

Town of Chevy Chase View

Agenda for Public Hearing on Proposed Subdivision of 4201 and 4205 Saul Road (Plan No. 120180160)

DATE: Monday, April 30, 2018
TIME: 6:30 PM to 10:00 PM
LOCATION: Christ Episcopal Church, 4001 Franklin Street (undercroft)

Please note: This hearing will be audio-recorded for purposes of producing a transcript that may be submitted to the Maryland-National Capital Park and Planning Commission

- 6:30 PM **Sign-Up for Testimony Opens**
- 7:00 PM **Opening Welcome and Orientation** (Paula Fudge, Council Chair)
- 7:05 PM **Staff Reports**
- Recommendation Authority and Criteria (Ron Bolt, Town Attorney)
 - Plan Summary, Subdivision Process (Joe Toomey, Building Permit Administrator)
 - Lot Size Metrics (Ron Sherrow, Council Member)
- 7:30 PM **Testimony***
- 9:30 PM **Town Council Deliberations**
- 10:00 PM **Adjournment**

MEETING PROCEDURES

* Testimony: To testify, please add your name to the Sign-Up sheet prior to the opening of the hearing (7:00 PM). Each speaker will be limited to three (3) minutes, taken in the order of signing up. Every effort will be made to accommodate all persons wanting to speak. Comments may also be submitted in writing in advance of the hearing by e-mailing them to ccviewmanager@verizon.net. Please include "Subdivision Plan No. 120180160" in the subject header. Speakers that have provided written comments should please avoid duplication and instead use their oral testimony to highlight important points or supplement their written testimony.

More information from the Town about this matter is available on the Town website:
<http://www.chevychaseview.org/wp/2018/03/30/what-is-this-proposed-saul-road-subdivision-all-about/>.

♦ **Town of Chevy Chase View**
□ **P. O. Box 136, Kensington, MD 20895** □ **301-949-9274** □ **FAX 301-949-9274**
♦ www.chevychaseview.org

Town of Chevy Chase View

**Public Hearing on
Proposed Subdivision of 4201 and 4205 Saul Road (Plan No. 120180160)**

Report for the Public Record

April 18, 2018

To: Town Council

From: Ronald M. Bolt, Town Attorney

Subject: Subdivision Recommendation Authority and Criteria
Public Hearing, April 30, 2018

Limited Review Authority – Mandatory Referral

As the Town is located within the Regional District, subdivision approval authority is exercised by the Maryland-National Capital Park and Planning Commission (M-NCPPC), (Maryland Code, Land Use Art., Sec. 20-101, *et seq.*). According to State law, however, the Town has the right to review and comment on a preliminary subdivision plan, concerning property located in the Town.

Maryland Code, Land Use Art., Sec. 23-202(c)(3) contains a mandatory referral requirement. Said Section provides, with respect to Montgomery County, the “subdivision regulations and zoning law shall provide that, before any action is taken by the county planning board on an application for a preliminary subdivision plan, project plan, or site plan review ... a copy of the application shall be referred promptly to the municipal corporation or governed district for review and comment.”

Montgomery County Subdivision Standards

Sec. 23-202(d)(4) of said law further provides that, a “municipal corporation or governed district may recommend denial of a plan under this subsection only if the municipal corporation or governed district determines that the plan does not comply with a particular provision of the subdivision regulations.” Sec. 23-202(d)(7) provides that, a “two-thirds majority vote of the members of the county planning board then present and participating is required to override a recommendation of a municipal corporation or governed district to deny a residential resubdivision application.”

The applicable County subdivision regulations provide generally that, to “approve a preliminary plan, the M-NCPPC Planning Board must find that:

1. **the layout of the subdivision, including size, width, shape, orientation and density of lots, and location and design of roads is appropriate for the subdivision given its location and the type of development or use contemplated and the applicable requirements of Chapter 59;**

2. the preliminary plan substantially conforms to the master plan;
3. public facilities will be adequate to support and service the area of the subdivision;
4. all Forest Conservation Law, Chapter 22A requirements are satisfied;
5. all stormwater management, water quality plan, and floodplain requirements of Chapter 19 are satisfied; and
6. any other applicable provision specific to the property and necessary for approval of the subdivision is satisfied” (Montgomery County Code, Sec. 50-4.2 (emphasis added)).

