

**DATE:** March 20, 2006

**TO:** Montgomery County Planning Board

**FROM:** Dan Janousek, Zoning Analyst *DJ*  
(301) 495-4564

**VIA:** Rose Krasnow, Chief, Development Review Division *RK*  
Carlton Gilbert, Zoning Supervisor, Development Review Division *CG*

**SUBJECT:** Board of Appeals case no. S-2651, Non-Residential Professional Office,  
7025 Mac Arthur Boulevard, Bethesda, 2,802 sq. ft. of gross floor area

**PETITIONER:** Brenneman and Pagenstecher, Inc.

**ZONE:** R-90

**MASTER PLAN:** Bethesda-Chevy Chase

**FILING DATE:** June 2, 2005

**HEARING EXAMINER (PUBLIC HEARING):** November 4, 2005 continued to April 10, 2006

## RECOMMENDATION

Technical staff recommends **APPROVAL** of the subject revised development plan. At the request of the Hearing Examiner (below), technical staff re-affirms the prior recommendation for approval as set forth in the October 29, 2005 Planning Board opinion (attached).

### Hearing Examiner

The Hearing Examiner has asked that all parties, including the Planning Board, consider the following items for possible re-consideration of its recommendation to the Hearing Examiner concerning the subject application:

- a) Possible applicability of Zoning Ordinance Section 59-G-4.12 (non-conforming structures)
- b) Possible applicability of Zoning Ordinance Section 59-B-5.3 (structures pre-dating 1958)
- c) The full extent of parking waivers sought by the petitioner under Section 59-E-2.83(b) for setbacks for parking facilities, and 59-E-2.83(c) for screening.

**MCPB**  
**Item #2**  
**04/06/06**

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- a) Possible applicability of Zoning Ordinance Section 59-G-4.12 (non-conforming structures)
- b) Possible applicability of Zoning Ordinance Section 59-B-5.3 (structures pre-dating 1958)
- c) The full extent of parking waivers sought by the petitioner under Section 59-E-2.83(b) for *setbacks for parking facilities*, and 59-E-2.83(c) for *screening*.

## **SUMMARY**

The Petitioner, Brenneman and Pagenstecher, Inc., is requesting approval for a non-residential and professional office use located at 7025 Mac Arthur Boulevard, Bethesda, MD, near the Potomac River and the Chesapeake and Ohio Canal National Park.

### **Background**

The Planning Board, at its regular meeting on October 27, 2005 reviewed the subject petition and recommended approval to the Board of Appeals with several conditions to regulate business hours, parking and operations. The record of the proceeding before the Board of Appeals is open, and the Hearing Examiner requests that the Planning Board also consider the above items. The applicant made minor revisions to the special exception development plan after many weeks of negotiations between the applicant and nearby property owners, and this too should be considered. At the hearing held before the Hearing Examiner on November 4, 2005, the parties agreed that the hearing should be adjourned until another date, and it is now scheduled for April 10, 2006. It was agreed that all parties would "brief various legal issues in the interim."

The Hearing Examiner requested that both the Planning Board and DPS opine on the applicability of these sections of the Zoning ordinance. Technical staff requested DPS to appear at the April 6, 2006, regular meeting. DPS has not opined as of the date of this report.

### **Origin of the Building**

The Hearing Examiner has asked that all parties including the Planning Board consider the possible applicability of Zoning Ordinance Sections 59-G-4.12, and 59-B-5.3 for possible reconsideration of its recommendation to the Hearing Examiner. An understanding of the factual history of the property and the building is required in order to determine the applicability of these sections of the zoning ordinance.

The subject property is at the northeast corner of Walhonding Road and MacArthur Boulevard in the Glen Echo Heights Subdivision. It was platted in 1898. Physical evidence suggests that the original building was a 1.5 story bungalow that is typically constructed for residential use. The building is similar to residential buildings in the Glen Echo area c1914-1918 (source: Historic Preservation technical staff & Attachment 7).

### **Origin of the Sycamore Store**

Other evidence suggests that a store was operating on the subject property in 1919. The building housed a storekeeper and his family, and it was enlarged sometime in 1925 and again in the 1930's. From then on, until the time that the Sycamore Store ceased operations in 1995, the building contained a non-conforming commercial use in a residential zone under several zoning categories. Because the non-conforming use has been abandoned for more than a six-month time frame, it may not be re-established (*Section 59-G-4.14 Abandonment of use*). Accordingly, there is no non-conforming use attached to the subject petition.

## Opposition

The opposition contends that the Special Exception should not be granted for the following reasons, as presented in a January 9, 2006, letter by Norman G. Knopf (attached):

- a) "MacArthur Boulevard does not satisfy the "Highway" requirement of Section 59-G-2.38(c)(2)"
- b) Section 59-G-4.12, Non-Conforming Buildings, precludes grant of the special exception and
- c) Section 59-B-5.3 does not remove the non-conformity status so as to permit the special exception and
- d) Section 59-G-4.27 also precludes the special exception
- e) The applicant fails to satisfy the criteria for waivers.
- f) The proposed use does not constitute "offices, professional".

## ANALYSIS

### A. MacArthur Boulevard: "Highway" requirement of Section 59-G-2.38(c)(2)

The applicant is applying for an office use in a residential zone, which is allowed under the specific special exception criteria of Sec. 59-G-2.38 of the Zoning Ordinance. In this case specifically, the use must be located in the R-90 zone and the property must be:

- (1) designated as historic in the Master Plan for Historic Preservation;
- (2) located along a highway with an existing right-of-way of at least 120 feet; and
- (3) contain a structure formerly used for nonresidential purposes.

