



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

Item # 5

11-13-03

MEMORANDUM

DATE: October 7, 2003

TO: Montgomery County Planning Board

VIA: Joseph R. Davis, Chief, Development Review Division

FROM: A. Malcolm Shaneman, Supervisor, Development Review Division (301-495-4587)
Richard A. Weaver, Senior Planner, Development Review Division (301-495-4544) *RAW*



REVIEW TYPE: Preliminary Plan of Subdivision
APPLYING FOR: Two (2) Single Family Detached Dwelling Unit Lots

PROJECT NAME: Hillmeade – Bradley Hills
CASE NO. 1-03014

REVIEW BASIS: Chapter 50 Montgomery County Subdivision Regulations,
Chapter 59 Montgomery County Zoning Ordinance and Approved and Adopted Potomac Subregion Master Plan

ZONE: R-60
LOCATION: South Side of Greentree Road, Approximately 150 Feet West of Ewing Drive

MASTER PLAN: Bethesda – Chevy Chase

APPLICANT: Kathryn B. Balaban
SUBMITTED: September 13, 2002
HEARING DATE: November 13, 2003

Staff Recommendation: Disapproval, Pursuant to Section 50-29(b)(2) of the Montgomery County Subdivision Regulations

PRIOR PLANNING BAORD CONSIDERATION

On October 31, 2002 the Planning Board considered this preliminary plan application but deferred final action on the item at the applicant's request. At that time this application requested three (3) lots. Staff recommended denial of the application, at that time, based on the resubdivision characteristics of frontage, alignment and shape. In staff's estimation the frontages were smaller than those in the existing neighborhood. The alignment of two of the proposed lots, which were located behind the third lot, was out of character with the other lots used for comparison. The proposed shape of two of the lots was also out of character with other lots due to the pipestem configuration. At the conclusion of the hearing the representatives of the applicant requested the Board to defer action on the resubdivision application to investigate other alternatives for lot layout and design. The Board granted the request and deferred action on the plan. Staff has attached to this report a copy of the approved minutes of the October 31, 2002 Planning Board hearing.

PROJECT DESCRIPTION: Proposal

This resubdivision application proposes the creation of two (2) single-family residential lots. The property is currently identified as Part of Lot 22 and is developed with one single-family dwelling located forward on the property fronting Green Tree Road. The proposed resubdivision would create one (1) additional lot. The existing dwelling unit is slated for demolition. The alignment of the lots would place the two (2) new homes side by side directly fronting Greentree Road. Access to these lots would be provided through individual driveways to Greentree Road.

The subject property is .74 acres or 31,885 square feet. Dedication of right of way for Green Tree Road reduces the net lot area to 28,360 square feet or .65 acres. The proposed two (2) lots would be 15,610 square feet and 12,750 square feet. The subject property is the deepest lot fronting on Green Tree Road. The lot extends the depth of the three (3) adjoining lots to the east along Ewing Drive.

PROJECT DESCRIPTION: Vicinity

The subject property is located in the Hillmead-Bradley Hills subdivision. The subdivision was recorded by plat in 1922, prior to the adoption of the current R-60 zoning. Abutting the property to the east is the Bradmore subdivision platted in 1958. Lots in this subdivision are all 7,700 square feet. Across Green Tree Road is the Devonshire subdivision platted in 1952. The lots vary in size from 7,400 to 10,000 square feet. Most of the lots in the subdivisions adjoining the subject site have remained unchanged since the original recordation. The subject site was resubdivided as well as the properties immediately adjoining the site to the west.

The subject property was resubdivided in 1957, creating Lot 76 and the property as it stands today. Adjoining the subject property to the west are Lots 96 – 99. These lots were created by resubdivision in 1997 and range in size from 7,067 to 8,937. All of the differently named subdivisions are zoned R-60. A tabular summary is attached to this memorandum that identifies all the characteristics of the lots in these subdivisions and the defined neighborhood.

DISCUSSION OF ISSUES

Conformance to Chapter 50-29(b)(2)

In order to approve an application for Resubdivision, the Planning Board must find that the proposed lot(s) substantially meet all seven of the “Resubdivision Criteria” as 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.”

DEFINED NEIGHBORHOOD

In administering the Resubdivision section, the Planning Board must determine the appropriate “neighborhood” for evaluating the application. In this case, staff has provided a description of the area analyzed under the resubdivision criteria and has also provided an illustration that delineates the neighborhood.

In defining the appropriate neighborhood for lot character comparison purposes, it has been a longstanding Planning Board practice, facts and circumstances permitting, to limit the neighborhood to include only lots within the same zone and developed under the same standards as the subject property. Under these provisions the neighborhood used to evaluate the application can only include lots within the same zoning (R-60) classification as the subject property. As noted above, all neighboring subdivisions are within the R-60 Zone. Staff has excluded from the analysis any unplatted remainder of resubdivided lots. For the purpose of reviewing the resubdivision criteria, staff has identified a neighborhood for this analysis. The neighborhood consists of all the lots abutting the subject property in Block 1 from Ridge Place over to Ewing Drive. Staff did not include the entire area of Block 1 south along Ewing Drive since the whole block extends for such a long distance. Staff chose to “cut-off” the neighborhood boundary in Block 1 opposite to Lowell Street. Staff also included in the analysis area the lots fronting Green Tree Road directly across from the subject site. The neighborhood delineation is depicted on the map attached to this report.

Master Plan Compliance

The property is located within the Approved and Adopted Potomac Bethesda – Chevy Chase Master Plan. The master plan does not contain specific recommendations applicable to

this property but does give general guidance and recommendations regarding zoning and land use. The master plan recommends that this area to maintain the residential R-60 zoning as adopted and maintain the residential land use consisting of single-family detached homes.

