

Montgomery County Planning Board

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

Date Mailed:

December 5, 2024

MCPB No. 24-108

Pre-Preliminary Plan No. 720240020

Kirk Farm

Date of Hearing: October 31, 2024

RESOLUTION

WHEREAS, under Montgomery County Code Chapter 50, the Montgomery County Planning Board is authorized to review pre-preliminary plan applications; and

WHEREAS, on September 3, 2024, Marcella & Eliza Wozniak (“Applicant”) filed an application requesting a binding decision by the Planning Board on site access and required improvements on Tall Timbers Road for the creation of one lot for one single-family detached unit on 1.5 acres of land in the R-200 zone, located northeast of the intersection of Prince Philip Drive and Olney Sandy Spring Road (MD 108) (“Subject Property”), in the Yellow Policy Area and the 2005 *Olney Master Plan* area; and

WHEREAS, Applicant’s application was designated Pre-Preliminary Plan No. 720240020, *Kirk Farm*; and

WHEREAS, following review and analysis of the Application by Planning Board staff (“Staff”) and other governmental agencies, Staff issued a memorandum to the Planning Board, dated October 21, 2024, providing its analysis and recommendation for approval of the Application, subject to certain conditions (“Staff Report”); and

WHEREAS, on October 31, 2024, the Planning Board held a public hearing on the Application and voted to approve the Application subject to conditions, on the motion of Commissioner Hedrick, seconded by Vice Chair Pedoeem, with a vote of **3-0-1**; Chair Harris, Vice Chair Pedoeem, and Commissioner Hedrick voting in favor; Commissioner Bartley abstained and Commissioner Linden being necessarily absent.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board APPROVES Pre-Preliminary Plan No. 720240020, and supports the submission of an administrative subdivision plan or preliminary plan that, at a minimum, addresses the following issues of site access and required improvements on Tall Timbers Road for the creation of one lot for one single-family

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Approved as to
Legal Sufficiency:

/s/ Emily Vaias
M-NCPPC Legal Department

detached unit on the Subject Property, subject to the following binding elements¹:

1. No access is allowed from Brooke Farm Road and no stream crossing or disturbance of environmental buffers will be permitted on the Subject Property.
2. Access to the Subject Property is limited to Tall Timbers Road.
3. The Applicant will only be required to make the following improvements to Tall Timbers Road: the temporary turnaround and improvements along the Subject Property frontage on Tall Timbers Road per Montgomery County Department of Transportation (MCDOT) correspondence dated September 20, 2024, and Department of Permitting Services (DPS) Fire Access and Water Supply dated September 12, 2024.

BE IT FURTHER RESOLVED that the Planning Board supports Tall Timbers Road as access for one single-family detached unit on the Subject Property. As confirmed by MCDOT and DPS Fire Access and Water Supply, the Subject Property has adequate frontage for vehicular access from Tall Timbers Road and no road improvements will be required besides the temporary turnaround and improvements along Subject Property frontage on Tall Timbers Road as set forth in the MCDOT correspondence dated September 20, 2024. Per DPS Fire Access and Water Supply policy, and as set forth in their correspondence dated September 12, 2024, single-family units planned prior to 2010 are exempt from Fire Access review, therefore twelve (12) feet will be sufficient for a driveway to meet DPS Fire Access and Water Supply standards for one (1) single-family detached dwelling unit.

BE IT FURTHER RESOLVED that having considered the recommendations of its Staff as presented at the hearing and set forth in the Staff Report (with one modification noted at the hearing), the Board hereby adopts and incorporates said Staff Report by reference.

BE IT FURTHER RESOLVED that this Pre-Preliminary Plan binding review will remain valid for 90 days from the date of mailing of the Board resolution for this Pre-Preliminary Plan. The Applicant must file an Administrative Subdivision or Preliminary Plan application within this time period in order for the approval not to expire under Section 50.5.2.C.3.a; and

BE IT FURTHER RESOLVED that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is

December 5, 2024

¹ For the purpose of these binding elements, the term "Applicant" shall also mean the developer, the owner or any successor(s) in interest to the terms of this approval.

(which is the date that this Resolution is mailed to all parties of record); and

BE IT FURTHER RESOLVED that any party authorized by law to take an administrative appeal must initiate such an appeal consistent with the Maryland Rules for the judicial review of administrative agency decisions.

* * * * *

CERTIFICATION

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission on motion of Commissioner Hedrick, seconded by Vice Chair Pedoeem, with a vote of 3-0-1; Chair Harris, Vice Chair Pedoeem, and Commissioner Hedrick voting in favor of the motion, Commissioner Linden abstained and Commissioner Bartley was necessarily absent, at its regular meeting held on Thursday, November 21, 2024, in Wheaton, Maryland and via video conference.



Artie L. Harris, Chair
Montgomery County Planning Board