



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MCPB  
Item # 9  
5/12/05



**MEMORANDUM**

**DATE:** May 6, 2005

**TO:** Montgomery County Planning Board

**VIA:** Rose Krasnow, Chief *RK*  
Development Review Division

**FROM:** Catherine Conlon, Acting Supervisor *CC* (301) 495-4542

**REVIEW TYPE:** Preliminary Plan Review

**APPLYING FOR:** Resubdivision of Existing Lot 4, Block A, McNeill's Addition and Pt. of Lot 1, Sligo Park Hills  
Subdivision for Two Lots

**PROJECT NAME:** McNeill's Addition

**CASE #:** 1-05068

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

**ZONE:** R-60

**LOCATION:** On the east side of Deerfield Avenue, approximately 200 feet northeast of Queen Annes Drive

**MASTER PLAN:** East Silver Spring

**APPLICANT:** Arbor Homes, LLC

**ENGINEER:** Benning & Associates, Inc.

**FILING DATE:** February 2, 2005

**HEARING DATE:** May 12, 2005

**STAFF RECOMMENDATION:** Approval Pursuant to Section 50-29(b)(2), subject to the following conditions:

- 1) Approval under this preliminary plan is limited to two (2) residential dwelling units.
- 2) Prior to issuance of sediment control and building permits, Applicant shall submit a tree save plan for trees No. 2 and 3, for Environmental Planning staff review and approval.
- 3) Prior to issuance of building permit for proposed Lot 9, Applicant shall remove, at Applicant's expense, the portions of the existing patio that encroach onto or over adjacent parkland. Parkland shall not be disturbed during patio removal.
- 4) Record plat to reflect common ingress/egress and utility easements over all shared driveways.
- 5) Compliance with the conditions of approval of the MCDPS stormwater management approval dated February 7, 2005.
- 6) The applicant shall dedicate Deerfield Avenue right-of-way shown on the approved preliminary plan to the full width mandated by the Master Plan.
- 7) Access and improvements, as required, to be approved by MCDPWT prior to record plats.
- 8) Other necessary easements.

## **SITE DESCRIPTION**

The subject property consists of 0.39 acres of land comprised of one existing lot and a part of a lot which has been a part of the property since 1937 (Attachment A). The property is located on the east side of Deerfield Avenue, approximately 200 feet northeast of Queen Annes Road and is zoned R-60. A residential dwelling exists on the property.

The property drains to the Sligo Creek stream valley (Use Classification I-P). The property contains several large, individual trees; but no forest, streams or environmentally sensitive area.

## **PROJECT DESCRIPTION**

This is an application to resubdivide the 0.39 acre subject property into two residential lots. The proposal will create a 7,365 square foot lot (Lot 9) and a 10,000 square foot lot (Lot 10). The applicant proposes to retain the existing dwelling on proposed Lot 10 and construct one new one-family detached dwelling on proposed Lot 9 (Attachment B). The two dwellings would share a common driveway access from Deerfield Avenue.

## **DISCUSSION OF ISSUES**

### **Master Plan Compliance**

The East Silver Spring 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 and is consistent with the Zoning Ordinance development standards for the R-60 zone.

### **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**

In administering Section 50-29(b)(2) of the Subdivision Regulations, the Planning Board must determine the appropriate "neighborhood" for evaluating the application. In this instance, the Neighborhood selected by Staff and the applicant consists of 17 lots (Attachment C). The neighborhood includes all lots that share frontage with the proposed lots on the same block of Deerfield Avenue, and lots which abut the proposed lots. All the lots share the same R-60 zoning. The remaining Part of Lot 1 which abuts the property to the east was not included in the neighborhood delineation. Staff believes the designated neighborhood provides an adequate sample of the lot and development pattern of the area. A tabular summary of the area based on the resubdivision criteria is included in Attachment D.

