



**Lake Normandy Estates: Pre-Preliminary Plan No. 720160020**

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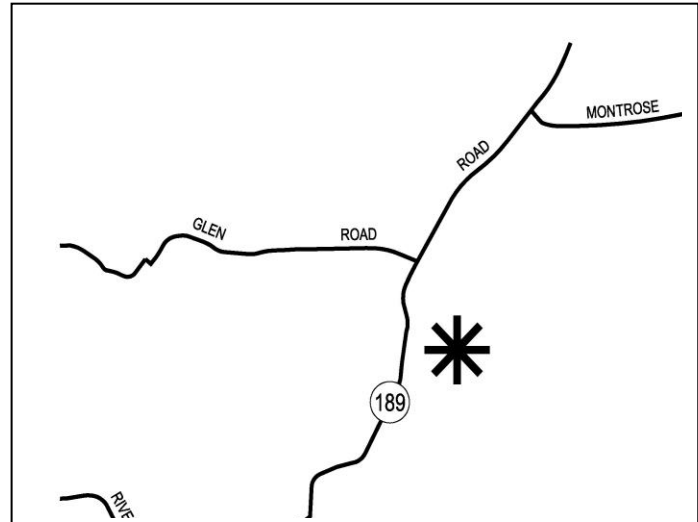
**Staff Report Date: 07/15/16**

**Description**

**Lake Normandy Estates: Pre-Preliminary Plan No. 720160020**

Request to receive non-binding advice from the Montgomery County Planning Board on the resubdivision of one platted lot into two (2) lots; located at 9108 Marseille Drive: 0.94 acres; R-200 zone; *2002 Potomac Subregion Master Plan*.

Applicant: Ali Zahedian  
 Submittal Date: 1/14/2016  
 Review Basis: Chapter 50



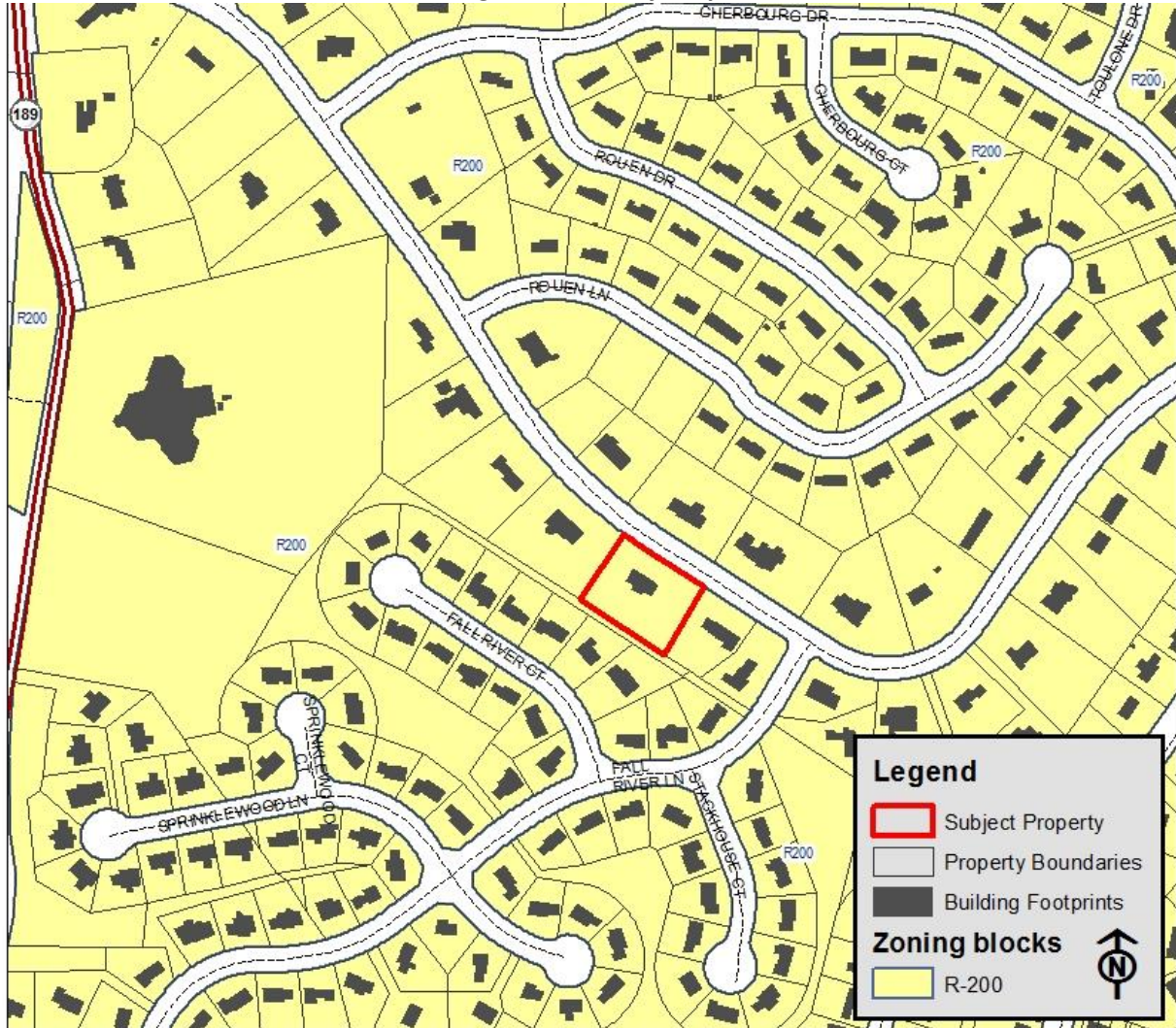
**Summary**

- Limited to non-binding advice from the Planning Board on resubdivision of this lot
- This report provides information to determine whether or not the proposed resubdivision neighborhood is appropriate; the size, shape and orientation is appropriate given its location in the neighborhood, and is keeping neighborhood character based on resubdivision criteria
- Forest conservation, Adequate Public Facilities, Stormwater and Fire and Rescue review will occur upon preliminary plan submittal

**Site Description**

The property is a 0.94-acre platted lot, identified as Lot 5, Block G on Plat No. 3516 (Attachment G), located at 9108 Marseille Drive, approximately 0.40 miles from the intersection of Falls Road and Marseille Drive (“Property or Subject Property”) (Figure 1).

**Figure 1 - Vicinity Map**



The Property is part of the Lake Normandy subdivision plat recorded in 1953 (Attachment H). Originally, the lots along Marseille Drive were developed on septic systems. In 1969, a public sewer line was installed along Marseille Drive. It is unknown if all homes along Marseille Drive have upgraded to public sewer or remain on septic systems.

The Property is zoned R-200 in the 2002 Potomac Subregion Master Plan (“Master Plan”). The Property has one existing detached single family home built in 1957 (Figure 2) with a driveway accessing Marseille Drive.



**Site Vicinity**

Surrounding the Property on all sides are detached single-family homes in the R-200 zone. The properties to the south were developed using the cluster provisions in the subdivision regulations in 1975. The properties to the north were developed in 1965 using the density control regulations which has since been retired.

The Property is located in the Cabin John Creek Watershed (Use IP). There are no streams, forest or wetlands and the Property is in water categories W-1 and sewer category S-1.

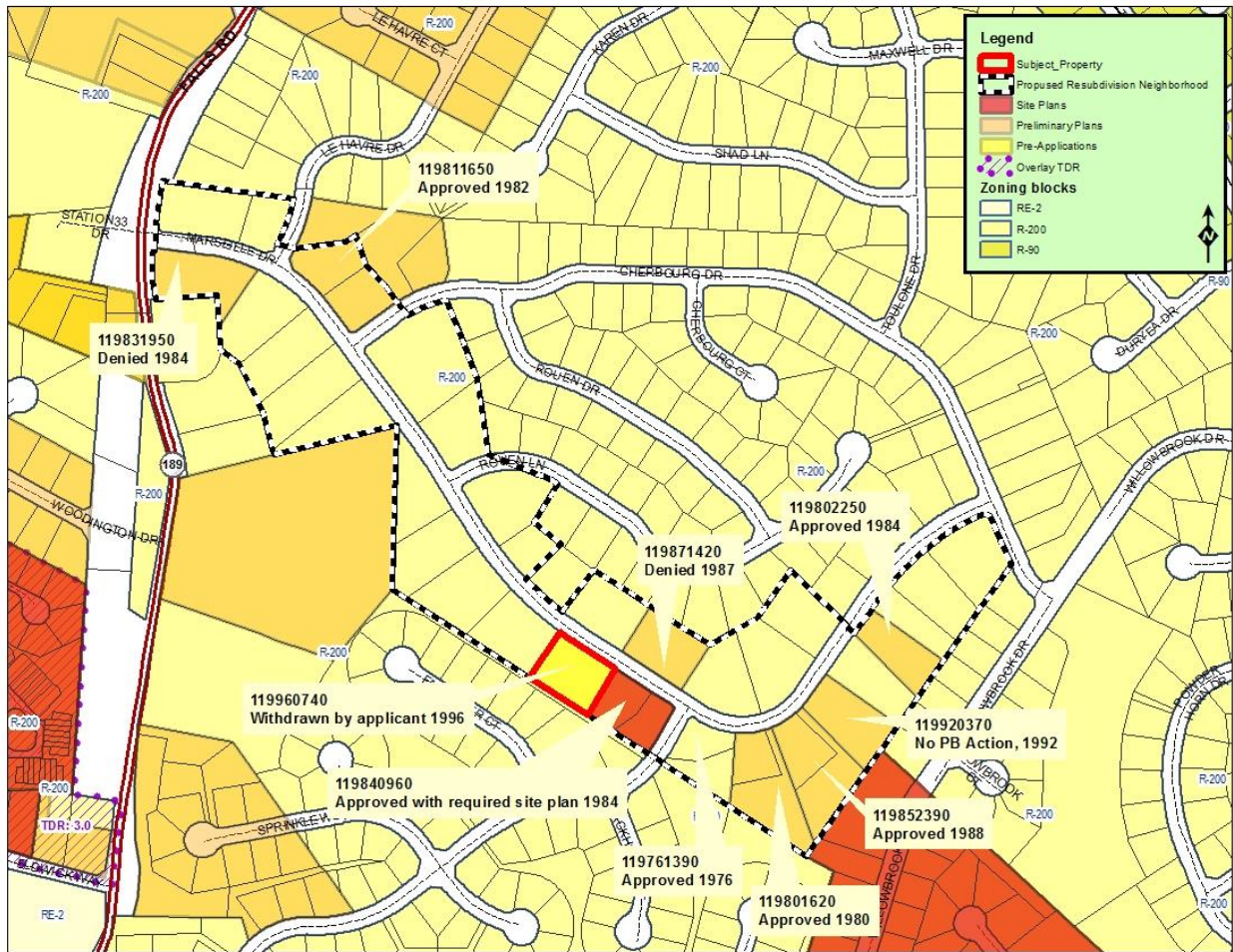
**Figure 2 – Aerial Map**







**Figure 4 – Resubdivision History**



**Issues to Examine in this Pre-Preliminary Plan**

This Application requests the Planning Board to provide non-binding advice on two aspects of a resubdivision of one recorded lot into two lots. Resubdivisions are regulated by Section 50-29(b)(2) which states:

*“Resubdivision. Lots on a plat for the Resubdivision of any lot, tract or other parcel of land that is part of an existing subdivision previously recorded in a plat book shall be of the same character as to street frontage, alignment, size, shape, width, area and suitability for residential use as other lots within the existing block, neighborhood or subdivision.”*

There are two main issues to be examined with this Pre-Preliminary plan: 1) delineating the proposed “Neighborhood”, and 2) determining if the proposed lots are of the same character with existing lots by examining the seven resubdivision analysis criteria.

