood lot characteristics pertaining to resubdivision.

Conformance to Chapter 59, Montgomery County Zoning Ordinance

The proposed lots must conform to all applicable sections of the Zoning Ordinance, including the development standards of the R-60 zone. The Zoning Ordinance contains language specific to the resubdivision of R-60 lots (Section 59-B-5.2). This section, under 59-B, Exemptions From Controls reads as follows:

“59-B. EXEMPTIONS FROM CONTROLS

Sec. 59-B-5.2. Resubdivision of R-60 lots.

Any lot in the R-60 zone that had frontage of less than 180 feet or an area of less than 18,000 square feet prior to June 1, 1958, may be resubdivided into lots with frontages of not less than 50 feet and an area of not less than 5,000 square feet if the majority of lots in the same block have frontages of less than 60 feet or areas of less than 6,000 square feet. These resubdivided lots (except outlots) are buildable lots.”

Staff has analyzed the lots within the block and finds the lots proposed under this application meet the criteria for the exemption under 59-B-5.2.

Master Plan Compliance

The property is located within the Approved and Adopted Bethesda Chevy Chase Master Plan. The master plan does not specifically identify this property but gives general guidance and recommendations regarding zoning and land use. The proposed resubdivision complies with the recommendations adopted in the master plan to maintain medium density residential zoning for this area.

DESCRIPTION

Vicinity

The subject property is located within Block 18 of the American University Park subdivision. The subject property consists of five lots recorded by plat in 1899. At that time, the vast majority of lots in the American University Park subdivision, including the subject lots, were platted with 20 foot widths and 20 foot wide street frontages. The original lot configurations remain fairly intact today although Lots 83 and 84, Block 19, were created by consolidating four lots into two by plat in 1971. The typical house location pattern today remains a situation where single-family dwellings are located on more than one lot.

Proposal

This application for resubdivision proposes to create two, 50 foot wide lots by resubdividing five, 20 foot wide lots, essentially by splitting the five lots into two equal halves. The applicant would apply for building permits and demolition permits to remove the existing house and construct two new homes. The applicant has worked closely with certain neighbors to devise a building envelope for each lot that addresses the concerns of the neighbors regarding setbacks and allows a reasonable building envelope for new home construction.

ANALYSIS and CONCLUSION

Staff has analyzed the request with respect to the seven resubdivision criteria. As the attached tabular summary indicates, the proposed lot would fall within the range for all seven of the resubdivision criteria for those lots within the defined neighborhood. Staff is of the opinion that a high correlation exists between the lot characteristics of shape, size, area, frontage, width, and alignment of the proposed lots and those of the existing lots in the defined neighborhood. Further, staff finds the proposed lots to be suitable for residential development.

Specifically, staff makes the following findings regarding the seven criteria:

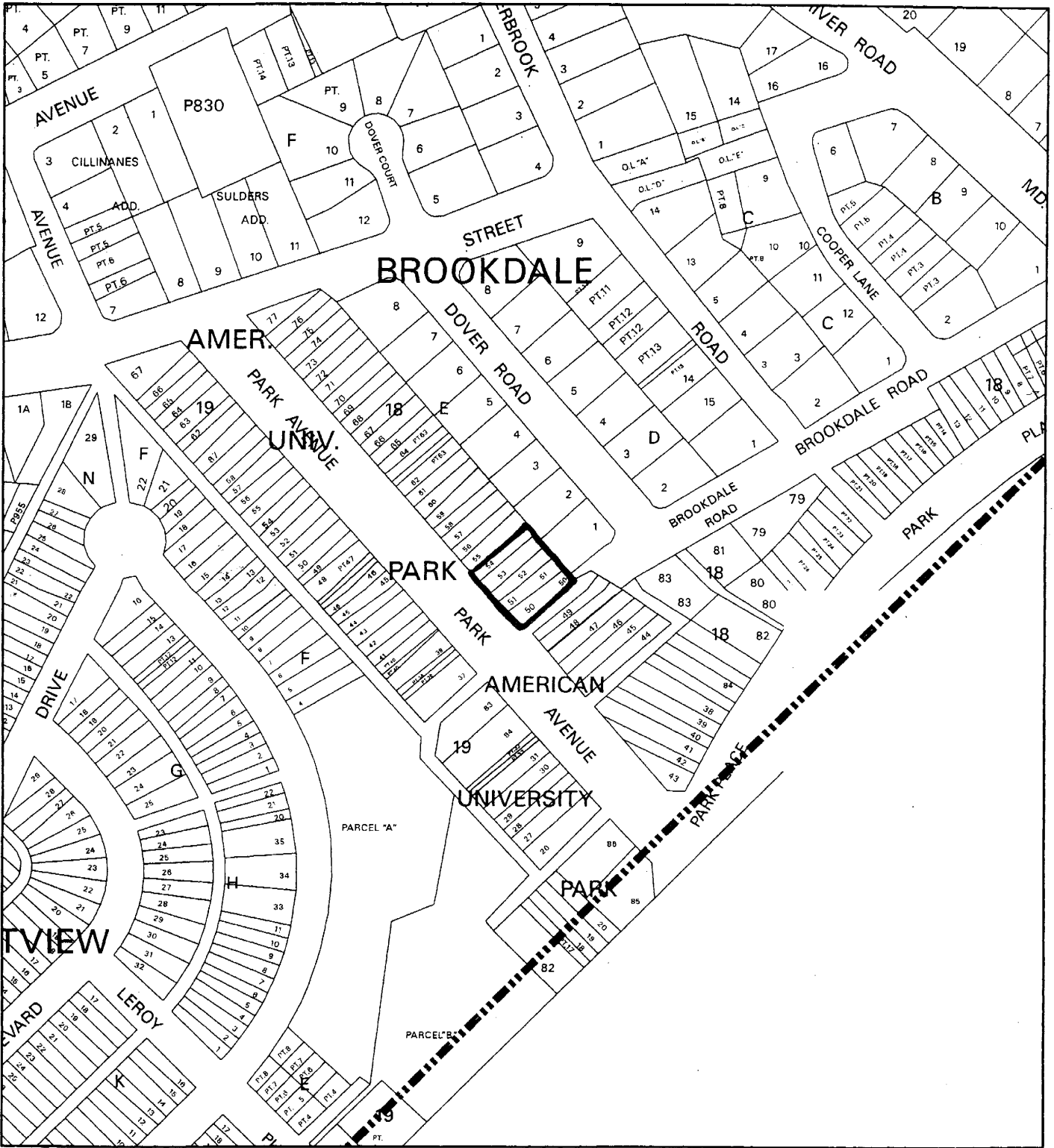
- Size:** Proposed lots – 5,221 square feet each
 Neighborhood range – 2,088 to 6,250 square feet
- Area:** Proposed lots – 1,888 and 1,593 square feet
 Neighborhood range – Unbuildable to 2,560 square feet
- Shape:** Proposed lots – Rectangular
 Neighborhood – Rectangular
- Width:** Proposed lots – 50 feet each
 Neighborhood range – 20 to 50 feet
- Frontage:** Proposed lots – 50 feet each
 Neighborhood range – 20 to 50 feet
- Alignment:** Proposed lots – Perpendicular to street
 Neighborhood – Perpendicular to street
- Suitability:** Proposed lots – Suitable for residential development
 Neighborhood lots – Suitable for residential development

Staff has determined that the proposed lot would comply with all seven of the resubdivision criteria pursuant to Section 50-29(b)(2) of the Montgomery County Subdivision Regulations. Staff has also reviewed the application with respect to 59-B-5.2 of the Montgomery County Zoning Ordinance and finds that this application satisfies the criteria within that section. If approved, staff finds that the lots would be compatible with the lots in the defined neighborhood and that the approved lots that would promote a compatible development pattern when compared to the established neighborhood. Staff recommends approval of the application subject to the conditions cited above.

Attachments

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

AMERICAN UNIVERSITY PARK (1-04014)



Map compiled on September 08, 2003 at 4:03 PM | Site located on base sheet no - 206NW04

