



Item # 14

10-02-03

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
Office of the Chairman, Montgomery County Planning Board

MEMORANDUM

DATE: September 12, 2003

TO: Montgomery County Planning Board

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

FROM: A. Malcolm Shaneman, Supervisor, Development Review Division *AMS*
(301-495-4587)



REVIEW TYPE: Waiver From Selected Requirements of Chapter 50
APPLYING FOR: One Lot

PROJECT NAME: Willerburn Acres
CASE NO. SRW - 04001

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

ZONE: R-90

LOCATION: Southeast Corner of Seven Locks Road and Gainsborough Road

MASTER PLAN: Potomac Subregion

APPLICANT: Friends of Lubavitch
SUBMITTED: July 14, 2003
HEARING DATE: October 2, 2003

STAFF RECOMMENDATION: Grant Waiver of Section 50-23, Section 50-34 and Section 50-37(b) of the Subdivision Regulations, Subject to Conditions

ISSUES TO DATE

Pursuant to Section 50-38 of the Subdivision Regulations, the applicant, Friends of Lubavitch, Inc. have requested a waiver of a portion of the Subdivision Regulation which relate to the submission and approval of a preliminary plan. The waiver is needed in order to establish in the public domain the synagogue property and its boundary. The applicant is requesting the Planning Board grant a waiver exempting the property from the requirements of filing and obtaining approval of a preliminary plan of subdivision before recording a plat for the site. Specifically the Sections of the Subdivision Regulations that the applicant is seeking relief from are as follows:

Section 50-23 and Section 50-34, which provide general procedures that must be followed in the submission and approval of subdivision plans as a prerequisite for recording a plat; and

Section 50-37(b), which requires that a record plat comply with an approved preliminary plan;

Under the standards of Section 50-38 of the Subdivision Regulations, the Planning Board may grant waivers that meet the following criteria:

“(a) Authority of the Board

- (1) “The Board may grant a waiver from the requirements of this Chapter upon a determination that practical difficulties or unusual circumstances exist that prevent full compliance with the requirements from being achieved, and that the waiver is: 1) the minimum necessary to provide relief from the requirement; 2) not inconsistent with the purposes and objectives of the General Plan; and 3) not adverse to the public interest.”

The subject site is developed with a single-family dwelling unit that has been converted and presently houses a synagogue facility. The facility has existed for some time in the community. The applicant believes that this waiver, to permit the platting of the property, is the minimum necessary to overcome the unusual circumstances of the Property and the practical difficulties involved with establishing the boundary of the synagogue. (See applicants justification letter attached to this memorandum)

PROJECT DESCRIPTION

The site is located on the southeast side of Seven Locks Road and Gainsborough Road. The subject property is identified as Part of Lot 1, Block C of the Willerburn

Acres subdivision. The site is 25, 264 square feet and is zoned R-90. The original lot of 1.06 acres, or 46,174 square feet, was recorded by plat in 1952. The property has been reduced in size from the original recordation by deeded conveyances. As previously stated, the site includes an existing single-family dwelling unit that has been converted to the synagogue. There are no immediate plans to add to the existing facility or change any of the existing conditions.

Since the property was previously recorded by plat the site does not qualify for review under the minor subdivision review process under 50-35A.

MASTER PLAN COMPLIANCE

The property is located within the Approved and Adopted Potomac Subregion Master Plan. The master plan does not specifically identify this property but does give general guidance and recommendations regarding zoning and land use. The master plan recommends that this area maintain the residential zoning as adopted. The proposed use complies with the recommendations in the master plan. The use is also consistent with the development standards contained in Section 59-C1.31 of the Zoning Ordinance

STAFF RECOMMENDATION

Staff supports the applicant's request for waiver pursuant to Section 50-38 of the Subdivision Regulations. Based on the facts presented staff believes that unusual circumstances exist that may support the waiver request. Specifically, the structure and use exist and the applicant has stated that no changes to the facility are anticipated. Staff further bases their support for the waiver on it being the minimum necessary to provide relief. Much of the review process associated with the submission and approval of a preliminary plan considers the adequacy of the infrastructure and the ability to accommodate proposed development. The proposed project is located in the midst of a developed community; and therefore the critical infrastructure such as roads, utilities and other services needed to support such construction exist and are in place.

