



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MCPB
Item # 9
5/19/05



MEMORANDUM

DATE: May 11, 2005

TO: Montgomery County Planning Board

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

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

REVIEW TYPE: Preliminary Plan Review

APPLYING FOR: Resubdivision of Existing Lot 6-A, Block D, Alta Vista Subdivision
Subdivision for Two Lots

PROJECT NAME: Alta Vista

CASE #: 1-05075

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

ZONE: R-60

LOCATION: In the northwest quadrant of the intersection of Acacia Avenue and Locust
Avenue

MASTER PLAN: Bethesda/Chevy Chase

APPLICANT: Mr. & Mrs. Steve Schultz

ENGINEER: Macris Hendricks & Glascock, PA

FILING DATE: March 4, 2005

HEARING DATE: May 19, 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) Compliance with the conditions of approval of the MCDPS stormwater management approval dated March 1, 2005.
- 3) The applicant shall dedicate Acacia Avenue and Locust Avenue rights-of-way shown on the approved preliminary plan to the full width mandated by the Master Plan.
- 4) Prior to plat recordation, the applicant shall enter into a covenant to participate in the future construction cost of a 4-foot sidewalk along Acacia Avenue and Locust Avenue.
- 5) Access and improvements, as required, to be approved by MCDPWT prior to record plats.
- 6) Other necessary easements.

SITE DESCRIPTION

The subject property consists of 0.55 acres (24,163 square feet) of land comprised of one existing lot which was previously resubdivided 1948. The property is located at the intersection of Acacia Avenue and Locust Avenue and is zoned R-60 (Attachment A). A residential dwelling exists on the property.

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

PROJECT DESCRIPTION

This is an application to resubdivide the 0.55 acre subject property into two residential lots. The proposal will create an 8,132 square foot lot (Lot 22) and a 13,664 square foot lot (Lot 23). The applicant proposes to remove the existing dwelling and construct two new one-family detached dwellings (Attachment B). The two dwellings would have separate driveway access to Acacia Avenue and Locust Avenue, respectively.

DISCUSSION OF ISSUES

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 (Mid-Bethesda – Northern B-CC) 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 the applicant and agreed to by Staff consists of 24 lots (Attachment C). The neighborhood includes all lots that abut or confront the proposed lots, as well as the lots along the same blocks on the frontage streets. Existing parts of lots are excluded from the neighborhood. All the lots share the same R-60 zoning. 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 60 feet to 96.81 feet. Proposed Lot 22 has a lot frontage of 91 feet, and proposed Lot 23 has a frontage of 124 feet. Proposed Lot 124 will have a larger frontage than the existing lots within the neighborhood, however, this results from the unusual configuration of the intersection of Acacia Avenue and Locust Avenue, which is an existing condition. The proposed resubdivision will result in lots which are more in conformance with the frontages of lots in the designated neighborhood than the existing lot. **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: There are 12 perpendicular, 1 angular, 5 corner, and 6 radial lots in the designated neighborhood. Proposed Lot 22 is perpendicular in alignment and proposed Lot 23 is a corner lot. **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 5,421 square feet to 15,024 square feet. Proposed Lot 22 will be 8,132 square feet and Lot 23 will be 13,664 square feet. **The proposed lots will be in character with the existing lots in the neighborhood with respect to size.**

Shape: Proposed Lots 22 and 23 will be irregular in shape. The neighborhood consists of 16 irregular shaped lots, 6 rectangular shaped lots and 2 triangular lots. **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 60 feet to 117.5 feet. Proposed Lot 22 will have a lot width of 81 feet and Lot 23, 130 feet. Proposed Lot 23 will have the largest width in the designated neighborhood, but this results from the unusual configuration of the intersection of Acacia Avenue and Locust Avenue, which is an existing condition. **In Staff's opinion, 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 1,400 square feet to 8,600 square feet. Proposed Lots 22 and 23 will have areas of 3,400 square feet and 4,500 square feet, respectively. **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, and a tree save plan has not been required.

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 – Proposed Development Plan

Attachment C – Neighborhood Delineation Map

Attachment D – Tabular Summary

No citizen correspondence has been received up to this point.