



**MONTGOMERY COUNTY PLANNING DEPARTMENT**  
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

**MCPB**  
**Item #**  
**3/1/07**



**MEMORANDUM**

**DATE:** February 15, 2007

**TO:** Montgomery County Planning Board

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

**FROM:** Catherine Conlon, Supervisor (301-495-4542)  
Development Review Division *CC*

**REVIEW TYPE:** Preliminary Plan of Subdivision, Resubdivision of existing Part of Lot 150, Section 2, Manor Park

**APPLYING FOR:** 2 One-family Detached Residential Lots

**PROJECT NAME:** Manor Park

**CASE #:** 120060650

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

**ZONE:** R-200

**LOCATION:** In the northwest quadrant of the intersection of Carrolton Road and Old Georgia Avenue

**MASTER PLAN:** Aspen Hill

**APPLICANT:** Robert A. Hegel

**ENGINEER:** Macris, Hendricks & Glascock, P.A.

**FILING DATE:** December 22, 2005

**HEARING DATE:** March 1, 2007

## **RECOMMENDATION: Denial**

### **SITE DESCRIPTION**

The Subject Property consists of 0.95 acres (41,190 square feet) of land within the Aspen Hill Master Plan area. The property is zoned R-200 and is located in the northwest quadrant of the intersection of Carrolton Road and Old Georgia Avenue (Attachment A). The land is comprised of one existing part of a lot, which was originally recorded in 1926 and subsequently changed by deed. The property contains an existing residential dwelling which is accessed by private driveway from Carrolton Road. The dwelling, as it exists, is located within the 30-foot rear yard setback required in the R-200 zone. Surrounding land use is residential in the same zone.

The property lies within the Rock Creek Watershed which is classified as Use I-P. There are no streams, wetlands, floodplains, or environmental buffers on the property. There is a small stand of trees located along the eastern property boundary and several individual existing yard trees. Many of these trees are greater than 24 inches in diameter measured at 4.5 feet above the ground, indicating that they are mature trees, most of which are in good condition.

### **PREVIOUSLY SCHEDULED HEARING**

The subject application was previously scheduled for hearing on October 19, 2006, however, the applicant requested postponement of the item before any discussion of the item began.

### **PROJECT DESCRIPTION**

This is an application to resubdivide the 0.95 acre Subject Property into two residential lots which would be 20,369 square feet (Lot 202) and a 20,650 square feet (Lot 203) in size. The proposal includes modification and retention of the existing dwelling and construction of a new one-family detached dwelling (Attachment B). The two dwellings would have separate driveway access from Carrolton Road and be served by public water and sewer.

The modification to the existing dwelling involves removing the portion of the building that would be within the side yard setback of the new lot being proposed by this resubdivision. Since the rear lot line is not being changed as a part of the proposed resubdivision, the applicant is not proposing to remove the portion of the structure lying within the rear yard setback. However, if the resubdivision is approved, MCDPS may determine that removal of the entire structure is necessary since "grandfathering" for an existing structure on a lot recorded prior to June 1, 1958 applies only if the lot on which it is located remains in its pre-1958 recorded condition. After a resubdivision, MCDPS may determine that any renovation to the existing structure requires the entire structure to be in conformance with the development standards of the current R-200 zone.

## **ANALYSIS AND FINDINGS**

### **Compliance with the Subdivision Regulations and Zoning Ordinance**

This application has been reviewed for compliance with the Montgomery County Code, Chapter 50, the Subdivision Regulations. Access and public facilities will be adequate to support the proposed lots and uses, and the lots meet the dimensional requirements for area, frontage, width and setbacks in the R-200 zone. However, as discussed below, the application does not meet the requirements for resubdivision as specified in Section 50-29(b)(2).

#### **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 are in character for the neighborhood with respect to 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 block, neighborhood or subdivision for evaluating the application. In this instance, the neighborhood selected by the applicant for analysis purposes consists of 33 lots, excluding the subject property (Attachment C). The neighborhood includes all lots that abut or confront the proposed lots, as well as the remaining lots in the same block. The applicant's neighborhood also contains seven additional lots in confronting blocks. Staff has utilized a different neighborhood in analyzing this application for resubdivision. In staff's opinion, the applicant's proposed neighborhood is difficult to justify. Several lots in the applicant's selected neighborhood are not appropriate for inclusion, and certain omitted lots should be included.

The proposed lots are located at the corner of Carrolton Road and Old Georgia Avenue. The primary vehicular access route to the property is via Old Georgia Avenue from Georgia Avenue (MD 97), or via Manor Park Drive, Faraday Drive and Carrolton Road. Although the lots fronting on Montpelier Road are in the same block as the proposed lots, they bear little or no meaningful relationship to the subject property; significantly, they do not abut the subject property, nor are they located on a direct pedestrian or vehicular access route to the subject property. In staff's view, those lots to the north of the Subject Property which front on Montpelier Road and Beverly Road constitute a separate and distinct neighborhood, in large part

because they have only one access point at Beverly Road and Carrolton Road, which serves to separate them from the larger neighborhood in the northwest quadrant of Bel Pre Road and Georgia Avenue (MD 97). The neighborhood selected by staff for analysis purposes (Attachment D) consists of 26 lots ("Neighborhood"). The Neighborhood includes all of the lots in the applicant's delineated neighborhood, except those which have frontage on Montpelier Road, plus three lots which share frontage with the subject property on Carrolton Road between Beverly Road and Old Georgia Avenue. In staff's opinion, this delineation of the Neighborhood provides a logical basis for comparison of the character of the proposed lots to those existing lots that will be reasonably impacted by the proposed resubdivision, while omitting lots that have little or no rational relationship to the subject property. Tabular summaries of the applicant's and staff's delineated neighborhoods based on the resubdivision criteria are included in Attachments E and F, respectively.