Based on the foregoing staff recommends the Planning Board grant waivers of Section 50-23, Section 50-34 and Section 50-37(b) pursuant to Section 50-38 of the Subdivision Regulations subject to the following condition:

- (1) Applicant to submit a complete record plat application with sixty (60) days of Planning Board action on the Waiver Resolution.
- (2) Prior to Montgomery County Department of Permitting Services issuance of a Use and Occupancy Permit a complete record plat must be recorded in the land records for the subject site.
- (3) Necessary easements

ATTACHMENTS

Site Development Map	5
Proposed Site Development Plan	6
Waiver Justification Memorandum Dated August 28,2003	7 -8

WILLERBURN ACRES (SRW-04001)



Map compiled on September 26, 2003 at 9:34 AM | Site located on base sheet no - 215NW08

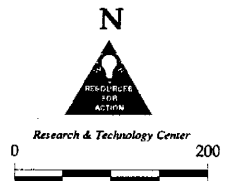
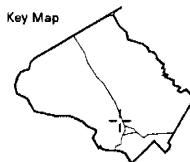
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Key Map



Dewberry

803 PERRY PARKWAY, SUITE 1
CANTONMENT, MD 20747
PHONE: 301-583-7500
FAX: 301-583-7507

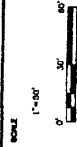
OWNER: SYNGOULIE
OWNER OF WILLERSBURN
LOT 51, SEVEN LOCKS ROAD
POTOMAC, MD 20854

**SUBDIVISION
REGULATION WAIVER
PROPOSED
LOT 51, BLOCK C
WILLERSBURN ACRES
4TH ELECTION DISTRICT
MONTGOMERY COUNTY, MARYLAND**

15 NOV 08

SCALE

1"=20'



NO.	DATE	BY	Description

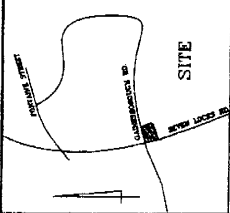
TITLE
**SUBDIVISION
REGULATION WAIVER
PROPOSED
LOT 51, BLOCK C**

PROJECT NO: XXXXXXX

SHEET NO: 1 OF 1

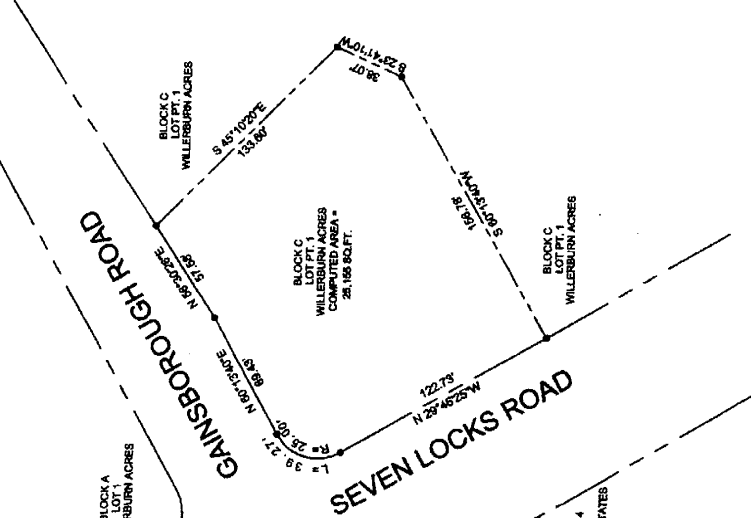
1

1 OF 1



VICINITY MAP
NOT TO SCALE

- 1. THESE ARE NOT THE LINES AND VALUES FOR THE
- 2. SURVEY
- 3. PROPERTY LINES, I AM NOT A SURVEYOR AND THE
- 4. PROPERTY LINES ARE NOT TO BE USED FOR ANY
- 5. PURPOSES WITHOUT THE ASSISTANCE OF AN ENGINEER OR SURVEYOR.
- 6. THESE ARE ONLY FOR INFORMATION PURPOSES.



