

Introduced by: Councilmember Male

**CITY OF TAKOMA PARK, MARYLAND**

**Resolution No. 2017-32**

**Resolution Providing Comment on the Subdivision of Ethan Allen / Jackson Avenue  
(Parcel 952)**

- WHEREAS, the owner of the property located at the north east quadrant of the intersection of Ethan Allen and Jackson Avenues (Plan #120170120) has submitted an application to the Montgomery County Planning Board for the subdivision of an existing parcel for the purpose of creating two new residential lots; and
- WHEREAS, an illustrative site plan detailing the placement of two single family homes, with frontage on Jackson Avenue, has been simultaneously submitted by the property owner for purposes of development; and
- WHEREAS, the Takoma Park City Council plays an important role in the review of development applications by considering the intent and application of zoning and subdivision provisions and formally commenting on the impacts on the environment, the built environment and the community; and
- WHEREAS, the Takoma Park City Council supports residential development of the subject property; and
- WHEREAS, Montgomery County development review staff have stated that the proposed subdivision plan and the site plan for the Ethan Allen / Jackson Avenue Property (Parcel 952) conform to technical requirements put forth in the Takoma Park Master Plan (2000) and the Montgomery County Zoning Code; and
- WHEREAS, approval of the placement of the proposed structures illustrated by the site plan falls under the purview of the Montgomery County Permitting Services (MCP), and is not under consideration with this sub-division application; and
- WHEREAS, the proposal illustrated in the site plan is not compatible with the surrounding built environment in terms of the placement of the Ethan Allen Avenue façade of the proposed corner home at a location markedly closer to the pavement of Ethan Allen Avenue than the visible line of the five homes to the east of the property along Ethan Allen Avenue; and
- WHEREAS, the subject property is located along Ethan Allen Avenue, a Maryland State Highway, which serves as a gateway to the historic heart of the City of Takoma Park, and is visible to thousands of roadway users passing on a daily basis; and

WHEREAS, the City Council believes that the placement of the corner house closer to the Right-of-Way of Ethan Allen Avenue than the line of houses to the east of it would be visually jarring for those traveling on Ethan Allen Avenue; and

WHEREAS, the City Council understands that the applicable minimum standard lot width is 60 feet and that, in this case, lot width also affects the placement of the proposed corner house by not allowing Lot 2 on Jackson Avenue to be narrower; and

WHEREAS, many single-family lots in Takoma Park have lot widths between 50 and 60 feet, including the lots immediately adjacent to the subject property on Ethan Allen Avenue and Jackson Avenue, and the resulting density of development is a characteristic of Takoma Park; and

WHEREAS, neighborhood residents have expressed strong opposition to the proposed placement of the house to be constructed on the corner lot, citing their concerns for its lack of visual consistency with other residential structures sited along Ethan Allen Avenue; and


WHEREAS, the City Council believes that a creative approach to the subdivision and site plan applications by the developer and/or the Planning Board can result in the development of two single family homes on the subject property in locations that maintain the visible building lines along Ethan Allen and Jackson Avenues and are appropriate for the built environment in this prominent location.

NOW, THEREFORE BE IT RESOLVED that the City Council of the City of Takoma Park, opposes the project as proposed because of the placement of one proposed structure close to Ethan Allen Avenue in the illustrative site plan; and

BE IT FURTHER RESOLVED that the City Council requests the developer and the Montgomery County Planning Board work together to modify the proposed subdivision and site plan applications to place the corner house more in line with properties to the east of the subject property so as to better conform to the built environment in this highly visible location along Ethan Allen Avenue.

Adopted this 3<sup>rd</sup> day of May, 2017.