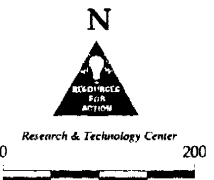
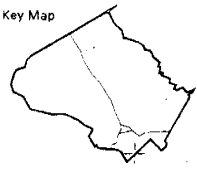
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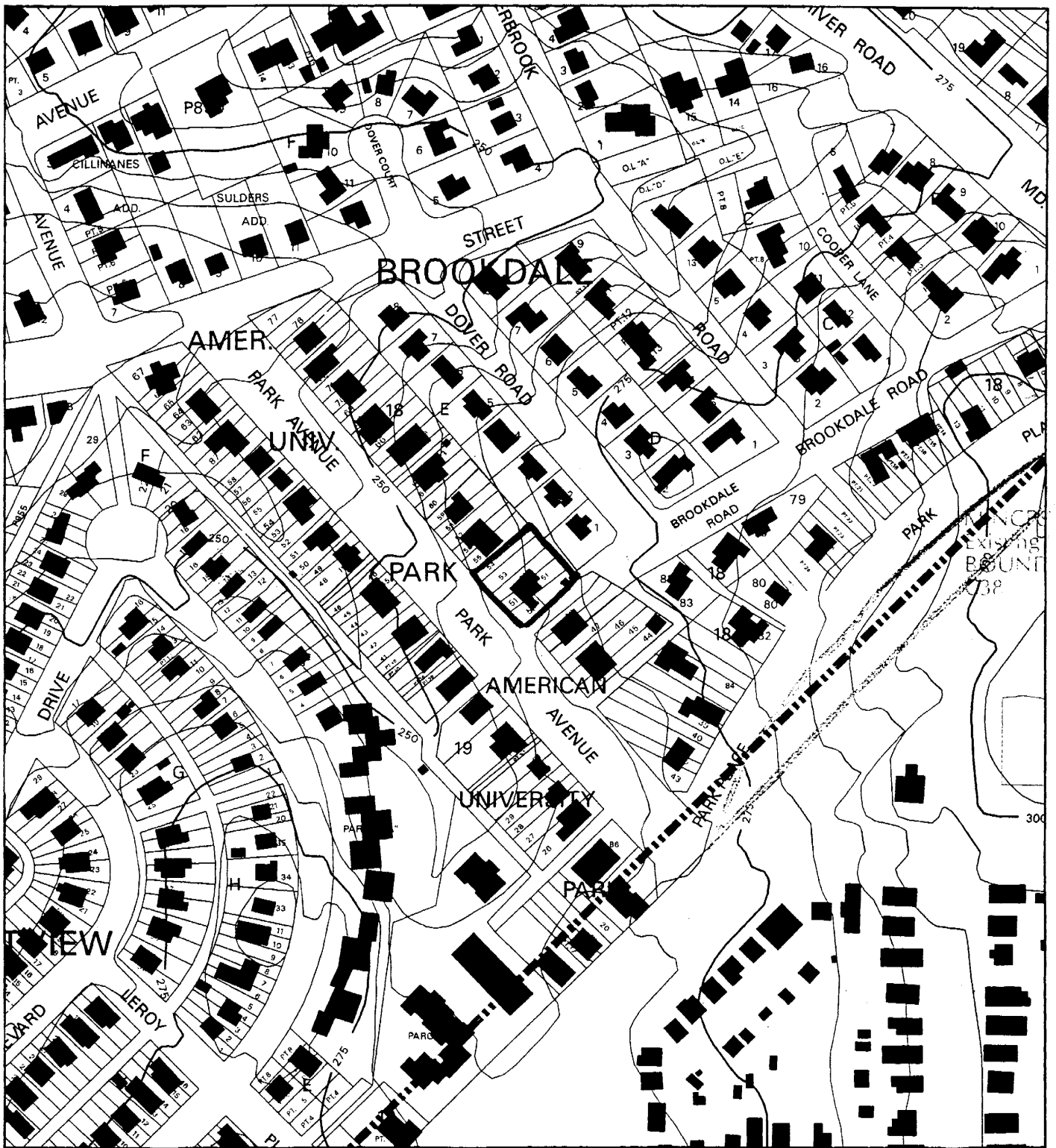
Key Map



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

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AMERICAN UNIVERSITY PARK (1-04014)



Map compiled on September 08, 2003 at 3:55 PM | Site located on base sheet no - 206NW04

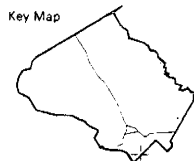
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Key Map



