



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

MCPB

Item # 8

4/23/09



MEMORANDUM

DATE: April 8, 2009, REVISED April 16, 2009

TO: Montgomery County Planning Board

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

FROM: Erin Grayson, Senior Planner (301-495-4598) *EG*
Development Review Division

REVIEW TYPE: Pre-Preliminary Plan of Subdivision

APPLYING FOR: Binding Planning Board review of Section 50-29(a)(2) of the Subdivision Regulations

PROJECT NAME: Sullivan Property

CASE #: 720080150

REVIEW BASIS: Chapter 50, Montgomery County Subdivision Regulations

ZONE: RC

LOCATION: On the north side of Ashton Road (MD 108), 950 feet northeast of Mink Hollow Road

MASTER PLAN: Sandy Spring-Ashton

APPLICANT: Robert E. Sullivan

ENGINEER: CAS Engineering

FILING DATE: February 20, 2008

HEARING DATE: April 23, 2009

RECOMMENDATION: Approval of one lot without frontage on a public roadway subject to the following condition:

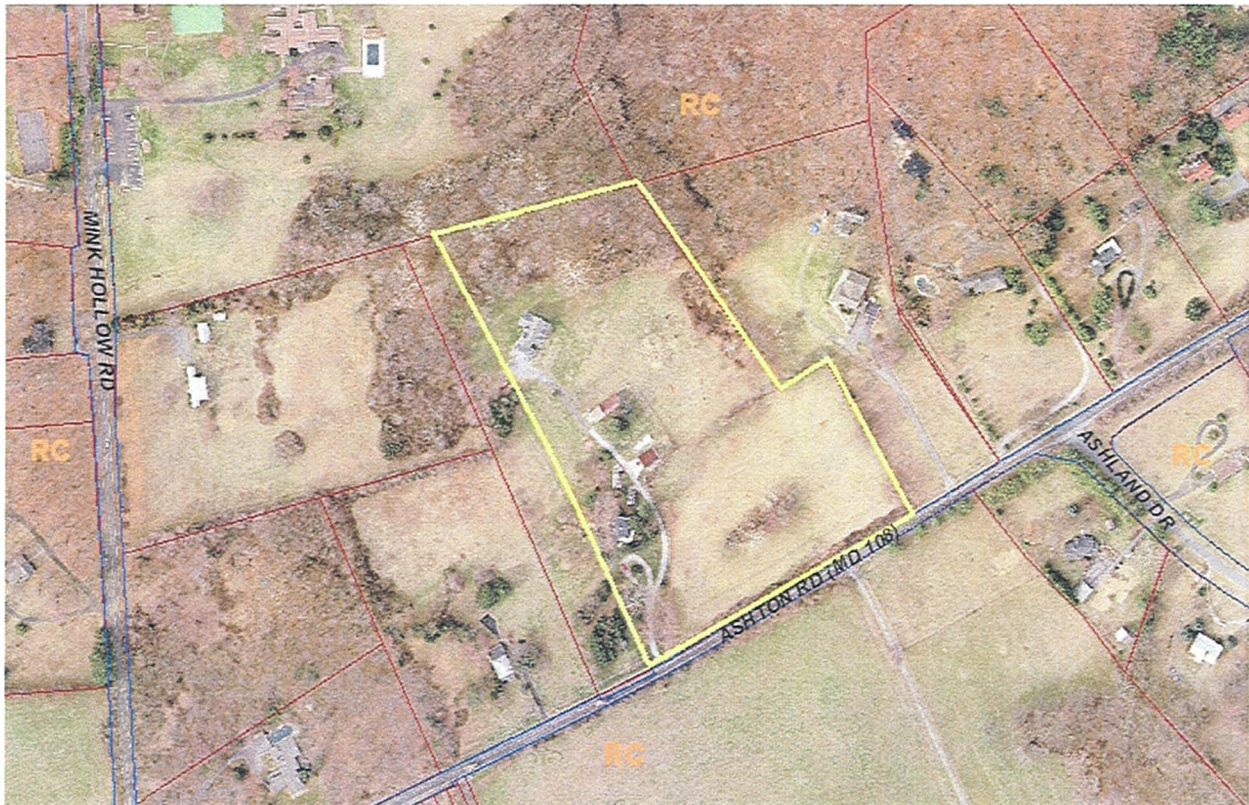
- 1) The lot without frontage must be created for the use of the child of the property owner.