#### 1. Undisputed and supported facts:

The only issue in dispute is whether or not Mac Arthur Boulevard is a "highway" as is required by Section 59-G-2.38. The subject use proposal is located in the R-90 Zone. In December 2005, the County Council, sitting as the District Council, approved an amendment to the Approved and Adopted Master Plan (Resolution 15-1247) and designated the subject property as the Sycamore Store Site # 35-155. The building on the site was formerly used for nonresidential purposes. Mac Arthur Boulevard has an existing right of way of 150 feet at the location of the proposed use.

2. Opposition to the applicant's proposal:

The opposition contends that the Special Exception should not be granted because MacArthur Boulevard "does not satisfy the "Highway" requirement of Section 59-G-2.38(c)(2)"

Technical staff is of the opinion that MacArthur Boulevard, and arterial road, satisfies the highway requirement of Section 59-G-2.83. First, the Zoning Ordinance defines "road" as a "street, highway, avenue, lane, marginal access street, service drive, alley, bridge, viaduct or any segment thereof." (Section 59-A-2.1) (emphasis added). Second, the Master Plan provides both general and specific guidance on the subject of MacArthur Boulevard, which is classified both as an "arterial road," and referenced several times as a "highway" in the Master Plan, on pages 119 and page 123, under the section "Other Long-Term Highway Needs," which suggests a broad and varied group of roadways falls within the "highway" classification.

**Figure 1.** Summary of the Bethesda Chevy Chase Master Plan Highway Needs, Bethesda Chevy Chase Master Plan, April 1990, Page 119.

<b>Table 13 (Cont'd.)</b>					
<b>SUMMARY OF THE BETHESDA-CHEVY CHASE MASTER PLAN HIGHWAY NEEDS</b>					
Name (Route #)	Limits	Recommendation	Current LOS	Conditions, Guidelines, Other Recommendations	Possible Long-term Changes
<b>Other Long-term Highway Needs (Cont'd.)</b>					
MacArthur Blvd (Arterial)	a) I-495 to Sangamore Rd	Recommend arterial road classification and retain the two-lane roadway; plan recommends designation as a Maryland Scenic Highway; also recommend study of safety needs at designated scenic pull-offs		High volumes result in local operational problems, which should be reviewed with MCDOT; U.S. Corps owns road over the Cabin John aqueduct, Site #35/37 on the Master Plan for Historic Preservation and on the National Register of Historic Places; the right-of-way to relocate is inadequate; major widening could create a major corridor; closure could add excess volumes to River Rd	
	b) Sangamore Rd to D.C. line	Retain classification as an arterial road, retain the two-lane roadway			
- at Sangamore Rd	Intersection	Endorse intersection capacity and safety improvements project to be implemented through subdivision review process.		Include turn lanes and signal controls; (County/developer improvement project)	

The applicant contends the Council's approval of ZTA 05-01 (Attachment 6) was made by the Council with clear knowledge that the term "highway" was intended to include MacArthur Boulevard. Technical staff is of the same as the applicant on this issue.

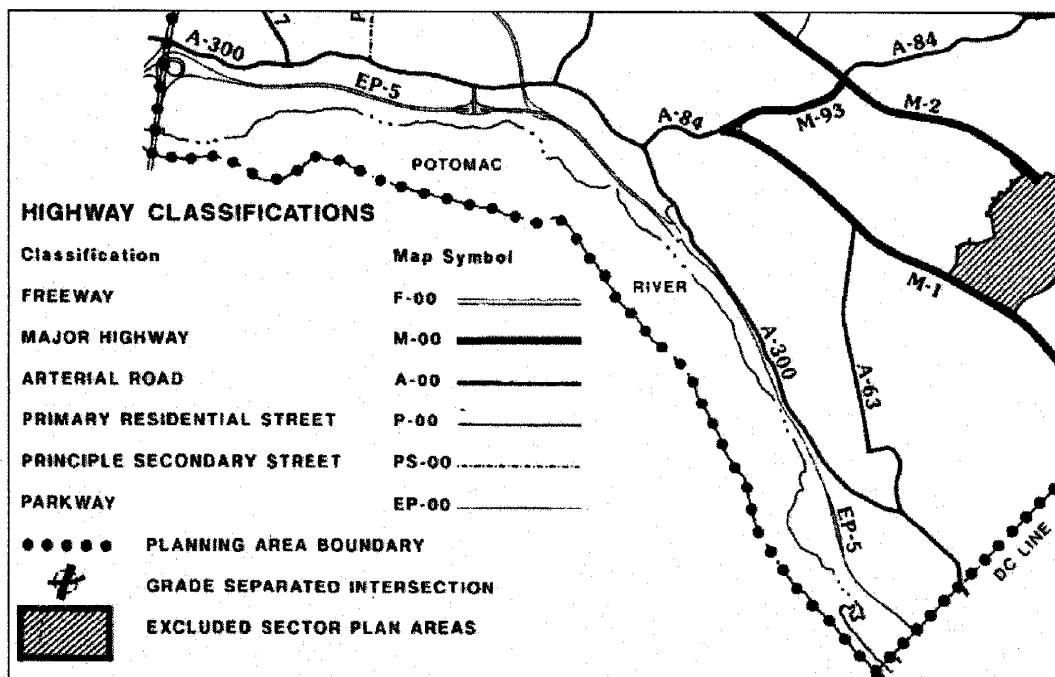
**Figure 2. Other Long-Term Highway Needs**  
 MacArthur Boulevard, Bethesda Chevy Chase Master Plan, April 1990, Page 123.

