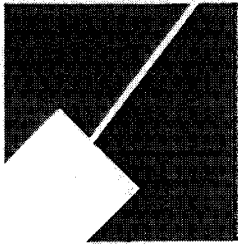


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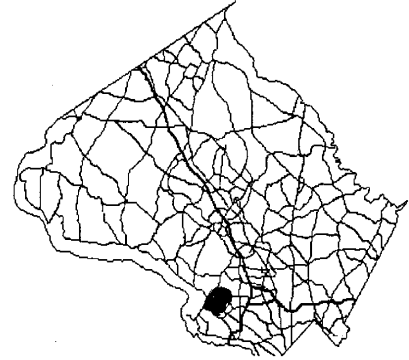


**MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING**

THE MARYLAND-NATIONAL CAPITAL  
PARK AND PLANNING COMMISSION

8787 Georgia Avenue  
Silver Spring, Maryland 20910-3760  
301-495-4500, www.mncppc.org

**ITEM # 6**  
**DATE: 1/15/04**



**MEMORANDUM**

**DATE:** January 9, 2004

**TO:** Montgomery County Planning Board

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

**FROM:** A. Malcolm Shaneman, Supervisor (301) 495-4587  
Dolores M. Kinney, Senior Planner (301) 495-1321 *DK*

**REVIEW TYPE:** Preliminary Plan Review

**APPLYING FOR:** Resubdivision of Existing Lot 12A Block A, Willerburn Acres  
Subdivision for Two Lots

**PROJECT NAME:** Willerburn Acres - Lots 51 & 52, Blk. A

**CASE #:** 1-04037

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

**ZONE:** R-90

**LOCATION:** On Gainsborough Road, 1,200 feet east of Seven Locks Road.

**MASTER PLAN:** Potomac Subregion

**APPLICANT:** Tamara Corporation

**FILING DATE:** November 5, 2003

**HEARING DATE:** January 15, 2004

**STAFF RECOMMENDATION:** Approval, Pursuant to Section 50-29 (b) (2),  
Montgomery County Subdivision Regulations and subject to the following conditions:

- 1) Compliance with the conditions of approval of the MCDPS stormwater management approval, dated Nov. 20, 2003
- 2) Prior to issuance of building permits, applicant to submit an engineered sediment and erosion control plan to MCDPS for review and approval
- 3) Access and improvements as required to be approved by MCDPWT prior to recordation of plat
- 4) 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
- 5) Other necessary easements

### **PROJECT DESCRIPTION:**

This is an application to resubdivide an existing lot containing 66,831 square feet into two residential lots (33,305 square feet and 33,526 square feet).

### **SITE DESCRIPTION:**

Lot 12A is part of the Willberburn Acres subdivision which was originally recorded by plat in 1947. Subsequently, the property was one of three lots on the southern section of Gainsborough Road, which was resubdivided in 1977.

The homes on the southern section of Gainsborough Road are single-family detached dwellings and are located in an older, existing stable neighborhood. Gainsborough Road is classified as a primary residential road with a minimum right-of-way width of 70 feet and forms an eastern loop to intersect with Fontaine Street to the north. The subject property is among the largest lots in the subdivision. The attached tabulation chart submitted with this application depicts the characteristics of each existing lot and the proposed resubdivided lots, Lots 51 and 52.

In order to approve an application for *Resubdivision*, the Planning Board must find that the proposed lots comply 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.

## DISCUSSION:

The subject property is zoned R-90. The R-90 zone has a minimum lot area requirement of 9,000 square feet, and minimum frontage requirements of 25 feet and a 75-foot width at the building restriction line. The existing and proposed lots 51 and 52 meet the zoning requirements. However, any proposed resubdivision must also comply with Section 50-29(b)(2) of the subdivision regulations. The Potomac Master Plan also recommends continuation of the medium density residential zone in this area.

The applicant and staff have conflicting views on the delineation of the neighborhood. Staff's neighborhood consists of 25 properties fronting Gainsborough Road on the north in Block A of the Willberburn Subdivision and properties fronting Gainsborough Road on the south in Block B, extending from Seven Locks Road to the beginning of the Gainsborough Road loop. This section of Gainsborough Road is an older neighborhood which was originally recorded in 1947 containing large lots with a suburban setting where the homes are set back further from the street. See Attachment #2.

The neighborhood proposed by the applicant, includes the properties that continue north beyond the loop on Gainsborough Road, in a newer area recorded in the late 1960s and that is visually more urban with smaller lots and dwellings close to the street. See Attachment #2. Staff is of the opinion that the neighborhood delineated by staff more closely represents the characteristics of the lots directly affected by this resubdivision. This resubdivision analysis is based on a comparison of lot characteristics using the staff's delineated neighborhood.