ANALYSIS

Staff has attached the tabular summary for Planning Board consideration outlining the characteristics under the resubdivision criteria. In reviewing all seven characteristics is evident that the proposed lots are not of the same character as existing lots in the defined neighborhood. The frontage, width and shape are the criteria that staff have concerns with. These characteristics of the proposed lots do not have a high correlation with the other neighborhood lots. **Frontage:** The proposed lots have frontages of 36' and 55'. There are no other lots in the defined neighborhood that have lots with narrower frontages than the proposed lots. The narrowest existing lot in the defined neighborhood is 60 feet. **Width:** The proposed lots each have a width, at the building line of 60 feet. There is only one other lot in the neighborhood that has a narrower width than the subject site. All the other lots in the defined neighborhood have widths in excess of 62 feet, with many being 70 feet or wider. **Shape:** Staff has classified the proposed lots as having an irregular shape. The lots in the defined neighborhood are either square or rectangular. **Alignment** is also a concern to staff. To accommodate the westernmost lot, the western lot line of that lot meets the street at an oblique angle that is out of character with the typical perpendicular alignment. **Area and Size:** The size and area of the proposed lots tend to be larger than the greater majority of lots in the neighborhood. Only one lot, (Lot 42, Block 1) exceeds the size and area dimensions of the proposed lots. **Suitability:** All lots, both proposed and existing, would be deemed suitable for residential development.

Conclusion

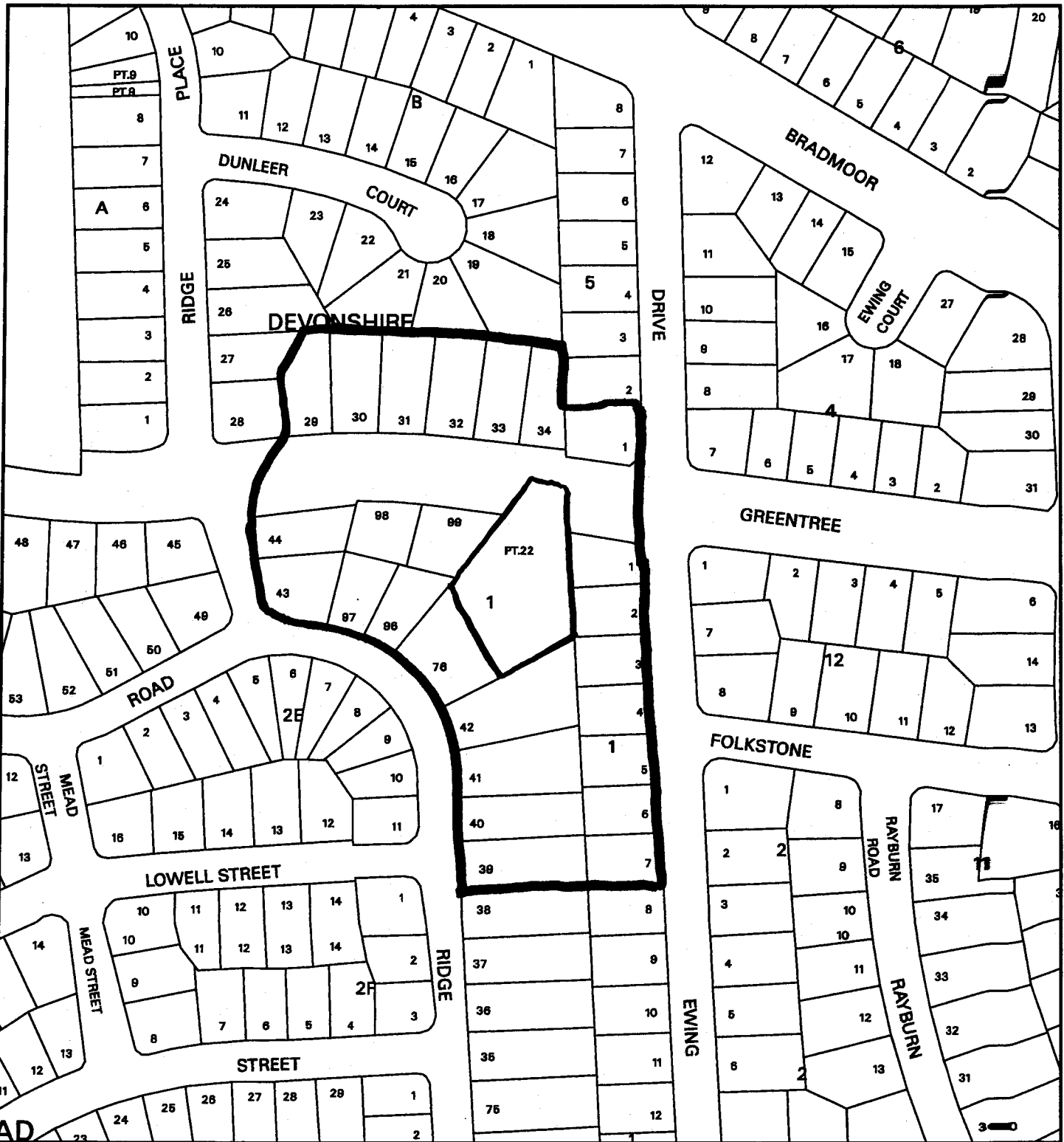
In applying the resubdivision criteria to the analysis area delineated by staff, staff concludes that the proposed resubdivision does not satisfy the resubdivision criteria set forth in Section 50-29(b)(2) as illustrated by the characteristics illustrated in the attached tabular summary. The proposal does not reflect a high correlation with all seven characteristics. Specifically, the application proposes two (2) lots that are not of the same dimensional character with respect to frontage and width with respect to the lots in the defined neighborhood. Furthermore, the proposed lots have shapes, alignments, sizes and areas that are not consistent with the majority of lots within the defined neighborhood. In conclusion staff does not support the preliminary plan application for two (2) lots based on the provisions found in 50-29(b)(2).

