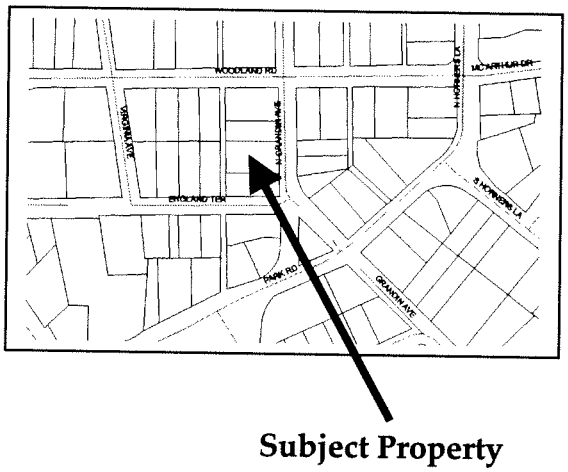
CITY OF ROCKVILLE
COMMUNITY PLANNING & DEVELOPMENT SERVICES DEPARTMENT
STAFF REPORT



Subject Property

TO: Planning Commission

FROM: Jim Wasilak, Chief of Planning
Bobby Ray, Principal Planner

PLANNER: Margaret M. Hall, Planner II

DATE: December 30, 2010

SUBJECT: Final Record Plat PLT2011-00507
102 Grandin Avenue

RECOMMENDATION: Approval, subject to the conditions noted on page 5.

REQUEST: The applicant is requesting approval of a Final Record Plat in order to consolidate three existing 25-foot wide lots into a single record lot. The application has been filed, not as a resubdivision, but as the recordation of an existing single unit detached dwelling residential property. Existing Lots 20, 21, and 22, Block L in the Croydon Park subdivision are proposed to be consolidated to become Lot 28, Block L in the Croydon Park subdivision. The three lots have appeared on the same deed since November 4, 1938. (See Attachment C.) According to the Tax Assessment records the house was built in 1941. (See Attachment D.) The house straddles the lot line between existing Lots 20 and 21. The applicant would like to construct an addition onto the side of the house, placing it onto Lot 22. Since the proposed addition would cross a lot line, the recordation of the property as a single lot is required for the construction of the addition.

PROJECT / SITE INFORMATION:

Location:	102 Grandin Avenue
Applicant:	David Miller, Point to Point Land Surveyors
Land Use Designation:	Detached Residential (High Density Over 4 Units Per Acre)
Zoning District:	R-60, Single Unit Detached Dwelling Residential
Parcel Area:	9,000 square feet, or 0.2066 acres (proposed total) Each of the three 25 wide lots contains 3,000 square feet
Current Use:	Single Unit Detached Residential

Proposed Use: Residential

Surrounding Land Use and Zoning			
Location	**Zoning**	**Planned Land Use**	**Existing Use**
North	R-60, Single Unit Detached Dwelling Residential	Detached Residential (High Density Over 4 Units Per Acre)	Single Unit Residential
South	R-60, Single Unit Detached Dwelling Residential	Detached Residential (High Density Over 4 Units Per Acre)	Single Unit Residential
East	R-60, Single Unit Detached Dwelling Residential	Detached Residential (High Density Over 4 Units Per Acre)	Single Unit Residential
West	R-60, Single Unit Detached Dwelling Residential	Detached Residential (High Density Over 4 Units Per Acre)	Single Unit Residential

PREVIOUS RELATED ACTIONS:

- The Croydon Park subdivision was created in 1924. (See Attachment B)
- In 1938, ownership of Lots 20, 21 and 22 was transferred to Luther O. Foster with a deed recorded in Liber 717 at Folio 491. (See Attachment C.)
- According to the information contained within the Tax Assessment database, the house was constructed in 1941. (See Attachment D.)

ANAYLSIS:

Master Plan recommendation:

The Master Plan envisions the property as "single unit residential, high density". The property is located within Planning Area 2 (East Rockville neighborhood) of the Master Plan and therefore is covered by the adopted East Rockville Neighborhood Plan. Specific recommendations from the East Rockville Neighborhood Plan include:

- Retain the R-60 and R-75 Zones for residential property in the Planning Area, with no overlay zoning.