SITE DESCRIPTION

The subject property, shown below and in Attachment A, is a 9-acre unplatted parcel in the Rural Cluster (RC) zone. The property is located on the north side of Ashton Road (MD 108), approximately 950 feet northeast of Mink Hollow Road. The subject property is currently developed with a one-family detached residence with associated accessory structures to the rear of the house and a tenant house in the northwest portion of the property. Surrounding properties are developed with one-family detached residences, also zoned RC.

~~The site is located within the Lower Patuxent Watershed but not within a Special Protection Area. Small stands of trees exist on the Property but there is no forest or other sensitive environmental features located on the site.~~

The Property is located within the Patuxent River watershed and is subject to the Patuxent River Primary Management Area guidelines, including a 10% maximum impervious limit. There are no streams, wetlands, or 100-year floodplain on the property; however, a portion of the property is within an environmental buffer that is associated with two offsite tributaries located to the north and east of the property. Approximately 1.41 acres of forest exists on the property.



PROJECT DESCRIPTION

The application is a pre-preliminary plan filed under the alternative review procedures of Section 50-33A of the Subdivision Regulations. The applicant requests a binding decision from the Planning Board with respect to approval of the proposed lots' conformance to the frontage criterion specified in Section 50-29(a)(2).

The applicant proposes to subdivide the existing parcel into two lots, one of which will be 87,120 square feet (2.0 acres) and one of which will be 304,327 square feet (7.0 acres). Proposed lot 1 will front on Ashton Road and contain the existing one-family detached dwelling. A waiver of frontage is requested for proposed lot 2, which will contain the existing tenant house. The existing gravel driveway is currently serving both dwellings and is proposed to remain as a shared driveway in the same location. The dwelling units are served by private standard septic systems and wells.

(Attachment B – proposed plan)

ANALYSIS AND FINDINGS

Exempted Lots and Parcels in the Rural Cluster Zone

The Applicant proposes to create proposed lot 2 as a child lot. This lot is 2 acres in size, which is 3 acres less than the minimum lot size required in the RC zone. A lot created for use for a one-family residence by a child is exempt from the area and dimensional requirements of the RC zone under Section 59-C-9.73(b)(4) of the Zoning Ordinance but subject to the requirements of the previous zone, provided that the property owner can establish that he had legal title on or before the approval date of the most recent sectional map amendment that included the lot. The previous zoning in this case was a 2-acre zone.

This provision applies to only one such lot for each child of the property owner. The Applicant provided a deed demonstrating ownership of the parcel prior to the sectional map amendment and a birth certificate for the child for whom the lot is intended.

Street Frontage

The applicant proposes to record the lot for the child of the property owner as a lot without frontage. Section 50-29(a)(2) of the Subdivision Regulations requires lots to abut on a street that has been dedicated to public use or that has acquired the status of a public road, however, in exceptional circumstances, the Planning Board may approve not more than two lots on a private driveway if access is adequate to serve the lot(s) for emergency vehicles, for installation of public utilities, and the lot(s) are accessible for other public services and not detrimental to future subdivision of adjacent lands. In this instance, staff finds that circumstances do exist that justify a lot without frontage. Due to the location of the existing house on proposed lot 1, a pipestem along the western property line to proposed lot 2 is impractical because there is not enough distance between the house and the property line. Alternatively, a pipestem along the eastern

property line would create an ownership line that could inhibit agricultural use on the Property if the lot were to be sold, and it results in an odd lot configuration. In staff's opinion, the better alternative is to create a lot without frontage that retains access via an easement on lot 1.

