



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

MCPB
Item # 11
5/8/08



MEMORANDUM

DATE: April 25, 2008

TO: Montgomery County Planning Board

VIA: Rose Krasnow, Chief
Catherine Conlon, Subdivision Supervisor *CAC*
Development Review Division

FROM: *NB*
Neil Braunstein (301-495-4532)
Development Review Division

REVIEW TYPE: Pre-Preliminary Plan of Subdivision

APPLYING FOR: Binding Planning Board review of frontage requirements for two lots for two one-family detached dwelling units under Section 50-33A

PROJECT NAME: Black Hills Estates
CASE #: 720060240
REVIEW BASIS: Chapter 50, Montgomery County Subdivision Regulations

ZONE: RE-2
LOCATION: Located on the south side of Ascot Square Court, 370 feet east of Clarksburg Road (MD 121)
MASTER PLAN: Boyds

APPLICANT: Michael Gresalfi
ENGINEER: CAS Engineering

FILING DATE: December 14, 2005
HEARING DATE: May 8, 2008

RECOMMENDATION: Finding that the proposed lots meet applicable frontage requirements, including the frontage criterion of the resubdivision criteria specified in Section 50-29(b)(2) of the Subdivision Regulations, with no objection to submission of a preliminary plan, subject to the following condition:

- 1) Any preliminary plan submitted pursuant to this approval must be substantially similar to the approved pre-preliminary plan with respect to layout, lot size, and lot shape.

SITE DESCRIPTION

The subject property, shown below and in Attachment A, is a 4.5-acre platted lot in the RE-2 zone. The property is located on the south side of Ascot Square Court, approximately 370 feet east of Clarksburg Road (MD 121). The property also has frontage on Black Hills Road, to the south. The subject property is currently developed with one one-family detached residence, which is proposed to remain on one of the two proposed new lots. Surrounding properties are developed with one-family detached residences in the RE-2 and R-200 zones. Black Hill Regional Park is located to the south and east of the subject property.

The site is located within the Little Seneca Creek watershed. An unnamed tributary to Little Seneca Creek meanders on and off the property along the eastern property line. A stream buffer related to this tributary is located in the southeastern portion of the site.



PROJECT DESCRIPTION

The application is a pre-preliminary plan filed under the alternative review procedures of Section 50-33A of the Subdivision Regulations. The applicant requests a binding decision from the Planning Board with respect to approval of the proposed lots' conformance with the resubdivision criteria in Section 50-29(b)(2) of the Subdivision Regulations, specifically the frontage criterion.

The applicant proposes to resubdivide the existing lot into two lots, one of which will be 88,844 square feet (2.04 acres) and one of which will be 107,018 square feet (2.46 acres). Proposed Lot A will front on Ascot Square Court. The existing house on this lot will remain. It has driveway access from Ascot Square Court. Proposed Lot B will front on Black Hills Road. A new house with driveway access from Black Hills Road is proposed on this lot. The existing house is currently, and the proposed house will be, served by on-lot septic systems and wells.

(Attachment B – proposed plan)

ANALYSIS AND FINDINGS

Street Frontage

Section 50-29(a)(2) of the Subdivision Regulations requires lots to abut on a street that has been dedicated to public use or that has acquired the status of a public road. But this section also allows the Planning Board to approve up to two lots on a private driveway in exceptional circumstances. Although the two proposed lots (and the one existing lot) do actually abut on public streets, Proposed Lot A cannot be said to meet the requirement to abut a publicly dedicated street because it has only 14 feet of frontage on Ascot Square Court instead of the 25 feet required by the Zoning Ordinance.

