

Resolution No.: 16-183  
Introduced: June 12, 2007  
Adopted: June 12, 2007

**COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND  
SITTING AS THE DISTRICT COUNCIL FOR THAT PORTION  
OF THE MARYLAND-WASHINGTON REGIONAL DISTRICT  
IN MONTGOMERY COUNTY**

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By: County Council

**SUBJECT:** APPLICATION NO. G-859 FOR AMENDMENT TO THE ZONING ORDINANCE MAP,  
Anne Martin, Esquire, Attorney for 6110 Oberlin, L.L.C., Applicant, OPINION AND  
RESOLUTION ON APPLICATION

Tax Account No. 00511558

**OPINION**

Application No. G-859, filed on November 17, 2006 by Applicant 6110 Oberlin, L.L.C., requests reclassification from the R-60 Zone to the C-T Zone of 4,862 square feet of land located at 6110 Oberlin Avenue in Glen Echo, Maryland, on property known as Lots 5 and 6, Block 6, National Chatauqua of Glen Echo, in the 7th Election District. The application was submitted under the Optional Method authorized by Code §59-H-2.5, which permits binding limitations with respect to land use, density and development standards or staging.

The Hearing Examiner recommended approval of the application on the basis that the C-T Zone at the proposed location would satisfy the requirements of the purpose clause; that the proposed reclassification and development would be compatible with existing and planned land uses in the surrounding area; and that the proposed reclassification bears sufficient relationship to the public interest to justify its approval. The Montgomery County Planning Board ("Planning Board") and its Technical Staff provided similar recommendations. The District Council agrees with the Hearing Examiner's conclusions and incorporates herein the Hearing Examiner's Report and Recommendation dated May 11, 2007.

The subject property consists of two parcels with a combined area of approximately 4,862 square feet. The site is located on the north side of Oberlin Avenue, immediately south of Glen Echo Park and just west of MacArthur Boulevard. The site is almost square, with approximately 73 feet of

frontage along Oberlin Avenue. It is relatively flat and contains no forest, streams or wetlands. The property is developed with a one and a half story brick house. Vegetation consists of a few scattered trees and shrubs, as well as tall bamboo in the northeast corner of the property. There are two specimen trees: a 40" sycamore that would be removed in connection with the proposed redevelopment, and a 36" sycamore near the western boundary that the Applicant plans to preserve.

To the north and east the subject site abuts properties that are classified under the C-T Zone. Both of these properties are developed with office uses located in formerly residential structures that retain an exterior residential appearance. The Applicant has had a long association with these properties, having served as the architect in charge of remodeling both of them when they were converted to office use. The Applicant currently leases the property to the east for his office. If the present rezoning request is approved, the Applicant plans to move his office into the renovated building.

Diagonally northeast of the subject site is the Irish Inn at Glen Echo, a restaurant operating in a building that has been devoted to restaurant use for many years. The property is classified under the C-1 Zone. The portion of the Irish Inn site facing the subject property and the other two C-T properties is the rear of the restaurant, including its trash dumpster.

Immediately west of the subject site are two lots owned by the Town of Glen Echo, which are currently vacant and wooded. They are classified under the R-60 Zone and recommended in the applicable master plan for use as a park or for single-family detached homes. Farther north and west is Glen Echo Park. To the south, the subject property abuts federally-owned parkland that is part of the C&O Canal National Historic Park and the Clara Barton Parkway.

The surrounding area for this application has been designated as the area bounded generally by Glen Echo Park to the north, MacArthur Boulevard to the east, federally-owned parkland maintained by the National Park Services to the south, and Clara Barton Parkway to the west. The surrounding area contains the mix of uses already described: Glen Echo Park, the Irish Inn, two offices in residential-style buildings, the subject property and vacant land owned by the Town of Glen Echo and the federal government.

The subject property was classified under the R-60 Zone by the 1954 Zoning Ordinance. That zoning was reaffirmed by Sectional Map Amendment in 1974 (SMA F-937) and 1990 (SMA G-666).

The Applicant proposes to extensively renovate the existing structure and build a small, architecturally compatible addition onto the back, while maintaining the building's exterior residential appearance. The building would then be used for combined office and residential purposes, with office use on the ground floor and cellar level, and a residential apartment on the second floor. The front yard would be retained in grass, with stacked parking along the west side of the building, similar to the stacked parking arrangements used for the two adjacent C-T properties. Preservation of the existing structure is assured, because the C-T Zone prohibits the construction of a new building unless the site has a minimum street frontage of 100 feet, which the subject property lacks. See Code § 59-C-4.302(1).

Pursuant to Code § 59-H-2.52, the Applicant in this case has chosen to follow the "optional method" of application. The optional method requires submission of a schematic development plan that specifies which elements of the plan are illustrative and which are binding, i.e. elements to which the Applicant consents to be legally bound. Those elements designated by the Applicant as binding must be set forth in a Declaration of Covenants to be filed in the county land records if the rezoning is approved. Illustrative elements of the SDP may be changed during site plan review, but the binding elements cannot be changed without a separate application to the District Council for a development plan amendment.

The Applicant in the present case has proposed four binding elements, which limit development of the site to reuse of the existing structure, with an addition, and limit the future uses to 2,660 square feet of office space with a garden apartment, or a special exception. Any traffic, parking or other adverse impacts of a special exception use would be evaluated by the Board of Appeals before approval of the special exception. The binding elements also set a minimum green area of 25 percent, considerably higher than the 10 percent minimum in the zone, and commit the Applicant to providing tree save measures for the 36" Sycamore on the western property line.<sup>1</sup>

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<sup>1</sup> The text identifies a 36-foot Sycamore, but the graphics correctly identify the tree by its 36-inch diameter.