Therefore, staff recommends that the Board support creation of a lot without frontage as a part of the future preliminary plan. By approval letter dated March 26, 2009, the Montgomery County Department of Fire and Rescue determined the proposed private driveway will be adequate for emergency vehicles and other public services. An ingress/egress and utilities easement on the driveway will allow for the installation of public utilities. The proposed lot without frontage will not adversely affect the future subdivision of adjacent properties.

Pre-Preliminary plan layout

The applicant also requested a Planning Board decision regarding the proposed lot layout. Staff finds the proposed lot locations to be acceptable given the intent to protect scenic areas and promote agriculture in the RC zone, but does not recommend the Board make a binding decision regarding lot size, shape, width and orientation at this time because submission of a preliminary plan will necessitate additional review by applicable county agencies and the locations of the proposed lots could slightly change due to requirements unforeseen at this time.

Citizen Correspondence and Issues

The Applicant has notified adjacent and confronting property owners that Pre-Preliminary Plan 720080150 had been filed with the M-NCPPC and that it was under review. Notification was also sent to surrounding citizens associations. In addition, notice of the public hearing has been sent to the adjacent and confronting property owners and citizens associations. Staff has not received any letters of concern regarding the application as of the date of this staff report.

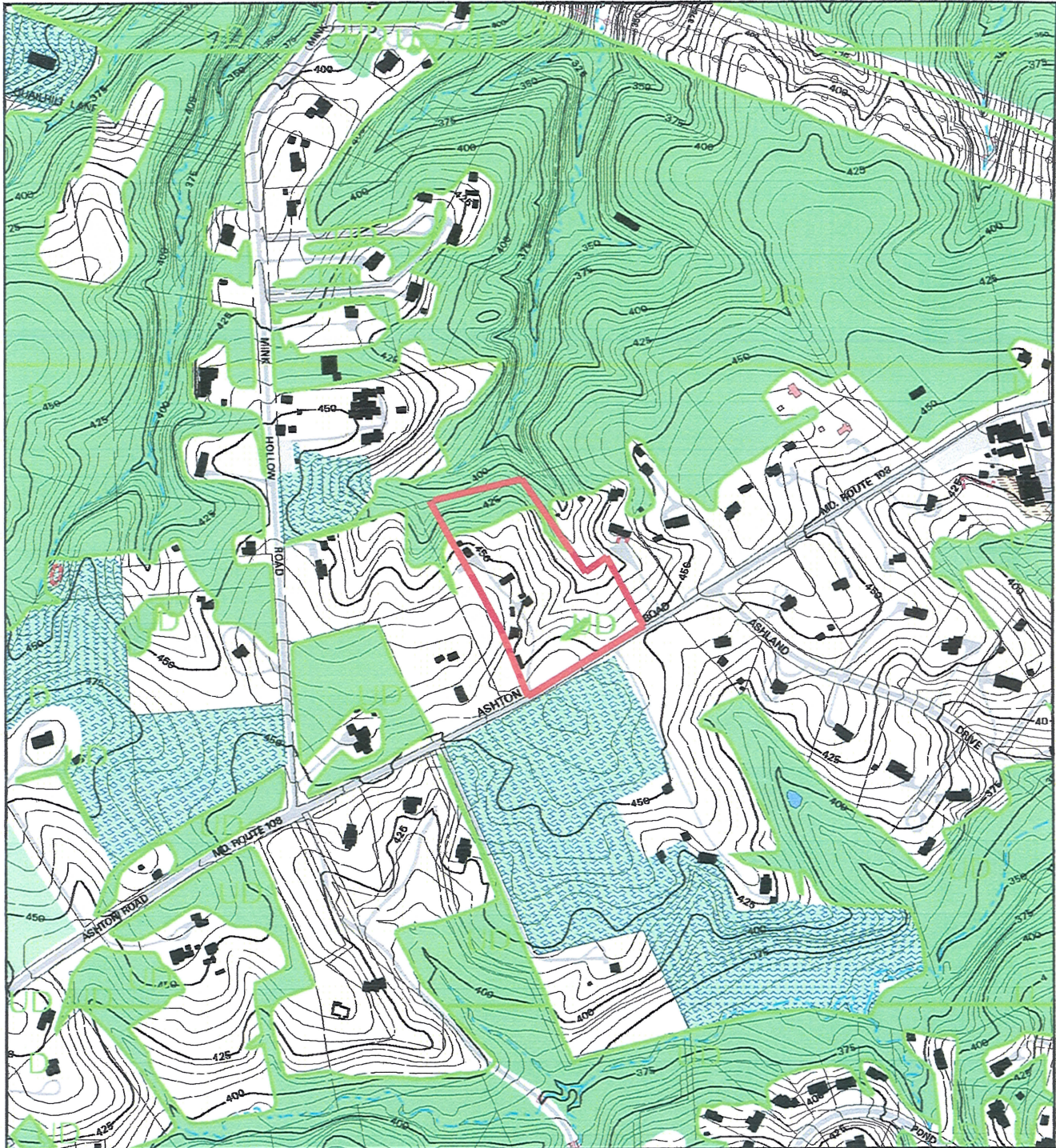
CONCLUSION

The proposed child lot is exempt from the area and dimensional requirements of the RC zone under Section 59-C-9.73(b)(4) of the Zoning Ordinance and appears, pending preliminary plan review, to be able to meet the applicable requirements of the Subdivision Regulations. Staff finds a lot without public street frontage is appropriate given the intent of the RC zone and location of existing houses. Therefore, Staff recommends that the Planning Board approve the creation of a lot without frontage, with no objection to submission of a preliminary plan that generally conforms to the layout as shown on the pre-preliminary plan and with the final configuration of the lots to be determined at the preliminary plan stage.

