



MEMORANDUM

**DATE:** March 25, 2005

**TO:** Montgomery County Planning Board

**VIA:** Rose Krasnow, Chief *RKX*  
Catherine Conlon, Acting Supervisor *CC*  
Development Review Division

**FROM:** Dolores M. Kinney, Senior Planner *DK*  
Development Review Division

**REVIEW TYPE:** Preliminary Plan Review

**APPLYING FOR:** Resubdivision of Existing Lot 4

**PROJECT NAME:** Ashton Manor Lots 14, 15 & 16

**CASE #:** 1-05058

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

**ZONE:** R-200

**LOCATION:** Located on the southwest side of New Hampshire Avenue (MD 650), approximately 620 feet southeast of Crystal Spring Drive

**MASTER PLAN:** Sandy Spring/Ashton

**APPLICANT:** Joseph Gilbert

**ENGINEER:** Surveys, Inc.

**HEARING DATE:** March 31, 2005

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

- 1) Approval under this preliminary plan is limited to three (3) one-family dwelling units.
- 2) 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.
- 3) Record plat to reflect a Category II easement over all lots.
- 4) Access and improvements as required to be approved by MDSHA prior to issuance of access permits.
- 5) Compliance with conditions of MCDPWT letter dated, February 24, 2005 unless otherwise amended.
- 6) Compliance with the conditions of approval of the MCDPS stormwater management approval letter dated April 29, 2004.
- 7) Other necessary easements.

#### **SITE DESCRIPTION:**

Lot 4, referred to as the "Subject Property", is part of the Ashton Manor Subdivision, Lots 1, 2, 3 and 4, which was originally approved in 1983. The Subject Property is located on the southwest side of New Hampshire Avenue (MD 650), approximately 620 feet southeast of Crystal Spring Drive. The property contains 1.8 acres and is zoned R-200. A one-family dwelling currently exists on the property, which will remain.

#### **PROJECT DESCRIPTION:**

This is a preliminary plan of subdivision application to create three (3) residential lots for the construction of three (3) one-family detached dwelling units. Access to the site will be via a shared driveway from New Hampshire Avenue (MD 650).

#### **DISCUSSION:**

##### **Master Plan Compliance**

The Sandy Spring-Ashton 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 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.

## **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 the proposed lots comply 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**

In administering the Resubdivision section, the Planning Board must determine the appropriate “neighborhood” for evaluating the application.

The applicant has proposed a neighborhood of eight (8) lots for analysis purposes. The neighborhood extends northeast to New Hampshire Avenue (MD 50), southwest to Country View Drive, southeast to the eastern borders of Lots 1, 2 and 10 and northwest to the western borders of lots 1, 2 and 3 of the proposed neighborhood.

Staff is of the opinion that the applicant’s neighborhood delineation is appropriate because it provides an adequate sample that exemplifies the lot and development pattern of the area. The applicant has provided a tabular summary of the area based on the resubdivision criteria, which is included in the staff report.

## **ANALYSIS**

### **Comparison of the Character of Proposed Lots to Existing**

In performing the analysis, Staff applied the resubdivision criteria to the delineated neighborhood. Based on the analysis, Staff finds that the proposed resubdivision will be of the same character as the existing lots in the neighborhood. As set forth below, the attached tabular summary and graphical documentation support this conclusion:

**Frontage:** In a neighborhood of eight (8) lots, lot frontages range from 25 feet to 134 feet. Four (4) lots have frontages of 25 feet, one (1) lot has a frontage of 53 feet, one (1) at 73 feet, one (1) at 127 feet and one (1) lot at 134 feet. The proposed lots have frontages which range from 25 to 107 feet. The proposed Lot

14 has a frontage of 107 feet and the proposed Lots 15 and 16 have frontages of 25 feet each. **Staff finds that the proposed lot will be consistent in character with other lots in the neighborhood with respect to frontage.**

**Area:** Lot areas range from 8,600 square feet to 39,000 square feet. One (1) lot has an area of 8,600 square feet, one (1) lot at 9,200 square feet, one (1) lot at 9,400 square feet, one (1) lot at 9,600 square feet, one (1) lot at 9,800 square feet, one (1) at 14,000 square feet, one (1) lot at 26,000 square feet and one (1) lot at 39,000 square feet. **The proposed lots will range in area from 9,375 square feet to 12,500 square feet and will be in character with the existing lots in the neighborhood with respect to area.**

**Lot Size:** The lot sizes in the delineated neighborhood range from 20,000 square feet to 57,904 square feet. The proposed Lot 14 will have a lot size of 20,085 square feet. The proposed Lot 15 will have a lot size of 26,570 square feet and the proposed Lot 16 will have a lot size of 32,320 square feet. **Therefore, Staff finds the lot sizes of the proposed lots to be of the same character as the existing lots in the neighborhood.**

**Lot Width:** The lot widths in the existing neighborhood range from 75 feet to 172 feet. Each of the proposed lots will have widths of 100 feet. **As such, Staff finds that the proposed lots be of the same character as the other existing lots in the neighborhood as it pertains to lot width.**

**Shape:** There are four (4) pipestem lots, one (1) rectangular lot and three (3) irregular shaped lots in the neighborhood. The proposed resubdivision will create two (2) pipestem lots and one (1) rectangular lot. **Staff finds that proposed lots will be of the same character as the existing lots in the neighborhood as it pertains to shape.**

**Alignment:** There are three (3) radial lots, four (4) pipestem lots and one (1) perpendicular. The proposed resubdivision will create two (2) pipestem lots and one (1) perpendicular lot. **Staff finds that the proposed subdivision will be consistent in character with the existing lots in the neighborhood as it pertains to alignment.**

**Residential Use:** The proposed lots 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. The proposed resubdivision will create three lots that are in character based on the resubdivision criteria with all of the lots in the existing neighborhood. Staff

believes the proposed resubdivision is of the same character of existing lots in the neighborhood therefore, complies with Section 50-29(b)(2) of the Subdivision Regulations. As such, Staff recommends approval of the preliminary plan.

**Attachments**

- Attachment A Vicinity Development Map
- Attachment B Neighborhood Delineation Map
- Attachment C Proposed Development Plan
- Attachment D Tabular Summary
- Attachment E Citizen Correspondence