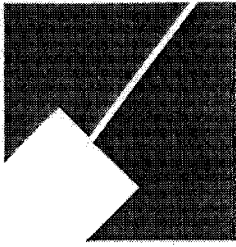


M-NCPPC



**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

MCPB Meeting: 2-12-04  
Agenda Item: #10

**MEMORANDUM**

**DATE:** February 6, 2004

**TO:** Montgomery County Planning Board

**VIA:** Joseph 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 Parts of Lot 4 and Lot 1

**PROJECT NAME:** Wilton Oaks

**CASE #:** 1-03047

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

**ZONE:** R-90

**LOCATION:** On the east side of Disney Lane, approximately 200 feet north of Briggs Road

**MASTER PLAN:** Kensington/Wheaton

**APPLICANT:** Leon Trager

**FILING DATE:** January 6, 2003

**HEARING DATE:** February 12, 2004

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**STAFF RECOMMENDATION:** Approval, subject to conditions:

- 1) Prior to recording of plat applicant to submit final house location, grading and tree preservation plan for technical staff review and approval
- 2) Compliance with the conditions of approval of the MCDPS stormwater management approval
- 3) Access and improvements as required to be approved by MCDPWT prior to recordation of plat(s)
- 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

## DISCUSSION OF ISSUES

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

This is an application to resubdivide parts of three (3) existing lots into two (2) buildable lots.

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. A description of the area analyzed under the resubdivision criteria and an illustration that delineates the neighborhood is included in the staff report. The neighborhood delineation is appropriate because it provides an adequate sample that exemplifies the lot and development pattern of the area. The tabular summary includes only those lots that are considered buildable. Those lots that are identified as "part" of lot have not been included in the analysis.

The neighborhood associated with this resubdivision includes approximately 34 lots within the Wilton Oaks Subdivision, which is located on the north side of Briggs Road, bounded by Oaks Drive on the west, Manor Spring Terrace to the north, and Ewood Lane on the east. Except for the radial lots fronting cul-de-sacs and the corner lots, the whole lots are rectangular in shape, are consistent in frontage, size, area, width and suitable for residential use. The proposed resubdivision will create two new lots from three parts of existing recorded lots. The proposed Lot 16 will be a 13,413 square

foot pipestem lot which will be accessed by from Ewood Lane. The proposed Lot 17 will be a 12,425 square foot rectangular shaped lot. Both lots will be consistent in character with the existing neighborhood.

### **Master Plan Compliance**

The property is located within the Kensington Master Plan Area. The master plan does not specifically identify this property for discussion but does give general guidance and recommendations regarding zoning and land use. The master plan recommends that this area maintain the existing zoning as adopted and maintain the residential land use consisting of one family detached homes. The proposed resubdivision complies with the recommendations adopted in the master plan.

### **SITE DESCRIPTION:**

The property is zoned R-90 and is part of the Wilton Oaks Subdivision which was originally approved in January of 1949 and consisted of four (4) lots ranging from 22,000 to 46,000 square feet in area. The property was subsequently resubdivided and created parts of Lot 4 and, which are subject to this application. The proposed lots will contain 13,413 square feet and 12,425 square feet for a total of 25,838 square feet.

### **ANALYSIS**

This application for resubdivision includes parts of previously recorded lots. As currently considered "parts" of lots the properties are not considered buildable lots. The proposal is to create two (2) buildable single-family lots. The proposed resubdivision will be of the same character as to street frontage, alignment, size, shape, width, area and suitability for residential use as other lots within the neighborhood.