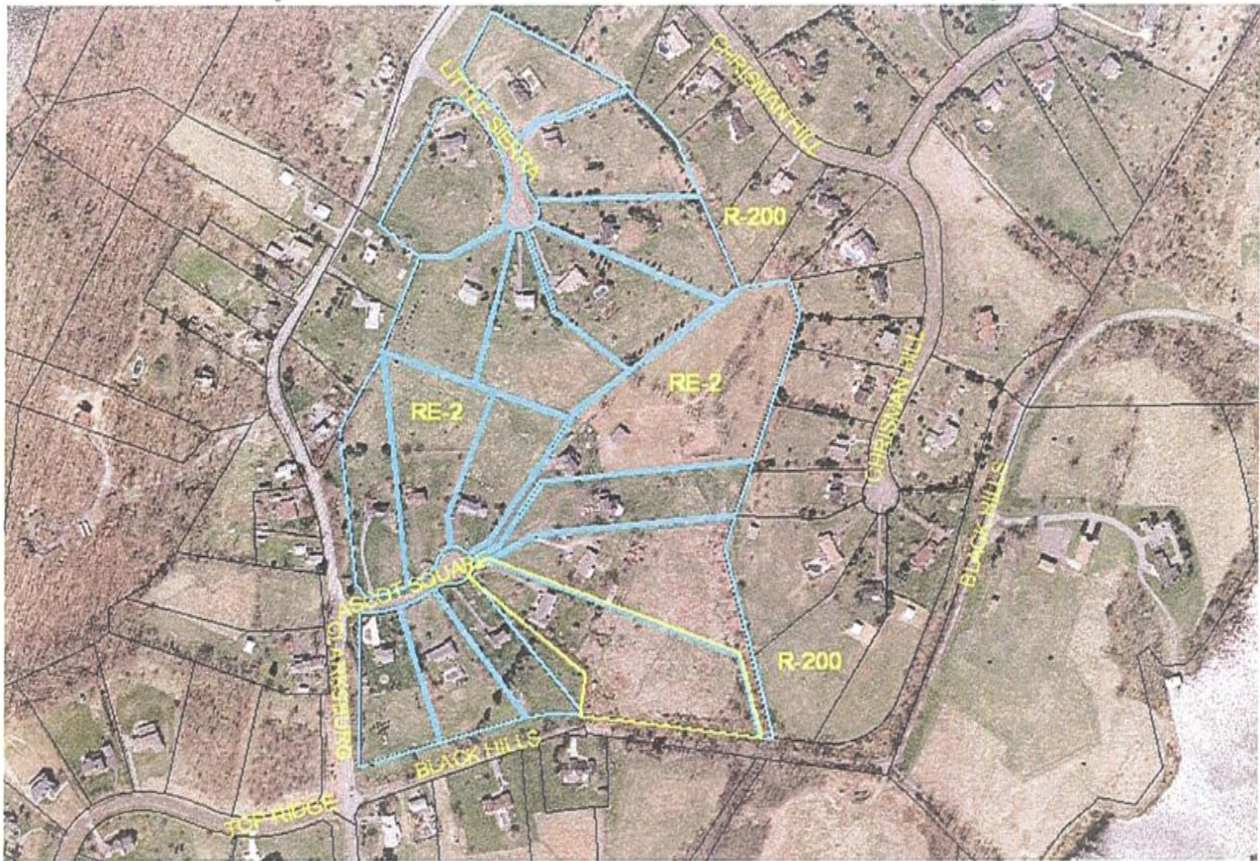
The existing lot did not require a waiver of street frontage when it was created because it also has 37 feet of frontage on Black Hills Road. If the proposed subdivision is approved, that 37 feet will constitute the frontage for Proposed Lot B. Originally, the lot's frontage on Black Hills Road was 536 feet, but almost all of the street right-of-way along that frontage was subsequently acquired for Black Hill Regional Park. As such, 499 feet of the right-of-way in front of the subject property can no longer be considered to be dedicated to public use in the meaning of Section 50-29(a)(2). If this right-of-way were still in public street use, the subject property would have enough frontage to provide both lots with more than the minimum frontage requirement on Black Hills Road.

Staff believes that the loss of street frontage due to the transfer of public right-of-way to park use, as described above, constitutes an exceptional circumstance that allows the Planning Board to approve Proposed Lot A without sufficient frontage.

Because the proposed subdivision is a resubdivision of an existing platted lot, review of any subsequent preliminary plan will be subject to the criteria stated in Section 50-29(b)(2) of the Subdivision Regulations. That section requires the Planning Board to find that the proposed lots are similar in character to existing lots in the same neighborhood with respect to street frontage, alignment, size, shape, width, and suitability for residential use, but the analysis for this pre-preliminary plan will focus on street frontage only.

