



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

ITEM# 7

DATE: 10/03/02

MEMORANDUM

DATE: October 19, 2002

TO: Montgomery County Planning Board

VIA: Joseph R. Davis, Chief Development Review Division

FROM: A. Malcolm Shaneman, Supervisor (301) 495-4587
Richard A. Weaver, Senior Planner (301) 495-4544
Development Review Division

REVIEW TYPE: Preliminary Plan Review

APPLYING FOR: Resubdivision of Lot 25 – Hillandale

PROJECT NAME: Hillandale

CASE #: 1-02116

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

ZONE: R-90

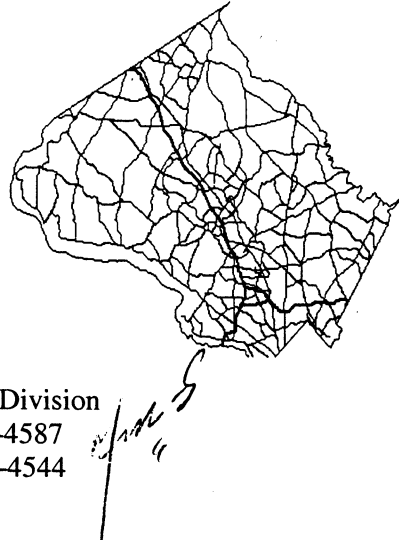
LOCATION: On the West Side of New Hampshire Avenue (MD 650), Approximately 146 Feet South of the Intersection With Overlook Drive

MASTER PLAN: White Oak

APPLICANT: Curtis Andrews

FILING DATE: July 11, 2002

HEARING DATE: October 10, 2002



STAFF RECOMMENDATION: Approval, Under the DeMinimis Provisions of the FY2003 Annual Growth Policy, Including Waiver of Frontage for One Lot Pursuant to Section 50-29 (a)(2) and, Pursuant to Section 50-29 (b)(2), Montgomery County Subdivision Regulations, Subject to the Following Conditions:

- (1) Compliance with the conditions of approval of the preliminary forest conservation plan. Applicant must meet all conditions prior to recording of plat or MCDPS issuance of sediment and erosion control permit, as appropriate
- (2) Approval of a Final Tree Protection/Grading Plan by MNCPPC technical staff prior to recordation of plat
- (3) Record plat to reflect a common ingress/egress and utility easement over all shared driveways
- (4) Conditions of MCDPS stormwater management approval
- (5) Access and improvements as required by MDSHA prior to issuance of access permits
- (6) This preliminary plan will remain valid for thirty-seven (37) months from the date of mailing of the Planning Board opinion. Prior to this date, a final record plat must be recorded for all property delineated on the approved preliminary plan, or a request for an extension must be filed
- (7) Other necessary easements

DISCUSSION OF ISSUES

Conformance to Chapter 50-29(b)(2)

In order to approve an application for Resubdivision, the Planning Board must find that the proposed lot(s) substantially meet all seven of the “Resubdivision Criteria” as 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.”

In administering the Resubdivision section, the Planning Board must determine the appropriate “neighborhood” for evaluating the application. In this case, staff has provided a description of the area analyzed under the resubdivision criteria and has also provided an illustration that delineates the neighborhood.

Under the resubdivision criteria the neighborhood used to evaluate the application can only include lots within the same zoning (R-90) classification as the subject property. Therefore, staff excluded from consideration Lot 24(a) abutting the property to the south and zoned C-T. Also excluded from the neighborhood are the lots located across New Hampshire Avenue (MD 650) as they are in a different neighborhood with different development patterns. The defined neighborhood as depicted on the neighborhood delineation map includes a representation of lots with frontage on Overlook Drive to the north and west of the subject property. Parts of Lots 1 and 19 were included in the neighborhood delineation because they resulted from a public taking for roadway widening.

Master Plan Compliance

The property is located within the Approved and Adopted White Oak Master Plan. The master plan does not contain specific recommendations applicable to this property but does give general guidance and recommendations regarding zoning and land use. The master plan recommends that this

area to maintain the residential R-90 zoning as adopted and maintain the single family dwelling unit style of development.

