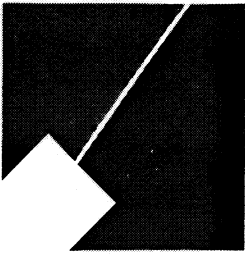


M-NCPPC



MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING

THE MARYLAND-NATIONAL CAPITAL  
PARK AND PLANNING COMMISSION

ITEM# 9  
DATE: 9/30/04

8787 Georgia Avenue  
Silver Spring, Maryland 20910-3760



MEMORANDUM

**DATE:** September 24, 2004

**TO:** Montgomery County Planning Board

**VIA:** Richard Hawthorne, Acting Chief *RCH*  
Catherine Conlon, Acting Supervisor *CC*  
Development Review Division

**FROM:** Richard Weaver, Coordinator (301) 495-4544 *RAW*

**REVIEW TYPE:** Preliminary Plan Review

**APPLYING FOR:** Resubdivision of Pt. of Lot 16, Pt. of Lot 18 and Lot 17

**PROJECT NAME:** Garrett Park Section 1

**CASE #:** 1-04102

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

**ZONE:** R-90

**LOCATION:** Located on the east side of Kenilworth Avenue, approximately 250 feet southwest of Rokeby Avenue

**MASTER PLAN:** North Bethesda Garrett Park

**APPLICANT:** Jon Siegel

**FILING DATE:** June 17, 2004

**HEARING DATE:** September 30, 2004

**STAFF RECOMMENDATION:** Approval, pursuant to Section 50-29 (b) (2), Montgomery County Subdivision Regulations, and subject to the following conditions:

- 1) Access and improvements as required to be approved by MCDPWT prior to recordation of plat.
- 2) Compliance with Tree Save plan as approved by MNCPPC
- 3) Applicant to submit an engineered sediment control plan to MCDPS at the time of building permit.
- 4) This preliminary plan will remain valid for thirty-seven (37) months from the date of mailing of the Planning Board opinion. Prior to this date, a final record plat must be recorded for all property delineated on the approved preliminary plan, or a request for an extension must be filed
- 5) Other necessary easements

### **PREVIOUS BOARD ACTION**

On April 1, 2004, the Planning Board considered a non-binding, pre-preliminary plan for the subject property. Staff requested that the Planning Board provide their thoughts on the plan with respect to:

- Neighborhood Delineation
- Lot Size and Area
- Lot Shape

At that hearing, the Planning Board agreed with the neighborhood delineation provided by the applicant. The same neighborhood delineation has been submitted and is the basis for the current application. The pre-preliminary plan indicated that the proposed lot would be the second largest in the neighborhood with respect to size and area. After discussion with staff, the Planning Board was comfortable that the lots were of similar character with respect to size and area. The Board also examined the shape of the lot and found that the neighborhood had other lots of irregular shape and that the proposed lot was similar in character.

### **SITE DESCRIPTION:**

The Subject Property, Lot 17, Pt. of 16 and Pt. of 18 ("Subject Property"), is part of the Garret Park Subdivision which was recorded in part in 1887, 1946 and 1954. Numerous resubdivisions have occurred; the most recent in 1999. The subject property is located on the east side of Kenilworth Avenue, approximately 250 feet southwest of Rokeby Avenue and is presently improved with a single-family detached dwelling to be demolished and replaced with a new single-family detached dwelling. The property contains 0.4204 acre.

### **PROJECT DESCRIPTION:**

This is an application to resubdivide parts of lots and a recorded lot into one buildable lot. Since the parts of lots were created (deeded) after June 1, 1958, the assemblage of these lots will not qualify for a minor subdivision. The resulting lot will be 18,313 square feet in size.

## **DISCUSSION OF ISSUES**

### **Master Plan Compliance**

The North Bethesda Garrett Park 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 the sector plan in that it is a request for residential development.

### **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**

The defined neighborhood used in the evaluation of this resubdivision contains 22 lots as shown on the attached neighborhood delineation. Lots in the neighborhood vary widely with respect to size, shape, width, frontage and area. Many parts of lots exist in close proximity to the subject property that were not, as is Planning Board practice, included in the defined neighborhood because there is no assurance that they meet the minimum zoning standards.

