

Item #7



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

M E M O R A N D U M

**DATE:** January 24, 2003  
**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 January 30, 2003.

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-

Attached are copies of plan drawings for Items #06, #07 #08. These subdivision items are scheduled for Planning Board consideration on January 30, 2003. The items are further identified as follows:

Agenda Item #06 - Preliminary Plan 1-99001E  
Montgomery Chinese Christian Church

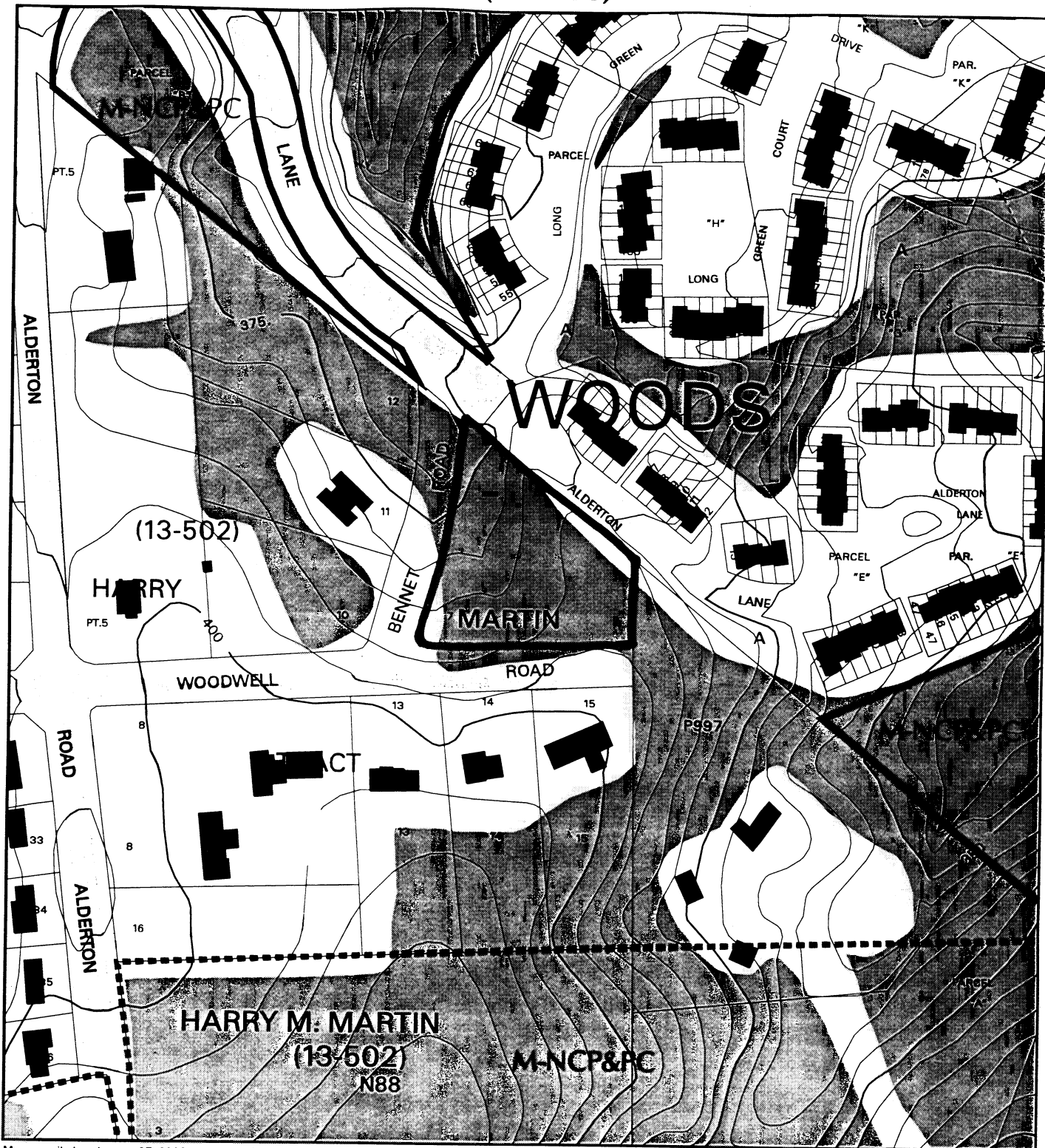
Agenda Item #07 - Preliminary Plan 1-03030  
Harry M. Martin Tract