Attachments

| | |
|--|--------|
| Vicinity Map and Neighborhood Delineation | 5 |
| Neighborhood Development Map | 6 |
| Proposed Development Plan | 7 |
| Tabular Summary (staff) | 8 |
| Support Information (Applicant) | 9 - 14 |
| Approved Minutes October 31, 2002 Hearing | 15 |

HilmeadeBradle11-13-03.doc

HILLMEAD-BRADLEY HILLS (1-03014)



Map compiled on November 07, 2003 at 11:53 AM | Site located on base sheet no - 211NW06

NOTICE

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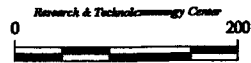
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Key Map



N



HILLMEAD-BRADLEY HILLS (1-03014)



Map compiled on November 07, 2003 at 10:18 AM | Site located on base sheet no - 211NW06

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GENERAL NOTES

- Total area this plan: 31,885 sq. feet or 0.732 acres
- Proposed dedication this plan: 3,525 sq. feet or 0.081 acres
- Net lot area: 28,360 sq. feet or 0.651 acres
- Zone: R-60 (6,000 sq. foot lot min.)
- Proposed number of lots: 2
- Average lot size: 14,180 sq. feet or 0.325 acres.
- Boundary from plats and deeds.
- Topography from aerial survey and visual inspection.
- Public water and sewer systems to be utilized - W.S.S.C. 200' sheet # 211 NW 6.
- This property is the remainder of lot 22, Block One, "Hillmead - Bradley Hills", as recorded among the Land Records of Montgomery County, Maryland, in Plat Book 3, Plat 234.
- This proposed plan is a resubdivision of Part of Lot 22, Block One, "Hillmead - Bradley Hills".
- This property is subject to Storm Water Management Regulations.
- This property is exempt from the Forest Conservation Regulations - there is no forest on this site.
- There are no historic features, Special Protection Areas, 100 year flood plains, wet lands, or critical habitats on this property.
- Tax account # 07-0039432.
- Address: 6104 GreenTree Road, Bethesda, Md. 20817.
- Soil Map 23 of 28 - soil 27-C (medium sandy silt loam).

Tested Speed = 30.0 MPH

PERCO.
1610 Gaither Road
Rockville, Md. 20850

Washington Co.
6801 Industrial Road
Springfield, Va. 22151

WSSC
14501 Switzer Lane
Laurel, Md. 20707

Venton
3rd Floor
3901 Calverton Blvd.
Bethesda, Md. 20705

Comcast
20 West Guide Drive
Rockville, Md. 20850



TAX MAP GR. 561 W.S.S.C.# 211NW6 ADC # 35 G-9

PRELIMINARY PLAN

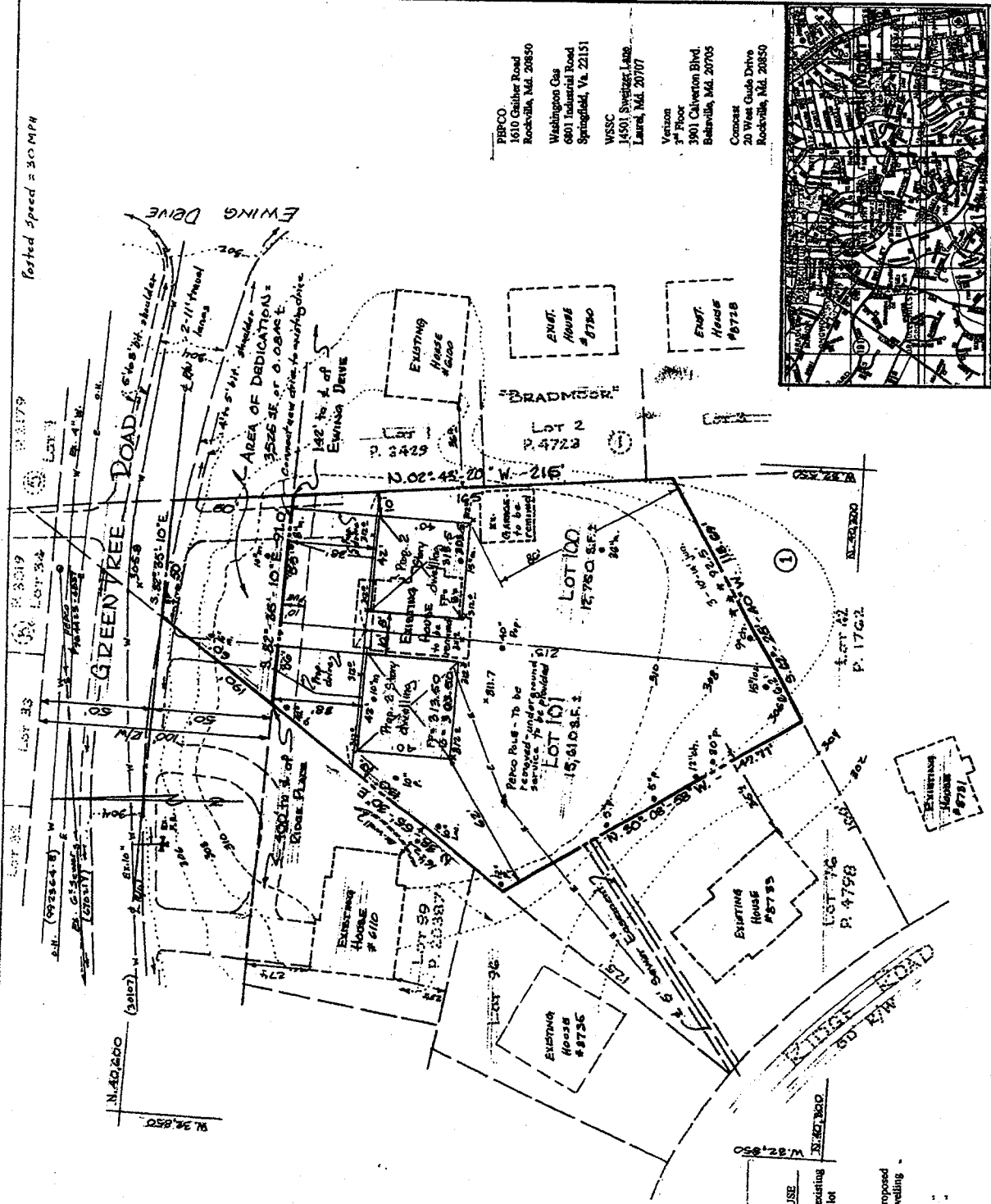
LOTS 100 & 101, BLOCK 1, "HILLMEAD-BRADLEY HILLS"
A RESUBDIVISION OF PART OF LOT 22
7th Election District, Montgomery County, Maryland
Owner: Kathryn B. Balaban - 6104 GreenTree Road
Scale: As shown | Date: April 2003
Bethesda, Md. 20817 - Phone: 301-365-5272, Fax: 301-365-7920

