



**Preliminary Plan 120140070: Williamsburg Village**

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**Staff Report Date: 6/10/16**

**Description**

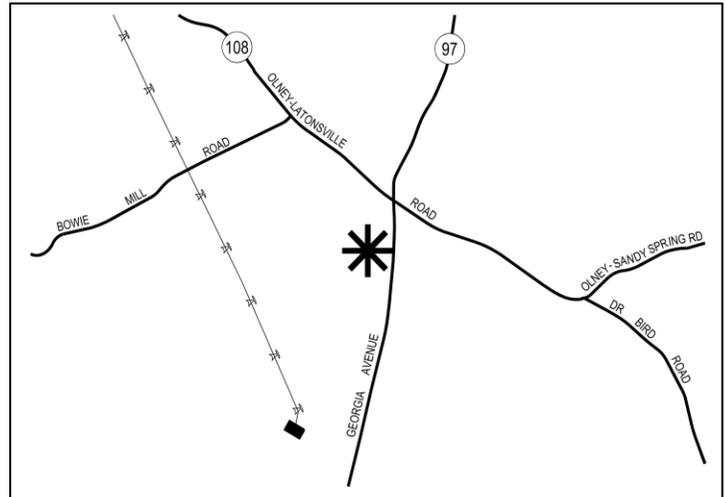
**Preliminary Plan 120140070: Williamsburg Village**

Request to resubdivide an existing lot (17812 Princess Anne Drive) to create two lots; located at the southwest corner of Princess Anne Drive and Queen Mary Drive, approximately 800 feet west of Georgia Avenue in Olney, MD; 1.59 acres; R-200 zone; Olney Master Plan.

**Staff Recommendation:** *Approval with conditions*

**Submitted date:** 11/14/2013

**Applicant:** Larry Hinman  
Chapter 50, Chapter 22A



**Summary**

- Application includes a resubdivision analysis under Chapter 50-29(b)(2) to resubdivide an existing lot into two new lots.
- The Application includes a Chapter 22A variance for the impact to one tree that is 30 inches and greater diameter at breast height.
- The Application is consistent with the recommendations of the 2005 Olney Master Plan.
- The proposed lots meet the R-200 Zone development standards.

**RECOMMENDATION:** Approval subject to the following conditions:

1. This Preliminary Plan is limited to two lots for one dwelling unit on each.
2. The Applicant must comply with the following conditions of approval for Preliminary Forest Conservation Plan ("FCP") No. 120140070, approved as part of this Preliminary Pan:
  - a. A Final Forest Conservation Plan (FFCP) must be approved by M-NCPPC Staff prior to recordation of the plat and address the following conditions:
    - i. The Final Forest Conservation Plan must be consistent with the approved Preliminary Forest Conservation Plan.
    - ii. Mitigation for removal of two trees, Tree #1 (38" DBH Norway maple) and Tree #2 (35" DBH Norway maple), previously authorized for utility work must be provided in the form of planting native canopy trees totaling nineteen caliper inches, with a minimum tree size of three inches DBH. The locations of the trees must be identified on the Final FCP, outside of any rights-of-way, or utility easements, including stormwater management easements. Adjustments to the planting locations of these trees may be required by the M-NCPPC forest conservation inspector to protect the root zones of existing trees.
    - iii. The Applicant must plant at least 19 caliper inches of native canopy trees on the Subject Property prior to the M-NCPPC forest conservation inspector's final inspection of tree protection measures.
    - iv. Tree protection measures must be shown on the plan for existing trees to remain. The Applicant must comply with all tree protection and tree save measures shown on the approved Final FCP. Tree save measures not specified on the approved Final FCP may be required by the M-NCPPC forest conservation inspector.
  - b. Prior to any land disturbing activities, the Applicant must obtain Staff approval of a Certificate of Compliance Agreement to provide for 0.26 acres of offsite forest planting requirement.
  - c. The Final Sediment Control Plan must be consistent with the final limits of disturbance shown on the FFCP as approved by M-NCPPC Staff.
3. The Planning Board accepts the recommendations of the Montgomery County Department of Transportation ("MCDOT") in its letter dated April 28, 2016, and hereby incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDOT provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.
4. Prior to recordation of plat(s), the Applicant must satisfy the provisions for access and improvements as required by MCDOT.
5. The Planning Board accepts the recommendations of the Montgomery County Department of Permitting Service ("MCDPS") – Water Resources Section in its stormwater management concept letter dated January 7, 2014, and hereby incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations as set

forth in the letter, which may be amended by MCDPS – Water Resources Section provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.

6. Prior to issuance of final use and occupancy permit The Applicant must construct all road improvements within the rights-of-way shown on the approved Preliminary Plan to the full width mandated by the master plan and/or to the design standards imposed by all applicable road codes. Only those roads (or portions thereof) expressly designated on the Preliminary Plan, “To Be Constructed By \_\_\_\_\_” are excluded from this condition.
7. Prior to recordation of the plat the Applicant must satisfy MCDPS requirements for the construction of a 5-foot wide concrete sidewalk along the property frontage on Queen Mary Drive and Princess Anne Drive.
8. The certified Preliminary Plan must contain the following note:

*“Unless specifically noted on this plan drawing or in the Planning Board conditions of approval, the building footprints, building heights, on-site parking, site circulation, and sidewalks shown on the Preliminary Plan are illustrative. The final locations of buildings, structures and hardscape will be determined at the time of issuance of building permit(s). Please refer to the zoning data table for development standards such as setbacks, building restriction lines, building height, and lot coverage for each lot. Other limitations for site development may also be included in the conditions of the Planning Board’s approval.”*

9. The record plat must show necessary easements.
10. The Adequate Public Facility (APF) review for the Preliminary Plan will remain valid for eighty-five (85) months from the date of mailing of the Planning Board Resolution.

## SITE DESCRIPTION

The subject property is located at 17812 Princess Anne Drive, in the southwest quadrant of the intersection of Queen Mary Drive and Princess Anne Drive, and consists of 1.59 acres which includes a platted lot (Lot 8) and part of lots 2-4 on Tax Map HT562 (Attachment A) in the R-200 zone ("Property" or "Subject Property").

The Subject Property is located approximately 800 feet west of Georgia Avenue (MD Route 97), south of Olney Elementary School, within the area of the 2005 Olney Master Plan identified as Southern Olney, directly south of the Town Center. The surrounding area is completely developed. To the east, south, and west of the Subject Property are single family detached homes in the zone R-200. The adjacent property to the north is Olney Elementary School which is zoned CRT2.0.



Figure A – Vicinity map

The Property has frontage on Queen Mary Drive and Princess Anne Drive. The east half of the Subject Property is improved with a single-family home and a circular driveway that provides access to Princess Anne Drive; the west half is unimproved. The Property is relatively flat, with a few rock outcrops located on the south side of the existing house.



Figure B – Aerial view of existing Subject Property

The Property lies in the North Branch Rock Creek watershed which is classified by the State of Maryland as a Use Class III watershed. There are no streams, wetlands, 100-year floodplains, or environmental buffers located on or adjacent to the Property. Nor are there any steep slopes, highly erodible soils, or forests on the Property.

## PROJECT DESCRIPTION

Preliminary plan application No.120140070, Williamsburg Village (“Application” or “Preliminary Plan”) proposes to resubdivide the 1.59 acre (69,431 sq. ft.) Subject Property into two lots; one for the existing house and one for the construction of one new single-family detached home (Figure C). The existing house and circular driveway will remain on one of the lots (proposed lot 9), and a driveway accessing Queen Mary Drive will be constructed to serve lot 10. The utilities associated with the existing house will also remain and the lot will continue to be accessed from Princess Anne Drive.

The new lot will be served by public (community) water and sewer. The use of community water and sewer is consistent the Property's W-1 and S-1 category. Stormwater will be managed on each lot via drywells and a micro infiltration trench. This Application also includes a tree variance for impact to one specimen tree on the Property.



Figure C - Proposed Preliminary Plan

## ANALYSIS AND FINDINGS – Chapter 50

### Conformance to the Master Plan

The Application substantially conforms to the recommendations of the 2005 Olney Master Plan (“Master Plan”). The Property, identified by a red star on Figure D, is located just outside of the Southern boundary of the Town Center portion of the Olney Master Plan, and was not given specific recommendations on land uses in the Master Plan. The Master Plan has overall goals that pertain to the Property including reinforcing Olney as a satellite community in the residential and agricultural wedges of the General Plan. The Master Plan retained the R-200 Zoning for the Subject Property, and single-family residential detached units are a permitted use within that Zone.

### Town Center Context

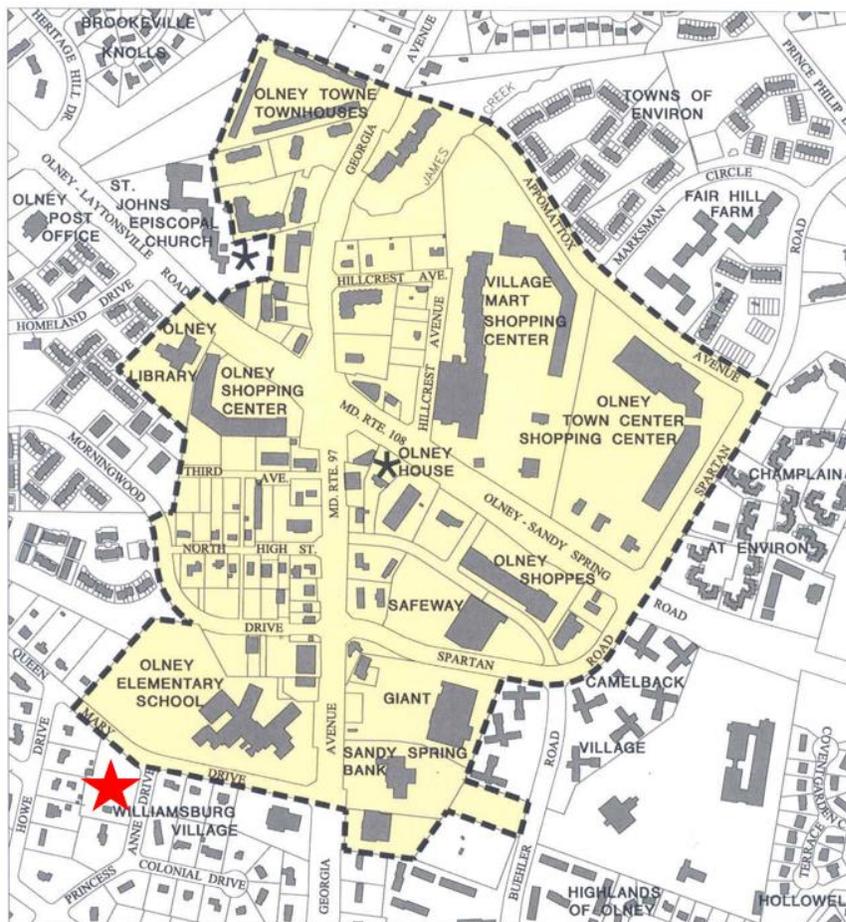


Figure D - Olney Town Center map

The 1980 Master Plan included the Subject Property in a part of the planning area designated as Greater Olney. The 1980 Master Plan (p 32) noted that the “development pattern surrounding the Town Center is already well established. The predominant land use west of Georgia Avenue is half-acre residential

lots.” This resubdivision for an additional one-family dwelling on a 23,721 square foot lot in the R-200 zone is in keeping with the prevailing pattern and densities in the area.