CERTIFICATE OF REGISTERED SURVEYOR
 I HEREBY CERTIFY THAT THE BOUNDARY LINE DATA AND TOPOGRAPHIC
 DATA SHOWN ON THIS PLAN AND THESE GRIDS AND PLATS OF RECORDS
 ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.
 SIGNATURE: [Signature]
 DATE: 7/01/03

TAMARA CORPORATION
ENGINEERING, LAND DEVELOPMENT

JOAV STEINBACH, P.E.
REGISTERED PROFESSIONAL ENGINEER

July 1, 2003

Malcolm Shaneman/ Richard Weaver
Development Review
MNCP&PC
8787 Georgia Avenue
Silver Spring, MD 20910

Subject: Pt. Lot 1, Block "C", Willerburn Acres - Subdivision Regulation Waiver (SRW)
with regard to Synagogue platting its existing property.

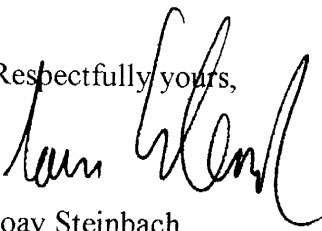
Dear Malcolm and Richard;

Eleven (11) years ago Friends of Lubavitch (Chabad) purchased the subject property located at the intersection of Gainsborough and Seven Locks Roads in Potomac. They converted the existing single family house into a synagogue that serves the surrounding orthodox Jewish community. Due to unusual circumstances and the wish to establish, in the public domain, their own property and its boundary the synagogue requests to plat their property and record it in the land records.

No changes in the existing conditions are requested or anticipated. Sec. 50-35A of the Minor Subdivision Process states that "A preliminary plan is not required prior to submitting a record plat for: (7) "Plats for existing places of worship, located on unplatted parcels". The synagogue's property is certainly not platted however it is part of a platted lot and therefore the request for SRW is made.

The property is shown in an attached tax map. You kindly advised me to write a letter to MNCP&PC legal department which I did (June 19, and June 22, 2003) and provided you with copies. Debra Yerg Daniel, Associate General Counsel, who handles the case suggested that we submit the application for SRW now.