PLANS PREPARED BY: SUTHERLAND ASSOCIATES
1398 LAYHILL ROAD
SILVER SPRING, MD. 20906
PHONE: 301-471-6577
FAX: 301-434-3139
EMAIL: jbutler@sutherland.net

ENGINEER'S CERTIFICATE
I hereby certify that the boundary shown hereon is based on existing plats recorded among the Land Records of Montgomery County. The topography shown hereon is based on aerial photography and ground survey. The boundary is subject to revision upon the completion of a final plat.

[Signature]
Neil Schaeffer, Md. P.E. #1146

1/20/02



| SITE DEVELOPMENT DATA | | | | |
|---|-------------------------------|------|-----------------------|-------------------|
| LOT NUMBER | AREA | ZONE | MINIMUM SIZE | USE |
| Existing lot - Part Of lot 22 (residue Of lot recorded in 1922) | 31,885 sq. ft. or 0.732 acres | R-60 | 6,000 sq. ft. minimum | existing lot |
| Proposed lot 100 | 12,750 sq. ft. or 0.293 acres | R-60 | " " " | proposed dwelling |
| Proposed lot 101 | 15,610 sq. ft. or 0.358 acres | R-60 | " " " | " |
| Proposed dedication | 3,525 sq. ft. or 0.081 acres | | | |

| MINIMUM BUILDING RESTRICTIONS: | |
|--------------------------------|-------------------------|
| AREA: | REGULATIONS |
| FRONT SETBACK: | 25' |
| WIDTH @ FRONT B.L.: | 60' |
| SIDE: | 8' min / 18' total |
| REAR: | 8' min / 18' total both |
| | 36' lot 100 |
| | 62' lot 101 |

Comparable Lot Data Table

| Lot # | Block | Frontage | Alignment | Size | Shape | Width* | Area** |
|--|-------|----------|---------------|--------|-------------|--------|--------|
| 29 | B | 64 | perpendicular | 9,067 | rectangular | 64 | 4,900 |
| 30 | B | 65 | perpendicular | 10,269 | rectangular | 68 | 5,550 |
| 32 | B | 62 | perpendicular | 9,923 | rectangular | 62 | 5,360 |
| 33 | B | 65 | perpendicular | 9,348 | rectangular | 65 | 5,050 |
| 34 | B | 67 | perpendicular | 7,339 | rectangular | 53 | 3,960 |
| 1 | B | corner | square | 8,306 | rectangular | 110 | 4,480 |
| | | | | | | | |
| 1 | 1 | 70 | perpendicular | 7,700 | rectangular | 70 | 3,311 |
| 2 | 1 | 70 | perpendicular | 7,700 | rectangular | 70 | 3,311 |
| 3 | 1 | 70 | perpendicular | 7,700 | rectangular | 70 | 3,311 |
| 4 | 1 | 70 | perpendicular | 7,700 | rectangular | 70 | 3,311 |
| 5 | 1 | 70 | perpendicular | 7,700 | rectangular | 70 | 3,311 |
| 6 | 1 | 70 | perpendicular | 7,700 | rectangular | 70 | 3,311 |
| 7 | 1 | 70 | perpendicular | 7,700 | rectangular | 70 | 3,311 |
| 39 | 1 | 64 | perpendicular | 11,267 | rectangular | 64 | 6,084 |
| 40 | 1 | 64 | perpendicular | 11,278 | rectangular | 64 | 5,980 |
| 41 | 1 | 65 | perpendicular | 11,289 | rectangular | 76 | 5,980 |
| 42 | 1 | 64 | radial | 18,134 | rectangular | 79 | 9,610 |
| 76 | 1 | 97 | radial | 13148 | square | 106 | 6970 |
| 96 | 1 | 60 | radial | 7,814 | rectangular | 64 | 4,920 |
| 97 | 1 | 60 | radial | 7,067 | rectangular | 63 | 3,745 |
| 43 | 1 | corner | perpendicular | 10,010 | square | 72 | 5,300 |
| 44 | 1 | corner | square | 10,064 | rectangular | 70 | 5,330 |
| 98 | 1 | 90 | perpendicular | 7,359 | square | 90 | 3,900 |
| 99 | 1 | 120 | perpendicular | 8,937 | rectangular | 104 | 4,740 |
| | | | | | | | |
| Proposed | | | | | | | |
| | | | | | | | |
| 100 | 1 | 55 | perpendicular | 12,750 | irregular | 60 | 7,140 |
| 101 | 1 | 36 | perpendicular | 15,610 | irregular | 60 | 9,050 |
| | | | | | | | |
| | | | | | | | |
| * denotes width at building line | | | | | | | |
| ** denotes area within building envelope | | | | | | | |
| | | | | | | | |
| lmeadeBradley.xls | | | | | | | |
| | | | | | | | |
| | | | | | | | |

ABRAMS, WEST & STORM, P.C.