**MacArthur Boulevard**

This Plan reclassifies MacArthur Boulevard as an arterial road between the Capital Beltway and Sangamore Road to match its function. In addition, the road is being proposed as a scenic highway. To maintain the scenic function during the lifetime of the Master Plan, the one-lane bridge at Cabin John should be retained. The bridge has historical significance and it serves as a traffic-metering device for controlling the volume of traffic flowing through the area. To further discourage the growth of traffic in the area, the road should retain the travel lanes it now has. Two lanes should be sufficient for providing a moderate level of land service and a medium level of traffic service, and this Plan recommends against widening MacArthur Boulevard. While some day, major improvements may be needed to protect the aqueduct, the reference to the relocation of MacArthur Boulevard to a roadbed parallel to the aqueduct from Sangamore Road to the Capital Beltway is deleted from this Plan.

Mac Arthur Boulevard was proposed as a Maryland Scenic "highway" in the Master Plan, and the Master Plan's Street and Highway Plan, pages 123-25, describes the Master Plan's various "street and highway" classifications, including the terms "Freeways", "Major Highways, Arterials", "Primary Residential Streets" and so on. This supports staff's opinion that MacArthur Boulevard, and arterial road, satisfies the highway requirement of Section 59-G-2.83. The following "Street and Highway Plan" map includes "highway classifications" in the Master Plan (Page 123). The map legend in the latter map (Figure 3) suggests that Mac Arthur Boulevard, an arterial road, is a "highway," as an arterial road is a class of highway.

**Figure 3: Street and Highway Plan, Bethesda Chevy Chase Master Plan,**  
 April 1990, Page 123.



Given the Zoning Ordinance definition of “road” within the context of the Master Plan, staff concludes that *MacArthur Boulevard is a highway, classified as an arterial road.*

**B. Section 59-G-4.12, Non-Conforming Buildings; Section 59-B-5.3, One-Family Dwelling; and Section 59-G-4.27, Structural Alterations.**

The Hearing Examiner has requested that staff analyze the possible applicability of Zoning Ordinance T Section 59-G-4.12 (non-conforming structures) and the possible applicability of Zoning Ordinance Section 59-B-5.3 (structures pre-dating 1958) to this case.

Technical Staff believes that the building that once contained the Sycamore Store is not a non-conforming building and the alterations proposed do not constitute an alteration that would require building compliance with development standards of the current zone or previous zones.

1. Undisputed and supported facts:

The subject lot, Lot 32, Block B-2, Glen Echo Heights, was originally platted in 1898, and it is approximately 6,623 sq. ft. in size with approximately 71 feet of frontage at Mac Arthur Boulevard, and approximately 70 feet of frontage at Walhonding Road. The subject building, constructed about 1916, has front yard setbacks (see Table 3 Attached) that do not conform to current development standards. Some evidence suggests that the building was enlarged in 1925, thereafter establishing the current setbacks. The building served as a neighborhood grocery outlet, and it also housed a storekeeper and his family. The Sycamore Store ceased operations in 1995. The storekeeper and his wife continued to live in the building after the store closed. They moved out of the building in January 2004. The subject application involves interior renovation of the subject building with no increase in the exterior footprint of the building. The existing structure is not a non-conforming building and the proposed renovations are permitted.

2. Opposition to the applicant’s proposal:

The opposition contends that Section 59-G-4.12 precludes grant of the special exception, and Section 59-B-5.3 does not remove the non-conformity status so as to permit the special exception. The opposition also contends that Section 59-G-4.27 also precludes the special exception.

In contrast to the opposition claims, the applicant states that the applicability of 59-B-5.3 can only be answered with accurate historical data as to the status of the original structure, specifically whether or not the structure was built as a one-family dwelling, or a mixed residential/commercial use. In either case, the applicant argues, they would not be required to seek variances prior to implementing the proposal because of the nature of the proposed improvements to the structure (interior renovations), and for the interpretation of County Regulations by the Montgomery County Department of Permitting Services

(MCDPS), which the applicant contends relates “to only that construction which deals with existing non-conformities.”

Technical staff believes that Section 59-B-5.3 is the ‘threshold’ section for interpretation of this case. The section states that any “one-family dwelling in a residential zone or agricultural zone that was built on a lot legally recorded by deed or subdivision plat before June 1, 1958, is not a nonconforming building. The dwelling may be altered, renovated, or enlarged, or replaced by a new dwelling, under the zoning development standards in effect when the lot was recorded.”

**The Sycamore Store building is a One-Family Dwelling, and therefore, is not a non-conforming building**

The opposition contends that Section 59-G-4.12 precludes grant of the special exception presumably, because the building is not, in their opinion, a “one-family dwelling”, which could be considered exempt from the zoning ordinance pursuant to Section 59-B-5.3.

The applicant does not explicitly contend that the building is a one-family dwelling. The applicant contends that DPS’ policy does not require applicant compliance with the zoning ordinance if the proposed construction does not worsen the non-conformity (see DPS Code Interpretation Policy of Section 59-A-5.3, Established Building Line).

Pursuant to Section 59-B-5.3, the Sycamore is not a non-conforming building if it is considered a one-family dwelling. The Zoning Ordinance defines a “dwelling” as a “building or portion thereof arranged or designed at contain one or more dwelling units.” (Section 59-A-2.1)(Emphasis added). Technical staff believes that the building is a one-family dwelling based on the architectural style and period of construction (bungalow-type residence constructed about 1916). Staff has communicated with Historic Preservation staff and concurs with the staff’s analysis that there is no certainty as to origin of the building. A description of the building is set forth in the Amendment to the Master Plan for Historic Preservation, Planning Board final draft, August 2005 (Attachment 7). Technical Staff is of the opinion that the building is a single family dwelling or structure at this time. The building can be altered, renovated or enlarged under the development standards in effect when the lot was recorded (there were none), except that the maximum building height and maximum building coverage standards (of the R-90 Zone) apply to the building.

