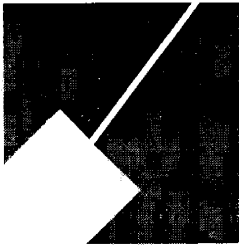


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M-NCPPC



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



MEMORANDUM

DATE: April 23, 2004

TO: Montgomery County Planning Board

VIA: Richard Hawthorne, Acting Chief *RCH*
Development Review Division

FROM: Richard Weaver, Senior Planner (301) 495-4544 *RAW*
Dolores M. Kinney, Senior Planner (301) 495-1321 *DMK*

REVIEW TYPE: Pre-Preliminary Plan Review

APPLYING FOR: Resubdivision of Existing Lot 4 Block A Willerburn Acres
Subdivision for Two Lots

PROJECT NAME: Willerburn Acres Lots 52 & 53, Blk. A

CASE #: 7-04047

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

ZONE: R-90

LOCATION: On Gainsborough Road, 1,000 feet east of Seven Locks Road.

MASTER PLAN: Potomac Subregion

APPLICANT: Janet Zuckerman

FILING DATE: January 26, 2004

HEARING DATE: April 1, 2004

STAFF RECOMMENDATION: Objection to the submission of a preliminary plan application, pursuant to Section 50-29 (b) (2), Montgomery County Subdivision Regulations.

SITE DESCRIPTION:

The subject property, Lot 4 of Block A ("Subject Property"), is part of the Willerburn Acres subdivision, which was originally recorded by plat in 1947. The Subject Property is located on the north side of Gainsborough Road, approximately 1,000 feet east of the intersection with Seven Locks Road and is zoned R-90. At 54,763 square feet, the Subject Property is among the largest lots in the subdivision and is presently improved with a single-family detached dwelling.

Gainsborough Road, which is classified as a primary residential road with a minimum right-of-way width of 70 feet, forms an eastern loop to intersect with Fontaine Street to the north. The Subject Property is located in the southern section of Gainsborough Road ("Southern Gainsborough"), which is characterized by an "open-section" roadway profile. By contrast, the northern section of Gainsborough Road ("Northern Gainsborough") has a "closed-section" roadway profile.

PROJECT DESCRIPTION:

This is an application to resubdivide the 54,753 square foot Subject Property into two residential lots. The applicant proposes to create a 26,746 square foot pipestem lot ("Proposed Lot 54"), and a 28,017 square foot lot in the balance of the Subject Property. Applicant proposes the demolition of the existing dwelling on the Subject Property and the construction of two new single-family detached dwellings.

Recent Resubdivision in the Neighborhood

On January 15, 2004, the Planning Board approved Preliminary Plan No.1-04037, entitled Willerburn Acres Lots 51 and 52, for the resubdivision of Lot 12A into two (2) lots ("Lot 12A Resubdivision"). Lot 12A, which at 66,831 square feet, among the largest lots in the subdivision, is located three lots to the east of the Subject Property on the north side of Gainsborough Road. The Lot 12A Resubdivision created two lots of approximately equal size. Neither of the latter approved resubdivided lots will be a pipestem lot. Staff has incorporated the resubdivided lots, as approved, into its analysis for the resubdivision of Lot 4.

DISCUSSION OF ISSUES

Master Plan Compliance

The Master Plan does not specifically identify the Subject Property for discussion but does give general guidance and recommendations regarding zoning and land use. The plan recommends that this area maintain the existing zoning as adopted and maintain the residential land use consisting of single-family detached homes. The proposed resubdivision complies with the recommendations adopted in the sector plan in that it is a request for residential development.

Conformance with Section 50-29(b)(2)

A. Statutory Review Criteria

In order to approve an application for resubdivision, the Planning Board must find that each of the proposed lots complies with all seven of the resubdivision criteria, 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.

B. Neighborhood Delineation

In administering Section 50-29(b)(2) of the Subdivision Regulations, the Planning Board must determine the appropriate "neighborhood" for evaluating the application. For the Lot 12A Resubdivision application, Staff recommended a neighborhood of approximately 30 lots, fronting along Southern Gainesborough Road, which included the subject property. The Board concurred with Staff's recommended neighborhood and the resubdivision of Lot 12A was approved based on an analysis that included the lots in that neighborhood. As stated above, the Subject Property is very close in proximity to Lot 12A; and, therefore, Staff is recommending that the Board apply the same neighborhood to this application.

Applicant and Staff have conflicting views on the appropriate delineation of a neighborhood for analysis purposes. The following describes the neighborhood recommended by Staff and the neighborhood recommended by the applicant. The applicant has provided a tabular summary of the area based on the resubdivision criteria, which is included in the staff report.