Attest:

  
\_\_\_\_\_  
Jessie Carpenter, OMC  
City Clerk

Subj: **RE: Parcel 952**  
Date: 6/10/2016 8:38:25 A.M. Eastern Standard Time  
From: [Delvin.Daniels@montgomerycountymd.gov](mailto:Delvin.Daniels@montgomerycountymd.gov)  
To: [Landmarkctg@aol.com](mailto:Landmarkctg@aol.com)

Good morning. The setback off Ethan Allen would be 25 feet. There are five neighboring houses and only houses on lots 31 and 29 have a setback greater than the minimum. Therefore not more than half of the buildings have a setback greater than the minimum and there is no EBL on Ethan Allen. The new house setback is taken from the lot line parallel to Ethan Allen.

Delvin L. Daniels  
Montgomery County Government  
Permitting Services Specialist  
255 Rockville Pike  
Rockville, Md. 20850  
Phone number: 240-777-6249

**From:** [Landmarkctg@aol.com](mailto:Landmarkctg@aol.com) [mailto:[Landmarkctg@aol.com](mailto:Landmarkctg@aol.com)]  
**Sent:** Thursday, June 09, 2016 11:47 AM  
**To:** Daniels, Delvin <[Delvin.Daniels@montgomerycountymd.gov](mailto:Delvin.Daniels@montgomerycountymd.gov)>  
**Subject:** Re: Parcel 952

Delvin,

We have met with M-NCPPC and Takoma Park regarding the potential subdivision of this parcel. The attachment shows the orientation of the two new lots which would have their minimum width of 60 feet facing Jackson Avenue. At present it is expected that only additional dedication would be required on Ethan Allen Avenue. The new front line on Ethan Allen would not align with the recorded lots continuing to the east on Ethan Allen.

In prior email you thought the EBL would apply to both lots. The corner lot being subject to the EBL in both directions. We have measured the locations of structures on both streets which are shown on the attached plan. On Ethan Allen can the EBL be set from the new dedication line?

Charles T. Grimsley, P.E., Prof. L.S.  
LANDMARK ENGINEERING, INC.  
6110 Executive Boulevard, Suite 110  
Rockville, MD 20852  
Ph: 301-230-5881  
Fax: 301-230-5884

In a message dated 5/11/2016 9:22:08 A.M. Eastern Daylight Time, [Delvin.Daniels@montgomerycountymd.gov](mailto:Delvin.Daniels@montgomerycountymd.gov) writes:

Good morning. After looking at the schematic and the zoning map my opinion is that both lots would use the 300 ft. ebl method.

Delvin L. Daniels  
Montgomery County Government  
Permitting Services Specialist  
255 Rockville Pike  
Rockville, Md. 20850  
Phone number: 240-777-6249

**From:** [Landmarkctg@aol.com](mailto:Landmarkctg@aol.com) [mailto:[Landmarkctg@aol.com](mailto:Landmarkctg@aol.com)]

**Sent:** Tuesday, May 10, 2016 3:36 PM

**To:** Daniels, Delvin <Delvin.Daniels@montgomerycountymd.gov>

**Cc:** ErkinO@takomaparkmd.gov; elza.hisel-mccoy@montgomeryplanning.org; b.p.davis@att.net

**Subject:** Re: Parcel 952

Delvin,

I have attached a Sketch Plan showing P952 which has dimensions of 135' x 119.5'. For minimum R-60 lots at 60' the subdivision would need to be proposed as shown. So with this orientation how would Lot 1 and 2 apply the EBL.

Charles T. Grimsley, P.E., Prof. L.S.  
LANDMARK ENGINEERING, INC.  
6110 Executive Boulevard, Suite 110  
Rockville, MD 20852  
Ph: 301-230-5881  
Fax: 301-230-5884

In a message dated 5/10/2016 9:57:23 A.M. Eastern Daylight Time,  
[Delvin.Daniels@montgomerycountymd.gov](mailto:Delvin.Daniels@montgomerycountymd.gov) writes:

Good morning.I would say the method of ebl would depend on the orientation of each lot.

