



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

**MCPB**  
**Item # 7**  
**10/1/09**



**MEMORANDUM**

**DATE:** September 18, 2009

**TO:** Montgomery County Planning Board

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

**FROM:** Neil Braunstein, Planner Coordinator (301-495-4532) *NB*  
Development Review Division

**REVIEW TYPE:** Preliminary Plan of Subdivision

**APPLYING FOR:** 3 lots for three one-family detached dwelling units

**PROJECT NAME:** 6214 Verne Street  
**CASE #:** 120080330  
**REVIEW BASIS:** Chapter 50, Montgomery County Subdivision Regulations

**ZONE:** R-60  
**LOCATION:** On south side of Verne Street, 600 feet west of River Road (MD 190)  
**MASTER PLAN:** Bethesda/Chevy Chase

**APPLICANT:** Estate of Elizabeth S. Goodwin  
**ENGINEER:** West Consulting Group

**FILING DATE:** July 16, 2008  
**HEARING DATE:** October 1, 2009

**RECOMMENDATION:** Denial

**SITE DESCRIPTION**

The subject property, shown below and in Attachment A, is part of a platted parcel and is 29,226 square feet (0.67 acres) in area. The property is zoned R-60. It is located on the south side of Verne Street, 600 feet west of River Road (MD 190). The property has frontage on Verne Street to the north and on the terminus of Redwing Road to the south. The property is developed with a one-family detached dwelling, which is proposed to be removed to accommodate the subdivision. Surrounding properties to the north, south, east, and west are developed with one-family detached dwellings in the R-60 zone.

The subject property is located within the Potomac River watershed. There are no streams, wetlands, floodplains, or other significant environmental features and no environmental buffers on the site. The subject property contains 0.11 acres of forest along the western property boundary. The onsite forest is connected to a larger offsite forest area.



## **PROJECT DESCRIPTION**

The applicant proposes to resubdivide the existing part of a platted parcel into three lots for three one-family detached dwellings. The three lots are proposed in a radial pattern around the southern portion of the cul-de-sac at the terminus of Verne Street. This cul-de-sac is proposed to be enlarged towards the south – through dedication of land from the subject property for right-of-way and addition of pavement within the proposed dedication area – in order to provide a turn-around area that meets the standards of the Montgomery County Fire and Rescue Service (MCFRS) and Montgomery County Department of Transportation (MCDOT). Access to the lots is proposed via individual driveways from Verne Street. Although proposed Lot C also has frontage on the terminus of Redwing Road, no vehicular access is permitted or proposed from Redwing Road.

(Attachment B – proposed plan)

## **ANALYSIS AND FINDINGS**

### **Master Plan Compliance**

The Bethesda/Chevy Chase Master Plan does not specifically address the subject property. The Master Plan recommends retention of existing zoning throughout the Master Plan area in the absence of a specific recommendation for change on a particular property. Thus, in the case of the subject property, the Master Plan calls for retention of the existing R-60 zoning. Although the subdivision proposes one-family residential development consistent with the Master Plan land use recommendation, staff recommends that the Planning Board find that it does not substantially conform with the recommendations adopted in the Master Plan because the proposed lots are not similar to surrounding lots with respect to lot frontage and will alter the existing pattern of development.

### **Public Facilities**

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

The proposed subdivision does not generate 30 or more vehicle trips during the morning or evening peak hours. Therefore, the application is not subject to Local Area Transportation Review. In addition, the proposed subdivision does not generate more than three new vehicle trips in the morning or evening peak hours. Therefore, the application is also not subject to Policy Area Mobility Review.

Access to the proposed lots is proposed via individual driveways from Verne Street. The cul-de-sac at the terminus of Verne Street is proposed to be expanded in order to provide a turnaround that meets the standards of MCFRS.

