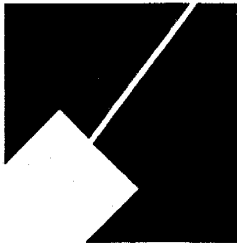


Item 2
7/6/2006

M-NCPPC



MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING

THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

8787 Georgia Avenue
Silver Spring, Maryland 20910-3760
301-495-4500, www.mncppc.org

MEMORANDUM-Consent Agenda Item

DATE: June 23, 2006
TO: Montgomery County Planning Board
VIA: Rose Krasnow, Chief *RK*
Michael Ma, Supervisor *Ma*
Development Review Division
FROM: Robert A. Kronenberg *RAK*
Development Review Division
(301) 495-2187



REVIEW TYPE: Site Plan Amendment
CASE #: 82003028A
PROJECT NAME: Fogel Bar-Levav
APPLYING FOR: Amendment to extend the handicap ramp for ADA accessibility
and revisions to the approved landscape plan
REVIEW BASIS: Div. 59-D-2.6 of Montgomery County Zoning Ordinance for
Minor Plan Amendments
ZONE: C-T
LOCATION: Located approximately 200 feet northwest of the intersection with
Old Georgetown Road and Del Ray Avenue
MASTER PLAN: Bethesda
APPLICANT: David Fogel and Ilana Bar-Levav
FILING DATE: April 10, 2006
HEARING DATE: July 6, 2006

An amendment was filed on April 10, 2006 due to a notice of violation issued by our M-NCPPC inspector for discrepancies with the approved site plan. The notice of violation was issued on January 24, 2006 for missing or incorrect landscape elements. The Applicant was also required by the Montgomery County Department of Permitting Services to extend the handicap ramp and entry walkway to comply with ADA and accessibility standards. The Applicant was given a time frame to correct the discrepancies; however, an amendment to the site plan was submitted to address the landscape changes as well as the handicap ramp to satisfy DPS.

A public notice was sent out on March 30, 2006 for review and comment; however, the start date for the application did not start until April 16, 2006. Please find a copy of the attached notice that includes the specific revisions to the plan and the notice of violation

issued for the missing landscape elements. This amendment did not go to DRC but was circulated to departmental staff for review and comment.

As previously noted, the proposed amendment specifically modifies the approved site plan to include the as-built conditions; specifically the incorrect plant species and location, as well as the extension of the handicap ramp and entry walkway.

The Applicant received comments from staff on June 6, 2006 and resubmitted with the corrections on June 16, 2006. The Applicant made the changes requested by staff and submitted the amended site plan enforcement agreement for signature by our legal department.

The proposed amendment is consistent with the provisions of Section 59-D-2.6 of the Montgomery County Zoning Ordinance for Minor Plan Amendments. The amendment does not alter the intent, objectives, or requirements expressed or imposed by the Planning Board for the originally approved site plan.

Staff recommends **APPROVAL** of the Minor Site Plan Amendment for Fogel Bar-Levav (Site Plan No. 82003028A) for modifications to the landscape elements and extension of the handicap ramp and entry walkway.

Staff requests that the certified site plan and amended site plan enforcement agreement reflect the changes requested by staff for approval.

M-NCPPC



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NOTICE OF VIOLATION

January 24, 2006

Ms. Ilana Bar-Levav MD.
7920 Old Georgetown Rd.
Bethesda, MD 20814

Re: Inspection results
Fogel Bar- Levav Property
Site Plan #: 8-20030280

Dear Ms. Bar-Levav:

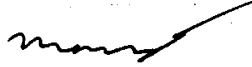
On September 1, 2005 an inspection for compliance with the approved site plan was performed at your site. The property is governed by the approved site plan 8-20030280. Your signature appears on the site plan and associated site plan enforcement agreement, which has legally bound you to execute all the features and requirements of the site plan. Pursuant to the site inspection the following landscape elements of the approved site plan were missing or require correction:

1. The hedgerow of Junipers along the south property line was only partially installed.
2. The Peony shrub and 2 Azaleas were not planted (proposed near southeast corner of site).
3. The Sweet Woodruff and the Lily of the Valley plantings were absent and/or sparsely planted along the east side of the building.
4. A Southern Magnolia was planted at the northeast corner the building instead of the required Japanese Umbrella Pine.
5. The planting locations and species installed in the front of the building are substantially different than the site plan drawings and specifications indicate.

As a result of the above-mentioned items, your site is not in compliance with the Planning Board approved site plan and conditions of approval. The landscape items must be corrected within the Spring 2006 planting window of March 15, 2006 to May 15, 2006. Failure to comply with these measures by the dates specified may result in the issuance of civil citations for non-compliance with the approved site plan.

