



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

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MCPB  
Item # 8  
5/5/05



**MEMORANDUM**

**DATE:** April 29, 2005

**TO:** Montgomery County Planning Board

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

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

**REVIEW TYPE:** Preliminary Plan Review

**APPLYING FOR:** Resubdivision of Pt. Lot 7 and Lot 8, Bradley Hills Grove

**PROJECT NAME:** Bradley Hills Grove

**CASE #:** 1-05070

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

**ZONE:** R-200

**LOCATION:** Located on the east side of Burning Tree Road, approximately 500 feet north of the intersection with Bradley Boulevard.

**MASTER PLAN:** Bethesda/Chevy Chase

**APPLICANT:** Paul Katinas

**FILING DATE:** February 7, 2005

**HEARING DATE:** May 5, 2005

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

- 1) Approval under this preliminary plan is limited to one (1) dwelling unit.
- 2) Compliance with the conditions of approval of the MCDPS stormwater management approval dated February 22, 2005.
- 3) Other necessary easements.

**SITE DESCRIPTION:**

Lot 7 and Lot 8 were part of Bradley Hills Grove Subdivision, which was recorded in 1936. In 1962, Lot 8 and the northern portion of Lot 7 were deeded, creating the property that remains in its current configuration. For the purpose of this memorandum, Lot 8 and Part of 7 are referred to as the "Subject Property". The Subject Property is located on the east side of Burning Tree Road, approximately 500 feet north of the intersection with Bradley Boulevard (MD 191). It contains 0.97 acres and is zoned R-200.

**PROJECT DESCRIPTION:**

This is a preliminary plan application of resubdivision to consolidate the 0.97 acres contained on Lot 8 and part of Lot 7 of Block F in the Bradley Hills Grove Subdivision to create one (1) residential lot. A one-family detached dwelling, which currently exists on the site, will remain. Access to the site will be directly from Burning Tree Road.

**DISCUSSION OF ISSUES**

**Section 50-35A(3)**

In some cases, the consolidation of a part of a lot with a lot could be achieved through the minor subdivision provisions of Section 50-35A(3) of the Subdivision Regulations, which states:

"Any consolidation involving a part of a lot may occur under the minor subdivision process if the part of a lot was created by deed recorded prior to June 1, 1958."

However, since Part of Lot 7 was created by deed after June 1, 1958, the minor subdivision procedure is not applicable.

## **Master Plan Compliance**

The Bethesda Chevy Chase 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 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**

The neighborhood contains 25 lots, which extend north to Greentree Road, west of Burning Tree Road, east to Fernwood Road and south to Bradley Boulevard. 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.

## **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. The application must demonstrate a high correlation in characteristics between the characteristics of the proposed lot and the existing lots in the delineated neighborhood. Specifically, these characteristics are shape, size, alignment, width, frontage, area and suitability for residential use. Staff concludes that the proposed resubdivision complies with the area, size, frontage, alignment, width, and shape and suitability criteria of Section 50-29(b) (2). As set forth below, the attached tabular summary supports this conclusion:

**Area:** In the neighborhood of 25 lots, the existing lot areas range from 10,075 square feet to 50,500 square feet. **The proposed lot has an area of 26,475 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 25 lots, which range in size from 24,350 square feet to 71,866 square feet. The proposed lot has a lot size of 42,974 square feet. **Therefore, having exhibited a high correlation, the proposed lot will be of the same character with regard to size as the other lots in the neighborhood.**

**Alignment:** There are two (2) angled lots, 15 perpendicular lots, and eight (8) corner lots in the neighborhood. The proposed resubdivision application will create one (1) perpendicular lot. **There exists a high correlation with the existing lots in the neighborhood and Staff finds that the resubdivision is of the same character as the existing lots as it pertains to alignment.**

**Lot Frontage:** The lot frontages in the existing neighborhood range from 97 feet to 275 feet. The proposed resubdivision will have a lot frontage of 175 feet. **Therefore, having a high correlation, the proposed lot will be of the same character as the other lots in the neighborhood with respect to lot frontage.**

**Shape:** The existing neighborhood consists of eight (8) corner lots, 12 irregular lots and five (5) rectangular lots. The proposed resubdivision creates one (1) irregular lot. **Therefore, having exhibited a high correlation, the proposed lot will be of the same character as the existing lots in the neighborhood with respect to shape.**

**Width:** The neighborhood consists of lots which range from 83 feet to 215 feet. The proposed lot has a width of 175 feet. **The proposed lot will be of the same character and will have a high correlation with the existing lots in the neighborhood with respect to width.**

**Suitability for Residential Use:** The proposed lot and the existing 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 finds that the lot in the proposed resubdivision is of the same character and has a high correlation with the existing lots in the neighborhood with respect to the seven (7) 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