



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

ITEM # 6

DATE: 10/30/03



**MEMORANDUM**

**DATE:** October 17, 2003

**TO:** Montgomery County Planning Board

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

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

**REVIEW TYPE:** Pre-Preliminary Plan Review

**APPLYING FOR:** Resubdivision of Lot 1 Block 3

**PROJECT NAME:** Chevy Chase Section 5 C

**CASE #:** 7-04008

**REVIEW BASIS:** Chapter 50, Sec. 50-29 (b)(2), Montgomery County Subdivision Regulations, and Resubdivision Criteria

**ZONE:** R-60

**LOCATION:** South Side of Jones Bridge Road, East and North of Brierly Court

**MASTER PLAN:** Bethesda – Chevy Chase

**APPLICANT:** Bogdan Builders

**FILING DATE:** September 25, 2003

**HEARING DATE:** October 30, 2003

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**STAFF RECOMMENDATION:** No objection to the submission of a preliminary plan application Pursuant to Section 50-29(b)(2) of the Subdivision Regulations

## **DISCUSSION OF ISSUES**

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

In order to support an application for Resubdivision, the Planning Board must find that the proposed lot(s) comply with 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 delineate an area within which it conducts its lot character analysis. In this case, staff recommends a neighborhood delineation that will enable the Board to effectively determine whether the proposed lots comply with the resubdivision criteria, with respect to the character of those existing recorded lots most affected by the resubdivision application. Staff has attached to this staff report an illustration that delineates the neighborhood.

In defining the appropriate neighborhood for lot character comparison purposes, it has been long-standing 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. The lots surrounding the subject property are zoned R-60. For this application, staff included all "whole" lots within Block 3, which includes the subject property. Also included in the defined neighborhood are the lots located in Block C along Jones Bridge Road to the intersection of Jones Mill Road. Staff excluded Part of Lots 22 and 23 on Jones Bridge Court and Part of Lot 3 on Brierly Court. Staff has also excluded from its recommended neighborhood delineation those lots across Jones Bridge Road, a primary road with seventy (70) foot right of way.

## **DESCRIPTION**

### **Vicinity**

The area defined as the neighborhood is comprised of two (2) recorded subdivisions. The lots immediately east of the subject site in Block C, Rock Creek Knoll, and the lots west of the subject site in Block 3, Chevy Chase Section 5. The subject site was not part of the either original subdivisions but was recorded independently by plat in 1950. The area within Block C was recorded in 1947 with lots, at that time, ranging in size from 5,000 to 11,700 square feet. The lots on Jones Bridge Court identified as Lots 22 – 27 were created by resubdivision several years after the original subdivision was recorded. The lots in Block 3 were recorded by plat in 1952 and range in size from 8,500 to 23,000 square feet.

## **Proposal**

This resubdivision application proposes to create two (2) lots on approximately 14,000 square feet of property. Proposed lot 9 will have frontage and direct access to Brierly Court and is approximately 6,960 square feet in size. The second lot, Lot 10, fronts and has direct access to Jones Bridge Road and is approximately 7,054 square feet in size. The existing one-family dwelling unit, which is oriented towards Jones Bridge Road, is to be razed.

## **Master Plan Compliance**

The property is located within the Approved and Adopted Bethesda – Chevy Chase Master Plan area. The master plan does not make specific recommendations for this property but does give general guidance and recommendations regarding zoning and land use. The master plan recommends that the area including this property be maintained as a medium density (R-60) residential area. If a preliminary plan were ultimately approved for this application, it is staff's conclusion the lots would comply with the general guidelines adopted in the master plan.