### **CONCLUSION:**

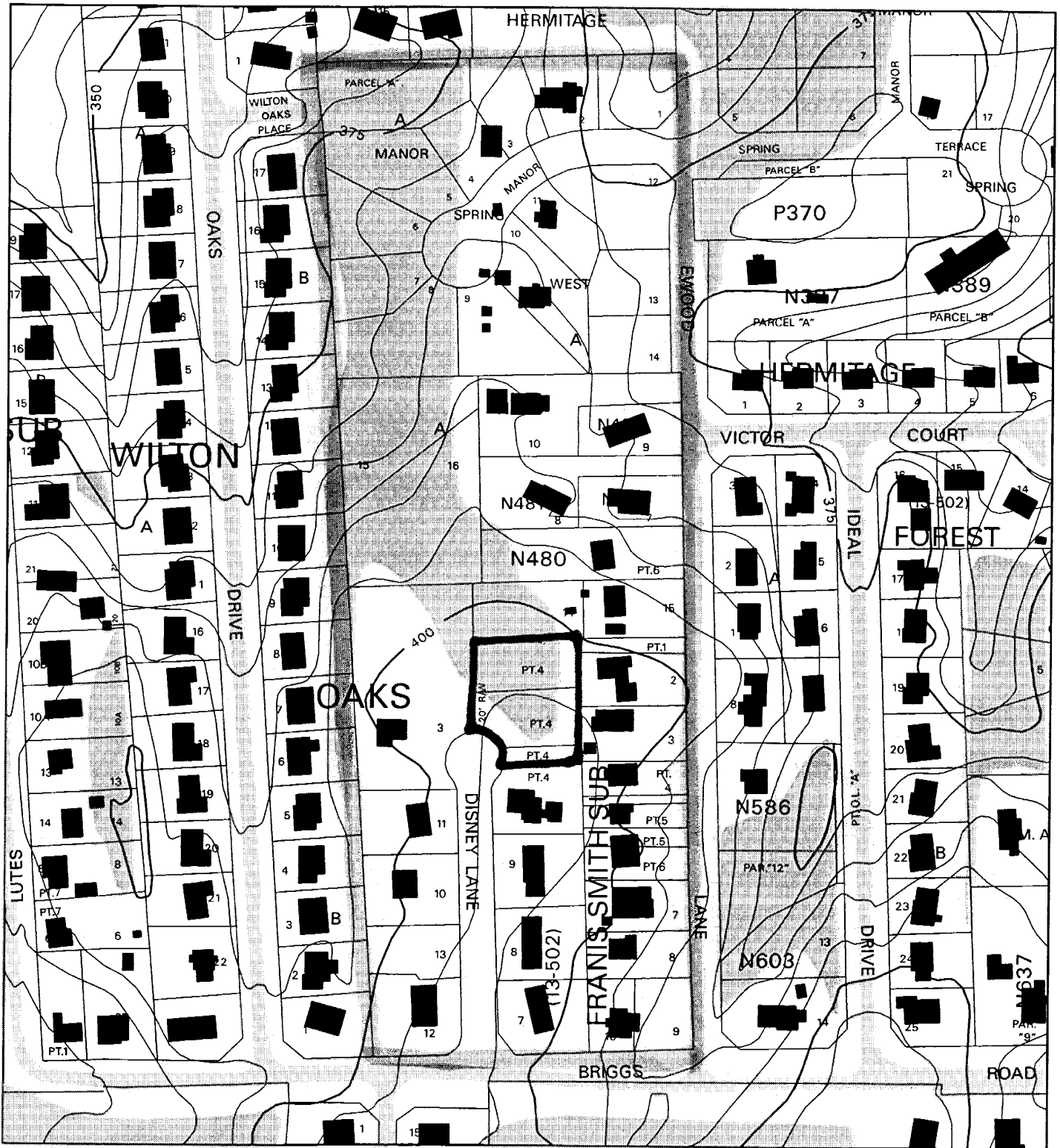
The proposed resubdivision entails the creation of two (2) individual lots from three (3) existing parts of lots. The proposal demonstrates a high correlation with the range of resubdivision criteria and, if approved would create lots that are similar with the characteristics of the lots in the defined neighborhood. Staff finds this application consistent with the development pattern and lot configuration that has occurred within the defined neighborhood. Staff recommends approval of the application with the conditions identified on the preceding page.

**Attachments**

Vicinity Map	5
Neighborhood Delineation Map	6
Proposed Plan	7
Tabular Summary	9
Correspondence Received To Date	10 -



# WILTON OAKS (1-03047)



Map compiled on February 06, 2004 at 11:11 AM | Site located on base sheet no - 217NW02

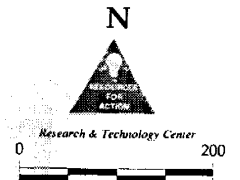
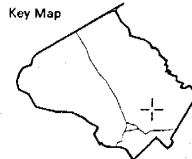
## NOTICE

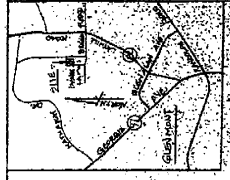
The planimetric, property, and topographic information shown on this map is based on copyrighted Map Products from the Montgomery County Department of Park and Planning of the Maryland - National Capital Park and Planning Commission, and may not be copied or reproduced without written permission from M-NCPPC.