A “dwelling unit” is defined as a “building or portion thereof providing complete living facilities for not more than one family, including, at a minimum, facilities for cooking, sanitation and sleeping. The existing structure was used as a store and residence for the storekeepers for many years; and subsequently, following the ceasing of the store operations. Therefore in staff’s opinion, the structure is presently a one-family dwelling.

The relevant question is whether this section will permit the “dwelling” to be renovated for use as an “office, professional, nonresidential,” or whether this section only permits such renovation if the intended use is as a dwelling.



Section 59-G-2.38, "Offices, professional, nonresidential", states that an "existing single-family structure" may be used for professional office special exception use in the R-90 Zone. The term "structure" is defined as an "assembly of materials forming a construction for occupancy or use including, among other things, buildings, stadiums, ..." As previously stated, the existing structure was used as a store and residence for the storekeepers for many years; and subsequently, following the ceasing of the store operations. Therefore in staff's opinion, the building known as the Sycamore Store is a structure for the purposes of Section 59-G-2.38.

It is staff's view that Section 59-B-5.3 will permit the "dwelling" to be renovated for use as an "office, professional, nonresidential." The subject special exception is explicitly allowed in the R-90 zone, upon a finding and approval by the Board of Appeals. The R-90 Zone, and other residential zones that permit special exceptions, consist primarily of single-family dwellings, as defined by the Zoning Ordinance. In staff's opinion, the Board of Appeals should allow interior renovations or alterations of single family dwellings for the purposes of special exceptions in single-family zones.

**Table 1. Comparison of Development Standards for Case No. S-2651**

	Development Standard	Subject Lot
<b>LOT</b> <i>(1928 "A" Lot Standards)</i>		
Minimum Lot Area	5,000 sq. ft.	6,873 sq. ft. <i>(per revised plan received March 23, 2006).</i>
<b>BUILDING OR STRUCTURE</b> <i>(R-90 Zone) Sec. 59-B-5.3.(c)</i>		
Front Yard Setbacks		
Mac Arthur Blvd. (Street)	30	1.2 ft.
Walhonding Rd. (Street)	30	1.2 ft.
Side Yard Setback-	8	18.2 ft.
Rear Yard Setback-	25	23.7 ft.
Maximum Building Height R-90 Zone <i>(R-90 Zone) Sec. 59-B-5.3.(c)</i>	35 ft.	22.75 ft.
Maximum Building Coverage <i>(R-90 Zone) Sec. 59-B-5.3.(c)</i>	30%	19.7%
Green Area <i>Sec. 59-G-2.38</i>	25%	41.5%

If the Planning Board agrees that 59-B-5.3 applies to the facts of this case, then the following analysis demonstrates how the Sycamore Store meets the requirements of the Zoning Ordinance.

**Sec. 59-B-5.3. One-family dwelling.**

Any one-family dwelling in a residential zone or agricultural zone that was built on a lot legally recorded by deed or subdivision plat before June 1, 1958, is not a nonconforming building. The dwelling may be altered, renovated, or enlarged, or replaced by a new dwelling, under the zoning development standards in effect when the lot was recorded, except that:

- (a) a lot recorded before March 16, 1928, in the original Maryland-Washington Metropolitan District, must meet the development standards in the 1928 Zoning Ordinance;

*Analysis: There was no zoning ordinance in the County at the time the lot was recorded. The subject lot (emphasis added) was recorded before March 16, 1928, in the original Maryland-Washington Metropolitan District. It meets the standards "in the 1928 Zoning Ordinance", which regulate the minimum lot area (5,000 sq. ft.) The subject Lot 32 is*

- (b) one-family dwellings and accessory structures on a lot legally recorded by deed or subdivision plat before June 1, 1958, in the Upper Montgomery County Planning District must comply with the setback, yard, and area coverage standards applicable to the lot in the 1956 Zoning Ordinances for the Upper Montgomery Planning District;

*Analysis: At the time the lot was recorded, it was in the Original Maryland-Washington Metropolitan District, 1927, and therefore this section is not applicable.*

- (c) the maximum building height and maximum building coverage in effect when the building is altered, renovated, or enlarged, applies to the building; and

*Analysis: The R-90 Zone maximum building height and maximum building coverage standards apply to the subject building. The building meets the current standards for building height and coverage in the R-90 Zone (see Table 1., above).*

- (d) an established building line setback must conform to the standards for determining the established building line in effect for the lot when any alteration, renovation, or enlargement occurs. Any building permit issued before November 23, 1997 must conform to the development standards in effect when the lot was recorded.

*Analysis: MCDPS Code interpretation policy states that the established building line setback applies in two instances: "all new construction of houses and main buildings" and "all proposed additions that extend beyond the front of the building." (MCDPS 05/07/04). This section is not applicable because the applicant proposes no "new construction" or "addition".*

#### **59-G-4.12. Structural alterations.**

Except as otherwise provided in this Chapter, a nonconforming building or structure may be altered, renovated, or enlarged only if the construction will conform the building or structure to the requirements for the zone in effect when construction begins.

*Analysis: In staff's view, the proposal includes a building that it not a non-conforming building, and therefore this section is not applicable. However, should the Planning Board disagree with the latter conclusion, the existing building is a non-conforming building and this section is applicable, which would require the applicant to then seek a variance for the building setbacks. As mentioned previously, technical staff has not received a DPS analysis of this and other relevant sections of the Zoning Ordinance.*

#### **59-G-4.27. Residential lots reclassified from R-60 to R-90 zone.**

A lot in the R-90 zone that was recorded by deed or subdivision plat in the R-60 zone before June 26, 1990, may be developed with a one-family dwelling and accessory structures in accordance with the development standards of the R-60 zone that were in effect when the lot was recorded.