### **C. Analysis**

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

In performing the analysis, the above-noted resubdivision criteria were applied to the Neighborhood. The proposed lots are at the bottom of the range of lots in the neighborhood for buildable area and overall size. For these reasons, the proposed lots are not of the same character as other lots within the existing Neighborhood, and do not comply with the resubdivision 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 in the Neighborhood range in frontage from 98 feet to 219 feet. Proposed Lot 202 has a lot frontage of 184 feet, and proposed Lot 203 has frontages of 142 feet and 238 feet along Carrolton Road and Old Georgia Avenue, respectively. The actual front of the house on proposed Lot 203 would be on Carrolton Road. The proposed lot frontages lie above the median of the Neighborhood range and correspond well with other lots. **The proposed lots would be of the same character as existing lots in the Neighborhood with respect to lot frontage.**

**Alignment:** There are 5 perpendicular, 7 radial, 6 corner, and 8 angular lots in the Neighborhood. Proposed Lot 202 has an angular alignment and proposed Lot 203 is a corner lot. Viewed in isolation, the proposed lot alignment is not statistically unusual, however; in aggregate with lot shape, proposed Lot 202 is rendered out of character with the existing lots based on its depth to width ratio.

**Size:** The existing 26 lots in the Neighborhood range in size from 16,362 square feet to 46,252 square feet. Six of these are less than 21,000 square feet in size, and the two smallest, at 16,362 and 18,055 square feet, respectively, are less than the minimum size required by the R-200 zone (20,000 square feet). Proposed Lots 202 and 203 would be 20,369 square feet and 20,650 square feet, respectively. Proposed lot 202 would be the fourth smallest lot in the Neighborhood and the second smallest if lots that don't meet the minimum requirements of the current zoning are excluded. **Proposed Lot 202 is not in character with the size of the lots in the delineated Neighborhood.**

**Shape:** Proposed Lots 202 and 203 will be irregular in shape. The neighborhood consists of 10 rectangular shaped lots and 16 irregular shaped lots. As previously noted, the proposed lot shape is not statistically unusual, however; in aggregate with lot alignment, proposed Lot 202 is rendered out of character with existing lots in the Neighborhood.

**Width:** The existing lots range in width at the building line from 100 feet to 201 feet. Proposed Lot 202 would have a lot width of 160 feet and Lot 203 would have a lot width of 141 feet. **The proposed lots would be in character with existing lots in the Neighborhood with respect to width.**

**Area:** The buildable areas of lots in the Neighborhood range from 4,238 square feet to 28,115 square feet. Proposed Lots 202 and 203 will have buildable areas of 6,404 square feet and 5,172 square feet, respectively. The proposed buildable areas would be the second and third smallest in the 26 lot neighborhood. The only lot with a smaller area is a corner lot located at the opposite end of the block. Smaller buildable areas are not uncharacteristic for corner lots which have to meet two front yard setbacks, however, five out of six of the existing corner lots in the neighborhood have a buildable area at least 2,000 square feet larger than proposed corner Lot 203. Proposed Lot 202, which is not a corner, would have a smaller area than all lots in the Neighborhood except the one existing corner and proposed Lot 203. **Both proposed lots would not be of the same character as other lots in the Neighborhood with respect to buildable area.**

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

### **Master Plan Compliance**

The Aspen Hill 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 consistent with the Zoning Ordinance development standards for the R-200 zone.

### **Transportation**

The proposed lots do not generate 30 or more vehicle trips during the morning or evening peak-hours. Therefore, the application is not subject to Local Area Transportation Review. The proposed right-of-way dedication for corner truncation and access via private driveways has been determined to be adequate to serve the proposed lots. Per Section 49-35(e) of the Montgomery County Code, the applicant is required to construct a 4-foot sidewalk along the Carrolton Road property frontage. With the required public improvements, proposed vehicle and pedestrian access for the subdivision will be safe and adequate.

By letter dated December 22, 2005 (Attachment G), the applicant is requesting a waiver of the construction of sidewalks for this subdivision based upon their being out of character for the existing neighborhood since no sidewalks currently exist. The applicant cites to Sections 50-24(a) and (b) of the Subdivision Regulations in support of their request, however, these sections actually require the construction of sidewalks by the developer, under the specifications of the road construction code, and do not include provisions under which the Planning Board may waive such requirements. The request would have to be either granted by Montgomery County Department of Permitting Services (DPS) per their authority under the road construction code, or by the Planning Board under the general waiver provisions of Section 50-38 of the Subdivision Regulations. The applicant has not provided a basis for the necessary finding per Section 50-38, that practical difficulties or unusual circumstances exist that prevent full compliance with the requirements. The lack of sidewalks in the existing neighborhood is not an acceptable basis for this finding.

### **Environment**

There are no streams, wetlands, floodplains, or environmental buffers on the property. The MCDPS Stormwater Management Section approved the stormwater management concept for the project on February 1, 2006 which includes onsite water quality control with dry wells and recharge via non-structural methods. The proposed application meets all applicable requirements for protection of environmentally sensitive areas.