## Other Public Facilities and Services

Public facilities and services are available and will be adequate to serve the proposed development. The property is proposed to be served by public water and public sewer. The application has been reviewed by the Montgomery County Fire and Rescue Service who has determined that the property will have appropriate access for fire and rescue vehicles. Other public facilities and services, such as police stations, firehouses, and health services are operating according to the Growth Policy resolution currently in effect and will be adequate to serve the property. The Application is not within a school moratorium area, but a school facilities payment is required. Electrical, telecommunications, and gas services are also available to serve the Property.

## Environment

The site contains no environmentally sensitive areas and no associated buffer areas.

The site contains 0.11 acres of forest, located along the western property boundary. In addition, there are six specimen trees ( $\geq 30$ -inch in diameter for most common species) and one significant tree (i.e., 24-inch or greater diameter), a 25-inch white oak, onsite. The proposed plan shows that approximately half of the 0.11-acre forest would be cleared by the development. However, the entire 0.11 acres is considered to be cleared because the retained portions of forest do not have any long term protection and are not connected to areas of protected forest. The submitted tree save plan proposes to retain one of the six specimen trees and the one significant tree. However, the tree save plan shows excessive impacts to the trees' critical root zones and, therefore, does not appear to be approvable. Recommendations from an International Society of Arboriculture Certified Arborist would have to be incorporated into a revised plan prior to staff approval.

The MCDPS Stormwater Management Section approved the stormwater management concept on July 30, 2008. The stormwater management concept includes water quality control and recharge via rooftop disconnects using drywells and the use of porous pavement for the driveways. Channel protection is not required because the one-year post-development peak discharge is less than 2 cubic feet per second.

## 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. The application does not meet all applicable sections, including the requirements for resubdivision as discussed below.

The lots were reviewed for compliance with the dimensional requirements for the R-60 zone as specified in the Zoning Ordinance. The lots as proposed will meet all the dimensional requirements for area, frontage, width, and setbacks in that zone, however, the proposed lot frontages are not appropriate for the location of the subdivision, as discussed below. A summary of this review is included in attached 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

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 Neighborhood selected by the applicant, and agreed to by staff, consists of 38 lots (Attachment C). The neighborhood includes platted lots in the R-60 zone on and in the vicinity of Verne Street. The lots share several points of access on Verne Street, Stardust Lane, Redwing Road, and Wynkoop Boulevard. The designated 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 D.

### C. Analysis

#### Comparison of the Character of Proposed Lots to Existing

In performing the analysis, the above-noted resubdivision criteria were applied to the delineated neighborhood. The proposed lots are not of the same character with respect to the frontage resubdivision criteria as other lots within the defined neighborhood. Therefore, the proposed resubdivision does not comply with the criteria of Section 50-29(b)(2). As set forth below, the attached tabular summary and graphical documentation support this conclusion:

#### Frontage:

In a neighborhood of 38 lots, lot frontages range from 40 feet to 129 feet. Six of the lots have frontages of less than 60 feet, 27 lots have frontages between 60 and 100 feet, and the remaining five lots have frontages of 100 feet or more. Proposed Lots A and B have frontages of 35 feet, and proposed Lot C has a frontage of 51 feet. Two of the three proposed lots have frontages that are narrower than any existing frontage and are significantly more narrow than the majority of existing frontages. **The proposed lots will not be of the same character as existing lots in the neighborhood with respect to lot frontage.**

**Alignment:**

Thirty-five of the 38 existing lots in the neighborhood are perpendicular in alignment, two are radial, and the remaining one is a corner lot. The three proposed lots are radial in alignment. While there would be only five radial lots in the neighborhood with approval of this application, the radial alignment is a necessary consequence of the lots fronting onto a cul-de-sac. The two existing radial lots are also located on the cul-de-sac, and the proposed lots would be similar in character to those. **The proposed lots are of the same character as existing lots in the same circumstance with respect to the alignment criterion.**

