

MEMORANDUM

DATE: September 24, 2004

TO: Montgomery County Planning Board

VIA: Richard Hawthorne, Acting Chief *RCH*
Catherine Conlon, Acting Supervisor *CC*
Development Review Division

FROM: Richard Weaver, Coordinator (301) 495-4544 *RAW*

REVIEW TYPE: Preliminary Plan Review

APPLYING FOR: Resubdivision of Pt. of Lot 16, Pt. of Lot 18 and Lot 17

PROJECT NAME: Garrett Park Section 1

CASE #: 1-04102

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

ZONE: R-90

LOCATION: Located on the east side of Kenilworth Avenue, approximately 250 feet southwest of Rokeby Avenue

MASTER PLAN: North Bethesda Garrett Park

APPLICANT: Jon Siegel

FILING DATE: June 17, 2004

HEARING DATE: September 30, 2004

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

- 1) Access and improvements as required to be approved by MCDPWT prior to recordation of plat.
- 2) Compliance with Tree Save plan as approved by MNCPPC
- 3) Applicant to submit an engineered sediment control plan to MCDPS at the time of building permit.
- 4) 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
- 5) Other necessary easements

PREVIOUS BOARD ACTION

On April 1, 2004, the Planning Board considered a non-binding, pre-preliminary plan for the subject property. Staff requested that the Planning Board provide their thoughts on the plan with respect to:

- Neighborhood Delineation
- Lot Size and Area
- Lot Shape

At that hearing, the Planning Board agreed with the neighborhood delineation provided by the applicant. The same neighborhood delineation has been submitted and is the basis for the current application. The pre-preliminary plan indicated that the proposed lot would be the second largest in the neighborhood with respect to size and area. After discussion with staff, the Planning Board was comfortable that the lots were of similar character with respect to size and area. The Board also examined the shape of the lot and found that the neighborhood had other lots of irregular shape and that the proposed lot was similar in character.

SITE DESCRIPTION:

The Subject Property, Lot 17, Pt. of 16 and Pt. of 18 ("Subject Property"), is part of the Garret Park Subdivision which was recorded in part in 1887, 1946 and 1954. Numerous resubdivisions have occurred; the most recent in 1999. The subject property is located on the east side of Kenilworth Avenue, approximately 250 feet southwest of Rokeby Avenue and is presently improved with a single-family detached dwelling to be demolished and replaced with a new single-family detached dwelling. The property contains 0.4204 acre.

PROJECT DESCRIPTION:

This is an application to resubdivide parts of lots and a recorded lot into one buildable lot. Since the parts of lots were created (deeded) after June 1, 1958, the assemblage of these lots will not qualify for a minor subdivision. The resulting lot will be 18,313 square feet in size.

DISCUSSION OF ISSUES

Master Plan Compliance

The North Bethesda Garrett Park 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

The defined neighborhood used in the evaluation of this resubdivision contains 22 lots as shown on the attached neighborhood delineation. Lots in the neighborhood vary widely with respect to size, shape, width, frontage and area. Many parts of lots exist in close proximity to the subject property that were not, as is Planning Board practice, included in the defined neighborhood because there is no assurance that they meet the minimum zoning standards.

Staff has provided the identical neighborhood delineation that the Planning Board considered as part of the pre-preliminary plan. The neighborhood provided provides an adequate sample that exemplifies the lot and development pattern of the area.

ANALYSIS

Comparison of the Proposed Lots to Existing

Staff applied the resubdivision criteria noted above to the subject application and concludes that the proposed lot falls within the neighborhood range for six of the seven

resubdivision criteria. **The exception is width.** Staff notes that the proposed lot is on the inside of a curve in Kenilworth Avenue. The resulting width is a function of the frontage on this street. Following is a detailed analysis for each of the seven criteria and a staff conclusion regarding lot correlation and character comparison:

Area: In a neighborhood of 22 lots, the existing lot areas range from 1,227 square feet to 9,997 square feet. **The proposed lot is 8,846 square feet and demonstrates a high correlation with the existing lots in the neighborhood. Therefore, staff finds that the proposed lot is of the same character with respect to area, as the existing lots in the neighborhood.**

Lot Size: The neighborhood consists of 22 lots, which range in size from 3,179 square feet to 24,992 square feet. The proposed lot is 18,313 square feet in size. **Therefore, the proposed lots will be of the same character and have a high correlation with regard to size as the other lots in the neighborhood.**