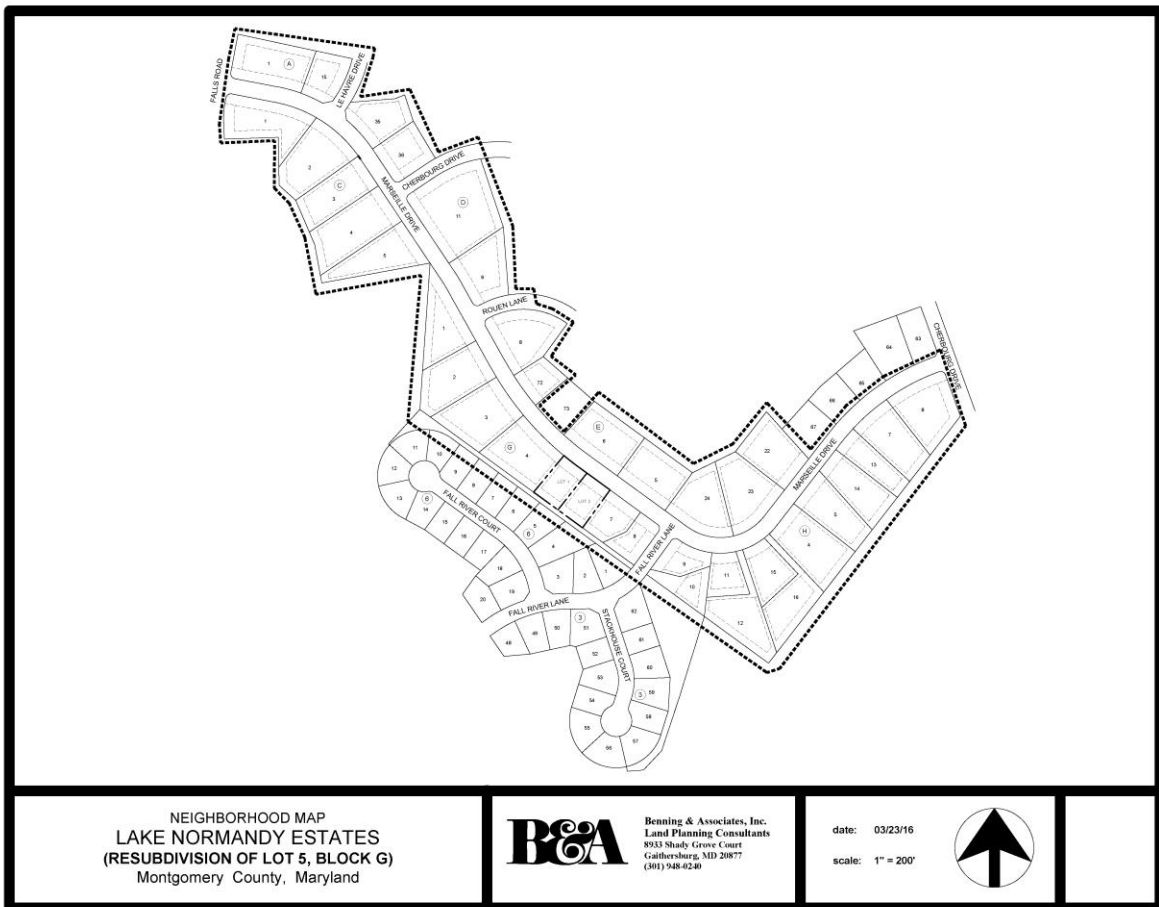
**1. Resubdivision Neighborhood**

In administering Section 50-29(b)(2) of the Subdivision Regulations, the Planning Board must determine the appropriate “Neighborhood” for evaluating the application.

Applicant's Neighborhood

The Applicant has submitted a Neighborhood for review by Staff and the Planning Board (Figure 5) (Attachment B & C). The Neighborhood has been determined by using the accepted practices of the Planning Board. Generally, lots that abut the Subject Property and that are visible to motorists who travel from the larger collector road(s) to the Subject Property are considered for inclusion in the Neighborhood. While properties in the vicinity are all in the R-200 zone, some properties to the north of the Neighborhood were developed using Density Control standards in 1965. Properties to the south were development using the cluster method. Because these two methods allowed lots to be platted which were smaller than the R-200 zone minimum lot size for standard method development (20,000 square foot minimum), these properties to the north and south were not included in the Neighborhood, which is consistent with previous Planning Board practice. Parts of lots were also excluded and any other property that was not properly recorded by record plat were also excluded as is the generally accepted Planning Board practice. This has resulted in a 36-lot Neighborhood which the Applicant and Staff agree is appropriate and suitable for a resubdivision analysis.

**Figure 5 – Applicant's Proposed Neighborhood**



Staff's Position on the Neighborhood

Staff accepts the Applicant's Neighborhood based on the Board's most current practice of including surrounding lots that are located within the same zone (R-200), that were built using the same

development standards, and are located in a way that the Subject Property has a direct impact to them either because of adjacency or frequent interaction including motorists who might pass by the Property from the next larger road classification. This corridor along Marseille Drive includes lots on both sides of the street whose owners would most frequently pass by and/or interact with the Subject Property and would, therefore, be most impacted by a change to the Property. Staff also believes the Neighborhood provides an adequate sampling of comparable lots developed under the same development standards. A tabular summary of the resubdivision criteria based on the Neighborhood is included in Attachment C.

## 2. Resubdivision Criteria Analysis

### Comparison of the Character of Proposed Lots to Existing

It is Staff's opinion that the proposed lots are of the same character with respect to the resubdivision criteria as other lots within the defined neighborhood. Therefore, the proposed resubdivision complies with the criteria of Section 50-29(b)(2). As set forth below, the attached tabular summary and graphical documentation support this conclusion:

#### **Frontage:**

The proposed lot will be of the same character as existing lots in the neighborhood with respect to lot frontage. Both proposed lots have a frontage of 110 feet. In the Neighborhood, the range of non-corner lot frontages is between 25 and 348 feet. The proposed lots are at the low end of the range but within the range of lot frontages in the Neighborhood.

#### **Alignment:**

The proposed lots are of the same character as existing lots in the neighborhood with respect to the alignment criterion. The alignment of the proposed lots is perpendicular. Lots in the Neighborhood are a mix of perpendicular, angular, radial alignments. Specially, the proposed Neighborhood contains 17 perpendicular, 1 angular, and 18 radial alignments.

#### **Size:**

The proposed lot size of the same character with the size of existing lots in the Neighborhood. The lot size proposed by this Pre-Preliminary Plan is 20,487 and 20,470 square feet, respectively. The range of lot sizes in the Neighborhood is between 20,000 and 87,120 square feet. These proposed lots are only 487 and 470 square feet larger than the smallest lots in the Neighborhood (two lots are 20,000 square feet). Thus, the proposed lots are at the low end of the range but within the range of lot sizes in the Neighborhood.

#### **Shape:**

The shapes of the proposed lots will be in character with shapes of the existing lots in the neighborhood. Both proposed lots are rectangular (regular in the datasheets) in shape. Because of the meandering nature of Marseille Drive, the proposed Neighbor has a variety of lot shapes. The Neighborhood contains a mix of lot shapes including pipestem, rectangular, squares, triangular and irregular shapes.

#### **Width:**

The proposed lots are of similar character with existing lots in the neighborhood with respect to width. The lot width for both lot proposed by this Pre-Preliminary Plan is 112 feet, which is on

the low end of the range of lot width within the Neighborhood which is between 100 and 339 feet. Nonetheless, the lot width is within the range of existing lot widths.

**Area:**

The proposed lots will be of the same character as existing lots in the neighborhood with respect to buildable area. Both proposed lots offer a building area of 9,782 and 9,779 square feet respectively; within the range of buildable areas for lots in the proposed Neighborhood which range between 6,074 and 54,202 square feet. The proposed lots will be the 5<sup>th</sup> and 6<sup>th</sup> smallest in terms of buildable area.

**Suitability for Residential Use:** The existing and the proposed lots are all zoned R-200 and the land is suitable for residential use.

**Citizen Correspondence and Issues**

This Application was submitted in accordance with all Planning Board adopted procedures for Pre-Preliminary Plans for non-binding advice. As of this writing, Staff has received numerous opposition letters from surrounding property owners. In addition, Staff also received four letters in support. (Attachment I)

**Conclusion**

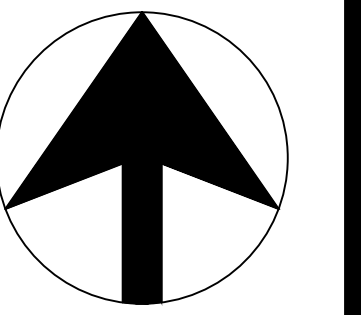
The Planning Board is being asked to review the Neighborhood under Section 50-29(b)(2), and whether or not the proposed lots meet the resubdivision criteria established under Section 50-29(b)(2).

Staff is of the opinion that the proposed Neighborhood is a representative sample of lots in the area established under the same development guidelines. The Application has demonstrated compliance to the resubdivision criteria in Section 50-29(b)(2) of the Subdivision Regulation. Both proposed lots fall within the numerical range for all of the resubdivision criteria based on the lot data of the proposed Neighborhood and are therefore, of the same character as existing lots in the Neighborhood.