As shown in the Development Standards Table on page 11, the size of the addition planned for this site is limited in two ways. For re-use of an existing building, the C-T Zone requires that any addition be compatible with neighboring residential and commercial uses, and limits its size to a maximum gross floor area increase of 40 percent. See Code § 59-C-4.302(c). Based on an existing gross floor area of 1,761 square feet, this would limit the addition in this case to 2,465 square feet. However, Section 59-C-4.304 imposes a Floor Area Ratio limit of 0.5, which further restricts the addition to its proposed size of 2,431 square feet. The two-story addition would be attached to the left rear corner of the building. Its footprint would measure approximately 33 feet along the rear of the building, with a depth of 4.5 feet, and approximately 21 feet along the left side of the building, with a depth of 7 feet. As depicted in the submitted exhibits, the addition would be architecturally compatible with the existing structure. Given that compatibility of any addition with neighboring uses is a requirement of the zone, the Planning Board would have authority to examine this issue again at site plan review.

The Applicant proposes to provide six on-site parking spaces, stacked in three rows of two. This is a similar arrangement to the parking provided for the two adjacent C-T office uses, and is considered acceptable by the Planning Board and its Technical Staff. The six spaces, including one van-accessible handicapped space, fall one space short of the seven spaces required under the Zoning Ordinance. The Planning Board has the authority under Section 59-E-4.5 of the Zoning Ordinance to waive the requirement for seven spaces during site plan review, and has indicated its support for the waiver request. See Ex. 33. As noted by Technical Staff and Mr. Perrine, permitting six spaces instead of seven would allow the Applicant to retain a larger green area on site, and ample on-street parking is available due to the large amount of undeveloped land on the block.

As shown on page 11 of the Hearing Examiner's Report and Recommendation, the proposed development would be consistent with applicable development standards for the C-T Zone.

The District Council turns next to the purpose clause of the C-T Zone, and concludes that the proposed rezoning would satisfy its provisions. The purpose of the C-T Zone is to provide sites for low-intensity commercial buildings which, singly or in groups, will provide an appropriate transition between one-family residential areas and high-intensity commercial development. The purpose clause

specifies, among other things, that the C-T Zone may be applied in areas designated for the C-T Zone on adopted and approved master or sector plans. The subject site was recommended for development under the C-T Zone in the *Bethesda-Chevy Chase Master Plan, Approved and Adopted 1990*, thus satisfying the purpose clause for the C-T Zone.

An application for a floating zone reclassification must be evaluated for compatibility with existing and planned uses in the surrounding area. The requirements of the C-T Zone and the binding elements of the Schematic Development Plan combine to ensure that with the proposed reclassification, the existing structure on the subject site would be remodeled and enlarged slightly, but would retain its residential scale and character, contributing to the stability of land uses in the area. Only two adjacent properties are developed, and both house buildings that are similar in character and use to the redevelopment proposed for the subject site: office uses located in residential-type structures. All three properties would have similar uses, styles and settings. They would also have similar stacked parking arrangements, and the possible use of on-street parking for the subject property would have no discernible impact on neighboring uses, given the ample space available.

The remainder of the block to the west is undeveloped and lightly forested. The only other developed site in the immediate vicinity is occupied by The Irish Inn, which can only benefit from the renovation and productive reuse of the subject site. Nearby Glen Echo Park is unlikely to be affected by the proposed rezoning and redevelopment, and the same can be said of the residential neighborhoods on the far side of MacArthur Boulevard. The District Council agrees with Technical Staff's conclusion that "the result of the rezoning will be improvements to a single-family residence and the stabilization of land use and neighborhood character." See Staff Report at 8.

The District Council further determines that the proposed reclassification bears sufficient relationship to the public interest to justify its approval. The District Council agrees with the findings made by the Hearing Examiner, the Planning Board and Technical Staff that the proposed development would comply with the Master Plan. The Master Plan recommends the subject property as appropriate for reclassification to the C-T Zone, and specifically calls for retention of the existing residential scale and character of the building, which would be preserved under binding elements of the submitted Schematic

Development Plan. The subject property is the last in a group of three properties that were recommended for individual redevelopment under the C-T Zone, and its redevelopment would complete the renovation of this small enclave as anticipated in the Master Plan.

The evidence indicates that the proposed rezoning and development would be adequately supported by and would have no adverse effect on local roadways, public utilities and the public schools.

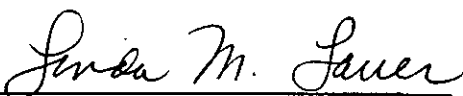
For these reasons and because to grant the instant zoning application would aid in the accomplishment of a coordinated, comprehensive, adjusted and systematic development of the Maryland-Washington Regional District, the application will be granted in the manner set forth below.

### **ACTION**

The County Council for Montgomery County, Maryland, sitting as the District Council for that portion of the Maryland-Washington Regional District located in Montgomery County, Maryland approves the following resolution:

Zoning Application No. G-859, requesting reclassification from the R-60 Zone to the C-T Zone of 4,862 square feet of land located at 6110 Oberlin Avenue in Glen Echo, Maryland, on property known as Lots 5 and 6, Block 6, National Chatauqua of Glen Echo, in the 7th Election District, is hereby approved in the amount requested, subject to the specifications and requirements of the final schematic development plan, Exhibit 39(b); provided that, within 10 days of receipt of the District Council's approval resolution, the Applicant must submit to the Hearing Examiner for certification a reproducible original and three copies of the approved schematic development plan, in accordance with §59-D-1.64.

This is a correct copy of Council action.

  
Linda M. Lauer, Clerk of the Council