- Ensure resubdivisions are compatible with the existing lot pattern in the neighborhood. Discourage pipestem lots.

Concerns noted within the Plan include the change in character that can occur when larger lots are resubdivided into small lots for infill development. In general, the Plans recommend that vacant lots be developed in accordance with current zoning requirements and that the Zoning Ordinance be changed to clarify resubdivision for infill housing. The recommendations made within both Plans include maintaining the R-60 zoning for the neighborhood. Although the Master Plan recommended that an updated neighborhood plan explore the possibility of adjusting the zoning regulations to allow lots along alleys or undeveloped City rights-of-way be resubdivided, the adopted East Rockville Neighborhood Plan does not contain this provision.

The subject property retains the existing R-60 zoning district, which requires a minimum lot area of 6,000 square feet for new subdivisions. The proposed plat will consolidate three undersized lots, totaling 9,000 square feet of land into a single record lot. Within five properties of the subject lot, there are twelve properties that are equal to or larger than the subject property, with the largest being 18,018 square feet. Most of the surrounding lots are 6,000 square feet or larger but there are two listed as 3,600 square feet and 3,690 square feet with houses on them. Staff finds that the proposed consolidation implements, and is consistent with, the recommendations of the neighborhood plan. The proposed size of the lot is within the middle range of properties in the immediate vicinity, and it has also been part of the character of the neighborhood since 1938.

Zoning Compliance:

The application proposes the recordation of an existing single unit detached dwelling residential property into a single record lot. This process is specifically addressed in Section 25.21.03. Section 25.21.03 provides that the Planning Commission must approve a plat when one or more of the following conditions are met:

1. The property being platted is a deeded lot (property) that has existed in the same configuration since at least October, 1957;
2. The property being platted is a multiple-lot property that required a minimum of two (2) lots for development at the time the substandard lots were created and the plat seeks to consolidate the lots into a single record lot; or
3. The property being platted is a multiple-lot property that contains an existing house that straddles the common lot line and the plat seeks to consolidate the property into a single record lot.

The subject property meets all three conditions for approval. The property has existed in the same configuration since 1938, meeting condition 1. Being made up of three twenty-five foot wide lots in the Croydon Park subdivision, where at least two lots were required for development, it clearly meets condition 2 and it also meets condition 3 because the house straddles the lot line between Lots 20 and 21.

In the R-60 Zone, lots must have 35 feet of frontage on a public street, reach 60 feet in width at the front setback line and contain a minimum of 6,000 square feet. Although this application is not subject to these requirements, the proposed lot, at 9,000 square feet well exceeds the minimum lot size of 6,000 square feet required in the R-60 Zone. At 75 feet wide, the property exceeds the 35 foot frontage and 60 foot width requirements.

Forest / Tree Preservation

Because this application is for the recordation of an existing single-family record property and not considered subdivision, the provisions of the Forest and Tree Preservation Ordinance do not apply.

RECOMMENDED CONDITIONS:

1. That the Plat be revised to make modifications/additions, as identified by Planning Commission or Staff.
2. That the Final Record Plat be submitted in an appropriate electronic format as specified in Section 25-21.10.d of the City of Rockville Zoning Ordinance.

REQUIRED FINDINGS:

By definition, subdivision is the division of a lot, tract, or parcel of land into two or more lots. Since this application involves only one lot, it does not meet the definition of subdivision and therefore is not subject to the required findings associated with a subdivision application. This application, however, falls into the category of being the Recordation of an Existing Single Unit Detached Residential Lot, where according to Section 25.21.03.b, the Planning Commission must approve a plat, regardless of whether it meets the development standards for the zone, when one of three conditions can be met. As noted on page 4 within the Zoning Compliance section, this property meets all three conditions and must be approved.

PUBLIC OUTREACH:

Public Notification of the Final Record Plat was made pursuant to the requirements of Section 25.21.11.d. ("Notice"). Mailed notification was provided to all residents and property owners within the required 750-foot radius. Additionally, mailed notification was made to three neighborhood associations (East Rockville Civic Association, Lincoln Park Civic Association and the Legacy at Lincoln Park.) No posting of signs on the property is required. At the time of the report preparation (December 30, 2010) staff has not received any written or verbal public comments regarding this application.