#### **C. Analysis**

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

In performing the analysis, Staff applied the above-noted resubdivision criteria to the delineated neighborhood. Staff concludes that the proposed lots fall within the neighborhood ranges for the resubdivision criteria and are of the same character with respect to the resubdivision criteria as other lots within the defined neighborhood. Therefore, Staff concludes that the proposed resubdivision complies with the criteria of Section 50-2(b)(2). As set forth below, the attached tabular summary and graphical documentation support this conclusion:

**Frontage:** The existing lots range in frontage from 50 feet to 231.98 feet. Proposed Lot 9 has a lot frontage of 50 feet, and proposed Lot 10 has a frontage of 75 feet. The proposed lots are within the range of lot frontages in the neighborhood. Proposed Lot 9

will have a lot frontage less than the 60 feet specified in the R-60 zone, however, Section 59-B-5.2 of the Zoning Ordinance states, "any lot in the R-60 zone that had frontage of less than 180 feet or an area of less than 18,000 square feet before June 1, 1958, may be resubdivided into lots with frontage of not less than 50 feet...if the majority of the recorded lots in the same block have frontages of less than 60 feet." The existing lots were recorded in the 1920's, and five out of the seven of the existing lots within Block A of McNeill's Addition have frontages of exactly 50 feet. By keeping the width of Lot 9 at 50 feet, the existing house to remain on Lot 10 meets setback requirements for the zone. **In Staff's opinion, the proposed lots will be of the same character as existing lots in the neighborhood with respect to lot frontage.**

**Alignment:** Both Lots 9 and 10 will be perpendicular in alignment. There are 12 other perpendicular lots in the neighborhood and 5 corner lots. **The proposed lots will be in character with the existing lots with respect to the alignment criterion.**

**Size:** The existing lots range in size from 5,030 square feet to 9,930 square feet. Proposed Lot 9 will be 7,365 square feet and Lot 10 will be 10,000 square feet. Proposed Lot 10 will be the largest lot in the designated neighborhood, however, Staff finds it to be in character with the existing lots. The resubdivision is actually improving the relationship of the subject property to other lots in the neighborhood since the two proposed lots will be closer to the size than the currently existing 17,365 square foot lot. **The proposed lots will be in character with the existing lots in the neighborhood with respect to size.**

**Shape:** Proposed Lots 9 and 10 will be irregular in shape. The neighborhood consists of 10 rectangular shaped lots and 7 irregular lots. The irregular shapes of the proposed lots are more extreme than the remainder of the neighborhood, but they reflect the existing condition which cannot be improved given the shape of the Part of Lot 1 which is included in the property. **Staff finds the shapes of the proposed lots to be in character with shapes of the existing lots.**

**Width:** The existing lots range in width from 50 feet to 125.47 feet. Proposed Lot 9 will have a lot width of 50 feet and Lot 10, 75 feet. **The proposed lots will be in character with existing lots in the neighborhood with respect to width.**

**Area:** Lot areas in the neighborhood range from 1,332 square feet to 4,598 square feet. Proposed Lots 9 and 10, will have areas of 2,896 square feet and 5,159 square feet, respectively. Proposed Lot 10 will have the largest area in the neighborhood, but Staff nevertheless finds it to be in character with the lots in the neighborhood since the lot being subdivided is already the largest in the neighborhood. **Therefore, staff finds the proposed lots to be of the same character as other lots in the neighborhood with respect to area.**

**Suitability for Residential Use:** The existing and the proposed lots are zoned residential and the land is suitable for residential use.

## **Forest Conservation**

The property is exempt from forest conservation requirements, but a tree save plan is required prior to sediment control and building permits.

