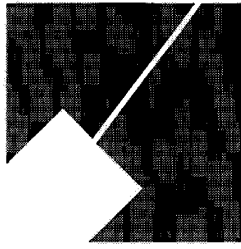


M-NCPPC



**MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING**

THE MARYLAND-NATIONAL CAPITAL  
PARK AND PLANNING COMMISSION

8787 Georgia Avenue  
Silver Spring, Maryland 20910-3760  
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**MEMORANDUM**

**DATE:** November 12, 2004

**TO:** Montgomery County Planning Board

**VIA:** Rose Krasnow, Chief *RK*  
Catherine Conlon, Acting Supervisor *CC*  
Development Review Division

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

**REVIEW TYPE:** Preliminary Plan Review

**APPLYING FOR:** Resubdivision of Pt. Lot 2, Boyds Highlands Subdivision

**PROJECT NAME:** Boyds Highlands

**CASE #:** 1-04088

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

**ZONE:** RE-2

**LOCATION:** Located on the north side Barnesville Road (MD 117), approximately 500 feet southeast of intersection with Slidell Road.

**MASTER PLAN:** Boyds

**APPLICANT:** William Kamachaitis

**FILING DATE:** July 9, 2004

**HEARING DATE:** November 18, 2004

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

- 1) Compliance with the conditions of approval for the preliminary forest conservation plan. The applicant must satisfy all conditions prior to recording of plat(s) or MCDPS issuance of sediment and erosion control permits.
- 2) Record plat to reflect a Category I easement over all areas of forest conservation.
- 3) Compliance with conditions of MCDPS stormwater management letter dated May 21, 2004.
- 4) Record plat to reflect a common ingress/egress and utility easement on shared driveway.
- 5) Compliance with requirements of SHA for access and improvements prior to recordation of plat(s).
- 6) Compliance with conditions of MCDPS (Health Dept.) septic approval dated September 10, 2004.
- 7) Other necessary easements.

### **SITE DESCRIPTION:**

The subject property, part of Lot 2 ("Subject Property"), is one of five lots in the Boyds Highland Subdivision, originally recorded by plat in 1975. The Subject Property is 10 acres in size and is generally upland with no associated streams or stream valley buffers. No forest exists on the site. The property is currently improved with a single-family house. The property is zoned RE-2, which has a minimum lot size requirement of two acres.

### **PROJECT DESCRIPTION:**

This is an application to resubdivide the Subject Property into two residential lots. The existing single-family home will remain. The new home will be located to the rear of the existing home and will share a driveway. The new lots will be 4.7 acres and 5.3 acres in size.

### **DISCUSSION OF ISSUES**

#### **Master Plan Compliance**

The Boyds 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 master plan in that it is a request for development of single-family detached residential units.

## **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 neighborhood contains 11 lots located on the north side of Barnesville Road (MD 117) and to the east of Slidell Road. All lots in the defined neighborhood are zoned RE-2. Lots on the opposite side of Barnesville Road are of a different zone (Rural -5 acre) and, consistent with Planning Board practice, were excluded from the defined neighborhood.

The defined neighborhood includes the four lots, other than the Subject Property, in the original Boyds Highlands subdivision; two lots in an abutting Boyds Highland subdivision to the northwest (lots 6 and 7), platted in 1990, and the five lots to the southwest (lots 1-5) in the abutting Kilmarnock Farm subdivision, platted in 1995. Part of Outlot "A" and a number of deed parcels (unplatted) were also excluded from the defined neighborhood. Staff believes the neighborhood provides an adequate sample that exemplifies the lot and development pattern of the area.

## **ANALYSIS**

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

Determinations regarding resubdivision applications are subject to Section 50-29(b)(2) of the Subdivision Regulations. The application must demonstrate a high correlation in characteristics between the characteristics of the proposed lot and the existing lots in the delineated neighborhood. Specifically, these characteristics are shape, size, alignment, width, frontage, area and suitability for residential use. Staff concludes that the proposed resubdivision complies with the criteria. As set forth below, the attached tabular summary and graphical material supports this conclusion:

**Lot Size:** Within the defined neighborhood the lots range in size from 12.2 acres to 2.1 acres. The proposed lots, at 5.3 acres and 4.7 acres fall within the range of

lots sizes in the defined neighborhood. **The sizes of the two proposed lots have a high correlation to the size of existing lots in the neighborhood. Staff finds the proposed lots to be of the same character with regard to size as those existing in the neighborhood.**

**Area:** In the defined 11 lot neighborhood, the lot areas range from 1.3 acres to 10.3 acres. The proposed lots have useable areas at 3.2 acres and 3.7 acres and fall well within the established range. **The acreage of the useable areas for the proposed lots has a high correlation with respect to the acreages of useable area of the existing lots in the neighborhood. Staff finds that the area of the proposed lots is of the same character as the area within the existing lots in the neighborhood.**

**Shape:** There is a wide variation in lot shapes for the defined neighborhood including: rectangular, pipestem (flag), irregular and L-shaped. The proposed resubdivision application will create one rectangular shaped lot and one pipestem (flag) lot. **Therefore, the shape of the lots will have a high correlation and be of the same character with respect to the shape of the existing lots.**

**Lot Frontage:** The lot frontages in the existing neighborhood range from 25 feet to 688 feet. The proposed resubdivision will have lots with frontages that are 321 feet and 25 feet. Although the 25 foot frontage for one of the proposed lots is at the lowest end of the range, the 11 lot neighborhood contains six other pipestem lots with 25 feet of frontage. **Staff finds there to be a high correlation between the frontages of the proposed and existing lots, and staff finds that the proposed lots will be of the same character as existing lots in the neighborhood with respect to lot frontage.**

**Alignment:** For seven of the lots, the buildable areas (exclusive of the 25 foot pipestem) are at an angle to the street, while the remaining lots are aligned perpendicularly to the street. The proposal has two lots that are somewhat angled to the fronting street. **There is a high correlation with respect to alignment for the proposed lots when compared to the existing lots. Staff finds the proposal to be of the same character with the defined neighborhood lots.**

**Width:** The neighborhood consists of lots that range from 150 feet to 700 feet in width at the building line. The proposed lots range in width from 340 feet to 425 feet; well within the established range. **The width of the proposed lots fall squarely within the width ranges of the existing lots. Consequently these widths have a high correlation to the widths of the existing lots, and staff finds that the width of each of the two proposed lots is of the same character as the existing lots in the neighborhood.**

**Suitability for Residential Use:** The proposed lots in the neighborhood are zoned for residential use, and staff finds that they 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 finds that for each of these seven characteristics, there is a high correlation between the characteristics of the two proposed lots and those of the existing lots in the neighborhood. As a result, staff finds that the two proposed lots meet the seven resubdivision criteria, that the two lots are of the same character as the lots existing in the neighborhood, and that the proposed 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

*No correspondence has been received to date*