Agenda Item #08 - Pre-Preliminary Plan 7-02058R  
MDR Property

Attachment

VICINITY MAP FOR

# HARRY M. MARTIN TRACT (1-03030)



Map compiled on January 07, 2003 at 2:31 PM | Site located on base sheet no - 219NW02

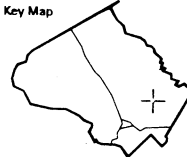
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Key Map



Research & Technology Center



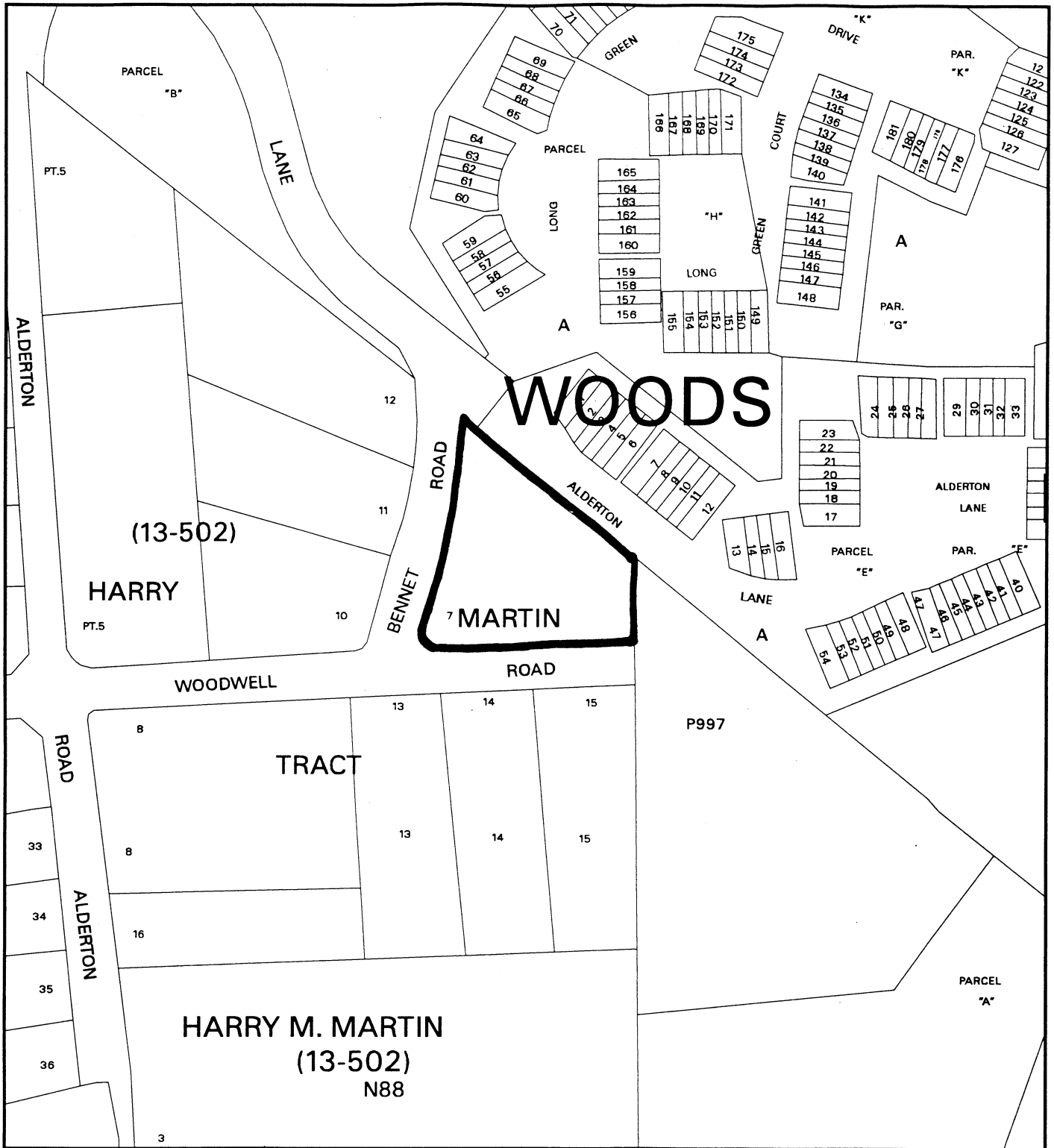
1 : 2400

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

8787 Georgia Avenue - Silver Spring, Maryland 20910-3760

M-NCPPC

# HARRY M. MARTIN TRACT (1-03030)



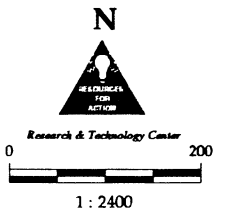
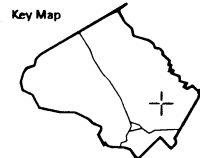
Map compiled on January 07, 2003 at 2:14 PM | Site located on base sheet no - 219NW02