With respect to lot design, the County regulations more specifically provide, in pertinent part, as follows:

“1. *General requirements.*

a. *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.* The dimensions of a lot must be able to accommodate any proposed building and other infrastructure deemed necessary to serve the lot, including but not limited to any accessory structure, stormwater management, parking, access drive, and off-street service...” (Montgomery County Code, Sec. 50-4.3 (emphasis added)).

The reference to Chapter 59, refers to the County Zoning Ordinance. The requirements of Chapter 59, concerning lots in the Town (R-90 zone) are set forth on the attached County guidance, issued by the Department of Permitting Services.

Chevy Chase View Subdivision Review Standards

Chevy Chase View adopted its own criteria, set forth on the attached administrative policy, to assist the Town Council in exercising the limited review authority and making a recommendation to the Planning Board. The criteria is aimed at assessing whether a proposed subdivision is “compatible 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.

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.

Width. 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.

Shape. Proposed lots should have a geometric shape that is similar to the other lots in the mediate vicinity. Proposed lots should generally be rectangular unless there is a different predominate geometric lot shape.

Street frontage. 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.

Alignment (orientation). 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.

Councilmember Sherrow and Mr. Toomey, Building Permit Administrator, have compiled the attached table reflecting the average size of comparable lots.



DPS

**Montgomery County
Department of Permitting Services**

255 Rockville Pike, 2nd Floor
Rockville, MD 20850-4166
Phone: 311 in Montgomery County or (240)777-0311
Fax: (240)777-6262
<http://www.montgomerycountymd.gov/permittingservices>



Section 4.4.8. Residential - 90 Zone (R-90) Standard Method Development Standards.

For Guidance Only

Zone	R-90 Residential, one-family, detached.
Area Requirement	Minimum lot size 9,000 sq. ft.
Maximum Coverage	30% including accessory buildings. **See Page 2 for infill development & lot coverage.
Minimum Front Setback	30 ft. or established building line (EBL), whichever is greater. EBL is not required for additions, only new one-family dwellings. ¹
Minimum Side Setback	Total 25 ft.; one side 8 ft. Lot recorded between 1/1/54 - 5/31/58; total 21 ft.; one side 10 ft. ¹ OR Total 25 ft.; one side 8 ft. Lot recorded before 1/1/54, 7 ft. each side. Lot recorded between 3/6/1928 - 10/28/30 and if lot width is at least 40 ft. but less than 50 ft., 5 ft. each side. Lot recorded before 3/16/28, if lot width is 40 ft. or less, 5 ft. each side.
Minimum Side Street Setback	Abutting lot fronts on the Side Street and is in a Residential Detached Zone 30 ft. Abutting lot Does Not front on the Side Street or is not in a Residential Detached Zone 15 ft.
Minimum Rear Setback	25 ft. Lot recorded before 1/1/54, 20 ft. Lot recorded between 9/30/41 - 12/31/53 minimum average depth of rear setback is 20 ft. but in no case less than 15 ft. at any one point.
Minimum Lot Frontage	75 ft. at front building line. 25 ft. at street line.
Maximum Building Height	35 ft. to roof peak or 30 ft. to mean height between eaves & ridge of gable, hip, mansard or gambrel roof.
Accessory Buildings The footprint of an accessory building must not exceed 50% of the footprint of the main building (one-family detached dwelling) or 600 sq/ft whichever is greater. This limit does not apply to a building accessory to an agricultural use. Any accessory building or structure used for the housing, shelter, or sale of animals or fowl other than a household pet must be a minimum of 25' from a lot line and a minimum of 100' from a dwelling on another lot.	Rear yard only. 20 ft. maximum height, measured to the highest point of roof surface. <ul style="list-style-type: none"> • 60 ft. Front setback • 30 ft. Side Street Setback, abutting lot fronts on the side street and is in a residential detached zone. • 15 ft. Side Street Setback, abutting lot does not front on the side street or is not in a residential detached zone. • 5 ft. Side Setback^{2,3} • 10 ft. Rear on a Corner lot where abutting lot fronts on the side street and is in a residential detached zone^{2,3} • 5 ft. Rear Setback, if not otherwise addressed^{2,3} Town of Garrett Park call 240-777-6240 for info.