**Attachments**

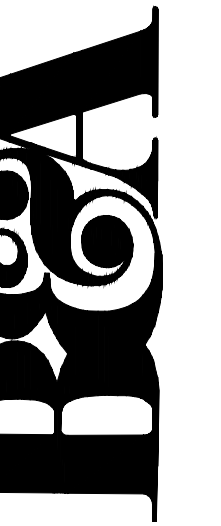
- Attachment A – Proposed Pre-Preliminary Plan
- Attachment B – Proposed Neighborhood Delineation
- Attachment C – Tabular Neighborhood Data by Criteria
- Attachment D – Planning Board Opinion on Preliminary Plan No. 1-87142 (August 26, 1987)
- Attachment E – Planning Board Transcript for Preliminary Plan No. 1-87142 (July 23, 1987)
- Attachment F – Planning Board Opinion on Preliminary Plan No. 1-83195 (March 29, 1984)
- Attachment G – Plat No. 3516
- Attachment H – Preliminary Plan No. 1-87142
- Attachment I – Citizen Correspondence



date: 1/13/16  
scale: 1" = 30'

Benning & Associates, Inc.  
Land Planning Consultants  
8933 Shady Grove Court  
Gaithersburg, MD 20877  
(301) 948-0240



PRE-APPLICATION PLAN  
LAKE NORMANDY ESTATES  
(Resubdivision of Lot 5, Block G)  
Montgomery County, Maryland

**ZONING STANDARDS:**

ZONE: R-200	Req.	Prov.
Lot Size	20,000 sf	20,000 sf +
Front Setback	40'	40' or more
Sideyards	12' min., 25' total	12' or more
Rearyard	30'	30' or more
Building Height	50' Max.	50' or less
Lot Coverage*	20% Max.	20% or Less
Lot Width @ Building Line	100'	100' or more
Frontage	25'	109' or more

\* Maximums shown are for infill development.

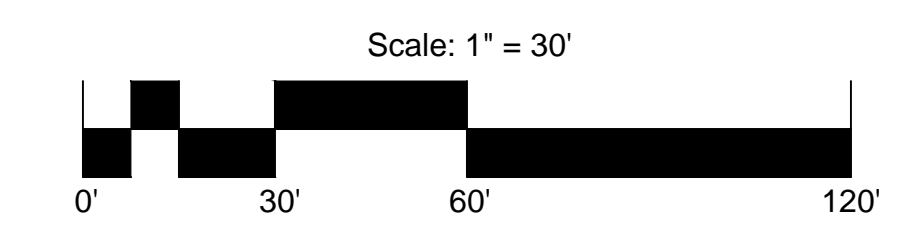
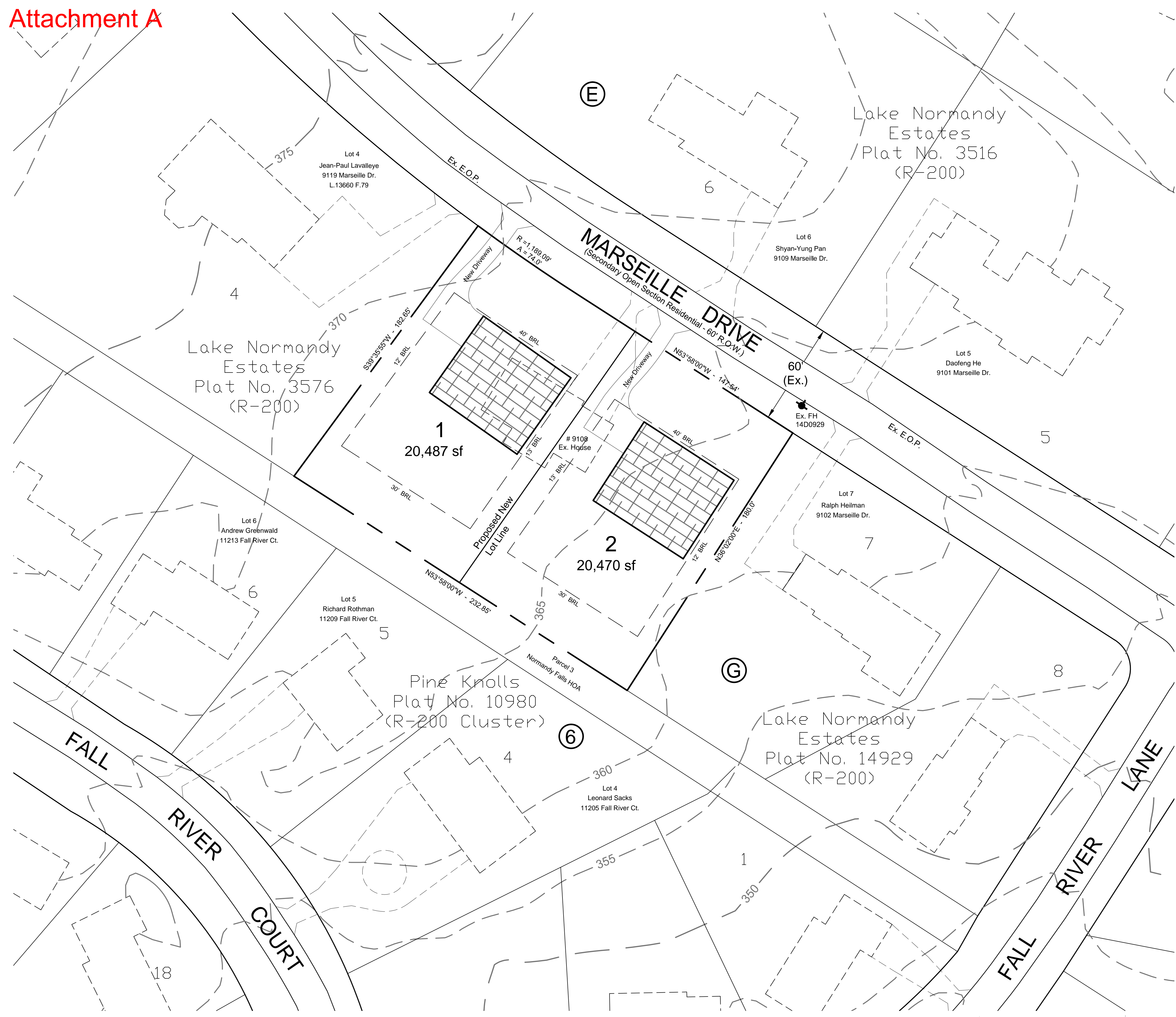
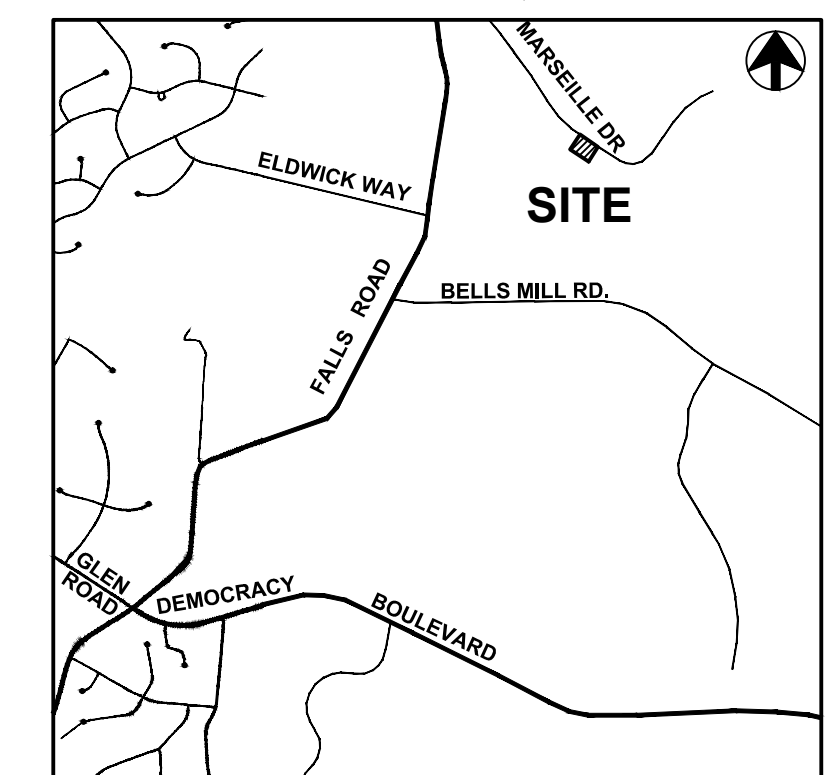
**NOTES:**

1. AREA OF PROPERTY - 0.94 ACRES (40,957 SF)
3. EXISTING ZONING: R-200
4. NUMBER OF LOTS PERMITTED - 2
5. NUMBER OF LOTS SHOWN - 2
6. SITE TO BE SERVED BY PUBLIC WATER AND SEWER.
7. EXISTING SEWER & WATER SERVICE CATEGORIES: S-1, W-1
8. LOCATED IN CABIN JOHN CREEK WATERSHED.
9. PROPERTY LOCATED ON TAX MAP FO61; WSSC SHEET 214NW09.
10. UTILITIES PROVIDED BY: Washington Gas, Verizon, PEPCO

**LEGEND:**

- Proposed House
- Ex. Building
- Ex. Topographic Contour
- Ex. Boundary Line
- Building Restriction Line

**VICINITY MAP**  
SCALE: 1" = 2,000'



Source of Topography:  
M-NCP&PC, 5-foot contour interval maps;  
Sheet 214NW09

**Professional Certification:**  
I hereby certify that the information shown hereon is correct and accurate to my best knowledge and belief.  
*David W. McKee*  
David W. McKee  
MD RLA #2001  
Date: 1-13-16



**PREPARED FOR:**  
**ALI ZAHEDIAN**  
9108 MARSEILLE DRIVE  
POTOMAC, MARYLAND 20854  
301-983-0457



Attachment B



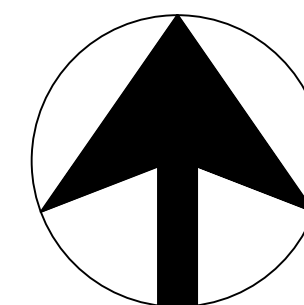
NEIGHBORHOOD MAP  
LAKE NORMANDY ESTATES  
(RESUBDIVISION OF LOT 5, BLOCK G)  
Montgomery County, Maryland



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(301) 948-0240

date: 03/23/16

scale: 1" = 200'



