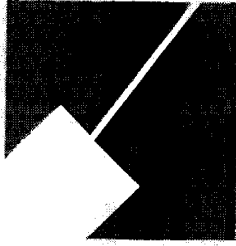


M-NCPPC



**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

**ITEM # 7**

**DATE: 4/1/04**



**MEMORANDUM**

**DATE:** March 26, 2004

**TO:** Montgomery County Planning Board

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

**FROM:** A. Malcolm Shaneman, Supervisor *AMS*  
Development Review Division

Richard A. Weaver, Senior Planner *RAW*  
Development Review Division (301) 495-4544

**REVIEW TYPE:** Pre-Preliminary Plan Review

**APPLYING FOR:** Resubdivision of Existing Lot 17, Parts of Lots 16 and 18, Block 106 Garrett Park

**PROJECT NAME:** Garrett Park

**CASE #:** 7-04014

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

**ZONE:** R-90

**LOCATION:** On the East side of Kenilworth Blvd., between the intersections of Clyde Avenue and Rokeby Avenue

**MASTER PLAN:** Kensington Wheaton

**APPLICANT:** John Siegel

**FILING DATE:** November 5, 2003

**HEARING DATE:** April 1, 2004

**STAFF RECOMMENDATION:** No Objection to the Submission of a Preliminary Plan Application

## **ISSUES**

The applicant is requesting guidance from the Planning Board on the merits of this property as a resubdivision and has attached a tabular summary and neighborhood delineation. Specifically, the applicant is looking for the Board's direction on the following issues:

- 1) Neighborhood Delineation – The neighborhood includes all lots within the same block as the subject property. The neighborhood also includes confronting lots on Kenilworth Boulevard from Clyde Avenue to Rokeby Avenue. Lots with frontage on Clyde Avenue were also included for comparison. Staff believes that the neighborhood delineation provides a sampling of lots that are representative of the neighborhood character.
- 2) Lot Size and Area – The proposed lot is 18,313 square feet in size and will have an area of 7,325 square feet. If approved as part of a preliminary plan, it will be the second largest lot with respect to size and area in the defined neighborhood.
- 3) Lot Shape – The lot will be irregular in shape; however, the majority of lots in the neighborhood are best described as irregularly shaped.

## **PROJECT DESCRIPTION:**

This is an application to resubdivide an existing lot and two parts of lots into a single lot within the Garrett Park Villa subdivision. This consolidation does not qualify for a minor subdivision. The resulting lot would be 18,313 square feet in size and would be irregularly shaped due, in large part, to a number of deed conveyances that occurred in the past.

## **SITE DESCRIPTION:**

The Garrett Park Villa plat was originally recorded in 1887. Numerous resubdivisions by plat have occurred through the years with the most recent in 1999. Notably, many of the platted lots have been altered by deed creating numerous unbuildable pieces of land, known as parts of lots. Currently a single-family house exists on the subject property and crosses a lot line. The applicant wishes to substantially rehabilitate or replace the house on the site, which by the applicant's account, is in a state of disrepair. Building permits cannot be issued for a structure that crosses a lot line; therefore, the applicant is requesting to consolidate the lots into a single lot so that a building permit can be obtained.

## **DISCUSSION:**

The lots and parts of lots that comprise the subject property are the result of a number of land transactions between adjoining property owners that appear to have been a common occurrence in this neighborhood. This request is to resubdivide through the assemblage of lots and parts of lots that are under common ownership. Under current law the Department of Permitting Services cannot issue a building permit for a structure crossing a lot line, therefore, the applicant is unable to perform any significant renovations to, or replacement of the existing home on the property.

If the Planning Board has no objection to the submission of a preliminary plan, a more detailed review of the seven resubdivision criteria will be presented for consideration. At this time, the applicant looks for guidance from the Board with respect to the Shape, Size and Area of the proposed lot and to the Neighborhood proposed by staff.

As stated above, the lot created under this proposal would be the second largest lot in size and area within the neighborhood. However, if approved as part of a preliminary plan, additional buildable lots would not be created. The existing house could be remodeled or demolished and rebuilt. The shape of the lot, while irregular, is not out of character with the neighborhood in that many of the lots are of irregular shape.

Additionally, it would be unlikely that the proposed lot could be further resubdivided given its shape. If a resubdivision was attempted, the resulting two lots would most likely have limited buildable area given the narrowness of the proposed lot in its easternmost portion. Of course, any resubdivision would be reviewed as part of a future application by staff and the Planning Board.