CONCLUSION:

The plat is intended to create a single record lot out of a property that has existed in its current configuration since 1938. The recordation of the property with a record plat will erase the lot lines between Lots 20, 21 and 22 and create a single record lot from an existing property. Staff finds that the application meets the criteria allowing

recordation of the existing property as found in Section 25.21.03.b, and recommends approval.

Attachments:

"A"	Application and a Copy of the proposed Final Record Plat
"B"	A Copy of the Croydon Park Subdivision
"C"	1938 Deed transferring all three lots to Mr. Foster
"D"	Print out of the data from the Maryland Department of Assessments and Taxation.

Print Form

Application for

Subdivision Plan

PLT
2/09

City of Rockville

Department of Community Planning and Development Services

111 Maryland Avenue, Rockville, Maryland 20850
Phone: 240-314-8200 • **Fax:** 240-314-8210 • **E-mail:** Cpds@rockvillemd.gov • **Web site:** www.rockvillemd.gov

Type of Application _____

Preliminary Plan _____ Ownership Plat _____ Final Record Plat X Cluster Development _____

Please Print Clearly or Type

Property Address Information 102 Grandin Avenue, Rockville MD 20850

Property Size (square feet) 9,000 Lot (S) 1

Zoning R-60 Tax Account (S) 00164910, _____, _____

Proposed Subdivision Croydon Park Lot 28 Block L

Applicant Information:
Please supply Name, Address, Phone Number and E-mail Address

Applicant Point to Point Land Surveyors, 305 S. Main St. Mt. Airy MD 21771
Attn David Miller

Property Owner Xingzhu Liu, 6432 Bannockburn Dr., Bethesda MD 20817

Architect _____

Engineer _____

Attorney _____

STAFF USE ONLY

Application Acceptance:
Application # PLT2011-00507
Date Accepted _____
Staff Contact _____

OR

Application Intake:
Date Received 11/30/10
Reviewed by TWT
Date of Checklist Review _____
Deemed Complete: Yes ☐ No ☐

Attachment A

Project Identification _____

Application is hereby made with the City of Rockville Planning Commission for appeal of a Subdivision Plan for the property described on page 1.

A letter of authorization from the owner must be submitted if this application is filed by anyone other than the owner. I hereby certify that I have the authority to make this application, that the application is complete and correct and that I have read and understood all procedures for filing this application.

Please sign here _____ David M. Miller - Prof. Land Surveyor

Comments on Submittal: (For Staff Use Only):

_____

_____

_____

_____

Attached hereto and made a part of this application, I submit the necessary plans, specifications and other data or explanatory material as required by the Subdivision Regulation (Chapter 25, Article XV). All applications must include the original mylar and six (6) prints, showing the following:

❑ **1. Surveyor's Certificate**
   a. Show all recordation of conveyance with dates.
   b. Establish pipes and monuments.
   c. Give area of street dedication in square feet and acreage.
   d. Plan is certified correct and is sealed by a Maryland registered surveyor.

❑ **2. Owner's Dedication**
   a. Owner adopts plan of subdivision.
   b. Dedicate all streets to public use and/or to public use and private maintenance.
   c. Grant land as shown on the subdivision plan to proper HOA entity, Mayor and Council, etc.
   d. Establish minimum building restriction lines.
   e. All necessary easements to be established by plat including PUE's, (with PUE recordation information), grading and slope easements, sidewalk/bike path/pedestrian easements, utility easements, ingress/egress easements, etc.

Note: SWM easements to be shown on subdivision plan and locations verified with maintenance agreement location sketch. Forest Conservation easements are also established by a separate document but location should be shown on plat.

❑ **3. Easements and Rights of Way**
   a. Show all existing easements.
   b. Abandon all unnecessary easements, rights of way by separate document, and reference on plat.
   c. Locations of new utilities or other public improvements outside of rights-of-way match locations of new easements being established or shown as future/recorded on plat.
   d. Establish 10 PEUs along all public roadways.