Property lines are compiled by adjusting the property lines to topography created from aerial photography and should not be interpreted as actual field surveys. Planimetric features were compiled from 1:14400 scale 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

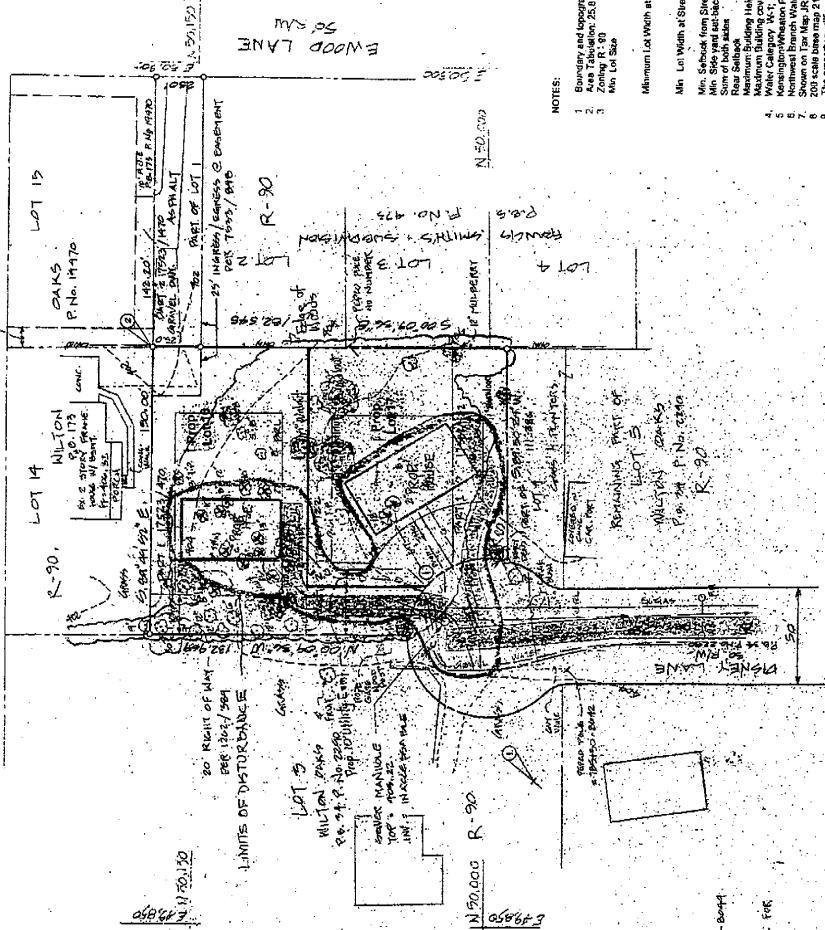
Key Map





**PRELIMINARY PLAN  
WILTON OAKS  
PROPOSED LOTS 14-17**

RESERVATION FOR ELECTRIC LIGHT PURPOSES  
R10175 P. NO. 14170



- NOTES:**
1. Boundary and topography by [unclear] dated [unclear] 19[unclear].
  2. Area Tabulation, 25,000 sq ft per acre at 4.00 A/c.
  3. Zoning R-10
  4. Lot 14
  5. Minimum Lot Width at 60 ft
  6. Minimum Lot Depth at 100 ft
  7. Minimum Lot Area at 6,000 sq ft
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  98. Minimum Lot Width at 60 ft
  99. Minimum Lot Depth at 100 ft
  100. Minimum Lot Area at 6,000 sq ft

**CURVE DATA**  
 ① R=40.00' ARC=73.94° Δ=105° 07' 45"  
 CHD. BEAR. = DIST. = N. 57° 25' 50" W. 45.922'

**GENERAL NOTES**

1. Vertical datum is established from a flat of approximation existing on Lots 7 through 10, Wilton Oaks, recorded in Plat Book 107, Plat No. 103800.
2. Vertical datum is in the Washington, D.C. Urban Sanitary Commission Datum and is established from MGS 16 PLANE.

**LEGEND**  
 (Symbol) Tree to be saved  
 (Symbol) Tree to be removed  
 (Symbol) Minimum limits of disturbance

**BENCH MARKS**  
 No. 1 P.C. of curve at 100' from P.O.B. PERM. POINT = 100' 00" - 100' 00" BEAR. = 100' 00"  
 No. 2 PERM. POINT IN CONC. FOR WOOD POST. PLAT. = 101.34'

<p>PROJECT: [unclear]</p> <p>DATE: [unclear]</p> <p>SCALE: [unclear]</p>	<p>DESIGNED BY: [unclear]</p> <p>CHECKED BY: [unclear]</p> <p>DATE: [unclear]</p>	<p>PRELIMINARY PLAN</p>	<p>PROPOSED LOTS IS 14-17</p> <p><b>WILTON OAKS</b></p> <p>WILSON COUNTY, MISSOURI</p>	<p>DATE: [unclear]</p> <p>SCALE: [unclear]</p>
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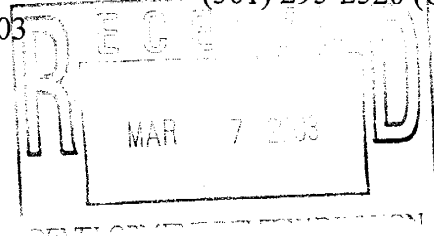
**Comparable Lot Data Table for Wilton Oaks**