*Analysis: The applicant is not developing a new one-family dwelling, and therefore this section is not applicable.*

#### **C. Extent and Nature of waivers sought by the applicant.**

Since the Planning Board meeting in 2005, the applicant has clarified its parking waiver requests. The Hearing Examiner, in his December 6, 2005 notice, asked for an analysis of the full extent of parking waivers sought by the applicant from Section 59-E-2.83(b) for setbacks for parking facilities, and 59-E-2.83(c) for screening. The applicant has referred this waiver request to all adjoining property owners and affected citizen's associations for comment as required by the Zoning Ordinance (attached).

##### **Waivers Sought By the Applicant**

- a) Setbacks for parking spaces; Section 59-E-2.83(b)
- b) Size of parking spaces; Section 59-E-2.22(g);
- c) Screening of parking areas; Section 59-E-2.83(c)
- d) Separation of parking spaces; Section 59-E-2.43
- e) Marking of spaces; Section 59-E-2.21

Staff supports the petitioner's waiver request for reasons stated below. The waivers are requested pursuant to Section 59-E-4.5, which allows the Director, Planning Board, or Board of Appeals to waive any requirement not necessary to "accomplish the objectives in Section 59-E-4.2," and in conjunction with reductions may adopt reasonable requirements above the minimum standards. Any request for a waiver under Section 59-E-4.5 must be referred to all adjoining property owners and affected citizen associations for comment before a decision on the requested waiver. The applicant has notified adjoining property owners.

**Sec. 59-E-4.2. Parking facilities plan objectives.**

A parking facility plan shall accomplish the following objectives:

- (a) The protection of the health, safety and welfare of those who use any adjoining land or public road that abuts a parking facility. Such protection shall include, but shall not be limited to, the reasonable control of noise, glare or reflection from automobiles, automobile lights, parking lot lighting and automobile fumes by use of perimeter landscaping, planting, walls, fences or other natural features or improvements.
- (b) The safety of pedestrians and motorists within a parking facility.
- (c) The optimum safe circulation of traffic within the parking facility and the proper location of entrances and exits to public roads so as to reduce or prevent traffic congestion.
- (d) The provision of appropriate lighting, if the parking is to be used after dark.

**a) Setbacks for Parking Spaces**

The applicant proposes a parking facility with a one-foot side-yard setback distance and a zero-foot front-yard setback distance, neither of which meet the requirements of section 59-E-2.83(b) of the Zoning Ordinance. The parking must be set back a distance not less than the applicable building front and rear yard and twice the building side yard.

**Table 2. Parking Facility Standards**

Item	Required/Allowed R-90 Zone	Proposed
Parking Spaces	7	7
Yard Requirements for Parking and Loading Facility <i>Section 59-E-2.83</i> Front- Walhonding Road Side- Rear-	30 ft. 16 ft. (2 x 8') 25 ft.	*0 ft. *1 ft. *63 ft.
Screening & Shading <i>Section 59-E-2.83</i>  Side Yard Street Right of Way	6 ft. in height 3 ft. in height	*None Provided On Site None Provided

\*The Board of Appeals may waive any requirements in Article 59-E that are not necessary to accomplish the objectives of Section 59-E-4.2.

*Analysis: Staff is of the opinion that the proposed setbacks are sufficient for the requested use and the requested waivers from the parking facility requirements may be granted and will not create negative affects to the adjoining land or creating safety concerns for pedestrians or traffic, pursuant to Section 59-G-4.2. The at-grade difference of the parking facility and the nearby house will minimize the noise, glare, fumes and light that will emanate from the parking facility and effectively screen the parking facility from adjacent and abutting properties. Trees and other natural vegetation currently exist on the subject property, which will help to screen the parking facility from adjacent and abutting properties.*

**b) Size of Parking Spaces**

The applicant proposes seven (7) parking spaces. The zoning ordinance requires that each parking space be 8.5 feet in width and 18 feet in length. There are six standard spaces proposed, one of which is 7 feet wide. The other space is van-accessible. The applicant requests a waiver of 18" for the smaller parking space.

*Analysis: Staff supports the requested waiver for the size of the parking spaces, because the proposed parking facility can adequately accommodate six vehicles and one van.*

**c) Screening of Parking Spaces**

The normal height requirement for front yard screening of a special exception parking facility is three (3) feet. The normal height requirement for side yard screening of special exception parking facility is six feet. The screening must be evergreen landscaping, a fence or a wall six feet high where adjacent residential lots are being screened. Screening along public streets should be evergreen landscaping, a fence or a wall three fee high.

*Analysis: Screening is provided for much of the parking facility's side yard area. In the rear yard area, the petitioner proposes extensive additional screening. The front yard area also includes landscape screening. The parking facility is close to the side yard, and there is a need for a retaining wall. Thus, the applicant is not able to plant vegetation for screening purposes in this small side yard area. Staff recommends the waiver of the full screening requirement at the subject parking facility location because the proposed parking facility is at a grade much lower than that of the adjacent and abutting properties. The at-grade difference of the parking facility and the nearby house will minimize the noise, glare, fumes and light that will emanate from the parking facility and effectively screen the parking facility from adjacent and abutting properties. Trees and other natural vegetation currently exist on the subject property, which will help to screen the parking facility from adjacent and abutting properties.*

**(d) & (e) Separation from Parking Spaces and Marking of Parking Spaces**

The Zoning Ordinance requires that parking facilities be separated from sidewalks and streets by curbing. The proposed parking facility will have a gravel surface, and the parking facility is not separated from the public right of way by curbing.