DESCRIPTION

Vicinity

The subject property is located within the Hillandale Subdivision. The original subdivision was recorded in the mid to late 1930's and was comprised of over 250 lots. The subject site was first recorded by plat in 1935. Zoning of the residential area of the Hillandale subdivision is R-90. Since that time of recordation, many of the lots south of the subject site have been resubdivided and rezoned to commercial. The property immediately south of the subject site, identified as Lot 24(a) is zoned C-T. The other lots south of the subject site are zoned C-1.

The subject property is currently recorded as one (1) lot and in its configuration is the largest lot within the defined neighborhood. The property perimeter as shown today was actually four (4) recorded lots in 1935. The subject property was resubdivided in 1988 into its current configuration. As part of that resubdivision Lot 24(b) and Lot 26 and Lot 25 were established. Lots 24(b) and Lot 26 originally fronted a dedicated right-of-way known as Parkman Road. The resubdivision abandoned the roadway and incorporated the prior right-of-way area into these lots. Lot 24(b), as currently configured, is a pipestem lot. The only pipestem configuration found in the immediate vicinity.

Proposal

The subject application proposes the creation of two (2) lots. The lots proposed are 15,000 square feet and 18,618 square feet. The lot identified on the plan as Lot 28 has an existing single-family dwelling located towards the middle of the site. The lot, as proposed does not have any frontage on a dedicated right-of-way. The applicant has requested a waiver of frontage under Section 50-38 of the subdivision Regulations. If the abandonment for the right of way of Parkman Avenue had not occurred in 1988, this lot would have had direct frontage and access to that public right-of-way. The Board can grant a waiver from the requirements of this Chapter upon a determination that ... "unusual circumstances exist that prevent full compliance..." (Section 50-389(a)(1)). The previous abandonment of the road right of way , in the opinion of staff, creates sufficiently unusual circumstances to support such a waiver a Currently configured, Lot 28 will have an easement and access to New Hampshire Avenue.

The second of the two (2) lot proposal is currently vacant and fronts directly on New Hampshire Avenue. It is the recommendation of the Maryland State Highway Administration that both lots share a common driveway to New Hampshire Avenue.

Conclusion

With the appropriate waiver of frontage for the rear (westernmost) lot, staff concludes that the proposed resubdivision does satisfy the criteria set forth in Section 50-29(b)(2) as illustrated by the characteristics on the attached tabular summary. Staff does not advocate the resubdivision utilize a pipestem configuration. The lot would be less in keeping with the predominant lot shapes in the neighborhood than as proposed moreover, the pipestem design could be utilized by other resubdivisions

in the immediate neighborhood. Based on the abandonment, staff is of the opinion that a waiver of frontage is justified. Staff also supports the resubdivision application as the proposed lots fully conform with the character of the neighborhood with respect to the remaining six (6) criteria.

Attachments

Neighborhood Delineation Map	5
Neighborhood Development Map	6
Proposed Resubdivision Plan	7
Original 1935 Record Plat	8
Tabular Summary	9

To date no citizen correspondence has been submitted to the file

VICINITY MAP FOR

LOTS 27 & 28 BLK. D HILLDALE (1-02116)



Map compiled on June 18, 2002 at 10:22 AM | Site located on base sheet no - 213NE02

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

Key Map



N



Research & Technology Center



1 : 2400

VICINITY MAP FOR

LOTS 27 & 28 BLK. D HILLANDALE (1-02116)



Map compiled on June 18, 2002 at 10:18 AM | Site located on base sheet no - 213NE02

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Key Map



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Research & Technology Center



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Comparable Lot Data Table

Lot #	Block	Frontage	Alignment	Lot/Area	Shape	Width	Buildable Area
1	D	Corner	Perpendicular	10,765 sf	Rectangular	86	3,750 sf
2	D	60	Perpendicular	7,500	Rectangular	60	3,360
26	G	200	Perpendicular	25,522	Trapezoidal	186	11,300
24	G	25	Perpendicular	21,906	Pipe Stem	120	9,700
23	G	52	Perpendicular	28,604	Pentagonal	180	12,870
22	G	103	Perpendicular	15,544	Rectangular	103	7,410
21	G	100	Perpendicular	14,964	Rectangular	100	7,133
7	C	Corner	Perpendicular	8,217	Rectangular	87	3,670
8	C	60	Perpendicular	6,730	Trapezoidal	60	2,735
9	C	60	Perpendicular	8,353	Trapezoidal	60	3,728
10	C	Corner	Perpendicular	11,874	Triangular	80	6,740

Proposed Lots

27	D	95	Perpendicular	11,875	Rectangular	95	4,900
28	D	25	Perpendicular	21,743	Pipe Stem	110	9,784

MAY 1935
SCALE 1"=100
SECTION 7 23071

JAMES M. SEYBOLT
ENGINEER
SILVER SPRING, MD.