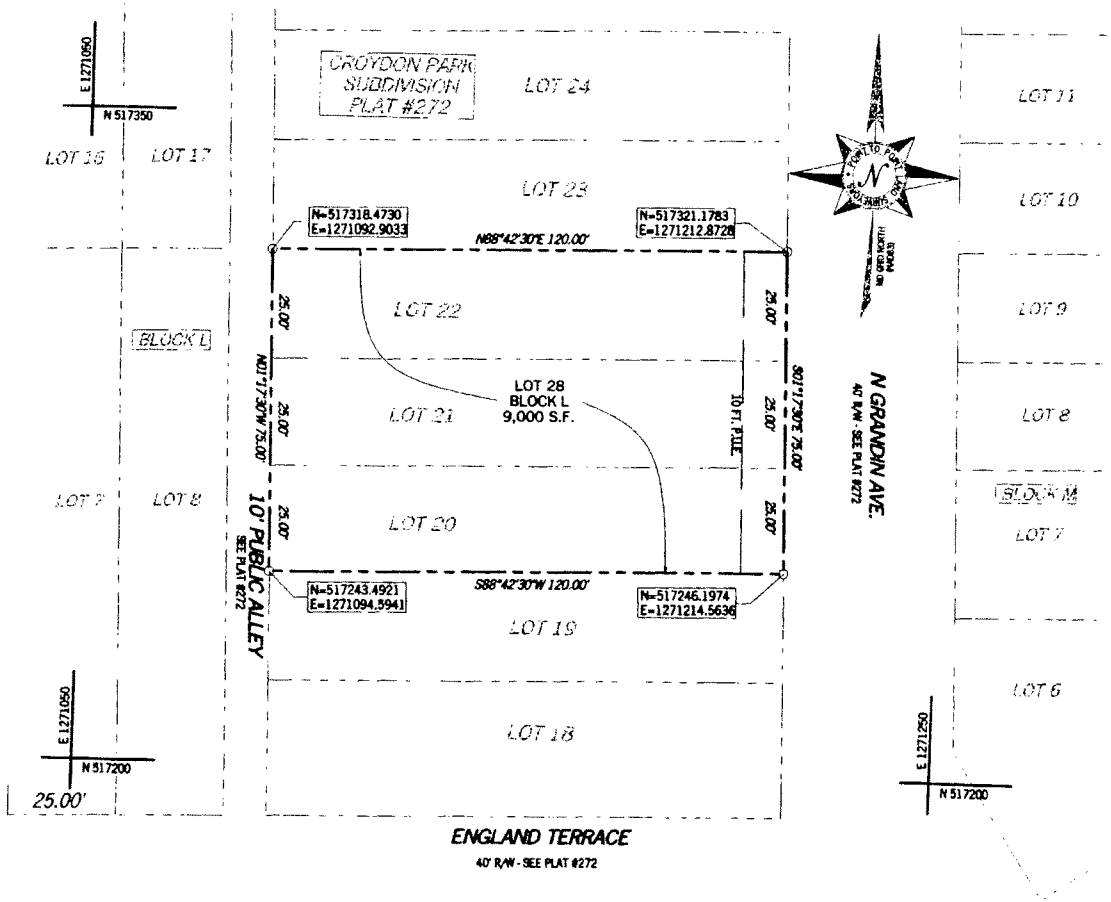
❑ **4. Datum and North Arrow**
   a. Datum to be NAD 83/91 for new subdivisions, WSSC, original plat datum or other approved datum.
   b. North Arrow is shown on plat with datum and scale (maximum scale is 1" = 100').
   c. Show three (3) property corner coordinate values per plat.
   d. Minimum of two (2) monuments per block.

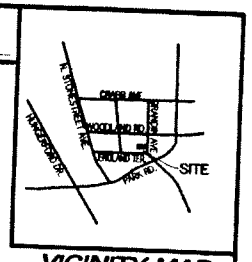
❑ **5. Adjacent Parcels**
   a. Show all adjacent plat/deed and owner information.