Alignment: All lots within the neighborhood align perpendicularly to the road. The same is true for the proposed lot. **Staff therefore finds there to be a high correlation with other lots and that the proposed lot is of the same character as the existing lots.**

Lot Frontage: The lot frontages in the existing neighborhood range from 50 feet to 219 feet. The proposed resubdivision will have a lot frontage of 184 feet. **Again, staff finds there to be a high correlation and finds the proposed lot to be of the same character as the other lots in the neighborhood with respect to lot frontage.**

Shape: The existing neighborhood consists of a mix of rectangular and irregularly shaped lots. The proposed resubdivision creates one irregularly shaped lot that **staff finds to have a high correlation and to be of the same character with the lots in the defined neighborhood.**

Width: The neighborhood consists of lots that range from 50 feet to 120 feet. The lot width of the proposed lot is 140 feet. The lot will be the widest in the neighborhood; however, this is due to its location on the inside of a curve on the frontage road. The width is not disproportionate with other wider lots in the defined neighborhood. **While the proposed lot does not have a high correlation with the lots in the defined neighborhood it is of the same character with respect to width.**

Suitability for Residential Use: The proposed lots in the neighborhood are zoned residential and are suitable for residential use.

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. Staff concludes that the proposed lot has a high correlation with six of the seven criteria, with width being the exception. Staff finds, however, that the proposed lot is of the same character with the existing lots in the neighborhood with respect to the seven resubdivision criteria and complies with Section 50-29(b)(2) of the Subdivision Regulations. As such, Staff recommends approval of the preliminary plan.

Attachments

- Attachment 1 Vicinity Development Map
- Attachment 2 Neighborhood Delineation Map
- Attachment 3 Proposed Development Plan
- Attachment 4 Tabular Summary
- Attachment 5 Correspondence

GARRETT PARK, SEC. ONE, LOT 17, PT. OF LOTS 16 & 18 (1-04102)



Map compiled on July 06, 2004 at 11:22 AM | Site located on base sheet no - 214NW05

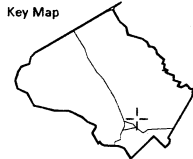
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Key Map

