



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
8787 Georgia Avenue • Silver Spring, Maryland 20910-3760

Date Mailed: July 29, 2004

Action: Approved Staff Recommendation
Motion of Comm. Bryant, seconded by
Comm. Perdue with a vote of 5-0;
Comms. Bryant, Perdue, Robinson,
Wellington and Berlage voting in favor

MONTGOMERY COUNTY PLANNING BOARD

REVISED OPINION

Pre-Preliminary Plan: 7-04061

NAME OF PLAN: Chevy Chase Section 8

Background

On June 17, 2003, Patrick Keating submitted an application for the approval of a pre-preliminary plan of subdivision of property in the R-60 zone. The application proposed to create 2 lots on 0.565 acres of land. The application was designated Preliminary Plan 7-04061. On June 17, 2004, Pre-Preliminary Plan 7-04061 was brought before the Montgomery County Planning Board for a public hearing. The applicant submitted a letter, date June 11, 2004 through its engineer, CAS Engineering, requesting review under Section 50-33A, of the Montgomery County Code.

The plan proposes creation of two residential lots, which have frontage on Leland Street in the Village of Chevy Chase. Leland Street is curved and extends east from Wisconsin Avenue, west and north to East West Highway. The Applicant sought support from the Planning Board to ensure that the proposed lots are appropriate and adequate for the development of two one-family dwellings. Specifically, the applicant requested that the Board consider the concept plan under Section 50-29(a)(1) of the Subdivision Regulations, lot dimensions (lot size, width, shape and orientation); Section 59-C-1.322 (b) of the Zoning Ordinance, minimum lot width at the front building line; and, house placements and orientations.

Public Hearing

On June 17, 2004, the Planning Board considered the above-captioned application for Pre-Preliminary Plan review at its regularly scheduled meeting ("Public Hearing"). In advance of the Public Hearing, Planning Board, Staff submitted a Memorandum to the Planning Board, dated June 11, 2004 ("Staff Report"), which set forth a recommendation, described the site and the

property, discussed the relevant Bethesda Chevy-Chase Master Plan recommendations, and analyzed the pertinent issues.

At the Public Hearing, the applicant requested that the Planning Board consider: (1) the appropriateness of lot dimensions, lot size, width, shape and orientation; (2) minimum lot width at the front building line and; (3) house placements and orientation. Staff, however, recommended that the Planning Board solely provides guidance with respect to the appropriateness of lot dimension, lot size, width and orientation and that the Board approves the concept plan with respect to those features, subject to conditions. Staff recommended that the Planning Board decline to act on the issue of lot width at the front building line because a determination of lot width at the front building line is made by the Department of Permitting Services (DPS) at the time an applicant applies for a building permit and is not within the authority of the Planning Board. The Board concurred with this recommendation. Similarly, Staff advised the Planning Board that house placement and orientation is a determination made by DPS at the building permit stage and is not a determination that the Planning Board makes as part of subdivision review. The Board concurred with Staff's position.

Among other things, the Planning Board compared the pertinent characteristics of the proposed lots with those of other existing lots in the surrounding area and found that the proposed lots area appropriate for the location of the subdivision. During the Board's deliberations, certain commissioners commented on other matters, including a suggestion that the driveway and the garage of each of the proposed dwellings are too prominent a feature of the design, which would result in a condition that is different from that of the existing neighboring dwellings.

Action

On motion of Commissioner Allison Bryant, seconded by Commissioner Wendy Perdue, Vice Chair, the Planning Board voted unanimously to approve the concept plan solely with respect to a finding that the size, width, shape and orientation of the proposed lots are appropriate for the location of the subdivision.

Approval is limited to the latter finding and is subject to the following conditions:

- 1) Applicant must file a preliminary plan application for the proposed subdivision within ninety (90) days following the action of the Planning Board on Pre-Preliminary Plan No. 7-04061, otherwise the concept plan shall expire.
- 2) The preliminary plan must comply with requirements of Section 50-34 and Section 50-35 of the Subdivision Regulations.
- 3) Approval of any feature of Pre-Preliminary Plan No. 7-04061 shall not limit the ability of the Planning Board to impose further conditions as required by subdivision regulations on features of the preliminary plan not included or approved in Pre-Preliminary Plan No. 7-04061.
- 4) The preliminary plan application shall contain the statement of the Planning Board's action on Pre-Preliminary Plan No. 7-04061.