Section 4.4.8. Residential - 90 Zone (R-90) Standard Method Development Standards.

<p>Remarks</p>	<p>¹See Established Building Line Methods on DPS website. ²Additional setback required if length of accessory structure along a rear or side lot line has linear dimension greater than 24 ft., side or rear setback is increased 2 ft. of setback for every 2 ft. that the structure dimension exceeds 24 ft. This does not apply to swimming pools. ³Additional setback required if bldg. ht. is greater than 15 ft. then side & rear setback is increased 2 ft. of additional setback for each foot of height over 15 ft.</p>	
<p>INFILL DEVELOPMENT Your project is considered infill development if the following apply: The lot was created: -By a plat recorded before January 1, 1978; or -By a plat of resubdivision that created fewer than 6 lots from a lot previously created by a plat recorded before January 1, 1978; -the lot is less than 25,000 square feet in area AND</p> <p>The construction proposed is: -A new detached house, OR -demolition is more than 50% of the existing floor area of all floors of the dwelling; OR -addition is more than 50% of the existing floor area of all floors of the dwelling.</p> <p>INFILL DEVELOPMENT LOT COVERAGE- definition: Area that may be covered by any building, including any accessory building, and any weather-proofed floor area above a porch. This does not include any bay window, chimney, porch, or up to 240 sq.ft. of a detached garage if it is less than 350 sq.ft. of floor area and less than 20 ft. in height.</p>	<p>Maximum Coverage for Infill Development Lots</p>	
	<p>Lot area less than 6000 sq.ft.</p>	<p>30%</p>
	<p>Lot area equal to or greater than 6000 sq.ft. but less than 16,000 sq.ft.</p>	<p>30%, minus .001 multiplied by the square foot of lot area over 6000 sq.ft. See EXAMPLE below</p>
	<p>Lot area equal to or greater than 16,000 sq.ft.</p>	<p>20%</p>
<p>EXAMPLE: Your lot size is 9458 sq. ft. Minus - 6000 sq. ft. Equals 3458 sq. ft. Multiply times <u>.001</u> Equals 3.45 percent Base Coverage 30.00 percent Minus <u>3.45</u> percent Equals 26.55 percent This is the new maximum amount of lot coverage for this lot.</p>		

SUBDIVISION STANDARDS FOR THE TOWN OF CHEVY CHASE VIEW

Pursuant to Maryland Code, Article 28, Section 7-117.2, Chevy Chase View is authorized to make recommendations to the Montgomery County Planning Board regarding proposed subdivisions or resubdivisions of property within or bordering the Town. The Town Council will evaluate a proposed subdivision or resubdivision to determine if it is compatible with the neighborhood.

The following standards are adopted to provide guidance to property owners and members of the public who are considering proposing or opposing the subdivision or resubdivision of property in Chevy Chase View. These standards are guidelines and there may be special circumstances where the Council would recommend approval of a subdivision or resubdivision even if the proposed lots would not meet all of the standards, and there may be circumstances where the Council would recommend denial of a proposed subdivision or resubdivision, even if the resulting lots would meet the standards.

“Compatible” means that the resulting subdivided lots would be of the same character as other lots in the immediate vicinity with respect to street frontage, alignment, size, shape and width. Generally, a lot would be considered to be of the same character with respect to street frontage if the frontage would be within 10% of the average frontage of typical lots in the immediate vicinity. Generally, a lot would be considered to be of the same character with respect to size if the size (square footage) is within 10% of the average size of typical lots in the immediate vicinity. Generally, a lot would be considered to be of the same character with respect to width if the width, at the building restriction line, would be within 10% of the average width of typical lots in the immediate vicinity.

