



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

MCPB
Item #
2/12/09



MEMORANDUM

DATE: January 30, 2009

TO: Montgomery County Planning Board

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

FROM: Richard A. Weaver, Coordinator (301) 495-4544 *RAU*
Development Review Division

REVIEW TYPE: Preliminary Plan of Subdivision

APPLYING FOR: 3 lots for 3 one family residential units dwelling units

PROJECT NAME: Norwood Road
CASE #: 120070150
REVIEW BASIS: Chapter 50, Montgomery County Subdivision Regulations

ZONE: R-200 and within the Sandy Spring - Ashton Rural Village Overlay Zone
LOCATION: On the west side of Norwood Road, approximately 465 feet south of the intersection with Sandy Spring Road, MD 108

MASTER PLAN: Sandy Spring-Ashton Master Plan

APPLICANT: Mr. Hosein Shahparvari
ENGINEER: Macris, Hendricks and Glascock

FILING DATE: September 15, 2006
HEARING DATE: February 12, 2009

RECOMMENDATION: Denial, pursuant to Section 50-29(a)(1)

SITE DESCRIPTION

The 2.02 acre property “Subject Property” or “Property” is identified as parcel 540 (P540) on Tax Map JT32. It is zoned R-200 and is located in the Sandy Spring - Ashton Rural Village Overlay Zone on the western side of Norwood Road approximately 465 feet south of the intersection with Sandy Spring Road (MD 108) in the Sandy Spring-Ashton Master Plan area. There is an existing one family, detached residence on the Property. The parcel fronts on Norwood Road and has access to public water and sewer and other common utilities. The surrounding land uses are predominantly residential. The homes fronting Norwood Road to the north and south are generally older style homes with a few newer homes interspersed. At the intersection of Sandy Spring Road and Norwood Road north of the Property there is a community of townhomes. The recently approved Aunt Hattie’s Place small group home project abuts the Property to the immediate north. To the west is the recently developed Bancroft community with larger homes on 10,000 to 20,000 square foot lots in the Rural Neighborhood Cluster zone. The Property is within the Northwest Branch watershed, a Use IV/P watershed. There is 0.74 acres of moderate priority forest on the Property. There are no onsite streams or wetlands, nor are there any environmental buffers.

PROJECT DESCRIPTION

The application proposes three (3) lots to accommodate two new, one-family residences and one existing home. The lots will range in size from 20,158 square feet to 31,837 square feet and all will have frontage to the public street. Proposed lot 1 (Lot 1) will be generally rectangular in shape and will accommodate the existing house. Proposed lot 2 (Lot 2) will be a true pipestem lot with a 25-foot-wide pipestem out to Norwood Road. Proposed lot 3 (Lot 3), while not a pipestem, will also have narrower frontage on Norwood Road. Both Lots 2 and 3 will widen to accommodate the 100 foot minimum lot width at the front building line required by the Zoning Ordinance. The configuration of the lots in this way creates an orientation whereby Lot 2 will be located behind Lot 1. All three lots will share a common driveway out to Norwood Road. A tree protection area within a forest conservation easement is shown on the westernmost portions of Lots 1 and 2.

DISCUSSION OF ISSUES

Staff finds that the application does not conform to Section 50-29(a)(1) of the Montgomery County Subdivision Regulation. This section applies to all subdivisions and reads as follows:

Sec. 50-29. Lot Design

(a) General Provision

- (1) Lot Dimension. Lot size, width, shape and orientation shall be appropriate for the location of the subdivision taking into account the recommendations included in the*

applicable master plan, and for the type of development or use contemplated in order to be approved by the Board.

In order to be approved by the Board the dimensions of the proposed lots must be deemed “appropriate for the location of the subdivision”. To evaluate the proposed subdivision, staff considered how the proposed lots compare with the existing lots and parcels that front on Norwood Road from the intersection with Sandy Spring Road to the north, and extending 1,800 feet south of the Property to the bend in Norwood Road. All of these lots and parcels are zoned R-200 although the parcels have never been subjected to conformance with zoning requirements. The majority of these lots and parcels contain existing dwellings which, along with the shapes and dimensions of their particular property, establish the existing character of the street.

