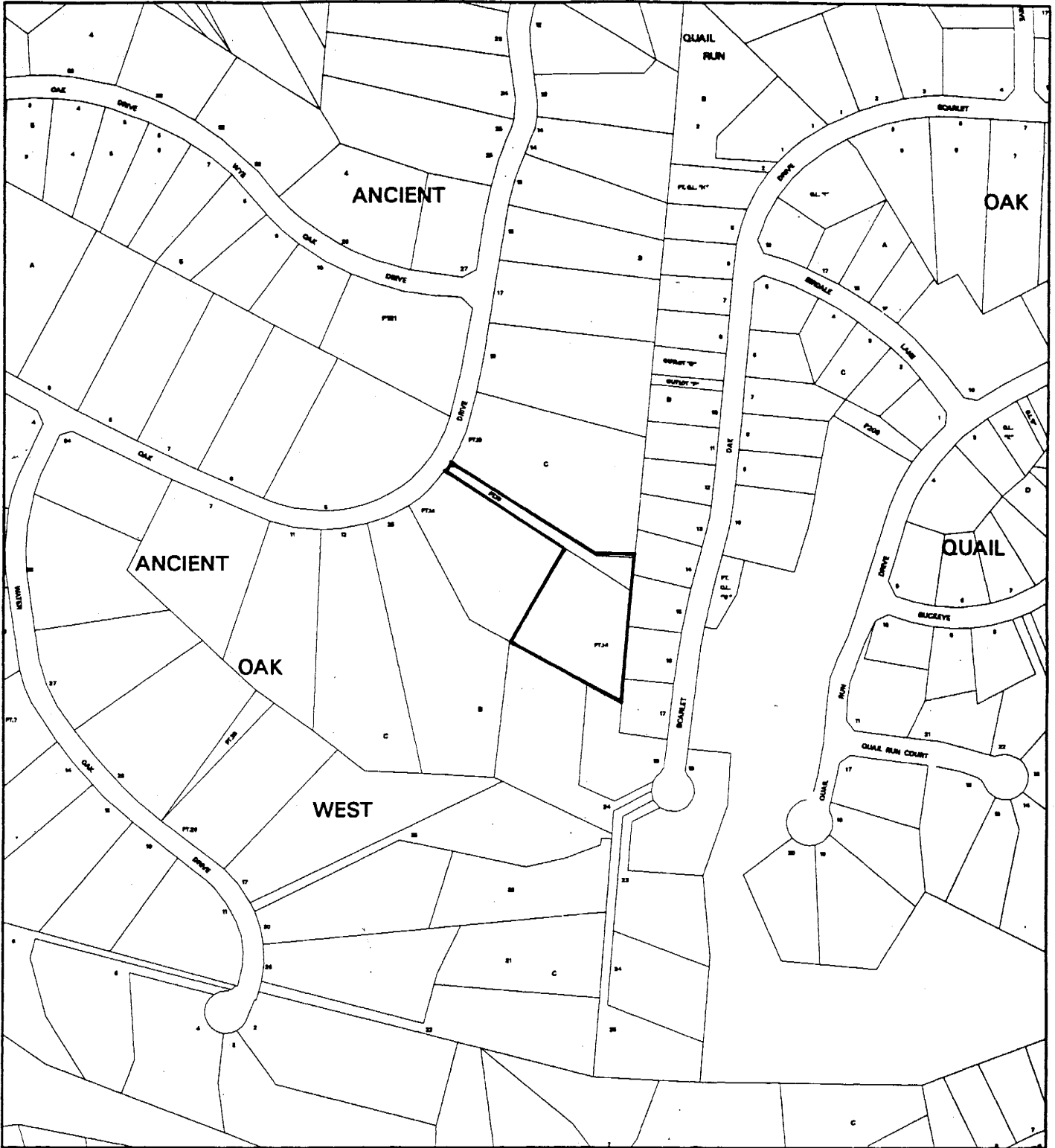


VICINITY MAP FOR

LOT 37, BLK. C, ANCIENT OAK WEST (1-03003)