**Size:**

The lots in the delineated neighborhood range from 6,447 square feet to 15,213 square feet. Five of the lots are smaller than 7,000 square feet, 26 are between 7,000 and 10,000 square feet, and nine are between 10,000 and 15,300 square feet. Proposed Lot A is 9,046 square feet in size, Proposed Lot B is 10,726 square feet in size, and Proposed Lot C is 7,002 square feet in size. **The proposed lot sizes are in character with the size of existing lots in the neighborhood.**

**Shape:**

Sixteen of the existing lots in the neighborhood are rectangular, fourteen are trapezoidal, and the remaining eight are irregularly shaped lots. The three proposed lots are irregularly shaped. **The shapes of the proposed lots will be in character with shapes of the existing lots.**

**Width:**

The lots in the delineated neighborhood range from 50 feet to 106 feet in width. Three of the lots have widths of less than 60 feet, 28 lots have widths between 60 and 80 feet, and the remaining seven lots have widths of more than 80 feet. The three proposed lots have widths of 60 feet. **The proposed lots will be in character with existing lots in the neighborhood with respect to width.**

**Area:**

The lots in the delineated neighborhood range from 2,207 square feet to 8,492 square feet in buildable area. Nine of the lots have a buildable area less than 3,000 square feet, 19 are between 3,000 and 5,000 square feet, and ten are between 5,000 and 8,500 square feet. Proposed Lot C has a buildable area of 2,628 square feet, proposed Lot A has a buildable area of 4,459 square feet, and proposed Lot B has a buildable area of 5,422 square feet. **The proposed lots will be of the same character as other lots in the neighborhood with respect to buildable area.**

**Suitability for Residential Use:** The existing and the proposed lots are zoned residential and the land is suitable for residential use.

During review of this application, staff recommended to the applicant that a two-lot subdivision be considered instead of the three-lot proposal being considered today. The applicant countered that a two-lot subdivision would create lots that are not in character with

existing neighborhood lots because they would be nearly the largest lots in the neighborhood. However, the resubdivision data table shows that if the subject property were divided evenly between two lots (minus the proposed street right-of-way dedication) two lots of approximately 13,386 square feet each would be created. In that case, three existing neighborhood lots would be larger, ranging from 14,114 to 15,213 square feet. The two new lots would be near the upper end of the range, but they would be within the range and could be found to be of the same character as existing neighborhood lots with respect to lot area – as opposed to the current proposal with two lots that are well below the existing range with respect to lot frontage. A two-lot subdivision could be found to be of the same character with respect to frontage and all of the other resubdivision criteria.

A two-lot subdivision would have the added benefit of being able to provide building locations for two dwellings that are more similar to existing lots with respect to the front building setback than the three lots in the current application. Because the lots are wedge-shaped, the front building restriction line is forced further back on the lot so that it can be placed at the location where the lot attains a 60-foot width, as required. This requirement puts the three proposed dwellings further back on the lot than existing neighboring dwellings, and is out of character with the existing neighborhood. A two lot subdivision would create wider lots, such that the 60-foot lot width would be achieved closer to the street, and dwellings could be placed at a distance from the street that is similar to surrounding dwellings.

Finally, the three-lot proposal creates an uncharacteristic 2:1 relationship between proposed Lots B and C and the adjacent Lot 1 at 6408 Redwing Road. In other words, 6408 Redwing Road would border on two lots on its side lot line instead of the typical one lot. A two-lot subdivision, with the dividing line brought to the southwest property corner would avoid this condition.

### **Citizen Correspondence and Issues**

The applicant conducted a pre-submission community meeting on February 23, 2008. At the meeting, citizens raised concerns regarding tree removal, proposed building height, and the location of proposed dwellings. The developer addressed these concerns at the meeting by noting the preparation of a tree save plan and by referring to the zoning ordinance regulations on height and setbacks. In addition, written notice was given by the applicant and staff of the plan submittal and the public hearing date. As of the date of this report, no citizen letters have been received.