For this application, staff objects to the orientation of proposed Lot 2 as it relates to Lot 1. In staff’s opinion, this lot orientation is not appropriate because it establishes an alignment of one lot directly to the rear of another lot. The lot orientation will bring about an undesirable front to rear orientation of homes. This type of orientation is not duplicated elsewhere in the neighborhood and staff believes, as further discussed below, it is an undesirable lot relationship and does not conform to the language expressed in 50-29(a)(1). The approval of such an alignment in this neighborhood would also likely establish a precedent for future requests of a similar layout.

The orientation issue in this instance is heightened by the relatively small size of the lots in question at 20,158 and 27,737 square feet, respectively. The location of the proposed home on Lot 2 has little room to shift and will necessarily be to the rear of the existing home on Lot 1. The homes are shown to be approximately 100 feet from one another but even if the home on Lot 2 were to be moved further away (to the west) from the existing home on Lot 1, the “stacking” of homes from the street view would remain the same, and this is a relationship that staff strives to avoid. To mitigate this, the applicant has proffered a landscape buffer that attempts to provide some measure of visual screening and privacy for the two homes. Staff does not believe, however, that a landscape buffer can fully ameliorate the orientation problem.

Staff would perhaps be supportive of pipestem lots in this location if the proposed subdivision could front two lots on Norwood Road with one to the rear. But, because of the Property’s current width, there are not enough linear feet to create two 100 foot wide lots fronting Norwood Road while allowing a 25 foot pipestem to the rear lot. This would only be possible with a waiver of frontage; however, staff cannot find any exceptional circumstances upon which a waiver may be granted for this application.

Staff has supported front to rear orientations in larger lot zones and/or where there is an established front to rear orientation already established. The orientation issue resulting from pipestem lots is admittedly lessened in large lot zones, and on larger lots in general, where there is greater opportunity for better spatial separation of homes afforded by larger building envelopes. This is the case with the three other pipestem lots (Lot 2, 3 and 5, Sandy Spring Acres) in this neighborhood that staff has included in our comparison for this application. While essentially the same pipestem shape as Lot 2, these lots are much larger at approximately 2.5 acres each in size. This larger size has resulted in a greater separation of home sites and homes

that are built facing toward the shared driveway without a stacking appearance. The lots are also far removed from views along Norwood Road and do not affect the character as seen from the road.

For the reasons cited above, staff does not support this application. Staff notes, however, that the applicant has continued to work through all remaining issues associated with this plan including removal of a portion of the existing house that crossed on to the Aunt Hattie's Place property to the north. In addition, all other findings for Adequate Public Facilities have been made for the project, stormwater management has been approved and forest conservation is addressed. Staff has included these findings in the following sections of this report.

ANALYSIS AND FINDINGS

Master Plan Compliance

The Sandy Spring – Ashton Master Plan recommends the R-200 zone for the Property and recognizes this section of Norwood Road as a rural entryway into Sandy Spring and makes general recommendations for treatment of the road by recommending that road widening be minimized and that existing hedgerows be preserved to the extent possible. The proposed plan is in general conformance with the master plan since it will only improve an existing driveway, require no road widening and not impact roadside vegetation.

Public Facilities

Roads and Transportation Facilities

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 or Policy Area Mobility Reviews. Vehicular access via the existing public street will be safe and adequate. Access for emergency vehicles will be adequate with the proposed onsite improvements to provide a turnaround area. The preliminary plan provides for a master planned 8 foot wide bikepath along the property's frontage. Proposed vehicle and pedestrian access for the subdivision will be safe and adequate with the proposed public improvements.

Other Public Facilities and Services

Based on a review of the proposed plan by all appropriate agencies and including consideration of the Growth Policy Resolution currently in effect, staff finds that other public facilities and services will be adequate to serve the three lots (including water and sewer, well and septic, schools, police stations, firehouses and health clinics). Additionally, 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. Local utilities have approved the plan finding that their respective utilities, if locally provided, can serve the proposed lots. The application is not within a school moratorium area and is not required to make a School Facilities Payment.

Environment

Environmental Guidelines

The site does not include any streams, wetlands, or floodplains and there is no environmental buffer on the property. The proposal conforms to the *Environmental Guidelines*.