❑ **6. General Plat Information**
   a. Show all proposed or previously dedicated street names, and right-of-way widths. Give recordation information if applicable.
   b. Show all curve and line data.
   c. Show all lot numbers, blocks, and lot areas.
   d. Show all parcel letters, blocks, and parcel areas.
   e. All information shown on title block is correct and consistent with any predetermined subdivision name.
   f. Certification block for Planning Commission and City Manager.

❑ **7. Plat of Corrections**
   a. For correction plats, all previous information to be corrected should be clearly identified as such (with the use of dashed lines, stippled numbers, etc.), and all new information to be established uses heavier line weights or other methods to clarify its intent.
   b. Final plat to be accompanied by digital submission (DWG or DXF format).

PLAT NO. _____





VICINITY MAP

SCALE: 1"=2000'

OWNER'S DEDICATION

WE, THE UNDERSIGNED, OWNERS OF THE PROPERTY SHOWN AND DESCRIBED HEREON, DO HEREBY ADOPT THIS PLAT OF SUBDIVISION AND ESTABLISH THE MINIMUM BUILDING RESTRICTION LINES, AND GRANT THE PUBLIC UTILITY EASEMENT (P.U.E.) TO THE PARTIES NAMED IN THE DOCUMENT ENTITLED "DECLARATION OF TERMS AND CONDITIONS OF PUBLIC UTILITY EASEMENT" AS RECORDED IN LIBER 4834 AT FOLIO 457, AMONG THE LAND RECORDS OF MONTGOMERY COUNTY, MARYLAND AND THAT, AS OWNERS OF THE PROPERTY, WE, OUR SUCCESSORS AND ASSIGNS WILL CAUSE ALL PROPERTY CORNER MARKERS AND OTHER MONUMENTATION TO BE SET BY ENGAGING A LICENSED MARYLAND LAND SURVEYOR.

THERE ARE NO SUITS, LEINS OR LEASES, MORTGAGES OR TRUSTS AFFECTING THE PROPERTY SHOWN HEREON, EXCEPT CERTAIN DEEDS OF TRUST AND ALL INTERESTED PARTIES IN INTEREST HERETO HAVE BELOW INDICATED THEIR ASSENT.

XINGZHU LIU _____ DATE _____ WITNESS _____ DATE _____

YAN CHEN _____ DATE _____ WITNESS _____ DATE _____

VINCENT LIU _____ DATE _____ WITNESS _____ DATE _____

SURVEYOR'S CERTIFICATE

I, HEREBY CERTIFY THAT PLAT SHOWN HEREON IS CORRECT, THAT IT IS A RESUBDIVISION OF ALL THE LANDS CONVEYED TO INGZHU LIU, YAN CHEN, AND VINCENT LIU FROM SIOMARA GUERRA AND LISSETH M. RODRIGUEZ BY A DEED DATED SEPTEMBER 24, 2010 AND RECORDED AMONG THE LAND RECORDS OF MONGOMERY COUNTY, MARYLAND IN LIBER 40098, FOLIO 37.

I HEREBY CERTIFY THAT ALL IRON PINS SHOWN THUS ○ WILL BE PLACED AS INDICATED TO THE APPROVED FINISHED GRADE IN ACCORDANCE WITH THE PROVISIONS OF SECTION 25.21.25 OF THE ROCKVILLE CITY CODE. THE TOTAL AREA INCLUDED IN THIS PLAT IS 9,000 SQUARE FEET OR 0.2066 ACRES OF LAND. THERE IS NO STREET DEDICATION BY THIS PLAT.