### **CONCLUSION**

Section 50-29(b)(2) of the Subdivision Regulations specifies seven criteria with which resubdivided lots must comply. They are street frontage, alignment, size, shape, width, area and suitability for residential use within the existing block, neighborhood or subdivision. As set forth above, the three proposed lots are not of the same character as the existing lots in the defined neighborhood with respect to lot frontage, and therefore, do not comply with Section 50-29(b)(2) of the Subdivision Regulations. Further, the application is not in substantial conformance with

the Master Plan, and the tree save plan requires revision. Therefore, denial of the application is recommended.

**Attachments**

Attachment A – Vicinity Development Map

Attachment B – Proposed Development Plan

Attachment C – Resubdivision Neighborhood Map

Attachment D – Resubdivision Data Table

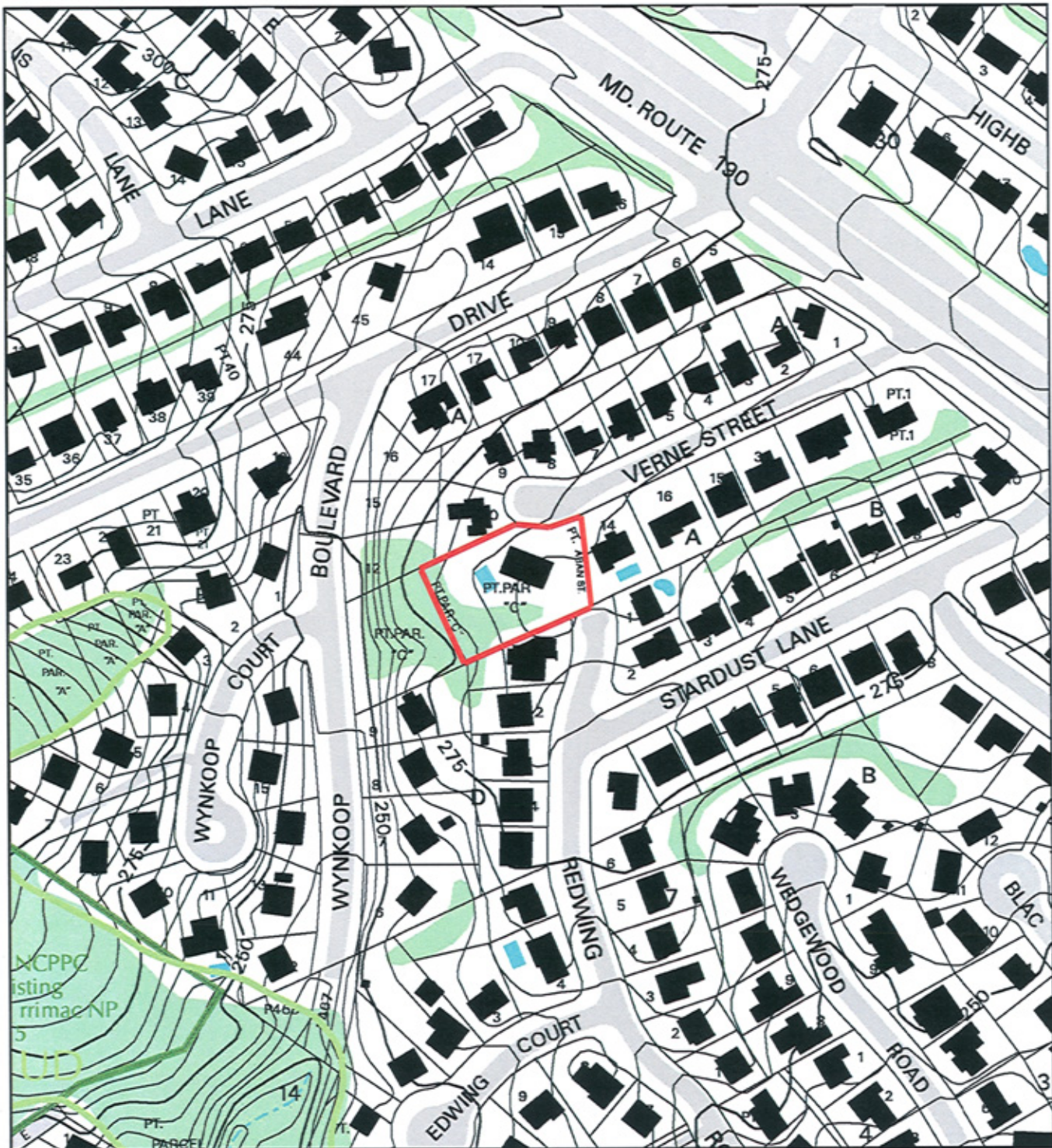


Table 1: Preliminary Plan Data Table and Checklist

<b>Plan Name: 6214 Verne Street</b>				
<b>Plan Number: 120080330</b>				
<b>Zoning: R-60</b>				
<b># of Lots: 3</b>				
<b># of Outlots: N/a</b>				
<b>Dev. Type: Residential</b>				
<b>PLAN DATA</b>	<b>Zoning Ordinance Development Standard</b>	<b>Proposed for Approval by the Preliminary Plan</b>	<b>Verified</b>	<b>Date</b>
Minimum Lot Area	6,000 sq. ft.	7,002 sq. ft. minimum	NB	9/18/09
Lot Width	60 ft.	60 ft. minimum	NB	9/18/09