Attachments

Attachment A – Vicinity Development Map
Attachment B – Proposed Development Plan

SULLIVAN PROPERTY (720080150)



Map compiled on February 22, 2008 at 3:15 PM | Site located on base sheet no - 225NE01

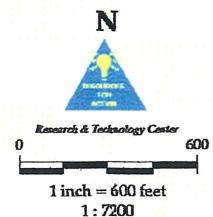
NOTICE

The planimetric, property, and topographic information shown on this map is based on copyrighted Map Products from the Montgomery County Department of Park and Planning of the Maryland - National Capital Park and Planning Commission, and may not be copied or reproduced without written permission from M-NCPPC.

Property lines are compiled by adjusting the property lines to topography created from aerial photography and should not be interpreted as actual field surveys. Planimetric features were compiled from 1:14,400 scale aerial photography using stereo photogrammetric methods.

This map is created from a variety of data sources, and may not reflect the most current conditions in any one location and may not be completely accurate or up to date. All map features are approximately within five feet of their true location. This map may not be the same as a map of the same area plotted at an earlier time as the data is continuously updated. Use of this map, other than for general planning purposes is not recommended. - Copyright 1998

MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
8787 Georgia Avenue - Silver Spring, Maryland 20910-3700



- 2) BOUNDARY INFORMATION BASED ON AVAILABLE RECORDS.
- 3) FIVE-FOOT CONTOUR DATA BASED ON PHOTOGRAPHIC MAPS.

- [illegible]

[illegible]

02/11/2009
DATE

Curt A. Schaeffer
CURT A. SCHAEFFER

STATE OF MONTANA
COUNTY OF DEER
NOTARY PUBLIC
COMMISSION EXPIRES 02/11/2011

¹, ROBERT E. SULLIVAN, OWNER OF PARCELS NO. 980 HERBERT GRANT PERMISSION FOR THE 100'-FT. WELL RADII TO OVERLAP FROM THE PROPOSED LOT 2 ONTO THE PROPERTY.

