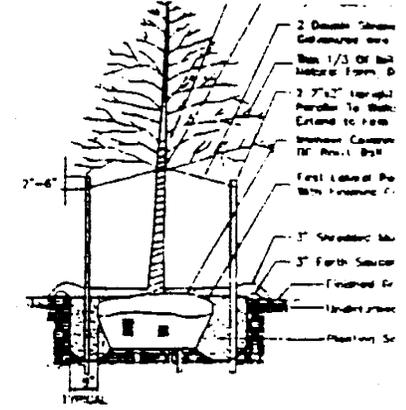


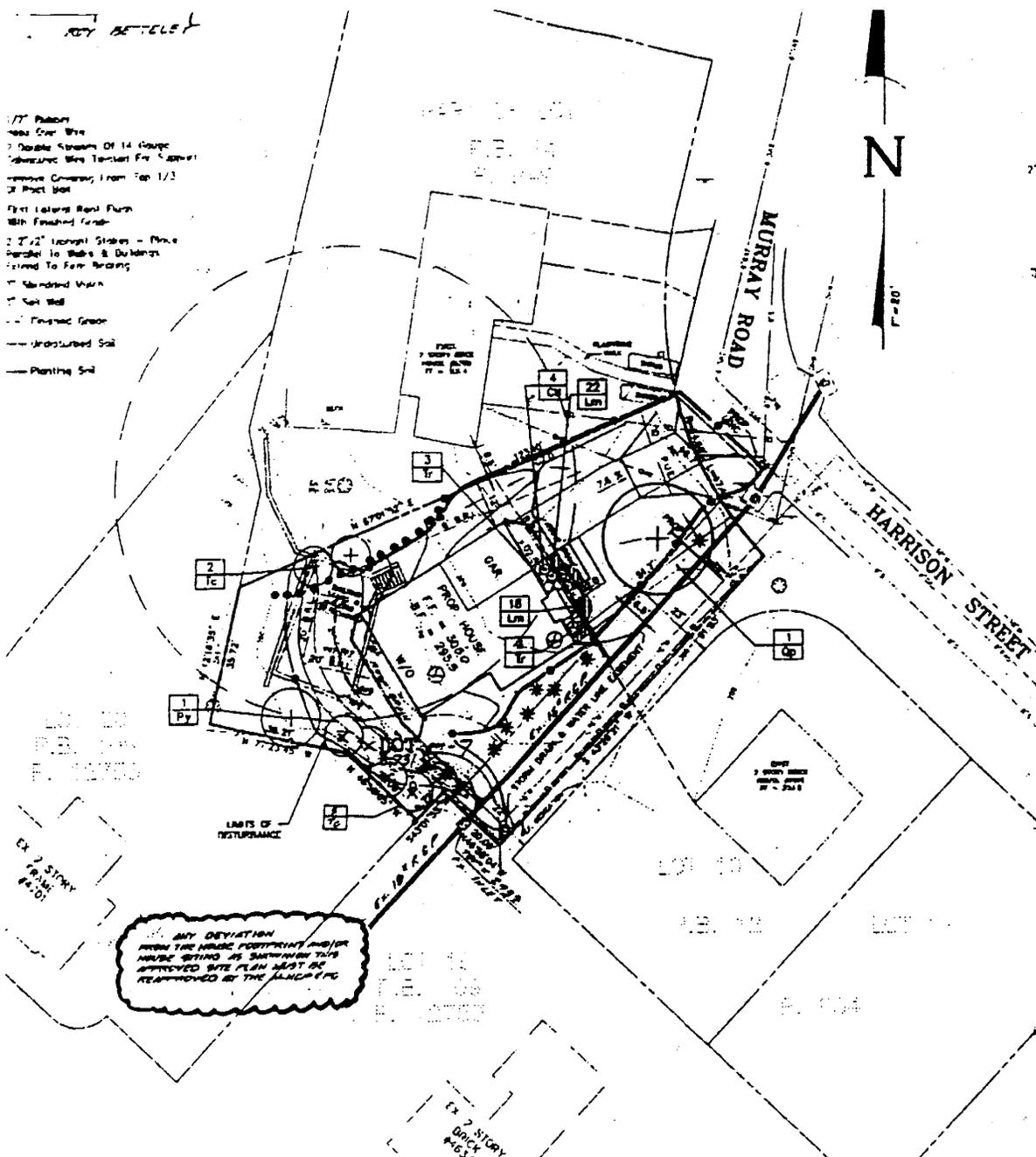
ROY BETTELEY

- 1" Pruned
- 2" Double Stream Of 14 Gauge Galvanized Wire Tension For Support
- Remove Covering From Top 1/3 Of Root Ball
- First Lateral Root Flush With Finished Grade
- 2" x 2" Upright Stakes - Three Parallel To Walks & Buildings - Fixed To Firm Backing
- 1" Standard Walk
- 1" Soil Well
- 1" Finished Grade
- Undisturbed Soil
- Planting Soil