11-30-10

DAVID M. MILLER DATE
PROFESSIONAL LAND SURVEY #21427

PLAT OF SUBDIVISION

CROYDON PARK

LOT 28, BLOCK L
(A RESUBDIVISION OF LOTS 20-22)
CITY OF ROCKVILLE, FOURTH ELECTION DISTRICT
MONTGOMERY COUNTY, MARYLAND

NOVEMBER, 2010
SCALE: 1"=20'

THE CITY OF ROCKVILLE PLANNING COMMISSION
ROCKVILLE, MARYLAND

APPROVED: _____
WITHOUT COMMITMENT AS TO INSTALLATION OF SEWER, WATER AND STREETS

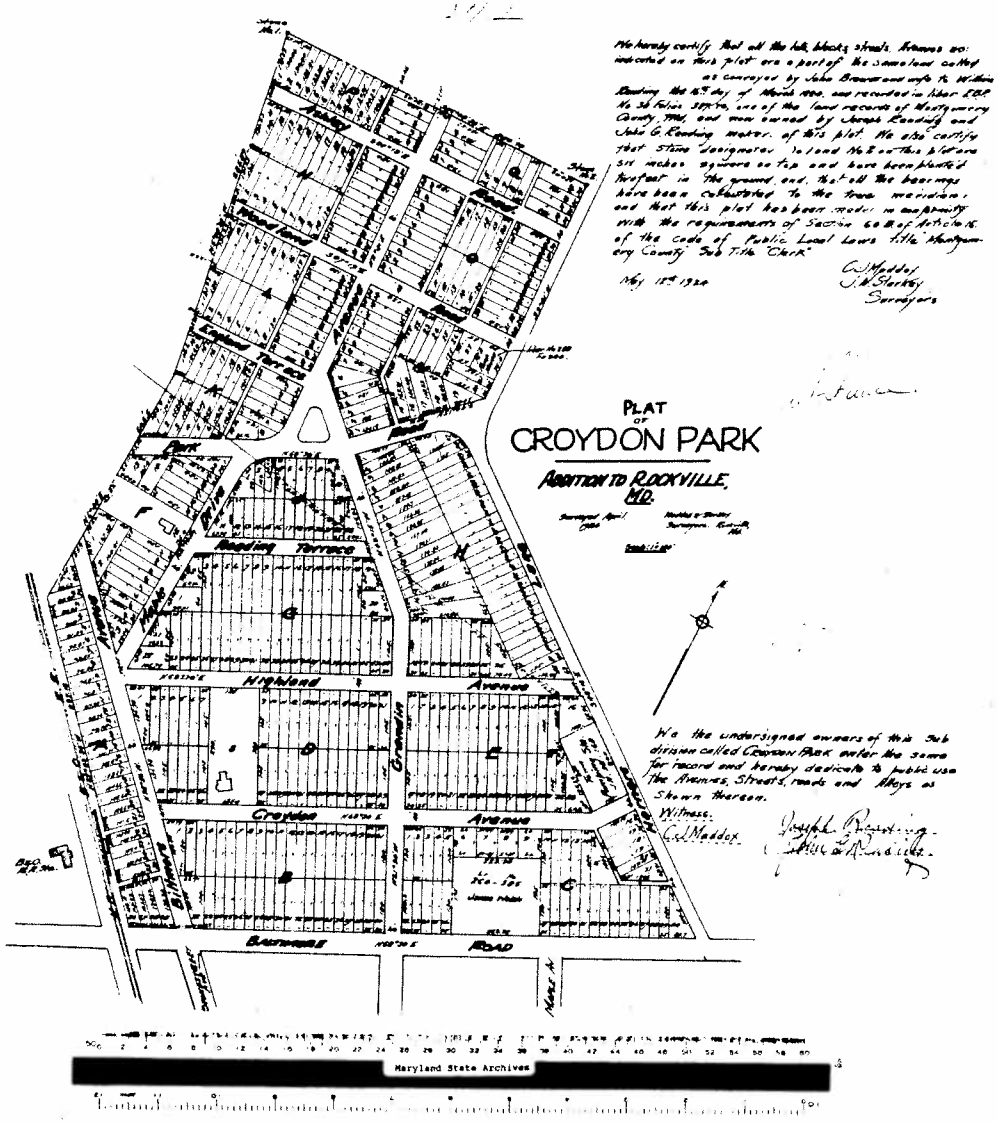
_____ CHAIR _____ CITY MANAGER

RECORDED: _____

PLAT NO. _____

20 10 0 20 40 60
GRAPHIC SCALE IN FEET
1" = 20'