With respect to street frontage, our analysis shows that in a neighborhood of 16 existing lots, lot frontages range from 0 feet (no frontage) to 499 feet. The smallest frontage of an existing lot other than the one without frontage is 26 feet. Three of the lots have frontages smaller than that of Proposed Lot B and one lot has a frontage smaller than Proposed Lot A. Proposed Lot A has a frontage of 14 feet on Ascot Square Court, and Proposed Lot B has a frontage of 37 feet on Black Hills Road. Although the frontages of the two proposed lots are near the low end of the range for the neighborhood, the two narrow frontages represent an existing condition of the subject property. The proposed resubdivision will not further reduce the existing frontage and will not change the character of the neighborhood with respect to frontage. Therefore, the proposed lots will be of the same character as existing lots in the neighborhood with respect to lot frontage.

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 16 lots in addition to the two proposed lots, as shown below and on Attachment C. The neighborhood includes lots on Ascot Square Court and Little Sierra Court that are in the RE-2 zone. All the lots share access on one of those two streets. 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. For this pre-preliminary plan, the Planning Board should focus on the comparison of lot frontages.



Citizen Correspondence and Issues

The applicant has notified adjacent and confronting property owners that Pre-Preliminary Plan 720060240 had been filed with the M-NCPPC and that it was under review. Notification was also sent to surrounding citizens associations. In addition, notice of the public hearing has been sent to the adjacent and confronting property owners and citizens associations. We have not received any letters of concern regarding the application as of the date of this staff report.

CONCLUSION

The loss of street frontage on Black Hills Road when a portion of the public street right-of-way in front of the subject property was acquired for park use is an exceptional circumstance that allows the Planning Board to approve a lot without sufficient street frontage. Further, the narrow street frontage is within the range of existing frontages in the neighborhood and is an existing condition that will not be changed by the proposed subdivision. Therefore, staff recommends that the Planning Board find that the proposed lots meet applicable frontage requirements, including the frontage criterion of the resubdivision criteria specified in Section 50-29(b)(2) of the Subdivision Regulations, with no objection to submission of a preliminary plan, subject to the condition stated earlier in this report.