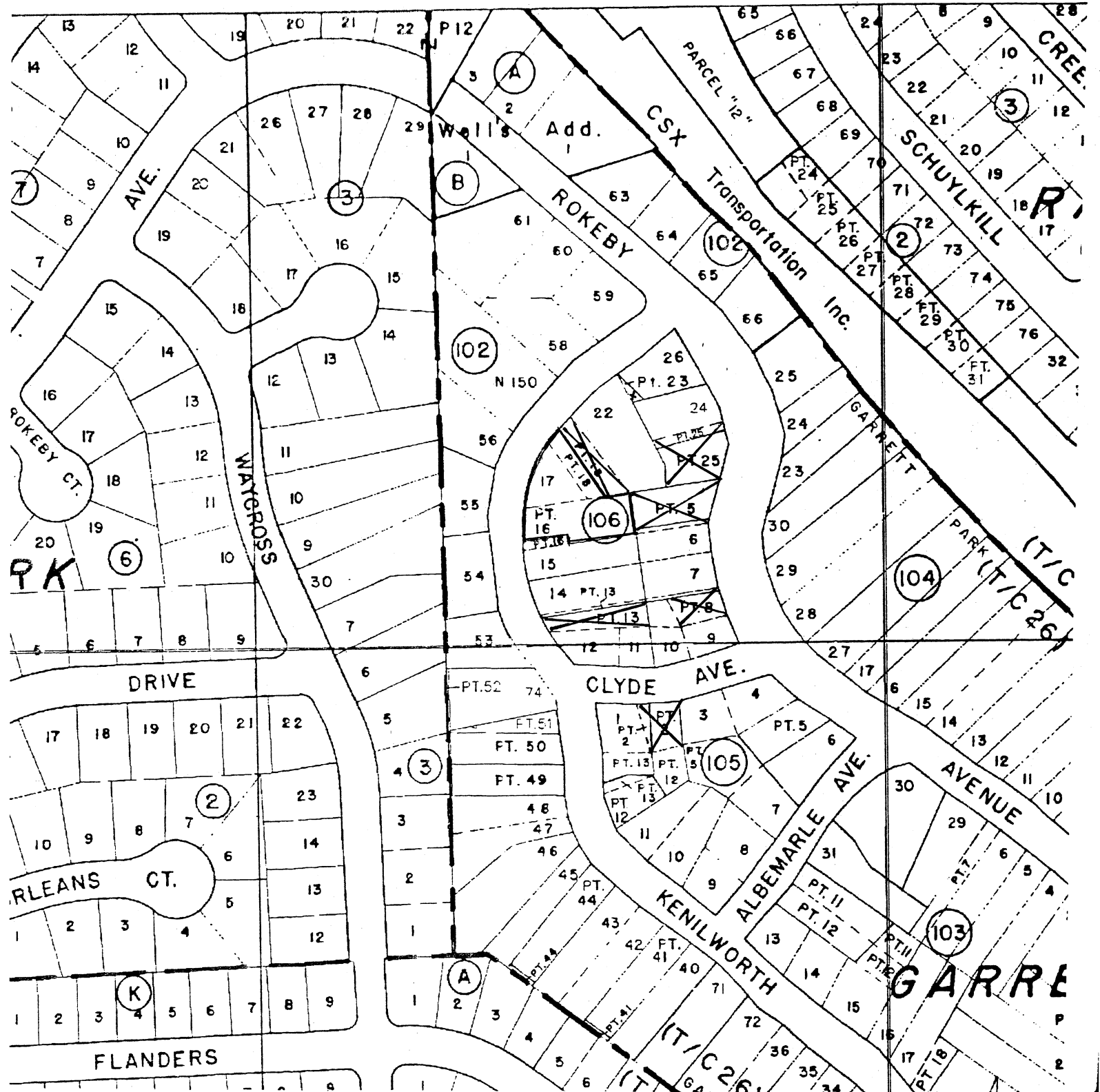


Research & Technology Center

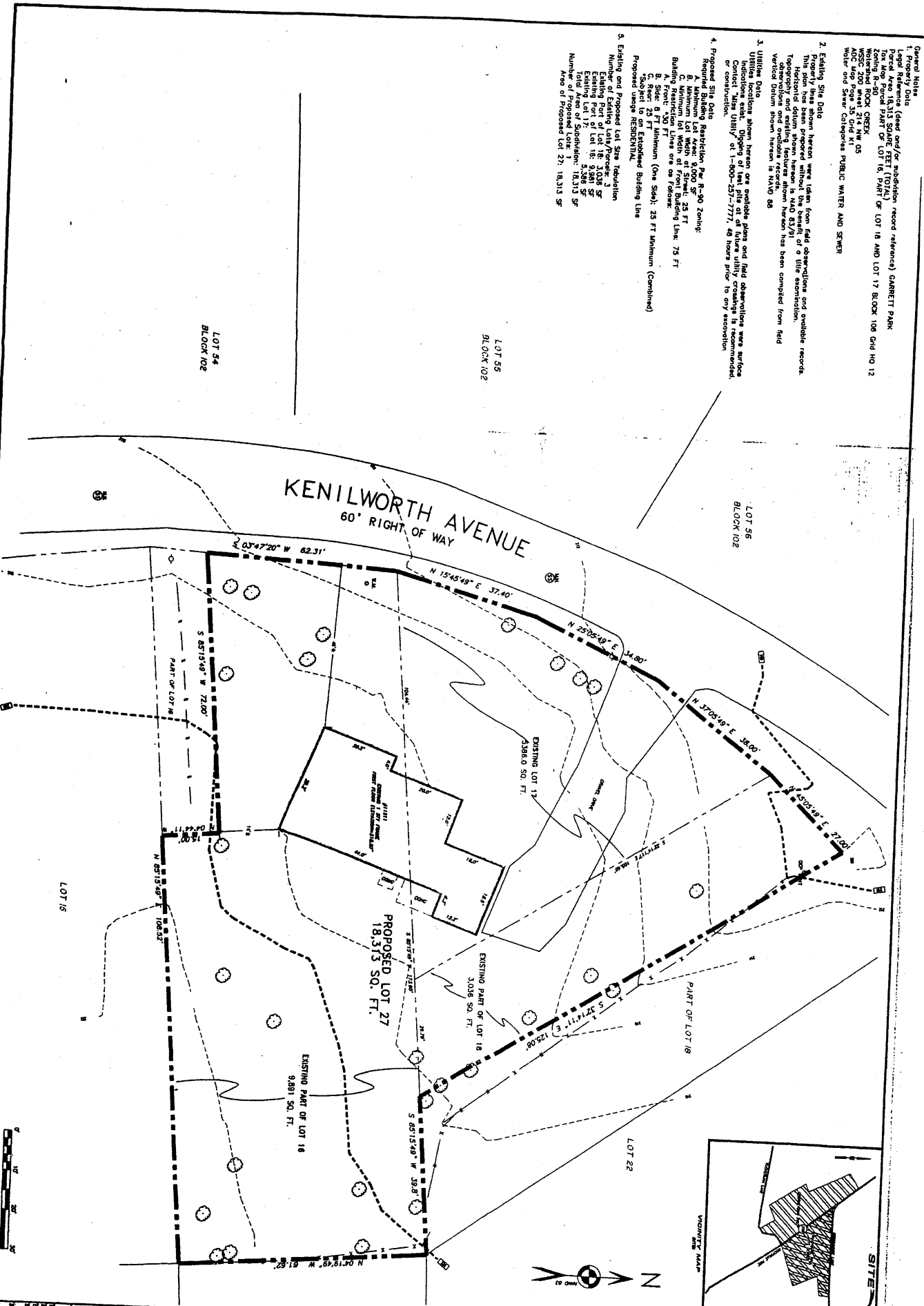


1 inch = 200 feet
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NEIGHBORHOOD DELINEATION



1. **General Note**
 Property Data (land and/or subdivision record references) GARRETT PARK
 Parcel Address: 11111 (FOIA) For Map Parcel Part of LOT 16, 18, 17, 18 AND LOT 17 BLOCK 106 CHD HO 12
 Working Plan: 5000 GRESK
 WSSC 200 sheet 214 NW 05
 MDC Map Page 35 CHD K1
 Water and Sewer Collection PUBLIC WATER AND SEWER
2. **Existing Site Data**
 Proposed Building
 This plan has been prepared from field observations and available records.
 Horizontal datum shown herein is NAD 83/93 of a title examination.
 Topographic and existing features shown herein has been compiled from field observations and available records.
 Vertical Datum shown herein is NAVD 88
3. **Utilities Data**
 Utilities locations shown herein are available along and field observations were surface indications exist. Digging of test pits at all utility locations was recommended.
 Utility of 1-800-257-7777, 48 hours prior to any excavation.
4. **Proposed Site Data**
 Required Building Setback Per R-90 Zoning:
 A. Minimum Lot Area: 9,000 SF
 B. Minimum Lot Width at Street: 23 FT
 C. Minimum Lot Depth at Street: 75 FT