POINT TO POINT LAND SURVEYORS
305 S. Main Street, Lower Level
Mount Airy, MD 21771
(p) 301-703-8319 (f) 301-703-8324
(w) pointtopointsurvey.com



Maryland State Archives

Attachment B

Mailed to:
E. Willard Hyde
Walter Fay & Le Bedy
2-7-39

At the request of The Hyde Company, Incorporated, the following Deed was recorded December 6th, A. D. 1938 at 9:08 o'clock A. M., to wit:

This Deed made this 29th day of November, in the year one thousand nine hundred and thirty eight, by and between Curt R. Karlstromer and wife Maude L. Karlstromer of the State of Virginia, parties of the first part, and The Hyde Company, Inc., a body corporate under the Laws of the District of Columbia party of the second part:

Witnesseth, That in consideration of Ten ($10.00) & 00/100 Dollars, the parties of the first part do hereby grant unto the party of the second part, in fee simple all that piece or parcel of land, together with the improvements, rights, privileges and appurtenances to the same belonging, situate in the County of Montgomery, State of Maryland, described as follows, to wit:

Lot numbered One (1) in Block numbered Six (6) in Rock Creek Hills subdivision in Montgomery County, Maryland, as per plat recorded in Plat Book 14, folio 909 one of the Land Records for said Montgomery County.

Subject to covenants of record.

And the said parties of the first part covenant that they will warrant specially the property hereby conveyed; and that they will execute such further assurances of said land as may be requisite.

Witness their hands and seals the day and year hereinbefore written.

In presence of

Martin J. Quigley

Curt R. Karlstromer (Seal)
Maude L. Karlstromer (Seal)

(Internal Revenue $2.00)
(State Tax $13.00)

District of Columbia, to wit:

I, Martin J. Quigley, a Notary Public in and for the District aforesaid, hereby certify that on this 29th day of November, 1938, Curt R. Karlstromer and wife Maude L. Karlstromer, who are personally well known to me as the grantors in, and the persons who executed the aforegoing and annexed deed, dated November 29th, A. D. 1938, personally appeared before me in the said District and acknowledged the said deed to be their act and deed.

Given under my hand and seal this 29th day of November, 1938.

Martin J. Quigley
Notary Public, D. C.

Martin J. Quigley
Notary Public
District of
Columbia

Mailed to:
H. C. Smith
Rockville, Md
2-7-39

At the request of Luther O. Foster, the following Deed was recorded December 6th, A. D. 1938 at 9:12 o'clock A. M., to wit:

This Deed, made this 4th day of November, A. D. 1938, by and between Virginia M. Offutt, single, party of the first part, and Luther O. Foster, party of the second part.

Witnesseth, That for and in consideration of the sum of ten ($10.00) dollars, receipt of which is hereby acknowledged, the said Virginia M. Offutt, single, party of the first part, does hereby grant and convey unto the said Luther O. Foster, party of the second part, all those tracts or parcels of land situate, lying and being in Montgomery County, in the State of Maryland, being more particularly known and described as follows:

Lots One (1) to eight (8), inclusive, and lots twenty (20) to Twenty-two (22), inclusive, of Block "L", in a subdivision known as "Croydon Park", in Rosaville, Montgomery County, Maryland, as shown on a Plat duly recorded in Plat Book 3, at folio 272, of the

Attachment C

Land records of said Montgomery County, Maryland, to which record reference is hereby made for a more full and complete description of said land and premises intended to be conveyed.

Together with all and singular, the buildings and improvements thereon and the rights, ways, waters, privileges and appurtenances thereto belonging, or in anywise appertaining.

And the said Virginia M. Offutt, single, does hereby covenant to execute any and all such other or further assurances to said land as may be requisite or necessary the better to convey the same.

Witness my Hand and Seal.

Witness:

N. A. Leveney

Virginia M. Offutt (Seal)

(Internal Revenue $0.50)

(State Tax $0.50)

State of Maryland, Montgomery County, to wit:

I, Paul F. Wire, a Notary Public in and for the State and County aforesaid, whose commission expires on the 1st day of May, 1939, do hereby certify that on this day, personally appeared before me, in my said County and State Virginia M. Offutt, single, whose name is assigned to the aforegoing and hereby annexed deed, dated the 4th day of November, A. D. 1938, and acknowledged the same to be her act and deed.