ENGINEER'S CERTIFICATE

I hereby certify that the plat herein delineated is correct. That it is a subdivision of part of the land conveyed by Henry A. Johnson, unrecorded, to Henry Stephens Barr, Robert Lyons Lawrence, Landon Johnson, Lemons, by deed dated Dec. 18, 1934, and recorded among the Land Records of Montgomery County, Maryland, in Liber 204, at page 399. And that stakes shown thus \oplus and pipes shown thus \ominus are placed where indicated.

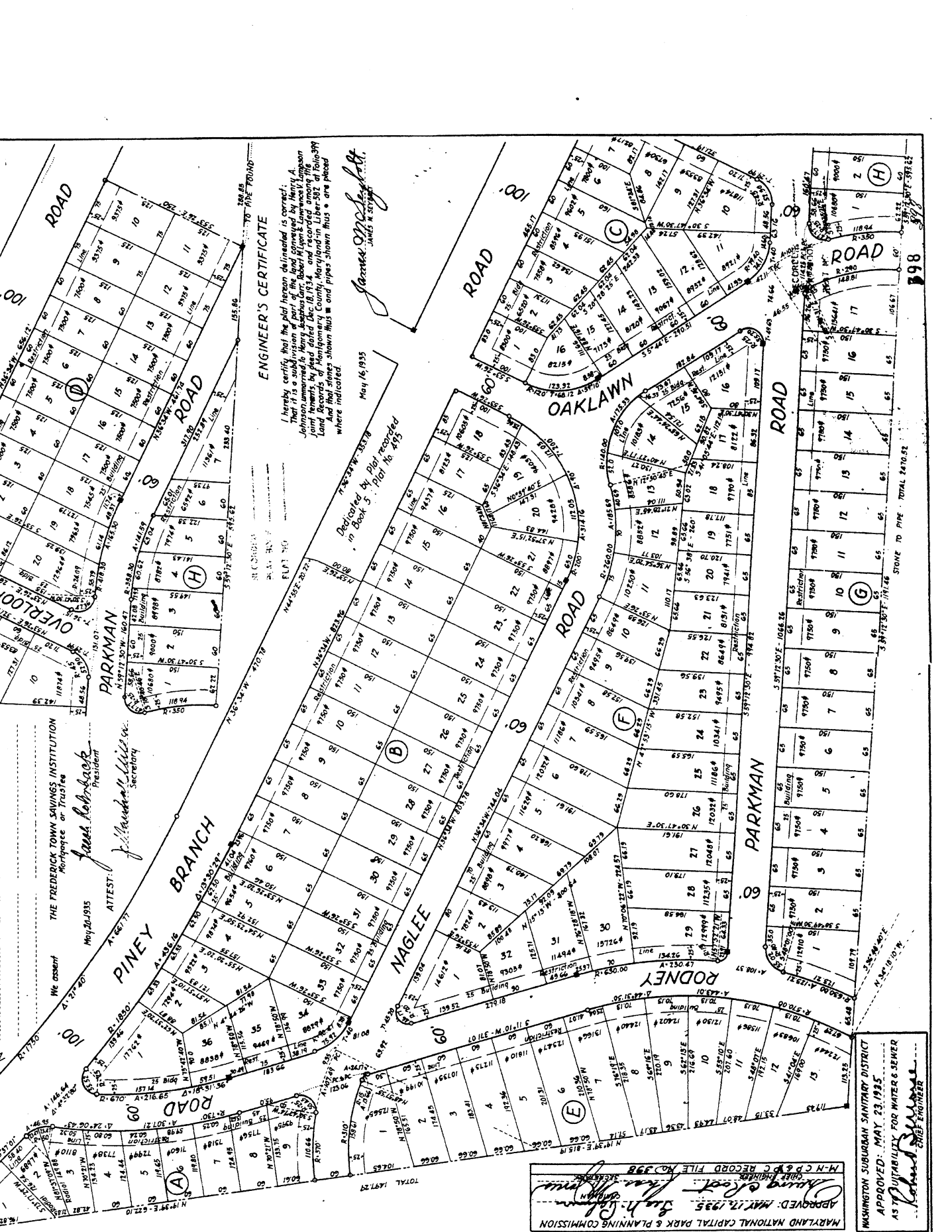
James M. Seybolt
JAMES M. SEYBOLT

MAY 16 1935
Declared by Plat recorded in Book 5, Plat No. 495

AND DEDICATE THE STREETS TO PUBLIC USE.

THE FREDERICK TOWN SAVINGS INSTITUTION
Montgomery and Trustee
James Robb Lock
President
J. Marshall Lister
Secretary

ATTEST:
MAY 20 1935



MARYLAND NATIONAL CAPITAL PARK & PLANNING COMMISSION
APPROVED: MAY 23, 1935
AS TO UTILITY FOR WATER & SEWER
Robert M. ...
CHIEF ENGINEER



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

Item #7

M E M O R A N D U M

DATE: October 04, 2002
TO: Montgomery County Planning Board
FROM: A. Malcolm Shaneman