Forest Conservation

The applicant submitted a Preliminary Forest Conservation Plan with the Preliminary Plan of subdivision. There is 0.74 acres of forest on the property. While there is forest directly adjacent to the subject property, it is not prudent to create forest on the proposed lots. Therefore, the applicant is proposing to meet forest conservation requirements off-site, with the method to be determined at the time of the Final Forest Conservation Plan.

Detailed and specific tree protection measures will also be shown on the Final Forest Conservation Plan when the limits of disturbance and grading are finalized. If tree save remains a priority on-site, staff recommends a Category II easement on the area to be protected. Staff believes that the forest conservation plan could be approved, with conditions, as submitted.

Proposed Stormwater Management

The MCDPS Stormwater Management Section approved the stormwater management concept for the project on January 17, 2008, which includes on-site water quality control and on-site recharge via non-structural methods. Channel protection volume control is not required because the post development peak discharge is less than 2.0 cubic feet per second. Based on the approval from MCDPS, staff finds that stormwater management has been provided in accordance with Chapter 50.

Compliance with the Subdivision Regulations and Zoning Ordinance

As discussed above, the preliminary plan is not in conformance with Chapter 50, specifically Section 50-29(a)(1) and is recommended for denial, however, the lots were reviewed for compliance with the dimensional requirements for the R-200 zone as specified in the Zoning Ordinance and the lots as proposed can meet all the dimensional requirements for area, frontage, and width in that zone. The application has been reviewed by other applicable county agencies, all of whom have recommended approval of the plan.

Citizen Correspondence and Issues

This plan submittal pre-dated any requirements for a pre-submission meeting with neighboring residents. The plan submission was sent out to adjacent and confronting property owners and to local civic associations. The plan was also re-sent out to an updated list of those addressees due to the length of the review periods. The Planning Board public hearing was also noticed in conformance with established procedures. As of the date of this report, no citizen letters have been received.

CONCLUSION

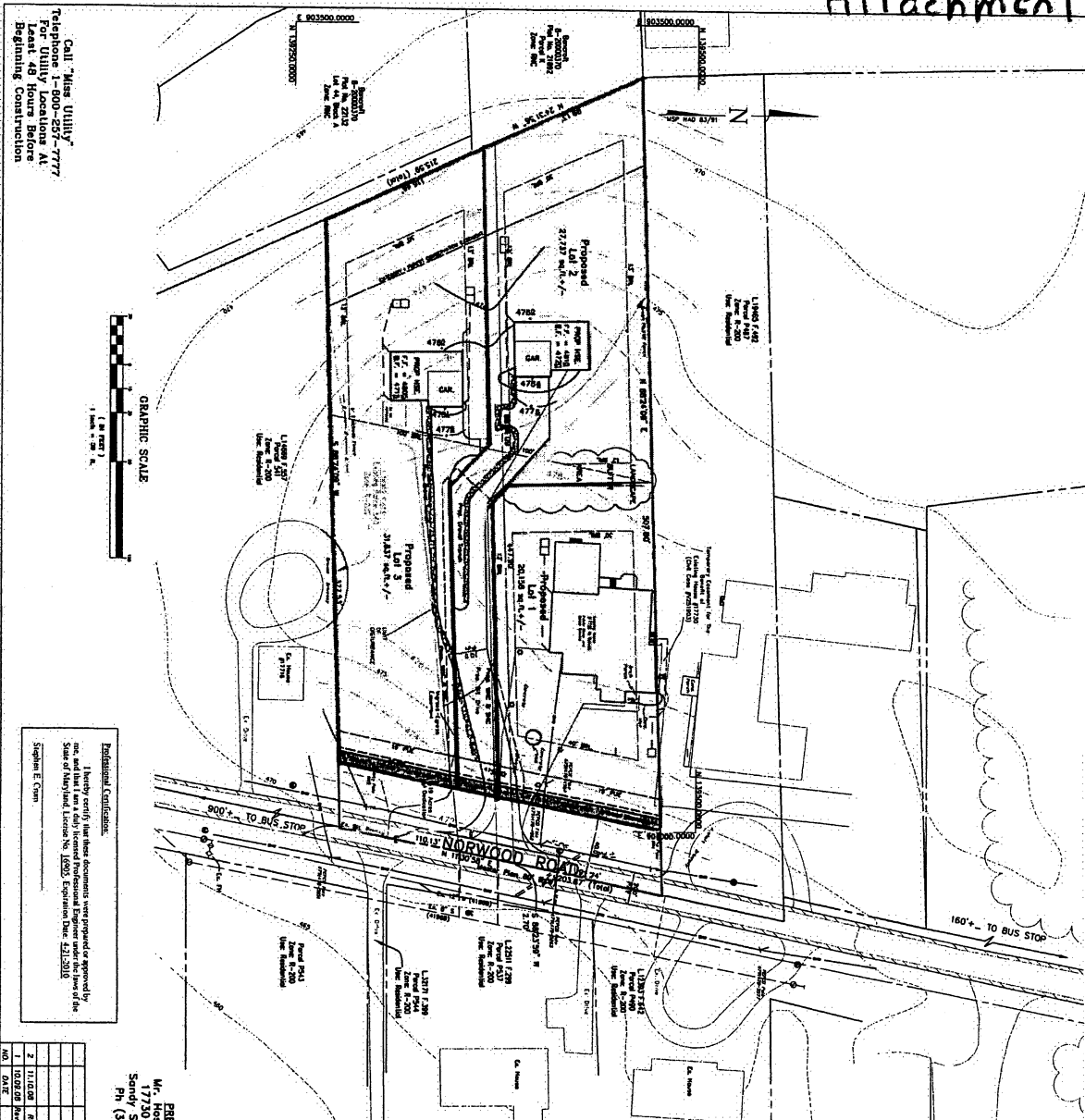
The proposed lots fail to meet the requirements of Section 50-29(a)(1) regarding the orientation of the lots. Because of this, staff cannot support the application and recommends denial.