Map compiled on August 01, 2002 at 9:23 AM | Site located on base sheet no - 220NW13

NOTICE

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Key Map



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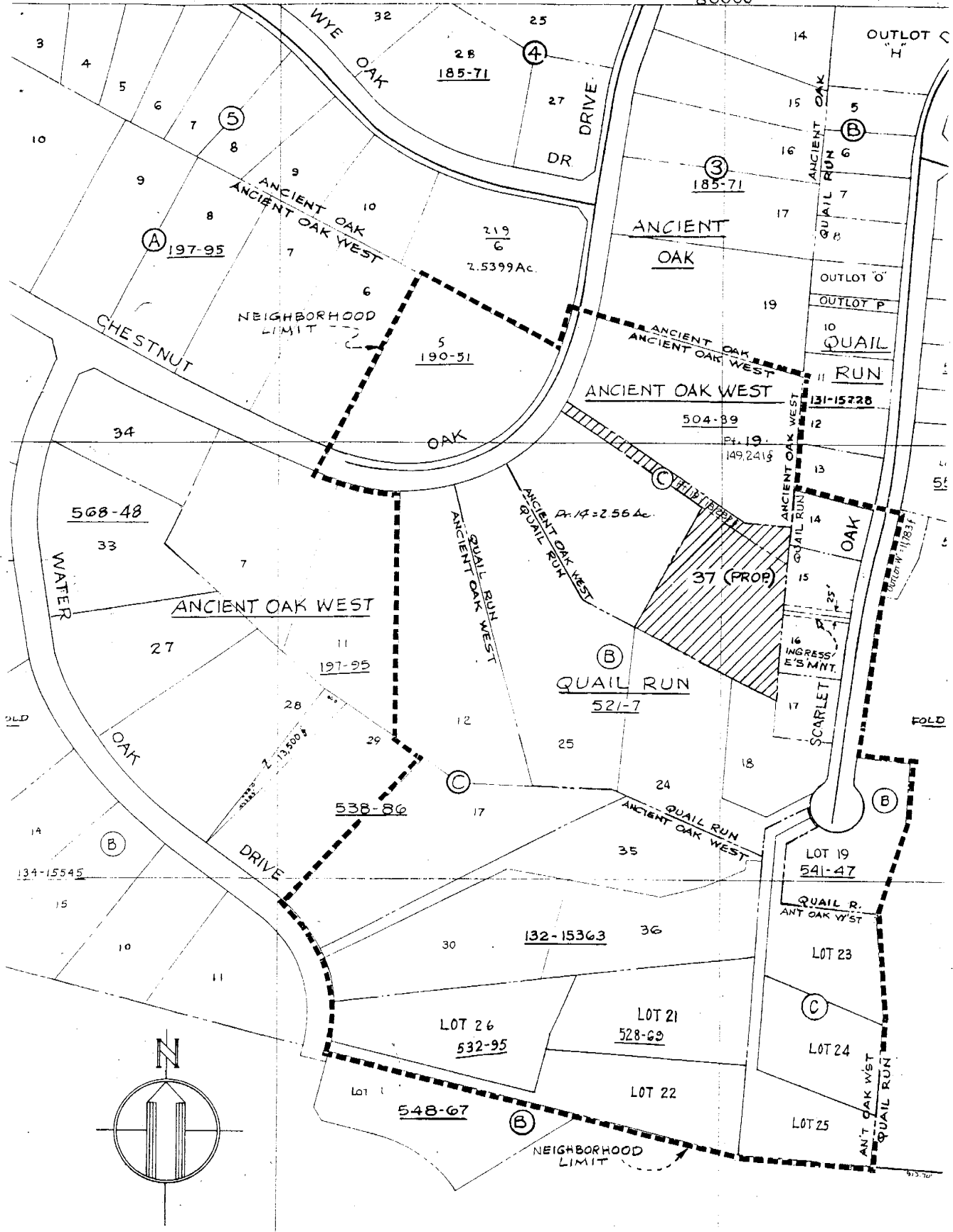
Research & Technology Center



1 : 4800

MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING
 THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

8787 Georgia Avenue - Silver Spring, Maryland 20910-5760



SCALE: 1" = 200'

RESUBDIVISION: LOT 37, BLOCK C, ANCIENT OAK WEST
PRELIMINARY PLAN NEIGHBORHOOD

Rollinmed Inc.
L-4948 F-133
97.41Ac.