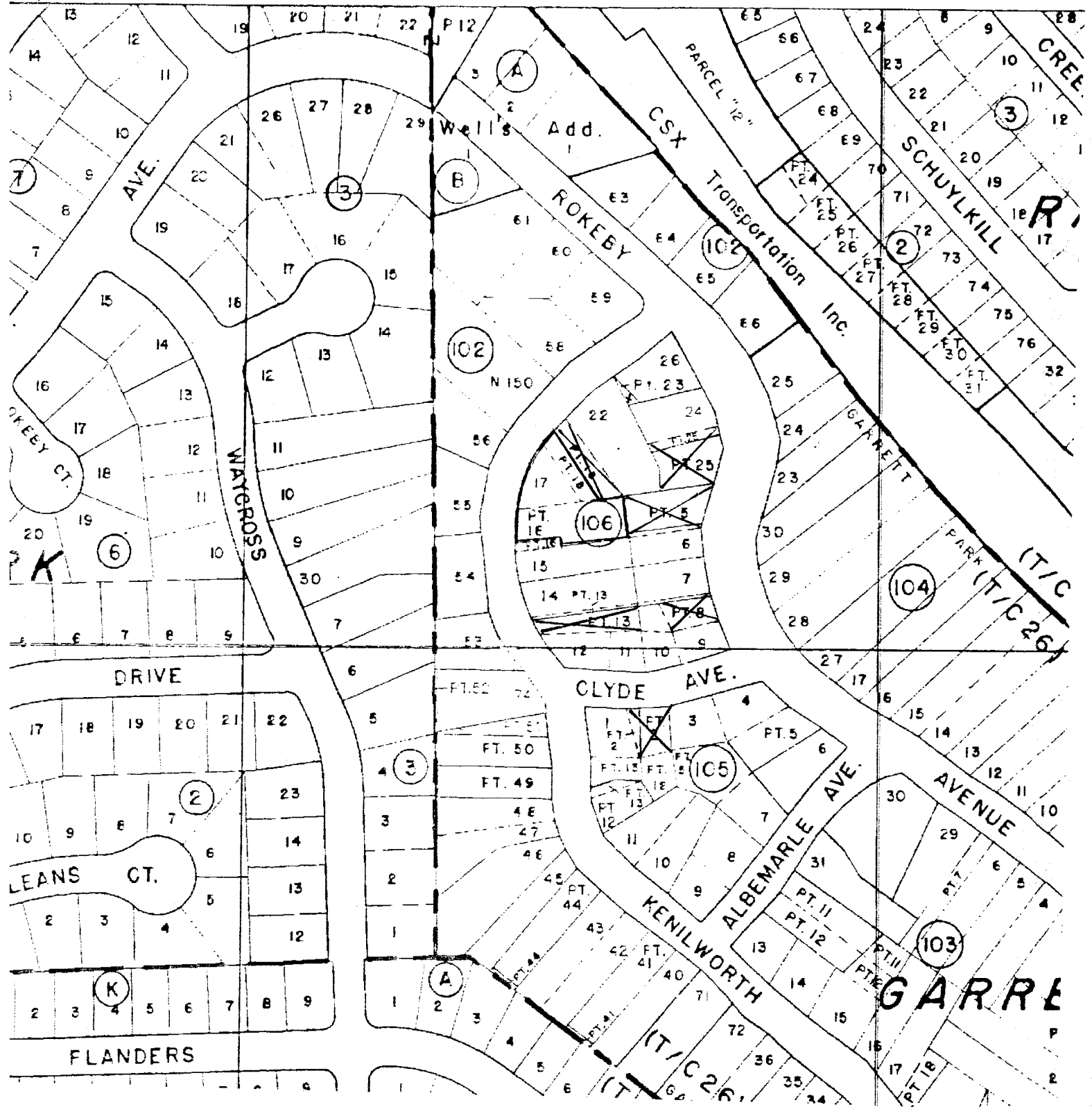
## **CONCLUSION:**

Staff has no objection to the submission of a preliminary plan application. Based upon the neighborhood delineation and the tabular summary, it appears that the application does comply with all seven of the resubdivision criteria. A more detailed review would be forthcoming with the preliminary plan submission.