 Building Setback Lines are as follows:
 A. Front: 10 FT
 B. Side: 5 FT
 C. Rear: 25 FT Minimum (One Side); 25 FT Minimum (Combined)
 Subject to an Extended Building Line
 Proposed Usage: RESIDENTIAL
5. **Existing and Proposed Lot Size Tabulation**
 Number of Existing Lot/Parcel: 3
 Existing Part of Lot 16: 3,038 SF
 Existing Part of Lot 17: 3,588 SF
 Existing Lot 18: 3,588 SF
 Number of Area of Subdivision: 18,313 SF
 Area of Proposed Lot 27: 18,313 SF



**PRE-APPLICATION
CONCEPT PLAN**

LANDS OF
PART OF LOTS 16, 18 AND LOT 17, BLOCK 106
GARRETT PARK SECTION 1
4TH ELECTION DISTRICT
MONTGOMERY COUNTY, MARYLAND

O'Connell & Lawrence, Inc.
 Construction Consultants, Engineers, Surveyors
 17904 Georgia Avenue, Suite 302
 Olney, Maryland 20832

NO.	DATE	DESCRIPTION
1	10/28/03	PRELIMINARY
2	11/17/03	REVISED
3	12/17/03	REVISED
4	01/14/04	REVISED
5	02/11/04	REVISED
6	03/11/04	REVISED
7	04/11/04	REVISED
8	05/11/04	REVISED
9	06/11/04	REVISED
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100	01/11/12	REVISED

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
Proposed	Lots						
27	106	198'	Perpendicular	18,313	Irregular	140'	7,325



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.

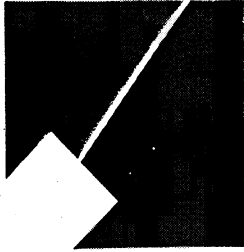
If you have questions please call.