### **Adequate Public Facilities Review (APF)**

#### **Roads and Transportation Facilities**

The Subject Property is located at the western corner of the Princess Anne Drive/Queen Mary Drive intersection in Olney. The Property is currently improved with one single family detached dwelling unit, which has vehicular access from Princess Anne Drive via an existing residential driveway apron. Future vehicular access is proposed to serve lot 10 via a new proposed 12’ wide driveway on Queen Mary Drive, approximately 100 feet west of the intersection.

The existing asphalt sidewalk along the frontage of Princess Anne Drive will be removed and a new five-foot-wide concrete sidewalk will be constructed along the Property’s entire frontage on Queen Mary Drive and Princess Anne Drive, as specified in MCDOT letter dated April 28, 2016 (Attachment B). The new sidewalks will tie into an existing concrete ADA compatible ramp at the intersection of two roads. An existing painted pedestrian crossing will provide a safe area for residents to cross Queen Mary Drive and access the adjacent elementary school.

#### **Master Plan Transportation Facilities**

##### *The 2005 Approved and Adopted Olney Master Plan*

- Queen Mary Drive is currently improved within a 60-foot wide right-of-way with 20 feet of pavement along the frontage of the Property and transitions to a 70-foot wide right-of-way between Princess Anne Drive and Georgia Avenue (MD 97).
- Princess Anne Drive is currently improved within a 70-foot wide right-of-way with 20 feet of pavement along the frontage of the Property and transitions to a 60-foot wide right-of-way between Colonial Court and King William Drive.

The Master Plan designated a shared roadway bike path (B-34) for bicycles on Queen Mary Drive from Georgia Ave to Lafayette Drive. No additional right-of-way dedication is necessary for potential future widening of Queen Mary Drive and Princess Anne Drive. The necessary right-of-way for both roads was previously dedicated.

#### **Local Area Transportation Review (LATR) & Transportation Policy Area Review (TPAR)**

The estimated traffic impact of one new single family dwelling unit, exclusive of the existing single family dwelling unit that will remain on the site, is two (1) AM peak-hour trips and two (1) PM peak-hour vehicular trips. As a result of this *de minimis* impact, this project is exempt from the Local Area Transportation Policy Review (LATR) and Transportation Policy Area Review (TPAR). The proposed development satisfies Adequate Public Facilities (APF) requirements and does not necessitate further traffic analysis. In consideration of the *de minimis* traffic impact and proposed public improvements, the vehicle and pedestrian access will be safe and adequate to serve the proposed subdivision.

The Preliminary Plan has been evaluated by Staff and the Montgomery County Department of Transportation, who support the transportation elements of the Plan. The proposed access to the Subject Property and the individual lots, as shown on the Preliminary Plan, is adequate to serve the traffic generated by the development.

#### Other Public Facilities and Services

Other public facilities and services are available and will be adequate to serve the existing and proposed dwelling units. The existing house on lot 9 is currently connected to an existing 8" waterline that runs along the Property's frontage on Princess Anne Drive. The house connects to an existing 8" sewer line that runs along the centerline of Queen Mary Drive. The existing sewer house connection crosses the eastern corner of proposed lot 10. The Preliminary Plan includes a new 20-foot wide easement (to benefit lot 9) over the existing section of sewer. Lot 10 will connect to the existing 8" water line and 8" sewer line within Queen Mary Drive. The Applicant is also proposing a 10-foot wide easement on the western property line of lot 9 to provide a future gas connection to lot 10.

The Application has been reviewed by the Montgomery County Department of Fire and Rescue Service who determined that the Property has adequate access for fire and rescue vehicles by transmittal dated November 6, 2013 (Attachment C).

The Subject Property is within the Sherwood High School cluster. According to the 2012-2016 Subdivision Staging Policy, the schools in the Sherwood Cluster are adequate to serve the proposed dwellings. The Application is not subject to a School Facilities Payment. Electric and telecommunications services as available and adequate to serve the proposed lots. Other public facilities and services, such as police stations, firehouses and health services are currently operating within the standards set by the 2012-2016 Subdivision Staging Policy Resolution currently in effect.

The MCDPS Stormwater Management Section approved the stormwater management concept for the project on January 7, 2014. The approved concept proposes to meet the required stormwater management goals via drywells and a micro infiltration trench (Attachment E). Other public facilities and services are available and adequate to serve the proposed lots.

#### **Environmental**

##### Environmental Guidelines

A Natural Resources Inventory/Forest Stand Delineation (NRI/FSD) #420140070 was approved and recertified for the Property on February 22, 2016. The NRI/FSD identified all of the required environmental features on and adjacent to the Property, as further described in the *Guidelines for Environmental Management of Development in Montgomery County*.

The Property is located in the North Branch Rock Creek watershed, which has a Use Class III stream designation but is not within a Special Protection Area. There are no streams, wetlands, 100-year floodplain, stream buffers, steep slopes, highly erodible soils, or forest located on the Property. There are five (5) trees with a diameter at breast height (DBH) of 30 inches and greater and four (4) trees with a DBH between 24 and 29.9 inches located on the Property.

## Forest Conservation

The Application meets the requirements of Chapter 22A of the Montgomery County Forest Conservation Law and Staff recommends approval of the Preliminary Forest Conservation Plan (FCP). A FCP was submitted with the Preliminary Plan (Attachment E). The Application includes a tract area of 1.74 acres of land, which includes 0.15 acres of off-site improvements for the construction of a 5-foot wide concrete sidewalk to replace the existing 4-foot wide asphalt sidewalk along Princess Anne Drive, the construction of a 5-foot wide sidewalk along Queen Mary Drive, and the construction of a new driveway for proposed Lot 10. Development on the Property generates a requirement to provide 0.26 acres of afforestation. The Applicant proposes to satisfy the planting requirement at an offsite location.

Two specimen trees identified on the approved NRI/FSD and noted on the FCP as Tree #1 (38" DBH Norway maple – poor condition) and Tree #2 (35" DBH Norway maple – fair condition) and three significant trees identified as Tree #102 (28" DBH Norway maple – fair condition), Tree #103 (26" DBH Norway maple – poor condition), and Tree #104 (25" DBH Norway maple – poor condition) were removed by PEPCO on February 10, 2016 with the permission of a M-NCPPC forest conservation inspector in a letter dated October 16, 2015 (Attachment F). PEPCO had requested permission to remove these five trees located within the public utility easement along Princess Anne Drive to provide access for future utility work. As directed by the forest conservation inspector, mitigation for the removal of the two specimen trees will be provided on the Property in the form of planting native, canopy tree species totaling nineteen caliper inches.

## Forest Conservation Variance

Section 22A-12(b) (3) of Montgomery County Forest Conservation Law provides criteria that identify certain individual trees as high priority for retention and protection. The law requires no impact to trees that: measure 30 inches or greater, DBH; are part of an historic site or designated with an historic structure; are designated as national, State, or County champion trees; are at least 75 percent of the diameter of the current State champion tree of that species; or trees, shrubs, or plants that are designated as Federal or State rare, threatened, or endangered species ("Protected Trees"). Any impact to a Protected Tree, including removal or disturbance within the Tree's critical root zone ("CRZ") requires a variance. An application for a variance must provide certain written information in support of the required findings in accordance with Section 22A-21 of the County Forest Conservation Law. Staff recommends that a variance be granted.

*Variance Request* - The Applicant submitted a variance request in a letter dated January 21, 2016, for the impacts/removal of trees (Attachment G). The Applicant proposes to impact, but not remove, one (1) Protected Tree that is considered high priority for retention under Section 22A-12(b)(3) of the County Forest Conservation Law. Details of the Protected Tree to be affected are shown graphically in Figure D.

- Tree #7 - 48" DBH American elm, fair condition, 30% CRZ impact for construction of house on Lot 9.