JEROME J NORRIS
6001 32ND ST NW
WASHINGTON DC 20015-1603

Ancient Oak West

Block	Lot	Frontage	Alignment	Size	Shape	**Width	*Area
C	36	209.17	NO ST. FRONTAGE	85,100	IRREGULAR	185	87,160
C	21	241.30	NO ST. FRONTAGE	86,000	PENTAGONAL	230	87,120
C	24	209.12	NO ST. FRONTAGE	57,400	RHOMBOID	209	57,509
B	19	249.81	PARALLEL	57,750	IRREGULAR	340	60,042
B	16	144.62	PARALLEL	21,021	RECTANGULAR	145	21,043
B	17	153.50	PARALLEL	16,851	TRAPEZOID	153	21,012
B	18	158.86	PERPENDICULAR	47,000	IRREGULAR	145	47,100
B	14	121.20	PERPENDICULAR	21,054	TRAPEZOID	121	21,134
B	25	125.00	RADIAL	136,500	IRREGULAR	136	167,339
C	17	125.00	RADIAL	127,650	IRREGULAR	139	128,685
C	30	99.98	RADIAL	99,450	PENTAGONAL	111	99,919
C	26	99.98	RADIAL	92,150	PENTAGONAL	111	94,769
C	12	122.00	RADIAL	138,600	PENTAGONAL	135	139,916
C	14	170.00	RADIAL	110,700	PENTAGONAL	188	111,106
C	19	201.76	RADIAL	148,200	PENTAGONAL	212	149,241
A	5	641.42	RADIAL	120,000	PIE	576	128,629
C	35	25.02	RADIAL	72,600	PIPESTEM	100	87,212
C	23	25.79	RADIAL	49,500	PIPESTEM	180	59,280
C	25	25.79	RADIAL	19,500	PIPESTEM	200	64,894
C	22	25.02	RADIAL	83,700	PIPESTEM	220	98,348
B	15	129.12	RADIAL	20,925	TRAPEZIUM	132	21,021
B	24	33.32	RADIAL & PARALLEL	86,950	PIPESTEM	380	98,598
Prop C	37	25.02	RADIAL	98,000	PIPESTEM	380	105,947
* Denotes Approximate Usable Area							
** Width at Building Line							

9. **Pre-Preliminary Plan No. 7-99052 - Ancient Oak West (Resubdivision)**

Robert Earp; Applicant
Jerome Norris and Associates: Engineer

R-200 Zone; One (1) Lot Requested; 2.4 Acres
Septic Sewer and Community Water

East Side of Chestnut Oak Drive, Approximately 475 Feet South of Wye Oak Drive

Policy Area: North Potomac

Staff Recommendation: Objections to Submission of Preliminary Plan Application, Pursuant to Section 50-29(b)(2) of the Subdivision Regulations

BOARD ACTION

Motion: RICHARDSON/HOLMES

Vote:

Yea: 4-0

Nay:

Other: BRYANT

Action: CONTRARY TO THE STAFF RECOMMENDATION, AGREED TO HAVING NO OBJECTIONS TO SUBMISSION OF A PRELIMINARY PLAN APPLICATION THAT ADDRESSES THE ISSUES RAISED IN DISCUSSION AND NOTED BELOW.