Attachments

Attachment A – Vicinity Development Map

Attachment B – Proposed Development Plan

Attachment C – Resubdivision Neighborhood Map

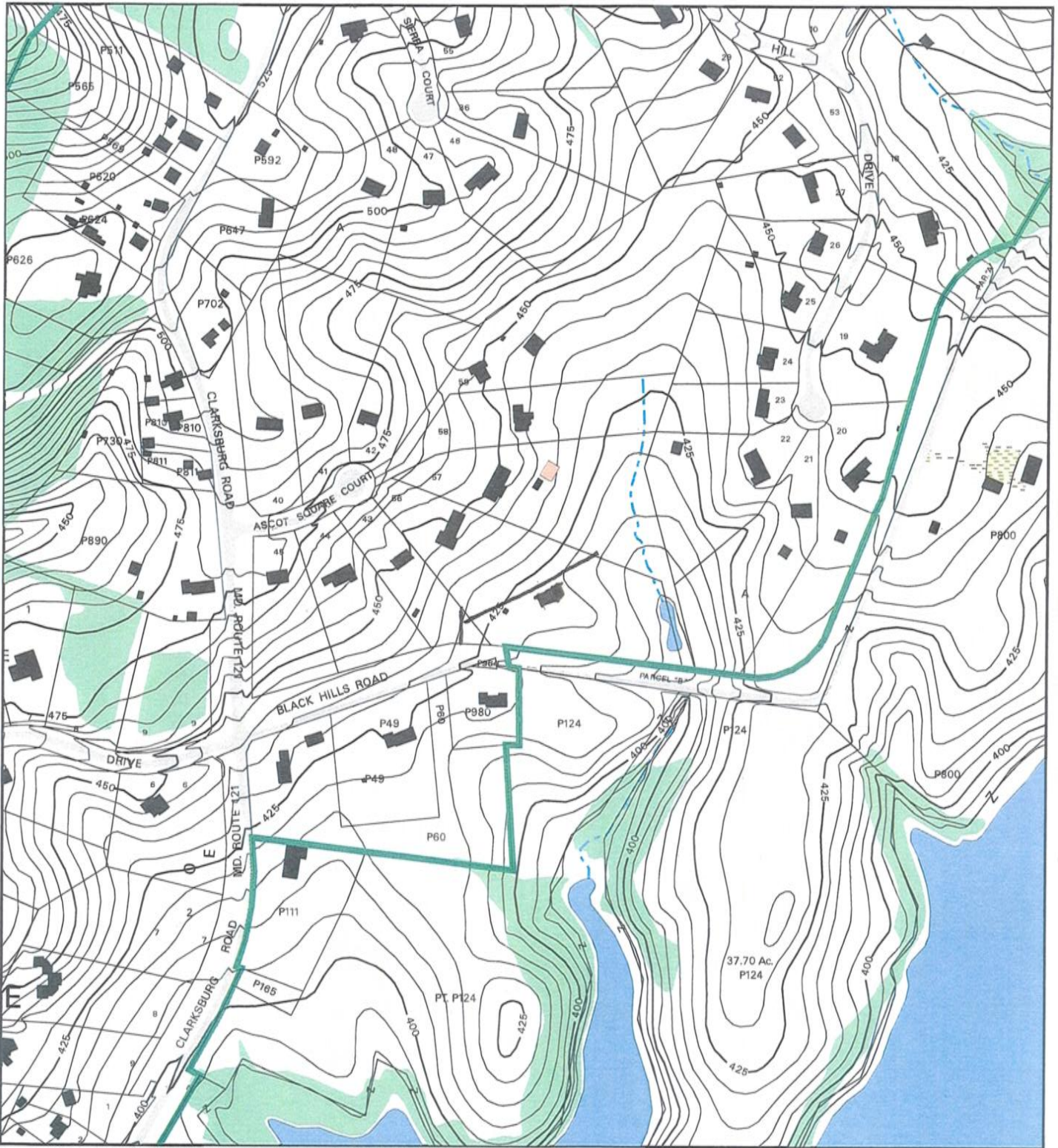
Attachment D – Resubdivision Data Table

Table 1: Pre-Preliminary Plan Data Table and Checklist

Plan Name: Black Hills Estates				
Plan Number: 720060240				
Zoning: RE-2				
# of Lots: 2				
# of Outlots: 0				
Dev. Type: Residential				
PLAN DATA	Zoning Ordinance Development Standard	Proposed for Approval by the Pre-Preliminary Plan	Verified	Date
Minimum Lot Area	.87,120 sq. ft.	88,844 sq. ft. minimum	UB	4/25/08
Lot Width	150 ft.	167 ft. minimum	UB	4/25/08
Lot Frontage	25 ft.	14 ft. minimum	UB	4/25/08
Setbacks				
Front	50 ft. Min.	Must meet minimum ¹	UB	4/25/08
Side	17 ft. Min./35 ft. total	Must meet minimum ¹	UB	4/25/08
Rear	35 ft. Min.	Must meet minimum ¹	UB	4/25/08
Height	50 ft. Max.	May not exceed maximum ¹	UB	4/25/08
Max Resid'l d.u. per Zoning	2	2	UB	4/25/08
MPDUs	N/a		UB	4/25/08
TDRs	N/a		UB	4/25/08
Site Plan Req'd?	No		UB	4/25/08

¹ As determined by MCDPS at the time of building permit.

BLACK HILLS ESTATES (720060240)



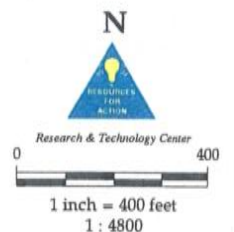
Map compiled on December 21, 2005 at 2:19 PM | Site located on base sheet no - 229NW14

NOTICE

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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.