## **CONCLUSION**

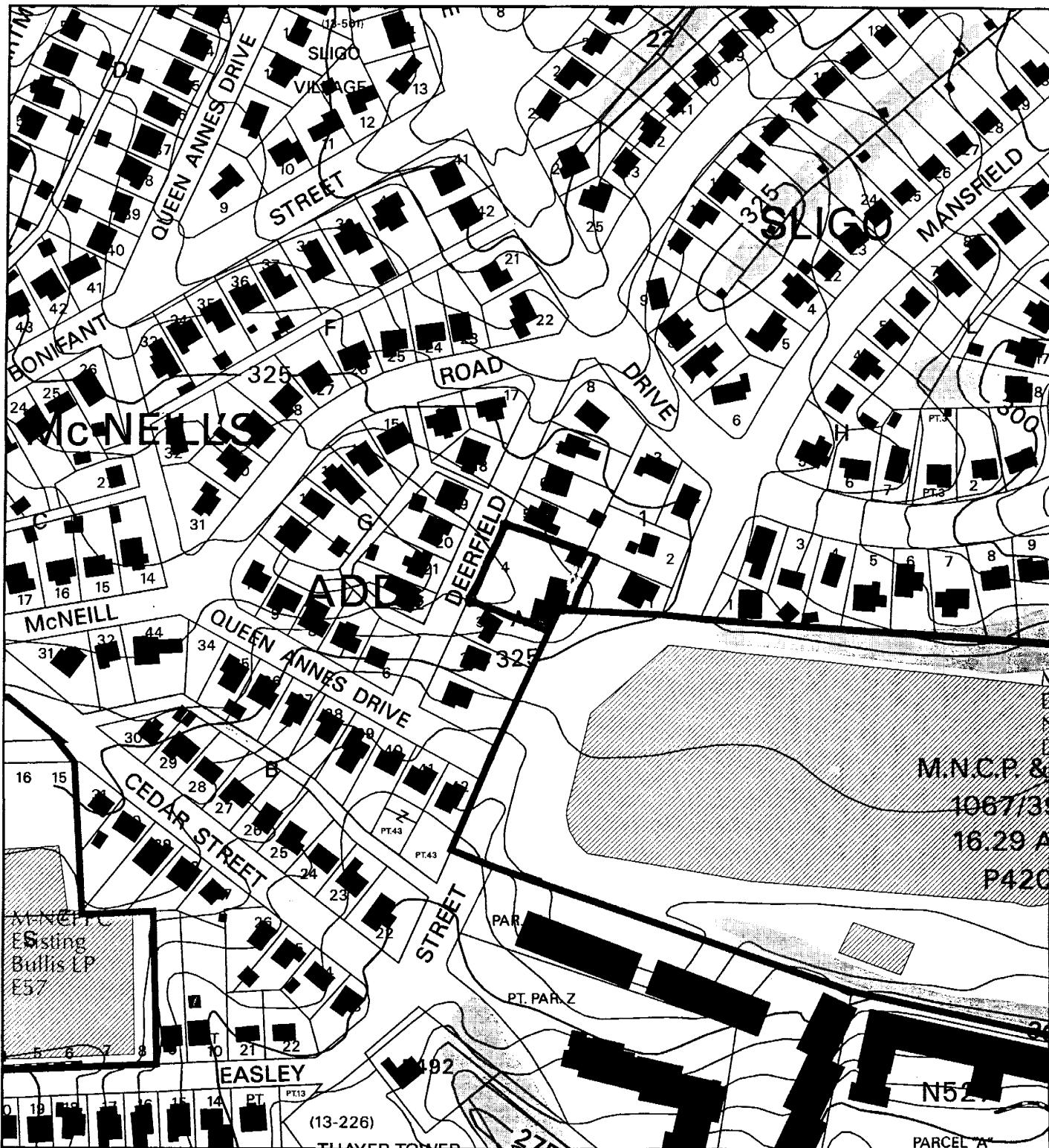
Section 50-29(b)(2) of the Subdivision Regulations specifies seven criteria with which resubdivided lots must comply. They are street frontage, alignment, size, shape, width, area and suitability for residential use within the existing block, neighborhood or subdivision. As set forth above, the Staff finds that the two proposed lots are of the same character as the existing lots in the defined neighborhood with respect to each of the resubdivision criteria. Therefore, Staff believes the proposed resubdivision complies with Section 50-29(b)(2) of the Subdivision Regulations. Staff also believes the proposed subdivision meets all other requirements of the Subdivision Regulations (Chapter 50). Therefore, Staff recommends approval of the preliminary plan with the specified conditions.