Delvin L. Daniels  
Montgomery County Government  
Permitting Services Specialist  
255 Rockville Pike  
Rockville, Md. 20850  
Phone number: 240-777-6249

**From:** Landmarkctg@aol.com [<mailto:Landmarkctg@aol.com>]

**Sent:** Friday, May 06, 2016 5:13 PM

**To:** Daniels, Delvin <Delvin.Daniels@montgomerycountymd.gov>

**Cc:** ErkinO@takomaparkmd.gov; elza.hisel-mccoy@montgomeryplanning.org;  
[matthew.folden@montgomeryplanning.org](mailto:matthew.folden@montgomeryplanning.org); [b.p.davis@att.net](mailto:b.p.davis@att.net)

**Subject:** Re: Parcel 952

Delvin,

The attached tax map highlights Parcel 952 at the corner of Ethan Allen and Jackson Avenues. We are looking at the feasibility of subdivision to create two R-60 lots. Would each structure be subject to an EBL, one being a corner lot and the other an interior lot.

Charles T. Grimsley, P.E., Prof. L.S.  
LANDMARK ENGINEERING, INC.  
6110 Executive Boulevard, Suite 110  
Rockville, MD 20852  
Ph: 301-230-5881  
Fax: 301-230-5884

In a message dated 5/6/2016 7:32:14 A.M. Eastern Daylight Time,  
[matthew.folden@montgomeryplanning.org](mailto:matthew.folden@montgomeryplanning.org) writes:

Charles,

By copy of this e-mail, I am bringing Erkin Ozberk, City of Takoma Park staff, into the conversation and asking him to weigh-in on the information provided below. Erkin will also

have more information about any planned roadway improvements within this vicinity.

The Approved and Adopted 2000 Takoma Park Master Plan recommends that Ethan Allen Avenue, between Carroll Avenue and New Hampshire Avenue, have a minimum right-of-way of 50'. It does not appear that the master plan has a specific recommendation for Jackson Avenue.

Since Ethan Allen Avenue already has the 50' recommended in the plan, I do not believe there is need to dedicate additional right-of-way along that frontage in order to meet the master plan recommendation. Having said that, MNCPPC, Takoma Park, or MD SHA could ask for dedication in order to accommodate site frontage improvements, turn lanes, etc, as needed. Any additional right-of-way would be discussed upon review of the plan and associated transportation impacts.

I hope this information is helpful. Please contact me to discuss further if needed.

Matt

**Matthew Folden, AICP** | Planner Coordinator  
Montgomery County Planning Department | Planning Area 1  
8787 Georgia Avenue | Silver Spring, MD 20910  
301.495.4539 | [matthew.folden@montgomeryplanning.org](mailto:matthew.folden@montgomeryplanning.org)

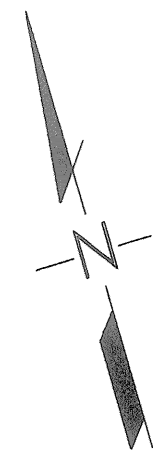
**From:** [Landmarkctg@aol.com](mailto:Landmarkctg@aol.com) [<mailto:Landmarkctg@aol.com>]  
**Sent:** Thursday, May 05, 2016 10:26 AM  
**To:** Folden, Matthew <[matthew.folden@montgomeryplanning.org](mailto:matthew.folden@montgomeryplanning.org)>  
**Subject:** Parcel 952