**NOTICE**

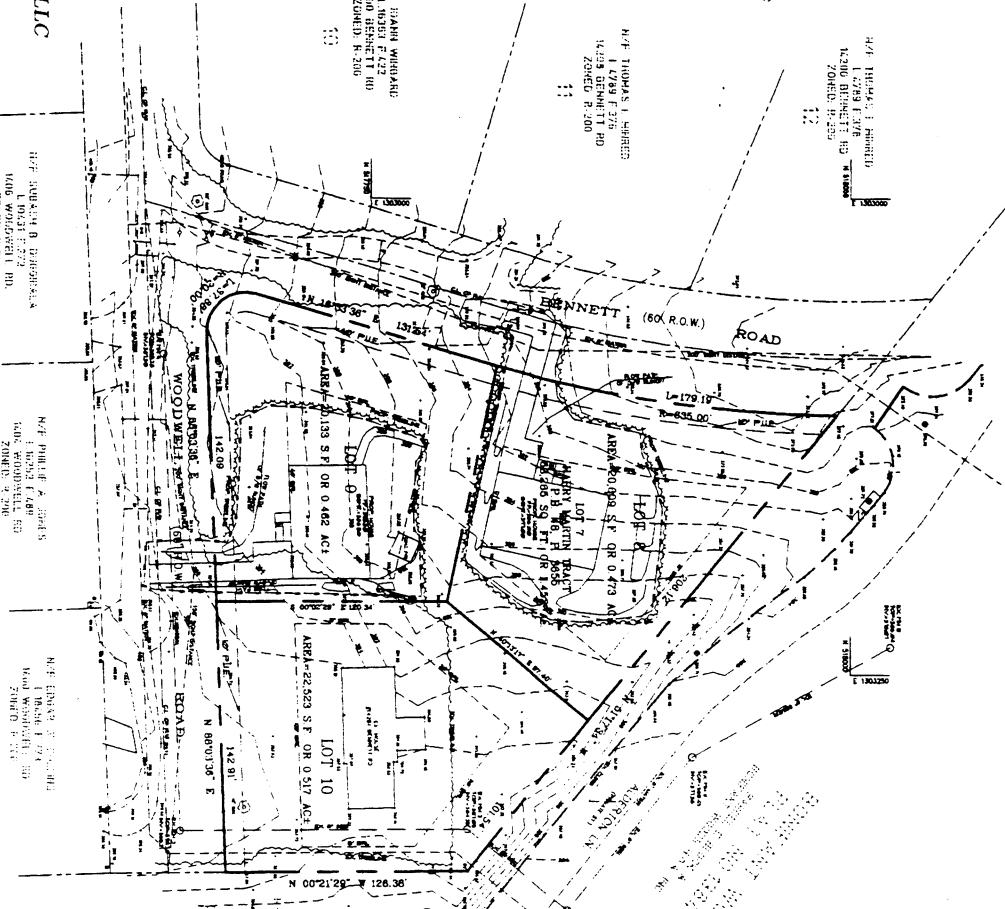
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HARRY M. MARTINS TRACT  
PLAT NO. 16346



BOUNDARY AND TOPOGRAPHIC SURVEY  
PREPARED BY  
**Real Estate Surveyors LLC**  
4412 POWER BLVD, SUITE 214  
ROCKVILLE, MD 20854  
TEL: (301) 279-9991  
FAX: (301) 279-9992  
E-MAIL: LANDPLANASSOC@CS.COM



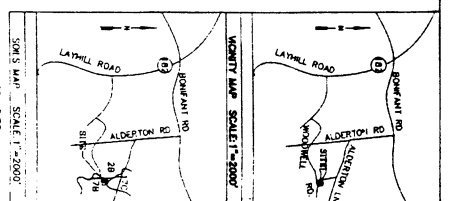
PROPERTY OFFICE  
10337 POWER BLVD.  
ROCKVILLE, MD 20854  
TEL: (301) 279-9991  
FAX: (301) 279-9992  
E-MAIL: LANDPLANASSOC@CS.COM