Based on the analysis of staff's neighborhood delineation, all of the lots are perpendicular in alignment to Gainsborough Road, except for the corner lots. Each of the lots fronting on Gainsborough Road is rectangular in shape, with the exclusion of four lots, three of which have the least frontage. The lot frontages along the southern section of Gainsborough Road vary from 25 feet to 215 feet with the average lot frontage of 141 feet. The square footages of the lots vary in size from 20,006 square feet to 66,000 square feet, with the average lot size of 35,505 square feet. The lot widths at the building line range from 75 feet to 214 feet, with the average lot width of 135 feet. The lot areas vary from 8,412 square feet to 38,640 square feet with the average lot area of 21,758 square feet.

The tabular summary shows that the proposed resubdivided lots will be rectangular in shape, perpendicular in alignment to Gainsborough Road, contain 33,305 and 33,526 square feet, with areas of 21,173 and 21,314 square feet, lot widths of 110 feet and lot frontages of approximately 105 feet at the street line. The square footages, alignment, shape and area of the new resubdivided lots will be consistent with the lots in the neighborhood delineated by staff. Staff finds that the frontages and widths of the proposed lots, while at the lower end of the range of lot frontages and widths in the defined neighborhood, do fall within that range.

## **CONCLUSION:**

Section 50-29 (b) (2) of the Subdivision Ordinance specifies seven criteria for which resubdivided lots must substantially comply. They are: street frontage, alignment, size, shape, width, area and residential use within the existing block, neighborhood or subdivision. Staff has determined in the analysis that the proposed lots do meet the characteristics of the neighborhood with respect to all seven resubdivision criteria. Therefore, based on the neighborhoods delineated by the applicant and staff, staff recommends approval of the subject resubdivision application.

## **Attachments**

- Attachment 1 Vicinity Development Map
- Attachment 2 Neighborhood Delineation Maps – Two Maps (Applicant and Staff)
- Attachment 3 Proposed Development Plan
- Attachment 4 Tabular Summary
- Attachment 5 Citizen Correspondence

# WILLERBURN ACRES LOTS 51 & 52 BLO. A (1-04037)



Map compiled on January 07, 2004 at 10:06 AM | Site located on base sheet no - 215NW08

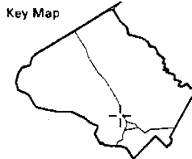
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Key Map