Matt,

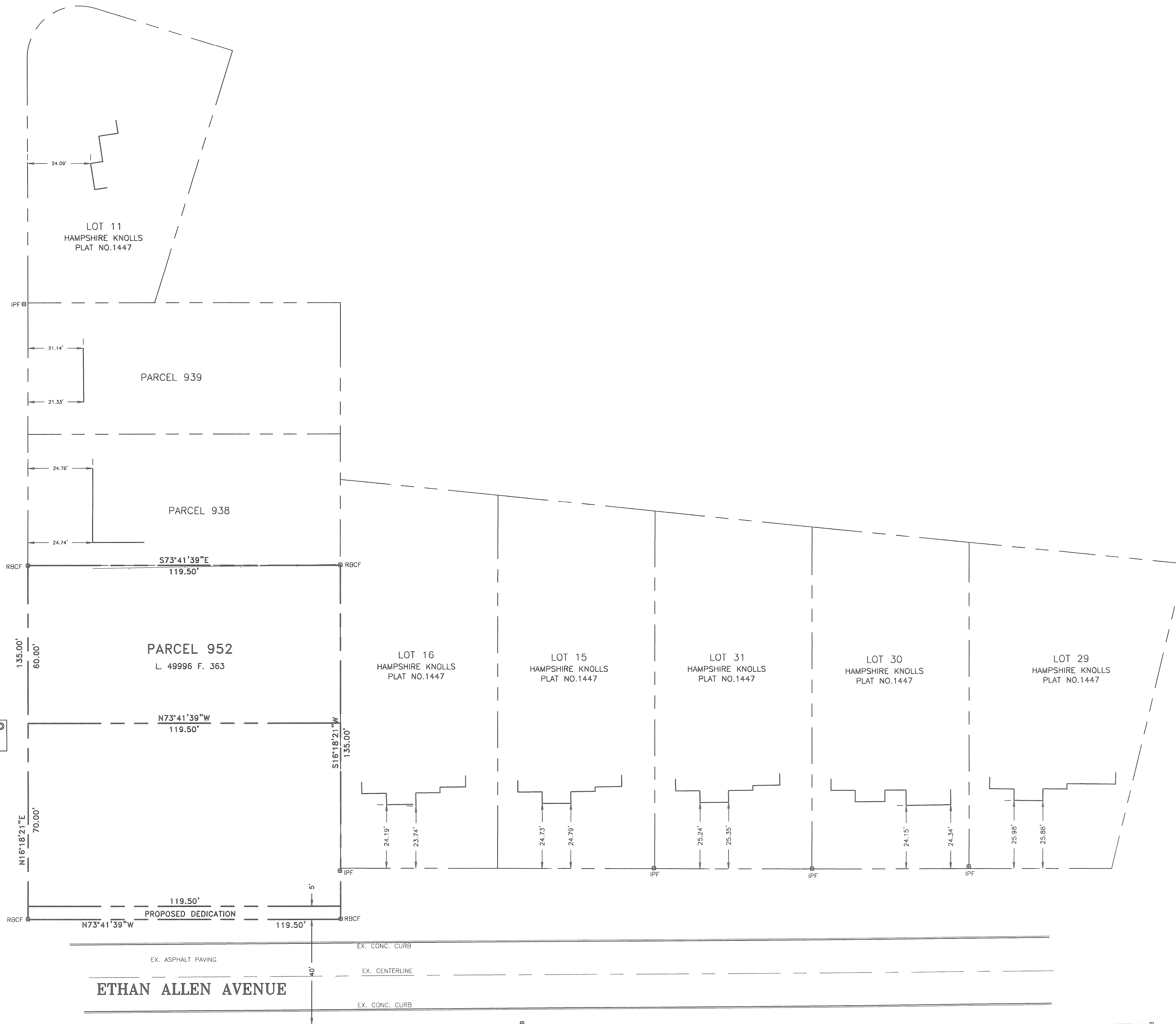
Attached is information on a parcel at the intersection of Ethan Allen Ave. and Jackson Ave. I've also included a plat that shows some of the adjacent lots.

If a subdivision was proposed what would the dedications be for either or both streets. Is there a map and planning document that you can also refer me to regarding this?