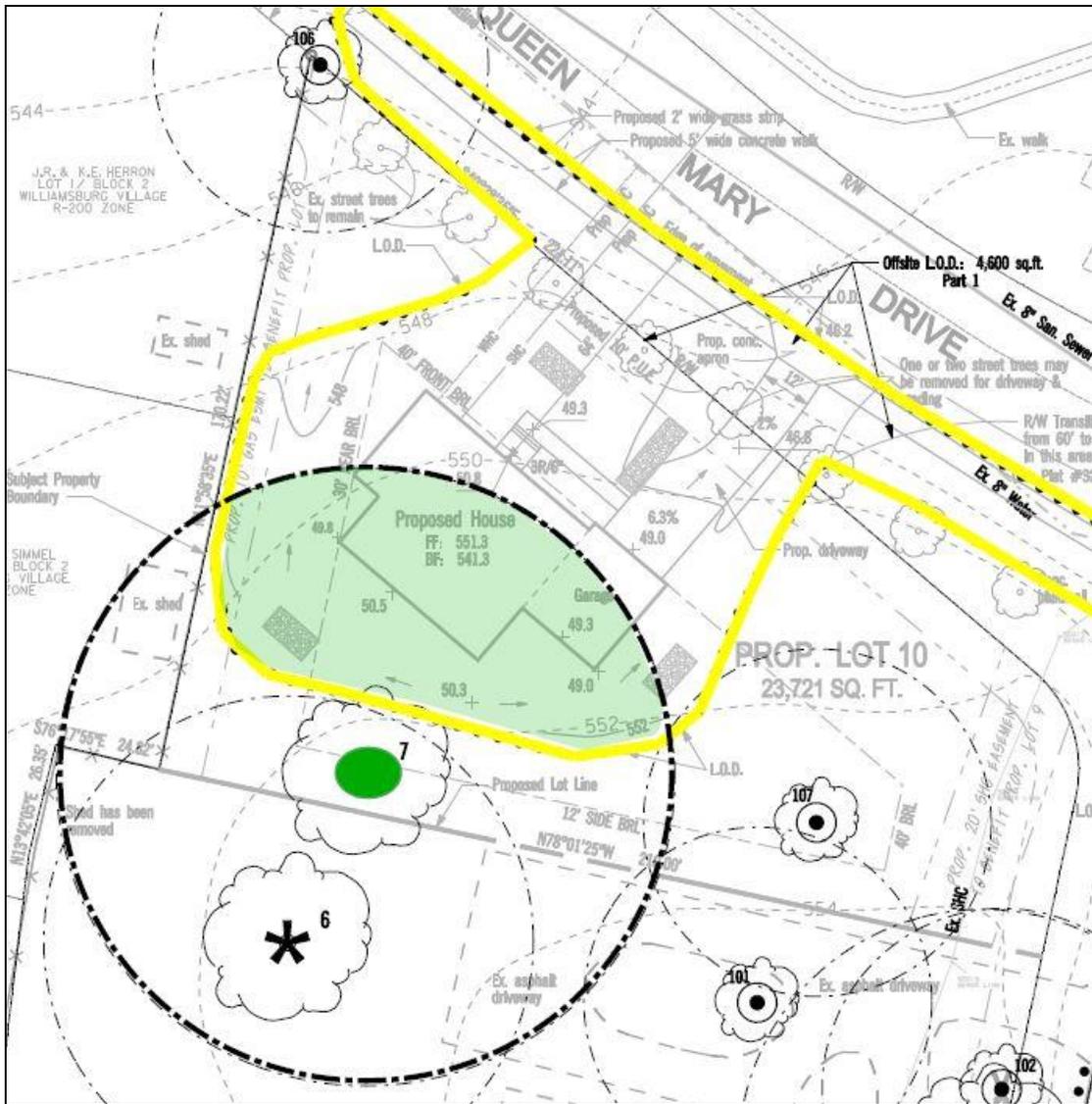


Figure E - Variance Tree #7 Critical Root Zone Impact

Unwarranted Hardship Basis

Per Section 22A-21, a variance may only be considered if the Planning Board finds that leaving the Protected Trees in an undisturbed state would result in an unwarranted hardship, denying an applicant reasonable and significant use of a property. The Applicant contends that an unwarranted hardship would be created due to the existing conditions on the Property and the development standards of the zone. The Property does not contain any forest but Protected Trees are located throughout the site. The existing house and driveway are proposed to remain, dictating the configuration of the two lots and the location of the proposed house, in order to meet setbacks and other requirements of the zone. None of the Protected Trees are proposed to be removed by the development and one will be affected, but retained. The tree to be affected is rated in fair condition, but with tree protection measures employed

during construction, this tree is expected to survive. If the variance were not considered, the proposed development on this R-200 zoned Property could not occur. Staff has reviewed this Application and finds that there would be an unwarranted hardship if a variance were not considered.

*Variance Findings* - Section 22A-21 of the County Forest Conservation Law sets forth the findings that must be made by the Planning Board or Planning Director, as appropriate, in order for a variance to be granted. Staff has made the following determination based on the required findings in the review of the variance request and the preliminary forest conservation plan:

Granting of the requested variance:

1. *Will not confer on the applicant a special privilege that would be denied to other applicants.*

Granting the variance will not confer a special privilege on the Applicant as the disturbance to the Protected Tree is due to the reasonable development of the Property. The Protected Tree is located within the remaining developable area of the site, which is dictated to a great extent by the location of the existing house to remain and the requirements of the zone. Granting a variance request to allow land disturbance within the developable portion of the site is not unique to this Applicant. Staff believes that the granting of this variance is not a special privilege that would be denied to other applicants.

2. *Is not based on conditions or circumstances which are the result of the actions by the applicant.*

The need for the variance is not based on conditions or circumstances which are the result of actions by the Applicant. The requested variance is based upon existing site conditions, including the existing house to remain, the requirements of the zone, and the number and locations of the Protected Trees.

3. *Is not based on a condition relating to land or building use, either permitted or non-conforming, on a neighboring property.*

The need for a variance is a result of the existing conditions and the proposed site design and layout on the Subject Property, and not a result of land or building use on a neighboring property.

4. *Will not violate State water quality standards or cause measurable degradation in water quality.*

The variance will not violate State water quality standards or cause measurable degradation in water quality. No trees located within a stream buffer, wetland or Special Protection Area will be impacted or removed as part of this Application. No trees subject to this provision will be removed due to the proposed development so the functions currently provided by this tree will remain. In addition, while there are currently no stormwater management provisions on the Property, the Application proposes to provide stormwater management for the development utilizing drywells and a micro-infiltration trench. The Montgomery County Department of Permitting Services has found the stormwater management concept for the proposed project to be acceptable as stated in a letter dated January 7, 2014. The stormwater management concept incorporates Environmental Site Design standards. Additionally, the planting of 19 caliper inches of new trees on the Property will also help the uptake of stormwater.

Mitigation for Protected Trees – All of the Protected Trees subject to the variance provision will be retained. There is some disturbance within the critical root zones of one tree, but it is a candidate for

safe retention and will receive adequate tree protection measures. No mitigation is recommended for trees impacted but retained.

County Arborist’s Recommendation on the Variance - In accordance with Montgomery County Code Section 22A-21(c), the Planning Department is required to refer a copy of the variance request to the County Arborist in the Montgomery County Department of Environmental Protection for a recommendation prior to acting on the request. The request was forwarded to the County Arborist. On May 27, 2016 the County Arborist provided a letter recommending that the requested variance be granted with mitigation (Attachment H).

Variance Recommendation - Staff recommends that the variance be granted without mitigation.

**Compliance with the Subdivision Regulations and Zoning Ordinance**

This Application has been reviewed for compliance with the Montgomery County Code, Chapter 50, the Subdivision Regulations and meets all applicable sections, including the requirements for resubdivision as discussed below. The proposed lot size, width, shape and orientation are appropriate for the location of the subdivision taking into account the recommendations included in the Olney Master Plan, and for development of single-family detached homes. The Application creates two lots, Lot 9, which will be 23,721 square feet and Lot 10, which will be 45,710 square feet. As proposed, Lot 10 is larger because the Applicant wishes to keep the existing circular asphalt driveway which is original to the house and Property. The corner orientation and buildable area of proposed Lot 9 with its access to Queen Mary Drive, provides sufficient space to build a new home fronting on Queen Mary Drive. The lots were reviewed for compliance with the dimensional requirements for the R-200 zone as specified in the Zoning Ordinance.

*Table 1: Preliminary Plan Data Table for proposed Lot 9 & 10 – R-200 zone*

<b>PLAN DATA</b>	<b>Zoning Ordinance Development Standard</b>	<b>Proposed for Approval by the Preliminary Plan</b>
Minimum Lot Area	20,000 SF min.	20,000 SF min.
Lot Width at Building Line	100 ft. min.	100 ft. minimum
Lot Frontage	25 ft. min.	25 ft. minimum
Setbacks		
– Front	40 ft. min.	40 ft. min. <sup>1</sup>
– Side	12 ft. min./ 25 ft. total	12 ft. min./ 25 ft. total <sup>1</sup>
– Rear	30 ft. min.	30 ft. min. <sup>1</sup>
Lot Coverage	25% max.	25% of less <sup>1</sup>
Maximum Residential Dwelling Units per Zoning	3	2
MPDUs	NA	NA
TDRs	NA	NA
Site Plan Required	No	NA

<sup>1</sup> Determined by MCDPS at the time of building permit.

The lots as proposed will meet all the dimensional requirements for area, frontage, width, and setbacks in the R-200 zone as described above and shown in Table 1. The Application has been reviewed by other applicable county agencies, all of whom have recommended approval of the plan.

**Conformance with Section 50-29(b)(2)**

**A. Statutory Review Criteria**

The Subject Property includes a recorded lot (Lot 8), a part of three abutting lots, Lot 2, Lot 3, and Lot 4 (Attachment A). Because the lots are shown on a previously recorded record plat, this Application requires compliance with Section 50-29(b)(2) of the Subdivision Regulations as a resubdivision.

In order to approve an application for resubdivision, the Planning Board must find that each of the proposed lots 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 Section 50-29(b)(2) of the Subdivision Regulations, the Planning Board must determine the appropriate “neighborhood” for evaluating the application. In this instance, the Applicant has proposed, and Staff agrees with the following neighborhood boundaries:



Figure F - Neighborhood Boundary

The neighborhood boundary proposed consists of 32 lots (Figure F) and includes all R-200 zoned lots (excludes parts of lots) immediately adjacent or confronting the Subject Property, including lots with access to Princess Anne Drive, Queen Mary Drive, Howe Drive, King William Drive, and Colonial Court (“Neighborhood”). The Neighborhood provides an adequate sample of the lot and development pattern of the area. A tabular summary of the area based on the resubdivision criteria is included in Attachment I.

In performing the analysis, the above-noted resubdivision criteria were applied to the Neighborhood. The proposed lots are of the same character with respect to the resubdivision criteria as other lots within the Neighborhood. Therefore, the proposed resubdivision complies with the criteria of Section 50-29(b)(2). As set forth below, the attached tabular summary and graphical documentation support this conclusion:

Frontage:

The proposed lots will be of the same character as existing lots in the neighborhood with respect to lot frontage. The proposed lots have frontage of 200 feet and 221 feet. In the Neighborhood, existing lots range from 58 feet (Lot 12C- Block 1 & 17C- Block 3) to the widest at 276 feet (Lot 7 – Block 2), therefore the lots are in the range and are of similar character regarding frontage.

Alignment:

The proposed lots are of the same character as existing lots in the neighborhood with respect to the alignment criterion. One of the proposed lots is a corner, and the other is perpendicular to the street as are most of the lots in the Neighborhood.

Size (Lot):

The proposed lot size is in character with the size of existing lots in the neighborhood. The range of lot sizes in the Neighborhood is between 18,932 square feet and 46,019 square feet.

The smaller of the proposed lots, Lot 10 is 23,721 square feet and Lot 9 is 45,710 square feet, both of which fall within the range of lot sizes within the Neighborhood.

Shape:

The shapes of the proposed lots will be in character with shapes of the existing lots in the neighborhood. Proposed Lot 10 is irregular and proposed lot 9 is generally rectangular. The Neighborhood contains a mix of lot shapes including irregular polygons, irregular rectangle, and rectangular.

Width (@ BRL):

The proposed lots will be in character with existing lots in the neighborhood with respect to width. The range of width at the building restriction line within the Neighborhood is between 70 and 263 feet. The proposed lots will have a width 210 and 230 feet, which falls within the range of lot widths within the Neighborhood.

Area (Buildable):

The proposed lots will be of the same character as existing lots in the neighborhood with respect to buildable area. The proposed lots have buildable areas of 8,176 and 21,757 square feet which fall within the range of buildable areas for lots in the Neighborhood which range between 5,559 square feet and 22,511 square feet.

Suitability for Residential Use: The existing and the proposed lots are zoned R-200 and are suitable for residential use.