Yours sincerely,

Edwin Pratt, Jr.
Town Administrator

CC. Harry Gordon, Setback Advisory Committee Chair

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

M E M O R A N D U M

DATE: September 24, 2004

TO: Montgomery County Planning Board

FROM: Catherine Conlon
Development Review Division
(301) 495-4542

SUBJECT: Informational Maps for Subdivision Items on the
Planning Board's Agenda for September 30, 2004.

Attached are copies of plan drawings for Item #06, #07, #08, #09, #10, #11 and #12. These subdivision items are scheduled for Planning Board consideration on September 30, 2004. The items are further identified as follows:

Agenda Item #06 - Preliminary Plan 1-04049
North Bethesda Town Center

Agenda Item #07 - Preliminary Plan 1-01031E
Addition to Cabin John Park

Agenda Item #08 - Preliminary Plan 1-01067E
East Hampshire Center

Agenda Item #09 - Preliminary Plan 1-04102
Garrett Park

Agenda Item #10 - Pre-Preliminary Plan 7-04062
Tapestry

Agenda Item #11 - Preliminary Plan 1-00065E
Panagos Tract

Agenda Item #12 - Preliminary Plan 1-04081
Frye Estates

Attachment

GARRETT PARK, SEC. ONE, LOT 17, PT. OF LOTS 16 & 18 (1-04102)



Map compiled on July 06, 2004 at 11:22 AM | Site located on base sheet no - 214NW05

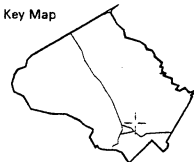
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Key Map