If you should have any questions concerning this inspection or any corrective requirements please contact me at 301-495-4521.

Sincerely,

A handwritten signature in black ink, appearing to read 'Marco Fuster', with a long, sweeping horizontal stroke extending to the right.

Marco Fuster
Development Review Division

March 30, 2006

Development Review Division
Maryland-National Capital Park and Planning Commission,
8787 Georgia Avenue
Silver Spring, MD 20910

Dear Plan Reviewers,

I am writing to request a Minor Amendment to the Approved Site Plan Signature Set for the Fogel/Bar-Levav Property at 7920 Old Georgetown Road in Bethesda. The property was approved for reclassification to the C-T zone in March of 2003, the required Site Plan documents were approved in May of 2003, and the Signature Set approved in August of 2003 under File No. 8-03028.

The property has been developed as shown on the plans, however a few changes were necessitated in the field, for which we request approval. The changes are as follows:

1) Handicap ramp and entry walkway

The handicap ramp was inspected by the County DPS at time of construction, and found to be slightly greater in slope than calculations using the topography provided had anticipated, and approximately 6" in additional height needed to be accommodated. The inspector directed Drs. Fogel and Bar-Levav to extend the ramp and provide a sloping walkway in the configuration indicated on the revised plan to keep the slope of handicap access within tolerances.

2) Landscaping

Several modifications to the landscape plan are requested.

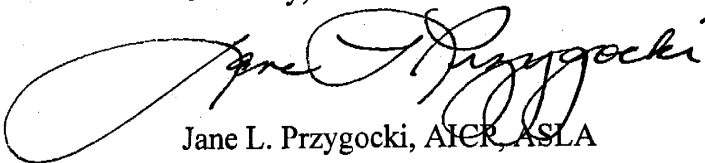
- A. The plan shows six Skyrocket Junipers along the 6-foot privacy fence in the rear, however, only four would fit comfortably without interference with parked cars and the room needed for entry and exit from the cars. The junipers are not required for screening between the subject property and the adjacent property, as there is a privacy fence installed along the length of the property line, as well as existing cedars and Leyland cypress trees on the subject property and adjacent property for this purpose. The junipers were proposed to soften the length of the fencing, and to break it up with interest and color. Installing four instead of six still achieves that goal.
- B. The plan indicates three shrubs in the separate garden area outside the rear office. This area is surrounded by a 6-foot privacy fence, and is shaded by the existing cypress trees and Japanese maple. The owners would like to install a Japanese rock garden instead of the peony and azalea shrubs indicated on the plan. In the corner where the shrubs are proposed, they would like to have a waterfall-type fountain. The patio has been reconfigured to a curvilinear shape more in keeping with the desired Japanese rock garden concept.

- C. In the front yard, a Japanese Umbrella Pine was proposed at the northeast corner of the house. The umbrella pine is a very slow growing tree, and the owner has installed a small magnolia tree in the same general location, to provide more height and mass at the corner and screening of the narrow space between the house and the adjacent commercial area. The Japanese umbrella pine was moved out to a more central location in the front yard as a specimen plant.
- D. Extension of the ramp and walkways required by DPS left insufficient room for the shrubs proposed along the sidewalk along Old Georgetown Road. Perennials (liriope) have been provided in their place on the west side of the site. The cherry laurels on the eastern side of the sidewalk are replaced by Harry Lauder Walking Stick, barberry, shag pine and seasonal plantings in the front yard. The seasonal plantings have not been specified, as they are subject to change.
- E. Five Pieris japonica were proposed along the foundation on the east side of the front elevation. Several of these did not survive and were replaced with three Cherry laurels, which have done well on the other side of the porch. Three pieris and one azalea have also been planted in this location.
- F. Along the eastern side of the house there is a narrow, shady area that was designated for Lily of the Valley and Sweet Woodruff. These plants were not available, and so the owner would like to substitute perennials such as daylilies, ornamental grasses and hostas to soften this area.
- G. Rain barrels were indicated in several locations on the plan. However, as reported by Eric Salo of DPS, they were determined to be unnecessary for the site, and the requirement for the rain barrels was waived by the Department of Permitting Services. The site was inspected by DPS and deemed as having satisfied the required conditions. The owner has installed one rain barrel in the front of the house as shown on the plan, but not the others.

Please find enclosed a set of the Approved Site Plan Signature Set and Planning Board Opinion, three sets of the proposed Site Plan Signature Set, the Site Plan Application, and a check for \$300 for Staff-level review of the proposed Minor Amendment.

If you should have any questions regarding the submission, please feel free to call. We look forward to your review and the opportunity to resolve the inconsistencies between the plan and the installation in the field. Thank you for your consideration.

Sincerely,



Jane L. Przygocki, AICP, ASLA

jlp

cc: Steve Robins