Lot Frontage	25 ft.	35 ft. minimum	NB	9/18/09
Setbacks				
Front	25 ft. Min.	Must meet minimum <sup>1</sup>	NB	9/18/09
Side	8 ft. Min./18 ft. total	Must meet minimum <sup>1</sup>	NB	9/18/09
Rear	20 ft. Min.	Must meet minimum <sup>1</sup>	NB	9/18/09
Height	35 ft. Max.	May not exceed maximum <sup>1</sup>	NB	9/18/09
Max Resid'l d.u. per Zoning	4	3	NB	9/18/09
MPDUs	N/a		NB	9/18/09
TDRs	N/a		NB	9/18/09
Site Plan Req'd?	No		NB	9/18/09
<b>FINDINGS</b>				
<i>SUBDIVISION</i>				
Lot frontage on Public Street		Yes	NB	9/18/09
Road dedication and frontage improvements		Yes	Agency letter	5/26/09
Environmental Guidelines		N/a	Staff memo	9/4/09
Forest Conservation		Incomplete	Staff memo	9/4/09
Master Plan Compliance		No	Staff memo	8/25/08
<i>ADEQUATE PUBLIC FACILITIES</i>				
Stormwater Management		Yes	Agency letter	7/30/08
Water and Sewer (WSSC)		Yes	Agency comments	8/25/08
10-yr Water and Sewer Plan Compliance		Yes	Agency comments	8/25/08
Well and Septic		N/a	Agency letter	8/25/08
Local Area Traffic Review		N/a	Staff memo	8/25/08
Policy Area Mobility Review		N/a	Staff memo	8/25/08
Transportation Management Agreement		No	Staff memo	8/25/08
School Cluster in Moratorium?		No	NB	9/18/09
School Facilities Payment		Yes	NB	9/18/09
Fire and Rescue		Yes	Agency letter	5/18/09

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

# 6214 VERNE STREET (120080330)



Map compiled on July 17, 2008 at 3:48 PM | Site located on base sheet no - 206NW06