NOTES

1. PLAT REFERENCE IS LOT 7 PLAT 16346 AS AT 3488
2. PROPERTY LINED PERMANENTLY IS LAYHILL ROAD AT POLICED
3. PROPERTY LINED PERMANENTLY IS ALBERTON RD AT POLICED
4. PROPERTY LINED PERMANENTLY IS BROWN HILL PLANNING DISTRICT (PACT)
5. PROPERTY LINED PERMANENTLY IS WHEATON RD AT POLICED
6. NOT LOCATED IN WOODMERE AREA
7. PROPERTY IS LOCATED IN WHEATON RD PLANNING DISTRICT
8. PROPERTY IS LOCATED IN WHEATON RD PLANNING DISTRICT
9. TOTAL DEVELOPABLE AREA IS 20,000 SF OR 0.46 AC
10. TOTAL UNDEVELOPABLE AREA IS 20,000 SF OR 0.46 AC
11. TOTAL DEVELOPABLE AREA IS 20,000 SF

ZONED NOTES

IN THE ZONE REQUIREMENTS  
LOT 10 IS WHEATON RD  
LOT 9 IS WHEATON RD  
LOT 8 IS WHEATON RD  
LOT 7 IS WHEATON RD  
LOT 6 IS WHEATON RD  
LOT 5 IS WHEATON RD  
LOT 4 IS WHEATON RD  
LOT 3 IS WHEATON RD  
LOT 2 IS WHEATON RD  
LOT 1 IS WHEATON RD  
LOT 10 IS WHEATON RD  
LOT 9 IS WHEATON RD  
LOT 8 IS WHEATON RD  
LOT 7 IS WHEATON RD  
LOT 6 IS WHEATON RD  
LOT 5 IS WHEATON RD  
LOT 4 IS WHEATON RD  
LOT 3 IS WHEATON RD  
LOT 2 IS WHEATON RD  
LOT 1 IS WHEATON RD



SOIL 5 MAP SCALE 1"=2000'  
SOIL TYPE  
17B OCCUPANT LOAD JK 8K 8 CM S  
HYDROLOGIC SOIL GROUP 8

PRELIMINARY PLAN

LOT 8, 9 & 10  
RESUBDIVISION OF LOT 7, P.B. 48, P. 3655  
**HARRY M. MARTINS TRACT**  
WHEATON (13th) ELECTION DISTRICT  
MONTGOMERY COUNTY, MARYLAND

DEVELOPER  
SHARON C. DUJON, DUJON HOME CONCEPTS  
P.O. BOX 1277  
SILVER SPRING, MD 20908  
(301) 438-3500

Revisions	No.	Date	Description

M.M. CADD M.M. 10-21-02  
Designed Drawn Approved Date

Sheet No  
**1**



ITEM# 7

DATE: 1/30/03

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION



**MEMORANDUM**

**DATE:** January 24, 2003

**TO:** Montgomery County Planning Board

**VIA:** Joseph R. Davis, Chief Development Review Division *JRD*

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

**REVIEW TYPE:** Preliminary Plan Review

**APPLYING FOR:** Resubdivision of Lot 7- Harry M. Martins Tract

**PROJECT NAME:** Harry M. Martins Tract

**CASE #:** 1-03030

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

**ZONE:** R-200

**LOCATION:** Northeast corner, intersection of Bennett Road and Woodwell Road

**MASTER PLAN:** Aspen Hill

**APPLICANT:** Dujon Home Concepts

**FILING DATE:** October 29, 2002

**HEARING DATE:** January 30, 2003

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**STAFF RECOMMENDATION:** Denial, Pursuant to Section 50-29 (b)(2), Montgomery County Subdivision Regulations

## **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.

### **Defined Neighborhood**

Under the resubdivision criteria the neighborhood used to evaluate the application can only include lots within the same zoning (R-200) classification as the subject property. The lots surrounding the subject property are zoned R-200, although the townhouse subdivision (Bonifant Woods) was subdivided using the cluster option and was therefore, excluded from the neighborhood. Also excluded from the neighborhood is the unplatted parcel (P997) abutting the subject property to the east. Part of lot 8 at the corner of Woodwell Road and Alderton Road is excluded because its original platted dimensions have been altered by deed, thereby creating a non-conforming lot. Lots to the immediate west and south of the subject property with frontage on Woodwell Road and Bennett Road are included in the defined neighborhood. (See attached neighborhood delineation) These lots were all platted under the standard R-200 zone requirements.