This map is created from a variety of data sources, and may not reflect the most current conditions in any one location and may not be completely accurate or up to date. All map features are approximately within five feet of their true location. This map may not be the same as a map of the same area plotted at an earlier time as the data is continuously updated. Use of this map, other than for general planning purposes is not recommended. - Copyright 1998

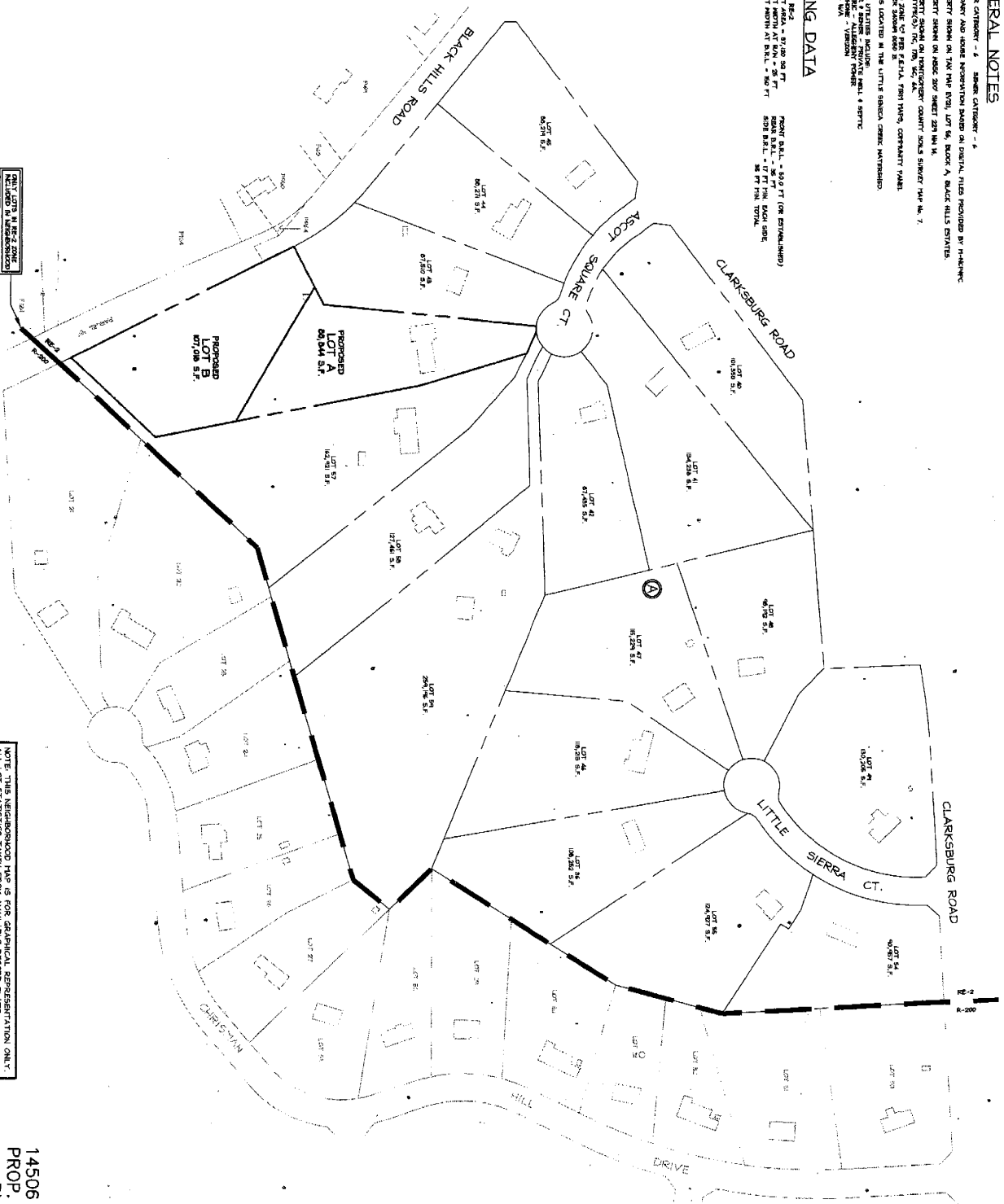


GENERAL NOTES

- 1) WATER CATCHMENT - 4
- 2) PROPERTY AND HOME INFORMATION BASED ON DIGITAL FILES PROVIDED BY THE CLIENT
- 3) PROPERTY SHOWN ON THE MAP IS LOT 16, BLOCK A, BLACK HILLS ESTATES
- 4) PROPERTY SHOWN ON THE MAP IS LOT 16, BLOCK A, BLACK HILLS ESTATES
- 5) PROPERTY SHOWN ON THE MAP IS LOT 16, BLOCK A, BLACK HILLS ESTATES
- 6) PROPERTY SHOWN ON THE MAP IS LOT 16, BLOCK A, BLACK HILLS ESTATES
- 7) SITE IS LOCATED IN THE LITTLE SIERRA CREEK WATERSHED
- 8) LOCAL UTILITIES INCLUDE: WATER, SEWER, GAS, ELECTRIC, TELEPHONE, CABLE, AND OPTIC FIBER
- 9) LOCAL UTILITIES INCLUDE: WATER, SEWER, GAS, ELECTRIC, TELEPHONE, CABLE, AND OPTIC FIBER
- 10) LOCAL UTILITIES INCLUDE: WATER, SEWER, GAS, ELECTRIC, TELEPHONE, CABLE, AND OPTIC FIBER

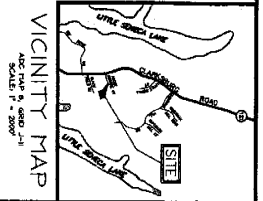
ZONING DATA

- 1) ZONING: RES-1
- 2) ZONING: RES-1
- 3) ZONING: RES-1
- 4) ZONING: RES-1
- 5) ZONING: RES-1
- 6) ZONING: RES-1
- 7) ZONING: RES-1
- 8) ZONING: RES-1
- 9) ZONING: RES-1
- 10) ZONING: RES-1



REVISIONS
DATE
BY
REVISION

NOTE: THIS NEIGHBORHOOD MAP IS FOR GRAPHICAL REPRESENTATION ONLY.
