

**PLAT NO. 220081040**

**Garrett Park, Section 2**

Located in the northwest quadrant of the intersection of Oxford Street and Clermont Avenue

R-90/Overlay zone; 2 lots

Community Water, Community Sewer

Master Plan Area: North Bethesda/Garrett Park

Ulla Lustig, Applicant

The record plat has been reviewed by M-NCPPC staff and other applicable agencies as documented on the attached Plat Review Checklist. Staff has determined that the plat complies with Preliminary Plan No. 120060160, as approved by the Board, and that any minor modifications reflected on the plat do not alter the intent of the Board's previous approval of the aforesaid plan.


[illegible]

I, JULA BRITTA VERNER, OWNER OF THE PROPERTY SMOCH AND DESCRIBED HEREON, HEREBY ADOPT THIS PLAN OF SUBDIVISION. I FURTHER GRANT A HOME PUBLIC UTILITY EASEMENT, SMOCH HEREON AS "P.U.E." TO THOSE PARTIES NAMED IN THE DOCUMENT ENTITLED "DECLARATION OF TRUSTS AND PROVISIONS OF PUBLIC UTILITY EASEMENTS," AS RECORDED IN LIBER 304 AT PAGE 467 AMONG THE LAND RECORDS OF THE COUNTY OF LOS ANGELES, CALIFORNIA. I HEREBY GRANT THE PUBLIC UTILITY EASEMENT ADDRESS LOT 28 SMOCH TRACT 82222 FOR THE USE AND BENEFIT OF LOT 24.

I FURTHER DEED TO PUBLIC USE THE AREA SMOCH TRACT 82223 AND DESCRIBED HEREON, HAVING AN AREA OF 2.55 ROEMER FEET.

THIS DEED DOES NOT BUTS, ACTIONS BY LAND LEASERS, LISTS, ENCUMBRANCES, OR TRUSTS AFFECTING THE PROPERTY SMOCH HEREON, EXCEPT AS INDICATED BELOW.

**GRAPHIC SCALE**



0 10 20 30 40

Department of Permitting Services  
Montgomery County, Maryland

The Maryland National Capital Park and Planning Commission  
Montgomery County Planning Board

Approved: \_\_\_\_\_ Chairman  
\_\_\_\_\_ Asst. Secretary - Finance

M.N.C.P. & P.C. Record File No. \_\_\_\_\_

UTILITY EASEMENT LINE TABLE		
LINE	LENGTH	BEARING
11	52.06'	N77°02'37"W
12	19.84'	N47°03'02"W
13	54.06'	N12°17'50"E
14	19.70'	S48°03'27"W

**CAS**  
**ENGINEERING**  
CIVIL • SURVEYING • LAND PLANNING  
A DIVISION OF CAS ENTERPRISES, INC.  
108 West Ridgewood Boulevard, Suite 101, Mount Airy, Maryland 21771  
DC Metro (301) 402-8033 FAX (301) 652-8045

Recorded  
Flat No.

[illegible]

OXFORD STREET  
(887 R/V - PLAT BOOK A, PLAT 27)

# SURVEYOR'S CERTIFICATE

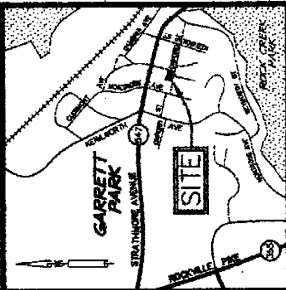
LIBRARY CERTIFICATE THAT THE LAND SHOWN HEREON IS CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF, THAT IT IS A REMAINS/REMAINDER OF ALL OF THE LANDS COVERED BY MILLBURN'S DEED AND THE FIRST DEED DATED JANUARY 3, 1964, AND RECORDED JANUARY 6, 1964 IN LIBER 358, AT PAGE 10, AND THAT THERE IS A REMAINS/REMAINDER OF LOTS 17 AND 18, AND, IN PLAT BOOK A, PLAT 27, AMONG THE LANDS REQUIRED FOR PONTIAC COUNTY, MARYLAND, AND THAT THE TOTAL AREA INVOLVED IN THIS CERTIFICATE IS 1.00 ACRES, MORE OR LESS, AND THAT ALL PROPERTY CORNERS MARKED THEREON ARE IN PLACE AS SHOWN HEREON IN ACCORDANCE WITH SECTION 3-6-2 OF THE SUBDIVISION REGULATIONS OF PONTIAC COUNTY, MARYLAND.