Planting Detail  
 Deciduous Tree  
 1 1/2' - 2 1/2' Cal.

Not To Scale



ANY DEVIATION FROM THE PLANTING FOOTPRINT AND/OR WALKS SETTING AS SHOWN ON THIS APPROVED SITE PLAN MUST BE REAPPROVED BY THE LANDSCAPE ARCHITECT.

NOT TO SCALE

1. The owner shall be responsible for obtaining all necessary permits and approvals from the appropriate authorities for the proposed landscape plan.

2. The owner shall be responsible for providing all materials and labor for the implementation of the landscape plan.

3. The owner shall be responsible for maintaining the landscape plan in accordance with the specifications and standards set forth in this plan.

4. The owner shall be responsible for protecting the landscape plan from damage or destruction by third parties.

5. The owner shall be responsible for ensuring that the landscape plan is implemented in accordance with the approved site plan.

6. The owner shall be responsible for ensuring that the landscape plan is implemented in accordance with the applicable laws and regulations.

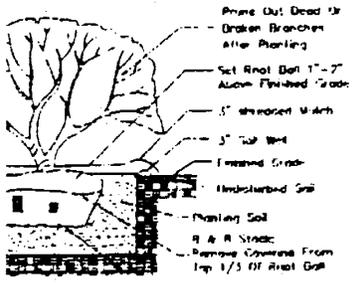
7. The owner shall be responsible for ensuring that the landscape plan is implemented in accordance with the applicable codes and standards.

8. The owner shall be responsible for ensuring that the landscape plan is implemented in accordance with the applicable industry practices.

9. The owner shall be responsible for ensuring that the landscape plan is implemented in accordance with the applicable best practices.

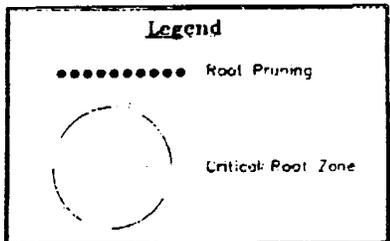
10. The owner shall be responsible for ensuring that the landscape plan is implemented in accordance with the applicable state-of-the-art techniques.

KEY	QTY.	BOTANICAL NAME	COMMON NAME	CAL.	HGT.	SPD.	MISC.
Op	1	<i>Quercus phellos</i>	Willow Oak	2" - 2 1/2"			B+B
Py	1	<i>Prunus pennsylvanica</i>	Yoshino Cherry	1 1/2" - 2"			R+B
Tc	7	<i>Taxus canadensis</i>	Canadian Hemlock		6'-8'		B+B
Cl	4	<i>Celastrus scandens</i>	Reginae Celandine		18"-24"	Cont.	T.O.C.
Ln	40	<i>Lonicera maackii</i>	Honeysuckle			1 gal.	Cont. T.O.C.
Tr	6	<i>Trifolium repens</i>	Spreading English Yew		18" - 24"		R+B S.D.C.

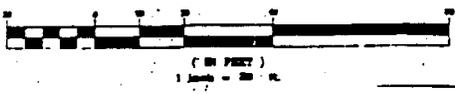


Plants Will be Planted

Container Stock: Use knife or blade to cut 4 - 5" deep cuts through bottom 1/3 of root ball. Partially Root Ball To Bring the Root System Closer To The Surface.