In opening remarks, Development Review staff noted that in submitting a pre-preliminary plan the applicant is seeking advice from the Board as to the likelihood that a preliminary plan, if submitted, would be approved. In reviewing the proposed resubdivision, staff explained that the applicant proposes to create one lot by combining the residue of a subdivision by deed with other parts of lots. For purposes of applying the resubdivision criteria, staff concurred in the neighborhood defined by the applicant in distributed materials, including the adjoining properties in the Quail Run and Ancient Oak subdivisions. In staff's view, this is a close call. Although the proposal technically meets the resubdivision criteria, staff raised a concern about setting a precedent for other resubdivisions in the neighborhood, despite private covenants related to lot sizes and extreme topographic and environmental features. In addition, staff noted concerns about the suitability of the location of the house. For those reasons, staff objects to submission of a preliminary plan.

Mr. Jerome Norris, the applicant's engineer, introduced Mr. Robert Earp, the applicant, and provided information about the environmental features and topography of the area and the difficulties in siting a house on the property.

CONTINUED NEXT PAGE

9. Pre-Preliminary Plan No. 7-99052 - Ancient Oak West

CONTINUED

Responding to questions from Commissioner Richardson, Mr. Norris verified that the pipestem on the lot crosses the stream channel to Chestnut Oak Drive. He clarified, however, that access will not be across the pipestem, rather it will be across an easement to Scarlet Oak Drive.

Staff noted that the stream channel is very deep and there would be a need for excessive grading to allow access across the pipestem to Chestnut Oak Drive. In contrast to the previous item, in which an access easement was denied, this plan has legal frontage, but alternate access is requested because of the topography and environmental features of the site.

Legal Counsel to the Board elaborated, noting that in this case, no waiver is necessary.

Mr. Robert O'Brien, owner of lot 15 in the Quail Run subdivision, to the rear of the subject property, verified that the access easement abuts his property. He stated that he and the abutting lot 16 have driveways that run along the access easement, and he was unaware that an additional driveway would cross the easement between the two existing driveways.

Mr. Robert Keller, owner of lot 14 in the Quail Run subdivision spoke in opposition to the proposal and suggested that any access should be via the pipestem to Chestnut Oak Drive, rather than via access to Scarlet Oak Drive. He also expressed the view that the proposed development, particularly three abutting driveways to Scarlet Oak Drive, would be inconsistent with the character of the neighborhood.

Responding to testimony, Mr. Norris stated that Mr. O'Brien and the owner of lot 16 had asked the applicant if a common driveway could be created for the three lots on the access easement. Mr. Norris stated that the applicant is amenable to such an arrangement, subject to suitable agreements. Mr. Norris noted that the easement was granted before the other lots were sold.

Responding to questions from Vice Chairman Holmes about the reference to Section 50-29(b)(2), in the staff recommendation above, staff noted that it refers to the criterion related to maintaining the character of the neighborhood.

The Vice Chairman expressed the view that the proposed development does not meet that criterion.

Commissioner Richardson noted that the property is 2.4 acres and an easement was created to provide access. In his view there was no intent that the property would not be used. He cited other panhandle lots in the neighborhood and expressed the view that a house could be sited on the lot in a way that is in character and protects the environment.

Staff elaborated on the concern about character, related to the suitability for development, placement of the house on the lot in relation to the adjoining subdivision, and to setting a precedent for other resubdivisions. Staff noted that the topography does not provide much room to adjust the house location.

Chairman Hussmann noted that there have been cases in which an easement access has been approved to protect environmental features. He agreed with Commissioner Richardson that the creation of the easement indicates the intention that the lot would be developed.

Commissioner Richardson suggested that the issues raised in discussion could be adequately addressed in a submitted preliminary plan of subdivision.

Commissioner Perdue said that it appears that the proposal meets the resubdivision criteria and she is not convinced that the property is not suitable residential use.

Vice Chairman Holmes said that he will want to see the issue of the driveways addressed in a preliminary plan. In his view, three abutting driveways will not be in character with the neighborhood.

Commissioner Richardson added that he will focus at preliminary plan review on any adverse impact to the stream.