

M-NCPPC



**MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING**

THE MARYLAND-NATIONAL CAPITAL  
PARK AND PLANNING COMMISSION

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**MCPB**  
**Item # 8**  
**6/30/05**



**MEMORANDUM**

**DATE:** June 24, 2005

**TO:** Montgomery County Planning Board

**VIA:** Rose Krasnow, Chief *RK*  
Cathy Conlon, Supervisor  
Development Review Division

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

**REVIEW TYPE:** Preliminary Plan Review (Resubdivision)

**APPLYING FOR:** Two (2) one-family detached dwelling units

**PROJECT NAME:** Drumsta Property

**CASE #:** 1-05065

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

**ZONE:** RE-2

**LOCATION:** On the north side of Ednor Road, approximately 300 feet east of the intersection of ~~Woodside~~ Wooddale Drive

**MASTER PLAN:** Sandy Spring/Anton

**APPLICANT:** Design Tech Builders

**ENGINEER:** Site Solutions, Inc.

**ATTORNEY:** None

**FILING DATE:** January 18, 2005

**HEARING DATE:** June 30, 2005

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

- 1) Approval under this preliminary plan is limited to two (2) one-family detached dwelling units.
- 2) Compliance with the conditions of approval for the preliminary forest conservation plan. The applicant must satisfy all conditions prior to recording of plat or MCDPS issuance of sediment and erosion control permits.
- 3) Record plat to reflect a Category I easement over all areas of stream valley buffers and forest conservation areas.
- 4) The applicant shall dedicate all road rights-of-way shown on the approved preliminary plan to the full width mandated (80 ft. Ednor Road) by the Sandy Spring Ashton Master Plan unless otherwise designated on the preliminary plan.
- 5) Record plat to reflect common ingress/egress and utility easements over shared driveway.
- 6) Compliance with the conditions of approval of the MCDPS stormwater management approval.
- 7) Compliance with conditions of MCDPS, Well and Septic approval.
- 8) Access and improvements as required by MCDPWT to be approved prior to recordation of plat.
- 9) Other necessary easements.

**SITE DESCRIPTION:**

The subject property consists of a single recorded lot totaling 7.31 acres in size and zoned RE-2. The lot is located on the north side of Ednor Road in the Sandy Spring Master Plan area. The plat for the subject property was recorded in 1955. The southernmost portion of the site is currently occupied by a single-family house that is surrounded by a manicured lawn. The northern two-thirds of the site are in forest. The site generally slopes to the north, draining into a small stream that is a tributary to the Northwest Branch, a Use IV stream.

**PROJECT DESCRIPTION:**

The application proposes resubdivision of the existing lot into two lots. The existing house on the property will be removed. The narrow nature of the existing lot and the location of the approved septic percolation areas dictate the location of the new homes on the property. For this application one home will be located to the rear of another on large lots exceeding two acres in size. A large area of forest preservation will separate the two homesites providing some separation and privacy for homeowners. The bulk of the forest conservation area will be in the northern portion of the site and includes the entire stream valley buffer. All requirements of the Montgomery County Forest Conservation law will be met on-site.

## **Issues**

At issue early in the review process was a concern from an adjacent neighbor to the west regarding the impact of runoff from the subject property (letter attached). To address this, the stormwater management plan was revised to provide a berm along the western border of the site to restrict any runoff from escaping the site and flowing onto the built portions of properties to the west. The berm is designed to convey runoff to the northernmost portion of the subject property where it will enter the existing stream channel.

Another concern raised by the same adjacent property owner is the location of an existing water supply well on lot 4, Ednor Woods, to the west of the subject property. A homeowner cited concerns about elevated nitrate levels measured in the water supply well on Lot 4 and the relative location of the septic system on proposed Lot 1. It was unclear if the original plan correctly showed the location of the well on Lot 2, Ednor Woods. MCDPS confirmed the location of the well and reviewed its location with respect to the distance to the proposed septic system on Lot 1 and suggested appropriate setbacks for the septic system from the well. The location of the well is now shown accurately on the plan. The applicant has been able to revise the septic location to establish a 150 foot setback from the adjacent well on Lot 2. The 150 foot setback exceeds the 100 foot minimum setback established by Executive Regulation for new septic systems. MCDPS believes the additional setback is prudent given the heightened nitrate levels currently experienced by the well owned by the adjacent property owner. MCDPS staff further believes that the nitrate levels in the well on Lot 2 result either from the existing septic system on Lot 2 or from other existing septic systems on adjacent lots.

The adjacent property owner has also raised the issue about the location of the proposed driveway which is shown on the plan along the western boundary and adjacent to the rear yards of the homes on Wooddale Drive. The preference for these homeowners is to locate the driveway to the easternmost portions of the subject property away from their rear yards. The applicant has looked at moving the driveway to the east, however, there is inadequate site distance at that location. DPS would not permit a driveway access point in that location. Staff is satisfied that the plan shows the potential access point for this property.