Feb. 11, 2003  
DATE

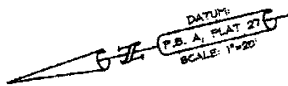
SUBDIVISION RECORD PLAT  
LOTS 24 AND 25, BLOCK 53

SECTION 2, ARK  
GARRETT

A RESUBDIVISION OF LOTS 17 AND 18,  
AND PART OF LOT 16, BLOCK 53  
ROCKVILLE (4TH) ELECTION DISTRICT  
MONTGOMERY COUNTY, MARYLAND  
SCALE: 1" = 20' DECEMBER, 2007



VICINITY MAP  
SCALE 1" = 2000'



**RECORD PLAT REVIEW SHEET**

Plat Name: Garrett Park Section 2 Plat Number: 220081040  
 Plan Name: Garrett Park Plan Number: 120060160  
 Plat Submission Date: 12/17/07  
 DRD Plat Reviewer: S. Smith  
 DRD Prelim Plan Reviewer: R. Weaver Checked: [Signature] Date 1/28/08

**Initial DRD Review:**

Signed Preliminary Plan – Date 11/30/07 Checked: Initial SSS Date 1/28/08  
 Planning Board Opinion – Date 10-8-07 Checked: Initial SSS Date 1/28/08  
 Site Plan Req'd for Development? Yes    No X Verified By: SSS (initial)  
 Site Plan Name:    Site Plan Number:     
 Planning Board Opinion – Date    Checked: Initial    Date     
 Site Plan Signature Set – Date    Checked: Initial    Date     
 Site Plan Reviewer Plat Approval: Checked: Initial    Date   

Review Items: Lot # & Layout ✓ Lot Area ✓ Zoning ✓ Bearings & Distances ✓  
 Coordinates ✓ Plan # ✓ Road/Alley Widths ✓ Easements OK Open Space N/A  
 Non-standard BRLs N/A Adjoining Land OK Vicinity Map ✓ Septic/Wells N/A  
 TDR note N/A Child Lot note N/A Surveyor Cert ✓ Owner Cert ✓ Tax Map ✓

Agency Reviews Req'd	Reviewer	Date Sent	Due Date	Date Rec'd	Comments
Environment	<u>C. Bynum</u>	<u>12/24/07</u>	<u>1-18-08</u>	<u>  </u>	<u>EXEMPTION</u>
Research	Bobby Fleury	<u>  </u>	<u>  </u>	<u>1-2-08</u>	<u>OK</u>
SHA	Doug Mills	<u>  </u>	<u>  </u>	<u>  </u>	<u>  </u>
PEPCO	Steve Baxter	<u>  </u>	<u>  </u>	<u>  </u>	<u>  </u>
Parks	Doug Powell	<u>  </u>	<u>  </u>	<u>  </u>	<u>  </u>
DRD	Nellie Carey	<u>  </u>	<u>  </u>	<u>1-10-08</u>	<u>OK</u>

**Final DRD Review:**

DRD Review Complete:  
 (All comments rec'd and incorporated into mark-up)  
 Engineer Notified (Pick up Mark-up):  
 Final Mylar w/Mark-up & PDF Rec'd:

Initial

Date

SSS3/5/08SSS1-28-08SSS2-28-08**Board Approval of Plat:**

Plat Agenda:  
 Planning Board Approval:  
 Chairman's Signature:

SSS3/24/08**DPS Approval of Plat:**

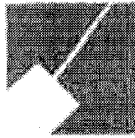
Engineer Pick-up for DPS Signature:  
 Final Mylar for Reproduction Rec'd:

        **Plat Reproduction:**

Addressing:  
 File Card Update:  
 Final Zoning Book Check:  
 Update Address Books with Plat #:  
 Update Green Books for Resubdivision:  
 Notify Engineer to Seal Plats:  
 Engineer Seal Complete:  
 Complete Reproduction:  
 Sent to Courthouse for Recordation:

                                    No.