GRAPHIC SCALE

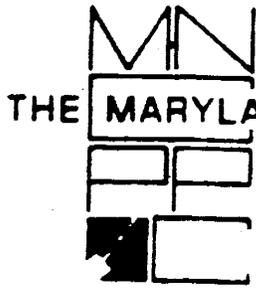


PREPARED FOR :

Mr. Roy Betteley  
 5200 Murray Road  
 Chevy Chase, Md. 20815  
 (301) 718-0690

NO.	DATE	DESCRIPTION	BY
1	11-26-96	REVISED FOR PER APPROVAL DAC	
2	9-4-96	House Type Change	DAC

A



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION  
8787 Georgia Avenue • Silver Spring, Maryland 20910-3780

MONTGOMERY COUNTY PLANNING BOARD  
OPINION

Site Plan Review: No. 8-96026  
Project: Brookdale  
Date of Hearing: November 14, 1996

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**Action:** *APPROVAL SUBJECT TO CONDITIONS.* Motion was made by Commissioner Richardson, seconded by Commissioner Aron, with a vote of 2 to 1; Commissioners Davis and Richardson voting for and Commissioner Baptiste voting against. Commissioners Hussmann and Holmes were necessarily absent.

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The date of this written opinion is February 14, 1997, (which is the date that this opinion is mailed to all parties of record). Any party authorized by law to take an administrative appeal must initiate such an appeal on or before March 16, 1997, (which is thirty days from the date of this written opinion), as provided in the Maryland Rules of Procedure.

On November 14, 1996, Site Plan Review No. 8-96026 was brought before the Montgomery County Planning Board ("Planning Board") for a public hearing.<sup>1</sup> At the public hearing, which was duly noticed, the Planning Board heard testimony and received evidence submitted into the record on the application.

**PROJECT BACKGROUND**

On June 26, 1996, Mr. Roy Betteley ("Applicant") filed the subject site plan review application as required by Condition #4 of Preliminary Plan No. 1-92091, which was approved by the Planning Board on September 30, 1993. In presenting the application to the Planning Board, the Board's technical staff prepared packets of information including a staff report and analysis of the proposal, plan drawings, vicinity maps, the Planning Board Opinion for Preliminary Plan No. 1-92091, and the stormwater management concept approval. Staff distributed the packets to the Planning Board and they are part of the record.

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<sup>1</sup> A hearing on the application that was scheduled for September 19, 1996, was rescheduled because it was not properly noticed.

The subject property is located in the Brookdale section of Chevy Chase on the southwest side of the curve at the intersection of Harrison Street and Murray Road, approximately 500 feet north of Western Avenue and 110 feet east of River Road. The property is zoned R-60 (residential one family, minimum 6,000 square foot lot size). The site is identified as Lot 7, part of a 20,678-square-foot lot which was resubdivided into two lots (Lot 1 and Lot 7) pursuant to Preliminary Plan No. 1-92091 (see Exhibit 1, attached). Lot 7 includes abandoned street rights-of-way and part of the side yard of an existing house, which is located on Lot 1. A storm drain and water line easement is located along the south property line. An overhead power line runs across the northeastern corner of the site, between the existing house on Lot 1 and Harrison Street. The topography of the site slopes approximately 12 feet up from Murray Road toward the rear property line, with steep slopes in the southwestern corner. Sections of retaining walls and steps are located in the rear portion of the site.

The proposal consists of one single-family, detached, two-story house with a one-car garage. The retaining wall and steps in the rear portion of the site will be removed. Shade, ornamental and evergreen trees will be planted near the property lines and in the front yard. No part of the house will be built on any steep slopes.

The site is surrounded by R-60 zoned one single-family detached houses in the Brookdale subdivision. The houses to the rear of the property front on River Road and are also located in the R-60 Zone.

### **DISCUSSION OF ISSUES**

At the public hearing, the Planning Board considered several issues that were raised concerning the subject Site Plan, in addition to the standard criteria for site plan review. These issues included:

1. The compatibility of the proposed house with the existing surrounding residential development;
2. The preservation of green space within the neighborhood;
3. The impact of construction of the proposed house on the 42-inch scarlet oak tree located on the adjacent lot;
4. The alleged violation of Condition #4 of Preliminary Plan No. 1-92091, which provides that there will be *no clearing, grading or recording of plats prior to site plan approval*;
5. The effect of stormwater runoff on adjacent properties; and
6. The possible location of a burial plot on or near the site.