## **Attachments**

Attachment A – Vicinity Development Map  
Attachment B – Neighborhood Delineation Map  
Attachment C – Proposed Development Plan  
Attachment D – Tabular Summary

*No citizen correspondence has been received up to this point.*

# MCNEILLS ADDITION (1-05068)



Map compiled on March 01, 2005 at 3:41 PM | Site located on base sheet no - 210NW01

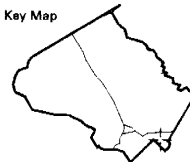
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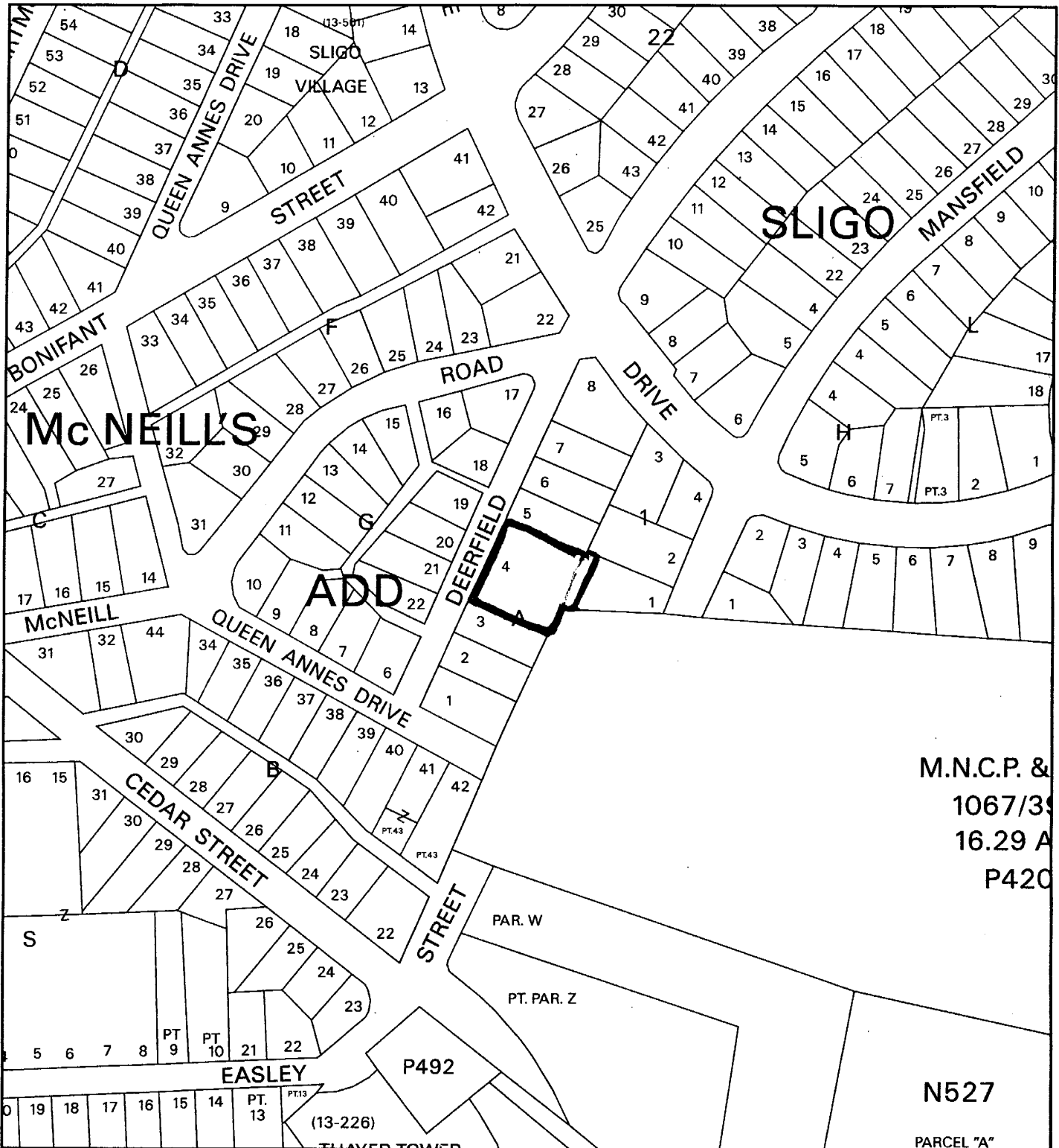
Property lines are compiled by adjusting the property lines to topography created from aerial photography and should not be interpreted as actual field surveys. Planimetric features were compiled from 1:14400 scale aerial photography using stereo photogrammetric methods.