KENNETH R. WEST
STANLEY D. ABRAMS
HARRY C. STORM
CATHY C. BORTEN
JAMES L. PARSONS, JR.

PRACTICING IN MARYLAND AND
THE DISTRICT OF COLUMBIA

ATTORNEYS AT LAW
SUITE 760N
4550 MONTGOMERY AVENUE
BETHESDA, MARYLAND 20814-3304
(301) 951-1550
FAX: (301) 951-1543

M. GREGG DIAMOND
OF COUNSEL

WRITER'S DIRECT DIAL NUMBER
(301) 951-1540
EMAIL "sabrams@awsdlaw.com"

October 30, 2003

Derrick Berlage, Chairman
Montgomery County Planning Board
8787 Georgia Avenue
Silver Spring, MD 20510

**RE: Preliminary Plan No. 1-03014
Hillmead – Bradley Hills Subdivision
Planning Board Agenda - November 6, 2003**

Dear Chairman Berlage:

I represent the applicant, Kathryn Balaban, who resides on the subject property at 6104 Greentree Road, Bethesda, MD (Pt. of Lot 22 Hillmead- Bradley Hills Subdivision). The property is located on the southside of Greentree Road, 150' west of Ewing Drive in Bethesda. Originally the applicant submitted a preliminary plan of resubdivision for three (3) lots on the subject 31,885 square foot lot zoned R-60. The staff recommended denial and at the hearing on October 31, 2001 the applicants planning consultant requested deferral after board discussion.

The current plan now requests resubdivision of the property for two (2) lots of 12,750 square feet (proposed Lot 100) and 15,610 square feet (proposed Lot 101) respectively and removes the existing house wherein the applicant previously resided on one (1) of these two (2) proposed lots. Utilizing the same analysis area that the staff has used in the prior three (3) lot submission (See attached Map No. 1) the proposed lots are larger than other lots in this same analysis area, have a consistent width at the front building line and consistent building envelope area. The setback of the proposed homes and the distance between homes (18") is consistent with existing conditions in the planning staff analysis area (See attached Map No. 2). Attached is a chart listing the characteristics of those lots in the analysis area with what is proposed on the subject property.

It is true that one (1) of the two (2) proposed lots has a smaller lot frontage than other lots in the analysis area but the resubdivision standard (§50-29 (b)(2)) of "same character"

does not mean "identical" or "as large as" other lot frontages. The "character" of the neighborhood is first and foremost what is visually observable from the street or adjacent properties. The proposed lot with 36' of frontage does not adversely affect the character of the area because of the large amount of space between the home on the subject property and the existing home on Lot 99 to the west. A person standing on Greentree Road or on any of the lots across Greentree Road would not know of the angled lot line between these two (2) lots but would perceive part of the abutting Lot 99 front yard to be part of the front lot of the proposed lot containing the 36' of actual frontage. Views from lots along the south side of Greentree Road and those from along Ridge Road to the rear and Ewing Drive to the west would also not perceive any adverse affect to the visual character of the area, at least no different than perceived on lots backing up to one another or those which are side by side.

Similarly, the shape and alignment of the proposed two (2) lots, while not identical to others in the analysis area, do not alter the character of the area. If anything it converts a lot which is totally foreign to the character of the area in terms of its size, shape alignment, etc. and creates two (2) lots which are certainly more consistent in terms of these characteristics. Certainly what would be out of character would be to remove the existing house and build a much larger house than others in the analysis area on the existing lot without resubdividing given the large size of the existing lot. That alternative has much more of an impact on the character of the area than the rote observation and calculation of visually invisible lot lines and dimensions on the site. Simply the existing lot is more out of character with the other lots in this area and the character of the area generally than would be the two (2) lots proposed. Each of the proposed lots would be four (4) sided (not five (5) sided as is the present case) would be more consistent in size with other neighboring lots and produce somewhat more regular shaped and aligned lots than currently exists.

Conformity to existing character of the block or neighborhood by resubdivision as well as the public interest is also enhanced by the dedication of land for the full master plan right-of-way for Greentree Road. Presently within the planning staffs analysis area as well as along Greentree Road for some considerable distance, this is the only lot where required dedication has not been achieved to allow the full right-of-way width. This dedication gives the road a uniform right-of-way but at the same time increases the property's frontage from the existing 50' to 91' which is again more consistent with lot frontages.

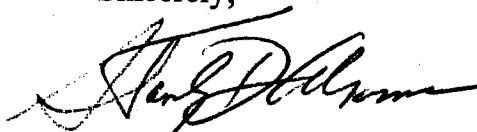
Finally, in-fill development such as this, promotes good planning in the context of placing development in areas where there already exists transportation and other public facilities and amenities. Whether you call it "smart growth" or by some other catch-phrase, it is certainly sensible growth. What defeats this type of growth in already developed residential areas is the rigid, almost arithmetical and geometrical application of the resubdivision rules to produce cookie cutter lots. Where, as here, when the proposal does not

Derrick Berlage
October 30, 2003
Page 3

alter the visual and physical character of the area, when the shape of the existing parcel is such that it cannot produce lots of the nearly identical shape and frontage as existing lots in the area, this should not bar the creation of lots which do not detract from the established neighborhood character. The resubdivision criteria is intended to function as a protective land use tool and not a cloning device.