Development Review Division
(301) 495-4587
SUBJECT: Informational Maps for Subdivision Items on the
Planning Board's Agenda for October 10, 2002.

Attached are copies of plan drawings for Items #06, #07, #08, #09. These subdivision items are scheduled for Planning Board consideration on October 10, 2002. The items are further identified as follows:

Agenda Item #06 - Subdivision Regulation Waiver SRW-03000
Arcola

Agenda Item #07 - Preliminary Plan 1-02116
Hillandale

Agenda Item #08 - Preliminary Plan 1-02033
Greenway Village at Clarksburg

Agenda Item #09 - Preliminary Plan 1-02107
Quince Orchard Estates

Attachment

VICINITY MAP FOR

LOTS 27 & 28 BLK. D HILLANDALE (1-02116)



Map compiled on June 18, 2002 at 10:18 AM | Site located on base sheet no - 213NE02

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Key Map



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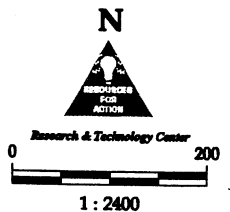
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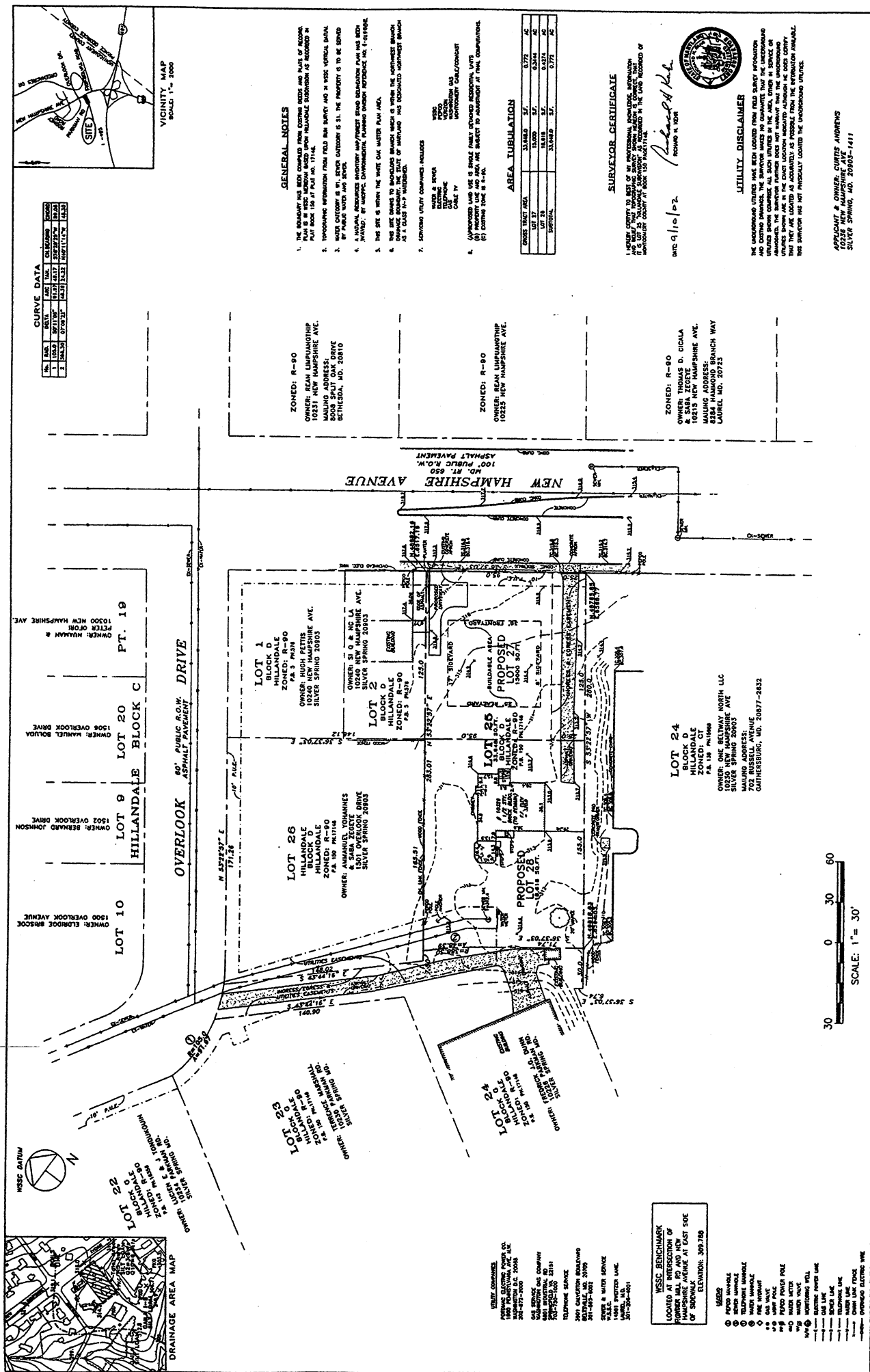
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CURVE DATA