<b>Resubdivision Criteria: Lake Normandy Estates, Lot 5 of Block G</b>						
<b>Lot #</b>	<b>Frontage</b>	<b>Alignment</b>	<b>Size (sf)</b>	<b>Shape</b>	<b>Width</b>	<b>Area (sf)</b>
10H	25'	Perpendicular	21,585	Irregular	100'	7,244
16H	25'	Perpendicular	38,918	Flag	222'	20,210
12H	27'	Perpendicular	46,407	Flag	201'	25,550
11H	92'	Radial	21,199	Regular	110'	10,208
15H	95'	Radial	29,731	Regular	112'	18,315
13H	104'	Perpendicular	27,158	Regular	100'	14,976
14H	104'	Perpendicular	39,283	Regular	110'	24,487
<b>1</b>	<b>110'</b>	<b>Perpendicular</b>	<b>20,487</b>	<b>Regular</b>	<b>112'</b>	<b>9,782</b>
<b>2</b>	<b>110'</b>	<b>Perpendicular</b>	<b>20,470</b>	<b>Regular</b>	<b>112'</b>	<b>9,779</b>
72E	142'	Perpendicular	20,000	Regular	137'	8,532
7G	145'	Perpendicular	24,014	Regular	145'	12,202
4H	150'	Radial	52,090	Regular	157'	34,436
3C	151'	Perpendicular	45,340	Regular	137'	25,890
22E	152'	Radial	41,431	Regular	158'	25,297
5H	160'	Radial	39,887	Regular	153'	24,573
2G	161'	Perpendicular	47,508	Regular	162'	29,698
4C	163'	Perpendicular	51,906	Regular	163'	37,320
7H	171'	Perpendicular	45,347	Regular	164'	26,742
3G	180'	Perpendicular	51,140	Regular	186'	32,273
5C	195'	Radial	42,938	Wedge	178'	26,237
2C	218'	Radial	50,732	Regular	206'	32,422
4G	220'	Perpendicular	47,369	Regular	227'	27,395
35A	223*	Radial	32,832	Irregular	189'	17,698
5E	228'	Perpendicular	43,200	Regular	228'	22,275
6E	259'	Radial	42,993	Regular	255'	24,437
23E	268'	Radial	47,720	Wedge	242'	29,634
8G	268*	Perpendicular	20,000	Regular	100'	6,074
24E	289'	Radial	45,138	Regular	255'	26,417
9H	301*	Radial	20,528	Regular	139'	7,005
15A	311*	Radial	25,313	Regular	129'	9,592
9D	325*	Radial	42,223	Regular	201'	20,575
36A	331*	Perpendicular	29,572	Regular	163'	13,012
1G	348'	Angled	41,725	Wedge	293'	17,402
8H	424*	Radial	47,297	Regular	235'	26,875
1A	427*	Radial	49,330	Regular	285'	23,704
1C	524*	Radial	51,073	Irregular	339'	23,035
8E	554*	Radial	48,355	Regular	236'	22,623
11D	622*	Perpendicular	87,120	Regular	306'	54,202

\* Corner Lot / Frontage on 2 Streets

Notes:

1. Average Frontage corner lots = 392'
2. Average Frontage non-corner lots = 163'



### Resubdivision Criteria: Lake Normandy Estates, Lot 5 of Block G

Lot #	Frontage	Alignment	Size (sf)	Shape	Width	Area (sf)
72E	142'	Perpendicular	20,000	Regular	137'	8,532
8G	268*	Perpendicular	20,000	Regular	100'	6,074
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<b>1</b>	<b>110'</b>	<b>Perpendicular</b>	<b>20,487</b>	<b>Regular</b>	<b>112'</b>	<b>9,782</b>
9H	301*	Radial	20,528	Regular	139'	7,005
11H	92'	Radial	21,199	Regular	110'	10,208
10H	25'	Perpendicular	21,585	Irregular	100'	7,244
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14H	104'	Perpendicular	39,283	Regular	110'	24,487
5H	160'	Radial	39,887	Regular	153'	24,573
22E	152'	Radial	41,431	Regular	158'	25,297
1G	348'	Angled	41,725	Wedge	293'	17,402
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6E	259'	Radial	42,993	Regular	255'	24,437
5E	228'	Perpendicular	43,200	Regular	228'	22,275
24E	289'	Radial	45,138	Regular	255'	26,417
3C	151'	Perpendicular	45,340	Regular	137'	25,890
7H	171'	Perpendicular	45,347	Regular	164'	26,742
12H	27'	Perpendicular	46,407	Flag	201'	25,550
8H	424*	Radial	47,297	Regular	235'	26,875
4G	220'	Perpendicular	47,369	Regular	227'	27,395
2G	161'	Perpendicular	47,508	Regular	162'	29,698
23E	268'	Radial	47,720	Wedge	242'	29,634
8E	554*	Radial	48,355	Regular	236'	22,623
1A	427*	Radial	49,330	Regular	285'	23,704
2C	218'	Radial	50,732	Regular	206'	32,422
1C	524*	Radial	51,073	Irregular	339'	23,035
3G	180'	Perpendicular	51,140	Regular	186'	32,273
4C	163'	Perpendicular	51,906	Regular	163'	37,320
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11D	622*	Perpendicular	87,120	Regular	306'	54,202

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8H	424*	Radial	47,297	Regular	235'	26,875
8E	554*	Radial	48,355	Regular	236'	22,623
23E	268'	Radial	47,720	Wedge	242'	29,634
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24E	289'	Radial	45,138	Regular	255'	26,417
1A	427*	Radial	49,330	Regular	285'	23,704
1G	348'	Angled	41,725	Wedge	293'	17,402
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2G	161'	Perpendicular	47,508	Regular	162'	29,698
3G	180'	Perpendicular	51,140	Regular	186'	32,273
2C	218'	Radial	50,732	Regular	206'	32,422
4H	150'	Radial	52,090	Regular	157'	34,436
4C	163'	Perpendicular	51,906	Regular	163'	37,320
11D	622*	Perpendicular	87,120	Regular	306'	54,202

\* Corner Lot / Frontage on 2 Streets



MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

TRANSCRIPT OF ITEM 7  
PRELIMINARY PLAN NO. 1-87142  
LAKE NORMANDY ESTATES

BEFORE THE  
MONTGOMERY COUNTY PLANNING BOARD  
JULY 23, 1987

COMMISSIONERS PRESENT: CHAIRMAN NORMAN L. CHRISTELLER  
VICE CHAIRMAN RICHMOND M. KEENEY  
COMMISSIONER NANCY M. FLOREEN  
COMMISSIONER CAROL G. HENRY  
COMMISSIONER BETTY ANN KRAHNKE

CHARLES LOEHR, DEVELOPMENT REVIEW STAFF: OK, Item 7 is . . .

CHAIRMAN: . . . a resubdivision of Lake Normandy.

MR. LOEHR: Yes, my favorite subdivision. This is an application to subdivide one existing lot, as you can see on your original location map, Lot 5, into 2 lots. There's an existing house on the lot, so in order to get 20,000 square feet for the lot on the east half of the property, they do a little jog with the lot line on here in order to get the 20,000 square feet. Also in order to make it 100 feet wide, they have to remove about six feet of the existing house. I gave you a new location map to show you that the lot immediately across the street from this, where 84096 is written, was subdivided in quite a similar fashion resubdivided, and that was approved about three years ago, I guess. I recommended denial of that one, so either out of principal or stubbornness, I'm recommending denial of this one also. And I think at the time I argued that the area you ought to examine for the purpose of applying the resubdivision criteria was the area on both sides of Marseille between Fall River Lane and Rouen Lane, and I think that the Board decided that the neighborhood should actually be larger than that and looked at the resubdivision on the east side of Fall River Lane, you see 9 and 10 there, and use that as the basis for saying that that should be approved. I'm still looking at the area between Rouen Lane and Fall River Lane, and am arguing that even though the one across the street from the one we're looking at today is similar shape and the lot size is the same, the frontage of this lot, the

smaller of the proposed lots, is 100 feet on Marseille Drive, all of the other lots on the other side of Marseille, or on both sides of Marseille between Fall and Rouen, have at least 140 feet of street frontage, and that is also true of the one that you approved previously because it has frontage on Fall River Lane.

I'm not going to say any more because I suspect that given the fact you approved the one across the street. . .

VICE CHAIRMAN KEENEY: Which way does that house front on Fall River Lane and Marseille?

MR. LOEHR: I'm not sure which way they actually built it. It could front either way because it is 100 feet wide on Marseille.

CM. FLOREEN: So the frontage on Marseille is the same as that of the smaller?

MR. LOEHR: Right.

CM. KRAHNKE: My recollection is that there was somewhat of a distinguishing thing about the fact this was on a corner. I mean, I don't recall having agreed with it, but that the issue of how you resubdivide corner lots is somewhat different than how you resubdivide mid-block lots, because it does allow you to not sandwich houses in and there's no way you can build this house other than at the . . .

MR. LOEHR: As a matter of fact, I think the condition of that previous approval on the other side was that they submit to site plan review. But the problem we have now is that all we can do is compare this to what the other lots in the neighborhood would look like as they're recorded. The only way I can distinguish this, today's proposal, from the one across the



street, is that as you say that is a corner lot and as a result it has more street frontage on Fall River Lane, even though the street frontage on Marseille is the same.

CM. KRAHNKE: Well, in which respect on Marseille Drive it can result in the house having its side to Marseille as opposed to having the full frontage of a house . . .

VICE CHAIRMAN KEENEY: We don't know where the house is constructed on the property? Or we have to find out, I guess, from . . .

CHAIRMAN: There is a house there.

MR. LOEHR: I think it's been built but I don't remember which way it faces.

CHAIRMAN: You mean on the one that was resubdivided?

MR. LOEHR: Yes.

VICE CHAIRMAN KEENEY: It really makes a difference, in my judgment, as to . . .

CHAIRMAN: We'll get testimony on that.

CM. HENRY: I'd like to ask . . . Charlie, you said six feet of the existing house has to be removed?

MR. LOEHR: That's right, they're showing this is to be removed. You can't see it from there, but there's about half of the 12-foot side yard is right now the house.

CHAIRMAN: The point is, that in order to get 100-foot width in the new lot, they wouldn't have sufficient side lot and it seems to me that that needs to be explicit because theoretically they could ask for a variance.

CM. KRAHNKE: It would be if he was recommending approval.

MR. LOEHR: Right, that's a condition we would have to address if you decide to approve it. Either that be removed prior to platting, or that they obtain a variance.

CM. FLOREEN: What is the frontage of the lot with the house on it?

MR. LOEHR: That will be 140 feet. As proposed.

CHAIRMAN: Charlie, what are the frontages of lot 6 next to this, and lot 5 across the street?

MR. LOEHR: OK, lot 6 next to this has 246 feet of frontage, and lot 5 across the street has 221 feet of frontage.

VICE CHAIRMAN KEENEY: When was it approved, Charlie? That other lot?

MR. LOEHR: '84.

VICE CHAIRMAN KEENEY: Do we have the minutes of that?

MR. LOEHR: I don't have them with me.

JANE ALLAN: Do you have the date? We could get them.

MR. LOEHR: You'd have to check the preliminary plan number, 84096.