## **Citizen Correspondence and Issues**

The Application was submitted and noticed in accordance with all required procedures. Application signs were posted along the Property's frontage on Queen Mary Drive and Princess Anne Drive. The Applicant held a pre-submission meeting with the citizens on August 26, 2013 at the Longwood Community Center conference room, 19300 Georgia Ave in Brookeville, MD. Fourteen community members attended the meeting where the Applicant presented the Preliminary Plan and answered questions regarding the proposed new home, including the utilities, size, architecture and orientation on the lot in relation to the existing house (Attachment J).

To date, Staff has received three letters have been received from community members regarding the Preliminary Plan, all of which indicate support for the Application, as proposed (Attachment K).

## **CONCLUSION**

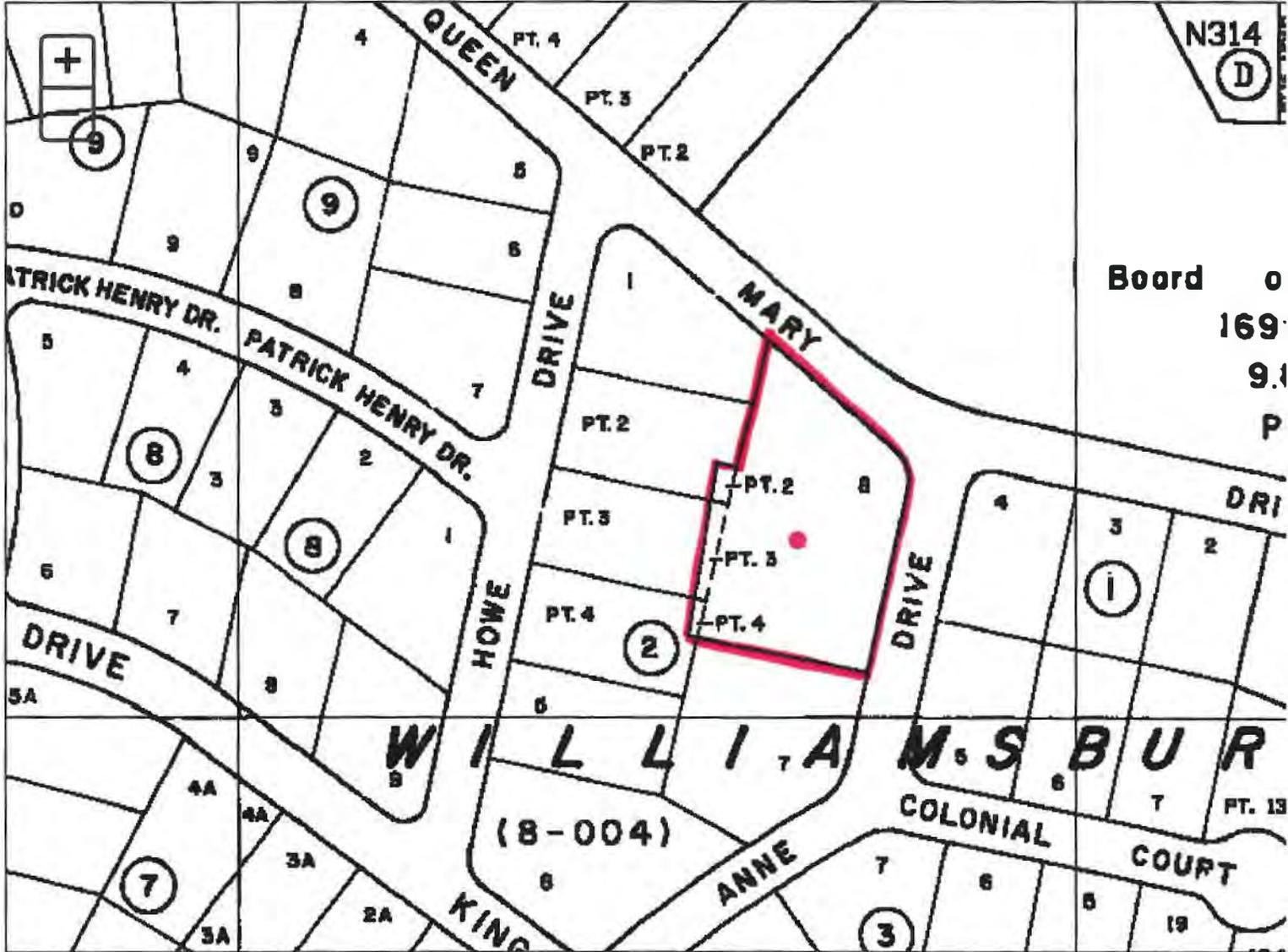
The proposed lots meet all requirements established in the Subdivision Regulations and the Zoning Ordinance and substantially conform to the recommendations of the Olney Master Plan. Access and public facilities will be adequate to serve the proposed lots, and the Application has been reviewed by other applicable county agencies, all of whom have recommended approval of the Application.

Section 50-29(b)(2) of the Subdivision Regulations specifies seven criteria with which resubdivided lots must comply: street frontage, alignment, size, shape, width, area and suitability for residential use within the existing block, neighborhood or subdivision. The two proposed R-200 zoned lots are of the same character as the existing lots in the Neighborhood with respect to each of the resubdivision criteria, and therefore, comply with Section 50-29(b)(2) of the Subdivision Regulations. Staff recommends approval of the Application subject to the conditions cited in the Staff Report.

## **Attachments**

Attachment A – SDAT Deed Map  
Attachment B – MCDOT  
Attachment C – Fire & Rescue  
Attachment D – Stormwater Management Concept  
Attachment E – Forest Conservation Plan  
Attachment F – M-NCPPC letter RE PEPCO  
Attachment G – Variance Request  
Attachment H – Arborist Variance Recommendation  
Attachment I – Resubdivision Tables  
Attachment J – Meeting Minutes  
Attachment K – Correspondence

**ATTACHMENT A**



Board 0  
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The information shown on this map has been compiled from deed descriptions and plats and is not a property survey. The map should not be used for legal descriptions. Users noting errors are urged to notify the Maryland Department of Planning Mapping, 301 W. Preston Street, Baltimore MD 21201.

If a plat for a property is needed, contact the local Land Records office where the property is located. Plats are also available online through the Maryland State Archives at [www.plats.net](http://www.plats.net) (<http://www.plats.net>).

Property maps provided courtesy of the Maryland Department of Planning.

For more information on electronic mapping applications, visit the Maryland Department of Planning web site at [www.mdp.state.md.us/OurProducts/OurProducts.shtml](http://www.mdp.state.md.us/OurProducts/OurProducts.shtml) (<http://www.mdp.state.md.us/OurProducts/OurProducts.shtml>).



DEPARTMENT OF TRANSPORTATION

Isiah Leggett  
*County Executive*

Al R. Roshdieh  
*Director*

April 28, 2016

Mr. Jonathan Casey, Senior Planner  
Area 3 Planning Division  
The Maryland-National Capital  
Park & Planning Commission  
8787 Georgia Avenue  
Silver Spring, Maryland 20910-3760

RE: Preliminary Plan No. 120140070  
Williamsburg Village

*Jonathan*

Dear Mr. Casey:

We have completed our review of the revised preliminary plan dated April 20, 2016. This plan was reviewed by the Development Review Committee at its meeting on December 16, 2013. We recommend approval for the plan based to the following comments:

All Planning Board Opinions relating to this plan or any subsequent revision, project plans or site plans should be submitted to the Department of Permitting Services in the package for record plats, storm drain, grading or paving plans, or application for access permit. Include this letter and all other correspondence from this department.

1. The applicant shall be responsible for improvements on existing Queen Mary Drive to meet the modified standard MC-211.02 (Secondary Residential Road-Open Section) which will include a ten (10)-foot pavement width, two (2)-foot buffer, five (5)-foot sidewalk within the modified shoulder, and a side ditch from the roadway centerline along the property frontage. The proposed ditch re-grading will need to transition back to meet existing ground at the western property line. The limits of the sidewalk and typical ditch construction will be determined at the permit stage.

**Office of the Director**

101 Monroe Street 10<sup>th</sup> Floor · Rockville Maryland 20850 · 240-777-7170 · 240-777-7178 FAX

[www.montgomerycountymd.gov](http://www.montgomerycountymd.gov)

*Located one block west of the Rockville Metro Station*

Any deviations or changes to the design standard MC-211.02 due to stormwater management requirements, driveway culvert clearance criteria, drainage or other site constraints shall be addressed with the Department of Permitting Services at the permit stage.

2. The existing four (4)- foot sidewalk along Princess Anne Drive shall be replaced with a five (5)-foot concrete sidewalk along the property frontage in its current location.
3. The sight distances study has been accepted. A copy of the accepted Sight Distances Evaluation certification form is enclosed for your information and reference.
4. The storm drain study has been accepted by Montgomery County Department of Transportation.
5. If the proposed development will alter any existing street lights, signing, and/or pavement markings, please contact Mr. Dan Sanayi of our Traffic Engineering Design and Operations Section at (240) 777-2190 for proper executing procedures. All costs associated with such relocations shall be the responsibility of the applicant.
6. We recommend the width of the proposed Public Utility Easement (P.U.E) be increased, at the western end of the site, to avoid the need for removal of the existing trees (on the property).
7. Relocation of utilities along existing roads to accommodate the required roadway improvements shall be the responsibility of the applicant.
8. Permit and bond will be required as a prerequisite to DPS approval of the record plat. The permit will include, but not necessarily be limited to, the following improvements:
  - a. Street grading, paving, sidewalks and handicap ramps, storm drainage and appurtenances, and street trees along Queen Mary Drive site frontage as discussed in Comment #1.
  - b. On Princess Anne Drive, replace the existing four (4)-foot asphalt sidewalk with a concrete five (5)-foot sidewalk along the property frontage in its current location.
  - c. Enclosed storm drainage and/or engineered channel (in accordance with the MCDOT Storm Drain Design Criteria) within the County rights-of-way and all drainage easements.
  - d. Permanent monuments and property line markers, as required by Section 50-24(e) of the Subdivision Regulations.
  - e. Erosion and sediment control measures as required by Section 50-35(j) and on-site stormwater management where applicable shall be provided by the Developer (at no cost to the County) at such locations deemed necessary by the Department of Permitting Services (DPS) and will comply with their specifications. Erosion and sediment control

Mr. Jonathan Casey  
Preliminary Plan No. 120140070  
April 28, 2016  
Page 3

measures are to be built prior to construction of streets, houses and/or site grading and are to remain in operation (including maintenance) as long as deemed necessary by the DPS.

- f. Developer shall ensure final and proper completion and installation of all utility lines underground, for all new road construction.
- g. Developer shall provide street lights in accordance with the specifications, requirements, and standards prescribed by the MCDOT Division of Traffic Engineering and Operations.

