

CHEVY CHASE VIEW TOWN COUNCIL

Name of Plan:	Chevy Chase View	:	
	4201 and 4205 Saul Road	:	
		:	
Current Zoning:	R-90 (Residential, one-family)	:	
	Bethesda-Chevy Chase Master Plan	:	Preliminary Plan No.:
		:	
Geographical Location:	Block D, Intersection of Saul Road	:	120180160
	and Gartrell Place	:	
		:	
Plan Proposed:	3 lot single-family home subdivision	:	
	and 1 outlot	:	
		:	
Applicant:	PHH Loring, LLC	:	

RECOMMENDATION

Summary of Case

This matter involves the application of PHH Loring, LLC (the “Applicant”) to re-subdivide Lot 13 and 21, Block D, in the Chevy Chase View subdivision, in Kensington, Maryland, into three lots and one outlot. The Applicant is a contract-purchaser of the subject property. The subject property is located at the intersection of Saul Road and Gartrell Place within the corporate boundaries of the Town of Chevy Chase View (the “Town”). In Montgomery County, subdivision and resubdivision plans are subject to approval by the Montgomery County Planning Board (the “Planning Board”). The proposal has been submitted to the Town for a potential recommendation pursuant to the mandatory referral provisions of State law.

Procedural History

A Preliminary Plan (the “Plan”) was filed with the Planning Board on March 14, 2018. On April 2, 2018, pursuant to Article 28, Section 7-117.2 of the Annotated Code of Maryland, the Planning Board referred the proposed Plan to the Chevy Chase View Town Council (the “Town Council”) for review and comment. On April 6, 2018, pursuant to the Town Council’s protocol for processing subdivision and resubdivision referrals from the Planning Board, the Town notified the public that a public hearing would be held on April 30, 2018 to receive testimony, other evidence, and comments from the public regarding the proposed resubdivision. The public hearing was held as advertised.

Applicable Law

Chapter 50 of the Montgomery County Code sets forth the process and criteria for evaluating subdivision and re-subdivision applications. Section 50-4 of the Montgomery

County Code sets forth the lot design factors to consider in reviewing a proposed re-subdivision. Of particular relevance is Section 50-4.3, which states:

Lot dimensions. Lot size, width, shape, and orientation must be appropriate for the location of the subdivision and for the type of development or use contemplated, considering the recommendations of the master plan and the applicable requirements of Chapter 59.

Taking into account the special character of the Town, the Town Council adopted guidelines to assist in the evaluation of proposed subdivisions and re-subdivisions for compatibility with the neighborhood. Consistent with the County lot design standards above, concerning “lot size, width, shape, and orientation” the Town review standards provide that “compatible” lots are those that would be of the same character as other lots in the immediate vicinity with respect to “size, width, shape, street frontage and alignment.” Per the Town standards, lots in the “immediate vicinity” means those lots that are: (1) on the same block as the proposed subdivision; and (2) on a confronting block

Summary of Evidence

The record of the hearing included the following: numerous written comments from Town property owners and residents; staff reports submitted to the Town Council; and a report prepared by Councilmember Ron Sherrow.

Approximately 52 owners and residents submitted written comments. Of the comments received, approximately 5 were submitted in support, 3 took no position, and the remainder opposed the subdivision. At the hearing, 5 residents testified about the Plan. Of those, 2 testified in support of the application and 3 testified against.

The reasons stated by residents in support of the request included, among others, that: (i) the developer has conducted community outreach and prepared an acceptable plan; (ii) the plan would provide more diverse housing options for “empty nesters” in the Town; (iii) the proposal complies with the County Master Plan, and subdivision and zoning requirements; and (iv) the subdivision should be allowed based upon individual property rights.

The reasons stated by residents in opposition to the request included, among others, that: (i) many desirable canopy trees would be removed and open “green” space would be lost; (ii) 2 of the 3 lots would be too small, compared to others in the Town; (iii) the alignment of 1 of the lots toward Gartrell Place would be inconsistent with the alignment of other lots on the street and nearby streets; and (iv) desirable community character would be lost.

The report prepared by staff contains a summary of the development standards for the R-90 zone. Such requirements include, *e.g.*, a minimum lot size of 9,000 square feet and a frontage of 25 feet at the street, and 75 feet at the front building line.

The report prepared by Councilmember Ron Sherrow reflects that there are 58 lots within the immediate vicinity of the proposed lots, and the average area of the 58 lots is 14,554 square feet, based on data available on the State Department of Assessments and Taxation website. The 3 proposed Lots would have areas of 23,103 square feet (Lot 101), 12,681 square feet (Lot 102), and 12,725 square feet (Lot 103). The Lots would be 125.9 feet, 100.4, and 126.5 feet wide, respectively, as measured at their frontage. Lots 101 and 103 would be aligned toward Saul Road. Lot 102 would front on and be aligned toward Gartrell Place.