## **ANALYSIS**

Staff has attached three (3) separate tables for Planning Board consideration outlining the characteristics under the resubdivision criteria. Each one of the three (3) tables, attached to this report, contains the same data; however the lots are listed according to their relative size, buildable area and frontage. In reviewing all seven criteria it is evident that the proposed lots fall within the range of the same characteristics of existing lots within the defined neighborhood. The proposed resubdivision would create two lots of 6960 square feet and 7,054 square feet. **Size:** Existing lots in the defined neighborhood range from 5,000 square feet to 13,248 square feet. **Area:** The area within the building envelope for the proposed lots also falls within the range of the other lots in the neighborhood. The proposed lots are 3,267 and 2,504 square feet. The neighborhood ranges 1,228 to 5,640 square feet. **Shape:** The proposed lot shapes are consistent with the variety of lot shapes in the neighborhood. **Frontage:** The existing lots in the neighborhood have frontages that range from 30 feet to 220 feet. The proposed lots at 85 feet wide and 40 feet fall within the range of lot frontages for the neighborhood. **Width:** Each of the proposed lots is 87 Feet, which is in the range (45 – 165 feet) for the neighborhood. **Alignment:** Each proposed lot is aligned perpendicularly to their respective street, which is consistent with the neighborhood. **Suitability:** The proposed lots have useable area and are deemed suitable for residential development.

## **CONCLUSION**

In applying the resubdivision criteria to the defined neighborhood delineated by staff, staff finds the proposed resubdivision does comply with all seven of the criteria set forth in Section 50-29(b)(2) as illustrated by the characteristics set forth on the attached tabular summary. Staff believes that a high correlation exists between the size, area, frontage, width, shape, alignment and suitability for residential use of the proposed lots and the same characteristics of the existing lots in the defined neighborhood. The two lots proposed under this pre-preliminary plan would be compatible with the existing lots identified in the neighborhood delineated on the attached graphics. Staff has no objection to the submission of a preliminary plan application pursuant to Section 50-29(b)(2) of the Subdivision Regulation and the preliminary plan application meeting all other applicable requirements.

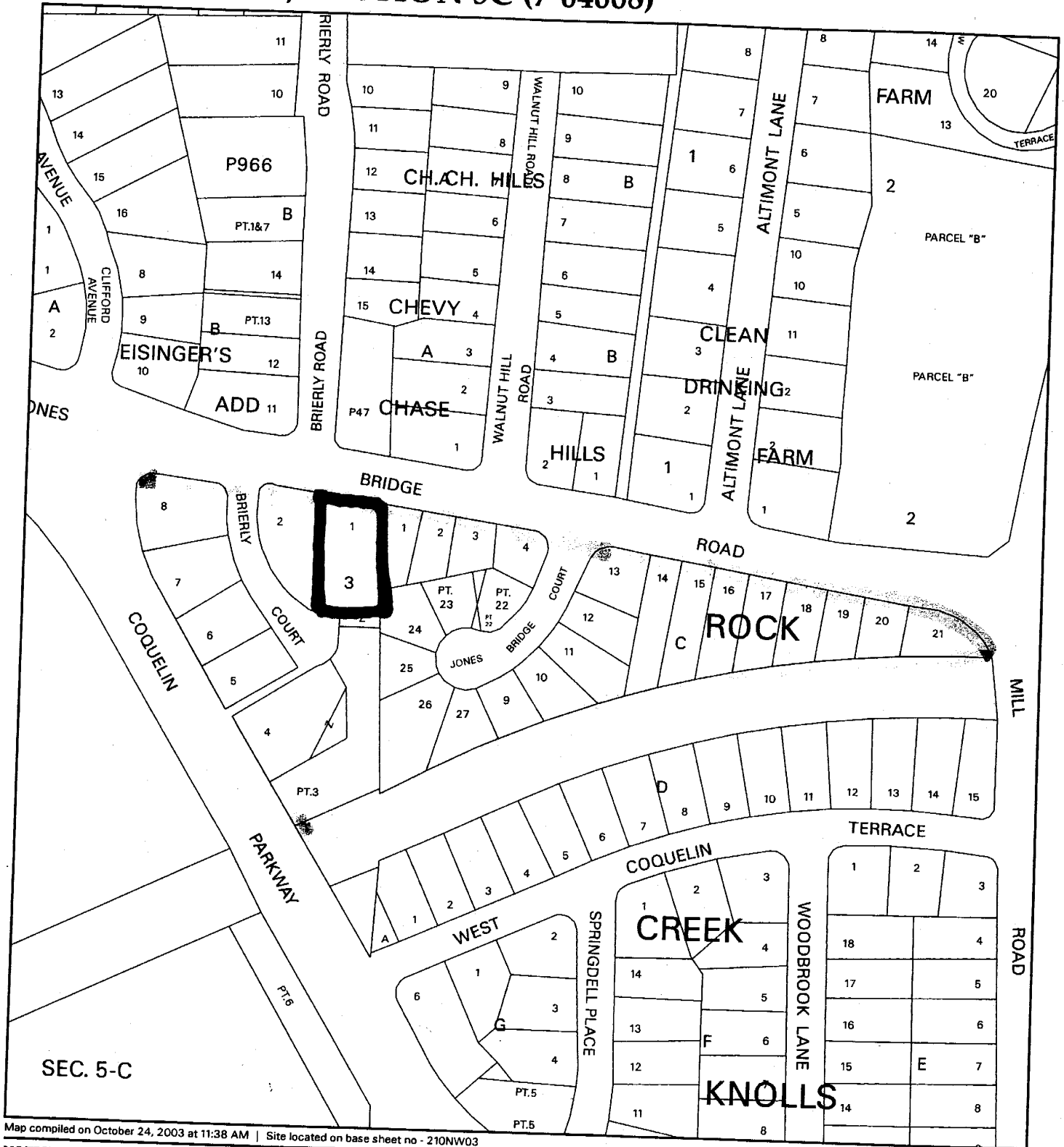
**Attachments**

Vicinity and Neighborhood Delineation Map	4
Neighborhood Development Map	5
Proposed Resubdivision Plan	6
Tabular Summary	7 - 8

*To date one letter has been submitted to the file and is attached to this report*

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# CHEVY CHASE, SECTION 5C (7-04008)



Map compiled on October 24, 2003 at 11:38 AM | Site located on base sheet no - 210NW03

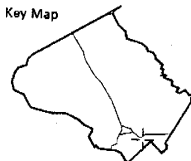
## NOTICE

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



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Research & Technology Center



1 : 2400

# CHEVY CHASE, SECTION 5C (7-04008)



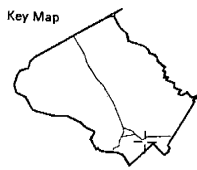
Map compiled on October 24, 2003 at 11:42 AM | Site located on base sheet no - 210NW03

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Key Map



1 : 2400



**PROPOSED LOTS 9 AND 10, BLOCK 3**  
 Chevy Chase Section 5-C  
 Job No. 03-124  
 Comparable Lot Data Table (Sorted by Lot Size)

Lot #	Block	Frontage	Alignment	Lot Size	Lot Shape	Avg. Width	Buildable Area
8 (3)	3	135	PERPENDICULAR	13,248	RECTANGLE	100	4,691
4	3	30	PARALLEL	12,661	RECTANGLE	67	5,180
2	3	220	PERPENDICULAR	12,567	IRREGULAR	70	3,675
11 (3)	B	170	PARALLEL	11,755	RECTANGLE	165	4,420
<del>1 (3)</del>	<del>A</del>	<del>125</del>	<del>PARALLEL</del>	<del>11,676</del>	<del>RECTANGLE</del>	<del>73</del>	<del>4,784</del>
26 (5)	C	33	PERPENDICULAR	11,543	IRREGULAR	90	5,360
<del>1 (3)</del>	<del>2</del>	<del>120</del>	<del>PARALLEL</del>	<del>11,126</del>	<del>SQUARE</del>	<del>120</del>	<del>4,668</del>
<del>1 (3)</del>	<del>1</del>	<del>110</del>	<del>PARALLEL</del>	<del>10,704</del>	<del>SQUARE</del>	<del>110</del>	<del>4,448</del>
7	3	67	PERPENDICULAR	10,534	IRREGULAR	80	5,226
14 (5)	C	50	PERPENDICULAR	10,121	RECTANGLE	50	5,640
<del>10 (3)</del>	<del>B</del>	<del>120</del>	<del>PARALLEL</del>	<del>9,887</del>	<del>SQUARE</del>	<del>120</del>	<del>3,784</del>
6	3	80	PERPENDICULAR	9,242	RECTANGLE	80	4,367
15 (5)	C	50	PERPENDICULAR	8,945	RECTANGLE	50	4,813
5	3	70	PERPENDICULAR	8,505	RECTANGLE	70	3,974
21 (3)	C	165	PARALLEL	8,444	RECTANGLE	75	2,135
16 (5)	C	50	PERPENDICULAR	7,879	RECTANGLE	50	4,062
11 (5)	C	50	PERPENDICULAR	7,870	RECTANGLE	60	3,821
<del>2 (3)</del>	<del>B</del>	<del>101</del>	<del>PERPENDICULAR</del>	<del>7,865</del>	<del>RECTANGLE</del>	<del>100</del>	<del>2,588</del>
17 (5)	C	55	PERPENDICULAR	7,563	RECTANGLE	55	3,822
13 (3)	C	82	PARALLEL	7,395	SQUARE	87	2,966
<del>1</del>	<del>B</del>	<del>65</del>	<del>PERPENDICULAR</del>	<del>7,122</del>	<del>RECTANGLE</del>	<del>65</del>	<del>3,024</del>
10	3	85	PERPENDICULAR	7,054	SQUARE	87	2,504
9	3	40	PERPENDICULAR	6,960	SQUARE	87	3,267
24 (5)	C	33	PERPENDICULAR	6,575	IRREGULAR	68	2,251
18 (5)	C	55	PERPENDICULAR	6,537	RECTANGLE	55	3,096
27 (5)	C	33	PERPENDICULAR	6,482	IRREGULAR	70	2,731
10 (5)	C	50	PERPENDICULAR	6,164	RECTANGLE	60	2,567
12 (5)	C	50	PERPENDICULAR	6,076	RECTANGLE	53	2,547
4 (3)	C	84	PARALLEL	5,744	SQUARE	80	1,228
20	C	65	PERPENDICULAR	5,684	RECTANGLE	65	2,081
19 (5)	C	55	PERPENDICULAR	5,641	RECTANGLE	55	2,421
25 (5)	C	36	PERPENDICULAR	5,527	IRREGULAR	68	2,254
1 (5)	C	55	PERPENDICULAR	5,256	RECTANGLE	45	2,168
9 (5)	C	53	PERPENDICULAR	5,199	RECTANGLE	56	1,781
2 (5)	C	50	PERPENDICULAR	5,000	RECTANGLE	50	1,925
3	C	65	PERPENDICULAR	5,000	RECTANGLE	65	1,552

1. Lot statistics taken from available record plats.
2. Parts of lots and parcels were not included.
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Chevy Chase Section 5-C

Job No. 03-124

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<del>1 (3)</del>	<del>1</del>	<del>110</del>	<del>PARALLEL</del>	<del>10,794</del>	<del>SQUARE</del>	<del>110</del>	<del>4,118</del>
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Brierly Court Homeowners  
c/o: Gordon B. Richman  
8700 Brierly Court  
Chevy Chase, Maryland 20815  
October 8, 2003

Maryland – National Capital Park and Planning Commission  
Subdivision Office  
Development Review Division  
8787 Georgia Avenue  
Silver Spring, MD 20910

Attn.: Malcolm Shanaman, Development Review

Re: **Opposition to Preliminary Subdivision Plan (M-NCP&P File No. 7-04008)**

To Whom It May Concern:

The undersigned property owners on Brierly Court in Chevy Chase have recently learned of the above-referenced preliminary subdivision plan filed by Bogdan Builders and our immediately adjacent neighbor on Jones Bridge Road. We are writing to inform you of our vehement opposition to the preliminary subdivision plan and our intent to actively participate in the review process and any open hearings conducted by the Montgomery County Planning Board.

We consider the preliminary subdivision plan to represent a serious affront to our property rights and firmly believe that it would negatively impact Brierly Court and the way it has been for nearly 50 years. Permitting the Jones Bridge Road lot to be subdivided in order to allow the construction of an eighth house on our small street would increase already strained traffic and parking demands and cause the destruction of old trees. In addition, because of its proposed location, the construction of an additional house on Brierly Court would dramatically disturb our peace and quiet and dangerously inhibit ingress and egress by emergency and other service vehicles for an undefined period of time. And all of the existing Brierly Court property owners would suffer this disruption and detriment – not for the good of the community or Montgomery County, but only for the monetary benefit of a builder/developer and one property owner. This kind of development is unnecessary and patently unfair to adjacent property owners and taxpayers, and it simply should not be approved by the Planning Board. The initial subdivision that was created five decades ago (which, importantly, anticipated an additional road that wisely has never been built) resulted in a number of oddly shaped and disparate lots on Brierly Court. This set of historical oddities should not be further compounded now by the Commission's or the County's approval of a clearly unnecessary and overly aggressive subdivision plan that seeks to accomplish nothing more than cramming one more house into Chevy Chase.

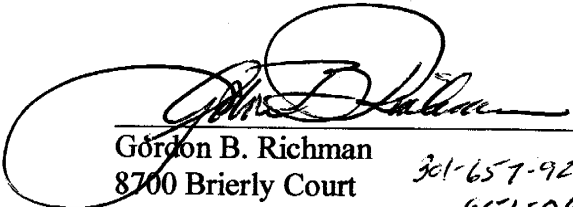
We want all interested parties (including the Maryland – National Capital Park and Planning Commission, the Montgomery County Planning Board, the Jones Bridge Road property owners,

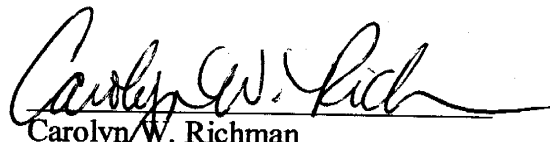
and any intended builder/developer) to know that this will not happen without active, stern, and vocal opposition from all of us. Given our strong views and interests in this matter, we fully intend to pursue all available legal, administrative, and other appropriate remedies to oppose the requested approval of the pending preliminary subdivision plan. In this regard, we hereby formally request written advance notice of any actions, including open hearings, regarding the above-referenced plan.

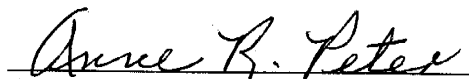
Please contact us if you have any questions about our opposition to the submitted preliminary subdivision plan (M-NCP&P File No. 7-04008).

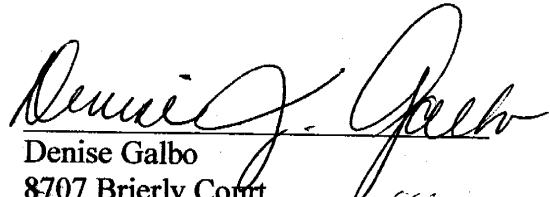
Sincerely,

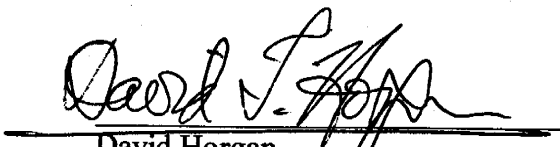
Brierly Court Homeowners

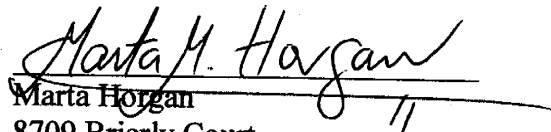
  
Gordon B. Richman  
8700 Brierly Court  
301-657-9211  
951-0607


  
Carolyn W. Richman  
8700 Brierly Court

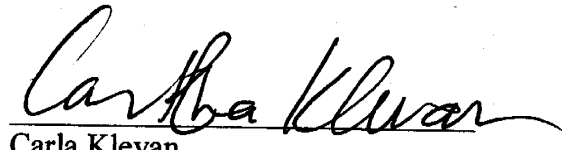
  
Anne R. Peter  
8701 Brierly Court  
656-2486

  
Denise Galbo  
8707 Brierly Court  
986-1180

  
David Horgan  
8709 Brierly Court  
657-9229

  
Marta Horgan  
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Mort Klevan  
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Carla Klevan  
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cc: Bogdan Builders