NOTE: The Planning Board expressly *declined* to act upon the Applicant's request that the Board consider and approve: (1) the minimum lot width at the front building line and; (2) house placements and orientation. Pursuant to Section 50-33A (b) of the Subdivision Regulations, an application for the preliminary plan for the referenced pre-application shall be filed within ninety (90) days, (September 17, 2004), following the action of the Board on the pre-application submission, otherwise the concept plan will expire, unless extended by action of the Board.



MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING

THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

ITEM # 10

8787 Georgia Avenue
Silver Spring, Maryland 20910-3760



MEMORANDUM

DATE: June 11, 2004

TO: Montgomery County Planning Board

VIA: Richard Hawthorne, Acting Chief *RAW to RH*
Development Review Division

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

REVIEW TYPE: Pre-Preliminary Plan Review

APPLYING FOR: Subdivision for Two Lots

PROJECT NAME: Chevy Chase Section 8 Lot 19 & 20, Block 1

CASE #: 7-04061

REVIEW BASIS: Chapter 50, Sec. 50-33A, Montgomery County Subdivision Regulations

ZONE: R-60

LOCATION: On the north side of Leland Street, approximately 150 feet south of Oakridge Lane

MASTER PLAN: Bethesda/Chevy Chase

APPLICANT: Pat Keating

FILING DATE: April 5, 2004

HEARING DATE: June 10, 2004

STAFF RECOMMENDATION: Approve concept plan with sole respect to the appropriateness of the proposed lot sizes, widths, shapes, and orientations for the location of the subdivision, subject to the following conditions:

- 1) Applicant must file a preliminary plan application for the proposed subdivision within ninety (90) days following the action of the Planning Board on Pre-Preliminary Plan No. 7-04061, otherwise the concept plan shall expire.
- 2) The preliminary plan must comply with requirements of Section 50-34 and Section 50-35 of the Subdivision Regulations.
- 3) Approval of any feature of Pre-Preliminary Plan No. 7-04061 shall not limit the ability of the Planning Board to impose further conditions as required by subdivision regulations on features of the preliminary plan not included or approved in Pre-Preliminary Plan No. 7-04061.
- 4) The preliminary plan application shall contain the statement of the Planning Board's action on Pre-Preliminary Plan No. 7-04061.

SITE DESCRIPTION:

The subject property, Parcel 468 of Block 1 ("Subject Property"), is part of Chevy Chase Section 8 subdivision, in the Village of Chevy Chase. The Subject Property is located on the north side of Leland Street, approximately 150 feet south of the Oakridge Lane and is zoned R-60. The Subject Property contains 24,629 square feet (.565 acre) and is currently developed with a single family dwelling, which will be demolished.

PROJECT DESCRIPTION:

This is an application of subdivision for the creation of two (2) residential lots. The applicant proposes to create an 11,891 square foot lot ("Proposed Lot 19") and a 12,738 square foot lot ("Proposed Lot 20").

CHAPTER 50-33A (Alternative procedure for preapplication submission)

This alternative procedure allows an applicant to submit a concept plan concerning major aspects of its submission on which the applicant desires a decision of the Planning Board prior to preparation and submission of a preliminary plan. Section 50-33A of the Subdivision Regulations requires that the Board act to:

- (i) Approve the concept plan;
- (ii) Disapprove it, stating in writing to the applicant the reasons therefore;
- (iii) Approve it, subject to conditions or modifications as the board finds as necessary, with respect to those features of the concept plan on which its decision is requested by the applicant, or recommended by a public agency, to produce a preliminary plan that would meet the requirements of section 50-34 and 50-35, assuming all other features of the preliminary plan not included in

the concept plan to be in accordance with the provisions of this chapter.

The Planning Board should note that approval of any feature of a concept plan shall not limit the ability of the Board to impose further conditions as required by subdivision regulations on features of the preliminary plan not included in the concept plan. The Planning Board should further be advised that an approval of a preapplication submission under § 50-33A will be considered binding if the applicant files an application for preliminary plan review within ninety (90) days following the action of the Board on the preapplication submission. If an applicant fails to file such a preliminary plan application within the above-stated time period, the concept plan shall be deemed to have expired, unless extended by action of the Board.

DISCUSSION OF ISSUES

Master Plan Compliance

The 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 subdivision complies with the recommendations adopted in the sector plan in that it is a request for residential development.

Analysis

As a part of its application, the applicant is requesting that the Planning Board consider and approve: (1) the appropriateness of the size, width, shape, and orientation of each of the proposed lots for the location of the subdivision; (2) the width of the lot at the front building line; and (3) the orientation and placements of the proposed single-family detached residences. Letter from Jeffrey A. Robertson, Project Manager, CAS Engineering, dated June 11, 2004. Set forth below is Staff's analysis of the applicant's first request and a recommendation that the Board find that the proposed lots are appropriate for the location of the subdivision. Also below is a recommendation that the Planning Board decline to consider and act upon the applicant's request for a finding that the width of the lot at the front building line meets the minimum standards of the Zoning Ordinance for the R-60 Zone; and, further, that the Board decline to approve or disapprove the proposed house placement and location.