CHAIRMAN: Pat, call Charlie's office and ask them to tell you when 84096 was approved, and see if we can get those minutes. My own feeling is that other one was influenced by the fact that it was at that corner and across Fall River Lane on the other side, it was that odd-shaped . . .

CM. KRAHNKE: Panhandle, really. And that it was adjacent to the subdivision next to it, I mean, I think the Board took a broader area view because of its location.

CM. FLOREEN: Charlie, in your definition in the relevant neighborhood, you're going from Rouen Lane down to Fall River

Lane? What are the frontages on Rouen?

CHAIRMAN: He's not including Rouen Lane in the area, he's saying. . . He's saying both sides of Marseille from those two intersections. .

CM. FLOREEN: OK, an intersection. That makes more sense.

CHAIRMAN: Which I think is a reasonable definition of the neighborhood. The area that's most clearly effected by this. All right, while we're waiting for that information, and there are no other questions, why don't we hear from the applicant.

SUSAN GOLDBERG, ATTORNEY: My name is Susan Goldberg, I'm with the law firm of Knopf and Burka, and I'm representing the applicant. He is going to make a short statement and Mr. Sheehan, who is a surveyor, is also here and is familiar with these lots. Mr. Mahfoudi will make a statement first.

MR. ABDELAZIZ MAHFOUDI, APPLICANT: Good afternoon, my name is Mahfoudi, and I came here from Morocco about 14 years ago. And I bought this property about four years ago. We hadn't had any kids then, but now we do. We're thinking of expanding my family so therefore when I saw what's going on in the neighborhood I thought to subdivide and put an addition on the back for more room for my kids. When we applied on June 1, Mr. Loehr here, he indicated there wasn't any problem with subdivision. So that's what the assumption until Monday morning when Mr. Sheehan called and said they were presenting as a decline on the agenda. I like the neighborhood and I'd like to stay there, but yet there are other places on the same road that are very much the same as far as the division is concerned. That's really all

I have to say.

MS. GOLDBERG: Mr. Christeller and members of the Board, I would like to first of all argue that you should consider a slightly broader neighborhood rather than the east . . . from Fall River Road east, we would argue that you should consider, I'm sorry, from Fall River Road west, we would argue that you should also consider the area immediately to the east. Lots 1, 2 and 3, which were formerly resubdivided are all within 500 feet of Mr. Mahfoudi's house, and Fall River Road is not that much of a separation from the neighborhood point of view that they consider that part of their immediate neighborhood. And we would urge that you look to that area which is actually closer to that. Those three lots, formerly 1, 2 and 3 are closer to Mr. Mahfoudi's house than other houses further down the street on Marseille Drive. And actually if you can extend it to Rouen Road, you have a number of properties with only 15,000 square feet up there. So, I mean, if you want to extend it west, you would be getting into areas where the lots are actually smaller. I understand Mr. Loehr's point, and I understand what the Board is saying that perhaps number 6, which was resubdivided, is distinguishable, but from our point of view it is not distinguishable. And also, lot 7, which is 2 houses away from Mr. Mahfoudi was resubdivided, and again, the smaller lot is not that much bigger than Mr. Mahfoudi's proposed resub.

CHAIRMAN: I don't think lot 7 is resubdivided. It says it's part of 7, which sounds like lot 12 was created by deed.

CM. KRAHNKE: I would like Mr. Loehr to show us both of those cases, because I can't find it on here, that sheet.



CHAIRMAN: We're not sure what 1, 2 and 3 is that you're referring to, Ms. Goldberg.

MR. LOEHR: 1, 2 and 3 is the other side of Fall River Lane, right?

MS. GOLDBERG: The east side of Fall River Lane.

CHAIRMAN: And it's now 9, 10 and 11?

MR. LOEHR: 9, 10, 11 and 12, and 3 still shows as a lot on your. . . the preliminary plan was approved for that but it has not been recorded yet. That was the one with the condition about the common driveway.

CHAIRMAN: Oh, yes.

MS. GOLDBERG: Lot 1, which is on the east side of Fall River Road, the smaller lot, the frontage is only 25 feet, and talk about odd angles, that one has a very odd angle.

VICE CHAIRMAN KEENEY: I'm not seeing that.

CHAIRMAN: She's saying number 10. You've got to use the present lot numbers, otherwise we don't know what you're talking about.

CM. HENRY: Well, you're also talking about Fall River. Fall River, is it Drive or Lane?

CHAIRMAN: Fall River Lane. We've got those, they're now 9 and 10. Now the other one that they talked about, Charlie, . . .

MR. LOEHR: Lot 7?

CHAIRMAN: Yeah.

MR. LOEHR: What happened was lot 7 used to be, originally was 44,776 square feet with a frontage of 300 feet. It included what's now shown as part 7 and lot 72. And they apparently,

let's see what the date was. . . they resubdivided lot 72 out of it but did not rerecord the part of 7. That was not part of the subdivision, which lot 72 is 22,000 square feet with 142 feet of frontage. So the remainder of Lot 7, although we wouldn't use this anyway for purposes of applying the resubdivision criteria, but for your information would be 24,000 square feet with a frontage of about 158 square feet, or 158 feet.

VICE CHAIRMAN KEENEY: It certainly appears to be a buildable lot as you look at it.

MR. LOEHR: I have a suspicion that the original house is probably on that part of 7 and that's why . . .

CHAIRMAN: They couldn't get a building permit without recording it because the house is probably. . .

MR. LOEHR: That's why they split off lot 72, to build another house.

CM. FLOREEN: Did you say what the frontage of 72 is?

MR. LOEHR: 72 is 142 feet.

VICE CHAIRMAN KEENEY: May I ask the applicant, since you look out onto Marseille Drive, does the house that's constructed on the corner of Marseille Drive and Fall River Lane on what we're seeing now as a corner lot, lot 8, the corner lot across the street, how is the house sited on that lot?

MR. MAHFOUDI: The garage is on the Marseille side.

CHAIRMAN: And the front of the house is on Fall River Lane?

MR. MAHFOUDI: Fall River Lane, yeah.

MS. GOLDBERG: But, Mr. Chairman, as you can see, the frontage on Marseille Drive is only 79 feet.

CHAIRMAN: But it's a corner lot. That's the point that we

made earlier.

CM. KRAHNKE: And the 72 feet meant that the house had to. .

MR. LOEHR: It's not 72 feet, because that doesn't include the truncation. The width of the lot itself is 100 feet on Marseille.

MS. GOLDBERG: So it could face onto Marseille.

CM. KRAHNKE: In terms of the size of the houses that are located out here it would be very difficult to do that.

CHAIRMAN: Didn't you say that had been subject to site plan?

MR. LOEHR: I just recollected that this morning, and I'm sorry I didn't remember it earlier but I would have gone back and checked. But I think that is the reason why, one of the reasons why you approved it, that they agreed to submit to site plan.

CM. KRAHNKE: Well, I'm remembering this one better now. That little strip of land between was going to have trees on it and the concern was to also protect it from the lot 1 on Fall River Lane, and I think that the Board did look at lot 1, 2 and 3 on Fall River Lane and say that this would be with site plan and vegetative buffer and all of that be compatible. I think the Board looked down that way.

CHAIRMAN: Primarily in the neighborhood surrounding Fall River Lane rather than across the street.

VICE CHAIRMAN KEENEY: Even if you look at the whole intersection between Marseille and Fall River Lane, you're essentially providing 140 - 150 foot frontages for each house that abuts that intersection.

CM. KRAHNKE: Well, Marseille was really different and the Board went and looked at this as being more related to Fall River Lane because the new lot was lot 8, the house was already constructed on lot 7.

CHAIRMAN: Let's hear what the opinion says. "Orientation of the subject corner lot, existing house could accommodate a new home without effecting the character of the community." That's a buffer area, Lot G, which is the . . .

CM. KRAHNKE: . . . be in the confronting properties on Fall River Lane, that's why you all felt you couldn't just look at Marseille when this lot was going to front on Fall River.

CM. FLOREEN: Moving down the road, Charlie, if one were to proceed past Fall River Lane, lot 9 on the corner and then is the next lot Lot 11?

MR. LOEHR: Right, 11 and 12 were a resubdivision of original lot 2.

CM. FLOREEN: What is the frontage of lot 11?

MR. LOEHR: I don't have a plat on that.

CHAIRMAN: Mr. Sheehan, do you have the plat for lot 11? Do you know the frontage?

MR. SHEEHAN: Lot 11, which block?

CHAIRMAN: H.

MR. LOEHR: To scale it's approximately 100 feet. And the panhandle, of course, is 25.

MR. SHEEHAN: 120. I'm sorry, it's 120 minus 25, apparently.

CHAIRMAN: So it's 95.



MR. SHEEHAN: It's less than 100, about 95.

CHAIRMAN: 95, but because it's a rhomboid it. . .

MR. LOEHR: It gets wider as it goes back.

CHAIRMAN: You get your 100 foot width at the building line.

MR. SHEEHAN: Mr. Chairman, one thing, at resubdivision, lot 72, it's got exactly 20,000 square feet in it, and I'm certain the reason it's got 142 frontage is it doesn't have enough depth to have required frontage.

CHAIRMAN: I realize that.

VICE CHAIRMAN KEENEY: Well, I'm ready to make a motion.

CHAIRMAN: Anyone else wish to speak? We have several letters, and they're part of the record. They're from Dougherty, Killian, part of the record.

MS. GOLDBERG: May I make a comment on one of those letters, Mr. Dougherty's letter? Mr. Dougherty is in a density subdivision behind Mr. Mahfoudi's property, and his property is only 15,000 square feet itself as well as his adjacent, both of his adjacent property owners, 17,000 on both sides of him. We would argue that that is actually a separate neighborhood because of the higher density.

CHAIRMAN: Yeah, all right. Mr. Keeney?

VICE CHAIRMAN KEENEY: I'll move approval of the staff recommendation to disapprove this request for subdivision based upon the neighborhood, as I see it, is a neighborhood that immediately abuts Marseille Drive and a neighborhood that abuts the intersection of Marseille and Fall River Lane. The frontages in that area are all over 100 feet with the exception of that corner lot at Fall River Lane and Marseille where the siting of

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the house actually is along the front, the siting so that it has 140 foot frontage on Fall River Lane and is subject to special review by this Board and because of that need, and in this Board's judgment I think that were the subdivision to be approved, it would simply be an invitation to every single lot along Marseille Drive in this area to request a subdivision, and I don't think that was the intent of the plan for the development there to begin with, and I'm sure it's not the intent of the people that moved into that area.

CM. HENRY: I'll second that. I think that I can't add anything, he said it very excellently. I feel that what I see, it can happen again and again and I don't think that should be happening in that neighborhood.

