



ITEM# 11
DATE: 5/2/02

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MEMORANDUM

DATE: April 26, 2002

TO: Montgomery County Planning Board

VIA: Joe Davis, Chief, *JAD*
Development Review Division

Malcolm Shaneman, Supervisor, *MS*
Development Review Division

FROM: Richard A. Weaver, Senior Planner *RAW*
Development Review Division

REVIEW TYPE: Pre-Preliminary Plan – Minor Subdivision (Waiver of Frontage)

APPLYING FOR: One Single Family Detached Dwelling Unit

PROJECT NAME: Browningsville

CASE NUMBER: 7-02048

REVIEW BASIS: Chapter 50, Section 50-35A(a)(8) and Section 50-29(a)(2)
Montgomery County, Subdivision Regulations

ZONE: RDT

LOCATION: Located on the Southeast Side of Kemptown Church Road,
Approximately 1000 Feet Northeast of the Intersection With
Bethesda Church Road

MASTER PLAN: Agricultural and Open Space

APPLICANT: Eunice and Darryl Walker

FILING DATE: March 8, 2002

HEARING DATE: May 2, 2002



PROPOSAL

This Pre-Preliminary Plan is scheduled for Planning Board review to determine if it can be considered as a minor subdivision. Should the Planning Board determine that the application is suitable for the minor subdivision process, it would proceed to the record plat phase without the need for a Preliminary Plan approval.

DISCUSSION

Pursuant to Section 50-35A(a)(8) of the Subdivision Regulations, plats for up to five (5) lots in the RDT zone can be created from a single parcel as a minor subdivision, provided a Pre-Preliminary Plan is submitted and approved by the staff or Planning Board. One of the stipulations of the approval is that any required street dedication be shown on the plat. The nature of this lot is that it is being created around an existing home site (mobile trailer) for the construction of a new single-family residential structure. The trailer will be removed. The lot is land-locked, with no reasonable ability to gain frontage on a public right-of-way. Access to the lot would be on the existing driveway that is within an access easement partially located on Montgomery County owned land. For applications submitted under Chapter 50, only the Planning Board has the authority to grant the necessary waiver of frontage pursuant to Section 50-29(a)(2) of the Subdivision Regulations, which states that:

“In exceptional circumstances, the board may approve not more than two (2) lots on a private driveway or private right-of-way; provided, that proper showing is made that such access is adequate to serve the lots for emergency vehicles, for installation of public utilities, is accessible for other public services, and is not detrimental to future subdivision of adjacent lands.”

This application meets all of the other criteria that would allow it to be considered as a minor subdivision.

RECOMMENDATION

Staff recommends that the Pre-Preliminary Plan proceed to the record plat phase as a minor subdivision, pursuant to Section 50-35A of the Subdivision Regulations. Recordation of the plat would not occur until Planning Board approval of a waiver resolution for frontage, pursuant to Section 50-29(a)(2) of the Subdivision Regulations.

Attachment