Mr. Sherrow's report contained an excerpt from a character study of the Town completed by Jakubiak & Associates, a land use consultant, retained by the Town in 2015. The analysis included a finding that there are several character elements in the Town, and some characteristics are common to certain areas. The block in question, Block D, was found to be within a character area having smaller lots with shallower backyards.

At the hearing, Town Council Chair Paula Fudge noted that the Town considered regulating the removal of trees on private property in 2006 but Town residents strongly opposed the proposition.

Findings of Fact

Based on the record of the hearing, the Town Council makes the following findings of fact:

1. The proposed lots would satisfy the applicable County development standards for the R-90 zone (subject to confirming setbacks and related requirements at the time of construction);
2. For purposes of assessing compatibility in terms of size under the Town review standards, a lot having 10% less than the average area of lots in the immediate vicinity would comprise 13,099 square feet. Of the 58 lots in the immediate vicinity, 17 (or 29%) of the lots have less than 13,099 square feet in area;
3. According to the Jakubiak & Associates report, the subdivision in question, Block D, is within a character area in the Town having smaller lots with shallower backyards;
4. On the subject block, Block D, 8 lots are aligned north and south, and 1 lot is aligned to the west. The block to the west, Block B, has a confronting lot aligned to the east; and
5. The Town does not regulate the removal of trees on private property. Such regulation was considered in 2006 but strongly opposed by Town residents. The Town relies upon the County to protect trees in accordance with the Forest Conservation Law.

Conclusions of Law

1. As to the Town review criteria, the Town Council makes the following conclusions.

- a. Lot size

Per the Town standards, a lot is generally considered compatible in size if the proposed area (square footage) is within 10% of the average area of typical lots in the immediate vicinity. Although 2 of the 3 the proposed Lots would be smaller in size than most of the lots on the adjoining or confronting blocks in the Town (which average size significantly exceeds the County's minimum of 9,000 square feet), the Town Council concludes that the Lots would not be uncharacteristically small. Notably, 29% of the lots in the immediate vicinity are smaller than the average size for the area. The subject 2 lots would be only minimally smaller in size than the average. Lot 102 would be 418 square feet less and Lot 103 would be 374 square feet than 13,099 square feet, which is 10% less in size than the average area of typical lots in the immediate vicinity. Also, this section of the Town characteristically has smaller lots with shallower backyards. The proposed lots appear sufficient in size to construct a compatible single-family house, within the County and Town setbacks and other development requirements.

The Town's calculation of average lot size excluded confronting lots on the south side of Saul Road as they are outside of the Town's boundaries.

- b. Width (and street frontage)

A lot is generally considered compatible in width if the proposed width is within 10% of the average width of typical lots in the immediate vicinity. A lot is generally considered compatible in street frontage if the proposed frontage is within 10% of the average frontage of typical lots in the immediate vicinity. A review of the tax map of the area reflects that the proposed lots would be consistent in width and frontage compared to other lots in the immediate vicinity. The Lots would be 125.9 feet, 100.4, and 126.5 feet wide, respectively, as measured at their frontage. The Lots would exceed the Town's requirement for 100 feet of street frontage (Town Code Sec. 13-405), and would far exceed the County's minimum frontage requirements.

The Town does not regulate the removal of trees on private property. The Town relies upon the County to protect trees in accordance with the Forest Conservation Law.

- c. Shape

Proposed lots should have a geometric shape that is similar to the other lots in the immediate vicinity. Proposed lots should generally be rectangular unless there is a different predominate geometric lot shape. Most lots in the Town are rectangular in shape and are

generally deeper than they are wide, except for corner lots. The proposed Lots would be rectangular and deeper than they are wide, with the exception of the proposed corner lot.

d. Alignment

Pursuant to the Town review standards, generally, if all lots in a block face the same directions (e.g., north and south), any new lots also should face the same directions. The subject block, Block D, is currently not uniform in terms of lot alignment. There are 8 lots aligned north and south, and 1 lot is aligned to the west. The block to the west, Block B, has a confronting lot similarly aligned to the east. The Town Council finds that adding a lot to Block D that would be aligned to the east would not be incompatible.

Accordingly, based on the above, the Town Council concludes that the proposed lots would be appropriate for the location of the subdivision, within Chevy Chase View, and for the residential development contemplated.

Recommendation

Based on the evidence of record, the findings of fact and conclusions of law set forth above, the Town Council recommends that the proposed subdivision be approved.

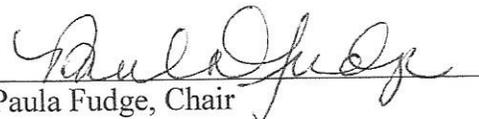
The forgoing Recommendation was adopted by the Town Council of the Town of Chevy Chase View with the following members voting in favor: Tom Brown, Paula Fudge, Nancy Kehne, Peter Marks, and Ron Sherrow.

Attest:



Jana Coe, Town Manager

TOWN COUNCIL OF THE
TOWN OF CHEVY CHASE VIEW

By: 

Paula Fudge, Chair

Date: May 15, 2018

(Deadline: May 17, 2018)