## **DESCRIPTION**

### **Vicinity**

All lots within the defined neighborhood were record on a single plat in 1954. The lot pattern shown on the attached neighborhood delineation represents the result of three resubdivisions. Lots 10, 11 and 12, fronting on Bennett Road, were resubdivided in 1956. Lots 13, 14 and 15, with frontage on Woodwell Road, were resubdivided in 1987.

As illustrated on the attached tabular resubdivision chart, the lots within the neighborhood do not have great variation in size, shape, frontage, width, area, and alignment. The six lots within the neighborhood are all slightly larger than 1.0 acre, rectangular in shape, with frontages that range from 125 feet to 210 feet. The narrowest lots in the neighborhood are Lots 13 and 14 at 130 feet. The area of the existing lots range from a minimum of 20,260 square feet to 29,120 square feet. All lots have been deemed suitable for residential development.

## **Proposal**

This application for resubdivision proposes to create three lots from Lot 7, of the Harry M. Martin Tract. The three proposed lots would range in size from 20,133 square feet to 22,523 square feet or approximately one-half acre in size. Proposed Lot 10 will be irregularly shaped, the other two lots will be somewhat rectangular to square. Frontages for the three proposed lots will range from 140 to 155 feet and area of the lots range from 5,600 square feet for Lot 9 to 12,175 square feet for Lot 8. All proposed lots are aligned perpendicular to the street and are suitable for development.

## **Master Plan Compliance**

The property is located within the *Approved and Adopted Aspen Hill Master Plan* area. The master plan does not make specific recommendations for this property but does give general guidance and recommendations regarding zoning and land use. The master plan recommends that the area including this property be maintained as a medium density (R-200) residential area. The lot pattern, discussed previously, has evolved into lots that are larger than the minimum lot area required under the R-200 zoning criteria. However, since the proposed lots meet the requirements for the R-200 zone, it is staff's conclusion that they comply with the general guidelines adopted in the master plan. Staff's final conclusion with regard to the resubdivision criteria is discussed below.

## **CONCLUSION**

In applying the resubdivision criteria to the analysis area delineated by staff, staff concludes that the proposed resubdivision does not satisfy all seven of the criteria set forth in Section 50-29(b)(2) as illustrated by the characteristics set forth on the attached tabular summary. Based on the lot pattern within the defined neighborhood, staff finds that this resubdivision is not consistent with the neighborhood characteristics. Specifically, staff finds that the proposed lots do not meet the size and area criteria. Further staff has reservations about the shape of proposed Lot 10, in that its irregular shape is not found elsewhere in the neighborhood. Since this proposal fails three of the seven resubdivision criteria, staff concludes that this application for three lots should be denied.

## **Attachments**

Vicinity and Neighborhood Delineation Map	4 and 5
Neighborhood Development Map	6
Proposed Resubdivision Plan	7
Tabular Summary	8

*To date no citizen correspondence has been submitted to the file*

VICINITY MAP FOR  
**HARRY M. MARTIN TRACT (1-03030)**



Map compiled on November 21, 2002 at 9:44 AM | Site located on base sheet no - 219NW02

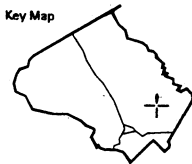
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Key Map