## **Site Plan Approval Criteria**

In order to approve a site plan pursuant to Section 59-D-3 of the Montgomery County Zoning Ordinance, the Planning Board must find that:

1. The site plan is consistent with an approved development plan or a project plan for the optional method of development, if required;
2. The site plan meets all of the requirements of the zone in which it is located;
3. Each structure and use is compatible with other uses and other site plans and existing and proposed adjacent development;
4. The site plan meets all applicable requirements of Chapter 22A regarding forest conservation; and
5. The locations of the buildings and structures, the open spaces, the landscaping, recreation facilities, and the pedestrian and vehicular circulation systems are adequate, safe and efficient.

### **Conformance to General Site Plan Approval Criteria**

Technical staff submitted a report to the Planning Board which addressed the conformance of the subject Site Plan to the general approval criteria. The report includes a comparison of the Site Plan to the R-60 Zone development standards and a detailed review of the location of buildings, open space, circulation and forest conservation. Staff found that the Site Plan met all applicable standards and regulations and recommended approval of the Site Plan with conditions.

The Applicant agreed with staff's recommendations for approval with conditions. Neighboring property owners and the Brookdale Citizens' Association ("BCA") opposed the Site Plan and expressed concerns about compatibility, loss of open space and trees, and stormwater management.

After consideration of staff's report and analysis, and the testimony of staff, the Applicant, neighboring property owners and the BCA, the Planning Board finds that the Site Plan is consistent with approved Preliminary Plan No. 1-92091 and meets all of the requirements of the R-60 Zone. The Planning Board further finds that the building location, open spaces, landscaping, recreation facilities, vehicular and pedestrian circulation are adequate, safe and efficient. Additionally, the Site Plan meets all requirements for forest conservation. Compatibility requirements are discussed below.

### **Compatibility**

Staff explained, in its testimony on the record and in its report, that the compatibility of the proposed development can be determined by a review of the building setbacks, width and height. Site plan review concerns the placement and size of proposed buildings and structures. Staff feels

that detailed architectural plans are unnecessary because the style and architectural details of a house are difficult to objectively judge and should not be part of compatibility review. The Planning Board agrees with staff that the placement and size of proposed buildings and structures constitute the appropriate realm of consideration at site plan review and that it is unnecessary to include the review of architectural details to determine compatibility.

The proposed house was originally depicted with a two-car garage located at the front of the house. At staff's request, the Applicant modified the proposal to include a one-car garage and "flipped" the footprint to reorient the house and garage. Houses with a one-car garage and a long, narrow driveway are common in the Brookdale subdivision.

The front setback of the proposed house is 50 feet. It is similar to the setback of the existing house to the north (which fronts on Murray Street), but deeper than the 25-foot setback of the existing house to the south (which fronts on Harrison Street). Staff explained that the setbacks of the houses along Murray Street are much larger than the setbacks of the houses along Harrison Street. Because the proposed house will be located on the curve where the two streets meet, the Applicant had to choose between the possible setbacks. The 50-foot setback will minimize the visual impact of the house on the adjoining streets. The larger setback will also retain the open view of the house to the south, which is oriented toward the front yard of the subject site. However, the larger front setback does push the house closer to the rear property line, making the rear yard setback 20 feet.

The distance between the proposed house and the existing houses to the north and south are 20.5 feet and 51 feet, respectively. The wide distance between the proposed house and the existing house to the south will minimize the impact of the new structure on the adjacent property.

The building width of the adjacent houses to the north and south are approximately 61 feet and 31 feet, respectively. The building width of the proposed house is 36 feet, which staff views as a good transition.

The height of the proposed house is limited to 35 feet, or two stories, in accordance with the limits provided by the R-60 Zone. The surrounding area is characterized by two-story houses. Neighboring property owners and Commissioner Baptiste expressed concern that the steep slope at the rear of the site will accentuate the height of the proposed house. In response to Commissioner Baptiste's inquiry about the rear elevation, staff agreed that the house will have a walk-out basement and will appear to be a full three stories from the rear. In response to the concerns of the neighbors and the Planning Board, the Applicant agreed to provide additional landscaping along the rear property line.

Neighbors testified that the Site Plan does not conform to the established neighborhood pattern because of the wedge-shaped lot and the large front yard setback. They described the neighborhood as characterized by single-family houses centered on rectangular lots. The owner of the adjoining property to the west, which fronts on River Road, also testified that the large front setback pushes the proposed house closer to the rear lot line and to her house. Because of the proximity and the steep slope, the proposed house will "tower" above her house.