### **Forest Conservation**

The property is exempt from county forest conservation requirements under the small property exemption category, but a tree save plan is required since the proposal would involve clearing two of three existing specimen trees. The specimens and other large trees are located on the eastern portion of the site where the proposed second lot and new house would be located. Removal of the specimen trees would be unavoidable if a second lot is approved. Existing trees in the road right-of-way would also be impacted if a sidewalk is constructed along the property frontage.

The plan includes protection of two large oak trees (26" and 29" in diameter), and one ash on proposed Lot 202 with the existing house. The oaks are described in good or fair/good condition, and the ash is poor/fair condition. If the resubdivision is approved, the ash should be re-evaluated by a certified arborist as part of a final tree save plan to determine if it should be saved, or removed and replaced. If these trees are retained and protected within a Category II conservation easement on Lot 202, a finding can be made that loss of the two specimen trees has been acceptably mitigated.

### **Traffic Noise Impacts**

A traffic noise report submitted by the applicant indicates that the projected traffic noise level for the year 2030 at the proposed house location will be acceptable for a residential use along this part of Georgia Avenue (MD 97).

## **Citizen Correspondence and Issues**

This application predated specific requirements for meetings between the applicant and interested parties, however, written notice of the application and public hearing date was given to adjacent and confronting property owners, and local civic and homeowners associations. As of the date of the previously scheduled hearing, staff had not received any citizen correspondence. Subsequent to the notice of the hearing, however, a copy of a letter was received from an adjacent neighbor that had apparently been previously sent but not placed in the case file. A copy of the letter is included in Attachment H.

In the letter, dated March 21, 2006, Ms. Linda Engelmeier notes that the Manor Park Subdivision in which this property is located, has specific covenants which should be adhered to by this applicant. She specifically cites to required building setbacks of 30 feet from streets, and 15 feet from the side lines of any lots within the subdivision. The applicant's proposed layout of buildings does appear to violate the requirement for side yard setback, however, both buildings will meet the minimum side yard setbacks of the zone. It is the responsibility of the Community Association, not the Planning Board, to enforce any more stringent requirements. In staff's opinion the subdivision covenants do not need to be a part of the Board's consideration.

Ms. Engelmeier also states that there are existing drainage problems in this neighborhood which she believes would affect the rear portion of the proposed lot. There does appear to be an existing drainage path on the proposed lot, but in staff's opinion, it would not inhibit construction of a new house. With appropriate site grading, water can be directed away from a new structure and through the site.

## **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 proposed lots would not be of the same character as the existing lots in the Neighborhood since their buildable areas are smaller than all but one other lot, and their respective sizes are at the bottom of the range for lot size. In addition, the combined shape and alignment of one of the proposed lots renders it out of character due to its shallow depth to width ratio when compared to other lots in the Neighborhood. Therefore, the proposed lots do not comply with Section 50-29(b)(2) of the Subdivision Regulations and denial of the application is recommended.

## **Attachments**

Attachment A – Vicinity Development Map

Attachment B – Proposed Development Plan

Attachment C – Applicant's Neighborhood Delineation Map

Attachment D – Staff's Revised Neighborhood Delineation Map

Attachment E – Tabular Summary of Applicant Neighborhood  
Attachment F – Tabular Summary of Staff's Neighborhood  
Attachment G – Sidewalk Waiver Request  
Attachment H – Citizen Correspondence



<b>Plan Name: Manor Park</b>				
<b>Plan Number: 120060650</b>				
<b>Zoning: R-200</b>				
<b># of Lots: 2</b>				
<b># of Outlots: 0</b>				
<b>Dev. Type: Single Family detached</b>				
<b>PLAN DATA</b>	<b>Zoning Ordinance Development Standard</b>	<b>Proposed for Approval on the Preliminary Plan</b>	<b>Verified</b>	<b>Date</b>
Minimum Lot Area	20,000 sq. ft. <sup>1</sup>	20,369 sq. ft. and 20,650 sq. ft.		9/25/06
Lot Width	100 ft.	Meets minimum		9/25/06
Lot Frontage	25 ft.	Meets minimum		9/25/06
Setbacks				
Front	40 ft. Min. <sup>2</sup>	Must meet minimum <sup>3</sup>		9/25/06
Side	12ft. Min./ 25 ft. total	Must meet minimum <sup>3</sup>		9/25/06
Rear	30 ft. Min.	Must meet minimum <sup>3</sup> (unless MCDPS determines that existing structure may be renovated without adhering to the minimum)		9/25/06
Height	35 ft. Max.	May not exceed maximum		9/25/06
Max Resid'l d.u. per Zoning	2 dwelling units	2 dwelling units		
MPDUs	N/A			
TDRs	N/A			
Site Plan Req'd?	No			
<b>FINDINGS</b>				
<b>SUBDIVISION</b>				
Lot frontage on Public Street	Yes			9/25/06
Road dedication and frontage improvements	Yes	Agency letter		4/6/06
Environmental Guidelines	N/A	Staff memo		9/26/06
Forest Conservation	Exempt	Staff memo		9/26/06
Master Plan Compliance	Yes			9/25/06
Other				
<b>ADEQUATE PUBLIC FACILITIES</b>				
Stormwater Management	Yes	Agency letter		2/1/06
Water and Sewer (WSSC)	Yes	Agency Comments		2/6/06
Well and Septic	N/A			
Local Area Traffic Review	N/A			
Fire and Rescue	Yes	Agency comments		2/6/06

<sup>1</sup> Several lots in the neighborhood were platted under previous zoning and are smaller than 20,000 s.f. in size.

<sup>2</sup> Must meet any Established Building Restriction Line.

<sup>3</sup> As determined by MCDPS at the time of building permit.