### NOTICE

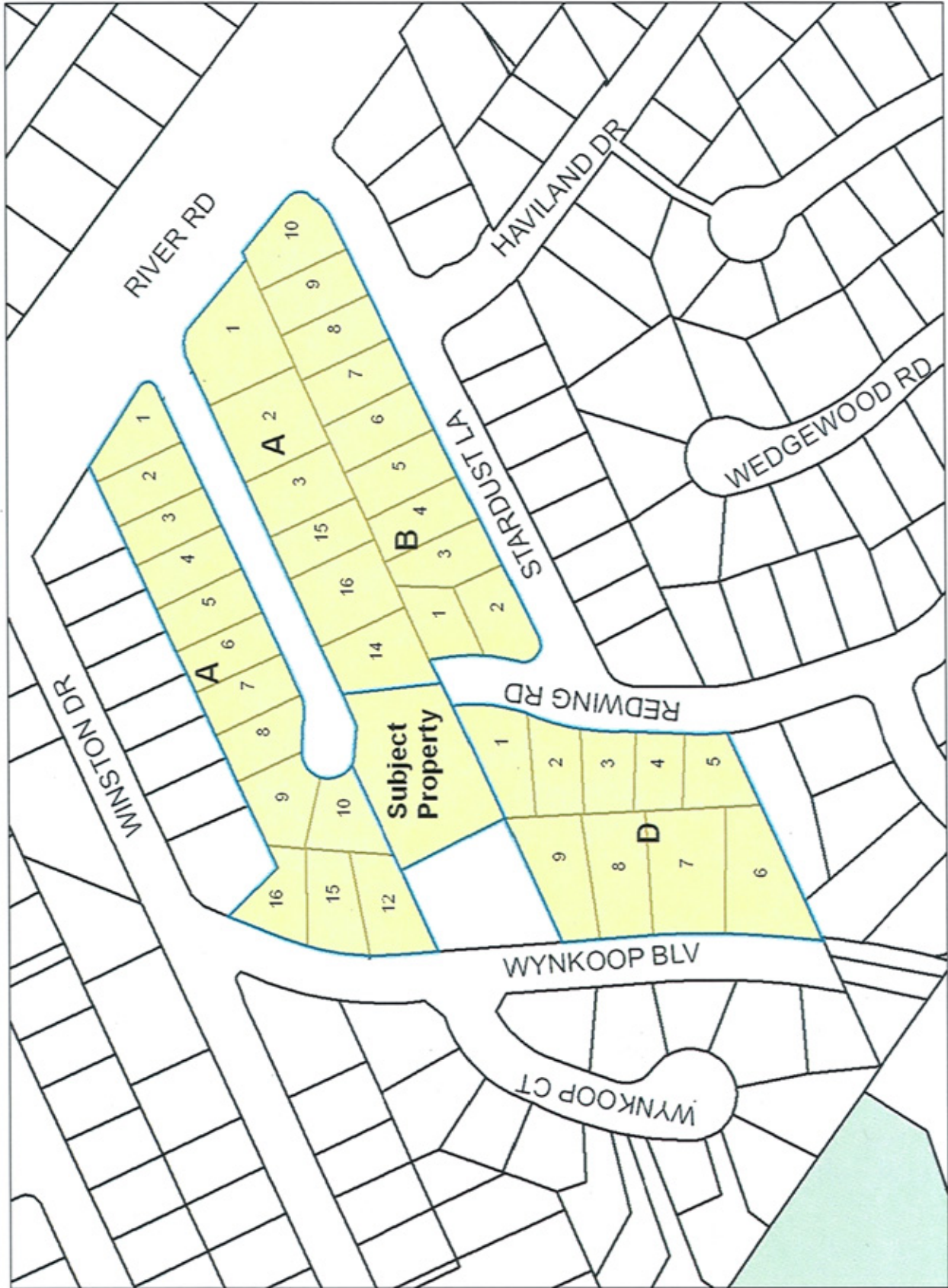
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**COMPARABLE LOTS DATA TABLE**