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Key Map



# MCNEILLS ADDITION (1-05068)



M.N.C.P. &  
1067/3  
16.29 A  
P420

N527  
PARCEL "A"

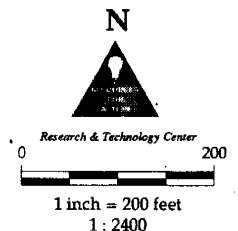
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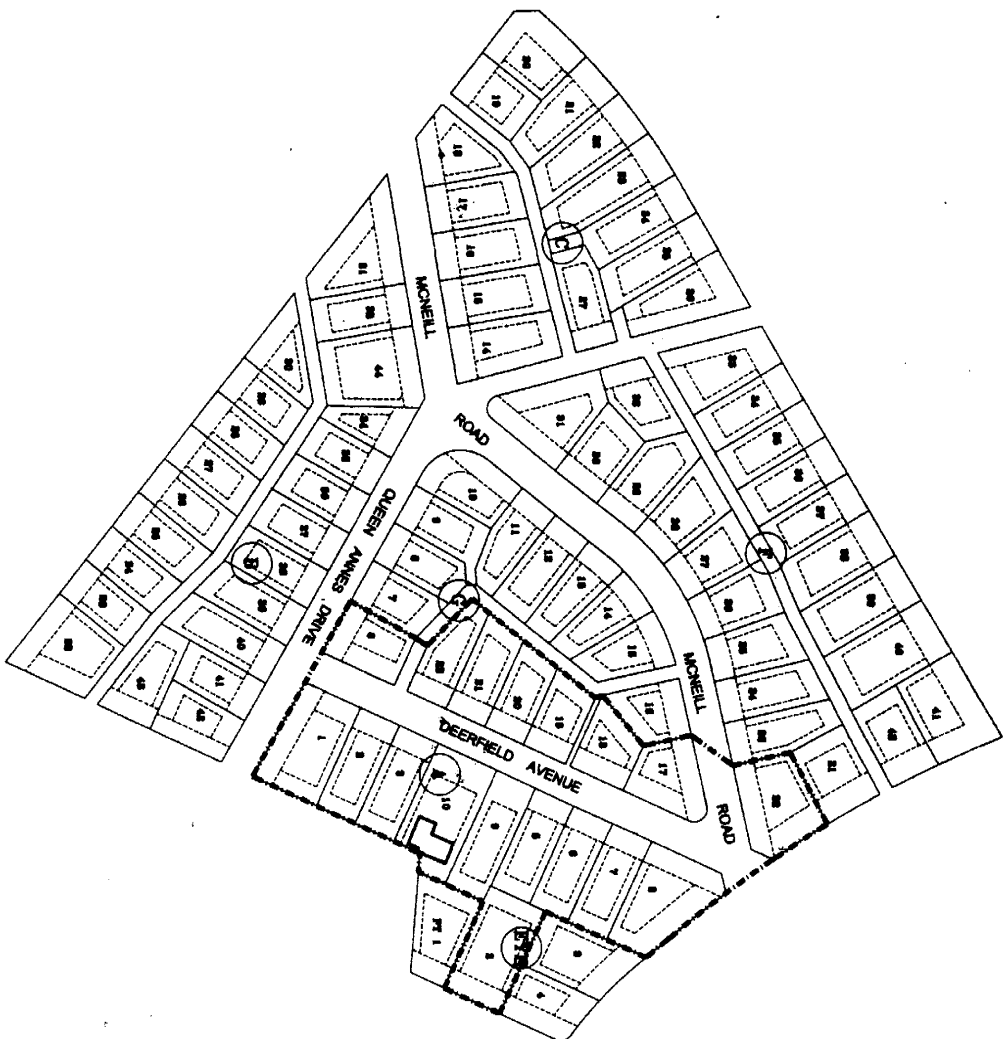
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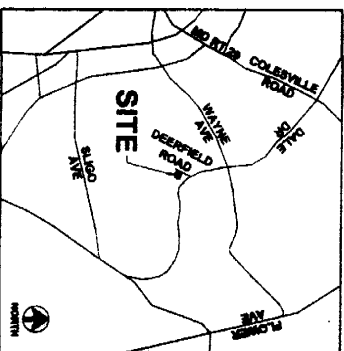