Thank you for the opportunity to review this preliminary plan. If you have any questions or comments regarding this letter, please contact Mr. Deepak Somarajan, our Development Review Area Engineer for this project, at [deepak.somarajan@montgomerycountymd.gov](mailto:deepak.somarajan@montgomerycountymd.gov) or (240) 777-2194.

Sincerely,



Gregory M. Leck, Manager  
Development Review Team  
Office of Transportation Policy

M:\Subdivision\Deepak\Preliminary Plan\Williamsburg Village\Letter\120140070-Williamsburg Village-MCDOT final plan review ltr.doc

Enclosure

cc: Larry Hinman; Developers Realty  
Don Rohrbaugh; Site Solutions, Inc  
Tedi Osias, Council Member Floreen's Office  
Preliminary Plan folder  
Preliminary Plan letters notebook

cc-e: Atiq Panjshiri; MCDPS RWPR  
Sam Farhadi; MCDPS RWPR  
Kyle Hanley; MCDOT DHM  
Mike Geier; MCDPS WR  
Deepak Somarajan; MCDOT DO



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**FIRE MARSHAL COMMENTS**

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**DATE:** 06-Nov-13  
**TO:** Brian Olson  
ATCS, PLC  
**FROM:** Marie LaBaw  
**RE:** Williamsburg Village (17812 Princess Anne Drive)  
120140070

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**PLAN APPROVED**

1. Review based only upon information contained on the plan submitted 06-Nov-13. Review and approval does not cover unsatisfactory installation resulting from errors, omissions, or failure to clearly indicate conditions on this plan.
2. Correction of unsatisfactory installation will be required upon inspection and service of notice of violation to a party responsible for the property.



DEPARTMENT OF PERMITTING SERVICES

Isiah Leggett  
County Executive

Diane R. Schwartz Jones  
Director

January 7, 2014

Mr. Phil Wilk  
ATCS, P.L.C  
7 Post Office Rd., Suite G  
Waldorf, Maryland 20602

Re: Stormwater Management **CONCEPT** Request  
for Williamsburg Village  
Preliminary Plan #: 120140070  
SM File #: 257115  
Tract Size/Zone: 1.59 Ac. / R-200  
Total Concept Area: .56 Ac.  
Lots/Block: Lot 8 & parts of Lot 2, 3 and 4  
Watershed: Upper Rock Creek

Dear Mr. Wilk:

Based on a review by the Department of Permitting Services Review Staff, the stormwater management concept for the above mentioned site is **acceptable**. The stormwater management concept proposes to meet required stormwater management goals via drywells and a micro infiltration trench.

The following **Items** will need to be addressed **during** the detailed sediment control/stormwater management plan stage:

1. A detailed review of the stormwater management computations will occur at the time of detailed plan review.
2. An engineered sediment control plan must be submitted for this development.
3. All filtration media for manufactured best management practices, whether for new development or redevelopment, must consist of MDE approved material.
4. Landscaping shown on the approved Landscape Plan as part of the approved Site Plan are for illustrative purpose only and may be changed at the time of detailed plan review of the Sediment Control/Storm Water Management plans by the Mont. Co. Department of Permitting Services, Water Resources Section.

This list may not be all-inclusive and may change based on available information at the time.

Payment of a stormwater management contribution in accordance with Section 2 of the Stormwater Management Regulation 4-90 **is not required**.

This letter must appear on the sediment control/stormwater management plan at its initial submittal. The concept approval is based on all stormwater management structures being located outside of the Public Utility Easement, the Public Improvement Easement, and the Public Right of Way unless specifically approved on the concept plan. Any divergence from the information provided to this office; or additional information received during the development process; or a change in an applicable



Mr. Phil Wilk  
Page 2  
January 7, 2014

Executive Regulation may constitute grounds to rescind or amend any approval actions taken, and to reevaluate the site for additional or amended stormwater management requirements. If there are subsequent additions or modifications to the development, a separate concept request shall be required.

If you have any questions regarding these actions, please feel free to contact Mike Geier at 240-777-6342.

Sincerely,



Mark C. Etheridge, Manager  
Water Resources Section  
Division of Land Development Services

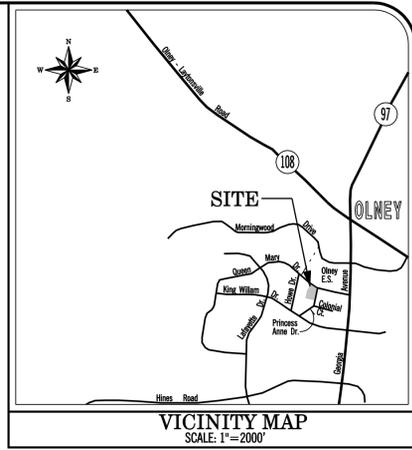
MCE: me CN257115 Williamsburg Village.mjg.doc

cc: C. Conlon  
SM File # 257115

ESD Acres:	.56 Ac.
STRUCTURAL Acres:	0
WAIVED Acres:	0

**SITE DATA** Rev. 4/20/16

- Zoning: R-200
- Total Tract Area: 1.74 Ac. (76,031 sq.ft.), Includes 6,600 sq.ft. of offsite L.O.D.
- Net Tract Area: 1.59 Ac. (69,431 sq.ft.) - Ownership Area
- Property lies in the Upper Rock Creek watershed (Use III / III-P)
- Area of Existing Forest: 0
- Area of Forest Clearing: 0
- Afforestation Threshold: 15% (High Density Residential)
- Afforestation Required: 0.26 Ac. (11,300 sq.ft.)



**ATTACHMENT E**

**LEGEND**

- Proposed Limit of Disturbance (L.O.D.)
- Critical Root Zone Limit, Individual Trees
- Existing Contours (2' Contour Interval)
- Proposed Grading / Contours
- Specimen Tree Symbol & Identification Number
- Significant Tree Symbol & Identification Number
- Specimen Tree to be Removed with M-NCPPC Permission (Trees removed 2/10/16)
- Significant Tree to be Removed (Trees 102, 103 & 104 removed 2/10/16 with M-NCPPC Permission)

PRELIMINARY FOREST CONSERVATION WORKSHEET VERSION 1.0		10-May-16
<b>NET TRACT AREA:</b>		
A. Total tract area.....	1.74 *	
B. Area within 100 year floodplain.....	N/A	
C. Area within MSSC R/W or road R/W constructed by public fund.....	0.00	
D. Net tract area.....	1.74	
<b>LAND USE CATEGORY: (from Table 2, page 42, "Trees" Manual)</b>		
Input the number "1" under the appropriate land use zoning, and limit to only one entry.		
ARA	MDR	IDA
0	0	0
HDR	MPD	CIA
1	0	0
<b>E. Afforestation Threshold.....</b> 15% x D = 0.26		
<b>F. Conservation Threshold.....</b> 20% x D = 0.35		
<b>EXISTING FOREST COVER:</b>		
G. Existing forest cover (excluding floodplain).....	0.00	
H. Area of forest above afforestation threshold.....	0.00	
I. Area of forest above conservation threshold.....	0.00	
<b>BREAK EVEN POINT:</b>		
J. Forest retention above threshold with no mitigation.....	0.00	
K. Clearing permitted without mitigation.....	0.00	
<b>PROPOSED FOREST CLEARING:</b>		
L. Total area of forest to be cleared.....	0.00	
M. Total area of forest to be retained.....	0.00	
<b>PLANTING REQUIREMENTS:</b>		
N. Reforestation for clearing above conservation threshold.....	0.00	
P. Reforestation for clearing below conservation threshold.....	0.00	
Q. Credit for retention above conservation threshold.....	0.00	
R. Total reforestation required.....	0.00	
S. Total afforestation required.....	0.26	
T. Total reforestation and afforestation required.....	0.26	

\* = Includes 0.15 Ac. of offsite L.O.D. (6,600 sq.ft.)

**FOREST CONSERVATION COMPLIANCE STATEMENT**  
The afforestation requirement of 0.26 acres (11,300 sq.ft.) will be satisfied by the Applicant acquiring credit in an approved off-site Montgomery County forest bank and submission of a Certificate of Compliance attesting to such acquisition. Off-site credit to be obtained prior to recording of record plat.

120140070

**GENERAL NOTES**

- Boundary, existing utility and surface feature data indicated on this drawing is from survey files provided by ATCS, P.L.C., Waldorf, MD. Site Solutions, Inc. assumes no responsibility for the accuracy of this provided information.
- Existing topographic data (2-foot contour interval) is per M-NCPPC available (2016) digital data - Title #224N003.

**SPECIMEN & SIGNIFICANT TREE ACTION KEY** Rev. 5/10/16

TREE #	COMMON NAME	D.B.H.	C.R.Z. AREA	C.R.Z. % SAVED	SAVE / REMOVE
1 *	Norway Maple	38"	10,207 s.f.	0	Remove **
2 *	Norway Maple	35"	8,659 s.f.	0	Remove **
3 *	White Oak	35"	8,659 s.f.	100%	Save
4 *	White Oak	35"	8,659 s.f.	100%	Save
5 *	Ash spp.	38"	10,207 s.f.	100%	Save
6 *	Norway Maple	38"	10,207 s.f.	100%	Save
7 *	American Elm	48"	16,286 s.f.	70%	Save
101	Norway Maple	27"	5,153 s.f.	100%	Save
102	Norway Maple	28"	5,542 s.f.	0	Remove **
103	Norway Maple	26"	4,778 s.f.	0	Remove **
104	Norway Maple	25"	4,418 s.f.	0	Remove **
105	Black Cherry	24"	4,072 s.f.	100%	Save
106	Black Walnut	26"	4,778 s.f.	74%	Save
107	Norway Maple	27"	5,153 s.f.	81%	Save

\* = Denotes Specimen Tree  
\*\* = Five trees that lie within the proposed P.U.E., to be removed for future utility work, per letter from M-NCPPC Forestry Inspector, Arborist, M. Sharp, dated Oct. 16, 2015.

Note that there are no trees on or adjacent to this property that are 75% or larger of the size of county or state champion trees for their species.  
## = Tree subject to Specimen Tree Variance

**SSI SITE SOLUTIONS, INC.**  
20410 Observation Drive Suite 205  
Germantown, Maryland 20876-4000  
(301) 540-7990 Fax (301) 540-7991  
Planning Landscape Architecture  
Engineering Surveying

**OWNER:**  
Larry Hinman  
19404 Brookeville Lakes Court  
Brookeville, MD. 20833

NO	REVISION	DATE
2	Rev. per 4/27/16 e-plans comments	5/10/16
1	Rev. L.O.D. per required MCDOT improvements in R/W; Tree #106 now to be saved	4/20/16

Signature and Seal of Qualified Preparer

Donald W. Rohrbach, II Md. R.L.A. #461

Date



**PRELIMINARY FOREST CONSERVATION PLAN**  
**WILLIAMSBURG VILLAGE**  
Lot 8 & Part of Lots 2, 3 & 4 / Block 2  
ELECTION DISTRICT #8  
MONTGOMERY COUNTY, MARYLAND

DWR DESIGN	1" = 30'
JSL CHECKED	1 of 1
5/16/2016 PLOT DATE	2028 D-

PRELIMINARY E.P.C. WILLIAMSBURG VILLAGE SITE SOLUTIONS, INC.