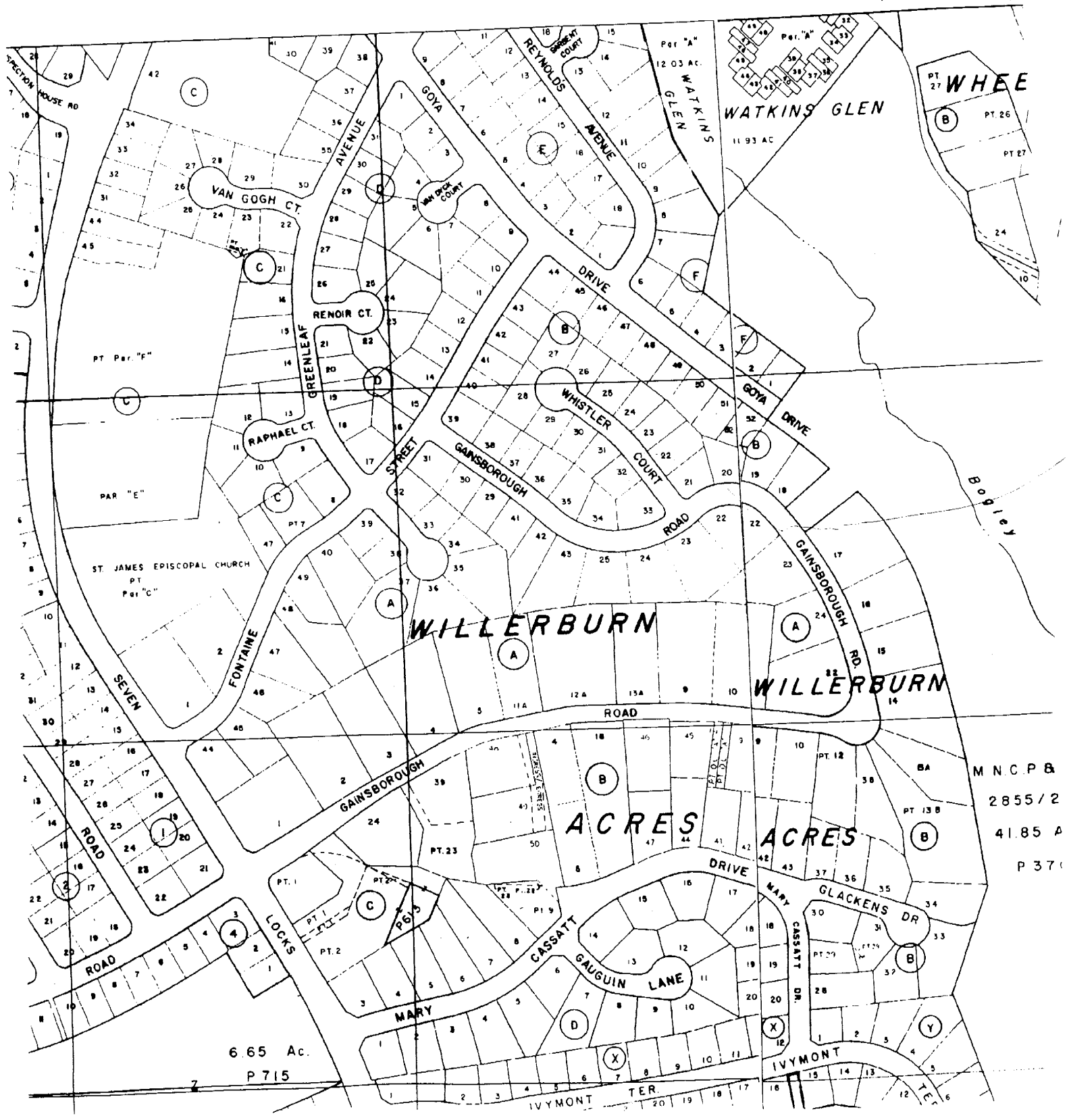
Respectfully yours,



Joav Steinbach.

PROPOSED LOT 51, BLOCK "C", WILLERBURN ACRES (EX.PT.1)

TAX MAP GQ 343



665 Ac.
P715

M N C P B
2855/2
41.85 A
P 370

ACRES ACRES

IVYMONT TER.

[Click here for a plain text ADA compliant screen.](#)

 Maryland Department of Assessments and Taxation MONTGOMERY COUNTY Real Property Data Search	Go Back View Map New Search
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Account Identifier: District - 04 Account Number - 00113443

Owner Information

Owner Name:	FRIENDS OF LUBAVITCH INC	Use:	EXEMPT COMMERCIAL
		Principal Residence:	NO
Mailing Address:	11701 GAINSBOROUGH RD POTOMAC MD 20854	Deed Reference:	1) /10467/ 347 2)

Location & Structure Information

Premises Address	Zoning	Legal Description
11621 SEVEN LOCKS RD ROCKVILLE 20854	R90	PT ABAN WILLERBURN D R WILLERBURN AC SEC 1

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Group	Plat No:
GQ22				22		C	P1	82	Plat Ref:

Special Tax Areas	Town Ad Valorem Tax Class	53
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Primary Structure Built	Enclosed Area	Property Land Area	County Use
1976	5,238 SF	25,264.00 SF	111

Stories	Basement	Type	Exterior
2	YES	STANDARD UNIT	1/2 BRICK FRAME

Value Information

	Base Value	Value			Phase-in Assessments	
		As Of 01/01/2003	As Of 07/01/2002	As Of 07/01/2003	As Of 07/01/2002	As Of 07/01/2003
Land:	151,300	151,300				
Improvements:	281,100	281,100				
Total:	432,400	432,400	432,400	432,400	432,400	
Preferential Land:	0	0	0	0	0	

Transfer Information

Seller:	Date: 06/29/1992	Price: \$485,500
Type: IMPROVED ARMS-LENGTH	Deed1: /10467/ 347	Deed2:

Seller:	Date:	Price:
Type:	Deed1:	Deed2:

Seller:	Date:	Price:
Type:	Deed1:	Deed2:

Exemption Information

Partial Exempt Assessments	Class	07/01/2002	07/01/2003
County	000	0	0
State	000	0	0
Municipal	000	0	0

Tax Exempt: COUNTY AND STATE	Special Tax Recapture:
Exempt Class: CHURCHES, SYNAGOGUES, & PARSONAGES	* NONE *

Item #14



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MEMORANDUM

DATE: September 26, 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 October 02, 2003.

