



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

ITEM # 7

DATE: 03-13-03



**MEMORANDUM**

**DATE:** February 14, 2003

**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:** Two Single Family Lots

**PROJECT NAME:** Bannockburn Heights

**CASE #:** 1-03051

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

**ZONE:** R-200

**LOCATION:** Southwest Side of River Road (MD 190), Between Orkney Parkway and Braeburn Parkway

**MASTER PLAN:** Bethesda – Chevy Chase

**APPLICANT:** Al S. KhalatBari

**FILING DATE:** January 9, 2003

**HEARING DATE:** March 13, 2003

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

**PROJECT DESCRIPTION: Proposal**

The subject application requests the resubdivision of a 1.5 acre site, identified as Lot 7, into two (2) single-family residential lots. The proposed lots numbered 18 and 19 are proposed to be 36,230 square feet and 31,465 square feet respectively. A single-family dwelling exists on the property and is proposed for removal. The lots will have direct access to River Road (MD190).

**PROJECT DESCRIPTION: Vicinity**

The subject property is located on the southwest side of River Road between Orkney Parkway and Braeburn Parkway. The site identified as Lot 7 in Block 4 was recorded by record plat in 1939 as were the rest of the lots within the same block. The lots surrounding the subject property are developed with single-family dwelling units. The block in which the subject site is located has remained virtually unchanged since its original recordation except for one resubdivision which occurred between Lots 13 and 14 for the purpose of adjusting the property boundaries.

**ISSUES TO DATE**

**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) complies with 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-200) classification as the subject property. The lots surrounding the subject property on the southwest side of River Road are all zoned all R-200. Staff has elected to limit the proposed neighborhood to those lots located in the same block as the subject property. Since the subject property fronts River Road staff does not feel that the lots on the other side of Orkney Parkway nor the other side of Braeburn Parkway should be included in the neighborhood.

**Master Plan Compliance**

The property is located within the Approved and Adopted Bethesda Chevy Chase 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 range from the minimum required under the R-200 zone (20,000 sq.ft.) to lots that are twice that size (1 acre plus). 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.

### **Analysis and Conclusion**

In applying the resubdivision criteria to the neighborhood delineated by staff, staff finds that the proposed resubdivision does not comply with 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. Staff finds that a high correlation does not exist between the frontage and widths of the proposed lots and existing lots within the delineated neighborhood.

As the tabular summary depicts the smallest lot frontages found in the defined neighborhood are those of the proposed lots. Indicative of smaller lot frontages are the smaller lot widths. As in this proposal, the proposed lots widths are amongst the smallest within the defined neighborhood.

The application, as proposed, clearly fails when applying the resubdivision criteria. Staff finds that the frontage and width of the proposed lots do not have a high correlation to those criteria of existing lots in the delineated neighborhood and therefore recommend disapproval of this proposed resubdivision.

### **Attachments**

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



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

M E M O R A N D U M

**DATE:** March 07, 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 March 13, 2003.

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Attached are copies of plan drawings for Items #07, #08, #09 and #10. These subdivision items are scheduled for Planning Board consideration on March 13, 2003. The items are further identified as follows:

Agenda Item #07 - Preliminary Plan 1-03051  
Bannockburn Heights

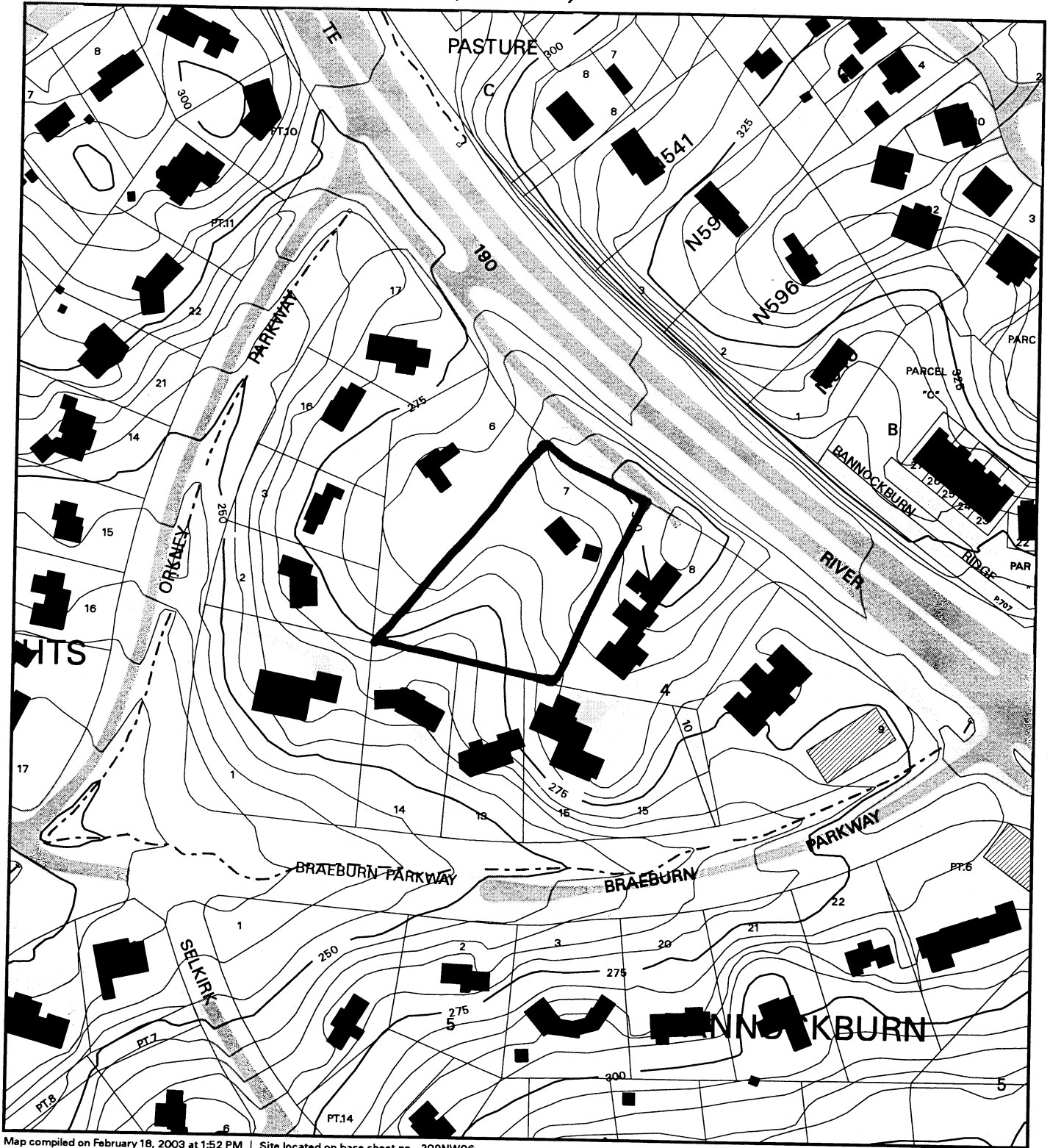
Agenda Item #08 - Pre-Preliminary Plan 7-03020  
Summer Hill

Agenda Item #09 - Subdivision Regulation Waiver SRW-03004  
Norbeck Country Club

Agenda Item #10 - Preliminary Plan 1-03009  
Burgundy Park

Attachment

VICINITY MAP FOR  
**BANOCKBURN HEIGHTS (1-03051)**



Map compiled on February 18, 2003 at 1:52 PM | Site located on base sheet no - 209NW06