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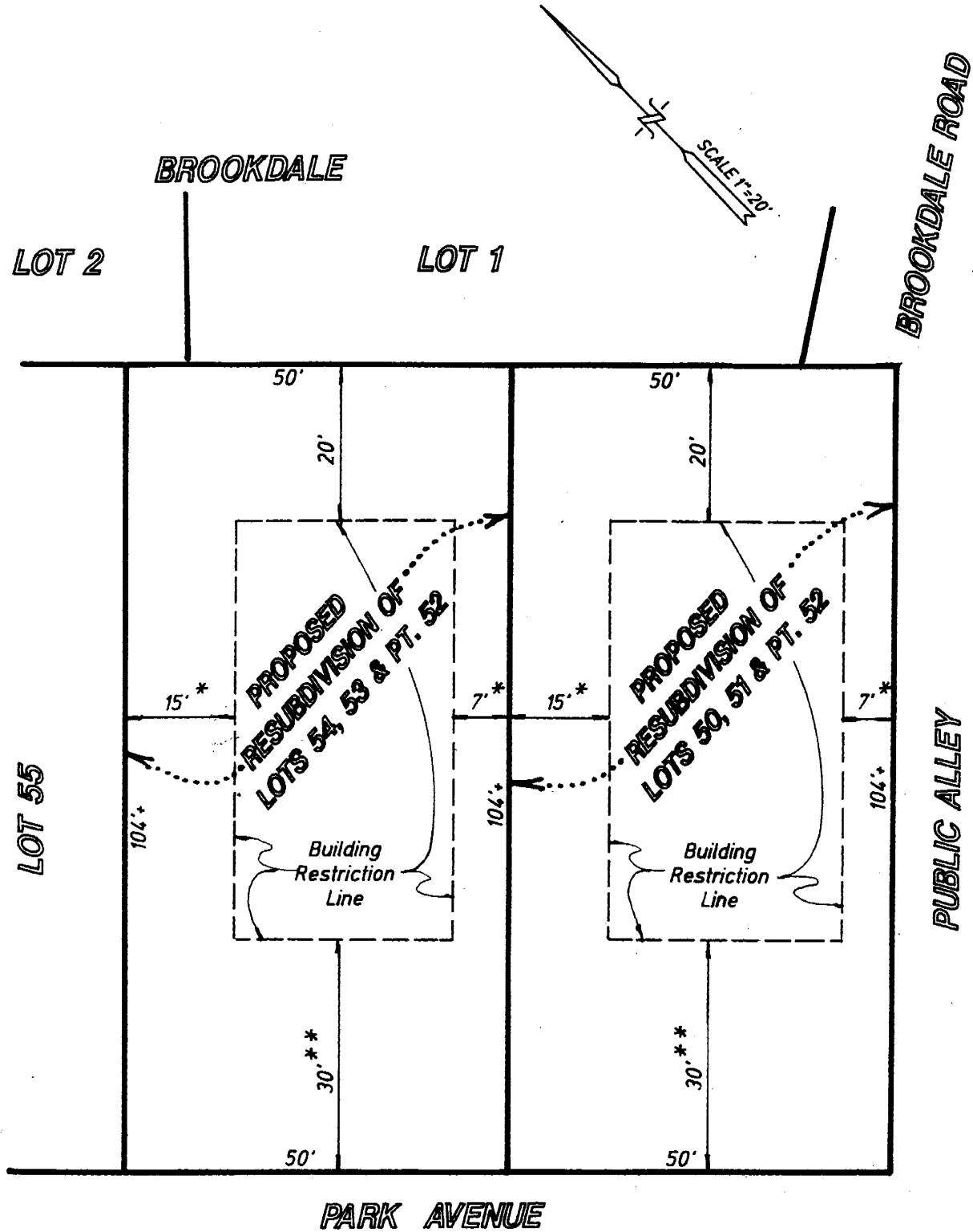


Research & Technology Center



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

Minimum building restriction lines, as shown establish the building envelop for each lot with the following conditions:

Minimum side yard setback including house, and any projections such as: chimneys, eaves, and other projections except a one foot roof overhang is permitted.

* Minimum front yard setback including house and any projections except open steps, open stoops or open stairs which may project no more than 6 feet into the minimum front yard.

BUILDING ENVELOP EXHIBIT PLAT

**PROPOSED RESUBDIVISION OF
Lots 50, 51, 52, 53 and 54**

AMERICAN UNIVERSITY PARK

7th ELECTION DISTRICT
MONTGOMERY COUNTY, MARYLAND

AMERICAN UNIVERSITY PARK

Block No.	Lot No.	Frontage	Alignment	Lot Area Within BRL's	Shape	Width	Lot Size (S.F.)
18	44	20'	Perpendicular	UB	Rectangular	20'	3167
	45	20'	Perpendicular	UB	Rectangular	20'	3061
	46	20'	Perpendicular	UB	Rectangular	20'	2955
	47	20'	Perpendicular	UB	Rectangular	20'	2848
	48	20'	Perpendicular	UB	Rectangular	20'	2742
	49	20'	Perpendicular	UB	Rectangular	20'	2571
	55	20'	Perpendicular	UB	Rectangular	20'	2088
	56	20'	Perpendicular	UB	Rectangular	20'	2088
	57	20'	Perpendicular	UB	Rectangular	20'	2088
	58	20'	Perpendicular	UB	Rectangular	20'	2088
	59	20'	Perpendicular	UB	Rectangular	20'	2088
	60	20'	Perpendicular	UB	Rectangular	20'	2088
19	37	34'	Perpendicular	UB	Rectangular	33'	3429
	38	20'	Perpendicular	UB	Rectangular	20'	2088
	39	20'	Perpendicular	UB	Rectangular	20'	2088
	40	20'	Perpendicular	UB	Rectangular	20'	2088
	41	20'	Perpendicular	UB	Rectangular	20'	2088
	42	20'	Perpendicular	UB	Rectangular	20'	2088
	43	20'	Perpendicular	UB	Rectangular	20'	2088
	44	20'	Perpendicular	UB	Rectangular	20'	2088
	45	20'	Perpendicular	UB	Rectangular	20'	2088
	46	20'	Perpendicular	UB	Rectangular	20'	2088
	47	20'	Perpendicular	UB	Rectangular	20'	2088
	83	49'	Perpendicular	2400	Rectangular	49'	5883
	84	50'	Perpendicular	2560	Rectangular	50'	6250
Our Lots	85	50'	Perpendicular	1888	Rectangular	50'	5221
	86	50'	Perpendicular	1593*	Rectangular	50'	5221

* Based on a 15' setback from alley