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

OCT 28 2007

**MCPB No. 07-121**  
**Preliminary Plan No. 120060160**  
**Garrett Park (Resubdivision)**  
**Date of Hearing: May 10, 2007**

**MONTGOMERY COUNTY PLANNING BOARD**

**RESOLUTION<sup>1</sup>**

WHEREAS, pursuant to Montgomery County Code Chapter 50, the Montgomery County Planning Board ("Planning Board" or "Board") is vested with the authority to review preliminary plan applications; and

WHEREAS, on October 26, 2006, Christine Shreves ("Applicant"), filed an application for approval of a preliminary plan of subdivision of property that would create 2 lots on 0.52 acres of land located in the northwest corner of the intersection of Oxford Street and Clermont Avenue ("Property" or "Subject Property"), in the North Bethesda-Garrett Park Master Plan area ("Master Plan"); and

WHEREAS, Applicant's preliminary plan application was designated Preliminary Plan No. 120060160, Garrett Park ("Preliminary Plan" or "Application"); and

WHEREAS, Staff issued a memorandum to the Planning Board, dated April 20, 2007, setting forth its analysis, and recommendation for approval, of the Application subject to certain conditions ("Staff Report"); and

WHEREAS, following review and analysis of the Application by Planning Board staff ("Staff") and the staffs of other governmental agencies, on May 3, 2007, the Planning Board held a public hearing on the Application (the "Hearing"); and

WHEREAS, at the Hearing, the Planning Board heard testimony and received evidence submitted for the record on the Application; and

APPROVED AS TO LEGAL SUFFICIENCY  
9/11/07 21:30:07  
M-NCPPC LEGAL DEPARTMENT

<sup>1</sup> This Resolution constitutes the written opinion of the Board in this matter and satisfies any requirement under the Montgomery County Code for a written opinion.

WHEREAS, on May 3, 2007, the Planning Board approved the Application subject to certain conditions, on motion of Commissioner Bryant; seconded by Commissioner Robinson; with a vote of 3-0, Commissioners Bryant, Hanson, and Robinson voting in favor; Commissioners Perdue and Wellington absent.

NOW, THEREFORE, BE IT RESOLVED THAT, pursuant to the relevant provisions of Montgomery County Code Chapter 50, the Planning Board approved Preliminary Plan No. 120060160 to create 2 lots on 0.52 acres of land located in the northwest corner of the intersection of Oxford Street and Clermont Avenue ("Property" or "Subject Property"), in the Bethesda/Garrett Park master plan area ("Master Plan"), subject to the following conditions:

- 1) Approval under this preliminary plan application is limited to two (2) one-family detached residential lots.
- 2) The Applicant shall comply with the conditions of the approved tree save plan dated 12/14/06 prior to any demolition, clearing, or grading on the subject property.
- 3) The final sediment control plan must be consistent with limits of disturbance as shown on Tree Save Plan, dated 12/14/2006.
- 4) Compliance with the conditions of approval of the MCDPS stormwater management approval letter dated July 27, 2005.
- 5) Compliance with the conditions of approval for the MCDPWT approval letter dated October 25, 2005, unless otherwise amended.
- 6) Other necessary easements shall be shown on the record plat.

BE IT FURTHER RESOLVED, that, having given full consideration to the recommendations and findings of its Staff, which the Board hereby adopts and incorporates by reference, and upon consideration of the entire record, the Montgomery County Planning Board FINDS, with the conditions of approval, that:

1. *The Preliminary Plan substantially conforms to the master plan.*

The 1992 North Bethesda-Garrett Park Master Plan recommended that an Overlay Zone be applied to the Town of Garrett Park to unify the numerous zoning standards that apply to the properties within it, including the old Residential "A", R-60 and R-90 standards. The Overlay Zone generally follows the development standards of the current R-90 Zone but sets additional restrictions as to setbacks and building coverage. This was done in an attempt to provide wider setbacks and control house sizes to preserve the "unique park-like setting of the 19<sup>th</sup> century garden suburb", as recognized by the Master Plan (p. 87). The Master Plan also recommends maintaining "the prevailing pattern of houses and open spaces by retaining the maximum amount of green area around new or expanded houses." The Overlay Zone has the potential for

helping the Town "preserve some of the unique relationships of building scale and open space that makes Garrett Park visually distinct." (p. 90)

The Planning Board finds that the preliminary plan will meet all the specific requirements for setbacks and building coverage in the Overlay Zone. Further, the Board finds that deletion of a previously proposed detached garage and modification of the previous limit of disturbance facilitates greater tree save along the perimeter of the property, especially on the northern boundary adjacent to existing lots. These measures significantly increase the overall green area around the proposed new house. The proposed limits of disturbance will result in lots with open space that are similar to those in the existing neighborhood.