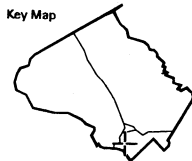
**NOTICE**

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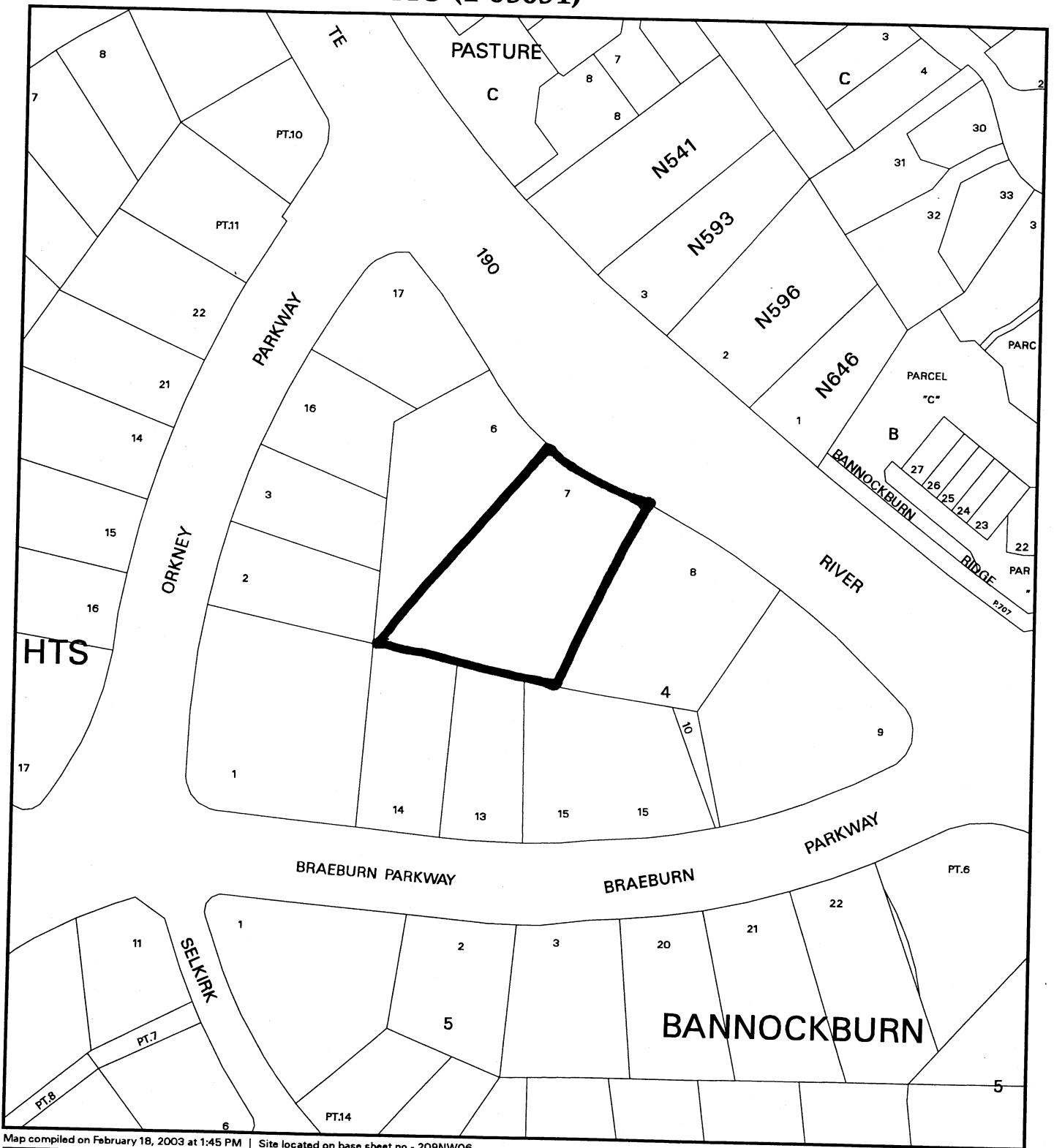
Key Map



1 : 2400

VICINITY MAP FOR

# BANNOCKBURN HEIGHTS (1-03051)



Map compiled on February 18, 2003 at 1:45 PM | Site located on base sheet no - 209NW06

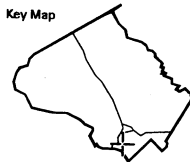
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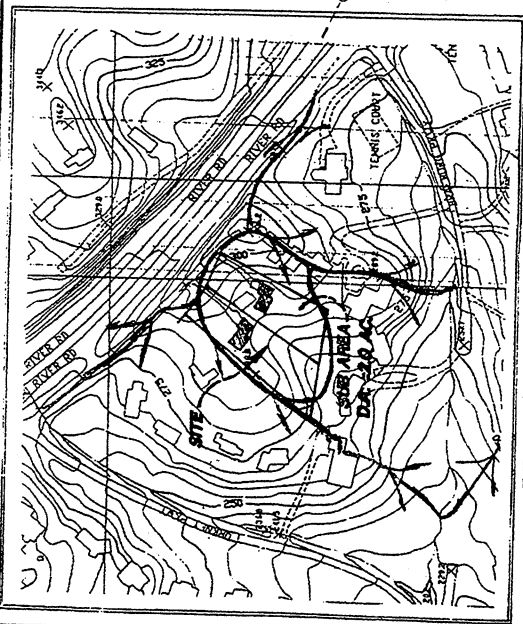
Key Map