*Analysis: Technical staff believes that the requirement for a curbed separation does not need to be met in order to meet the overall objectives of Section 59-E-4.2, Parking facility plan objectives. Sidewalks are proposed along Walhonding Road in front of the parking facility, and a pedestrian walkway will be connected to the parking facility alongside of the single van-accessible parking space that is also proposed. The six standard vehicle parking spaces will not be striped, or marked, but they will provide for safe and adequate loading given their proximity to the building. Given the small size and location of the proposed parking facility near the building, the parking space marking requirement can be waived without creating problems. The parking facility will not encroach into the roadway because a wide grass apron and sidewalk is proposed. The parking facility will have a sufficient rear yard setback at a little over sixty (60) feet.*

**Sec. 59-E-4.2. Parking facilities plan objectives.**

A parking facility plan shall accomplish the following objectives:

- (a) The protection of the health, safety and welfare of those who use any adjoining land or public road that abuts a parking facility. Such protection shall include, but shall not be limited to, the reasonable control of noise, glare or reflection from automobiles, automobile lights, parking lot lighting and automobile fumes by use of perimeter landscaping, planting, walls, fences or other natural features or improvements.

*Analysis: Adjacent properties are reasonably protected from automobile noise, glare, lights, parking lot lighting and automobile fumes because of the existing topographical conditions as well as existing trees and planned landscaping. The proposed grade of the parking facility is more than 30 feet below the existing grade of the adjoining property. This difference in topography effectively controls and protects adjoining land from noise, glare or reflection from automobiles, automobile lights and fumes that would originate from the proposed use. Additional parking lot lighting is not proposed other than that proposed for the building, which is residential in nature and will not likely spill over onto adjoining properties.*

- (b) The safety of pedestrians and motorists within a parking facility.

*Analysis: Pedestrians and motorists will be able to access the building safely from the parking facility or the outdoor public parking areas. Sidewalks are planned. Pick up and drop off will occur within the parking lot. Traffic on Walhonding Road is generally minimal residential traffic.*

- (c) The optimum safe circulation of traffic within the parking facility and the proper location of entrances and exits to public roads so as to reduce or prevent traffic congestion.

*Analysis: The on-site parking facility is similar to other parking facilities along Walhonding Road and will provide direct access to the road. There is minimal circulation because the parking facility is small and it can be safely accessed from the street and it will not increase traffic so as to be congested.*

- (d) The provision of appropriate lighting, if the parking is to be used after dark.

*Analysis: Appropriate lighting is proposed for the parking area, and it will be consistent with existing lighting on the property that is angled down to reduce glare while providing safety for pedestrians.*

**59-E-2.83. Parking and Loading facilities for special exception uses in residential zones.**

This Section applies to an off-street parking facility for a special exception use that is located in a one-family residential zone if 3 or more parking spaces are provided. These standards are intended to mitigate potential adverse visual, noise, and environmental impacts of parking facilities on adjacent properties. In addition, these requirements improve the compatibility and attractiveness of parking facilities, promote pedestrian-friendly streets, and provide relief from un-shaded paved areas.

- (a) **Location.** Parking facilities must be located to maintain a residential character and a pedestrian-friendly street orientation.

*Analysis: Traffic on Walhonding Road is generally minimal residential traffic. The proposed parking facility is similar in its location, but not in its size, to the existing residential parking pads along Walhonding Road. Other parking facilities in the neighborhood also have direct access to Walhonding Road from a parking facility, which is not a typical residential driveway. The proposal is somewhat larger in size than other parking facilities in the area, but it should be pedestrian-friendly because of the proposed sidewalks and site lines.*

- (b) **Setbacks.** Each parking and loading facility, including each entrance and exit driveway, must be set back a distance not less than the applicable building front and rear yard and twice the building side yard required in the zone. The following additional setbacks must be provided for each parking facility:

*Analysis: The proposed improvements are sufficient for the requested use and there is no need to impose the required front and rear yard setbacks to accomplish all of the stated goals of Section 59-E-4.2. The proposed grade of the*

*parking facility is more than 30 feet below the existing grade of the adjoining property. This difference in topography effectively protects the adjoining land from noise, glare or reflection from automobiles, automobile lights and fumes.*

(c) **Screening.** Each parking and loading facility, including driveway and dumpster areas, must be effectively screened from all abutting lots. Screening must be provided in a manner that is compatible with the area's residential character. Screening must be at least 6 feet high, and must consist of evergreen landscaping, a solid wood fence, a masonry wall, a berm, or a combination of them. Along all street right-of-ways screening of any parking and loading facility must be at least 3 feet high and consist of evergreen landscaping, a solid wood fence, or masonry wall.

*Analysis: The proposal is effectively screened from abutting lots because of the extreme topographical conditions and existing vegetation on the subject and abutting property. Screening is provided for much of the parking facility's side yard area. In the rear yard area, the petitioner proposes extensive additional screening. The front yard area also includes landscape screening.*

*The grade difference will protect the adjoining land from noise, glare or reflection from automobiles, automobile lights and fumes.*

*The applicant proposes three-feet high, or higher, vegetation screening, along the street right of way of Walkonding Road. Staff notes that the opening of the driveway is larger than that of a typical residential lot. Complete screening of this larger opening is more difficult to achieve.*

(d) **Shading of paved areas.** Trees must be planted and maintained throughout the parking facility to assure that at least 30 percent of the paved area, including driveways, is shaded. Shading must be calculated by using the area of the tree crown at 15 years after the parking facility is built.

*Analysis: Existing and proposed trees and landscaping will shade more than 30 percent of the paved area of the parking facility.*

**D. The proposed use does not constitute "offices, professional".**

The Planning Board heard the opposition position on October 27, 2005 and concluded that the proposed use is for a general business office because the main business is an architectural firm. The applicant has obtained a zoning opinion letter from DPS, wherein the future use is described as a "non-resident professional office".