CHAIRMAN: That's right. What we're saying is that the stability of the existing neighborhood would be threatened by allowing this to proceed.

CM. KRAHNKE: Well, this is a neighborhood that is surrounded by other neighborhoods that were developed in different ways and the whole purpose of the resubdivision ordinance is to try to look at the effect of this kind of process on adjacent properties most effected, which are the lots of similar size, and I think it sets up a situation where you could start ending up with panhandle lots and houses in backyards, and all of this kind of thing, and I just think this is clearly distinguishable from the other one although I disagreed with that because this is my concern, but the Board did, and the majority of the Board did clearly state that they were looking at the

houses on Fall River Lane, and this one is clearly going to result in another lot on Marseille Drive with only frontage on Marseille Drive and I think that's the distinguishing characteristic of this.

CM. FLOREEN: I'm simply going to say that while I agree with the points you've all made, I'm afraid there was a precedent established when the panhandle lot for lot 12 was approved and the small lot 11 also approved and I find it difficult to limit the neighborhood just to the intersection of Fall River Lane and Marseille when they are large lots that continue at least until lot 22 and lot H, and lot 5 on block H, and I'm very troubled by the precedent that I think has already been set absent this particular application. I don't think that the subdivision is warranted by looking across the street to that corner lot and Marseille and Fall River Lane because I think that clearly there was a mechanism put in place there to deal with the siding of any development and the fact that it had a substantial frontage on Fall River Lane, but the approval of that panhandle situation further down the drive really raises to me the question of how the neighborhood has already been permitted to develop.

CHAIRMAN: OK, with that I will call for the vote. All in favor of the motion say "Aye."

CHAIR, KEENEY, HENRY, KRAHNKE: Aye.

CHAIRMAN: Opposed?

CM. FLOREEN: No.

MR. LOEHR: Just to clarify Mr. Mahfoudi's statement. There was a pre-preliminary plan on this property where we did say we did not think it was in conformance with the character of the

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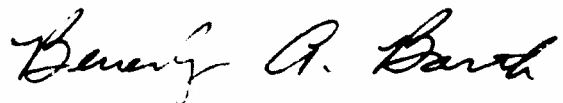
area and at the preliminary plan they showed the lots that had been subdivided and we said well, that helps your argument but we still are not sure we would recommend approval of this. We never said it was OK. Unfortunately, the minutes of the subdivision review committee only note that it's a resubdivision and don't go into the nitty-gritty.

CHAIRMAN: OK.

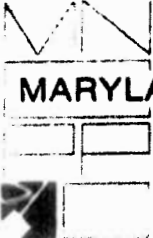
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CERTIFICATION

This is to certify that the proceedings before the Maryland-National Capital Park and Planning Commission, Montgomery County Planning Board, in the matter of Item 7, a discussion of the Lake Normandy Estates, preliminary plan number 1-87142, held in the auditorium at 8787 Georgia Avenue, Silver Spring, Maryland, on Thursday, July 23, 1987, in the morning, was held as herein appears.



Beverly A. Barth  
Administrative  
Recording Specialist



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION  
(301) 495-4605 8787 Georgia Avenue • Silver Spring, Maryland 20910-3760

MONTGOMERY COUNTY PLANNING BOARD  
OPINION

Preliminary Plan No. 1-87142  
Project: Lake Normandy Estates

Action: Disapproval (Motion by Comm. Keeney, Seconded by Comm. Henry, with a vote of 3-0; Commissioners Keeney, Henry, Christeller in favor, Comm. Floreen absent, Comm. Hewitt abstained because he was not present at the public hearing on the Preliminary Plan.)

On May 11, 1987, Abdelaziz Mahfoudi submitted an application for approval of a preliminary plan of subdivision of property in the R-200 zone. The application proposed to resubdivide 43,200 sq. ft. into two lots of approximately 23,188 sq. ft. and 20,012 sq. ft. in size, respectively. The application was designated Preliminary Plan No. 1-87142.

On July 23, 1987, Preliminary Plan No. 1-87142 was brought before the Montgomery County Planning Board of the Maryland-National Capital Park and Planning Commission for a public hearing, pursuant to Article 28 of the Annotated Code of Maryland and Chapter 50 of the Montgomery County Code (Subdivision Regulations.) The Planning Board heard testimony and received evidence into the record. Based upon the testimony and evidence presented and the preliminary plan itself, the Montgomery County Planning Board disapproves Preliminary Plan No. 1-87142.

The Planning Board finds that Preliminary Plan No. 1-87142 is contrary to the purposes and the requirements of the Subdivision Regulations. The application is a resubdivision. As such, it must meet the requirements of Section 50-29(b)(2) of the Subdivision Regulations.

Section 50-29(b)(2) states:

Resubdivision. Lots on a plat for the resubdivision of any lot, tract or other parcel of land that is a part of an existing subdivision previously recorded in a plat book shall be of the same character as to street frontage, alignment, size, shape, width, area and suitability for residential use as other lots within the existing block, neighborhood or subdivision.



MCPB Opinion  
Preliminary Plan No. 1-87142  
Page Two

In evaluating Preliminary Plan No. 1-87142, the Planning Board must determine the appropriate criterion for reviewing the Plan under Section 50-29(b)(2) of the Subdivision Regulations. The staff recommended that the appropriate criterion to use in reviewing Preliminary Plan 1-87142 is the neighborhood consisting of the lots on either side of Marseille Drive between Falls River and Rouen Lanes.

The purpose of the provisions of Section 50-29(b)(2) is to ensure that a resubdivision will maintain the character of properties most affected by the resubdivision of an existing lot. The Planning Board agrees with the staff that the properties most affected by the proposed resubdivision are the lots on either side of Marseille Drive between Falls River and Rouen Lanes.

Each of the lots in the neighborhood has frontage of at least 140 feet. The proposed subdivision of Lot 5, Block E would create two lots with 140 feet and 100 feet of frontage, respectively. Permitting the creation of a lot with only 100 feet of frontage would alter the character of the neighborhood.

While Lot 6, at the corner of Marseille Drive and Falls River Lane, has only 100 ft. of frontage along Marseille Drive, it has 180 feet of frontage along Falls River Lane to which the front of the house is oriented. (Lot 6 is one of two lots created by the resubdivision of the original Lot 6. The resubdivision was designated as Preliminary Plan No. 1-84096.)

The effect of the resubdivision of a corner lot is quite different than the resubdivision of a midblock lot. A corner lot provides the alternative of orienting a house on one of two streets and thus the impact of the size of street frontage can be mitigated. This was the case with the resubdivision of Lot 6.

At the time the Planning Board approved the resubdivision of Lot 6 (Preliminary Plan No. 1-84096), the Board determined that the neighborhood primarily affected by the Plan included the confronting lots on Falls River Lane, since Lot 6 was a corner lot. The two lots across the street from Lot 6 had 25 feet and 160 feet of frontage, respectively. The creation of a lot with 180 feet of frontage on Falls River Lane and 100 feet of frontage on Marseille Drive would not therefore, adversely affect those confronting properties. The Board also found that, while the proposed corner lot would have only 100 feet of frontage

MCPB Opinion  
Preliminary Plan No. 1-87142  
Page Three

on Marseille Drive, the house would front on Falls River Lane. By orienting the house to front on Falls River Lane, with 180 feet of street frontage, the impact of the 100 feet of frontage along Marseille Drive was mitigated, the character of street frontage in the neighborhood along Marseille Drive was maintained and the proposed subdivision would not have an adverse effect on the character of the neighborhood.

In contrast, Lot 5 as a midblock lot, primarily affects the lots along Marseille Drive, from Rouen Lane to Falls River Lane. There are no mitigating factors to its adverse impact on the character of the neighborhood. The creation of the only lot with 100 feet of frontage (other than Lot 6) would result in a lot which is not "of the same character as to street frontage. . . as other lots within the existing neighborhood."

The finding by the Montgomery County Planning Board that Preliminary Plan No. 1-87142 fails to meet the requirement of Section 50-29(b)(2) of the Subdivision Regulations is dispositive.



Attachment F

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

8787 Georgia Avenue • Silver Spring, Maryland 20907

(301) 885-1800X

565-7374

March 29, 1984

MONTGOMERY COUNTY PLANNING BOARD  
Opinion

Preliminary Plan No. 1-83195  
Lake Normandy Estates

Action: Disapproval of Application  
(Vote 4-0, Chairman Christeller Abstaining)

On December 20, 1983, James Flaherty submitted an application for approval of a Preliminary Plan of Subdivision. The plan covers 51,073 square feet of land zoned R-200. It proposes to resubdivide one existing lot into two lots. The application was designated Preliminary Plan No. 1-83195.

The plan was brought before the Planning Board for review at a public hearing held on March 15, 1984. At that time, the Planning Board heard testimony and received other evidence from the Staff, the applicant and other interested parties. Based on all the evidence before it, the Planning Board disapproves Preliminary Plan No. 1-83195.

In disapproving the application the Planning Board considered the provisions of the Subdivision Regulations, particularly §50-29(b)(2) which sets forth the standards for resubdivision of land.

The Planning Board finds:

1. The block selected by Staff is the appropriate area in which to judge the resubdivision.

The standards for resubdivision contained in §50-29(b)(2) provide that a resubdivision must yield lots of the same character as to street frontage, alignment, size, shape, width, area and suitability for residential use as other lots within the existing block, neighborhood or subdivision.

The Staff recommended and the Planning Board adopted the immediate block, "Block C", as the proper area for comparison in this case. This block is clearly set apart geographically

by Marseilles Drive on the north and east, Falls Road on the west and Lake Normandy Elementary School on the south. The block is composed of 7 lots, all of which are similar in size, frontage and orientation.

2. The application as proposed does not meet the subdivision standards of §50-29(b)(2).

The seven lots in Block C are all large lots. They range in size from 42,938 square feet to 52,577 square feet. There is an unrecorded parcel east of Falls Road of approximately 1-1/2 acres. The existing lot at issue is 51,073 square feet. The two new lots proposed by the application would be 31,073 square feet and 20,000 square feet in size. Both new lots would be significantly smaller, almost half the size, than the other lots. Such a variation in size disrupts the character of the block since larger lots predominate in this area. This renders the application not in conformance with the statutory standard.

3. The application as submitted proposes to create one lot smaller than the lots confronting Block C on the other side of Marseilles Drive.

These lots range from 25,941-41,037 square feet for the lots numbered 34-38. Lot 15 and Lot 1 immediately confronting the subject property are again larger in size. Lot 15 shows 25,313 square feet and Lot 1 shows 49,330 square feet.

