

MEMORANDUM

DATE: May 3, 2004

TO: Montgomery County Planning Board

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

FROM: Richard Weaver, Senior Planner (301) 495-4544 *mail for Richard Weaver*
Dolores M. Kinney, Senior Planner (301) 495-1321 *Dmk*

REVIEW TYPE: Preliminary Plan Review

APPLYING FOR: Resubdivision of Existing Lot 14 Block C Ancient Oak West
Subdivision for One Lot

PROJECT NAME: Lot 37, Blk C, Ancient Oak West

CASE #: Preliminary Plan No. 1-03003

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

ZONE: R-200

LOCATION: Located on the east side of Chestnut Oak Drive, approximately
2000 feet east of Darnestown Road (MD 28)

MASTER PLAN: Potomac Subregion

APPLICANT: Robert L. Earp

FILING DATE: July 15, 2002

HEARING DATE: May 6, 2004

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

- 1) Compliance with the conditions of approval for the preliminary forest conservation plan. The applicant must satisfy all conditions prior to recording of plat(s) or MCDPS issuance of sediment and erosion control permits
- 2) Record plat to reflect a Category I easement over all areas of stream valley buffers and forest conservation
- 3) Compliance with the conditions of approval of the MCDPS stormwater management approval
- 4) Compliance with conditions of MCDPS (Health Dept.) septic approval
- 5) Record plat to reflect common ingress/egress and utility easements over all shared driveways
- 6) Access and improvements as required to be approved by MCDPWT prior to recordation of plat(s)
- 7) Preserve the existing 50' Bridle Trail Easement that exists on the property. Record plat to reflect 50' bridle trail easement as shown on approved preliminary plan
- 8) 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
- 9) Other necessary easements

PROJECT DESCRIPTION:

This is an application to resubdivide an existing lot containing 2.4322 acres into one residential lot. The proposed Lot 37 was created by deed prior to 1985. The applicant now seeks to construct a residence on the property and must therefore record the property as a record lot among the land records of Montgomery County; and, as such, must obtain preliminary plan approval, including, compliance with resubdivision criteria of the Subdivision Regulations.

PRIOR REVIEW:

Pre-preliminary Plan No. 7-99052 Ancient Oak West, for the same property was reviewed by the Planning Board on June 3, 1999. During the hearing, issues were raised regarding environmental features and topography of the area, and the difficulties in siting a house on the property including the fact the pipestem on the lot crosses the stream channel to Chestnut Oak Drive. For this reason, access was proposed across the easement. After some discussion, the Board had no objection to the submission of the preliminary plan.

SITE DESCRIPTION:

The subject property is part of the Ancient Oak West subdivision which was originally recorded by plat in 1947. The subject property is zoned R-200. The R-200

zone has a minimum lot area requirement of 20,000 square feet, and minimum frontage requirements of 25 feet and a 100-foot width at the building restriction line.

The proposed Lot 37 fronts on Chestnut Oak Drive. However, there is a recorded 25-foot wide ingress/egress easement from the property to Scarlet Oak Drive traversing Lots 15 and 16 of Block B, in the Quail Run subdivision.

DISCUSSION OF ISSUES

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

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.”

Master Plan Compliance

The subject property is part of the Potomac Subregion Master Plan. The master plan does not specifically identify this property for discussion but does give general guidance and recommendations regarding zoning and land use. The plan recommends rezoning this area from R-200 to RE-1 and maintains the residential land use consisting of one family detached homes. The proposed resubdivision complies with the recommendations adopted in the sector plan in that it is a request for residential development.

Neighborhood Delineation

In administering the Resubdivision section, the Planning Board must determine the appropriate “neighborhood” for evaluating the application.

The applicant proposes a neighborhood of approximately 22 lots, which extends to Scarlet Oak Drive on the east, Chestnut Oak Drive on the northwest and Water Oak Drive on the southwest. The subject property has access through an easement to Scarlet Oak Drive from lots in Quail Run Subdivision, therefore including lots from both subdivisions is appropriate. Staff concurs with the neighborhood proposed by the applicant because it provides an adequate sample that exemplifies the lot and development pattern of the area. This neighborhood was established at pre-preliminary review and is recommended again for the subject application.

ANALYSIS

Comparison of the Character of Proposed Lots to Existing

Determinations regarding resubdivision applications are subject to Section 50-29)b)(2) of the Subdivision Regulations. Approval is based on a high correlation in characteristics between the characteristics of the proposed lot and the existing properties in the delineated neighborhood. Specifically, these characteristics are shape, size, alignment, width, frontage, area and suitability for residential use. As set forth below, the attached tabular summary supports this conclusion:

Area: The neighborhood consists of 22 lots. **Lot areas** range from 21,012 square feet to 167,339 square feet. Proposed Lot 37, with an area of 74,163 square feet, would be the seventh largest in area and have a high correlation with the existing lots in the neighborhood with respect to area.

Lot Size: The **lot sizes** in the delineated neighborhood range from 14,794 square feet to 117,137 square feet. The proposed Lot 37 will be the seventh largest lot with a lot size of 105,947 square feet and is consistent in character with the other lots in the neighborhood.

Lot Frontage: The **lot frontages** range from 25.02 feet to 641.42 feet. The proposed Lot 37 will have a lot frontage of 25.02 feet and will be one of five lots in the neighborhood with frontages of approximately 25 feet, therefore, consistent in character with the lots in the neighborhood.

Lot Width: The **lot widths** range from 100 feet to 576 feet. The proposed Lot 37 will have a lot width of 380 feet, which is the second largest in the neighborhood and demonstrates a high correlation with the other lots in the neighborhood.

Shape: There are five existing pipestem **shaped** lots in the neighborhood. The proposed lot will be the sixth and in character with the neighborhood.

Alignment: There are approximately 13 existing radial lots in the neighborhood. The proposed Lot 37 is also radial in **alignment** and consistent in character with the other radial lots.

Residential Use: The existing lots and the proposed Lot 37 are residential in **use**.

Based on the size, shape, width, frontage, alignment, area and use, Lot 37 will have a high correlation with the existing lots in the neighborhood and complies with Section 50-29 (b) (2) of the Subdivision Ordinance.

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 lot is of the same character with respect to each of the above criteria as other lots in the delineated neighborhood. Therefore, based on the delineated neighborhood, staff recommends approval of the subject application.

Attachments

- Attachment 1 Vicinity Development Map
- Attachment 2 Neighborhood Delineation Map
- Attachment 3 Proposed Development Plan
- Attachment 4 Tabular Summary
- Attachment 5 Pre-Preliminary Minutes Planning Board Hearing June 3, 1999
- Attachment 6 Pre-Preliminary Planning Board Opinion