\* FOR COUNTRY CLUB VILLAGE A.F.E. HORN'S SUBDIVISION

# FOR COUNTRY CLUB VILLAGE W.B. SLATER'S SUBDIVISION

Plat #	LOT#	BLOCK	FRONTAGE	ALIGNMENT	LOT AREA	SHAPE	BUILDABLE AREA	LOT WIDTH
Proposed	18(A)	A*	35	RADIAL	9046	IRREGULAR	4459	60
Proposed	19(B)	A*	35	RADIAL	10726	IRREGULAR	5422	60
1200	9	A	40	RADIAL	8237	IRREGULAR	3630	60
4981	5	D	44	PERPENDICULAR	6829	TRAPEZOIDAL	2750	50
Proposed	20(C)	A*	51	RADIAL	7002	IRREGULAR	2628	60
7468	9	D	54	PERPENDICULAR	11953	TRAPEZOIDAL	6548	60
1200	10	A	55	RADIAL	8169	IRREGULAR	3590	60
1176	2	A#	55	PERPENDICULAR	6676	RECTANGULAR	2826	55
1176	3	A#	55	PERPENDICULAR	6676	RECTANGULAR	2826	55
1200	7	A	60	PERPENDICULAR	7282	RECTANGULAR	3208	60
1200	4	A	60	PERPENDICULAR	7283	RECTANGULAR	3208	60
1200	5	A	60	PERPENDICULAR	7283	RECTANGULAR	3208	60
1200	6	A	60	PERPENDICULAR	7283	RECTANGULAR	3208	60
12461	15	A	62	PERPENDICULAR	7511	RECTANGULAR	3350	62
7468	8	D	64	PERPENDICULAR	11249	TRAPEZOIDAL	6032	68
4981	9	B	65	PERPENDICULAR	7840	RECTANGULAR	3560	65
4981	8	B	65	PERPENDICULAR	7976	RECTANGULAR	3658	65
4981	7	B	65	PERPENDICULAR	8112	RECTANGULAR	3755	65
4981	6	B	65	PERPENDICULAR	8249	RECTANGULAR	3852	65
4981	5	B	65	PERPENDICULAR	8384	RECTANGULAR	3950	65
4981	4	B	65	PERPENDICULAR	8570	RECTANGULAR	4049	65
4981	4	D	65	PERPENDICULAR	6577	TRAPEZOIDAL	2645	65
4981	3	B	65	PERPENDICULAR	7599	IRREGULAR	3596	65
4981	3	D	68	PERPENDICULAR	7044	TRAPEZOIDAL	2610	65
4981	2	D	68	PERPENDICULAR	7604	IRREGULAR	3020	61
1200	14	A	69	PERPENDICULAR	10581	TRAPEZOIDAL	5177	83
4981	10	B	71	PERPENDICULAR	7739	TRAPEZOIDAL	2207	60
1200	8	A	72	PERPENDICULAR	7028	TRAPEZOIDAL	3500	60
15514	15	A	72	PERPENDICULAR	8185	TRAPEZOIDAL	3790	60
1200	12	A	72	PERPENDICULAR	9215	TRAPEZOIDAL	5883	60
4981	1	B	73	PERPENDICULAR	6447	TRAPEZOIDAL	2350	70
1404	3	A*	79	PERPENDICULAR	9525	RECTANGULAR	4616	79
17607	1	A*	84	PERPENDICULAR	15213	TRAPEZOIDAL	6765	84
1176	1	A#	85	PERPENDICULAR	8824	TRAPEZOIDAL	2598	60
7468	7	D	86	PERPENDICULAR	14668	TRAPEZOIDAL	8492	90
17607	16	A	95	PERPENDICULAR	11514	RECTANGULAR	5866	95
1404	2	A*	100	PERPENDICULAR	12115	RECTANGULAR	6244	100
4981	1	D	101	PERPENDICULAR	9905	IRREGULAR	5852	70
15514	16	A	105	PERPENDICULAR	7357	IRREGULAR	2620	60
4981	2	B	112	CORNER	8506	IRREGULAR	4260	105
7468	6	D	129	PERPENDICULAR	14114	IRREGULAR	7819	106