Testimony presented at the hearing pointed to lots located north of the property at issue which average 29,000 square feet in size, some being as small as 15,000 square feet. These lots, however, were part of a separate developed area and were under separate control.

Date of Mailing: April 6, 1984



PLAT No 3516

THE MARYLAND-NATIONAL CAPITAL PARK & PLANNING COMMISSION

APPROVED: SEPT. 17, 1953

*J. M. Wierzbicki* CHAIRMAN  
*John F. Nicholson* SECRETARY-TREASURER

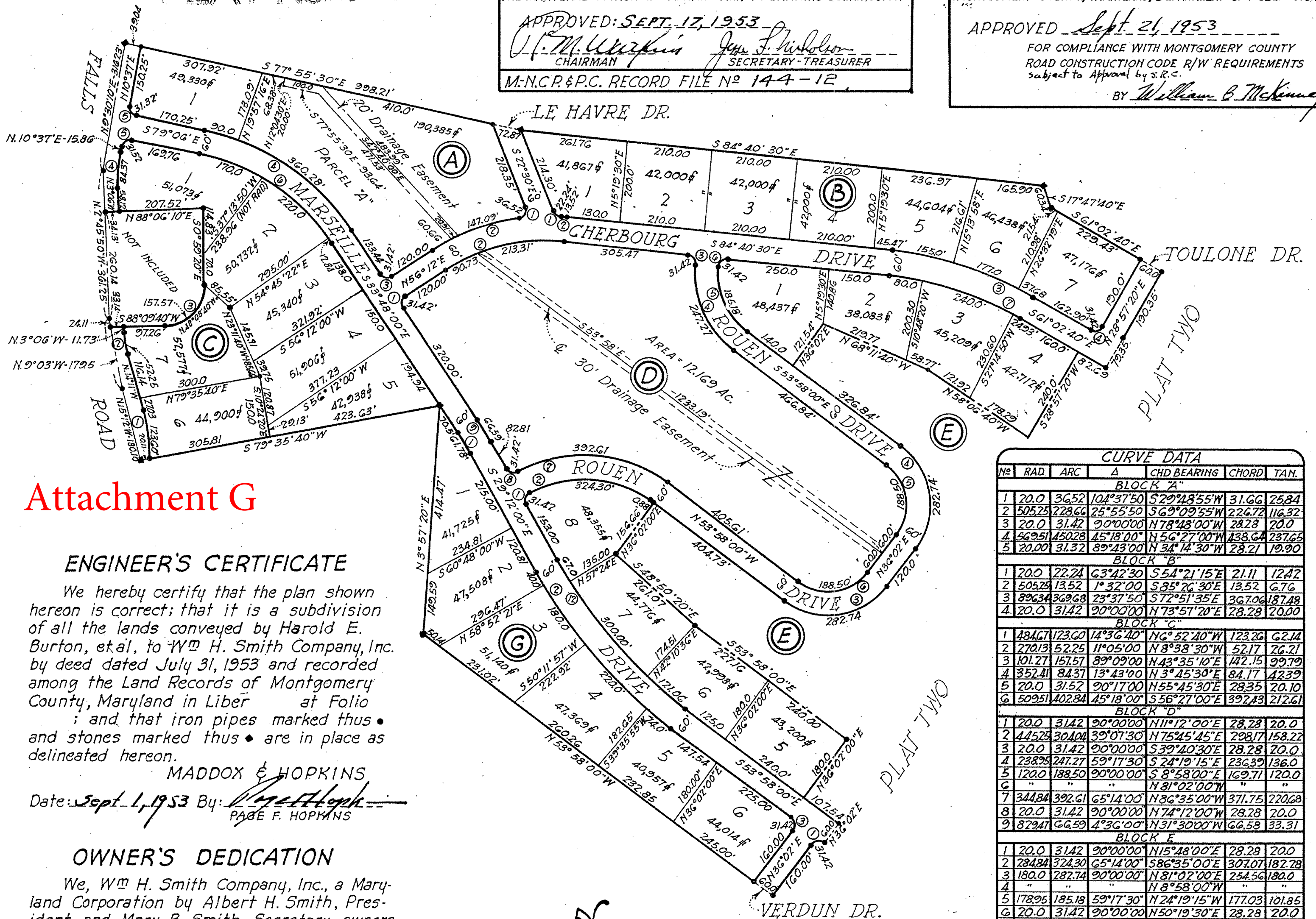
M.N.C.P. & P.C. RECORD FILE No 144-1E

MONTGOMERY COUNTY, MARYLAND, DEPARTMENT OF PUBLIC WORKS

APPROVED Sept. 21, 1953

FOR COMPLIANCE WITH MONTGOMERY COUNTY  
ROAD CONSTRUCTION CODE R/W REQUIREMENTS  
subject to Approval by S.R.C.

BY *William B. McKenney*



## Attachment G

### ENGINEER'S CERTIFICATE

We hereby certify that the plan shown hereon is correct; that it is a subdivision of all the lands conveyed by Harold E. Burton, et al., to Wm H. Smith Company, Inc. by deed dated July 31, 1953 and recorded among the Land Records of Montgomery County, Maryland in Liber at Folio ; and that iron pipes marked thus • and stones marked thus • are in place as delineated hereon.

MADDOX & HOPKINS

Date: Sept. 1, 1953 By: *[Signature]*  
PAGE F. HOPKINS

### OWNER'S DEDICATION

We, Wm H. Smith Company, Inc., a Maryland Corporation by Albert H. Smith, President, and Mary B. Smith, Secretary, owners of the property shown and described hereon, hereby adopt this plan of subdivision, establish the minimum building restriction lines and dedicate the streets to public use.  
Date: Sept. 1, 1953 WM H. SMITH COMPANY, INC.

Attest *[Signature]* By: *Albert H. Smith*  
MARY B. SMITH, Secty ALBERT H. SMITH, Pres.

We assent to this plan of subdivision.

*Melvin L. Robinson*  
Witness

*Emma F. Butt*  
EMMA F. BUTT, Widow, Trustee

*Joan E. Thomas*  
Witness

*Thomas M. Anderson*  
THOMAS M. ANDERSON, Trustee

*Ellis M. Jones*  
Witness

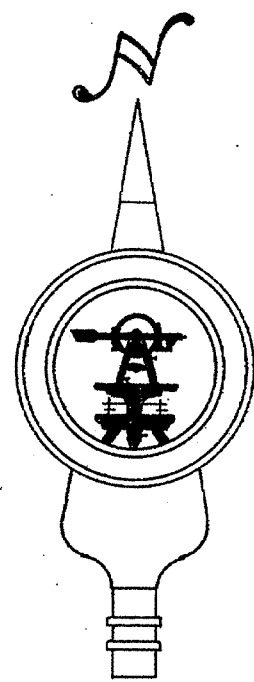
*Thomas A. Butt*  
THOMAS A. BUTT, Trustee

*Melvin L. Robinson*  
Witness

*Ellis M. Jones*  
ELLIS M. JONES, Trustee

*Melvin L. Robinson*  
Witness

*Joseph M. Mathias*  
JOSEPH M. MATHIAS, Trustee



NOTE:

Area of streets dedicated is 519,740#

CURVE DATA						
No	RAD	ARC	Δ	CHD BEARING	CHORD	TAN.
BLOCK "A"						
1	20.0	36.52	104°37'50"	S29°48'55"W	31.66	25.84
2	505.25	228.66	25°55'50"	S69°09'55"W	226.72	116.32
3	20.0	31.42	90°00'00"	N78°48'00"W	28.28	20.0
4	569.51	450.28	45°18'00"	N56°27'00"W	438.64	237.66
5	20.0	31.32	89°43'00"	N34°14'30"W	28.21	19.90
BLOCK "B"						
1	20.0	22.24	63°42'30"	S54°21'15"E	21.11	12.42
2	505.25	13.52	1°32'00"	S85°26'30"E	13.52	6.76
3	896.34	369.68	23°37'50"	S72°51'35"E	367.06	187.48
4	20.0	31.42	90°00'00"	N73°51'20"E	28.28	20.00
BLOCK "C"						
1	484.67	123.60	14°36'40"	N6°52'40"W	123.26	62.14
2	270.13	52.25	11°05'00"	N8°38'30"W	52.17	26.21
3	101.27	151.57	89°09'00"	N43°35'10"E	142.15	99.79
4	352.41	84.37	13°43'00"	N3°45'30"E	84.17	42.39
5	20.0	31.52	90°17'00"	N55°45'30"E	28.35	20.10
6	509.51	402.84	45°18'00"	S56°27'00"E	392.43	212.61
BLOCK "D"						
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2	445.25	30.04	39°07'30"	N75°45'45"E	298.17	158.22
3	20.0	31.42	90°00'00"	S39°40'30"E	28.28	20.0
4	238.95	247.27	59°17'30"	S24°19'15"E	236.39	136.0
5	120.0	188.50	90°00'00"	S8°58'00"E	169.71	120.0
6	"	"	"	N81°02'00"W	"	"
7	344.84	392.61	65°14'00"	N86°35'00"W	371.75	220.68
8	20.0	31.42	90°00'00"	N74°12'00"W	28.28	20.0
9	829.47	66.59	4°36'00"	N31°30'00"W	66.58	33.31
BLOCK "E"						
1	20.0	31.42	90°00'00"	N15°48'00"E	28.28	20.0
2	284.84	324.30	65°14'00"	S86°35'00"E	307.07	182.28
3	180.0	282.74	90°00'00"	N81°02'00"E	254.56	180.0
4	"	"	"	N8°58'00"W	"	"
5	178.95	185.18	59°17'30"	N24°19'15"W	177.03	101.85
6	20.0	31.42	90°00'00"	N50°19'30"E	28.28	20.0
7	836.34	344.93	23°37'50"	S72°51'35"E	342.49	174.95
12	1129.09	488.06	24°46'00"	N41°35'00"W	484.27	247.90
BLOCK "G"						
1	762.47	61.78	4°36'00"	S31°30'00"E	61.76	30.91
2	1189.09	514.0	24°46'00"	S41°35'00"E	510.0	261.08
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PLAT ONE

BLOCKS A, B, C, D, G &  
PART OF BLOCK E

## LAKE NORMANDY ESTATES

MONTGOMERY COUNTY, MARYLAND

Scale 1"=200'

Aug., 1953

MADDOX & HOPKINS  
CIVIL ENGINEER'S  
SILVER SPRING, MD.