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

October 16, 2015

Mr. Larry Hinman  
Developers Realty  
19404 Brookeville Lakes Ct  
Brookeville, MD 20833

Mr. Hinman,

Thank you for requesting my professional opinion about removing five trees fronting Princess Anne Drive. The trees shown on proposed Lot 9, on Preliminary Plan #120140070 (#1, 2, 102, 103, 104) are all shown as either significant or specimen on the plan. Since removing the trees may impact decisions about approving the plan, assessing the benefits the trees may provide is important.

Using pictures provided of the trees, the following facts are most pertinent:

1. Tree #'s 104 and 2 are dead, and represent an increasing risk to their surroundings.
2. Tree #'s 1, 102, and 103 are Norway Maples that are very mature, evidently in decline, and are listed as invasive species in the state of Maryland.
3. The trees are in conflict with overhead utilities, and are targeted by the Davey Resource Group for removal or clearance pruning.
4. The trees are on the crest of a steep bank and overhang a busy sidewalk and road. Failure of any part of the trees could result in significant injury or property damage.

Therefore, my recommendation is that the trees be removed. New trees of an appropriate species should be planted in their place to restore the loss of canopy. Montgomery County tree planting guidelines should be followed in the replacement plans.

Respectfully,

*Michael J. Sharp*  
*Senior Planner, Forestry Inspector*  
*M-NCPPC, DARC*  
*8787 Georgia Ave*  
*Silver Spring MD 20910*  
*ISA Certified Arborist MA4570A*  
*MD Licensed Tree Expert #000996*  
*TRAQ Certified #0696*

STATEMENT OF LARRY HINMAN  
FOR A VARIANCE IN ACCORDANCE WITH SECTION 22A-21  
OF THE MONTGOMERY COUNTY CODE

WILLIAMSBURG VILLAGE

Proposed Lots 9 & 10, Block 2

January, 2016

I. **BACKGROUND INFORMATION.**

The Applicant for a variance pursuant to the provisions of Section 22A-21 of the Montgomery County Code is Larry Hinman, the owner of the property. The owner proposes to resubdivide an existing lot (Lot 8 & Part of Lots 2, 3 & 4 / Block 2)) in the R-200 zone into two recorded lots. The property consists of 1.59 acres. The site is located in the southwest quadrant of Queen Mary Drive and Princess Anne Drive in Olney. There is no forest cover within the property boundary and there are no priority environmental features on or adjacent to the subject property.

II. **APPLICANT'S PROPOSAL.**

Attached is a copy of the proposed Preliminary Plan of Subdivision (see e-file) for the two proposed residential lots. Proposed Lot 9 contains an existing home that is to be retained while proposed Lot 10 will have a new home built upon it. The existing house has driveway access to Princess Anne Drive while the proposed new house will have driveway access to Queen Mary Drive.

III. **EXPLANATION FOR NEED TO IMPACT ONE TREE THAT IS IDENTIFIED IN STATE LAW FOR PROTECTION (NO PROTECTED TREES TO BE REMOVED).**

Attached to this variance application is a copy of the Preliminary Forest Conservation Plan (PFCP) (see e-file), on which the one protected specimen tree proposed to be impacted has been identified.

There are seven existing specimen trees of 30" DBH or larger noted on the PFCP. Six of these trees will not be impacted, while one will be marginally impacted by construction of the proposed house on Lot 10.

The impacted tree is as follows (Numbering is per the Preliminary FCP):

Tree #7 American Elm 48" DBH Fair Condition 70% CRZ Saved

As stated above, no specimen trees will be removed and the one impacted tree will only be marginally affected. The Final FCP will specify temporary tree protection fence or super silt fence to be placed along the limit of disturbance that lies within the critical root zones of the impacted tree. Root pruning will be specified where soil cut is to occur for grading or utility installation.

IV. **SATISFACTION OF THE CRITERIA LISTED IN SECTION 22A-21(b) OF THE MONTGOMERY COUNTY CODE.**

Section 22A-21(b) lists the criteria for the granting of the variance requested herein. The following narrative explains how the requested variance is justified under the set of circumstances described above.

*“(1) describe the special conditions peculiar to the property which caused the unwarranted hardship.”*

- A. Due to the configuration of the subject property (roughly a rectangle) and to comply with R-200 zoning dimensional requirements, there is only one suitable design configuration to divide the property into two lots. The existing house must be enclosed in a lot configuration that complies with R-200 setback requirements and the proposed Lot 10 must be configured in such a way that a buildable lot is formed, creating a viable building envelope.
- B. Front, rear and side minimum setbacks dictate placement of the proposed house on Lot 10. The proposed house is to be placed as far to the front of the lot as possible (toward Queen Mary Drive) in order to preserve trees, including Tree #7, in the rear of the lot.
- C. Given the required minimum building setbacks and the critical root zone limits of the impacted trees, the net building envelope available for house siting & grading would be too small to be practical if the critical root zones were to be fully left undisturbed. Marginal impact to the critical root zone of Tree #7 is necessary to provide sufficient space to build the proposed house on Lot 10.

*“(2) Describe how enforcement of these rules will deprive the owner of rights commonly enjoyed by others in similar areas.”*

There is no alternative subdivision design that would not impact the tree affected by this development proposal. Because of zoning restrictions, the limited impact on the one tree is unavoidable. Essentially, the proposed subdivision of these two lots could not take place without the limited impact proposed on the one tree.

The proposed Lot 10 would not contain sufficient buildable area without granting of this variance, thus causing a hardship on the applicant. Surrounding lots in the subject property neighborhood were subdivided prior to Sec. 22A-21 being enacted, thus such constraints were not applied on the surrounding lots.

“(3) *Verify that State water quality standards will not be violated or that a measurable degradation in water quality will not occur as a result of the granting of the variance.*”

There are currently no stormwater quantity or quality provisions on the property. In conjunction with its proposed development of the subject property, the Applicant has prepared a stormwater management concept plan (approved by MCDPS on 1/7/14) which will improve water quality measures on the subject property and in the surrounding area.

The Applicant confirms that the impact on the one affected tree will cause no degradation in water quality associated with the proposed two-lot subdivision as a result of the granting of the requested variance.

“(4) *Provide any other information appropriate to support the request.*”

The information set forth above, the Applicant believes, is adequate to justify the requested variance to *impact* the one protected tree on the subject property.

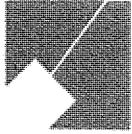
Furthermore, the Applicant’s request for a variance complies with the “minimum criteria” of Section 22A-21(d) for the following reasons:

1. This Applicant will receive no special privileges or benefits by the granting of the requested variance that would not be available to any other applicant.
2. The configuration of the subject property, regulatory requirements, and the location of the protected tree are not the result of actions by the Applicant, since any two-lot subdivision of the subject property would encounter the same constraints.
3. The requested variance is not related in any way to a condition on an adjacent, neighboring property, and
4. *Impact* on the CRZ of the one affected tree will not violate State water quality standards or cause measurable degradation in water quality (which is being improved by the Applicant’s overall proposal).

**SUPPLEMENTARY INFORMATION – TREES 1 & 2**

Please note that there are two specimen trees that exist in the street frontage of proposed Lot 9 along Princess Anne Drive. These are Trees #1 and #2 on the tree list shown on the Preliminary Forest Conservation Plan. Tree #1 is a 38” Norway Maple and tree #2 is a 35” Norway Maple. Both trees lie within the proposed 10-foot wide public utility easement along the street right-of-way. PEPCO has approached the applicant and has requested permission to remove these two trees along with several smaller trees that lie within the P.U.E. to provide access for future utility work. The applicant requested that M-NCPPC evaluate these trees to assess their value and offer advice for removal. Attached to this statement is a letter from M-NCPPC Forestry Inspector Michael Sharp, stating Mr. Sharp’s recommendation to remove these trees.

Site Solutions, Inc.  
January 14, 2016



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

October 16, 2015

Mr. Larry Hinman  
Developers Realty  
19404 Brookeville Lakes Ct  
Brookeville, MD 20833

Mr. Hinman,

Thank you for requesting my professional opinion about removing five trees fronting Princess Anne Drive. The trees shown on proposed Lot 9, on Preliminary Plan #120140070 (#1, 2, 102, 103, 104) are all shown as either significant or specimen on the plan. Since removing the trees may impact decisions about approving the plan, assessing the benefits the trees may provide is important.

Using pictures provided of the trees, the following facts are most pertinent:

1. Tree #'s 104 and 2 are dead, and represent an increasing risk to their surroundings.
2. Tree #'s 1, 102, and 103 are Norway Maples that are very mature, evidently in decline, and are listed as invasive species in the state of Maryland.
3. The trees are in conflict with overhead utilities, and are targeted by the Davey Resource Group for removal or clearance pruning.
4. The trees are on the crest of a steep bank and overhang a busy sidewalk and road. Failure of any part of the trees could result in significant injury or property damage.

Therefore, my recommendation is that the trees be removed. New trees of an appropriate species should be planted in their place to restore the loss of canopy. Montgomery County tree planting guidelines should be followed in the replacement plans.

Respectfully,

*Michael J. Sharp*  
*Senior Planner, Forestry Inspector*  
*M-NCPPC, DARC*  
*8787 Georgia Ave*  
*Silver Spring MD 20910*  
*ISA Certified Arborist MA4570A*  
*MD Licensed Tree Expert #000996*  
*TRAQ Certified #0696*

May 27, 2016

Casey Anderson, Chair  
Montgomery County Planning Board  
Maryland National Capital Park & Planning Commission  
8787 Georgia Avenue  
Silver Spring, Maryland 20910

RE: Williamsburg Village, ePlan 120140070, NRI/FSD application for recertification received on 2/1/2016

Dear Mr. Anderson:

All applications for a variance from the requirements of Chapter 22A of the County Code submitted after October 1, 2009 are subject to Section 22A-12(b)(3). Accordingly, given that the application for the above referenced request was submitted after that date and must comply with Chapter 22A, and the Montgomery County Planning Department ("Planning Department") has completed all review required under applicable law, I am providing the following recommendation pertaining to this request for a variance.

Section 22A-21(d) of the Forest Conservation Law states that a variance must not be granted if granting the request:

1. Will confer on the applicant a special privilege that would be denied to other applicants;
2. Is based on conditions or circumstances which are the result of the actions by the applicant;
3. Arises from a condition relating to land or building use, either permitted or nonconforming, on a neighboring property; or
4. Will violate State water quality standards or cause measurable degradation in water quality.