2. *Public facilities will be adequate to support and service the area of the proposed subdivision.*

#### Roads and Public Transportation Facilities

The Planning Board finds that proposed vehicle and pedestrian access to the site will be safe and adequate with the recommended conditions. The proposed lots do not generate 30 or more vehicle trips during the morning or evening peak-hours; therefore, the application is not subject to Local Area Transportation Review.

#### Other public facilities and services

The Planning Board finds that other public facilities and services are available and will be adequate to serve the proposed units. The Property is served by public sewer and water and a determination has been made by the Washington Suburban Sanitary Commission that adequate capacity exists for the proposed subdivision. The application has been reviewed by the Montgomery County Fire and Rescue Service who have determined that the Property has appropriate access for fire and rescue vehicles. Other public facilities and services, such as schools, police stations, firehouses and health services are currently operating within acceptable county standards and will be adequate to serve the Property. Gas, electrical and telecommunications services are also available to serve the Property.

3. *he size, width, shape, and orientation of the proposed lots are appropriate for the location of the subdivision.*

This application has been reviewed for compliance with the Montgomery County Code, Chapter 50, the Subdivision Regulations. The proposed size, width, shape and orientation of the lots are appropriate for the location of the

subdivision. The lots were reviewed for compliance with the dimensional requirements for the R-90 zone as specified in the Zoning Ordinance. The Planning Board finds the lots as proposed will meet all the dimensional requirements for area, frontage, width, and setbacks in that zone.

4. *The Application satisfies all the applicable requirements of the Forest Conservation Law, Montgomery County Code, Chapter 22A.*

There is no forest on this Property, and this site is exempt from Forest Conservation Law as a Small Property. The applicant is required to implement a Tree Save Plan that has been prepared and signed by an ISA certified arborist. The Tree Save Plan proposes to retain trees by restricting disturbance, as indicated by the limits of disturbance (LOD), and through the use of detailed and specific tree protection and stress reduction measures.

5. *The Application meets all applicable stormwater management requirements and will provide adequate control of stormwater runoff from the site. This finding is based on the determination by the Montgomery County Department of Permitting Services ("MCDPS") that the Stormwater Management Concept Plan meets MCDPS' standards.*

The applicant has secured approval of a stormwater management concept from the Montgomery County Department of Permitting Services. The concept requires water quality control through the use of dry wells. One additional requirement is the installation of a large dry well that captures off-site drainage coming through the subject property. The large drywell is designed to capture the first one inch of off-site runoff flowing to this property and dissipate the runoff back into the ground. Channel protection volume is not required since the one-year post development peak discharge is less than or equal to 2.0 cubic feet per second. A detailed review of the stormwater computations and an engineered sediment control plan will be required at the time of building permit.

6. *The proposed lots are of the same character as to street frontage, alignment, size, shape, width, area and suitability for residential use as other lots within the existing neighborhood (as delineated by Staff in the Staff Report) ("Neighborhood"), as analyzed below.*

Size: The proposed lots are of the same character with respect to size as all lots in the neighborhood.

Lots in the neighborhood range in size from 6,500 square feet to 22,500 square feet. This application proposes lots at 10,570 square feet (Lot 24) and 11,624 square feet (Lot 25). This resubdivision creates two lots that are near the middle



of the range for all lot sizes in the defined neighborhood. With respect to size, the proposed lots are of the same character as the neighborhood lots.

Area: With respect to area, the proposed lots are of the same character as the lots in the neighborhood.

The buildable areas of lots in the defined neighborhood range from 563 square feet to 12,500 square feet and average 4,151 square feet. The resubdivision proposes two lots at 4,161 and 4,021 square feet for Lots 24 and 25, respectively. Similar to the finding for size, the two proposed lots are near the middle of the neighborhood range for all lot areas in the neighborhood and are, therefore, of the same character.