Staff has provided the identical neighborhood delineation that the Planning Board considered as part of the pre-preliminary plan. The neighborhood provided provides an adequate sample that exemplifies the lot and development pattern of the area.

## **ANALYSIS**

### **Comparison of the Proposed Lots to Existing**

Staff applied the resubdivision criteria noted above to the subject application and concludes that the proposed lot falls within the neighborhood range for six of the seven

resubdivision criteria. **The exception is width.** Staff notes that the proposed lot is on the inside of a curve in Kenilworth Avenue. The resulting width is a function of the frontage on this street. Following is a detailed analysis for each of the seven criteria and a staff conclusion regarding lot correlation and character comparison:

**Area:** In a neighborhood of 22 lots, the existing lot areas range from 1,227 square feet to 9,997 square feet. **The proposed lot is 8,846 square feet and demonstrates a high correlation with the existing lots in the neighborhood. Therefore, staff finds that the proposed lot is of the same character with respect to area, as the existing lots in the neighborhood.**

**Lot Size:** The neighborhood consists of 22 lots, which range in size from 3,179 square feet to 24,992 square feet. The proposed lot is 18,313 square feet in size. **Therefore, the proposed lots will be of the same character and have a high correlation with regard to size as the other lots in the neighborhood.**

**Alignment:** All lots within the neighborhood align perpendicularly to the road. The same is true for the proposed lot. **Staff therefore finds there to be a high correlation with other lots and that the proposed lot is of the same character as the existing lots.**

**Lot Frontage:** The lot frontages in the existing neighborhood range from 50 feet to 219 feet. The proposed resubdivision will have a lot frontage of 184 feet. **Again, staff finds there to be a high correlation and finds the proposed lot to be of the same character as the other lots in the neighborhood with respect to lot frontage.**

**Shape:** The existing neighborhood consists of a mix of rectangular and irregularly shaped lots. The proposed resubdivision creates one irregularly shaped lot that **staff finds to have a high correlation and to be of the same character with the lots in the defined neighborhood.**

**Width:** The neighborhood consists of lots that range from 50 feet to 120 feet. The lot width of the proposed lot is 140 feet. The lot will be the widest in the neighborhood; however, this is due to its location on the inside of a curve on the frontage road. The width is not disproportionate with other wider lots in the defined neighborhood. **While the proposed lot does not have a high correlation with the lots in the defined neighborhood it is of the same character with respect to width.**

**Suitability for Residential Use:** The proposed lots in the neighborhood are zoned residential and are suitable for residential use.