Charles T. Grimsley, P.E., Prof. L.S.  
LANDMARK ENGINEERING, INC.  
6110 Executive Boulevard, Suite 110  
Rockville, MD 20852  
Ph: 301-230-5881  
Fax: 301-230-5884



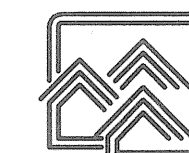
JACKSON AVENUE  
EX. ASPHALT PAVING  
EX. CONC. CURB



**SURVEY WORKSHEET**

**PARCEL 952**

TAX MAP JN52  
TAKOMA PARK  
13TH ELECTION DISTRICT  
MONTGOMERY COUNTY, MARYLAND  
SCALE: 1" = 20' JUNE 7, 2016  
LANDMARK JOB NO. 1620



**LANDMARK ENGINEERING, INC.**

6110 EXECUTIVE BOULEVARD, SUITE 110 PHONE: (301) 230-5881  
ROCKVILLE, MARYLAND 20852 FAX: (301) 230-5884

CONSULTING ENGINEERS PLANNERS SURVEYORS

## Division 4.4. Residential Zones

### Section 4.4.1. Standard Method Development

The RE-2, RE-2c, RE-1, R-200, R-90, R-60, R-40, R-40, TLD, TMD, THD, R-30, R-20, and R-10 zone allow development under the standard method. Site plan approval may be required under Section 7.3.4.A.8.

#### A. Established Building Line

1. The established building line applies only to new buildings in the R-200, R-90, or R-60 zones, and new detached house buildings in the R-40 zone and does not apply to an alteration or addition to an existing building.
2. The 2 or more detached houses considered in determining the established building line must be:
  - a. within 300 feet of the side lot line of the proposed construction site measured along the street frontage;
  - b. along the same side of the street;
  - c. between intersecting streets or to the point where the street terminates;
  - d. in existence or approved by a building permit when the building permit application on the subject property is filed;
  - e. legally constructed; and
  - f. not on a through lot if the building on the through lot fronts on a street other than the street fronting the subject property.

3. The established building line applies if at least 2 buildings described in Section 4.4.1.A.2 and more than 50% of the buildings described in Section 4.4.1.A.2 are set back more than the minimum required by the zone. The established building line is equal to the average front setback of all the buildings described in Section 4.4.1.A.2, excluding those buildings:
  - a. in the R-200 zone that are or were ever served by well or septic;
  - b. on the subject property;
  - c. in a different zone than that of the subject property;
  - d. on a through lot that fronts on a street different than that of the subject property;

- e. located on any pipestem, wedge-shaped, or flag-shaped lot; or
  - f. approved by permit for demolition, except if a building permit was also approved with the same setback.
4. If the established building line applies, the applicant may choose to use as the front setback:
    - a. the established building line;
    - b. the average front setback of the 2 abutting lots; or
    - c. the front setback of the existing detached house that was established before demolition, excluding any approved variance, if the existing building meets the minimum front setback of the zone.

5. All calculations must be based on a survey that is signed and sealed by a Maryland licensed engineer or surveyor.

6. If the established building line does not apply, the building must satisfy the minimum front setback of the zone.

7. A corner lot has 2 front setbacks and must satisfy established building line standards on both streets. At the option of the applicant, a corner lot may use front setbacks of the abutting buildings on both sides of the corner lot.

#### B. Residential Infill Compatibility

##### 1. Applicability

The standards in Section 4.4.1.B apply to the R-200, R-90, R-60, and R-40 zones where:

- a. the lot was created:
  - i. by a plat recorded before January 1, 1978; or
  - ii. by a plat of resubdivision that created fewer than 6 lots from a lot previously created by a plat recorded before January 1, 1978;
- b. the lot is less than 25,000 square feet in area; and
- c. the construction proposed is:
  - i. a new detached house;

## Hisel-McCoy, Elza

---

**From:** Roger MacBride Allen <roger@rmallen.net>  
**Sent:** Tuesday, September 26, 2017 2:08 PM  
**To:** Braunstein, Neil  
**Subject:** Plan number 120170120

Dear Neil Braunstein,

I am writing in inquiry as to the status of Plan 120170120. It is an application to split one lot into two so as to build two houses on the property in question. If you are not the correct person to contact, please forward this email message to the correct person and advise me of the correct address.