Attachments

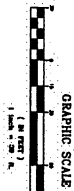
Attachment A – Proposed Development Plan

Attachment B – Neighborhood Map

Attachment A



Call "Miss Utility"
Telephone 1-800-257-7777
For Utility Locations At
Least 48 Hours Before
Beginning Construction



Professional Certificate:
I hereby certify that these documents were prepared or approved by me, and that I am a duly licensed Professional Engineer in the State of Maryland, License No. 16505, Exp. 03/31/2010.
Stephen E. Cum

NO.	DATE	BY	DESCRIPTION
1	11/10/08	ME, per message comment	REV
2	10/27/08	ME, per message comment	REV
3	10/27/08	ME, per message comment	REV
4	10/27/08	ME, per message comment	REV
5	10/27/08	ME, per message comment	REV

PREPARED FOR:
Mr. Hossain Shubovori
17730 Norwood Road
Sand Springs, MD 20880
Ph: (301) 437-0047

GENERAL NOTES:
1. The proposed subdivision is subject to all applicable zoning and subdivision laws of the State of Maryland.
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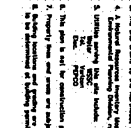
SITE DATA TABLE

Item	Description	Value
1	Proposed Lot Area	10,000 sq. ft.
2	Proposed Lot Area	10,000 sq. ft.
3	Proposed Lot Area	10,000 sq. ft.
4	Proposed Lot Area	10,000 sq. ft.
5	Proposed Lot Area	10,000 sq. ft.
6	Proposed Lot Area	10,000 sq. ft.
7	Proposed Lot Area	10,000 sq. ft.
8	Proposed Lot Area	10,000 sq. ft.
9	Proposed Lot Area	10,000 sq. ft.
10	Proposed Lot Area	10,000 sq. ft.

VICINITY MAP



PHOTOCOPY ROAD SECTION



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PRELIMINARY SUBDIVISION PLAN