Applicant's Neighborhood

As illustrated on the attached vicinity map, the neighborhood proposed by the Applicant consists of 166 lots and includes: lots to the north of the Subject Property that front on Fontaine Street, Greenleaf Avenue, Whistler Court, Goya Drive, and Northern Gainsborough Road. The Applicant's preferred neighborhood also includes lots to the south of the Subject Property that front on Mary Cassatt Drive, Glackens Drive, Gauquin Lane, and Ivymount Terrace.

For the following reasons, Staff is of the opinion that Applicant's neighborhood is not appropriate. First, as stated above, the lots along Southern Gainsborough Road were recorded in the late 1940s or 1950s, in contrast with the lots in the Northern

Gainsborough Road section and along Ivymount Terrace, which were recorded in the late 1960s and are more urban in character, with smaller lots and dwellings close to the street—reflecting a different development pattern in the latter neighborhoods. Second, in contrast to the open-section character of Southern Gainsborough Road, Northern Gainsborough Road is characterized by closed section roads. Third, the neighborhood to the south, with lots fronting on Mary Cassatt Drive, Glackens Drive, Gauguin Lane, and Ivymount Terrace does not have direct connectivity to Gainsborough Road, where the Subject Property is located.

Staff's Neighborhood

The neighborhood delineated by Staff consists of 30 lots fronting Southern Gainsborough Road. It includes lots on the north side of Gainsborough, in Block A of the Willberburn Subdivision and lots on the south side of Gainsborough Road, in Block B, extending from Seven Locks Road in the west to the Gainsborough Road loop in the east. As has been stated above, this section of Gainsborough Road is an older neighborhood in a suburban setting containing large lots, with homes that are set back further from the street. The neighborhood delineated by Staff is identical to the neighborhood recommended by Staff—and approved by the Planning Board—in the Lot 12A Resubdivision.¹

ANALYSIS

Comparison of the Character of Proposed Lots to Existing

In performing the analysis, Staff applied the above-noted resubdivision criteria to the delineated neighborhood. Staff concludes that the proposed resubdivision does not comply with the area, frontage, and shape criteria of Section 50-2(b)(2). As set forth below, the attached tabular summary and graphical documentation support this conclusion:

Area: In Staff's neighborhood, which consists of 30 lots, lot areas range from a low of 10,653 square feet to 38,060 square feet. Proposed Lot 54, with an area of 9,563 square feet, would be the smallest lot in the neighborhood with respect to area. Only one existing lot in the neighborhood has an area smaller than that of Proposed Lot 53, which has an area of 11,340 square feet. Consequently, the high correlation required between the area of each of the proposed lots and the area of the existing lots does not exist.

¹ The applicant in the Lot 12A Resubdivision sought a more expansive neighborhood delineation than that recommended by Staff, and asked the Board to include lots fronting on Northern Gainsborough Road (considerably fewer lots than the Applicant in this resubdivision application seeks to include). The Planning Board rejected that applicant's request to expand the neighborhood and agreed that Staff's delineated neighborhood was appropriate for the purpose of analyzing the proposed resubdivision.

Frontage: In Staff's neighborhood lot frontages range from 25 feet to 231 feet. Proposed Lot 54 has a lot frontage of 25 feet, which is one (1) of three lots with the narrowest lot frontage in the neighborhood. As such, Staff finds that the requisite high correlation does not exist between Proposed Lot 53 and the existing lots in the neighborhood.

Shape: Proposed Lot 54 is a pipestem lot. There is only one existing pipestem lot in Staff's neighborhood. Therefore, the high correlation required between the shape of the proposed lots and the shape of the existing lots does not exist. In Staff's opinion, approval of a pipestem lot on the Subject Property would open the door to the resubdivision of the other large lots on the north side of Gainsborough Road, which would have a profound impact on the character of this neighborhood through the creation of a row of pipestem lots.

CONCLUSION

Section 50-29 (b) (2) of the Subdivision Regulations specifies seven criteria with which resubdivided lots must comply. They are street frontage, alignment, size, shape, width, area and suitability for residential use within the existing block, neighborhood or subdivision. The proposed resubdivision will create lots that will anchor the low end of the scale as it pertains to frontage, shape, and area. As such, a high correlation does not exist between the lot area, shape, and frontage of the proposed lots and existing lots in the neighborhood; and, therefore, the proposed resubdivision does not comply with Section 50-29(b)(2) of the Subdivision Regulations and Staff objects to the submission of a preliminary plan for this proposed resubdivision

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