## MANOR PARK (120060650)



Map compiled on January 25, 2006 at 10:48 AM | Site located on base sheet no - 219NW04

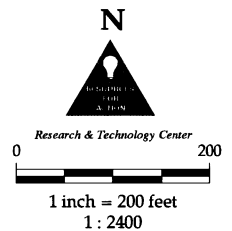
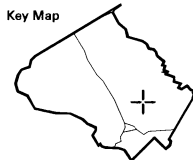
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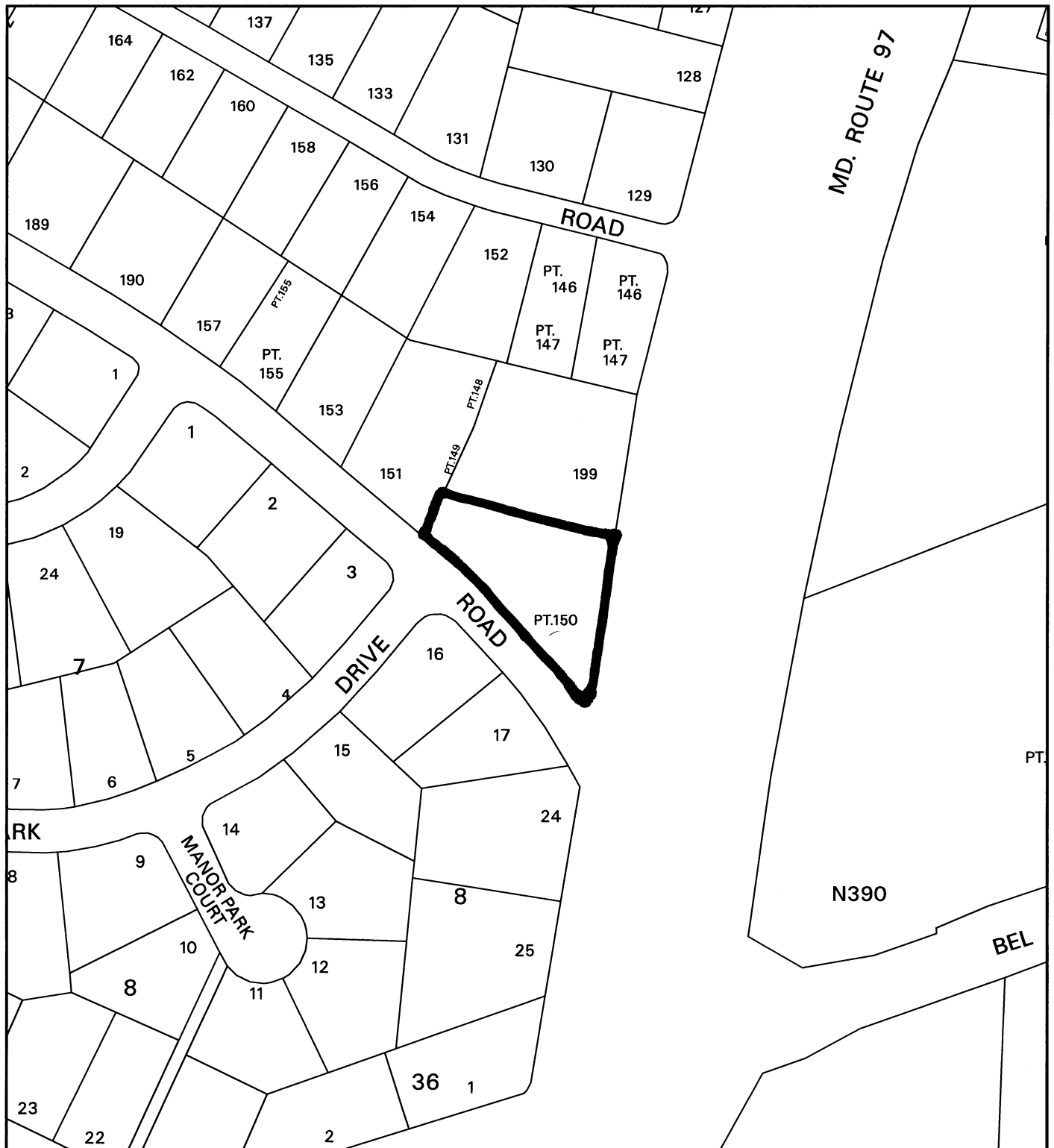
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Key Map