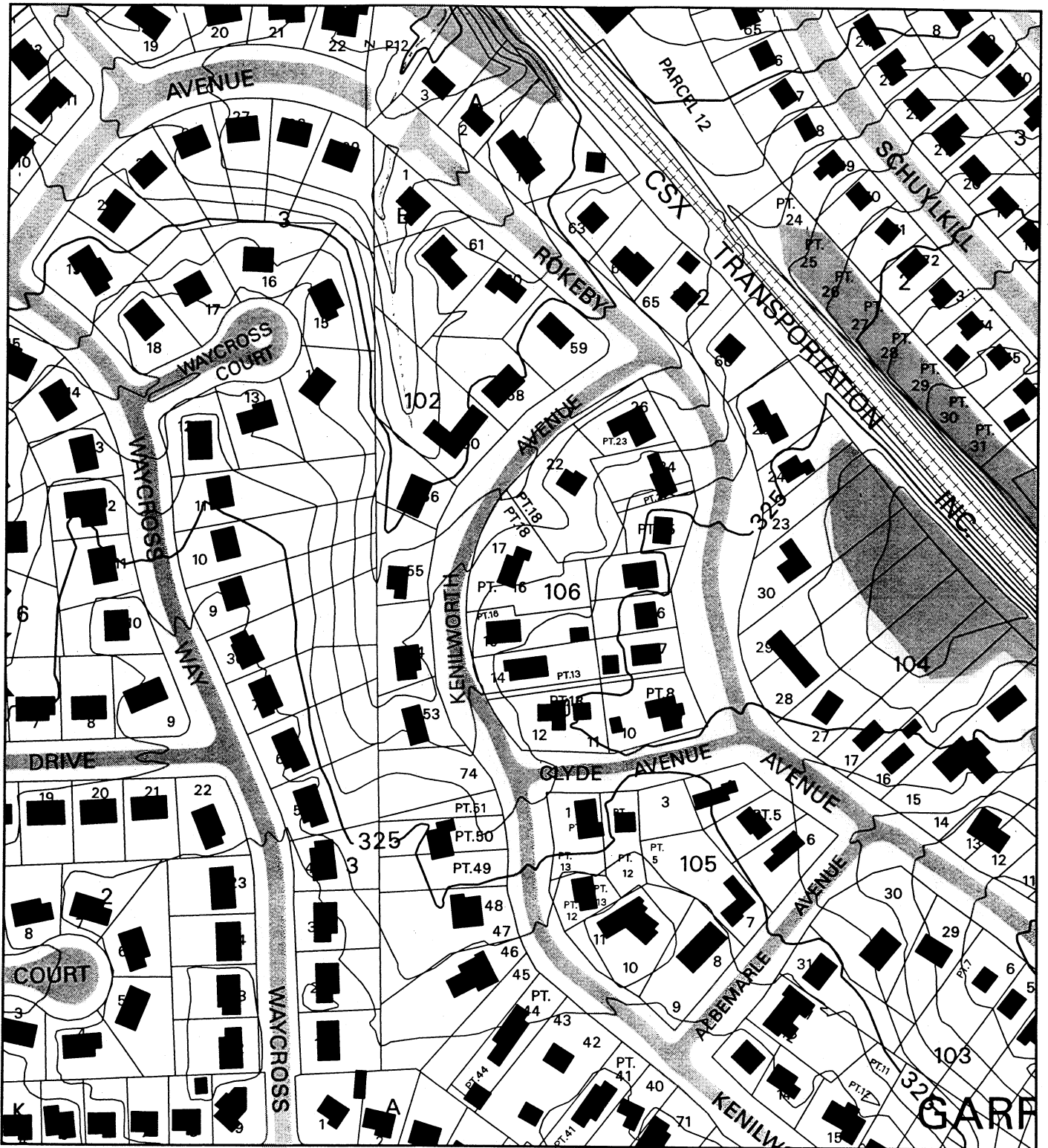
## **CONCLUSION:**

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. Staff concludes that the proposed lot has a high correlation with six of the seven criteria, with width being the exception. Staff finds, however, that the proposed lot is of the same character with the existing lots in the neighborhood with respect to the seven resubdivision criteria and complies with Section 50-29(b)(2) of the Subdivision Regulations. As such, Staff recommends approval 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 Correspondence

# GARRETT PARK, SEC. ONE, LOT 17, PT. OF LOTS 16 & 18 (1-04102)



Map compiled on July 06, 2004 at 11:22 AM | Site located on base sheet no - 214NW05

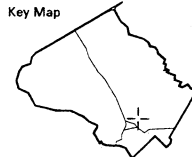
## NOTICE

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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