Given under my Hand and Seal this 4th day of November, 1938.

Paul F. Wire
Notary Public.

Paul F. Wire
Notary Public
Montgomery
Co., Maryland

B/K
EXAMINED
Mailed to
Clarence C. Keiser
Beth Md
2-1-39

At the request of Mary Alice Owen, the following Deed was recorded December 6th, A. D. 1938 at 10:22 o'clock A. M., to wit:

This Deed made this 30th day of November, in the year Nineteen Hundred and Thirty-eight, by and between Margaret Louise Prior and George F. Prior, her husband, of Montgomery County, Maryland, parties of the first part, and Mary Alice Owen, of Montgomery County, Maryland, party of the second part,

Whereas, Eleanora Moore, late of Montgomery County, deceased, has, by her last will and testament, duly admitted to probate by the Orphans' Court of said Montgomery County and recorded in the office of the Register of Wills for said County, devised and bequeathed the hereinafter described land and premises to the said Margaret Louise Prior (Formerly Margaret Louise Owen) and Mary Alice Owen.

And Whereas, the said Mary Alice Owen has purchased all of the right title and interest of the said Margaret Louise Prior in and to the hereinafter described land and premises.

Now, Therefore, this deed witnesseth that, for and in consideration of the premises, and of the said sum of Ten ($10.00) Dollars, the said Margaret Louise Prior (formerly Margaret Louise Owen) and George F. Prior, her husband, do hereby grant, convey, assign, release and quit claim unto the said Mary Alice Owen, all their right, title, interest and estate whatsoever, in law or in equity, in to, or over the following described lot of land situate in Montgomery County, Maryland, comprising one (1) acre of land, more or less, and being that tract of land which is described in a certain deed from Lydia E. Matthews unto Eleanora Moore, dated the Thirteenth day of March, Nineteen Hundred and Nineteen, and

Maryland Department of Assessments and Taxation
Real Property Data Search (vw1.1)
MONTGOMERY COUNTY

Go Back
View Map
New Search

Account Identifier: District - 04 Account Number - 00164910

Owner Information

Owner Name: LIU, XINGZHU ET AL

Use: RESIDENTIAL

Principal Residence: NO

Mailing Address: 6432 BANNOCKBURN DR
BETHESDA MD 20817-5472

Deed Reference: 1)
2)

Location & Structure Information

Premises Address
102 GRANDIN AVE
ROCKVILLE 20850-1638

Legal Description
LOTS 20 21 & 22
CROYDON PARK

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:	272
GR42				208		L		3	Plat Ref:	

Special Tax Areas
Town ROCKVILLE
Ad Valorem
Tax Class 50

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1941	992 SF	9,000.00 SF	111

Stories	Basement	Type	Exterior
1	YES	STANDARD UNIT	FRAME

Value Information

	Base Value	Value As Of 01/01/2009	Phase-in Assessments As Of 07/01/2010	As Of 07/01/2011
Land	230,200	230,200		
Improvements:	80,380	50,100		
Total:	310,580	280,300	280,300	280,300
Preferential Land:	0	0	0	0

Transfer Information

Seller:	GUERRA, SIOMARA ET AL	Date:	10/04/2010	Price:	$270,000
Type:	IMPROVED ARMS-LENGTH	Deed1:		Deed2:	
Seller:	YU, KAI &	Date:	05/18/2006	Price:	$455,000
Type:	IMPROVED ARMS-LENGTH	Deed1:	/32351/ 203	Deed2:	
Seller:	MID ATLANTIC DEVELOPMENT CO LLC	Date:	05/17/2005	Price:	$275,000
Type:	NOT ARMS-LENGTH	Deed1:	/29883/ 103	Deed2:	

Exemption Information

Partial Exempt Assessments	Class	07/01/2010	07/01/2011
County	000	0	0
State	000	0	0
Municipal	000	0	0