# MANOR PARK (120060650)



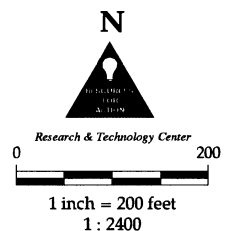
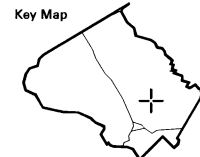
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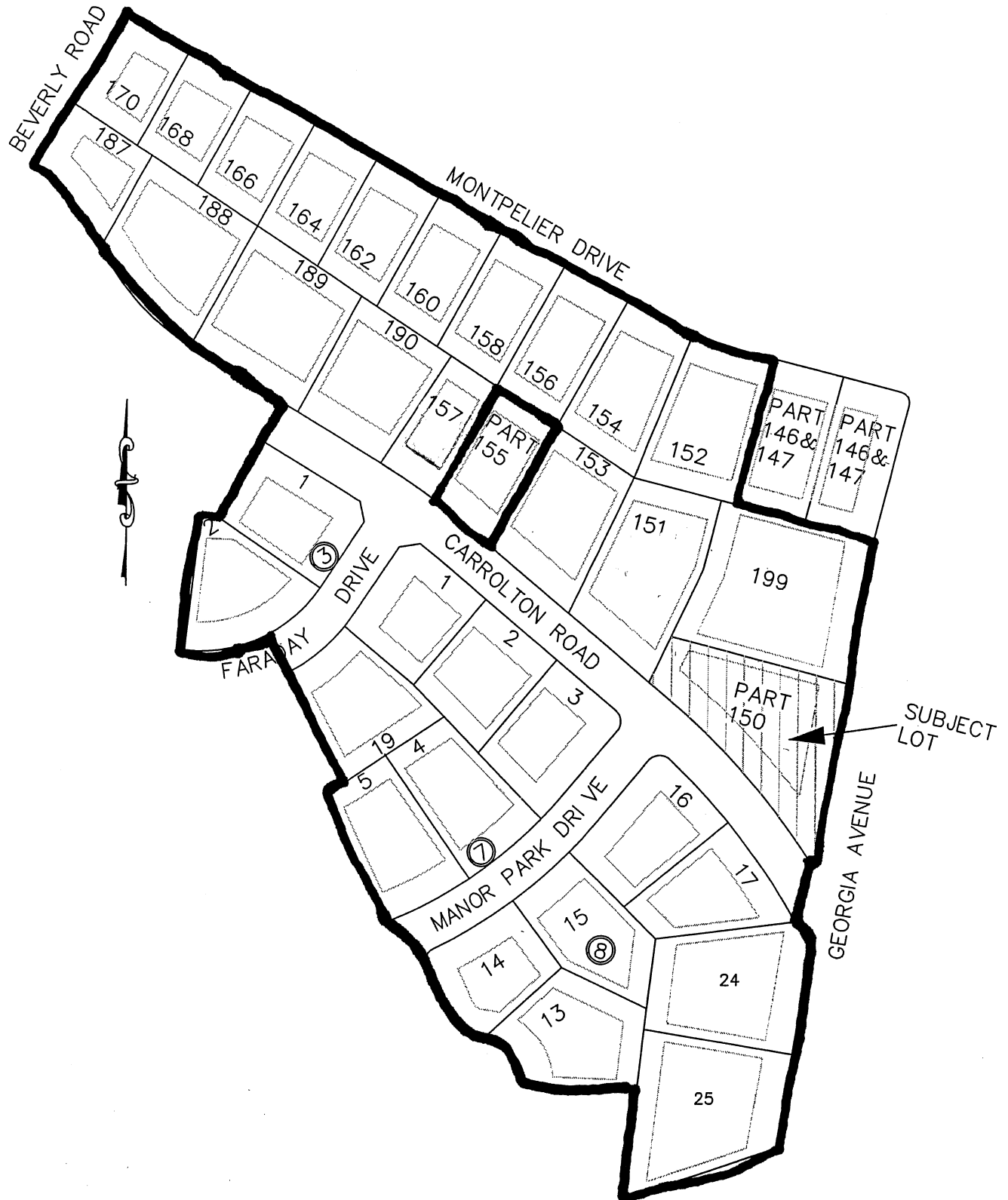
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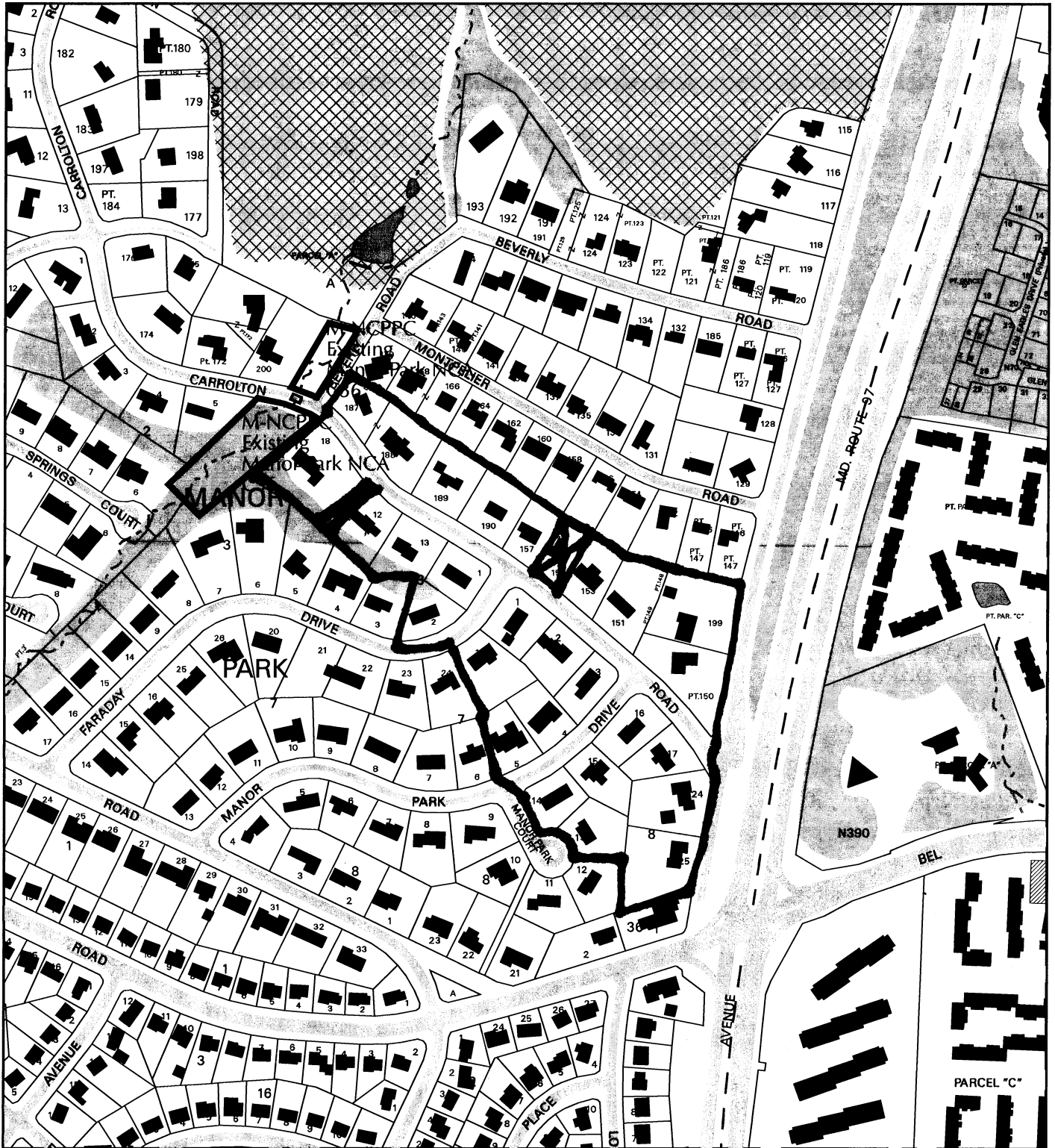