NO.	ARC	CHORD	ANGLE	CHORD BEARING	CHORD	ANGLE	CHORD BEARING
1	100.00	100.00	90.00	S 00° 00' 00" W	100.00	90.00	S 00° 00' 00" W
2	100.00	100.00	90.00	S 00° 00' 00" W	100.00	90.00	S 00° 00' 00" W

VICINITY MAP
SCALE: 1" = 500'

GENERAL NOTES

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AREA TUBULATION

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96	31.000	31.000	31.000	31.000	31.000	31.000	31.000
97	31.000	31.000	31.000	31.000	31.000	31.000	31.000
98	31.000	31.000	31.000	31.000	31.000	31.000	31.000
99	31.000	31.000	31.000	31.000	31.000	31.000	31.000
100	31.000	31.000	31.000	31.000	31.000	31.000	31.000

UTILITY DISCLAIMER

THE SURVEYOR HAS NOT BEEN ADVISED OF ANY UTILITIES LOCATED IN THE UNDERGROUND UTILITIES. THE SURVEYOR HAS NOT BEEN ADVISED OF ANY UTILITIES LOCATED IN THE UNDERGROUND UTILITIES. THE SURVEYOR HAS NOT BEEN ADVISED OF ANY UTILITIES LOCATED IN THE UNDERGROUND UTILITIES.



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APPLICANT & OWNER: CURTIS ANDREWS
10236 NEW HAMPSHIRE AVE
SILVER SPRING, MD, 20905-1411

DATE: MARCH, 2002	SHEET: 1 OF 1	JOB NO.: 02-023	DRAWN: R.PATEL	CHECKED: A.HUBBARD	SCALE: 1" = 30'	DESCRIPTION: RESTRICTIONS	NAME: DATE:
<p>WEST CONSULTING GROUP 4424 MONTGOMERY AVENUE BETHESDA, MARYLAND 20814 (301) 664-7807 654-7808 (FAX)</p>							
<p>PRELIMINARY PLAN PROPOSED LOTS 27 & 28 BLOCK D HILLANDALE MONTGOMERY COUNTY, MARYLAND</p>							
<p>10236 NEW HAMPSHIRE AVE MONTGOMERY COUNTY, MARYLAND</p>							