Attached are copies of plan drawings for Item #06, #08, #10, #12, #13 and #14. These subdivision items are scheduled for Planning Board consideration on October 02, 2003. The items are further identified as follows:

- Agenda Item #06 - Preliminary Plan 1-03102
Greencastle Towns
- Agenda Item #08 - Preliminary Plan 1-03086
Potomac Country Corner
- Agenda Item #10 - Preliminary Plan 1-03058
Bancroft North
- Agenda Item #12 - Preliminary Plan 1-03032
Jackson's Acres
- Agenda Item #13 - Preliminary Plan 1-00076E
The Independence of Privacy World
- Agenda Item #14 - Subdivision Regulation Waiver SRW-04001
Willerburn Acres

Attachment

WILLERBURN ACRES (SRW-04001)



Map compiled on September 26, 2003 at 9:34 AM | Site located on base sheet no - 215NW08

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Key Map

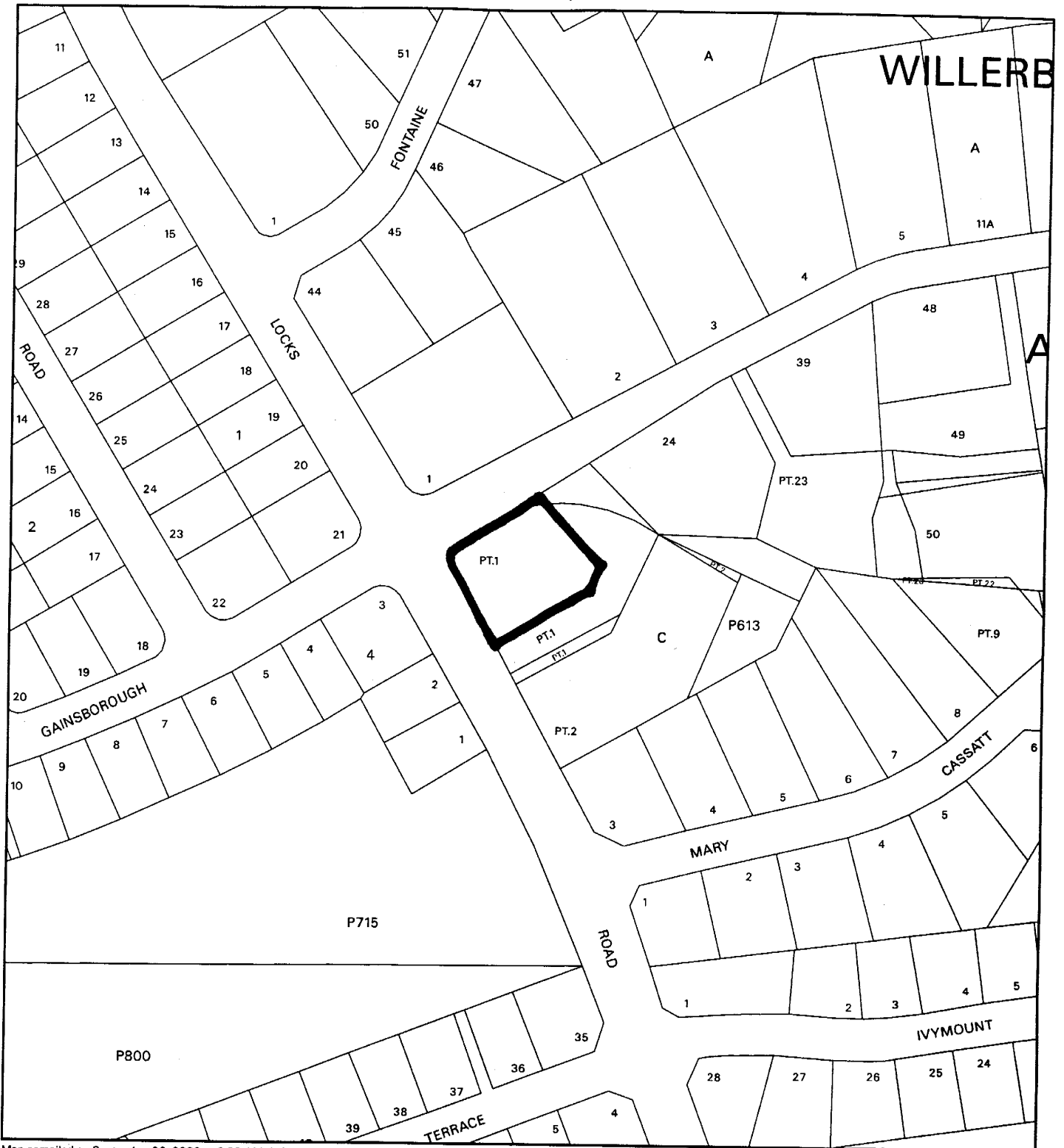


Research & Technology Center



1 : 2400

WILLERBURN ACRES (SRW-04001)