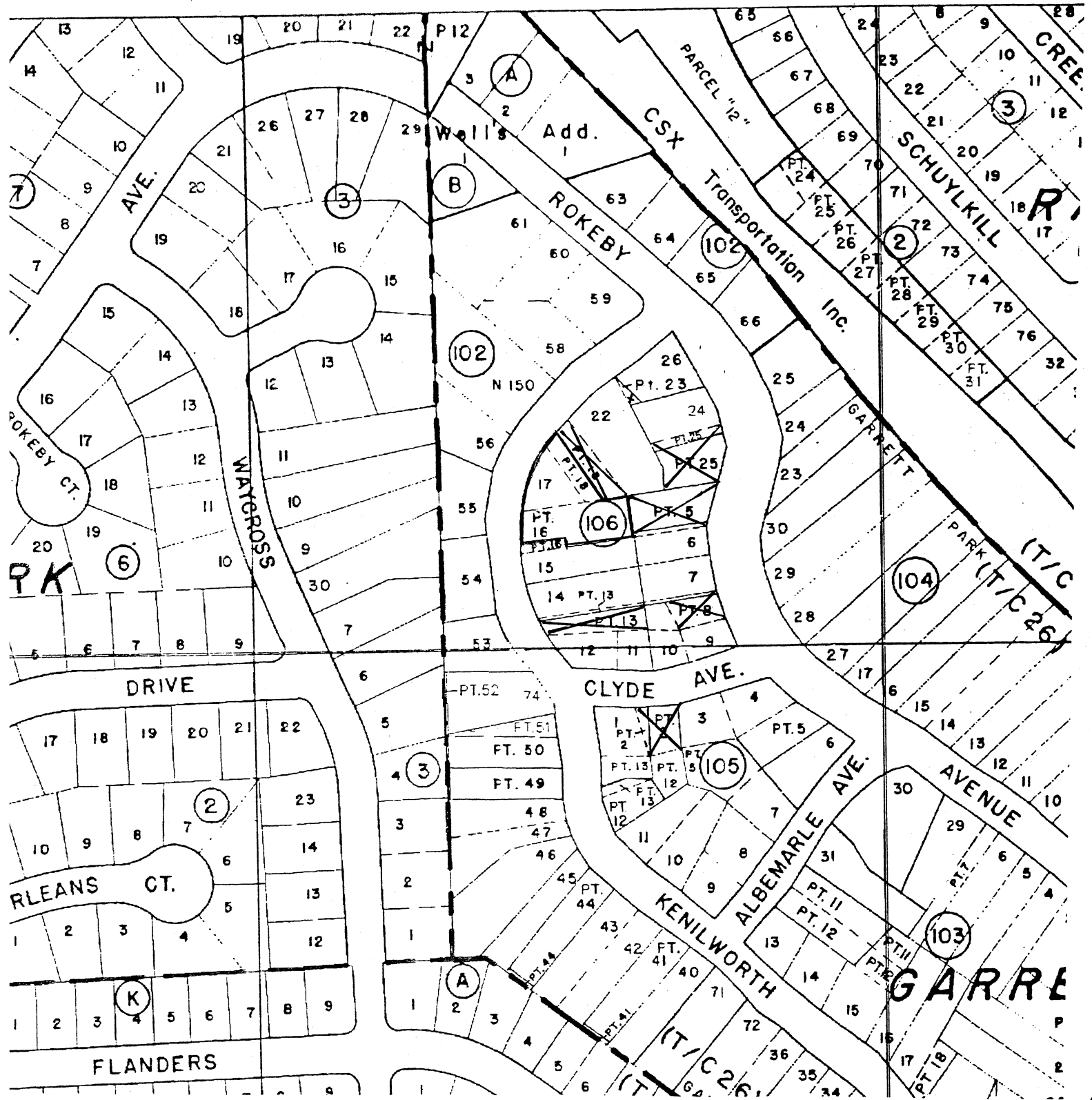


Research & Technology Center



1 inch = 200 feet  
1 : 2400

# NEIGHBORHOOD DELINEATION



**General Notes**

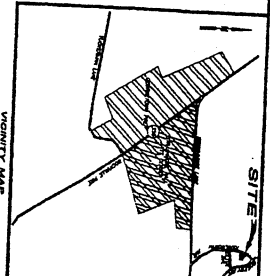
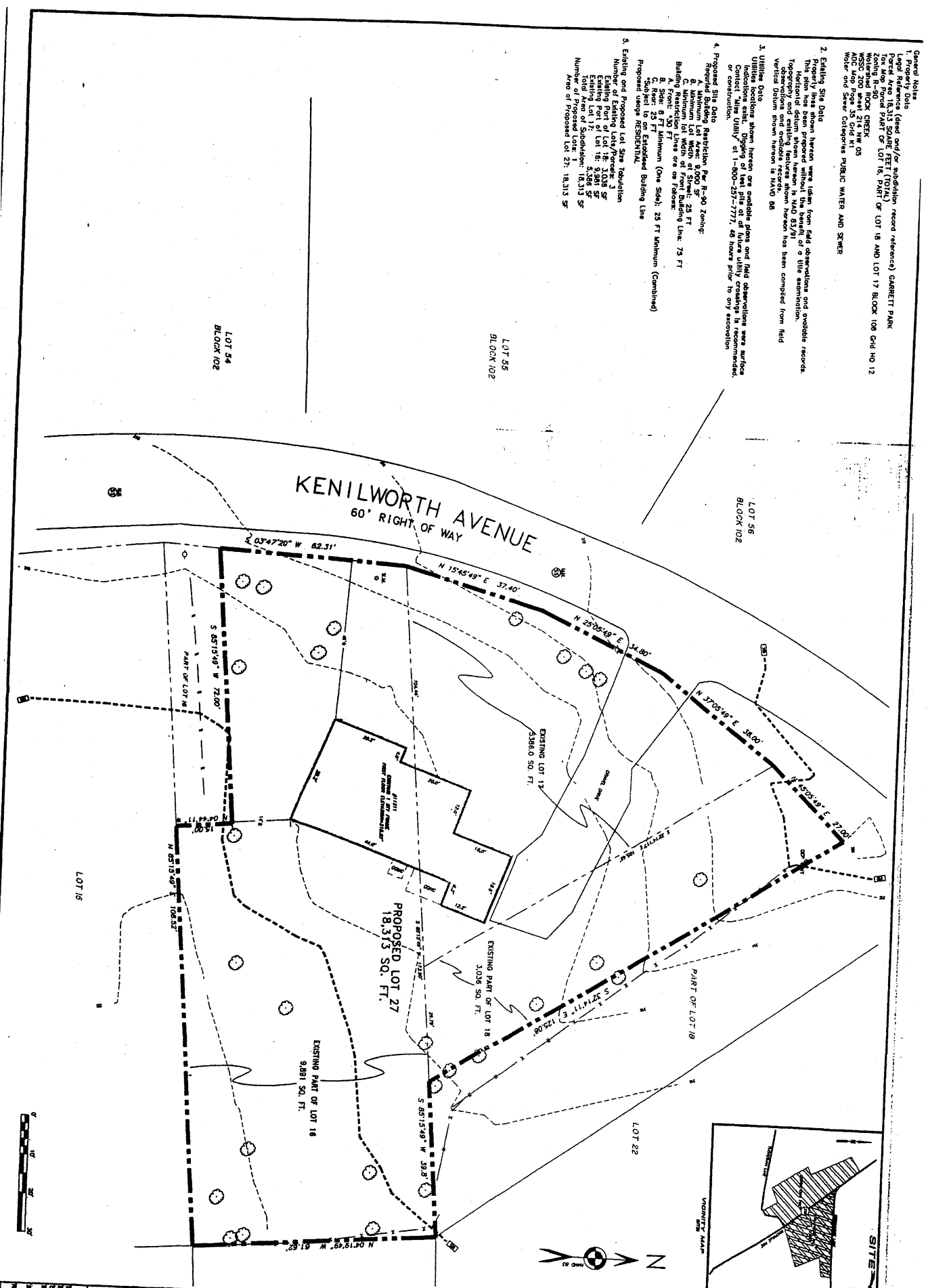
1. Property Data  
 Parcel Area 18,313 SQ. FT. (see and/or subdivision record reference) GARRETT PARK  
 Parcel Map No. 18,313 (PART OF LOT 16, PART OF LOT 18 AND LOT 17 BLOCK 106 GRID HQ 12  
 WASHINGTON COUNTY, MARYLAND)  
 WMSC 200 Sheet 214 NW 05  
 MDC Map Page 35 Grid K1  
 Note: All Sewer Collocates PUBLIC WATER AND SEWER

2. Existing Site Data  
 Property owner has been notified from field observations and available records.  
 This plan has been prepared with the best available information.  
 Horizontal datum shown herein is NAD 83/91 of a title examination.  
 Topography and existing features shown herein has been compiled from field  
 observations and available records.  
 Vertical Datum shown herein is NAVD 88

3. Utilities Data  
 Utilities locations shown herein are available plans and field observations were surface  
 indications only. Digging of test pits at all future utility locations were required  
 for verification.  
 Contact Utility at 1-800-257-7777, 48 hours prior to any excavation  
 or construction.