DATE _____

ROBERT E. SULLIVAN

TEST DATE	TEST RESULTS (PT)	COMMENTS
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[illegible]

FEATURE	DOING
AREA OF CHAIRS (SQUARE METERS) (SQM)	337 AC.
ENVIRONMENTAL IMPROVEMENT AREA	14 AC.
TOTAL FORESTED AREA	14 AC.
FORESTED ENVIRONMENTAL IMPROVEMENT AREA	33 AC.
SOIL-LESS FLOORS (SQM)	9 AC.
FORESTED FLOORS (SQM)	9 AC.
WATER	9 AC.
FORESTED WATERS	9 AC.
WATER OF ENVIRONMENTAL IMPROVEMENT AREA	19 AC.
WATER OF CHAIRS (SQUARE METERS)	9 AC.

EXERCISE PROBLEMS

- Overhead utility with pole
- Underground utility line
- 40' high transmission tower
- Wood fence
- Coastal utility
- Soaring bird's-eye view
- Soaring tree line
- Bird's-eye view of a forest
- Proposed airport, Alaska
- Soil's boundary

ALLOWABLE PERCENTAGE OF PREVIOUS CONCENTRATION WITHIN PATIENT'S STUDY	10.0%
TOTAL SITE AREA	504,827 sq.

ALLOWABLE ONEITE PREVIOUS AREA	20,467 S.F.
TOTAL PREVIOUS AREAS ONEITE, PERCENTAGE OF PREVIOUS COVERED	20,048 S.F. 6.5%

ALL DISTURBED AREAS MUST BE TOPSOILED PER THE MONTGOMERY COUNTY STANDARDS AND SPECIFICATIONS FOR TOPSOIL. PRIOR TO FINAL VEGETATIVE STABILIZATION, SPECIFICATIONS ARE SHOWN ON SHEET TWO.

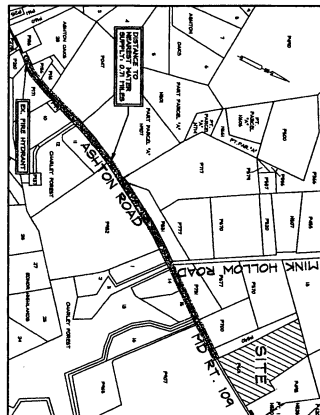
CALL THE UTILITY AGENCY TO ADVISE YOU OF THE START OR HOSE. THE EXCAVATOR MUST NOTIFY ALL PUBLIC UTILITY COMPANIES WITHIN UNDER GROUND FACILITIES IN THE AREA OF PROPOSED EXCAVATION AND HAVE THOSE FACILITIES LOCATED BY THE UTILITY COMPANIES PRIOR TO COMMENCING EXCAVATION. THE EXCAVATOR IS RESPONSIBLE FOR COMPLYING WITH REQUIREMENTS OF CHAPTER 36A OF THE PORTLAND COUNTY CODE.

PROPOSED LOT 1		10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100
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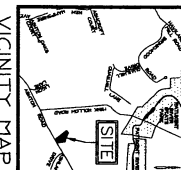
PROPOSED LOT 2											
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CONTINGENT UPON APPROVAL FOR A MICROBUS BUS PURCHASE BY 8800002. THIS DESIGN CHART IS FOR A MICROBUS.

TEST DATE	DATE (month)	TIME
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[illegible][illegible]

PROPOSED DEDICATION
NET TRACT AREA

[illegible]

OWNER/APPLICANT
 ROBERT E. SULLIVAN
 600 ASHTON ROAD
 ARLINGTON, MD 20841
 (301) 774-4490
 bsullivan@comcast.net

SULLIVAN PROPERTY
 PARCEL 601

PARCEL 801
620 ASHTON ROAD
PROPOSED LOTS 1 AND 2
PRE-APPLICATION CONCEPT PLAN

PARCEL 601
PROPOSED LOTS 1 AND 2
620 ASHTON ROAD

LIBER 4289 / FOLIO 240
SULLIVAN PROPERTY
OLNEY (8TH) ELECTION DISTRICT
MONTGOMERY COUNTY, MARYLAND

PRE-APPLICATION CONCEPT PLAN

[illegible]