MANOR PARK RESUBDIVISION  
**APPLICANT** NEIGHBORHOOD DELINEATION  
 SCALE 1"=200' OCTOBER, 2004



# MANOR PARK (120060650) REVISED NEIGHBORHOOD



Map compiled on September 29, 2006 at 1:28 PM | Site located on base sheet no - 219NW04

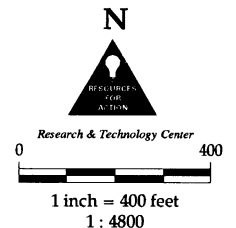
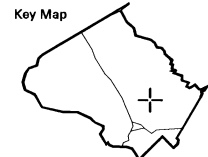
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**MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING**  
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION  
8787 Georgia Avenue - Silver Spring, Maryland 20910-3760



Rank by Buildable Area

SUBDIVISION	LOT NO.	PLAT BOOK & PLAT NO.	DATE RECORDED	ORIGINAL SUBDIVISION	RESUB.	FRONTAGE IN FEET	ALIGNMENT TO STREET	SHAPE	WIDTH @ FRONT BRL	SIZE IN SQUARE FEET	BUILDABLE AREA IN SQ. FT.	COMMENT
Manor Park	170	#328	Apr-06	Yes	No	105	Perpendicular	Rectangular	107	15,308	4,093	Corner Lot
	187	#1018	Nov-38	No	Yes	149	Angular	Irregular	149	16,362	4,238	Corner Lot
	203			No	Yes	158	Angular	Rectangular	141	20,650	5,172	Corner Lot
	168	#328	Apr-26	Yes	No	100	Perpendicular	Rectangular	100	14,973	5,964	
	202			No	Yes	164	Angular	Rectangular	160	20,369	6,404	
	166	#328	Apr-26	Yes	No	100	Perpendicular	Rectangular	100	15,627	6,476	
	164	#328	Apr-26	Yes	No	100	Perpendicular	Rectangular	100	16,280	6,966	
	1	#5664	Aug-59	No	Yes	134	Perpendicular	Rectangular	142	20,610	7,128	Corner Lot
	162	#328	Apr-26	Yes	No	100	Perpendicular	Rectangular	100	16,933	7,455	
	14	#5664	Aug-59	Yes	No	145	Radial	Irregular	140	20,631	7,615	Corner Lot
	160	#328	Apr-26	Yes	No	100	Perpendicular	Rectangular	100	17,586	7,949	
	1	#5664	Aug-59	Yes	No	110	Perpendicular	Rectangular	128	22,240	8,029	Corner Lot
	3	#5664	Aug-59	No	Yes	132	Perpendicular	Rectangular	132	22,434	8,189	Corner Lot
	157	#328	Apr-26	No	Yes	100	Radial	Rectangular	100	18,055	8,215	
	158	#328	Apr-26	Yes	No	100	Perpendicular	Rectangular	100	18,239	8,435	
	16	#5664	Aug-59	Yes	No	145	Angular	Rectangular	135	22,986	8,700	Corner Lot
	156	#328	Apr-26	Yes	No	100	Perpendicular	Rectangular	100	18,893	9,029	
	17	#5664	Aug-59	Yes	No	164	Angular	Irregular	140	20,014	9,437	
	2	#5664	Aug-59	No	Yes	131	Perpendicular	Rectangular	131	20,987	9,646	
	154	#328	Apr-26	Yes	No	100	Radial	Trapezoidal	107	21,756	10,726	
	15	#5664	Aug-59	Yes	No	105	Radial	Irregular	111	22,323	10,914	
	19	#5664	Aug-59	Yes	No	100	Radial	Trapezoidal	117	23,188	11,652	
	153	#328	Apr-26	Yes	No	125	Angular	Rectangular	125	24,852	11,825	
	5	#5664	Aug-59	Yes	No	130	Radial	Trapezoidal	123	23,202	11,872	
	2	#5664	Aug-59	Yes	No	219	Radial	Rectangular	180	21,763	11,905	
	4	#5664	Aug-59	Yes	No	130	Radial	Trapezoidal	126	23,153	12,218	
	152	#328	Apr-26	Yes	No	100	Radial	Trapezoidal	119	23,886	12,493	
	13	#5664	Aug-59	Yes	No	98	Angular	Irregular	130	24,878	12,755	
	190	#1018	Nov-38	No	Yes	143	Perpendicular	Rectangular	147	27,275	14,006	
	151	#328	Apr-26	No	Yes	148	Angular	Irregular	117	25,975	14,308	
	189	#1018	Nov-38	No	Yes	150	Perpendicular	Irregular	150	28,067	14,563	
	188	#1018	Nov-38	No	Yes	175	Angular	Irregular	175	31,034	15,901	
	150	#328	Apr-26	No	Yes	334	Angular	Irregular	253	41,190	16,919	Corner Lot
	24	#9127	Dec-68	No	Yes	146	Angular	Irregular	170	32,530	17,894	
	25	#9127	Dec-68	No	Yes	117	Angular	Irregular	151	37,142	22,499	
	199	#7768	Feb-90	No	Yes	201	Perpendicular	Rectangular	201	46,252	28,115	