N



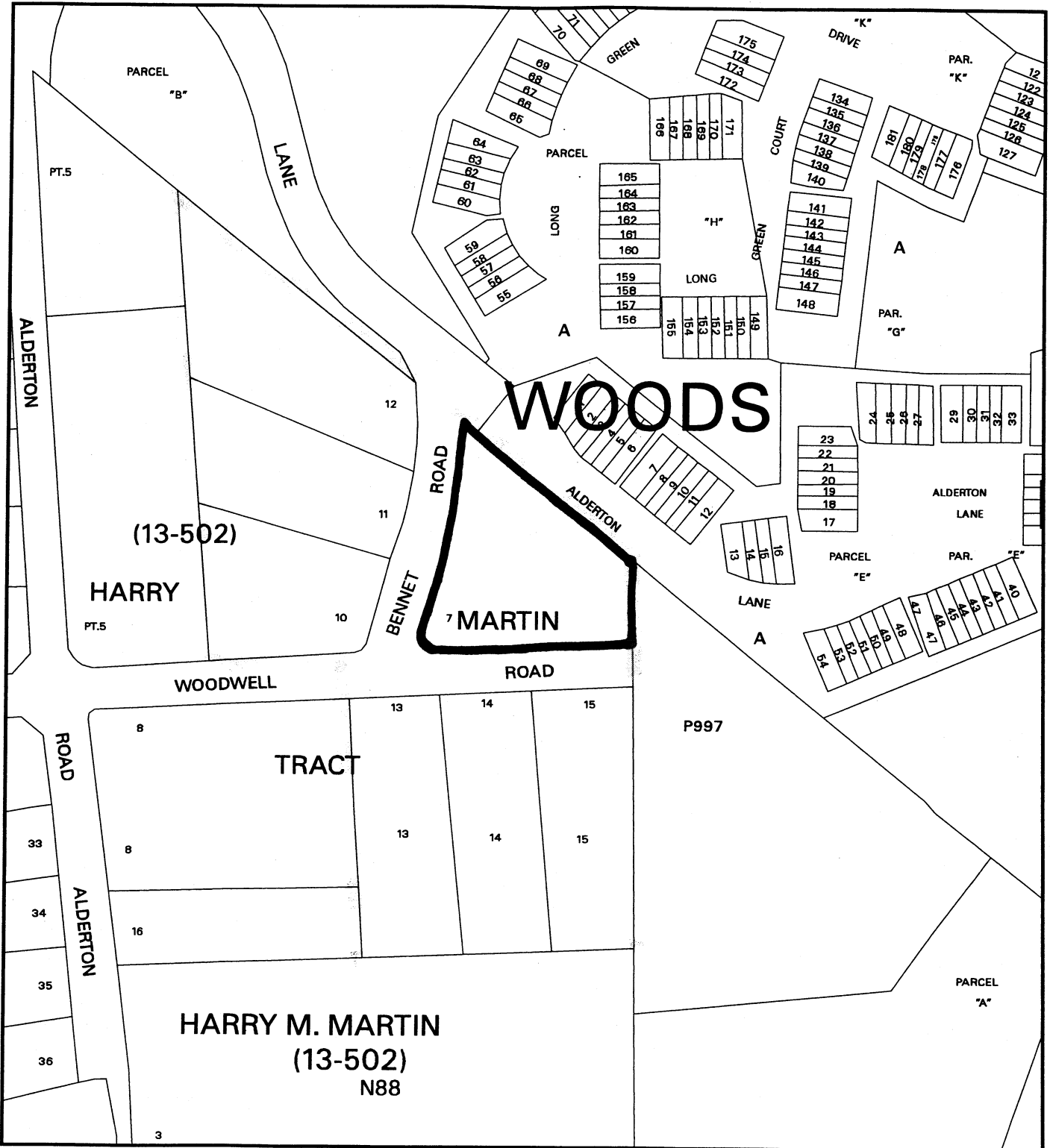
Research & Technology Center



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VICINITY MAP FOR  
**HARRY M. MARTIN TRACT (1-03030)**



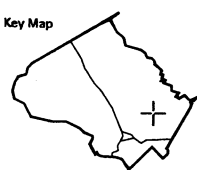
Map compiled on January 07, 2003 at 2:14 PM | Site located on base sheet no - 219NW02

