



8787 Georgia Avenue  
Silver Spring, Maryland 20910-3760



**MEMORANDUM**

**DATE:** May 7, 2004

**TO:** Montgomery County Planning Board

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

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

**REVIEW TYPE:** Preliminary Plan Review

**APPLYING FOR:** Resubdivision of Part of Lot 1, Block A Hermitage Subdivision for Six (6) Lots

**PROJECT NAME:** Hermitage Lots 19-24, Block A

**CASE #:** Preliminary Plan No. 1-04065

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

**ZONE:** R-90

**LOCATION:** Located between Ewood Lane and Mumford Drive, 150 feet north of Manor Spring Court, approximately 1,000 feet west of Layhill Road (MD 182)

**MASTER PLAN:** Kensington/Wheaton

**APPLICANT:** Hok Yip

**FILING DATE:** February 27, 2004

**HEARING DATE:** May 13, 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) Applicant bound by tree protection measures (Category II easements) as specified on approved Tree Save Plan
- 3) Compliance with the conditions of approval of the MCDPS stormwater management letter dated March 5, 2004
- 4) Record plat to reflect a 25 ft. ingress/egress easement over lot 22 for the benefit of proposed lot 24. The ingress/egress easement must provide that at such a time as the existing home on Lot 24 is demolished and replaced, the easement shall extinguish, access to the new home on Lot 24 shall be via driveway to Mumford Drive, and the owner of Lot 24 shall remove the existing driveway within the easement area of proposed Lot 22 and return the disturbed area to a natural state
- 5) Access for house on proposed Lot 23 to be via driveway to Mumford Drive
- 6) Access and improvements as per MCDPWT letter dated, April 29, 2004, unless otherwise amended
- 7) 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
- 8) Other necessary easements

#### **SITE DESCRIPTION:**

The property is part of the Hermitage Subdivision, which was originally recorded in 1934. The property is located approximately 1,000 feet west of Layhill Road (MD 192) and is zoned R-90. The R-90 zone requires a minimum lot area of 9,000 square feet with a front setback of 30 feet and side and rear setbacks of 25 feet. The site is currently occupied by an existing structure that has driveway access to Ewood Lane.

The surrounding neighborhood has redeveloped substantially from the original platted configuration; much of the subdivision activity has occurred recently.

#### **PROJECT DESCRIPTION:**

This is an application to resubdivide a part of a lot containing 1.8 acres into six (6) residential lots. The subject property has an existing structure on it that will remain. Access to the existing dwelling is via Ewood Lane. The layout and location of structures in and around the existing house is such that it is appropriate to continue access to this house from the existing driveway to Ewood Lane. The proposed house on Lot 23 should access Mumford Drive to provide a consistent pattern of homes accessing the road upon which they front.

## **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 Kensington/Wheaton 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 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 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 has proposed a delineated neighborhood of approximately 30 lots, which extends to Eagle Rock Place to the north, Manor Spring Terrace to the south, Wilton Oak Place to the west and just beyond Ewood Lane to the east ("Neighborhood"). The Neighborhood consists of lots in the original Hermitage Subdivision, Manor Spring West subdivision and the Strathmore at Bel Pre Subdivision. 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.

### **Driveway Access**

The applicant disagrees with the staff recommendation that the new home on Lot 23 have direct driveway access to Mumford Drive. While staff believes that this will provide a more consistent pattern for the newer homes on Mumford Drive, i.e., with

driveways to the road upon which they front, the applicant cites the potential need for excessive grading and retaining walls to accommodate said driveway construction. Staff has further recommended a condition that would require any replacement home on proposed Lot 24 to have direct driveway access to Mumford Drive to further return the neighborhood to a more consistent pattern should redevelopment of that lot ever occur.

## 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. In order to approve a resubdivision, the Planning Board must find a high correlation between each of the characteristics of the proposed lots and the respective characteristics of the existing lots 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 and graphical material support this conclusion:

**Area:** Useable lot areas in the Neighborhood range from 2,822 square feet to 18,403 square feet. The proposed lot areas will range from 3,487 to 11,307. The proposed lots therefore, have a high correlation with the existing lots in the Neighborhood with respect to area.

**Lot Size:** The gross lot sizes in the Neighborhood range from 9,000 square feet to 30,013 square feet. The proposed lots, which have square footages that range from 9,909 to 22,370 and are consistent with respect to their sizes, with the other lots in the Neighborhood.

**Lot Frontage:** Neighborhood lot frontages range from 25.35 feet to 276.90 feet. The proposed lots have lot frontages that range from 28.00 feet to 101 feet; and therefore, are consistent in character with the existing lots in the Neighborhood, with respect to frontage.

**Lot Width:** Neighborhood lot widths range from 57.41 feet to 142.05 feet. The proposed lots have lot widths ranging from 75.00 to 101 feet, which demonstrates a high correlation with the widths of other lots in the Neighborhood.

**Shape:** The proposed resubdivision will create two irregular shaped lots, one trapezoidal lot and three rectangular lots. There are eight existing irregular shaped lots, nine existing trapezoidal lots and eight existing rectangular lots. The proposed lots will be in character with the existing neighborhood.

**Alignment:** There are approximately 12 existing perpendicular lots in the neighborhood and seven radially aligned lots in the neighborhood. The proposed resubdivision will create five perpendicular lots and one radial lot. The proposed

resubdivision will be in character with the existing lots as they pertain to alignment.

**Suitability for Residential Use:** The proposed lots are residentially **zoned** and their respective topographies and other features are consistent with residential use.

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

#### **CONCLUSION:**

As set forth above, Section 50-29 (b)(2) of the Subdivision Ordinance specifies seven criteria for which resubdivided lots must substantially comply. Staff has determined in its analysis that the proposed lots are 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 Citizen Correspondence