“Alignment” means the direction that the front of the lot faces (i.e. north, east, south or west). Generally, if all lots in a block face north or south, any new lots also should face north or south.

The resulting subdivided lots should have a geometric shape that is similar to the other lots in the immediate vicinity (i.e. the proposed lots should generally be rectangular unless there is a different predominant geometric lot shape).

“Properties in the immediate vicinity” means all lots on the block on which the proposed lots would be located and all lots on confronting block(s). For corner lots, all confronting and caddie-corner blocks will be considered “confronting blocks”. The term “block” means a separately numbered or lettered block as shown on a recorded subdivision plat.



Vicinity Map

Properties in the Immediate Vicinity

Montgomery County

District: 13



Confronting Blocks: B, E, 3-A

Pink highlighted properties are 10% or more smaller in square footage than the average square footage of all properties on the subject clock and confronting blocks.

Subdivision Metrics Summary

Property Sizes and Variances-from-Average on the Subject Block (D) as Currently Configured and on Confronting Blocks (see pages 12 and 13 for charts)

Number of lots under consideration:	58
Average Area:	14,554 sf *
(10% less than Average Area)	13,099 sf
Number of properties less than 13,099 sf:	17 (29%)

Property Sizes and Variances-from-Average on the Subject Block (D) Following a Proposed Subdivision and on Confronting Blocks (see pages 14 and 15 for charts)

Number of lots under consideration:	59
Average Area:	14,260 sf **
(10% less than Average Area)	12,834 sf
Number of properties less than 12,834 sf:	15 (25%)

Proposed New Lot SF Differentials from Current Lots

<u>Lot #</u>	<u>Address</u>	<u>Area</u>	<u>Delta from 14,554 sf</u>	<u>Delta from 13,099 sf</u>
Lot 101	4205 Saul Road	23,103 sf	8,549 sf	10,004 sf
Lot 102	9804 Gartrell Place	12,681 sf	(1,873) sf	(418) sf
Lot 103	4201 Saul Road	12,725 sf	(1,829) sf	(374) sf

* Average area of lots in Blocks 3A, B, C, D, and E from the Real Property Data Report online at the State Department of Assessments and Taxation.

** Average area of lots in Blocks 3A, B, C, D, and E from the Real Property Data Report online at the State Department of Assessments and Taxation, plus area of lots in the Subdivision Proposal.

Property Sizes and Variances-from-Average on the Subject Block (D) as Currently Configured and on Confronting Blocks

Data Source: Block, Lot and Lot Size values were obtained from the SDAT public website of The Maryland State Department of Assessments & Taxation (SDAT)

Highlighted cells in this
column denote lots more than
10% smaller than average.