PREPARED FOR:  
**ARBOR HOMES**  
 MR. ALAN ADLER  
 19311 NOGLES ROAD  
 SILVER SPRING, MARYLAND 20903  
 301-445-3822



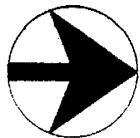
VICINITY MAP  
 SCALE: 1" = 2,000'

NEIGHBORHOOD MAP  
**MCNEILLS ADDITION**  
 Montgomery County, Maryland



Planning & Associates, Inc.  
 Land Planning Consultants  
 8933 Sandy Grove Court  
 Gaithersburg, MD 20877  
 (301) 948-0246

date: March 2005  
 scale: 1"=100'



## RESUBDIVISION TABULAR ANALYSIS

Proposed Lots 9 &amp; 10, Block A, McNeill's Addition

Lot	Frontage	Alignment	Size	Shape	Width	Building Area
1A	197.47'	Corner	9,684sf	Rectangular	125.47'	3,487sf
2A	50'	Perpendicular	6,250sf	Rectangular	50'	2,560sf
3A	50'	Perpendicular	6,250sf	Rectangular	50'	2,560sf
4A	50'	Perpendicular	6,250sf	Rectangular	50'	2,560sf
5A	50'	Perpendicular	6,250sf	Rectangular	50'	2,560sf
6A	50'	Perpendicular	6,250sf	Rectangular	50'	2,560sf
7A	50'	Perpendicular	6,250sf	Rectangular	50'	2,560sf
8A	231.98'	Corner	9,930sf	Irregular	100.5'	3,013sf
22F	205.57'	Corner	8,836sf	Irregular	116.5'	3,079sf
6G	161.81'	Corner	5,827sf	Rectangular	66'	1,653sf
17G	201.85'	Corner	6,321sf	Irregular	95.6'	1,522sf
18G	68'	Perpendicular	5,031sf	Irregular	68'	1,332sf
19G	55'	Perpendicular	5,030sf	Irregular	55'	1,697sf
20G	50'	Perpendicular	5,218sf	Irregular	50'	1,881sf
21G	50'	Perpendicular	5,833sf	Irregular	50'	2,274sf
22G	50'	Perpendicular	5,413sf	Irregular	50'	2,166sf
2EYE	72'	Perpendicular	9,371	Rectangular	72	4,598sf
9	50'	Perpendicular	7,365sf	Irregular	50'	2,896sf
10	75'	Perpendicular	10,000sf	Irregular	75'	5,159sf

Existing size of subject property: 0.39 acres (17,365sf)