**Attachments:**

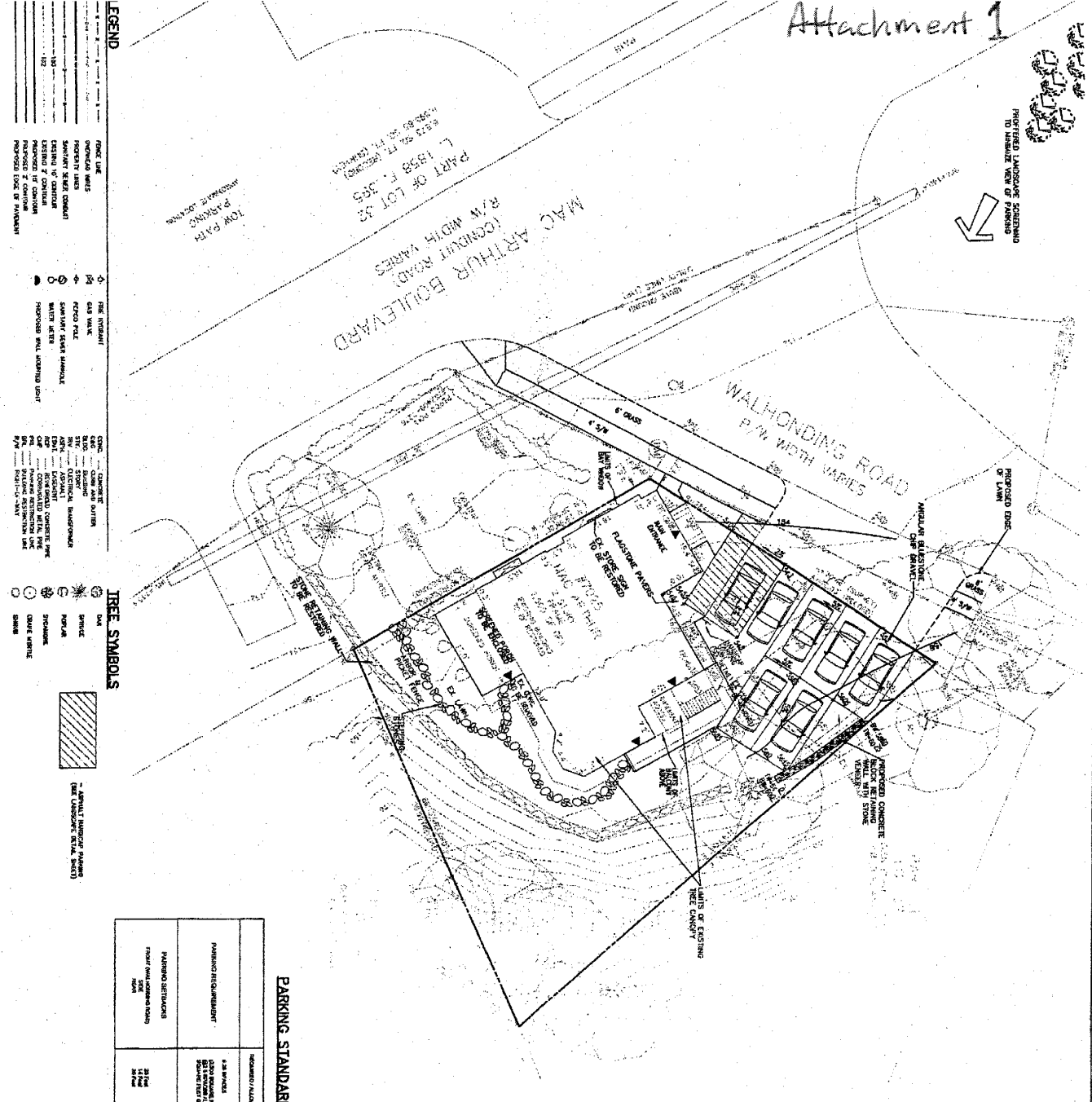
1. Revised Development Plan and Landscape Plan
2. DPS Code Interpretation Policy 59-A-5.3
3. Letter from Norman G. Knopf, dated January 9, 2005 (2006)



- 4. Letter from Jody Kline, dated December 15, 2005**
- 5. Board of Appeals Notice, dated December 6, 2005.**
- 6. Council resolution 15-1247 – Amendment to the Approved and Adopted Master Plan for Historic Preservation**
- 7. Excerpt from the Planning Boards' Moreland and Sycamore Store amendment final draft, August 2005**
- 8. Montgomery County Planning Board opinion; Case S-2651, dated October 28, 2005**
- 9. Staff report, October 27, 2005**



PROPOSED LANDSCAPE SCREENING TO MINIMIZE VIEW OF PARKING



**LEGEND**

PROPOSED LINE	PROPOSED CONSTRUCTION
EXISTING LINE	EXISTING CONSTRUCTION
PROPOSED DRIVE	PROPOSED DRIVE
EXISTING DRIVE	EXISTING DRIVE
PROPOSED SIDEWALK	PROPOSED SIDEWALK
EXISTING SIDEWALK	EXISTING SIDEWALK
PROPOSED CURB	PROPOSED CURB
EXISTING CURB	EXISTING CURB
PROPOSED CONCRET	PROPOSED CONCRET
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**TREE SYMBOLS**

DAK	DOGWOOD
SPR	SPRING
MO	MOHAWK
ST	STYRACIA
CH	CHERRY
SH	SHADY

**PARKING STANDARDS**

REQUIREMENT	REQUIREMENT	REQUIREMENT
MINIMUM SPACES PER 1,000 SF GROSS FLOOR AREA	MINIMUM SPACES PER 1,000 SF GROSS FLOOR AREA	MINIMUM SPACES PER 1,000 SF GROSS FLOOR AREA
MINIMUM SPACES PER 1,000 SF GROSS FLOOR AREA	MINIMUM SPACES PER 1,000 SF GROSS FLOOR AREA	MINIMUM SPACES PER 1,000 SF GROSS FLOOR AREA