Research & Technology Center



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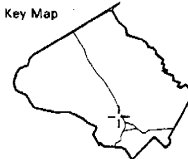
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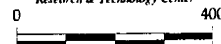
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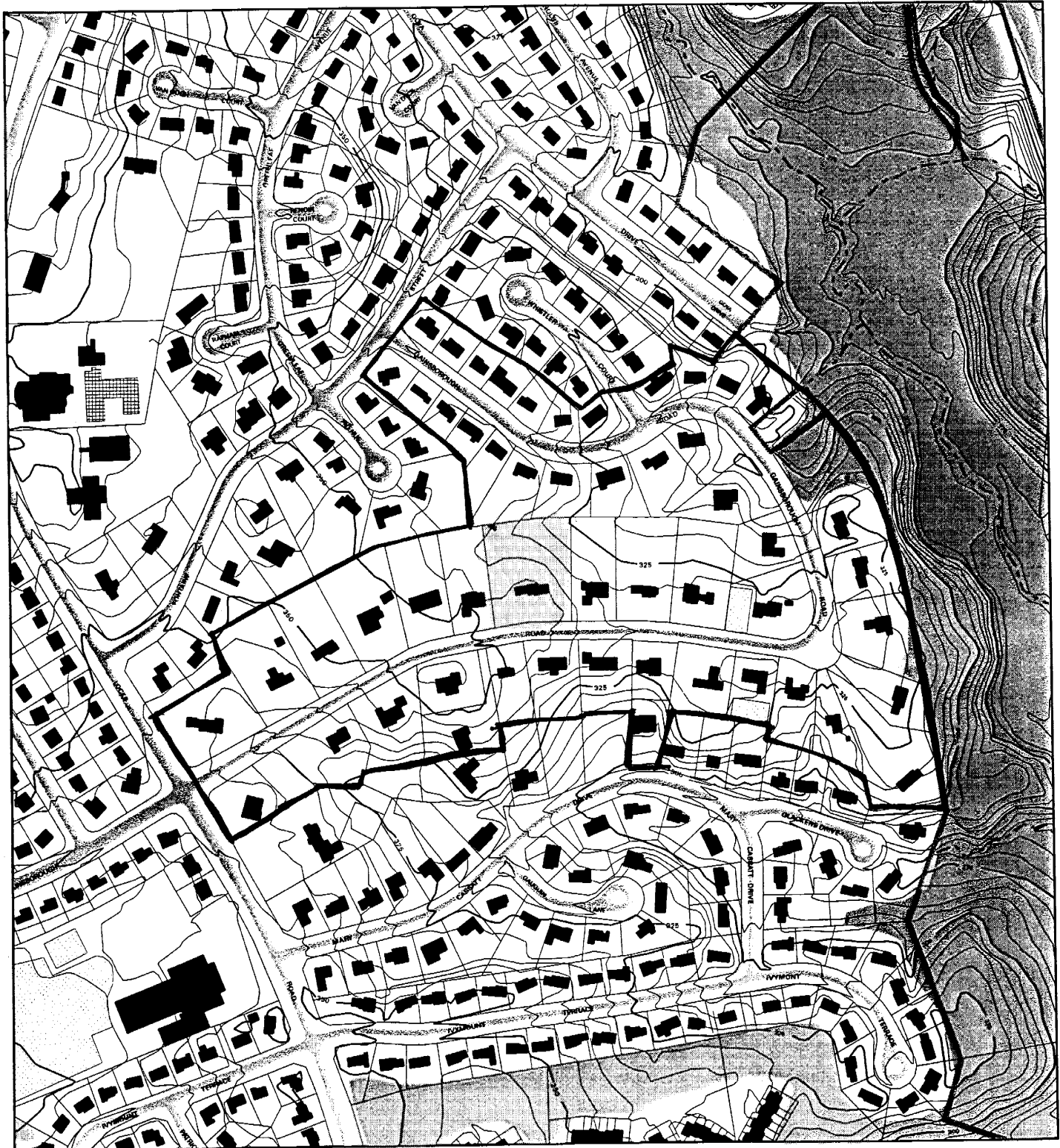
Research & Technology Center



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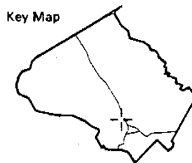
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Key Map



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## WILLERBURN ACRES - RESUBDIVISION OF LOT 12A, BLOCK "A"

Neighborhood I

## Comparable Lot Data Table

## Ranked by Size

Lot	Block	Frontage	Alignment	Size Sq. Ft.	Shape	Width of Lot	Area
4*	A	145	Perpendicular	54,763	Rectangular	152	38,640
18*	B	154	Perpendicular	54,353	Rectangular	143	36,500
2	A	165	Perpendicular	52,871	Rectangular	140	26,911
9	A	148	Perpendicular	47,929	Rectangular	151	33,081
1	A	188	Corner	46,157	Rectangular	115	28,179
10	A	148	Perpendicular	45,908	Rectangular	149	32,750
5	A	138	Perpendicular	44,127	Rectangular	140	21,685
3	A	146	Perpendicular	43,800	Rectangular	121	29,645
22	A	180	Corner	41,089	Rectangular	146	27,100
13A	A	127	Perpendicular	37,470	Rectangular	127	25,867
24	B	215	Perpendicular	36,527	Rectangular	214	20,350
11A	A	118	Perpendicular	36,235	Rectangular	118	25,070

## Proposed

51	A	105	Perpendicular	33,305	Rectangular	109	21,314
52	A	105	Perpendicular	33,526	Rectangular	109	21,173

53	B	105	Perpendicular	28,693	Rectangular	110	15,960
48	B	182	Perpendicular	28,034	Rectangular	155	14,400
43	A	94	Perpendicular	27,807	Trapezoid	102	14,680
21	A	171	Perpendicular	27,229	Rectangular	155	15,600
46	B	135	Perpendicular	27,136	Rectangular	134	20,150
39	B	197	Perpendicular	26,686	Trapezoid	184	15,390
4	B	115	Perpendicular	26,191	Rectangular	115	15,570
51**	C	147	Corner	24,486	Rectangular	108	11,318
9	B	120	Perpendicular	24,000	Rectangular	120	13,775
10	B	120	Perpendicular	24,000	Rectangular	120	13,775
25	A	109	Perpendicular	23,455	Trapezoid	117	12,617
38	B	25	Perpendicular	23,110	Triangular	75	8,412
45	B	129	Perpendicular	20,006	Rectangular	122	10,304

\* To Be Subdivided Shortly

\*\* Lot Approved By The Planning Board