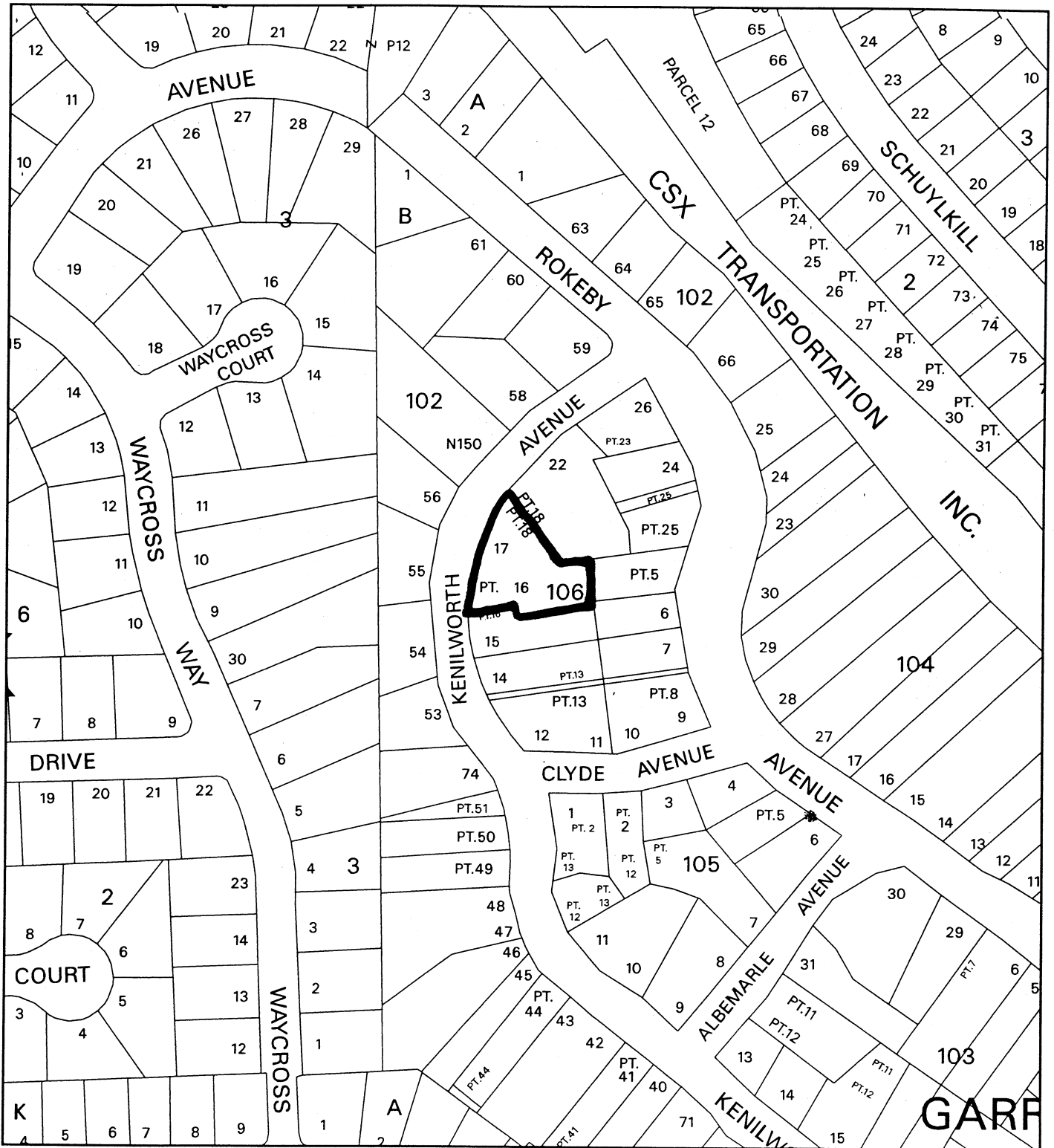


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1 : 2400

GARRETT PARK, SEC. ONE, LOT 17, PT. OF LOTS 16 & 18 (1-04102)



Map compiled on July 06, 2004 at 10:42 AM | Site located on base sheet no - 214NW05

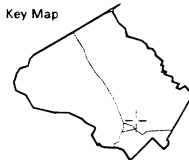
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Key Map