## **Attachments**

Neighborhood Delineation  
Tabular Summary  
Pre-Preliminary Plan  
Letter from Town of Garrett Park

# NEIGHBORHOOD DELINEATION

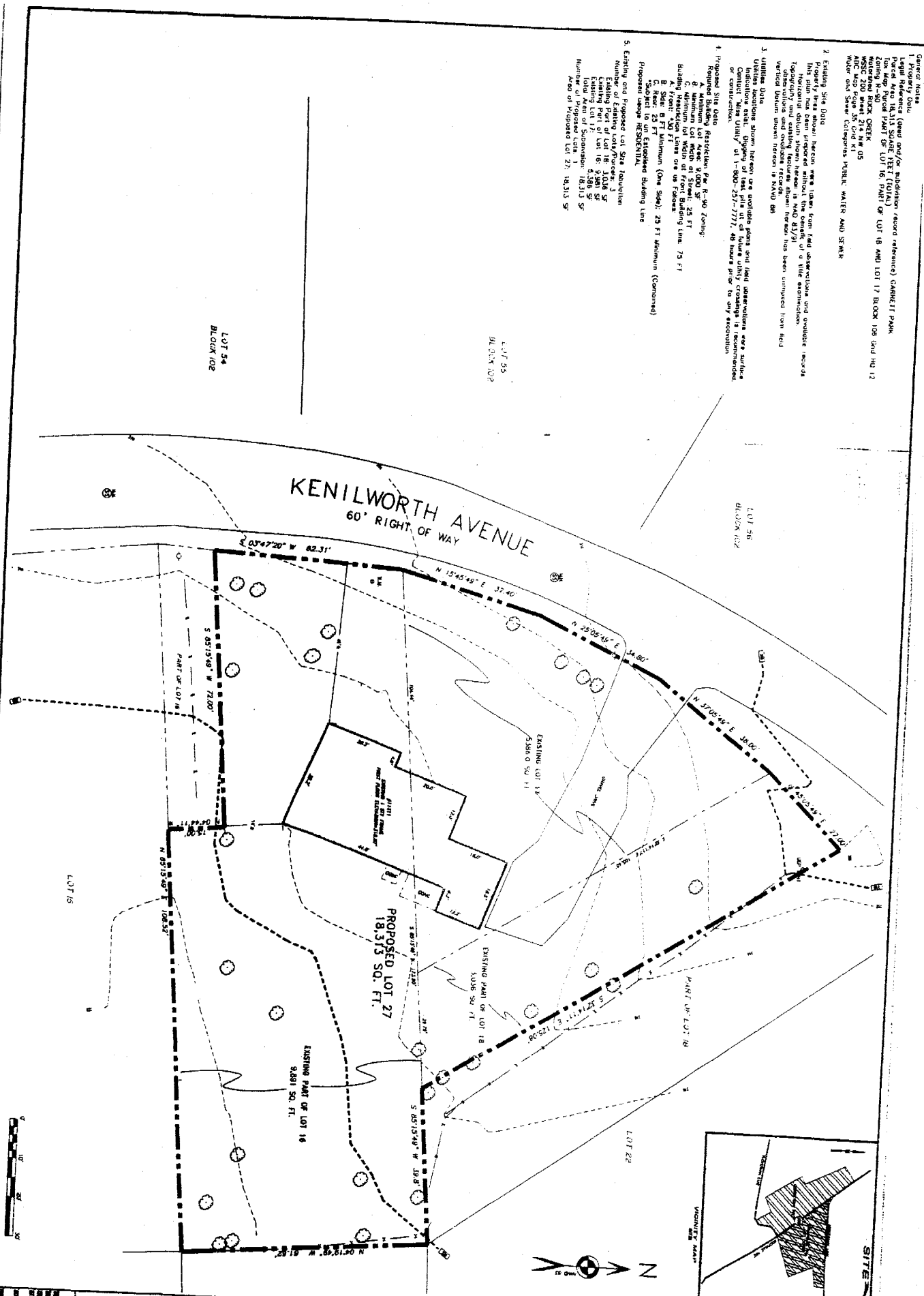


Comparable Lot Data Table

Garrett Park 7-04014

Lot #	Block	Frontage	Alignment	Size	Shape	Width	Lot Area
59	102	217'	Perpendicular	11,869	Square (corner)	100'	4,750
58	102	88'	Perpendicular	12,065	Irregular	90'	4,826
N150	102	111'	Perpendicular	24,992	Irregular	110'	9,997
56	102	71'	Perpendicular	11,761	Irregular	80'	4,704
55	102	99'	Perpendicular	10,254	Irregular	110'	4,101
54	102	119'	Perpendicular	10,403	Rectangular	120'	4,161
53	102	107'	Perpendicular	9,980	Irregular	90'	4,000
74	102	77'	Perpendicular	13,422	Irregular	81'	5,369
12	106	120'	Perpendicular	5,074	Irregular	74'	2,029
14	106	51'	Perpendicular	8,896	Rectangular	50'	3,558
15	106	50'	Perpendicular	9,056	Rectangular	50'	3,824
22	106	105'	Perpendicular	14,617	Irregular	95'	5,846
26	106	219'	Perpendicular	9,166	Irregular	89'	3,666
24	106	69'	Perpendicular	8,164	Rectangular	65'	3,265
6	106	50'	Perpendicular	5,787	Rectangular	50'	2,314
7	106	50'	Perpendicular	5,698	Rectangular	50	2,279
9	106	134'	Perpendicular	4,007	Rectangular	80'	1,602
10	106	57'	Perpendicular	3,069	Square	55'	1,227
11	106	54'	Perpendicular	3,179	Rectangular	50'	1,271
1	105	152'	Perpendicular	5,701	Square	70'	2,280
3	105	75'	Perpendicular	5,920	Square	80'	2,368
4	105	135'	Perpendicular	5,927	Irregular	85'	2,370
<b>Proposed</b>	<b>Lots</b>						
27	106	198'	Perpendicular	18,313	Irregular	140'	7,325