4. Proposed Site Data  
 Proposed Building Restriction Per R-90 Zoning:  
 A. Minimum Lot Area: 9,000 SF  
 B. Minimum Lot Width of Street: 23 FT  
 C. Minimum Lot Width of Fronting Lot: 23 FT  
 Building Restriction Lines are as follows:  
 A. Front: 15 FT  
 B. Rear: 23 FT Minimum (One Side); 23 FT Minimum (Combined)  
 Subject to an Extended Building Line  
 Proposed Setback RESUBMITTAL

5. Existing and Proposed Lot Size Tabulation  
 Number of Existing Lot/Parcel: 3  
 Existing Part of Lot 16: 3,006 SF  
 Existing Part of Lot 17: 5,386 SF  
 Number of Proposed Subdivisions: 18,313 SF  
 Area of Proposed Lot 27: 18,313 SF



NO.	DATE	DESCRIPTION	BY	CHECKED BY

**PRE-APPLICATION CONCEPT PLAN**

LANDS OF  
 PART OF LOTS 16, 17 AND LOT 17, BLOCK 106  
**GARRETT PARK SECTION 1**  
 L 19549 F 228  
 4TH ELECTION DISTRICT  
 MONTGOMERY COUNTY, MARYLAND

**O'Connell & Lawrence, Inc.**  
 Construction Consultants, Engineers, Surveyors  
 17904 Georgia Avenue, Suite 302  
 Olney, Maryland 20852  
 Tel: (301) 451-1111



Comparable Lot Data Table

Garrett Park 7-04014

Lot #	Block	Frontage	Alignment	Size	Shape	Width	Lot Area
59	102	217'	Perpendicular	11,869	Square (corner)	100'	4,750
58	102	88'	Perpendicular	12,065	Irregular	90'	4,826
N150	102	111'	Perpendicular	24,992	Irregular	110'	9,997
56	102	71'	Perpendicular	11,761	Irregular	80'	4,704
55	102	99'	Perpendicular	10,254	Irregular	110'	4,101
54	102	119'	Perpendicular	10,403	Rectangular	120'	4,161
53	102	107'	Perpendicular	9,980	Irregular	90'	4,000
74	102	77'	Perpendicular	13,422	Irregular	81'	5,369
12	106	120'	Perpendicular	5,074	Irregular	74'	2,029
14	106	51'	Perpendicular	8,896	Rectangular	50'	3,558
15	106	50'	Perpendicular	9,056	Rectangular	50'	3,824
22	106	105'	Perpendicular	14,617	Irregular	95'	5,846
26	106	219'	Perpendicular	9,166	Irregular	89'	3,666
24	106	69'	Perpendicular	8,164	Rectangular	65'	3,265
6	106	50'	Perpendicular	5,787	Rectangular	50'	2,314
7	106	50'	Perpendicular	5,698	Rectangular	50	2,279
9	106	134'	Perpendicular	4,007	Rectangular	80'	1,602
10	106	57'	Perpendicular	3,069	Square	55'	1,227
11	106	54'	Perpendicular	3,179	Rectangular	50'	1,271
1	105	152'	Perpendicular	5,701	Square	70'	2,280
3	105	75'	Perpendicular	5,920	Square	80'	2,368
4	105	135'	Perpendicular	5,927	Irregular	85'	2,370
<b>Proposed</b>	<b>Lots</b>						
27	106	198'	Perpendicular	18,313	Irregular	140'	7,325



Town of Garrett Park

Incorporated 1898

05 March 2004

RECEIVED

MAR 08 2004

Mr. John Martin  
O'Connell & Lawrence, Inc.  
17904 Georgia Avenue, Suite 302  
Olney, MD 20832

**Re: Preliminary Plan, Lot 17, Part of Lots 16 & Lot 18, Block 106:  
11311 Kenilworth Avenue**

Dear Mr. Martin,

After a review of the plan, dated 1/7/2004, regarding the consolidation of Lot 17 with portions of lots 16 and 18, the Town finds no reason to object to the formation of proposed Lot 27.

Any alteration to existing structures or construction of new structures will, of course, require filing applications for appropriate Garret Park permits.

If you have questions please call.

Yours sincerely,

Edwin Pratt, Jr.  
Town Administrator

CC. Harry Gordon, Setback Advisory Committee Chair