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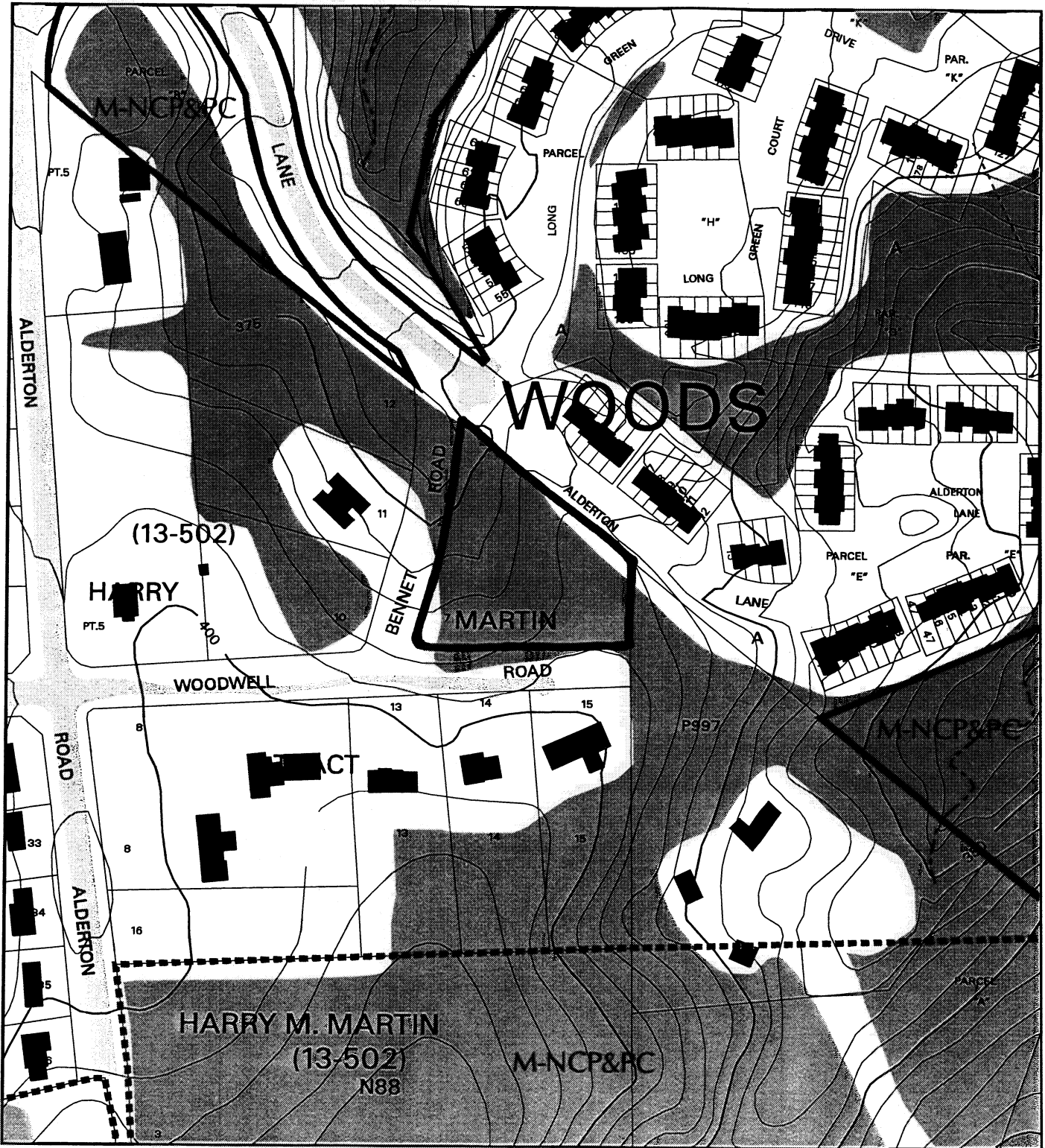
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1 : 2400

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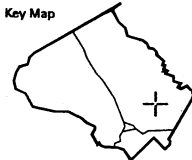
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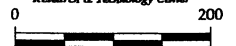
Key Map



N



Research & Technology Center



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**PRELIMINARY PLAN**  
 DEVELOPER: HARRY M. MARTINS TRACT  
 RESUBDIVISION OF LOT 7, P.B.#48, P.3655  
 LOT 8 & 10  
 MONTGOMERY COUNTY, MARYLAND  
 ELECTION DISTRICT  
 WHERTON (13th) ELECTION DISTRICT  
 MONTGOMERY COUNTY, MARYLAND  
 F-MAIL LANDPLANASSOC@CS.COM  
 TEL: (301) 279-8990  
 FAX (301) 279-9991  
 P.O. BOX 10375  
 ROCKVILLE, MD. 20849