I would like to know the planning status for the property, and also what opportunities there are for meeting or hearings on the matter. Several neighbors besides myself would be interested.

The property, on the corner of Ethan Allen Avenue and Jackson Avenue in Takoma Park, is directly across the street from my house.

The Takoma Park City Council voted against approving the application to subdivide the lot, mainly due to set-back issues. Discussion of this particular matter caused the city to look at lots of other oddball property lines and setbacks in the city, many of which could produce similar problems. I believe the city is trying to establish a policy to handle future similar issues.

The lot has a complicated history which resulted in the front of the lot being extended toward Ethan Allen by absorbing a strip of public land.

As I understand it, this extension, granted years ago for unrelated reasons, had the unintended consequence of providing just enough additional land to the lot so that it could, perhaps, just about squeak past the set-back rules as regards Ethan Allen Avenue. However, the intent of the rule is to match the set-back of neighboring houses, which the proposed plan clearly would not do. In short, it is just about possible to interpret (or, perhaps, bend) the rules to allow the proposed lot division into two build-able lots, but only by ignoring the clear intent of the rules.

Even so, the proposed houses on the resulting lots would be a very tight fit, and problematic. For example, in order to make the plan work, the two houses proposed need to be exactly at the minimum legal distance between two structures. Get a measurement wrong by more than a few inches, and the houses are too close together. There are similar issues regarding other dimensions on the proposed development.

I am firmly of the opinion putting two houses on that piece of property would, among other issues, produce a dangerous traffic situation. It would produce two active driveways on Jackson, close to each other and very close to the intersection with Ethan Allen. Jackson runs downhill very steeply at the point, making visibility around that tight intersection tricky. Existing signage and utility poles also obstruct the view. The proposed houses would themselves further block visibility. It would be all but certain that eastbound cars turning north from Ethan Allen onto Jackson would, sooner or later, collide with cars entering or leaving those driveways. Since these collisions are predictable, I don't think it's quite accurate to call them "accidents."

I thank you for your kind attention to this query.

Sincerely,  
Roger Allen  
401 Ethan Allen Avenue



Takoma Park Maryland 20912  
roger@rmallen.net  
(301) 920-2369

# City of Takoma Park

**DEPARTMENT OF PUBLIC WORKS**

Telephone: 301-891-7633

FAX: 301-585-2405



31 Oswego Avenue  
Silver Spring, MD 20910

March 27, 2017

Mr. Charles T. Grimsley, PE  
6110 Executive Boulevard, Suite 110  
Rockville, MD 20852

Subject: SWM Concept Approval – Ethan Jackson Development, Takoma Park, MD  
Application WC-17-01-10

Dear Mr. Grimsley:

The referenced application Concept Approval and response package submitted on March 03, 2017 was found acceptable. An approved Tree Protection Plan or waiver by the City Arborist is necessary to validate this concept. A completed SWM Permit application and Review Fee must be submitted. Please refer to Takoma Code Title 16 for a complete description of Stormwater Management Plan Permit requirements. A list of SWM Permit requirements is presented below for your reference.

1. Completed SWM Permit application and fee (16.04.170 Fees - \$500.00 for single Family);
2. Three (3) copies of the final SWM plans;
3. One copy of approved Sediment and Erosion Control Plan (Montgomery County);
4. SWM facilities Construction cost estimate for the purpose of setting the Bond;
5. A Performance Bond equal to approved construction cost estimate of the SWM facilities;
6. Declaration of Covenants Inspection/Maintenance of Stormwater Management System;
7. A maintenance schedule developed for the life of SWM facilities installed on the Plans;
8. Schedule for staged inspection and reports (Takoma Code 16.04.210, 16.04.260);
9. A letter of designation of inspection/as-built certification entity.