Commissioner Baptiste inquired about the size of the building footprint relative to the adjoining houses. In response, staff testified that the proposed footprint is 1320 square feet. The footprint of the existing house to the south is approximately 900 square feet. The staff report shows that the proposed building coverage is 15% of the lot, significantly less than the 35% coverage permitted in the R-60 Zone.

The Planning Board shares the concerns of the neighbors regarding compatibility of the proposed house with surrounding houses. To address these concerns, condition 4 requires additional landscaping along the rear property line. Further, the Planning Board notes that any future changes to the approved Site Plan, including any modification of the building footprint and orientation as shown, will require further site plan review. With these conditions, the Planning Board finds that the proposed house, taking into account the R-60 Zone's height and setback limitations and the additional landscaping to be provided along the rear property line, is compatible with surrounding residential development.

### **Preservation of Green Space**

Neighbors expressed concerns about the loss of green space that would result from the proposed development. They testified that the Brookdale subdivision does not include any public open space and the green area provided by the subject site must be maintained. Staff reported that the preservation of green space was discussed fully at the hearing on Preliminary Plan No. 1-92091. Staff also reported that the proposal provides 6,776 square feet, 77% of the site, as open space although the R-60 Zone does not have a green space requirement.

The Planning Board finds that the Site Plan provides adequate green space.

### **Protection of the 42-inch Scarlet Oak Tree**

A 42-inch scarlet oak tree is located on the adjacent lot to the north. The limit of disturbance line shown on the site plan is approximately 20 feet from the tree. Special tree protection measures will be implemented prior to grading and construction. The Environmental Planning staff believes the plan is adequate to protect the tree.

The Planning Board finds that Condition #2, which requires the inclusion of tree protection provisions in the Site Plan Enforcement Agreement, will ensure that adequate tree preservation measures are taken.

### **Alleged Violation of the Preliminary Plan**

The BCA contends that the Applicant has violated Condition # 4 of Preliminary Plan No. 1-92091, which provides that there will be *no clearing, grading or recording of plats prior to site plan approval*. Staff and the Applicant explained that some of the trees on the site, including a 27-inch white pine, were damaged by a storm last summer. Because the damaged trees were endangering the adjacent house, the Applicant subsequently removed the trees. According to staff, removing damaged trees does not constitute prohibited clearing. The intent of Condition #4 is to prevent grading and clearing which may affect existing site features prior to site plan review.

The Planning Board accepts staff's explanation and agrees that the removal of damaged trees does not constitute a violation of the Preliminary Plan condition prohibiting grading and clearing.

### **Stormwater Runoff**

The adjoining property owner to the west also expressed concern about stormwater runoff during and after construction. Staff testified that in response to those concerns, the Montgomery County Department of Permitting Services added conditions to the stormwater management waiver approval to protect the downhill neighbors. Accordingly, all roof drainage will be piped directly to the underground storm drain system. An engineered sediment control plan will be required and a berm or swale at the edge of the disturbed area will direct overland flow to the existing storm drain inlet. The Applicant testified that development in accordance with the Site Plan would reduce the amount of runoff affecting neighboring property.

The Planning Board finds that the neighbors' concerns about stormwater runoff have been addressed by the stormwater management plan and the conditions of the stormwater management concept approval.

### **Location of Burial Plot**

In written and oral testimony, the BCA raised concerns about the possible location of a burial plot on the site. Staff testified that they were unable to find any evidence of burial grounds on the site. Staff and the Applicant also noted that the area identified on the record plat as a reservation for a burial plot is actually located on the adjoining property to the north. Finally, staff reviewed for the Board various State regulations which protect burial grounds from development.

### **CONCLUSION**

Based on the testimony and evidence presented and on the staff report (with modifications to the conditions hereby adopted by the Planning Board), which is made a part hereof, the Montgomery County Planning Board:

APPROVES Site Plan Review No. 8-96026, which consists of one single-family detached house, subject to the following conditions:

1. Conditions of Site Plan Enforcement Agreement shall include provisions to save and protect the 42-inch scarlet oak on Lot 1 per the approved Site Plan and to the satisfaction of the M-NCPPC site plan enforcement staff.
2. An easement for the overhead power line shall be shown on the record plat and recorded in accordance with PEPCO's requirements.
3. Prior to approval of signature set of site plan, the plan shall be revised to show additional landscaping along the rear property line, to provide screening between the proposed house and the adjacent house to the southwest.