Block	Lot	Street Address	Lot Size in Square Feet	Variance from Average Lot Size in Square Feet	Variance from Average Lot Size Percent
3-A	P37	9806 Connecticut Avenue	13,112	-1,442	-10%
3-A	36	4006 Glenridge Street	15,000	446	3%
3-A	35	4010 Glenridge Street	15,000	446	3%
3-A	34	4014 Glenridge Street	15,000	446	3%
3-A	33	4018 Glenridge Street	14,248	-306	-2%
3-A	32	4022 Glenridge Street	12,560	-1,994	-14%
3-A	47	4026 Glenridge Street	13,971	-583	-4%
3-A	30	4030 Glenridge Street	14,248	-306	-2%
3-A	29	4034 Glenridge Street	13,007	-1,547	-11%
3-A	P46	4001 Saul Road	10,940	-3,614	-25%
3-A	45	4005 Saul Road	15,000	446	3%
3-A	44	4009 Saul Road	15,000	446	3%
3-A	43	4013 Saul Road	15,000	446	3%
3-A	42	4017 Saul Road	15,000	446	3%
3-A	41	4101 Saul Road	15,000	446	3%
3-A	P40	4111 Saul Road	22,500	7,946	55%
3-A	38	4117 Saul Road	16,971	2,417	17%
B	P11	9909 Cedar Lane	12,632	-1,922	-13%
B	24	4200 Glenridge Street	9,675	-4,879	-34%
B	23	4204 Glenridge Street	9,675	-4,879	-34%
B	19	4208 Glenridge Street	14,675	121	1%
B	18	4212 Glenridge Street	14,675	121	1%
B	17	4218 Glenridge Street	14,675	121	1%
B	16	4300 Glenridge Street	14,675	121	1%
B	15	4304 Glenridge Street	14,675	121	1%
B	14	4308 Glenridge Street	14,675	121	1%
B	13	4312 Glenridge Street	14,675	121	1%
B	P12	4316 Glenridge Street	19,967	5,413	37%
B	22	4305 Saul Road	19,667	5,113	35%
B	3	4309 Saul Road	14,654	100	1%
B	4	4313 Saul Road	14,645	91	1%
B	5	4317 Saul Road	14,628	74	1%
B	6	4401 Saul Road	14,628	74	1%
B	7	4405 Saul Road	14,628	74	1%
B	8	4409 Saul Road	14,610	56	0%

4/26/2018

**Property Sizes and Variances-from-Average
on the Subject Block (D) as Currently Configured and on Confronting Blocks**

Block	Lot	Street Address	Lot Size in Square Feet	Variance from Average Lot Size in Square Feet	Variance from Average Lot Size Percent
B	9	4413 Saul Road	14,601	47	0%
B	10	4417 Saul Road	10,495	-4,059	-28%
B	26	9800 Summit Avenue	9,673	-4,881	-34%
B	25	9808 Summit Avenue	10,000	-4,554	-31%
D	12	4100 Glenridge Street	12,500	-2,054	-14%
D	20	4102 Glenridge Street	12,999	-1,555	-11%
D	19	4104 Glenridge Street	12,556	-1,998	-14%
D	18	4106 Glenridge Street	12,842	-1,712	-12%
D	13	4201 Saul Road	20,463	5,909	41%
D	21	4205 Saul Road	30,827	16,273	112%
D	15	4209 Saul Road	12,784	-1,770	-12%
D	16	4213 Saul Road	12,906	-1,648	-11%
D	P17	9809 Summit Avenue	18,188	3,634	25%
E	10	9814 Gartrell Place	14,675	121	1%
E	1	4101 Glenridge Street	10,955	-3,599	-25%
E	2	4105 Glenridge Street	12,443	-2,111	-15%
E	3	4109 Glenridge Street	13,931	-623	-4%
E	4	4113 Glenridge Street	14,675	121	1%
E	9	4104 Glenrose Street	14,675	121	1%
E	8	4108 Glenrose Street	14,675	121	1%
E	7	4112 Glenrose Street	14,675	121	1%
E	5	9811 Summit Avenue	14,440	-114	-1%
E	6	9815 Summit Avenue	14,440	-114	-1%
Average Size of the 58 Lots:			14,554		

4/26/2018

Property Sizes and Variances-from-Average on Subject Block (D) Following a Proposed Subdivision and on Confronting Blocks

Data Sources: Block, Lot and Lot Size values of current properties were obtained from the SDAT public website of The Maryland State Department of Assessments & Taxation (SDAT)

Lot Number, Lot Size and Address for the three proposed lots were provided by the developer.

Highlighted cells in this
column denote lots more than
10% smaller than average.