PROPOSED LOTS 1-3

NORWOOD ROAD

PARCEL P540

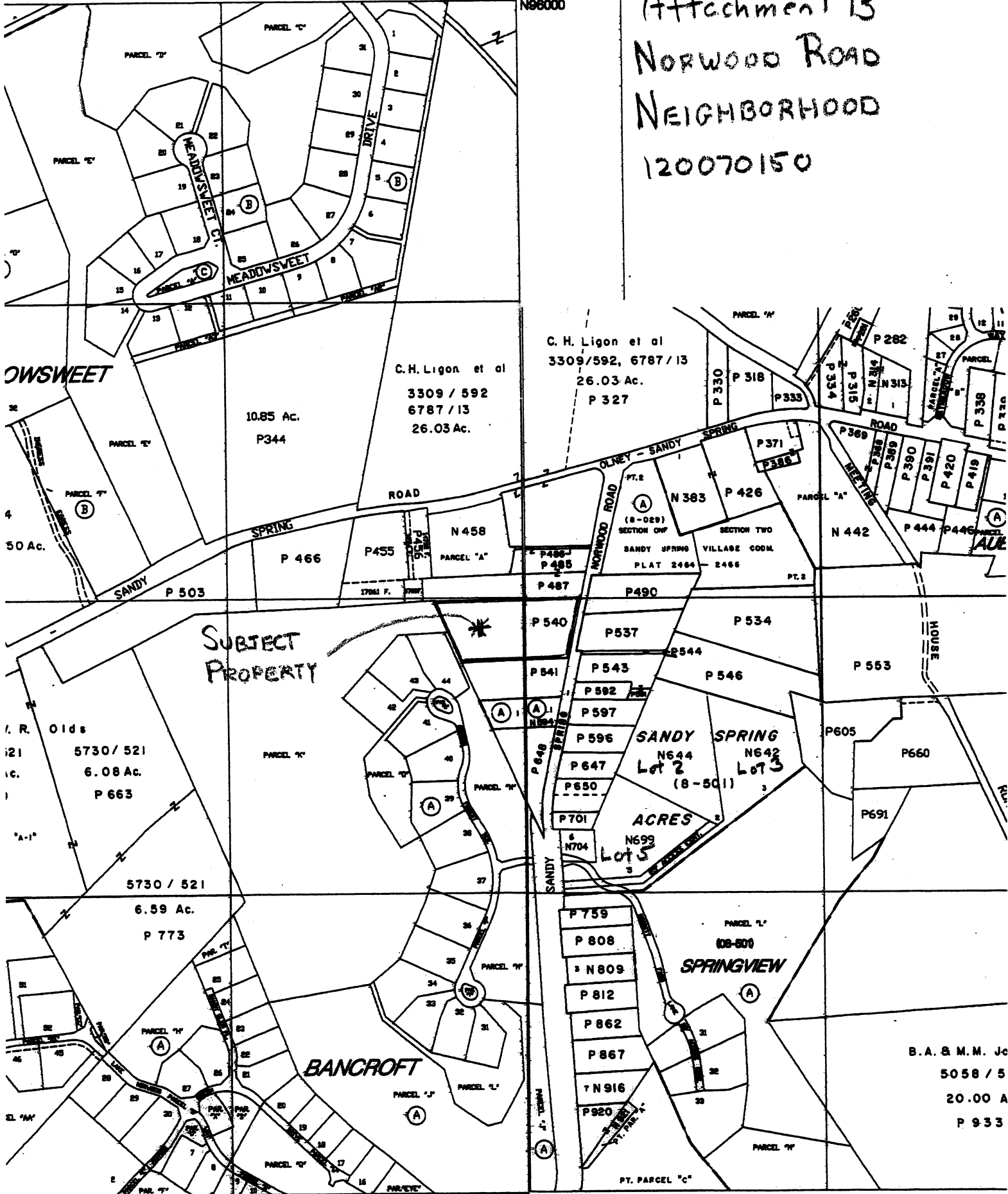
5TH ELECTION DISTRICT - MONTGOMERY COUNTY - MARYLAND

MHG

Macris, Hendricks & Glascock, P.A.
Landscaping Architects
Shawcross
Phone: 301.870.8400
www.mhgpa.com

File: 0101.dwg
Date: 11/12/08
Scale: 1/8"=1'-0"
Plot: 11/12/08
Sheet: 1 of 1

Attachment B
NORWOOD ROAD
NEIGHBORHOOD
120070150



SUBJECT
PROPERTY

BANCROFT

SPRINGVIEW

SANDY SPRING
Lot 2
Lot 3
Lot 5

C.H. Ligon et al
3309 / 592
6787 / 13
26.03 Ac.

C. H. Ligon et al
3309/592, 6787/13
26.03 Ac.
P 327

R. R. Olds
5730 / 521
6.08 Ac.
P 663

5730 / 521
6.59 Ac.
P 773

B. A. & M. M. Jr
5058 / 5
20.00 A
P 933