Under this option, we request that you provide the name of the professional engineer registered in Maryland who would be providing inspection certification for all the stages of construction described in the referenced section of the Takoma Code, including preparation and presentation of the final "As Built" plans and certifications.

Upon completion of the project and prior to Bond release, an "As-Built" plan of the SWM facilities (item 9, above), along with certification by a professional engineer, shall be submitted to this department. Takoma Park Code Section 16.04.30 provides that *"The City Manager, at his or her sole discretion, may accept the certification of a registered professional engineer licensed in Maryland in lieu of any inspection during construction required by this chapter."*

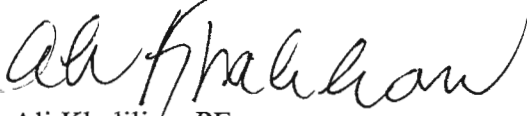
Stormwater Management Concept Approval  
Ethan Allen and Jackson, Takoma Park, MD  
WC 17-01-10

---

I appreciate the opportunity to be of service. Should you require additional assistance, please call the undersigned at 301-891-7620.

For the City of Takoma Park  
Department of Public Works

Sincerely yours,



Ali Khalilian, PE  
City Engineer

cc: Daryl Braithwaite  
File

Attachments:

- #1. Stormwater Management Permit – Bond Requirement
- #2. Performance Bond Form
- #3. Bond Submittal Form
- #4. Declaration of Covenants – Inspection/Maintenance of Stormwater Management System
- #5. As-Built Certification Form



RECEIVED

MAR 7 2017

MONTGOMERY PLANNING/Area 1

Isiah Leggett  
County  
Executive

DEPARTMENT OF TRANSPORTATION

Al R. Roshdieh  
Director

March 2, 2017

Neil Braunstein, Planner Coordinator  
Area 1 Planning Division  
The Maryland-National Capital  
Park & Planning Commission  
8787 Georgia Avenue  
Silver Spring, Maryland 20910-3760

RE: Preliminary Plan No. 120170120  
Ethan Jackson Property

*Neil:*

Dear Mr. Braunstein:

We have completed our review of the preliminary plan dated February 1, 2017. This plan was reviewed by the Development Review Committee at its meeting on February 21, 2017. We recommend approval of the plan subject to the following comments:

1. We defer to the Maryland State Highway Administration for access and improvements along Ethan Allen Avenue.
2. We defer to the Town of Takoma Park for access and improvements along Jackson Avenue.

Thank you for the opportunity to review this preliminary plan. If you have any questions or comments regarding this letter, please contact Ms. Rebecca Torma, our Development Review Senior Planning Specialist for this project at [rebecca.torma@montgomerycountymd.gov](mailto:rebecca.torma@montgomerycountymd.gov) or at (240) 777-2118.

Sincerely,  
*Gregory M. Leck*

Gregory M. Leck, Manager  
Development Review Team  
Office of Transportation Policy

**Office of the Director**

101 Monroe Street 10<sup>th</sup> Floor · Rockville Maryland 20850 · 240-777-7170 · 240-777-7178  
FAX

[www.montgomerycountymd.gov](http://www.montgomerycountymd.gov)  
Located one block west of the Rockville Metro Station

Mr. Neil Braunstein  
Preliminary Plan No. 120170120  
March 2, 2017  
Page 2

Sharepoint/DOT/Directors office/development review/Rebecca/Takoma/120170120 Ethan Jackson Property DOT prelimin plan  
ltr.docx

cc: Benjamin Davis Ethan Jackson Development, LLC  
David Albamonte Landmark Engineering, Inc.  
Charles Grimsley Landmark Engineering, Inc.  
Matthew Folden M-NCPPC Area 1  
Preliminary Plan folder  
Preliminary Plan letters notebook

cc-e: Sam Farhadi MCDPS RWPR  
Rebecca Torma MCDOT OTP