Thank you for your consideration of my clients position.

Sincerely,

A handwritten signature in black ink, appearing to read "Stanley D. Abrams", written in a cursive style.

Stanley D. Abrams

SDA:dw

cc: All Planning Board Members
Richard Weaver
Kay Balaban
Lee Sutherland



13938 Layhill Road
 Silver Spring, MD 20906
 301-871-6527
 Fax: 301-438-3139

COMPARABLE LOT DATA - HILLMEAD / BRADLEY HILLS
 1 - 03014
 OCTOBER 29, 2003

| SUBDIVISION | STREET | LOT | BLOCK | AREA Sq. ft. | FRONTAGE | WIDTH @ BRL | FRONT S/B | DISTANCE BETWEEN HOUSES | SHAPE |
|---------------|---------------|------|-------|-----------------|----------|----------------|--------------|-------------------------------|------------|
| Hillmead/B.H. | Ridge Rd. | 39 | 1 | 11,311 | 64' | 64' | 25' | 22' +/- | Rect. |
| " | " | 40 | " | 11,320 | 64' | 64' | 25' | | " * |
| " | " | 41 | " | 14,117 | 65' | 65' | 25' | | " * |
| " | " | 42 | " | 18,134 | 65' | 70' | 25' | | " * |
| " | " | 76-R | " | 13,148 | 100' | 106' | 25' | | " * |
| " | " | 96-R | " | 7,812 | 48' | 60' | 30' | 18' | " * |
| " | " | 97-R | " | 7,067 | 53' | 60' | 30' | 18' | " * |
| " | " | 43 | " | 10,010 | 65' | 60' | 20' | | Corner * |
| " | Ridge Pt. | 44 | " | 10,014 | 66' | 60' | 20' | | " * |
| " | Greentree Rd. | 98-R | " | 7,359 | 91' | 91' | 25' | 18' | Rect. * |
| " | " | 99-R | " | 8,937 | 120' | 104' | 26' | 18' | Irregular* |
| Bradmoor | Ewing Rd. | 1 | 1 | 8,084 | 70' | 70' | 25' | 18' | Corner * |
| " | " | 2 | " | 7,700 | 70' | 70' | 25' | 18' | Rect. |
| " | " | 3 | " | " | " | " | " | " | " |
| " | " | 4 | " | " | " | " | " | " | " |
| " | " | 5 | " | " | " | " | " | " | " |
| " | " | 6 | " | " | " | " | " | " | " |
| " | " | 7 | " | " | " | " | " | " | " |
| Ayrlawn | " | 1 | 5 | 8,386 | 110' | 110' | 25' | 18' | Corner * |
| Devonshire | Greentree Rd. | 29 | B | 9,067 | 65' | 65' | " | 14' | Rect. * |
| " | " | 30 | " | 10,269 | 65' | " | " | 14' | " |
| " | " | 31 | " | 9,923 | " | " | " | " | " |
| " | " | 32 | " | 9,410 | " | " | " | " | " |
| " | " | 33 | " | 9,348 | " | " | " | 15' | " |
| " | " | 34 | " | 7,339 | 53' | 60' | 30' | | Irregular |

AVERAGE OF ALL LOTS 9,490 Sq. Ft.

PROPOSED LOTS

| | | | | | | | | | |
|---------------|---------------|-----|---|--------|-----|-----|-----|-----|-------------|
| Hillmead/B.H. | Greentree Rd. | 100 | 1 | 12,750 | 55' | 60' | 38' | 18' | Irregular * |
| " | " | 101 | " | 15,610 | 36' | 60' | 38' | 18' | Irregular * |

Zoned: R-60

R = Re-subdivision

Minimum front setback = 25'

Minimum width @ front building setback line (BRL) = 60'

Minimum distance between houses = 18'

The minimum in each category is circled.

* A rectangle is defined as a four (4) sided shape with opposite sides parallel. These lots do not meet that definition.

VICINITY MAP FOR HILLMEAD-BRADLEY HILLS LOTS-100 & 102 (1-03014)



Map compiled on September 23, 2002 at 4:01 PM | Site located on base sheet no - 211NW06

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EXISTING CONDITIONS

Key Map



MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING
 THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
 2787 Georgia Avenue • Silver Spring, Maryland 20910-2200

VICINITY MAP FOR

HILLMEAD-BRADLEY HILLS LOTS-100 & 102 (1-03014)



Map compiled on September 29, 2002 at 4:01 PM | Site located on base sheet no. 211NW06

NOTICE

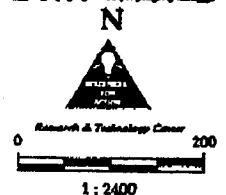
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PROPOSED CONDITIONS

Key Map



MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING
 THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
 8717 Georgia Avenue - Silver Spring, Maryland 20910-6270

6. **Preliminary Plan No. 1-03014 – Hillmead - Bradley Hills (Resubdivision)**

R-60 Zone: 0.74 Acres; Three (3) Lots Requested: (Single Family Detached Dwelling Units, One (1) Existing)

Community Water and Community Sewer

Located on the South Side of Greentree Road, Approximately 150 Feet West of Ewing Drive

Applicant: Kathryn B. Balaban
Engineer: Sutherland Associates

Policy Area: Bethesda – Chevy Chase

Staff Recommendation: Denial, Pursuant to Section 50-29 (b)(2)

***** See Discussion Within in Staff Report *****

BOARD ACTION

Motion: ROBINSON/WELLINGTON

Vote:

Yea: 4-0

Nay:

Other: PERDUE ABSENT

Action: DEFERRED ACTION AT APPLICANT'S REQUEST.