Applying the above conditions to the plan submitted by the applicant, I make the following findings as the result of my review:

1. The granting of a variance in this case would not confer a special privilege on this applicant that would be denied other applicants as long as the same criteria are applied in each case. Therefore, the variance can be granted under this criterion.
2. Based on a discussion on March 19, 2010 between representatives of the County, the Planning Department, and the Maryland Department of Natural Resources Forest Service, the disturbance of trees, or other vegetation, as a result of development activity is not, in and of itself, interpreted as a condition or circumstance that is the result of the actions by the applicant. Therefore, the

Casey Anderson  
May 27, 2016  
Page 2

variance can be granted under this criterion, as long as appropriate mitigation is provided for the resources disturbed.

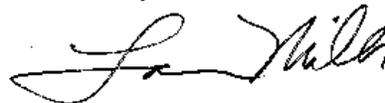
3. The disturbance of trees, or other vegetation, by the applicant does not arise from a condition relating to land or building use, either permitted or nonconforming, on a neighboring property. Therefore, the variance can be granted under this criterion.
4. The disturbance of trees, or other vegetation, by the applicant will not result in a violation of State water quality standards or cause measurable degradation in water quality. Therefore, the variance can be granted under this criterion.

Therefore, I recommend a finding by the Planning Board that this applicant qualifies for a variance conditioned upon the applicant mitigating for the loss of resources due to removal or disturbance to trees, and other vegetation, subject to the law based on the limits of disturbance (LOD) recommended during the review by the Planning Department. In the case of removal, the entire area of the critical root zone (CRZ) should be included in mitigation calculations regardless of the location of the CRZ (i.e., even that portion of the CRZ located on an adjacent property). When trees are disturbed, any area within the CRZ where the roots are severed, compacted, etc., such that the roots are not functioning as they were before the disturbance must be mitigated. Exceptions should not be allowed for trees in poor or hazardous condition because the loss of CRZ eliminates the future potential of the area to support a tree or provide stormwater management. Tree protection techniques implemented according to industry standards, such as trimming branches or installing temporary mulch mats to limit soil compaction during construction without permanently reducing the critical root zone, are acceptable mitigation to limit disturbance. Techniques such as root pruning should be used to improve survival rates of impacted trees but they should not be considered mitigation for the permanent loss of critical root zone. I recommend requiring mitigation based on the number of square feet of the critical root zone lost or disturbed. The mitigation can be met using any currently acceptable method under Chapter 22A of the Montgomery County Code.

In the event that minor revisions to the impacts to trees subject to variance provisions are approved by the Planning Department, the mitigation requirements outlined above should apply to the removal or disturbance to the CRZ of all trees subject to the law as a result of the revised LOD.

If you have any questions, please do not hesitate to contact me directly.

Sincerely,



Laura Miller  
County Arborist

cc: Mary Jo Kishter, Senior Planner

**WILLIAMSBURG VILLAGE**  
**Lot 8 & Parts of Lots 2, 3 & 4 / Block 2**

**Re-subdivision Analysis**

NEIGHBORHOOD DATA TABLE

**Neighborhood Rank by Lot Width @ BRL**

Page 1 of 2

<u>Plat #</u>	<u>Block</u>	<u>Lot</u>	<u>Lot Size (S.F.)</u>	<u>Shape</u>	<u>Frontage</u>	<u>Alignment</u>	<u>Width @ BRL</u>	<u>Buildable Area (S.F.)</u>
6214	1	12C	20,011	IRR	58'	RAD	70'	8,104
6214	3	17C	20,012	IRR	58'	RAD	70'	8,454
3339	3	16	20,419	RECT	110'	PERP	108'	10,198
4519	3	18A	18,932	IRR	62'	RAD	110'	8,385
3207	9	6	23,100	RECT	110'	PERP	110'	10,756
3339	3	19	20,412	RECT	125'	PERP	120'	8,532
3207	3	6	21,000	RECT	120'	PERP	120'	9,975
3207	3	11	20,393	RECT	120'	PERP	120'	10,296
3207	3	13	20,095	RECT	120'	PERP	120'	10,344
3207	3	10	20,385	RECT	125'	PERP	120'	10,618
3207	3	12	20,513	RECT	120'	PERP	120'	10,806
3207	1	2	22,500	RECT	120'	PERP	120'	11,160
3207	1	3	22,500	RECT	120'	PERP	120'	11,160
3207	1	6	22,500	RECT	120'	PERP	120'	11,160
3207	1	7	22,500	RECT	120'	PERP	120'	11,160
3207	2	5	25,200	RECT	120'	PERP	120'	13,204
3207	1	4	22,682	RECT	158'	COR	130'	8,188
3207	1	5	22,682	RECT	158'	COR	130'	8,188
3207	3	9	21,253	RECT	143'	PERP	140'	10,507
6214	3	17B	20,000	RECT	158'	PERP	155'	6,042
3339	3	17	30,242	RECT	121'	COR	155'	12,404
3207	3	8	26,191	IRR	147'	COR	165'	10,223
6214	1	12B	20,001	IRR	141'	RAD	168'	5,559
3207	8	9	24,402	RECT	129'	PERP	170'	8,548
3207	9	7	29,815	IRR	144'	COR	170'	11,630
3207	3	7	24,556	IRR	225'	PERP	175'	9,847
3207	2	1	29,532	IRR	150'	COR	180'	11,665
3207	3	5	21,000	RECT	188'	PERP	188'	9,975
<b>Prop.</b>	<b>2</b>	<b>9</b>	<b>45,710</b>	<b>RECT</b>	<b>200'</b>	<b>PERP</b>	<b>210'</b>	<b>21,757 *</b>
3207	8	1	21,292	IRR	195'	COR	210'	10,765

**Neighborhood Rank by Lot Width @ BRL**

<u>Plat #</u>	<u>Block</u>	<u>Lot</u>	<u>Lot Size (S.F.)</u>	<u>Shape</u>	<u>Frontage</u>	<u>Alignment</u>	<u>Width @ BRL</u>	<u>Buildable Area (S.F.)</u>
3207	2	6	46,019	IRR	117'	COR	<b>215'</b>	20,024
3207	9	5	24,936	IRR	221'	COR	<b>220'</b>	8,020
<b>Prop.</b>	<b>2</b>	<b>10</b>	<b>23,721</b>	<b>IRR</b>	<b>221'</b>	<b>COR</b>	<b>230'</b>	<b>8,176 *</b>
3207	2	7	42,757	IRR	276'	PERP	<b>263'</b>	22,511

**TOTAL** **4,539**

**AVERAGE (32 Lots)** **144'**

NOTE: The above tabulation includes proposed Lots 9 & 10, Block 2 for information purposes only. Proposed Lots 9 & 10, Block 2 are not included in stated average.

\* Two lots proposed by this resubdivision.

Abbreviations:

COR            Corner  
IRR            Irregular  
PERP          Perpendicular  
RAD           Radial  
RECT          Rectangular

Site Solutions, Inc.  
January, 2016  
Rev. June 1, 2016

**WILLIAMSBURG VILLAGE**  
**Lot 8 & Parts of Lots 2, 3 & 4 / Block 2**

**Re-subdivision Analysis**

NEIGHBORHOOD DATA TABLE

**Neighborhood Rank by Lot Size**

Page 1 of 2

<u>Plat #</u>	<u>Block</u>	<u>Lot</u>	<u>Lot Size (S.F.)</u>	<u>Shape</u>	<u>Frontage</u>	<u>Alignment</u>	<u>Width @ BRL</u>	<u>Buildable Area (S.F.)</u>
4519	3	18A	<b>18,932</b>	IRR	62'	RAD	110'	8,385
6214	3	17B	<b>20,000</b>	RECT	158'	PERP	155'	6,042
6214	1	12B	<b>20,001</b>	IRR	141'	RAD	168'	5,559
6214	1	12C	<b>20,011</b>	IRR	58'	RAD	70'	8,104
6214	3	17C	<b>20,012</b>	IRR	58'	RAD	70'	8,454
3207	3	13	<b>20,095</b>	RECT	120'	PERP	120'	10,344
3207	3	10	<b>20,385</b>	RECT	125'	PERP	120'	10,618
3207	3	11	<b>20,393</b>	RECT	120'	PERP	120'	10,296
3339	3	19	<b>20,412</b>	RECT	125'	PERP	120'	8,532
3339	3	16	<b>20,419</b>	RECT	110'	PERP	108'	10,198
3207	3	12	<b>20,513</b>	RECT	120'	PERP	120'	10,806
3207	3	6	<b>21,000</b>	RECT	120'	PERP	120'	9,975
3207	3	5	<b>21,000</b>	RECT	120'	PERP	120'	9,975
3207	3	9	<b>21,253</b>	RECT	143'	PERP	140'	10,507
3207	8	1	<b>21,292</b>	IRR	195'	COR	210'	10,765
3207	1	2	<b>22,500</b>	RECT	120'	PERP	120'	11,160
3207	1	3	<b>22,500</b>	RECT	120'	PERP	120'	11,160
3207	1	6	<b>22,500</b>	RECT	120'	PERP	120'	11,160
3207	1	7	<b>22,500</b>	RECT	120'	PERP	120'	11,160
3207	1	4	<b>22,682</b>	RECT	158'	COR	130'	8,188
3207	1	5	<b>22,682</b>	RECT	158'	COR	130'	8,188
3207	9	6	<b>23,100</b>	RECT	110'	PERP	110'	10,756
<b>Prop.</b>	<b>2</b>	<b>10</b>	<b>23,721</b>	<b>IRR</b>	<b>221'</b>	<b>COR</b>	<b>230'</b>	<b>8,176 *</b>
3207	8	9	<b>24,402</b>	RECT	129'	PERP	170'	8,548
3207	3	7	<b>24,556</b>	IRR	225'	PERP	175'	9,847
3207	9	5	<b>24,936</b>	IRR	221'	COR	220'	8,020
3207	2	5	<b>25,200</b>	RECT	120'	PERP	120'	13,204
3207	3	8	<b>26,191</b>	IRR	147'	COR	165'	10,223
3207	2	1	<b>29,532</b>	IRR	150'	COR	180'	11,665
3207	9	7	<b>29,815</b>	IRR	144'	COR	170'	11,630
3339	3	17	<b>30,242</b>	RECT	121'	COR	155'	12,404

## Neighborhood Rank by Lot Size

Page 2 of 2

<u>Plat #</u>	<u>Block</u>	<u>Lot</u>	<u>Lot Size (S.F.)</u>	<u>Shape</u>	<u>Frontage</u>	<u>Alignment</u>	<u>Width @ BRL</u>	<u>Buildable Area (S.F.)</u>
3207	2	7	<b>42,757</b>	IRR	276'	PERP	263'	22,511
<b>Prop.</b>	<b>2</b>	<b>9</b>	<b>45,710</b>	<b>RECT</b>	<b>200'</b>	<b>PERP</b>	<b>210'</b>	<b>21,757 *</b>
3207	2	6	<b>46,019</b>	IRR	117'	COR	215'	20,024
<b>TOTAL</b>			<b>767,832</b>					

**AVERAGE                    23,995 SQ.FT. (32 Lots)**

NOTE: The above tabulation includes proposed Lots 9 & 10, Block 2 for information purposes only. Proposed Lots 9 & 10, Block 2 are not included in the stated average.