ALL LOT STATISTICS TAKEN FROM AVAILABLE RECORD PLATS.



CLIENT
MICHAEL GIBSON
BLACK HILLS SQUARE COURT
14506 ASCOT SQUARE COURT
CLARKSBURG, MARYLAND 21717
(301) 807-8031
(301) 807-8031 FAX

**14506 ASCOT SQUARE COURT
PROP. LOTS A & B, BLOCK A
BLACK HILLS ESTATES
NEIGHBORHOOD MAP**

14506 ASCOT SQUARE COURT
PROP. LOTS A & B, BLOCK A

CAS ENGINEERING
CIVIL - SURVEYING - LAND PLANNING
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PLAT BOOK 159, PLAT 17479
BLACK HILLS ESTATES
CLARKSBURG (2ND) ELECTION DISTRICT
MONTGOMERY COUNTY, MARYLAND
NEIGHBORHOOD MAP

DATE	BY	REVISION	PROJECT	DATE
02/24/07	CDS	REVISED PER DRG COMMENTS	05-214	12/2005
			ILLUSTRATION	ENGINEERING
			CDS	CDS
			SCALE	APPROVAL
			1"=100'	CAS

Proposed Lots A B
Black Hills Estates
Lot Data Table

Lot #	Frontage	Alignment	Lot Size	Lot Shape	Width	Buildable Area
36	75	radial	108,252	irregular	193	64,839
40	499	corner	101,350	irregular	162	51,067
41	194	perpendicular	134,238	irregular	208	91,729
42	66	radial	87,435	irregular	186	55,691
43	159	perpendicular	87,510	irregular	167	47,231
44	276	perpendicular	88,271	irregular	189	51,919
45	476	corner	88,219	irregular	197	44,766
46	46	radial	118,213	irregular	253	80,099
47	39	radial	115,229	irregular	178	75,434
48	48	radial	98,192	irregular	242	64,973
49	436	corner	130,205	irregular	339	76,966
54	287	corner	90,957	irregular	247	49,235
55	196	perpendicular	124,927	irregular	291	88,084
57	0	perpendicular	162,291	pipestem	272	104,450
58	33	radial	127,461	pipestem	181	85,068
59	26	radial	259,196	pipestem	355	199,598
A	14	radial	88,844	irregular	167	49,607
B	37	perpendicular	107,018	irregular	273	79,512