Development Review staff presented the proposal to resubdivide 0.74 acre in the R-60 zone from one lot to three lots. For purposes of applying the resubdivision criteria, staff defined the neighborhood as shown on the map in the staff report and staff called the Board's attention to a chart comparing the lots in the defined neighborhood to the proposed lots in terms of the seven resubdivision criteria. Staff recommends denial of the proposed resubdivision because in the staff view it does not comply with the resubdivision criteria related to frontage, alignment/positioning of the lots, and shape. The frontages are smaller than those in the defined neighborhood; the plan proposes to put one house behind another and; while there are no pipestem lots in the defined neighborhood, the plan proposes one pipestem lot and one quasi-pipestem lot. Further, staff does not support removal of the existing house, unless it is in extremely poor condition, which would likely be necessary in order to reconfigure the plan and retain three lots.

Mr. Lee Sutherland, the applicant's engineer, noted that the applicant only recently received the comments and concerns of adjacent property owners, and he requested that the Board defer action to enable the applicant to work with the neighbors and staff to address the concerns.

Staff noted that it is likely that the existing structure will have to be removed. Staff does not support removal of the existing structure unless the structure is in extremely poor condition.

Commissioner Robinson stated that he believes that the property cannot support three lots, and several commissioners spoke in support of that view.

Item # 5



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MEMORANDUM

DATE: November 07, 2003
TO: Montgomery County Planning Board
FROM: A. Malcolm Shaneman
Development Review Division
(301) 495-4587
SUBJECT: Informational Maps for Subdivision Items on the
Planning Board's Agenda for November 13, 2003.

Attached are copies of plan drawings for Item #02, #03, #04, and #05. These subdivision items are scheduled for Planning Board consideration on November 13, 2003. The items are further identified as follows:

Agenda Item #02 -Preliminary Plan 1-04008
Glen Echo Heights

Agenda Item #03 -Preliminary Plan 1-03095
Summer Hill

Agenda Item #04 -Preliminary Plan 1-04007
Notley Acres

Agenda Item #05 -Preliminary Plan 1-03014
Hillmead-Bradley Hills

Attachment

HILLMEAD-BRADLEY HILLS (1-03014)



Map compiled on November 07, 2003 at 10:18 AM | Site located on base sheet no - 211NW06

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 1:14400 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

Key Map



N

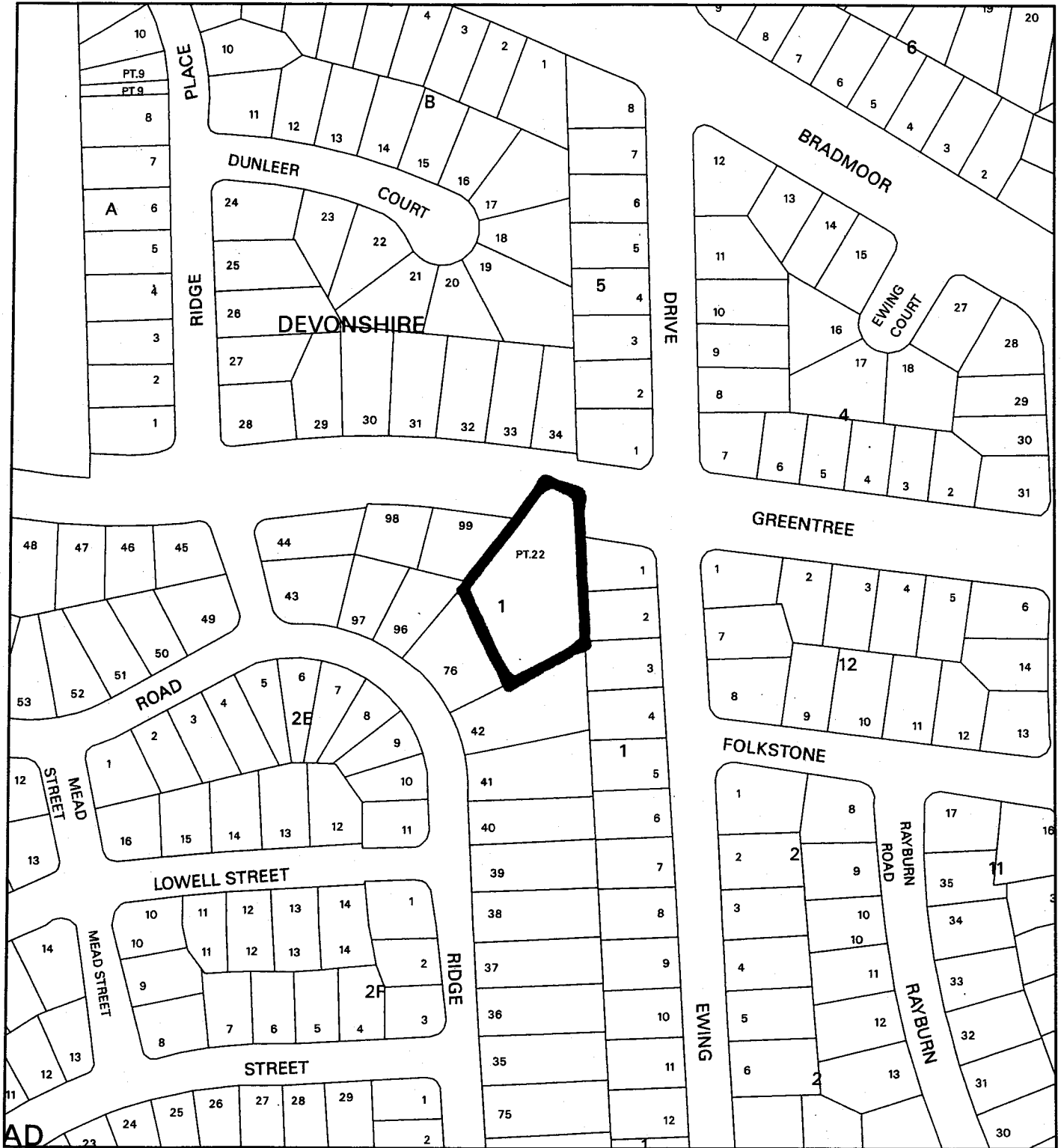


Research & Technology Center



1 : 2400

HILLMEAD-BRADLEY HILLS (1-03014)



