



MEMORANDUM

DATE: May 13, 2005

TO: Montgomery County Planning Board

VIA: Rose Krasnow, Chief *RK*
Catherine Conlon, Acting Supervisor *CC*
Development Review Division

FROM: Dolores M. Kinney, Senior Planner *DMK*
Development Review Division

REVIEW TYPE: Preliminary Plan Review

APPLYING FOR: Resubdivision of Existing Lot 5 and Part of Lot 4

PROJECT NAME: Potomac Manors

CASE #: 1-05010

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

ZONE: RE-2

LOCATION: Located on the northeast side of Burbank Drive, approximately 1,000 feet northwest of the intersection with Falls Road

MASTER PLAN: Potomac

APPLICANT: Jean Melkin c/o JAMCO

ENGINEER: Witmer Associated, LLC.

FILING DATE: September 15, 2004

HEARING DATE: May 19, 2005

STAFF RECOMMENDATION: Approval, pursuant to Section 50-29 (b) (2), Montgomery County Subdivision Regulations subject to the following conditions:

- 1) Approval under this preliminary plan is limited to three (3) one-family dwelling units.
- 2) Compliance with the conditions of approval for the preliminary forest conservation plan. The applicant must satisfy all conditions prior to recording of plat(s) or MCDPS issuance of sediment and erosion control permits.
- 3) Record plat to reflect common ingress/egress and utility easements over all shared driveways.
- 4) Compliance with conditions of MCDPWT letter dated, March 11, 2005 unless otherwise amended.
- 5) Compliance with the conditions of approval of the MCDPS stormwater management approval letter dated August 12, 2004.
- 6) Other necessary easements

SITE DESCRIPTION:

Lot 5 and Part of Lot 4, referred to as the "Subject Property", is part of the Potomac Manors Section 1 Subdivision, which was originally approved in 1949. The Subject Property is located on the northeast side of Burbank Drive, approximately 1,000 feet northwest of Falls Road. The property contains 6.99 acres and is zoned RE-2. A one-family dwelling currently exists on the property, which will be removed. The property also contains one (1) specimen tree which should be protected.

PROJECT DESCRIPTION:

This is a preliminary plan of subdivision application to create three (3) residential lots for three (3) one-family detached dwelling units. Access to the site will be via a shared driveway from Burbank Drive.

DISCUSSION:

Master Plan Compliance

The Potomac 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 sector plan in that it is a request for residential development.

Citizen Concern – Shared Driveway

The preliminary plan depicts *two* adjacent driveways: one on the western edge of the Subject Property and one immediately adjacent to the east, off-site. The off-site driveway is a part of and provides access to Lot 36 only.

The preliminary plan originally depicted the removal of the existing shared driveway located on the west edge of the Subject Property. The shared use of this driveway was created by deed in Liber No. 3439 at Folio 174 and recorded in 1965 at the Montgomery County Land Records. The owner of Lot 35 located at 10701 Burbank Drive, abutting on the west, expressed concern that the removal of the existing, shared driveway would terminate access to Lot 35. Although not used frequently, it provides access for the delivery of oil and propane tanks.

The plan has been revised so that a portion of the shared driveway on the Subject Property remains to continue access for Lot 35. Please note that approval of this application will not serve to extinguish any easement rights that any adjoining property owners may have on the Subject Property.

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 the proposed lot complies with 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 the Resubdivision section, the Planning Board must determine the appropriate “neighborhood” for evaluating the application.

The applicant has proposed a neighborhood of 34 lots for analysis purposes. The neighborhood extends north to Bit and Spur Lane, west to The Corral Drive, east to Falls Road (MD 189) and south beyond Burbank Drive.

Staff is of the opinion that the applicant’s neighborhood delineation is appropriate because it provides an adequate sample that exemplifies the lot and development pattern

of the area. The applicant has provided a tabular summary of the area based on the resubdivision criteria, which is included in the staff report.

ANALYSIS

Comparison of the Character of Proposed Lots to Existing

In performing the analysis, Staff applied the resubdivision criteria to the delineated neighborhood. Based on the analysis, Staff finds that the proposed resubdivision will be of the same character as the existing lots in the neighborhood. As set forth below, the attached tabular summary and graphical documentation support this conclusion:

Frontage: In a neighborhood of 34 lots, lot frontages range from 31 feet to 518 feet. The proposed Lot 37 has a frontage of 265 feet and Lot 39 has a frontage of 260 feet. Originally, the preliminary plan depicted a frontage of 30 feet for Lot 38, but the plan has been revised to show 32 feet. **As such, Staff finds that the proposed lots will be consistent in character with other lots in the neighborhood with respect to frontage.**

Area: The existing lots in the neighborhood range in area from 39,640 square feet to 87,556. **The proposed Lot 37 will be 59,667 square feet. Lot 38 will be 74,052 square feet and Lot 39 will be 65,340 square feet. The proposed resubdivision will be in character with the existing lots in the neighborhood with respect to area.**

Lot Size: The lot sizes in the delineated neighborhood range from 77,414 square feet to 137,214 square feet. The proposed Lot 37 will have a lot size of 91,476 square feet. The proposed Lot 38 will have a lot size of 117,612 square feet and the proposed Lot 39 will have a lot size of 95,832 square feet. **Therefore, Staff finds that the lot sizes of the proposed lots to be of the same character as the existing lots in the neighborhood.**

Lot Width: The lot widths in the existing neighborhood range from 160 feet to 370 feet. The proposed Lot 37 and Lot 39 will have widths of 240 feet. The proposed Lot 38 will have a width of 400. Although Lot 38 will have the greatest width in the neighborhood, it will be of the same character of the other lots in the neighborhood. **As such, Staff finds that the proposed resubdivision will be of the same character as the other existing lots in the neighborhood as it pertains to lot width.**

Shape: There are 14 irregular lots, two (2) pipestem lots and 18 rectangular lots in the neighborhood. **The proposed resubdivision will create two (2) rectangular lots and one (1) pipestem lot. Staff finds that the proposed lots**

will be of the same character as the existing lots in the neighborhood as it pertains to shape.

Alignment: With the exception of two pipestem lots, all of the lots are perpendicular in alignment. **The proposed resubdivision will create one (1) pipestem lot and two (2) perpendicular lots. Staff finds that the proposed subdivision will be consistent in character with the existing lots in the neighborhood as it pertains to alignment.**

Residential Use: The proposed lots are suitable for residential use.

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. The proposed resubdivision will create three lots that are in character with all of the lots in the existing neighborhood based on the resubdivision criteria. Staff finds that the proposed resubdivision complies with Section 50-29(b)(2) of the Subdivision Regulations. As such, Staff recommends approval of the preliminary plan.

Attachments

Attachment A Vicinity Development Map
Attachment B Proposed Development Plan
Attachment C Neighborhood Delineation Map
Attachment D Tabular Summary
Attachment E Citizen Correspondence