Shape: The proposed lot shapes are in character with other lots in the neighborhood.

With the exception of one lot, the neighborhood is characterized by rectangular lots. The two proposed lots are rectangular and are of the same character.

Width: The proposed lots are of the same character with respect to width as the other lots in the neighborhood.

The range of lot widths at the front building line in the neighborhood range from 50 feet to 125 feet. Both of the proposed lots are within this range, at 85 and 96 feet and close to the middle of the range. Both lots are of the same character with respect to width at the building line.

Alignment: The proposed lots are of the same character with respect to alignment as all lots in the neighborhood.

All lots, including the proposed lots, align perpendicularly to the street. The proposed lots are of the same character as compared to the existing lots in the neighborhood.

Frontage: The proposed lots are of the same character with respect to frontage as the lots in the neighborhood.

The range of lot frontages in the neighborhood are from 50 feet to 199 feet. The proposed lot frontages are 85 and 124 feet for lots 24 and 25, respectively. They are well within the range for all lot frontages in the neighborhood. Therefore, the proposed lots are of the same character as the lots in the neighborhood with respect to frontage.

Suitability: The proposed lots are suitable for residential development as are all other lots in the neighborhood.

In summary, the Planning Board finds that the proposed lots comply with all seven of the resubdivision criteria outlined in Sec. 50-29(b)(2) and that there is a high correlation between the area, size, shape, street frontage, alignment, width and suitability of the existing lots to the proposed lots.

*7. Issues raised at the public hearing have been appropriately addressed.*

Citizens who provided written or verbal testimony at the public hearing raised the following issues for the Board's consideration:

- a) The proposed resubdivision will overburden the storm drain system in the Town of Garrett Park.
- b) Destruction of a large number of trees on the proposed lots will adversely affect the surrounding neighborhood.

With respect to storm drainage and the adequacy of proposed controls on the existing storm drain system, the Planning Board finds that the application addresses these concerns. Working with MCDPS, the Applicant has regraded the site and designed several drywells that will control the rate at which stormwater is carried from the site and will provide some storage that will compensate for loss of a natural depression that currently exists on the site. The Town of Garrett Park has the authority to require the Applicant to complete a detailed analysis and provide any necessary upgrades to the system.

With respect to tree save, the Planning Board finds that the Applicant's Tree Save Plan, which includes retention of 2 specimen trees, 4 large trees (greater than or equal to 24 inches in diameter), and 12 smaller trees, provides an appropriate amount of overall retention given the limitations of the Subject Property. All off-site and right-of-way trees have tree protection and stress reduction measures proposed and will be retained.

BE IT FURTHER RESOLVED, that this Preliminary Plan will remain valid for 36 months from its Initiation Date (as defined in Montgomery County Code Section 50-35(h), as amended) and that prior to the expiration of this validity period, a final record plat for all property delineated on the approved Preliminary Plan must be recorded among the Montgomery County Land Records or a request for an extension must be filed; and


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BE IT FURTHER RESOLVED, that the date of this Resolution is  
~~OCT 8 2007~~ (which is the date that this Resolution is mailed to all parties of  
record) and

BE IT FURTHER RESOLVED, that any party authorized by law to take an administrative appeal must initiate such an appeal within thirty days of the date of this Resolution, consistent with the procedural rules for the judicial review of administrative agency decisions in Circuit Court (Rule 7-203, Maryland Rules).

\* \* \* \* \*

At its regular meeting held on Thursday September 6, 2007, in Silver Spring, Maryland, the Montgomery County Planning Board of the Maryland-National Capital Park and Planning Commission ADOPTED the above Resolution, on motion of Vice Chair Robinson, seconded by Commissioner Bryant, with Chairman Hanson, Vice Chair Robinson, and Commissioner Bryant present and voting in favor. This Resolution constitutes the final decision of the Planning Board, and memorializes the Board's findings of fact and conclusions of law for Preliminary Plan No. 120060160, Garrett Park (Resubdivision).

  
Royce Hanson, Chairman  
Montgomery County Planning Board