1. Appropriateness of Lot Design

The applicant has requested that the Planning Board consider the appropriateness of the proposed lots for the location of the subdivision. Pursuant to Montgomery County Code Section 50-29(a)(1), this analysis requires the Planning Board to determine that the size, width, shape, and orientation of each of the proposed lots is appropriate.

- a. Size: Proposed lot 19 is 11,891 square feet and Proposed Lot 20 is 12,738 square feet. As such, each of the lots meets the minimum required R-60 Zone lot size of 6,000 square feet. The proposed lots will be among the largest tracts of land in Block 1, their respective sizes being determined by the depth of Parcel 468, which, in turn, is driven by the location of Parcel 468 within Block 1. The sizes of the proposed lots are consistent with the neighboring, improved, parcels of land to the east of the subject property. The properties to the east of the subject property, as depicted on the development plan, are Parcel 467 which contains 13,423 square feet, Parcel 452, which contains 14,523 square feet and Lot 18, which contains 6,133 square feet. For the foregoing reasons, staff is of the opinion that the size of each of the proposed lots is appropriate for the location of the subdivision.
- b. Width: The proposed lots are approximately 62 to 75 feet wide. The lot widths of the properties within Block 1 range from approximately 70 feet to 75 feet. The widths of the proposed lots are, therefore, comparable to the widths of other improved tracts of land on Block 1. For the foregoing reasons, staff is of the opinion that the width of each of the proposed lots is appropriate for the location of the subdivision.
- c. Shape: The proposed lots are generally rectangular in shape, as are the majority of the other lots in the subdivision, with minor irregularities driven by the shape of the block. As such, staff is of the opinion that the proposed lots are appropriate for the location of the subdivision.
- d. Orientation: The proposed lots, which are both interior lots, are oriented toward Leland Street. The orientation is consistent with the neighboring parcels and lots fronting on Leland Street both within Block 1 and those in the confronting block across Leland Street. Section 50-29(a)(3) of the Subdivision Regulations requires that the side lines of interior lots "be perpendicular to the street line, or radial to a curve street line, unless [the Board determines] that a variation from this rule will result in a better layout." The eastern side line of Proposed Lot 19 and the western side line of Proposed Lot 20, which are the side lines of the existing Parcel 468, are fixed. The lot line that will separate the proposed lots is generally parallel to the fixed side lines at the east and west. Because of the winding nature of Leland Street at the frontage of the subject property and because of the pre-

existing side lines to the east and west, it would not be appropriate to require that the new lot line separating the proposed lots be perpendicular (or radial) to the street line and Staff would support a variation from this requirement. For the foregoing reasons, staff is of the opinion that the orientation of each of the proposed lots is appropriate for the location of the subdivision.

2. Determination of Lot Width at the front building line

Zoning Ordinance Section 59-C-1.322(b) requires a minimum lot width of 60 feet at the front building line. Staff recommends that the Planning Board decline to act on this request of the applicant. The Department of Permitting Services (“DPS”), to which agency the Planning Board defers on interpretations of Zoning Ordinance provisions, interprets this requirement of Section 59-C-1.322(b) of the Zoning Ordinance as being a measurement of lot width at the point of the proposed structure that is closest to the street. Because the Planning Board does not have the authority to determine the location of homes, a determination of lot width at the front building line is properly made by DPS at the time an applicant applies for a building permit.¹

3. House Placements and Orientations

As noted above, house placement and orientation is not a determination that the Planning Board makes as part of subdivision review. Therefore, staff recommends that the Board decline to act on the applicant’s request that the Board consider and approve house placements and locations.

CONCLUSION

For the foregoing reasons, Staff recommends that the Planning Board find that the lot size, width, shape, and orientation of each of the proposed lots is appropriate for the location of the subdivision; and that the Board approve the concept plan with respect to that sole feature, subject to the conditions set forth above. For the reasons stated above, Staff further recommends that the Planning Board decline to act on the second and third requests of the applicant.

Attachments:

¹ DPS has advised Staff that the lot width at the front building line for both of the proposed lots meets the minimum zoning ordinance standard if the homes are constructed at the locations shown on the concept plan.

- Attachment 1 Vicinity Map
- Attachment 2 Development Plan
- Attachment 3 Applicant's Request for 50-33A Review

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