**MANOR PARK - STAFF'S NEIGHBORHOOD DELINEATION DATA TABLE**  
(Ranked by Buildable Area)

Lot No.	Block	Date Recorded	Original Subdivision	RESUB	Frontage (in feet)	Alignment to Street	Shape	Width at front BRL	Size (sq.ft.)	Buildable Area (sq.ft.)
187		Nov. '38	No	Yes	149 Corner	Irregular	Irregular	149	16,362	4,238
203					158 Corner	Irregular	Irregular	141	20,650	5,172
202					184 Angular	Irregular	Irregular	160	20,369	6,404
14	8 Aug. '59	Yes	No	No	145 Corner	Irregular	Irregular	140	20,631	7,615
1	7 Aug. '59	No	Yes	Yes	134 Corner	Rectangular	Rectangular	142	20,610	7,128
157	Apr. '26	No	Yes	Yes	100 Radial	Rectangular	Rectangular	100	18,055	8,215
3	7 Aug. '59	No	Yes	Yes	132 Corner	Rectangular	Rectangular	132	22,434	8,189
1	3 Aug. '59	Yes	No	No	110 Corner	Rectangular	Rectangular	128	22,240	8,029
16	8 Aug. '59	Yes	No	No	145 Corner	Rectangular	Rectangular	135	22,986	8,700
17	8 Aug. '59	Yes	No	No	164 Angular	Irregular	Irregular	140	20,014	9,437
2	7 Aug. '59	No	Yes	Yes	131 Perpendicular	Rectangular	Rectangular	131	20,987	9,646
12	3 Aug. '59	Yes	No	No	102 Radial	Irregular	Irregular	114	22,801	9,760
2	3 Aug. '59	Yes	No	No	219 Radial	Rectangular	Rectangular	180	21,763	11,905
13	3 Aug. '59	Yes	No	No	150 Angular	Irregular	Irregular	151	20,211	12,100
25	8 Dec. '68	No	Yes	Yes	117 Angular	Irregular	Irregular	151	37,142	22,499
15	8 Aug. '59	Yes	No	No	105 Radial	Irregular	Irregular	111	22,323	10,914
19	7 Aug. '59	Yes	No	No	100 Radial	Irregular	Irregular	117	23,188	11,652
5	7 Aug. '59	Yes	No	No	130 Radial	Irregular	Irregular	123	23,202	11,825
4	7 Aug. '59	Yes	No	No	130 Radial	Irregular	Irregular	126	23,153	12,218
24	8 Dec. '68	No	Yes	Yes	146 Angular	Irregular	Irregular	170	32,530	17,894
13	8 Aug. '59	Yes	No	No	98 Angular	Irregular	Irregular	130	24,878	12,755
190	Nov. '38	No	Yes	Yes	143 Perpendicular	Rectangular	Rectangular	147	27,275	14,006
153	Apr. '26	Yes	No	No	125 Angular	Irregular	Irregular	125	24,852	11,762
189	Nov. '38	No	Yes	Yes	150 Perpendicular	Irregular	Irregular	150	28,067	14,563
188	Nov. '38	No	Yes	Yes	175 Angular	Irregular	Irregular	175	31,034	15,901
151	Apr. '26	No	Yes	Yes	148 Angular	Irregular	Irregular	117	25,975	14,308
18	3 Nov. '76	No	Yes	Yes	226 Radial	Irregular	Irregular	220	43,708	22,305
199	Feb. '90	No	Yes	Yes	201 Perpendicular	Rectangular	Rectangular	201	46,252	28,115





December 22, 2005

Ms. Catherine Conlon  
Development Review Division  
Maryland National Capital  
Park and Planning Commission  
8787 Georgia Avenue  
Silver Spring, MD 20907

Re: Manor Park  
MHG Project No. 05.244

Dear Ms. Conlon:

On behalf of the applicant, we request Planning Board approval for a waiver of construction of sidewalks for this development. This request is in accordance with Section 50-24(a) & (b) of the County Code.

We believe that sidewalks would be out of character for the existing neighborhood since none exist throughout the neighborhood.

Thank you for your attention to this request. If you have any questions or need additional information, please feel free to call.