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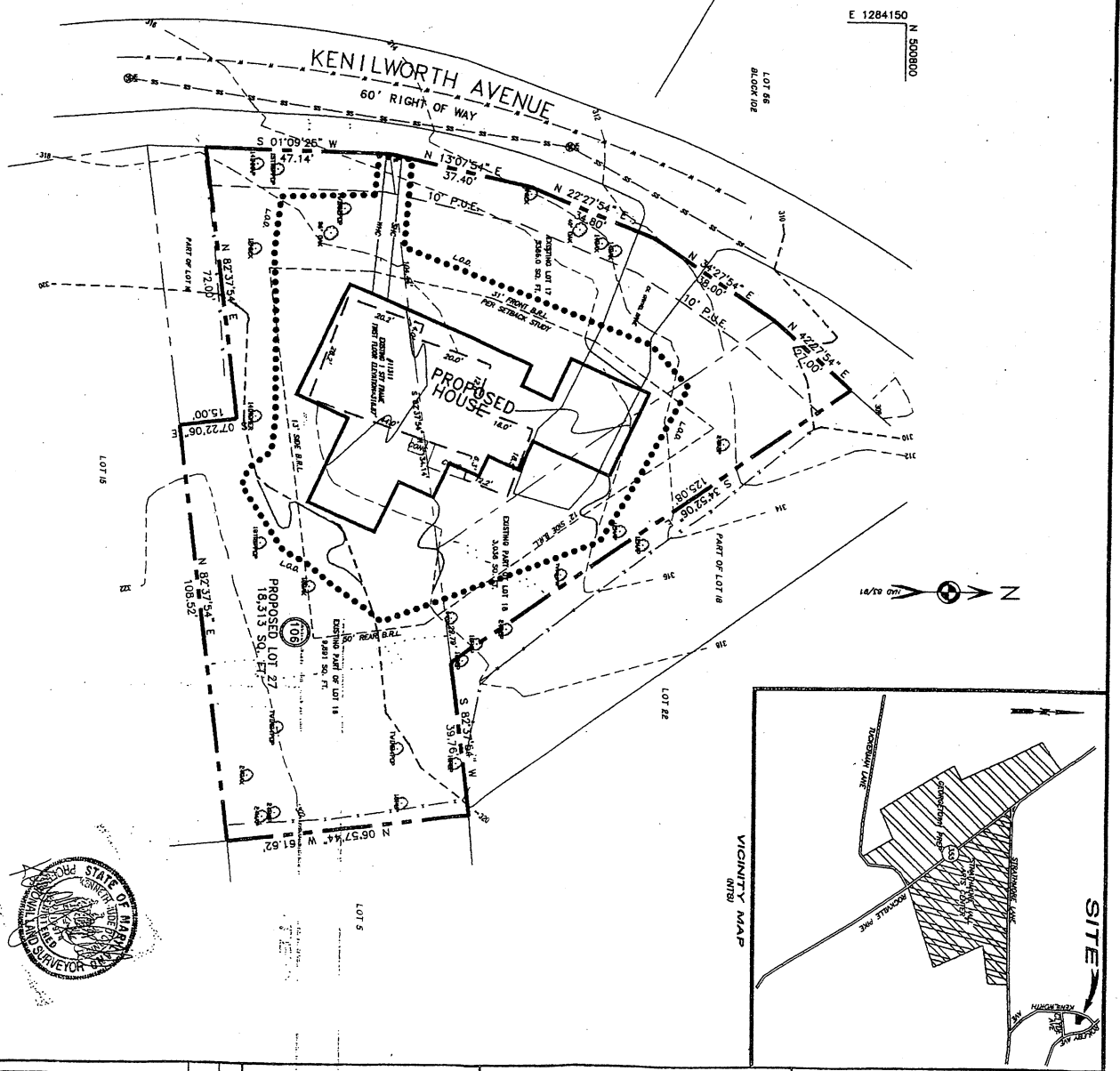
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- Property Data**
Legal Reference Data
Parcel Area 18,313 SQARE FEET (TOTAL)
Tax Map Parcel PART OF LOT 16, PART OF LOT 17 AND LOT 18 BLOCK 106 GRD HQ 12
Zoning R-90
Watershed ROCK CREEK
MSSC 200 sheet 214 NW 05
ADC Map Page 35 Grid K1
Water and Sewer Categories PUBLIC WATER AND SEWER
- Existing Site Data**
Preliminary lines shown hereon were taken from field observations and available records. This plan has been prepared without the benefit of a title examination. Topographic and existing features shown hereon has been compiled from field observations and available records. Vertical Datum shown hereon is NAVD 88
- Utilities Data**
Utilities locations shown hereon are available plans and field observations were surface indications exist. Digging of test pits at all utility crossings is recommended. Contact "Miss Utility" at 1-800-257-7777, 48 hours prior to any excavation or construction.
- Proposed Building Restriction Per R-90 Zoning:**
Required Building Lot Area: 9,000 SF
B. Minimum Lot Width of Street: 25 FT
C. Minimum lot width of Street Building Line: 75 FT
PER MONTGOMERY COUNTY CODE:
A. Front: *30 FT
B. Side: 8 FT Minimum (One Side); 25 FT Minimum (Combined)
PER TOWN OF GARRETT PARK
A. Front: *30 FT
B. Side: 10 FT Minimum (One Side); 40% of the Lot width
C. Rear: 40 FT per 100 ft of depth and 70% of the
D. Minimum Combined Setback: The total of the combined setback areas for combined buildings shall not be less than 82% of the entire lot area.
Area of proposed building: 18,313 SF
Maximum Area of Building Envelope: 3,286 SF
*Subject to an Established Building Line

Proposed usage RESIDENTIAL

Existing and Proposed Lot Size Tabulation

Number of Existing Lots/Parcels:	3
Existing Part of Lot 18:	3,036 SF
Existing Part of Lot 16:	9,981 SF
Existing Part of Lot 17:	5,386 SF
Total Area of Lot:	18,313 SF
Number of Proposed Lots:	18,313 SF
Area of Proposed Lot 27:	18,313 SF



E 1284150
N 500550

SURVEYOR'S CERTIFICATE

I hereby certify that to the best of my professional knowledge, belief and understanding, that this plan is correct:

Kenneth J. O'Connell
Registered Professional Land Surveyor

E 1284400
N 500550

PRELIMINARY PLAN	LANDS OF PART OF LOTS 16, 18 AND LOT 17, BLOCK 106 GARRETT PARK SECTION 1 L 19549 F 225 (4TH ELECTION DISTRICT) MONTGOMERY COUNTY, MARYLAND	O'Connell & Lawrence, Inc. Construction Consultants, Engineers, Surveyors 17904 Georgia Avenue, Suite 302 Olney, Maryland 20832 Tel: (301) 924-4570 • Fax: (301) 924-5872
	O'CONNELL & LAWRENCE	SITE
	DATE: 3/24/2004	SCALE:
	CHECKED BY: JMH DRAWN BY: BJB DESIGN BY: XXX	DATE:

