

M-NCPPC



MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING

THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

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MEMORANDUM

DATE: February 13, 2004

TO: Montgomery County Planning Board

VIA: Joseph Davis, Chief ^{RE}
Development Review Division

FROM: A. Malcolm Shaneman, Supervisor (301) 495-4587
Dolores M. Kinney, Senior Planner (301) 495-1321

REVIEW TYPE: Preliminary Plan Review

APPLYING FOR: Resubdivision of Existing Lot 1

PROJECT NAME: Hermitage Park

CASE #: 1-04010

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

ZONE: R-90

LOCATION: On north side of Hewitt Avenue, approximately 500 feet west of
Bluff Point Lane

MASTER PLAN: Aspen Hill

APPLICANT: Olympus Real Estate Group, LLC

FILING DATE: August 13, 2003

HEARING DATE: February 19, 2004

STAFF RECOMMENDATION: Denial, pursuant to Section 50-29 (b)(2) of the
Subdivision Regulations

DISCUSSION OF ISSUES

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

This is an application to resubdivide parts of Lot 1 into two (2) individual lots. The property was previously resubdivided by deed leaving two parts of Lot 1. The remaining portion of Lot 1 is not included in this analysis since it is the unsubdivided remainder of a lot.

In order to approve an application for *Resubdivision*, the Planning Board must find that the proposed lots 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."

In administering the Resubdivision section, the Planning Board must determine the appropriate "neighborhood" for evaluating the application. A description of the area analyzed under the resubdivision criteria and an illustration that delineates the neighborhood is included in the staff report. The neighborhood delineation for this application includes only those lots found in the R-90 zone and only those lots that have been recorded by plat. All the lots in the defined neighborhood have direct access to Hewitt Avenue.

The neighborhood designated by staff consists of 11 lots inclusive of the two proposed lots. Six lots are fronting on the north and south sides of Hewitt Avenue, east of Bluff Point Lane and the remainder of the lots front Hewitt Avenue on the south, west of Bluff Point Lane. They range in size from 12,016 square feet to 16,562 square feet; are all perpendicular in alignment, except for the corner lots, rectangular in shape and consistent in lot size, width area and residential use pursuant to Section 50-29 (b) (2).

Staff has attached to this Memorandum a Vicinity Map, which delineates the relevant neighborhood for analysis purposes under Section 50-29 (b)(2). It has been the longstanding practice of the Planning Board to exclude from its defined neighborhood those existing lots that are situated in zones different from the zone in which the property that is the subject of the application is located. Consequently, staff excluded from its consideration the lots on the west and access Hewitt Avenue to the south. These properties are zoned R-20.

Master Plan Compliance

The subject property is located in the 1994 Aspen Hill Master Plan. It is identified as Site 22, Hoang Parcel. This is one of two instances along Hewitt Avenue

where the Master Plan recommends a lower density than the 1970 Master Plan, which recommended an R-20 zone, “to create a development pattern that is compatible with the existing surroundings.” The Plan states that,

“the 21,179 square-foot parcel is located on the northern side of Hewitt Avenue (Figure 21). Apartments, to the north and east by single-family detached houses, border the Property to the west.

As stated, this site was previously recommended for R-20 in the 1970 Aspen Hill Master Plan. The site is small and located in a transitional area between apartments and low density, single family homes. To retain a defined transition area between these land uses, this Plan recommends retaining the existing R-90 zone. The R-90 zone will provide a maximum density of two units.”

Although, the proposed resubdivision complies with the recommendations adopted in the master plan in that it is a request for residential development, it must, nevertheless, meet the resubdivision criteria pursuant to Section 50-29 (b)(2) of the Subdivision regulations.

AREA DESCRIPTION:

The site is located on the north side of Hewitt Avenue just west of Bluff Point Lane. The area immediately adjacent and across Hewitt Avenue from the subject site is zoned R-20 and is developed with multi-family dwelling units. The single-family development located behind the subject property is zoned R-150. The subject property and the remainder of Pt. Lot 1 are the only R-90 zoned properties in the block. The properties located east of the intersection of Hewitt Avenue and Bluff Point Lane are zoned R-90.

SITE DESCRIPTION:

The property was part of the original Hermitage Subdivision which was approved in 1947. Subsequently, the property was resubdivided in 1969. It is zoned R-90 and contains .49 acres (21,244 square feet). The property is currently developed with one (1) single-family dwelling unit. The proposed resubdivision will create two lots identified as Lot 4 and Lot 5. Lot 4 will contain 9,000 square feet and Lot 5 will contain 12,179 square feet.

ANALYSIS

The subject resubdivision application creates two (2) single family detached dwelling unit lots. Lot 5 is a pipestem shaped lot with direct access to Hewitt Avenue. Lot 4 is an irregularly shaped lot perpendicular to Hewitt Avenue. It to has direct access to Hewitt Avenue. The proposed new lots will be the only lots of this configuration in the defined neighborhood and are not consistent with the design of the other lots in this neighborhood. The frontage of the pipestem, Lot 5, is the smallest of all the lots in the

defined neighborhood. Lot 4's frontage is within the range of the other lots. The area of the lot or the land located within the building envelope is smaller than all but one of the other lots analyzed in the neighborhood. In the areas of size and width, the proposed two (2) lot resubdivision is consistent with those lots identified in the defined neighborhood.

CONCLUSION:

The proposed resubdivision creates two lots; one of which is pipestem shape and the other is irregularly shaped. Staff concludes that the pipestem shaped lot will be the only of this shape in the delineated neighborhood. In addition, to its unique shape, proposed Lot 5 would have a significantly narrower frontage, at 31 feet, than any other lot in the delineated neighborhood. The proposed Lot 4, at 9,000 square feet, would be significantly smaller, with respect to size, than the other lots in the delineated neighborhood. Similarly, proposed Lot 4, at 3,250 square feet, would have the least area of any lot in the defined neighborhood. Pursuant to Section 50-29 (b) (2) of the Subdivision Regulations, the proposed resubdivision must be consistent in character with the neighborhood as it pertains to street frontage, alignment, size, shape, width, area and suitability for residential use. In staff's opinion a high correlation does not exist between the development characteristic of the proposed and existing lots in the delineated neighborhood. Therefore, staff recommends denial of the subject application pursuant to Section 50-29(b)(2) of the Subdivision Regulations.

Attachments:

Vicinity Map	Page 5 -6
Neighborhood Delineation Map	Page 7
Neighborhood Tabulation	Page 8
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