Map compiled on September 26, 2003 at 9:30 AM | Site located on base sheet no - 215NW08

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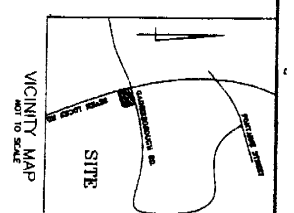
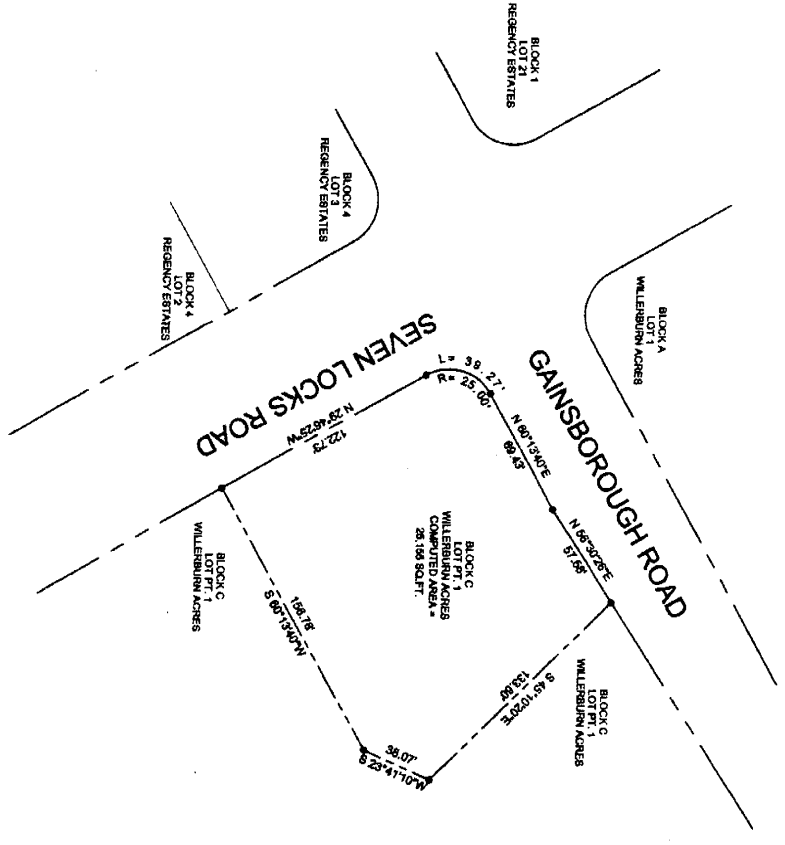
Key Map



Research & Technology Center



1 : 2400



- GENERAL NOTES**
1. THIS PLAN IS THE PROPERTY OF THE ENGINEER AND ARCHITECT. IT IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREON.
 2. THE ENGINEER AND ARCHITECT ASSUME NO RESPONSIBILITY FOR THE ACCURACY OF THE DATA FURNISHED BY OTHERS.
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CERTIFICATE OF REGISTERED SURVEYOR

STATE OF MARYLAND

NOTARY PUBLIC

7/10/03

Dewberry

201 WEST FAYETTE, SUITE 1
 ANNAPOLIS, MD 21401
 TEL: 410-291-2600
 FAX: 410-291-2607

OWNER: SPYAGGOLLE
 FARMERS OF MOUNTAIN, INC.
 4700 WOODHURST ROAD
 ANNAPOLIS, MD 21403

SUBDIVISION REGULATION WAIVER PROPOSED

LOT 51, BLOCK C WILLERSBURN ACRES

MONTGOMERY COUNTY, MARYLAND
 4TH ELECTORAL DISTRICT



NO.	DATE	BY	REVISION

DRAWN BY	JAC
CHECKED BY	MS
DATE	JULY 1, 2003

TITLE
 SUBDIVISION REGULATION WAIVER PROPOSED
 LOT 51, BLOCK C

PROJECT NO. 2221107

1 of 1