



MEMORANDUM

DATE: June 23, 2004 *Revised June 27, 2004*

TO: Montgomery County Planning Board

VIA: Richard Hawthorne, Acting Chief Development Review Division *RCH*

FROM: Catherine Conlon, Acting Supervisor (301) *495-1321*
Dolores M. Kinney, Senior Planner (301) 495-1321

REVIEW TYPE: Preliminary Plan Review

APPLYING FOR: Resubdivision of Existing Lot 13, Great Elm Farm Estates Subdivision for Two Lots

PROJECT NAME: Great Elm Farm Estates

CASE #: 1-04066

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

ZONE: RE-2

LOCATION: On Partridge Run Lane, approximately 270 feet south of Glen Road

MASTER PLAN: Potomac Subregion

APPLICANT: Guy H. Semmes

FILING DATE: March 5, 2004

HEARING DATE: July 1, 2004

STAFF RECOMMENDATION: Denial, pursuant to Section 50-29 (b) (2), Montgomery County Subdivision Regulations.

SITE DESCRIPTION:

The subject property, Lot 13, Block 3 ("Subject Property"), is part of the Great Elm Farms Estates subdivision, which was originally recorded by plat in 1994. The Subject Property is located on the west side of Partridge Run Lane, approximately 270 feet south of Great Elm Farm Estates is zoned RE-2. The property is developed with a single-family dwelling.

PROJECT DESCRIPTION:

This is an application to resubdivide the 4.41 acre Subject Property into two residential lots. The applicant proposes to create a 2.41 acre lot with 53,700 square feet of developable area ("Proposed Lot 20") and a 2.00 acre lot with 45,500 square feet of developable area ("Proposed Lot 21"). The applicant proposes retention of the existing dwelling on the Subject Property and the construction of a new single-family detached dwelling.

DISCUSSION OF ISSUES

Master Plan Compliance

The Master Plan does not specifically identify the Subject Property for discussion but does give general guidance and recommendations regarding zoning and land use. The plan recommends that this area maintain the existing zoning as adopted and maintain the residential land use consisting of single-family detached homes. The proposed resubdivision complies with the recommendations adopted in plan in that it is a request for residential development and is consistent with the Zoning Ordinance for the RE-2 zone.

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 consists of 30 lots. The Neighborhood extends north to Glen Road, east, just beyond the Partridge Run Lane right-of-way, west of Great Elm Court and south to Parcel 843. The lots range in frontage from 15 feet to 485 feet, in width from 150 feet to 440 feet, in area from 39,600 square feet to 149,800 square feet, and in size from 87,120 square feet to 196,456 square feet. There are eleven (11) pipestem lots, five (5) radial lots, eight (8) angled lots and six (6) perpendicular lots. There are seventeen (17) irregularly shaped lots, one (1) pie shaped lot, ten (10) rectangular lots and two (2) triangular lots.

ANALYSIS

Comparison of the Character of Proposed Lots to Existing

In performing the analysis, Staff applied the above-noted resubdivision criteria to the delineated neighborhood. Staff concludes that while the proposed resubdivision lots fall within the neighborhood ranges for the resubdivision criteria, they do not have a high correlation with regard to other lots for area, size and width. This lack of correlation results in lots which are not in character with the overall neighborhood. Therefore, staff concludes that the proposed resubdivision does not comply with the area, size and width criteria of Section 50-2(b)(2). As set forth below, the attached tabular summary and graphical documentation support this conclusion:

Criteria Which Have Insufficient Correlation

Area: In Staff's neighborhood, which consists of 30 lots, lot areas range from 39,600 square feet to 149,800 square feet. The proposed Lot 21, with an area of 45,500 square feet and the proposed Lot 20, with an area of 53,700 square feet would be the second and eighth smallest lots in the neighborhood with respect to area. **Lot 20 21 will fall at the lowest end of the range and not have a high correlation with the other lots in the neighborhood as it pertains to area.**

Size: The existing lots range in size from 87,120 square feet to 196,456 square feet. The proposed Lot 20 will be 104,980 square feet. Lot 21 will be 87,120 square feet, which would make it one of the three (3) smallest lots in the neighborhood (four other existing lots in the neighborhood are less than 2.04 acres in size). **Since Lot 21 will fall on the lower end of the scale as it pertains to size, it will not be consistent in character and will not have a high correlation with the existing lots in the neighborhood.**

Width: The existing lots range in width from 150 feet to 440 feet. The proposed Lot 20 will have a lot width of 178 feet and Lot 21, 227 feet. Lot 20 will fall 5th

in width, at the lower end of the range of the neighborhood. **This lot will not have a high correlation in width with the existing lots in the neighborhood.**

Criteria Which Have High Correlation

Frontage: In Staff's neighborhood, the lots range in frontage from 15 feet to 485 feet. Proposed Lot 20 has a lot frontage of 180 feet, and the proposed Lot 21 has a frontage of 210 feet, which will be the 15th and 17th lots in the neighborhood with respect to frontage. These lots will be consistent in character and have a high correlation with the other lots as they pertain to frontage.

Shape: Proposed Lot 20 and Lot 21 will both have irregular shapes with Lot 21 being a pipestem lot. The neighborhood consists of 17 irregularly shaped lots. Therefore, there is a high correlation between the shape of the proposed Lot 21 and the shape of the existing lots.

Alignment: Lot 20 will be a perpendicular and Lot 21 will be pipestem in alignment. There are eleven (11) other pipestem lots in the neighborhood and six (6) existing perpendicular aligned lots existing in the neighborhood. The remaining lots are angular and radial in shape. The existing lots vary in alignment, approximately a fourth for each alignment type. Therefore, the proposed lots are consistent in character and have a high correlation in character with the other existing lots.

Residential Use: The existing lots and the proposed lots are residential in use

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. The proposed resubdivision will create two (2) lots which will fall at the lowest end of the scale as it pertains size (proposed Lot 21) and area (proposed Lot 20), and which do not have a high correlation with regard to lot width (proposed Lot 20). As such, a high correlation does not exist between the lot area and width size of proposed Lot 20 and existing lots in the neighborhood; and between the ~~size~~ width of proposed Lot 20 and existing lots in the neighborhood. Therefore, the proposed resubdivision does not comply with Section 50-29(b)(2) of the Subdivision Regulations and Staff recommends denial of the preliminary plan.

Attachments

- Attachment 1 Vicinity Development Map
- Attachment 2 Neighborhood Delineation Map

Attachment 3 Proposed Development Plan
Attachment 4 Tabular Summary
Attachment 5 Applicant Correspondence