Sincerely,

Frank C. Johnson

cc: Mr. Robert Hegel

21 March 2006

Ms. Cathy Conlon  
Senior Planner  
Development Review Division  
Maryland-National Capital Park and  
Planning Commission  
8787 Georgia Avenue  
Silver Spring, Maryland 20910

Dear Ms. Conlon:

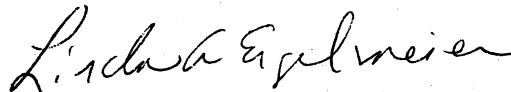
Thank you for the opportunity to comment on Preliminary Plan #120060650 related to the subdivision of property at the corner of Carrolton Road and Old Georgia Avenue. We understand that this proposal is currently under review by your office.

We have attached, for your information, a copy of the covenants that govern the property in question in the Manor Park Subdivision. You will note that there are specified set back requirements from roadways and property lines. There is also a requirement to have dwellings and other improvements approved by Manor Country Club. Should there be any question on whether or not the covenants can be met, we trust that you will solicit comments from Manor Country Club and the Manor Club Community Association since both have a vital interest in maintaining the deeded covenants for the community.

Because it is a rather unusually shaped lot, it is essential that any residential construction there meet the setback (30 feet from roadways - 15 feet from the property line) requirements. We believe that an unequivocal confirmation of full adherence to the covenants should be a part of the official record before this proposal is approved. In your decision making process also please be aware that the neighborhood has significant drainage problems and that this lot, particularly in the rear portion, would also be affected.

Thank you again for providing the opportunity to provide input on this proposal. Should you have any questions, please feel free to call me at (301) 871-2563.

Sincerely,

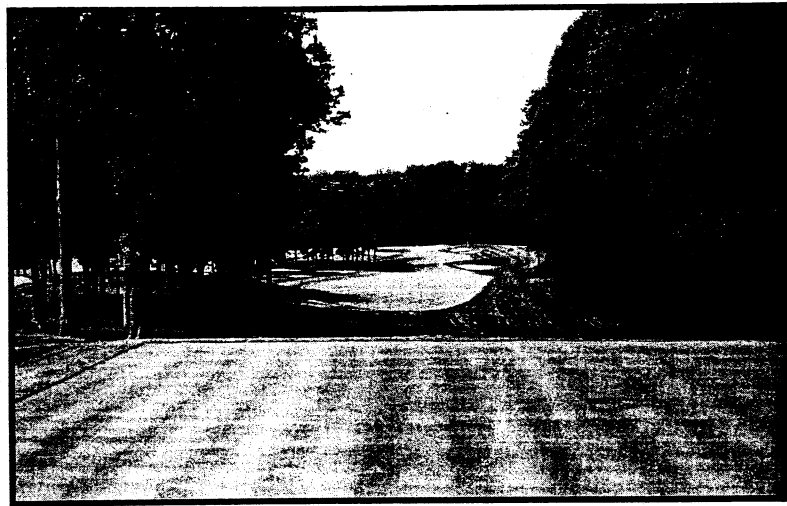


Linda A. Engelmeier  
14520 Manor Park Drive  
Rockville, Maryland 20853

We simply want  
to be assured that  
A reasonable size house  
can be placed on the  
property and abide by the

MANOR COVENANTS,  
COUNTRY CLUB *love*

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Community Association  
Directory  
2005-2006

Visit your Community Association website at  
[www.manorcommunity.com](http://www.manorcommunity.com)

### MANOR PARK SUBDIVISION COVENANTS

1. No building of any description shall be erected upon any of the land in any part of the Manor Park Subdivision until plans and specifications thereof have been submitted to and approved in writing by the Board of Directors of the Club.
2. No building of any description shall be erected so that any part thereof exceeding four feet in height from the ground shall project within thirty (30) feet of the street line or within fifteen (15) feet of the side lines of any lot in said Manor Park Subdivision.
3. No lot in said Manor Park Subdivision shall be improved by any structure adapted for any use other than residential for one family and no structure shall be applied to any other use.
4. No out building in any part of said Manor Park Subdivision shall be used for any purpose or in any manner which may after notice and hearing before the Board of Directors of the Club be prohibited by the said Board.
5. No hedge, fence or structure of any description, other than buildings approved by the Board of Directors of the Club, exceeding four feet in height, shall be erected on any part of any lot or lots in said Manor Park Subdivision except with the consent in writing of said Board of Directors.
6. In the event any such lot or lots in said Manor Park Subdivision borders upon property of the Club, the border line of said property as to all of the terms, agreements, covenants, restrictions and conditions of this agreement shall be taken as a street.
7. The Company, for itself, its successors and assigns, reserves the right to enter at any time the rear ten feet and the two and one-half feet abutting upon either side of any lot or lots in the said Manor Park Subdivision, for the purpose of erecting and maintaining, or authorizing the erection and maintenance, of overhead or underground wires, conduits, or pipes for the general use of the Manor Park Subdivision, and further reserves the right to enter upon any part of such lot or lots prior to the erection of a dwelling thereon, for the purpose of trimming trees, planting and cultivating flowers and shrubbery, and for the removing of grass, weeds, and other unsightly objects of growth.
8. The Purchaser, upon becoming a Community Member, shall be entitled to all the rights and privileges of said Club, applicable to such membership, as defined by the Constitution and By-Laws of the said Club, and covenants for himself, his heirs, executors, administrators and assigns, to comply with all of the terms, agreements, covenants, restrictions and conditions contained in the aforesaid agreement of the 26th day of January, A.D. 1937, which agreement by this reference thereto is hereby incorporated in and made a part of this agreement; and further covenants that he will not lease, rent or permit the possession of any such lot or lots to any person or family objectionable to the Board of Directors of the Club.