**DEVELOPMENT STANDARDS**

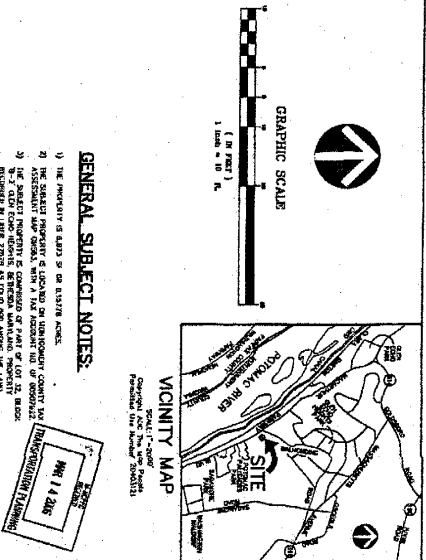
REQUIREMENT	REQUIREMENT	REQUIREMENT
LOT AREA AND WIDTH	MINIMUM SPACES PER 1,000 SF GROSS FLOOR AREA	MINIMUM SPACES PER 1,000 SF GROSS FLOOR AREA
MINIMUM SPACES PER 1,000 SF GROSS FLOOR AREA	MINIMUM SPACES PER 1,000 SF GROSS FLOOR AREA	MINIMUM SPACES PER 1,000 SF GROSS FLOOR AREA
MINIMUM SPACES PER 1,000 SF GROSS FLOOR AREA	MINIMUM SPACES PER 1,000 SF GROSS FLOOR AREA	MINIMUM SPACES PER 1,000 SF GROSS FLOOR AREA

**TOPOGRAPHIC INFORMATION NOTES:**

- 1) THE PROPERTY IS SLOPED TO THE EAST.
- 2) THE SUBJECT PROPERTY IS SLOPED TO THE EAST.
- 3) THE SUBJECT PROPERTY IS SLOPED TO THE EAST.
- 4) THE SUBJECT PROPERTY IS SLOPED TO THE EAST.
- 5) THE SUBJECT PROPERTY IS SLOPED TO THE EAST.
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- 9) THE SUBJECT PROPERTY IS SLOPED TO THE EAST.
- 10) THE SUBJECT PROPERTY IS SLOPED TO THE EAST.

**GENERAL SUBJECT NOTES:**

- 1) THE PROPERTY IS SLOPED TO THE EAST.
- 2) THE SUBJECT PROPERTY IS SLOPED TO THE EAST.
- 3) THE SUBJECT PROPERTY IS SLOPED TO THE EAST.
- 4) THE SUBJECT PROPERTY IS SLOPED TO THE EAST.
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- 9) THE SUBJECT PROPERTY IS SLOPED TO THE EAST.
- 10) THE SUBJECT PROPERTY IS SLOPED TO THE EAST.



**VIA REVISIONS**

NO.	DATE	DESCRIPTION
1	11/10/11	ISSUED FOR PERMITTING
2	11/10/11	ISSUED FOR PERMITTING
3	11/10/11	ISSUED FOR PERMITTING

**SPECIAL EXCEPTION SITE PLAN**

**SYCAMORE STORE**  
7025 MAC ARTHUR BLVD.  
PART OF LOT 32, BLOCK 'B-2'  
GLEN ECHO HEIGHTS  
BETHESDA (77) ELECTION DISTRICT  
MONTGOMERY COUNTY, MARYLAND

**VIA**

ENGINEERS PLANNERS & LANDSCAPE ARCHITECTS & SURVEYORS & GPS SERVICES

2025 CENTURY BELLEVUE DRIVE, SUITE 200 • FALLS CHURCH, VIRGINIA 22040  
(703) 441-1100 • FAX: (703) 441-1101  
CORRYVILLE, MD • MCDON, VA • LEESBURG, VA



**Department of Permitting Services**  
**Division of Building Construction**  
 255 Rockville Pike, 2nd Floor, Rockville, Maryland 20850

**CODE INTERPRETATION/POLICY**

<b>Code/Year</b> <b>ZONING</b> <b>ORDINANCE 2004</b>	<b>Section of Code</b> <b>59-A-5.33</b>	<b>Title of Code Section/Subsection/Policy</b> <b>ESTABLISHED BUILDING LINE</b>
<b>Statement/Background of Issue</b>  <p>This policy is written to clarify the method by which the established building line is calculated.</p>		
<b>Division Interpretation/Policy.</b>  <p>The established building line is the front yard building line which is greater than the minimum setback required for structures in a designated zone.</p> <p>The established building line is required in the R-60, R-90, R-150, and R-200 zones (except R-200 zones with well and septic in the front.) for:</p> <ol style="list-style-type: none"> <li>1. All new construction of houses and main buildings</li> <li>2. All proposed additions that extend beyond the front of the building.</li> </ol> <p>Corner lots will have an <b>established building line</b> on both streets.</p> <p>The process for calculation of the <b>established building line</b> is as follows:        Identify all the main buildings that are within 300 feet of the side lot lines on the subject property that are, on the same side of the street, between intersecting streets and in the same block as the subject property.</p> <p>For each building within 300 of the subject property exclude:</p> <ol style="list-style-type: none"> <li>i. The subject property</li> <li>ii. Buildings on corner lots</li> <li>iii. Buildings subject to a front yard variance</li> <li>iv. Buildings with a nonconforming front setback</li> <li>v. Buildings set back less than the required minimum front yard setback</li> <li>vi. Illegal buildings.</li> <li>vii. Houses on pipe stem or flag shaped lots</li> <li>viii. Houses on lots not meeting the minimum width at the minimum front setback.</li> </ol>		