Lot #	Block	Frontage	Alignment	Size	Shape	Width*	Area**
7		Corner	Perpendicular	12,132	Square	100	5581
8		100	Perpendicular	12,500	Square	100	5750
9		100	Perpendicular	12,500	Square	100	5750
11		90	Perpendicular	12,368	Square	90	5689
10		100	Perpendicular	13,589	Square	100	6251
12		Corner	Perpendicular	13,962	Square	103	6423
13		75	Perpendicular	9,456	Square		4350
3		106	Radial	45,788	Square		21062
10		50	Perpendicular	6,026	Rectangular	50	2772
9		Corner	Perpendicular	7,553	Rectangular	99	3474
8		75	Perpendicular	10,276	Rectangular	75	4727
7		50	Perpendicular	6,887	Rectangular	50	3168
3		75	Perpendicular	10,445	Rectangular	75	4805
2		75	Perpendicular	10,610	Rectangular	75	4881
7		75	Perpendicular	10,500	Rectangular	75	4830
8		25	Perpendicular	17,362	Pipestem	100	7987
9		75	Perpendicular	10,500	Rectangular	75	4830
10		45	Perpendicular	23,028	Pipestem	120	10593
1		Corner	Perpendicular	10,025	Square	101	4612
2		71	Radial	9,412	Rectangular	80	4330
3		72	Radial	11,201	Rectangular	85	5152
4		61	Perpendicular	9,342	Square	75	0
5		54	Radial	12,259	Irregular	80	5639
6		44	Radial	11,712	Triangular	75	5388
7		37	Radial	10,109	Irregular	80	4650
8		40	Radial	17,900	Irregular	110	8234
9		50	Radial	15,261	Triangular	90	7020
10		62	Radial	14,061	Rectangular	85	6468
11		124	Radial	11,647	Triangular	100	5358
12		Corner	Perpendicular	12,663	Square	100	5825
13		92	Perpendicular	10,237	Square	92	4709
14		79	Perpendicular	9,179	Square	79	4222
15		None	Irregular	24,406	Irregular	110	11227
16		None	Irregular	33,517	Irregular	140	15418
16		25	Perpendicular	13,413	Pipestem	80	6172
17		45	Perpendicular	12,425	Pipestem	102	5715
Proposed Lots							
*Denotes width at building line							
** Denotes area within BRL							



Ethan Flynn, M.D.  
13009 Disney Lane  
Silver Spring MD 20906  
(301) 295-2520 (Office)

March 6, 2003



M-NCPPC  
Development Review Division  
8787 Georgia Avenue  
Silver Spring MD 20910-3760  
Reference: Wilton Oaks, M-NCPPC No. 1-03047

Dear Sirs:

As a property owner, I am writing to voice my concerns about the proposed subdivision (Wilton Oaks, M-NCPPC No. 1-03047). There is a lack of adequate public facilities: Disney Lane is narrow and not much more than a driveway. Two cars can't pass each other without one going off road into the grass. There is no way for trucks or emergency vehicles to turn around. We occasionally see a truck going through my yard or my neighbor, Mr. Thomas Tedder's yard, just to turn around at the dead end of Disney Lane. The dedicated cul-de-sac at the end of Disney Lane doesn't even exist.

Mr. Leon Trager, the owner of the vacant property in question, has tried three times (including the current attempt) to develop this property. Each time he has been asked to make improvements to Disney Lane. As the owner of property adjacent to his, Mr. Trager didn't even provide me a copy of the proposed development plans - I had to find out about it from my neighbor, Mr. Thomas Tedder - I am extremely concerned about the attempt at development of the property when the proposed plan doesn't show any improvements in public facilities.

Mr. Trager developed the entire east side of Disney Lane (on either side of my house) without making any improvements or doing any storm water work. One result is that water collects in my yard and my basement floods with every hard rain. After every rain we have a large standing body of water on the east side of Disney Lane - "Lake Leon" as we call it. The proposed development would bring the total to six lots in a row on a storm water waiver. During Mr. Trager's last subdivision development on Disney Lane, he signed documentation stating that he would participate in Disney Lane road improvements. He also had to leave behind a bond, to ensure he would solve some of the problems he left behind. If Mr. Trager develops the end of Disney Lane, he should have to install the cul-de-sac to code and improve the street to get rid of "Lake Leon". This would need to include storm water management. He has access to the south and to the east to direct and manage his runoff.

Thank you for considering these issues. They are deeply concerning to the residents of Disney Lane.

Sincerely,

*Ethan Flynn, M.D.*