- 1. Owner Name
- 2. Existing Site Data
  - a. Property lines shown hereon were taken from field observations and available records. This plan has been prepared without the benefit of a title examination.
  - b. Topography (if shown hereon) is MVD 83/91.
  - c. Obstructions and conditions not shown hereon has been surveyed from field vertical datum shown hereon is NAVD 83.
- 3. Utilities Data
  - a. Utilities locations shown hereon are available plans and field observations were surface or subsurface.
  - b. Contact: Wes Utility at 1-800-237-7777, 48 hours prior to any excavation.
- 4. Proposed Site Data
  - a. Required Building Restriction per R-30 Zoning:
    - A. Minimum Lot Area: 9,000 SF
    - B. Minimum Lot Width: 25 FT
    - C. Minimum lot depth: 75 FT
  - b. Building Restriction Lines are as follows:
    - A. Side: 8 FT Minimum (One Side); 25 FT Minimum (Corner)
    - B. Rear: 25 FT Minimum (One Side); 25 FT Minimum (Corner)
    - C. Front: 25 FT Minimum (One Side); 25 FT Minimum (Corner)
  - c. Proposed Setback: 10 FT
- 5. Existing and Proposed Lot Size Information
  - a. Number of Existing Lots: 3
  - b. Existing Part of Lot 16: 9,881 SQ. FT.
  - c. Existing Part of Lot 18: 9,305 SQ. FT.
  - d. Lot 27: 18,313 SQ. FT.
  - e. Number of Proposed Lots: 1
  - f. Area of Proposed Lot 27: 18,313 SQ. FT.



NO.	DESCRIPTION	DATE
1	PRELIMINARY PLAN	08/15/05
2	REVISED PLAN	08/15/05
3	REVISED PLAN	08/15/05
4	REVISED PLAN	08/15/05
5	REVISED PLAN	08/15/05
6	REVISED PLAN	08/15/05
7	REVISED PLAN	08/15/05
8	REVISED PLAN	08/15/05
9	REVISED PLAN	08/15/05
10	REVISED PLAN	08/15/05

**PRE-APPLICATION  
CONCEPT PLAN**

LANDS OF  
PART OF LOTS 16, 18 AND LOT 17, BLOCK 10,  
**GARRETT PARK SECTION 1**  
L 12946 F 200  
14TH ELECTION DISTRICT  
MONTGOMERY COUNTY, MARYLAND

**O'C & L**

**O'Connell & Lawrence, Inc.**  
Construction Consultants, Engineers, Surveyors  
17904 Georgia Avenue, Suite 302  
Clary, Maryland 20822  
Tel: (301) 924-4570



05 March 2004

RECEIVED

MAR 08 2004

Mr. John Martin  
O'Connell & Lawrence, Inc.  
17904 Georgia Avenue, Suite 302  
Olney, MD 20832

**Re: Preliminary Plan, Lot 17, Part of Lots 16 & Lot 18, Block 106:  
11311 Kenilworth Avenue**

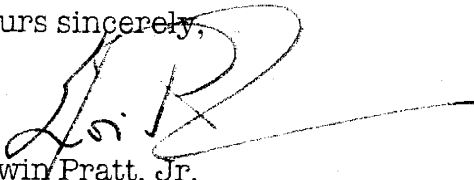
Dear Mr. Martin,

After a review of the plan, dated 1/7/2004, regarding the consolidation of Lot 17 with portions of lots 16 and 18, the Town finds no reason to object to the formation of proposed Lot 27.

Any alteration to existing structures or construction of new structures will, of course, require filling applications for appropriate Garret Park permits.

If you have questions please call.

Yours sincerely,

  
Edwin Pratt, Jr.  
Town Administrator

CC. Harry Gordon, Setback Advisory Committee Chair