## **CONFORMANCE TO THE MASTER PLAN**

### **Master Plan Compliance**

The Sandy Spring-Ashton 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. This plan, if approved, is consistent with the recommendations of the master plan

## CONFORMANCE WITH THE SUBDIVISION REGULATIONS (50-29(b) (2))

### A. Statutory Review Criteria

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, 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 the Resubdivision section, the Planning Board must determine the appropriate "neighborhood" for evaluating the application. For this application, the applicant has proposed a neighborhood of twelve lots for analysis purposes (Attachment D). The neighborhood generally includes all lots that are contiguous to the subject property and extends to lots with frontage in a neighboring subdivision along Avenleigh Drive. The neighborhood also includes four lots east of the site in the Ednor Woods subdivision that are in close proximity to the subject property. A number of intervening unplatted parcels are not included in the neighborhood for comparison since they have never been subjected to subdivision approval. Staff accepts the neighborhood as submitted by the applicant.

## ANALYSIS

### Resubdivision

Staff has reviewed the submitted application for compliance with the Resubdivision Criteria pursuant to Section 50-29 (b) (2) and has the following analysis:

**Size: The proposed lots are of the same character with respect to size as all lots in the neighborhood.**

Lots in the neighborhood range in size from 2.0 acres to 4.01 acres. This application proposes lots at 2.7 acres (Lot 1) and 4.6 acres (Lot 2). The existing subject property represents the largest lot in the neighborhood. While proposed Lot 2 will be the largest lot in the neighborhood staff believes that the two proposed lots will be more in character with the neighborhood than the existing lot. Consistent with previous staff recommendations in similar situations, staff believes that the proposed lots are of the same character with the neighborhood lots as defined by staff and the applicant.

**Area: The proposed lots are of the same character with respect area as the lots in the neighborhood.**

The areas of lots in the proposed resubdivision tend to be larger than lots in the neighborhood. In fact, proposed Lot 1, with 2.08 acres of area has the largest buildable area of any lot in the neighborhood and Lot 2; with 1.8 acres of area has the second greatest buildable area for all lots in the neighborhood. This is to be expected since the size of the proposed lots tends to be the largest in the neighborhood. Similar to the rationale used in the finding of size above, staff believes that the proposed lots are of the same character with respect to area as the existing lots in the neighborhood.

**Shape: The proposed lots are of the same character with respect to the shape of lots in the neighborhood.**

The shape of lots in the existing neighborhood vary widely; including square lots, rectangular lots, and irregularly shaped lots. Lots immediately to the south of the subject property tend to be square. Lots to the north along Avenleigh Drive tend to be rectangular. Lots to the east in the Ednor Woods subdivision tend to be irregularly shaped. The lots proposed under this resubdivision are rectangular in shape and staff believes that they are consistent with other lot shapes in the neighborhood and, therefore, of the same character.

**Width: The proposed lots are of the same character with respect to width as the other lots in the neighborhood.**

The range of lot widths in the neighborhood, as measured at the building frontage line, range from 110 feet to 310 feet. Both of the proposed lots are within this range (175 ft. and 200ft.). Staff believes that both lots are of the same character with respect to width at the building line.

**Alignment: The proposed lots are of the same character with respect to alignment as all lots in the neighborhood.**

All lots, including the proposed lots, align perpendicularly to the street. The proposed lots are of the same character as compared to the existing lots in the neighborhood.

**Frontage: The proposed lots are of the same character with respect to frontage as the lots in the neighborhood.**

The range of lot frontages in the neighborhood are from 25 feet to 285 feet. The proposed lot frontages are 25 feet for Lot 2 and 175 feet for Lot 1. They are within the range of the existing lots, therefore, staff believes that they are of the same character as the lots in the neighborhood.

**Suitability: The proposed lots have been deemed suitable for residential development.**

## **CONFORMANCE TO THE ZONING ORDINANCE**

The lots proposed under this preliminary plan must comply with the dimensional requirements of the Zoning Ordinance, Section 59-C-1.32. Staff has determined that the lots proposed under this preliminary plan meet the dimensional requirements required by this section of the Zoning Ordinance.

## **ENVIRONMENTAL**

### Forest Conservation

Two-thirds of the site is currently in forest cover; the remainder is maintained as open lawn around an existing house. The plan meets forest conservation requirements on-site through the preservation of 3.86 acres of existing forest including preservation of all forest in the environmental buffer located on the north end of the property.

## **CONCLUSION**

Staff believes that Preliminary Plan #1-05065, Drumsta Property, meets all applicable requirements of the Subdivision Regulations, Sandy Spring Master Plan, and the Zoning Ordinance. Specifically, staff believes that the two lots proposed under this preliminary plan meet all seven of the resubdivision criteria defined in Section 50-29(b)(2) of the Subdivision Regulations. The lots are of the same character with respect to size, area, shape, width, alignment, frontage and suitability as the existing lots in the neighborhood. The lots are consistent with the recommendations of the Sandy Spring Master Plan and meet the minimum dimensional requirements of the Zoning Ordinance. As such, staff recommends approval of the preliminary plan, subject to compliance with the conditions cite above.

## **Attachments**

Attachment A Vicinity Development Map  
Attachment B Neighborhood Delineation Map  
Attachment C Tabular Summary  
Attachment D Neighborhood Delineation  
Attachment E Preliminary Plan  
Attachment F Correspondence