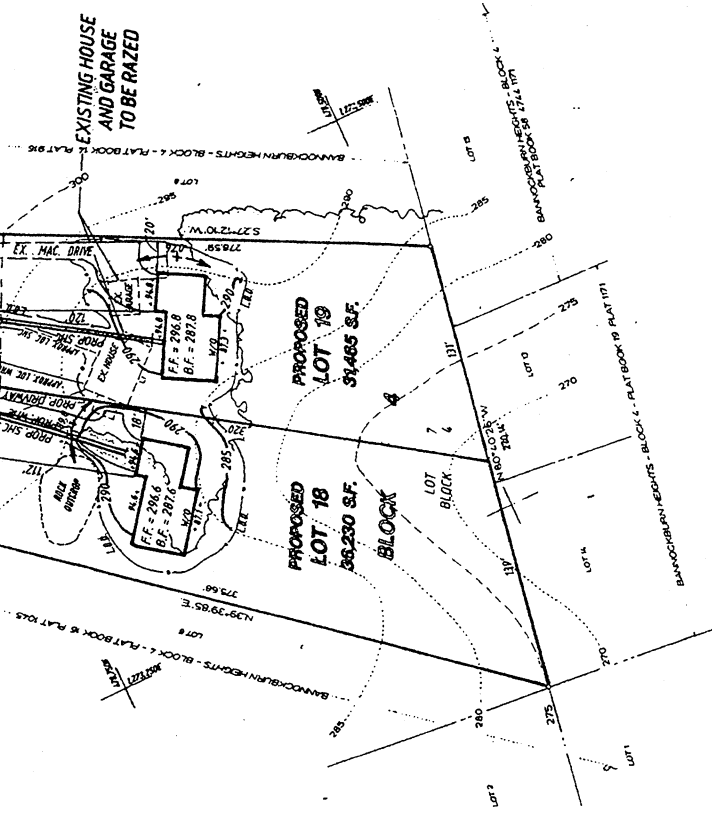
1 : 2400

**NOTES**

1. Lot 7 is included on a record plat entitled "Remainder of Block 4, Bannockburn Heights" as recorded in Plat Book 16 as Plat 1045 from which the boundary as shown was graphically reproduced.
2. Topography, as shown, from MNCIP & PC aerial photography, 200' scale, 5' contour interval, MCMARS Sheets 209 NW 7 and 209 NW 6.
3. Existing zoning = R-200; 20,000 sq. ft. min. lot size.
4. A/c/a included in plan = 67,695 sq. ft.
5. Number of lots included in plan = 2.
6. Planning area 35; Bethesda-Chevy Chase
7. Potomac River Watershed
8. Sewer Category: S-1; Water Category: W-1
9. Soils, from the Montgomery County Soils Survey Sheet 26; 2C - Glenn silt loam - 8-15 % slopes
10. There are no flood plains, streams or non-tidal wetlands on or within 200' of site.
11. There are no historic or cultural features on site.
12. Tax Account No. 07-00686505
13. Street Address: 6620 River Road
14. Certain elements shown on this plan are scaled and subject to change at time of record plat or field survey.
15. BUILDING SETBACKS (R-200)  
FRONT : 40' (OR ESTABLISHED BUILDING LINE)  
REAR : 30'  
SIDE : 25' TOTAL (MINIMUM ONE SIDE = 12')
16. NATURAL RESOURCES INVENTORY No. L-03044.



**DRAINAGE AREA MAP**  
SCALE: 1" = 200'



**DEVELOPMENT TABULATION**

ZONING	REQUIRED	PROVIDED
R-200 EXISTING		R-200 PROPOSED
TOTAL AREA OF THE PLAN	0 S.F.	67,695 S.F.
AREA OF STREET DED.	0 S.F.	0 S.F.
NET AREA OF LOTS	20,000 S.F.	67,695 S.F.
NUMBER OF LOTS	2	2
LOT AREA	100'	36,230 S.F./31,463 S.F.
LOT WIDTH * B.R.L.	100'	100'

**SURVEYOR'S CERTIFICATE**  
I HEREBY CERTIFY THAT THE INFORMATION SHOWN HEREON IS CORRECT AS NOTED.

NOV. 05, 2002  
JOHN R. WITMER  
PROFESSIONAL LAND SURVEYOR  
MARYLAND No. 10668

**PLAN**  
SCALE: 1" = 50'

PREPARED FOR  
**ALLEN & QUALITABE**  
7125 RIVER ROAD  
BETHESDA, MD 20817  
301-226-1884

SCALE: 1" = 200'

**PRELIMINARY PLAN**

**PROPOSED LOTS 18 & 19 BLOCK 4**  
A RESUBDIVISION OF LOT 7 BLOCK 4  
**BANNOCKBURN HEIGHTS**  
BETHESDA ELECTION DISTRICT  
MONTGOMERY COUNTY, MARYLAND

**W WITMER ASSOCIATES, LLC**  
Land Surveying, Land Planning & Design  
114 W. Jefferson Ave., Annapolis, MD 20740  
Tel: (410) 293-6600 Fax: (410) 293-6605

DATE: NOVEMBER, 2002  
SHEET NO. 96395 G