\* Two lots proposed by this resubdivision.

### Abbreviations:

COR	Corner
IRR	Irregular
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RAD	Radial
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Site Solutions, Inc.  
January, 2016  
Rev. June 1, 2016

**WILLIAMSBURG VILLAGE**  
**Lot 8 & Parts of Lots 2, 3 & 4 / Block 2**

**Re-subdivision Analysis**

NEIGHBORHOOD DATA TABLE

**Neighborhood Rank by Buildable Area**

Page 1 of 2

<u>Plat #</u>	<u>Block</u>	<u>Lot</u>	<u>Lot Size (S.F.)</u>	<u>Shape</u>	<u>Frontage</u>	<u>Alignment</u>	<u>Width @ BRL</u>	<u>Buildable Area (S.F.)</u>
6214	1	12B	20,001	IRR	141'	RAD	168'	<b>5,559</b>
6214	3	17B	20,000	RECT	158'	PERP	155'	<b>6,042</b>
3207	9	5	24,936	IRR	221'	COR	220'	<b>8,020</b>
6214	1	12C	20,011	IRR	58'	RAD	70'	<b>8,104</b>
<b>Prop.</b>	<b>2</b>	<b>10</b>	<b>23,721</b>	<b>IRR</b>	<b>221'</b>	<b>COR</b>	<b>230'</b>	<b>8,176 *</b>
3207	1	4	22,682	RECT	158'	COR	130'	<b>8,188</b>
3207	1	5	22,682	RECT	158'	COR	130'	<b>8,188</b>
4519	3	18A	18,932	IRR	62'	RAD	110'	<b>8,385</b>
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3207	2	1	29,532	IRR	150'	COR	180'	<b>11,665</b>
3339	3	17	30,242	RECT	121'	COR	155'	<b>12,404</b>
3207	2	5	25,200	RECT	120'	PERP	120'	<b>13,204</b>

**Neighborhood Rank by Buildable Area**

<u>Plat #</u>	<u>Block</u>	<u>Lot</u>	<u>Lot Size (S.F.)</u>	<u>Shape</u>	<u>Frontage</u>	<u>Alignment</u>	<u>Width @ BRL</u>	<u>Buildable Area (S.F.)</u>
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<i>Prop.</i>	<b>2</b>	<b>9</b>	<b>45,710</b>	<b>RECT</b>	<b>200'</b>	<b>PERP</b>	<b>210'</b>	<b>21,757 *</b>
3207	2	7	42,757	IRR	276'	PERP	263'	<b>22,511</b>
<b>TOTAL</b>								<b>338,408</b>
<b>AVERAGE (32 Lots)</b>								<b>10,575 SQ.FT.</b>

NOTE: The above tabulation includes Lots 9 & 10, Block 2 for information purposes only. Proposed Lots 9 & 10, Block 2 are not included in stated average.

\* Two lots proposed by this resubdivision.

Abbreviations:

COR            Corner  
IRR            Irregular  
PERP          Perpendicular  
RAD           Radial  
RECT          Rectangular

Site Solutions, Inc.  
January, 2016  
Rev. June 1, 2016

Williamsburg Village  
Community Outreach Meeting Minutes  
At Longwood Community Center  
1-20140070  
Date: August 26, 2013

Start: 7:05 PM

End: 7:50 PM

Approximately 14 residents

LEH (Larry Hinman – Applicant & Developer)

- Opening Remarks / Intro – Pre-Submission Meeting
- Introduce Phil Wilk; Description of proposed lot.
- Reason for meeting; description of property; when purchased; and improvements made after purchase; history of house
- Utilities – some houses have gas; discussion of houses that have gas and the cost.
- Smaller building envelope restricts size of house.

Phil Wilk

- Plan Overview; Description of buildable lot and adjacent lots, building restriction lines, re-sub meets zoning requirements

Ken Cusick

- How large square footage of house can it be above proposed size (lot 10)?
- Asked about proposed driveway
- Asked about house on existing house lot (lot 9)
- Are there restrictions on type of house?

Mike McDermitt

- Discussed positive features of house and proposed lot, liked that new house did not block view of tract house.

Phil Wilk

- This meeting is to address/discuss concerns before the Planning Board meeting; LEH had discussion with Planning Board + Staff & they do not see any concerns.

Mark Feinrotz

- Erosion issue at elementary school + proposed increase to parking area.
- What will house look like? Will it be similar architecture?

LEH

- Issue with school is not a concern since our site does not drain onto school property.
- There is no architectural review in Williamsburg Village Subdivision. There is nothing to stop a person from tearing down any house in Williamsburg Village and building a mini-mansion or odd house.
- Closing – Thanks everyone for positive comments and letters supporting project.

Minutes taken by: Kathleen Hinman

19404 Brookeville Lakes Ct.

Brookeville, MD 20833

301-774-4000

## ATTACHMENT K

3420 Queen Mary Drive  
Olney, Maryland 20832  
August 28, 2013

Montgomery County Planning Board  
M-NCPPC  
8787 Georgia Avenue  
Silver Spring, Maryland 20910

RE: Subdivision of 17812 Princess Anne Drive

Dear Members of the Montgomery County Planning Board:

We own and reside in the home located directly across Princess Anne Drive from the property owned by Larry Hinman at 17812 Princess Anne Drive in Olney. Mr. Hinman recently had a public meeting at the Longwood Community Center in Brookeville where he discussed his plan to subdivide the 1.59 acre property into two separate lots.

We wish to convey our support for Mr. Hinman's subdivision plan as currently proposed. That is, with the proposed new home on lot 10 facing Queen Mary Drive, and with the driveway for the new home on Queen Mary Drive as well. In addition, we want the property line between lot 9 and lot 10 to be along the Northern edge of the driveway as currently drawn on Mr. Hinman's plan. We do not want the property line moved further South across the existing driveway, since we prefer not to have a potential shared driveway, or have an additional driveway on Princess Anne Drive due to the fact that the road is quite narrow, and it gets crowded when parents drop off and pick up their children from Olney Elementary School. The lot size and buildable area on Mr. Hinman's plan is sufficient to construct a new home that is comparable to the rest of the neighborhood, and therefore, we do not feel that it is necessary to enlarge the lot size or the buildable area by moving the lot dividing line.

We ask that the Montgomery County Planning Board approve Mr. Hinman's subdivision plan for 17812 Princess Anne Drive as currently drawn.

Respectfully,

  
Norman A. Palmer

  
Madelon C. Halula

17808 Princess Anne Drive  
Olney, Maryland 20832  
September 1, 2013

Montgomery County Planning Board  
M-NCPPC  
8787 Georgia Avenue  
Silver Spring, Maryland 20910

RE: Proposed Subdivision of 17812 Princess Anne Drive (Olney)

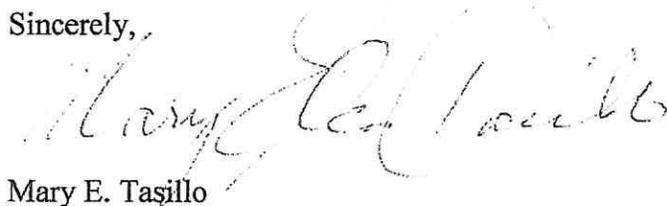
To whom it may concern:

We are the owners of the property located next door to the 1.6 acre property owned by Larry Hinman at 17812 Princess Anne Drive in Olney. Mr. Hinman recently proposed subdividing the property in to two separate parcels; one parcel with the existing home of 43,710 square feet (lot 9), and a second buildable lot (lot 10) of 23,721 square feet.

The purpose of this letter is to express our support for Mr. Hinman's subdivision plan as currently proposed. More specifically, after a detailed discussion with Mr. Hinman about the location of the lot dividing line between proposed lot 9 and lot 10, we, as well as the other neighbors that we have spoken to, agree that the lot dividing line should be along the Northern edge of the driveway as currently drawn. We understand that the buildable area of proposed lot 10 may be lower than other nearby lots, however, it is clear that a home of comparable size and character as the rest of the neighborhood can easily be constructed on proposed lot 10. Furthermore, requiring Mr. Hinman to move the lot dividing line further South solely to increase the buildable area would be detrimental to the aesthetic appearance of the existing older home on proposed lot 9.

We encourage the Montgomery County Planning Board to approve Mr. Hinman's subdivision plan as currently proposed, and please feel free to contact us if you need additional feedback or input on the proposed subdivision plan.

Sincerely,



Mary E. Tasillo



Roger Riggle

3412 Colonial Court  
Olney, Maryland 20832  
August 23, 2013

Ms. Francoise Carrier, Planning Board Chair  
Montgomery County Planning Board  
M-NCPPC  
8787 Georgia Avenue  
Silver Spring, Maryland 20910

RE: 17812 Princess Anne Drive Subdivision Preliminary Plan

Dear Ms. Carrier:

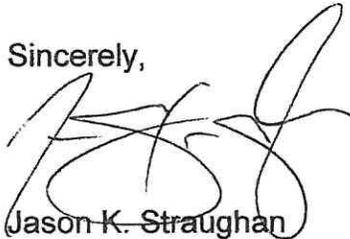
As residents and homeowners in the Williamsburg Village subdivision in Olney, we are writing to express our support for Larry E. Hinman's proposed plan to subdivide his property located at 17812 Princess Anne Drive.

We live in the neighborhood, and we have reviewed Mr. Hinman's preliminary subdivision plan in detail. We have also discussed the plan with several of our neighbors, and we unanimously feel that the plan is consistent with character and nature of the neighborhood, and that the creation of an additional building lot fronting on Queen Mary Drive would not be detrimental to the community.

We strongly urge the Montgomery County Planning Board to approve Mr. Hinman's current plan to subdivide 17812 Princess Anne Drive, and in particular, with the lot dividing line between proposed lot 9 & 10 being along the Northern edge of the existing driveway. The lot dividing line as shown on Mr. Hinman's plan is the best choice from an aesthetic and functional standpoint, and the buildable area of the proposed lot 10 is sufficient to build a home several times the average size of existing homes in the community.

Thank you for your time and consideration.

Sincerely,



Jason K. Straughan



Sarah K. Straughan