



**MONTGOMERY COUNTY PLANNING BOARD**

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

**MCPB No. 09-26**  
**Preliminary Plan No. 120070150**  
**Norwood Road Property**  
**Date of Hearing: February 12, 2009**

**MAR 17 2009**

**MONTGOMERY COUNTY PLANNING BOARD**

**RESOLUTION<sup>1</sup>**

WHEREAS, pursuant to Montgomery County Code Chapter 50, the Montgomery County Planning Board ("Planning Board" or "Board") is vested with the authority to review preliminary plan applications; and

WHEREAS, on September 15, 2006, Mr. Hosein Shahparvari ("Applicant"), filed an application for approval of a preliminary plan of subdivision of property that would create 3 lots on 2.02 acres of land located on the west side of Norwood Road, approximately 465 feet south of the intersection with Olney-Sandy Spring Road (MD 108) ("Property" or "Subject Property"), in the Sandy Spring-Ashton master plan area ("Master Plan"); and

WHEREAS, Applicant's preliminary plan application was designated Preliminary Plan No. 120070150, Norwood Road Property ("Preliminary Plan" or "Application"); and

WHEREAS, Planning Board staff ("Staff") issued a memorandum to the Planning Board, dated January 30, 2009, setting forth its analysis, and recommendation for denial of the Application ("Staff Report"); and

WHEREAS, following review and analysis of the Application by Staff and the staff of other governmental agencies, on February 12, 2009, the Planning Board held a public hearing on the Application (the "Hearing"); and

WHEREAS, at the Hearing, the Planning Board heard testimony and received evidence submitted for the record on the Application; and

WHEREAS, on February 12, 2009, the Planning Board denied the Application on motion of Commissioner Robinson: seconded by Commissioner Cryor; with a vote of 5-0, Commissioners Alfandre, Cryor, Hanson, Presley, and Robinson, voting to deny the Application.

NOW, THEREFORE, BE IT RESOLVED THAT, pursuant to the relevant

<sup>1</sup> This Resolution constitutes the written opinion of the Board in this matter and satisfies any requirement under the Montgomery County Code for a written opinion.

Approved as to  
Legal Sufficiency:

*Christina Sorrento 2/26/09*

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provisions of Montgomery County Code Chapter 50, the Planning Board **denies** Preliminary Plan No. 120070150 to create 3 lots on 2.02 acres of land located on the west side of Norwood Road, approximately 465 feet south of the intersection with Olney-Sandy Spring Road (MD 108) ("Property" or "Subject Property"), in the Sandy Spring-Ashton master plan area ("Master Plan").

BE IT FURTHER RESOLVED, that, having given full consideration to the recommendations and findings of its Staff, which the Board hereby adopts and incorporates by reference, and upon consideration of the entire record, the Montgomery County Planning Board FINDS that the Application fails to comply with the following section of Chapter 50 of the Montgomery County Code, (Subdivision Regulations):

The Preliminary Plan does not conform to Section 50-29(a)(1) which requires a finding by the Planning Board that with respect to the location of the subdivision, the proposed lot(s) is of the appropriate size, shape, width and orientation: Specifically it states:

Sec. 50-29. Lot Design

*(a) General Provision*

*(1) Lot Dimension. Lot size, width, shape and orientation shall be appropriate for the location of the subdivision taking into account the recommendations included in the applicable master plan, and for the type of development or use contemplated in order to be approved by the Board.*

The Planning Board agreed with the recommendation from Staff to deny the Application based on an inappropriate orientation of proposed Lot 2 (Lot 2) as it relates to proposed Lot 1 (Lot 1). The neighborhood for the proposed subdivision is laid out in the Staff Report and consists of the lots and parcel with frontage on Norwood Road. The Planning Board finds that the relationship of a lot directly to the rear of an adjoining lot is inappropriate for the location of the subdivision. The Board based this finding on the fact that this relationship does not currently exist in the neighborhood.

The Sandy Spring-Ashton Master Plan does not make specific recommendations on this Property but does have general guidance on Norwood Road and refers to it as a rural entryway into the Sandy Spring and Ashton communities. The Master Plan provides guidelines on how this road should appear, recommending the preservation of hedgerows and other road side vegetation. The Board found that maintaining the existing look of the road as a rural entryway was important and that the placement of two homes set far back from the street would establish an orientation that was inappropriate for the Master Plan recommendation.

The Planning Board also found that the proposed layout would not constitute harmonious development as required in the provisions of the Purpose Clause under Section 50-2 of the Subdivision Regulations. The Board decided that a view of the rear yard of the house on Lot 1 out of the front windows of the proposed house on Lot 2 is unacceptable and would not constitute harmonious development. Staff explained how the house to the rear had little flexibility to be shifted in any direction to avoid this situation. The small lot size and resulting smaller building envelope prevented any such home site shift. The Planning Board found that this direct front to rear relationship of homes would create disharmony within the neighborhood.

Therefore, the Planning Board found that the Preliminary Plan did not conform to Section 50-29(a)(1) in that the proposed lot orientation was not appropriate for the location of the subdivision, nor did it believe that the development would not constitute harmonious development within the Regional District.

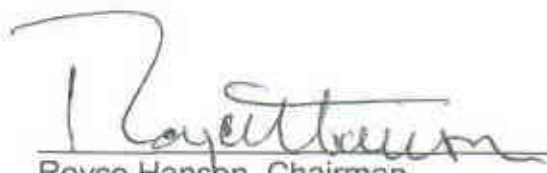
BE IT FURTHER RESOLVED, that the date of this Resolution is MAR 17 2009 (which is the date that this Resolution is mailed to all parties of record); and

BE IT FURTHER RESOLVED, that any party authorized by law to take an administrative appeal must initiate such an appeal within thirty days of the date of this Resolution, consistent with the procedural rules for the judicial review of administrative agency decisions in Circuit Court (Rule 7-203, Maryland Rules).

\* \* \* \* \*

**CERTIFICATION**

This is to certify that the foregoing is a true and correct copy of a resolution adopted by The Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission on motion of Commissioner Alfandre, seconded by Commissioner Cryor, with Commissioners Hanson, Robinson, Cryor, and Alfandre present and voting in favor of the motion, and Commissioner Presley absent at its regular meeting held on Thursday, March 5, 2009, in Silver Spring, Maryland.



Royce Hanson, Chairman  
Montgomery County Planning Board