Drawn	Checked	Appraised	Date	Description
M.M.				
CADD				
M.M.			10-21-02	

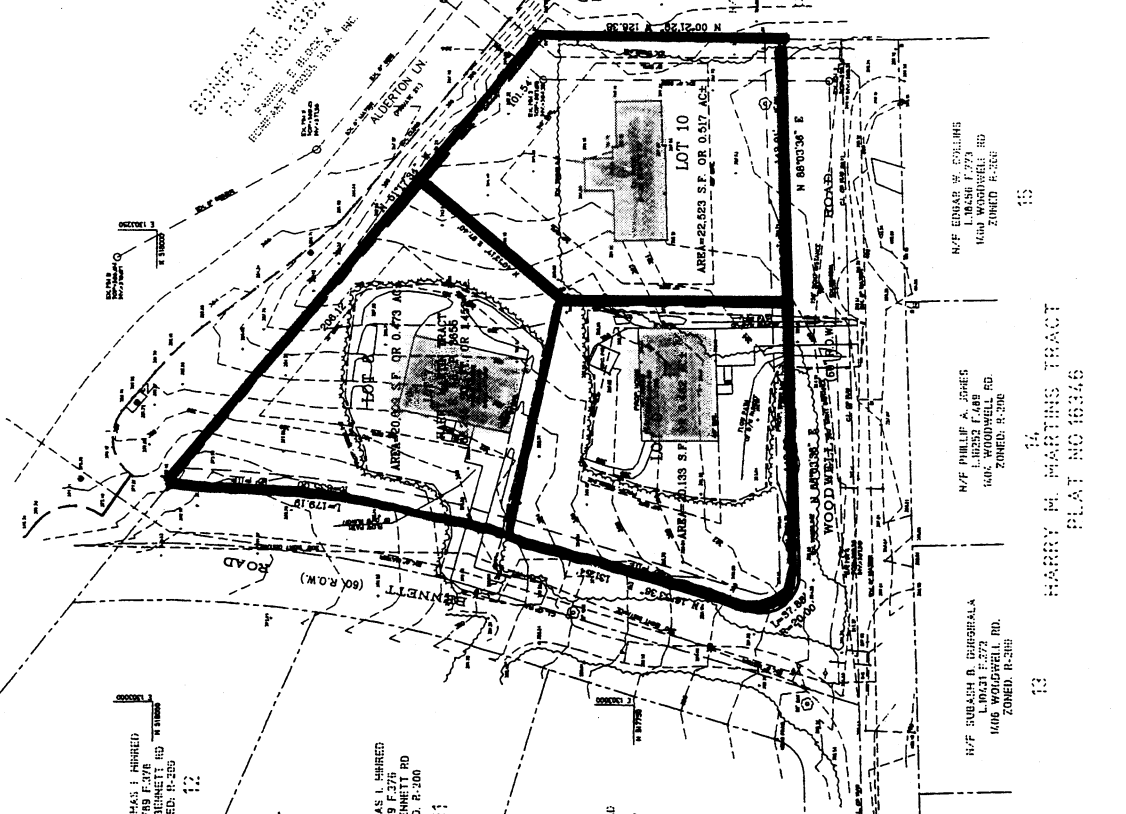
Sheet No.  
**1**  
 Project No. 02-113

**NOTES:**  
 1. PLAT REFERENCE IS LOT 1 PLAT ROCK 48 AT 8499  
 2. PROPERTY IS LOCATED ON TAX MAP #63  
 3. 300' SETBACK REFERENCE IS TO THE 100' 0" 300' SETBACK REFERENCE IS TO THE 100' 0"  
 4. 300' SETBACK REFERENCE IS TO THE 100' 0"  
 5. NOT LOCATED IN NATURAL AREA  
 6. PROPERTY IS ZONED R-300  
 7. TOTAL SITE AREA IS 45,348 SF OR 1.03 AC.  
 8. TOTAL PROPOSED WETLANDS AREA IS 29,984 SF OR 0.68 AC.  
 9. TOTAL DISTURBED AREA IS 2,000 SF.

**ZONING NOTES:**  
 R-300 ZONE REQUIREMENTS:  
 LOT 100' MINIMUM WIDE LOT  
 100' MINIMUM WIDE LOT  
 FRONT YARD SETBACK 40 FT.  
 SIDE YARD SETBACK 10 FT.  
 SIDE YARD SETBACK 10 FT. TOTAL ON BOTH SIDES

**SOILS MAP SCALE 1"=2000'**  
 17B OCCURRING IN THE SURVEY  
 HYDROLOGIC SOIL GROUP

**VICINITY MAP SCALE 1"=2000'**  
 LAYMEL ROAD  
 ROYFANT RD  
 ALBERTON RD  
 ALBERTON RD  
 ALBERTON RD



**BOUNDARY AND TOPOGRAPHIC SURVEY**  
 PREPARED BY  
**Real Estate Surveyors LLC**  
 Annapolis, Maryland and Land Survey  
 4115 BELTFRONT RD #207  
 BELTSVILLE, MD 20705  
 TEL: (301) 279-8990 FAX: (301) 279-9991

**HARRY M. MARTINS TRACT**  
**PLAT NO. 4805**  
**13** HARRY M. MARTINS TRACT  
**14** HARRY M. MARTINS TRACT  
**15** HARRY M. MARTINS TRACT  
**PLAT NO. 4836**

**SCALE 1"=200'**  
**PLAT NO. 4836**