Block	Lot	Street Address	Lot Size in Square Feet	Variance from Average Lot Size in Square Feet	Variance from Average Lot Size Percent
3-A	P37	9806 Connecticut Avenue	13,112	-1,148	-8%
3-A	36	4006 Glenridge Street	15,000	740	5%
3-A	35	4010 Glenridge Street	15,000	740	5%
3-A	34	4014 Glenridge Street	15,000	740	5%
3-A	33	4018 Glenridge Street	14,248	-12	0%
3-A	32	4022 Glenridge Street	12,560	-1,700	-12%
3-A	47	4026 Glenridge Street	13,971	-289	-2%
3-A	30	4030 Glenridge Street	14,248	-12	0%
3-A	29	4034 Glenridge Street	13,007	-1,253	-9%
3-A	P46	4001 Saul Road	10,940	-3,320	-23%
3-A	45	4005 Saul Road	15,000	740	5%
3-A	44	4009 Saul Road	15,000	740	5%
3-A	43	4013 Saul Road	15,000	740	5%
3-A	42	4017 Saul Road	15,000	740	5%
3-A	41	4101 Saul Road	15,000	740	5%
3-A	P40	4111 Saul Road	22,500	8,240	58%
3-A	38	4117 Saul Road	16,971	2,711	19%
B	P11	9909 Cedar Lane	12,632	-1,628	-11%
B	24	4200 Glenridge Street	9,675	-4,585	-32%
B	23	4204 Glenridge Street	9,675	-4,585	-32%
B	19	4208 Glenridge Street	14,675	415	3%
B	18	4212 Glenridge Street	14,675	415	3%
B	17	4218 Glenridge Street	14,675	415	3%
B	16	4300 Glenridge Street	14,675	415	3%
B	15	4304 Glenridge Street	14,675	415	3%
B	14	4308 Glenridge Street	14,675	415	3%
B	13	4312 Glenridge Street	14,675	415	3%
B	P12	4316 Glenridge Street	19,967	5,707	40%
B	22	4305 Saul Road	19,667	5,407	38%
B	3	4309 Saul Road	14,654	394	3%

4/26/2018

**Property Sizes and Variances-from-Average
on Subject Block (D) Following a Proposed Subdivision
and on Confronting Blocks**

Block	Lot	Street Address	Lot Size in Square Feet	Variance from Average Lot Size in Square Feet	Variance from Average Lot Size Percent
B	4	4313 Saul Road	14,645	385	3%
B	5	4317 Saul Road	14,628	368	3%
B	6	4401 Saul Road	14,628	368	3%
B	7	4405 Saul Road	14,628	368	3%
B	8	4409 Saul Road	14,610	350	2%
B	9	4413 Saul Road	14,601	341	2%
B	10	4417 Saul Road	10,495	-3,765	-26%
B	26	9800 Summit Avenue	9,673	-4,587	-32%
B	25	9808 Summit Avenue	10,000	-4,260	-30%
D	102	9804 Gartrell Place	12,681	-1,579	-11%
D	12	4100 Glenridge Street	12,500	-1,760	-12%
D	20	4102 Glenridge Street	12,999	-1,261	-9%
D	19	4104 Glenridge Street	12,556	-1,704	-12%
D	18	4106 Glenridge Street	12,842	-1,418	-10%
D	103	4201 Saul Road	12,725	-1,535	-11%
D	101	4205 Saul Road	23,103	8,843	62%
D	15	4209 Saul Road	12,784	-1,476	-10%
D	16	4213 Saul Road	12,906	-1,354	-9%
D	P17	9809 Summit Avenue	18,188	3,928	28%
E	10	9814 Gartrell Place	14,675	415	3%
E	1	4101 Glenridge Street	10,955	-3,305	-23%
E	2	4105 Glenridge Street	12,443	-1,817	-13%
E	3	4109 Glenridge Street	13,931	-329	-2%
E	4	4113 Glenridge Street	14,675	415	3%
E	9	4104 Glenrose Street	14,675	415	3%
E	8	4108 Glenrose Street	14,675	415	3%
E	7	4112 Glenrose Street	14,675	415	3%
E	5	9811 Summit Avenue	14,440	180	1%
E	6	9815 Summit Avenue	14,440	180	1%

Average Size of the 59 Lots: 14,260

The Common Elements that Contribute to Character within the Town



From the 2015 Town of Chey Chase View Character Study, by Jakubiak Town - City Planning