Map compiled on November 07, 2003 at 10:05 AM | Site located on base sheet no - 211NW06

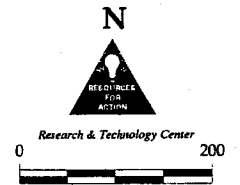
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Key Map



Tested speed = 30 MPH

Lot 33
Lot 34
Lot 35

Green Tree Road
Ewing Drive

Green Tree Road
Ewing Drive

Green Tree Road
Ewing Drive

Green Tree Road
Ewing Drive

Green Tree Road
Ewing Drive

Green Tree Road
Ewing Drive

- GENERAL NOTES**
- Total area this plan: 31,885 sq. feet or 0.732 acres
 - Proposed dedication this plan: 3,525 sq. feet or 0.081 acres
 - Net lot area: 28,360 sq. feet or 0.651 acres
 - Zone: R-60 (6,000 sq. foot lot min.)
 - Proposed number of lots: 2
 - Average lot size: 14,180 sq. feet or 0.325 acres
 - Boundary from plats and deeds
 - Topography from aerial survey and visual inspections
 - Public water and sewer systems to be utilized - W.S.S.C. 200' sheet # 211 NW 6
 - This property is the remainder of Lot 22, Block One, "Hillmead - Bradley Hills", as recorded among the Land Records of Montgomery County, Maryland, in Plat Book 3, Plat 234.
 - This proposed plan is a resubdivision of Part of Lot 22, Block One, "Hillmead - Bradley Hills"
 - This property is subject to Storm Water Management Regulations.
 - This property is exempt from the Forest Conservation Regulations.
 - There are no historic features, Special Protection Areas, 100 year flood plains, wet lands, or critical habitats on this property.
 - There are no existing houses and garages to be removed.
 - There are no historic features, Special Protection Areas, 100 year flood plains, wet lands, or critical habitats on this property.
 - Tax account # 07-00394382.
 - Address: 6104 Green Tree Road, Bethesda, Md. 20817.
 - Soil Map 23 of 28 - soil 27-C (methammy silt loam).

AREA OF DEDICATION = 3,525 SF or 0.081 AC

Proposed dedication: 3,525 sq. ft. or 0.081 acres

MINIMUM BUILDING RESTRICTIONS:

AREA: 6,000 SQ.FT.

FRONT SETBACK: 25'

SIDE SETBACK: 60'

REAR SETBACK: 8' min / 18' total

PLAN: 12,750 sq. ft. lot 100, 15,610 sq. ft. lot 101

38' both

60' both

8' min / 18' total both

62' lot 101

SITE DEVELOPMENT DATA

| LOT NUMBER | AREA | ZONE | MINIMUM SIZE | USE |
|---|-------------------------------|------|-----------------------|-------------------|
| Existing lot - Part of Lot 22 (residue of lot recorded in 1922) | 31,885 sq. ft. or 0.732 acres | R-60 | 6,000 sq. ft. minimum | existing lot |
| Proposed lot 100 | 12,750 sq. ft. or 0.293 acres | R-60 | " " " " | proposed dwelling |
| Proposed lot 101 | 15,610 sq. ft. or 0.358 acres | R-60 | " " " " | " " " " |
| Proposed dedication | 3,525 sq. ft. or 0.081 acres | | | |

ENGINEERS CERTIFICATE

I hereby certify that the boundary shown herein is based on existing plats recorded among the Land Records of Montgomery County. The topography shown herein is based on aerial survey and visual inspections. The boundary is subject to revision upon the completion of a final survey.

Neil Schwartz
Neil Schwartz, M.E. P.E. # 11449
Date: 6/20/02

PLANS PREPARED BY: SUTHERLAND ASSOCIATES
1938 LAYHELL ROAD
SILVER SPRING, MD. 20906
PHONE: 301-871-0377
FAX: 301-438-3159
EMAIL: jberthard@sutherland.net

TAX MAP GP-561 W.S.S.C.#211NW6 ADC # 33 G-9

PRELIMINARY PLAN

LOTS 100 & 101, BLOCK 1, "HILLMEAD-BRADLEY HILLS"
A RESUBDIVISION OF PART OF LOT 22
7th Election District, Montgomery County, Maryland
Scale: AS SHOWN Date: April 2003
Owner: Kathryn B. Balaban - 6104 Green Tree Road
Bethesda, Md. 20817 - Phone: 301-365-5272, Fax: 301-365-7920

VICINITY MAP
SCALE 1" = 200'

PRICO, 1610 Quiber Road, Rockville, Md. 20850
Washington Gas, 6801 Industrial Road, Springfield, Va. 22151
WSSC, 14501 Switzer Lane, Laurel, Md. 20707
Verizon, 3rd Floor, 3901 Cliverton Blvd., Bethesda, Md. 20705
Comcast, 20 West Gude Drive, Rockville, Md. 20850