PLAT No 3516

THE MARYLAND-NATIONAL CAPITAL PARK & PLANNING COMMISSION

APPROVED: SEPT. 17, 1953

*J. M. Wierzbicki* CHAIRMAN  
*John F. Nicholson* SECRETARY-TREASURER

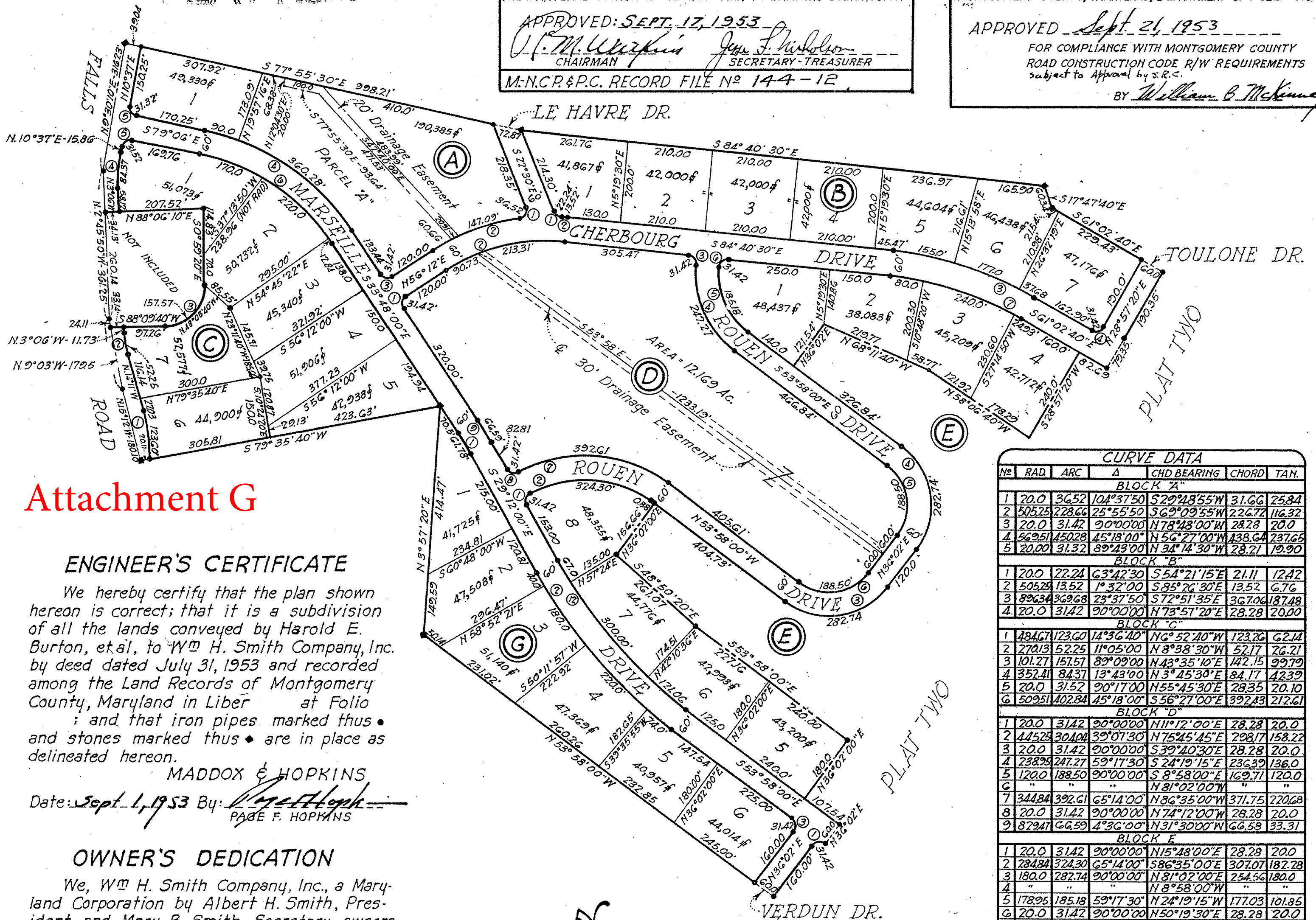
M.N.C.P. & P.C. RECORD FILE No 144-1E

MONTGOMERY COUNTY, MARYLAND, DEPARTMENT OF PUBLIC WORKS

APPROVED Sept. 21, 1953

FOR COMPLIANCE WITH MONTGOMERY COUNTY  
ROAD CONSTRUCTION CODE R/W REQUIREMENTS  
subject to Approval by S.R.C.

BY *William B. McKenney*



## Attachment G

### ENGINEER'S CERTIFICATE

We hereby certify that the plan shown hereon is correct; that it is a subdivision of all the lands conveyed by Harold E. Burton, et al, to W<sup>m</sup> H. Smith Company, Inc. by deed dated July 31, 1953 and recorded among the Land Records of Montgomery County, Maryland in Liber at Folio ; and that iron pipes marked thus • and stones marked thus • are in place as delineated hereon.

MADDOX & HOPKINS

Date: Sept. 1, 1953 By: *[Signature]*  
PAGE F. HOPKINS

### OWNER'S DEDICATION

We, W<sup>m</sup> H. Smith Company, Inc., a Maryland Corporation by Albert H. Smith, President, and Mary B. Smith, Secretary, owners of the property shown and described hereon, hereby adopt this plan of subdivision, establish the minimum building restriction lines and dedicate the streets to public use.  
Date: Sept. 1, 1953 W<sup>m</sup> H. SMITH COMPANY, INC.

Attest *[Signature]* By: *Albert H. Smith*  
MARY B. SMITH, Secty ALBERT H. SMITH, Pres.

We assent to this plan of subdivision.

*Melvin L. Robinson*  
Witness

*Emma F. Butt*  
EMMA F. BUTT, Widow, Trustee

*Joan E. Thomas*  
Witness

*Thomas M. Anderson*  
THOMAS M. ANDERSON, Trustee

*Ellis M. Jones*  
Witness

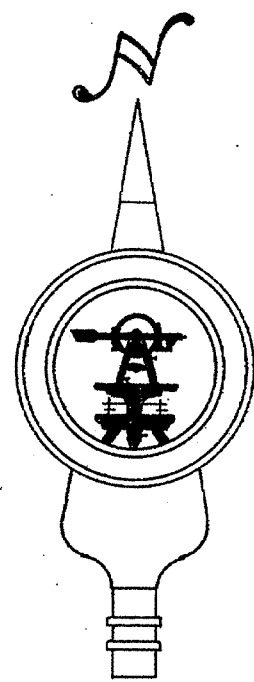
*Thomas A. Butt*  
THOMAS A. BUTT, Trustee

*Melvin L. Robinson*  
Witness

*Ellis M. Jones*  
ELLIS M. JONES, Trustee

*Melvin L. Robinson*  
Witness

*Joseph M. Mathias*  
JOSEPH M. MATHIAS, Trustee



NOTE:

Area of streets dedicated is 519,740#

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PLAT ONE

BLOCKS A, B, C, D, G &  
PART OF BLOCK E

## LAKE NORMANDY ESTATES

MONTGOMERY COUNTY, MARYLAND

Scale 1"=200'

Aug., 1953

MADDOX & HOPKINS  
CIVIL ENGINEER'S  
SILVER SPRING, MD.





11213 Fall River Court  
Potomac, MD 20854

PR 2 REC'D

April 18, 2016

Mr. Ryan Sigworth  
Montgomery County Planning Department  
M-NCPPC  
8787 Georgia Avenue  
Silver Spring, MD 20910

Subject: Resubdivision of Lot 5, Block G – Lake Normandy Estates

Dear Mr. Sigworth:

I am writing in regard to M-NCPPC Plan File No. 720160020 which is an application for resubdivision of Lot 5, Block G in the Lake Normandy Estates Subdivision submitted by the property owner Mr. Ali Zahedian via Mr. David McKee of Benning & Associates.

I strongly object to this proposed resubdivision because **it does not meet the requirements of Section 50-29 (b) (2) of the Montgomery County Code** and would **adversely alter the character of the neighborhood**—specifically, negatively impacting the character and property value of the properties on either side of Marseille Drive between Fall River and Rouen Lanes .

The subject resubdivision application proposes to create two small mid-block lots fronting on Marseille Drive out of the existing Lot 5, Block G property. In January 1996, Mr. Zahedian submitted an application for resubdivision of the Lot 5 Block G property (File No. 1-96074) proposing essentially the same scheme for creating two lots. ***The File No. 1-96074 application was never approved.***

There is certainly substantial similarity between the subject resubdivision application and that submitted by Mr. Abdelaziz Mahfoudi in May 1987 (Preliminary Plan No. 1-87142). Both applications propose subdividing mid-block lots located on Marseille Drive in the local neighborhood bounded by lots on either side of Marseille Drive between Fall River and Rouen Lanes. Mr. Mahfoudi's application would have created two lots with 140 and 100 feet of frontage respectively. Mr. Zahedian's current application proposes to create two lots with 111 and 110 feet of frontage, respectively. The Montgomery County Planning Board in its August 1987 finding, *disapproved* of Mr. Mahfoudi's application because it did not comply with Section 50-29 (b) (2) requirements as to compatibility with the existing neighborhood. The Board found that each of the lots in the affected neighborhood on Marseille Drive had at least 140 feet of frontage. Thus the creation of the only lot with 100 feet of frontage...would result in a lot which is not "of the same character as to street frontage...as other lots within the existing neighborhood."

Mr. Zahedian's application proposes to create two lots with substantially less than 140 feet of frontage. The Planning Board has established 140 feet as the frontage metric to be applied in evaluating the Section 50-29 (b) (2) character requirements for the Marseille Drive neighborhood. Thus, the Planning Board must disapprove Mr. Zahedian's resubdivision application as it did in the case of Mr. Mahfoudi.

I hope the Planning Board will seriously consider all the issues I have raised in this letter in evaluating the subject resubdivision application.

Respectfully,

  
Andrew E. Greenwald, Esq.

April 18, 2016

APR 20 2016

APR 20 2016

Dear Mr. Sigworth,

We are writing to you regarding the request by our nearby neighbor, Mr. Zahedian to sub-divide his property.

We purchased our home at 9200 Marseille Drive (3 houses from Mr. Zahedian's) in 1972 and have lived here since. When we purchased our property in 1972, it was our understanding that the properties in our neighborhood would remain with at least 1 acre lots. It is our desire to preserve the "character" of the immediate neighborhood. Therefore we are adamantly opposed to the sub-division of Mr. Zahedian's property.

We would hope that you and the Planning Board would consider our wishes to keep the neighborhood definition precedent that was established in 1987 (Fall River to Rouen Lane).

Thank you for your kind attention.

*Richard and Virginia Mohr*

Richard and Virginia Mohr

9200 Marseille Drive

Potomac, MD 20854

April 17, 2016

Mr. Ryan Sigworth  
Montgomery County Planning Department  
M-NCPPC  
8787 Georgia Avenue  
Silver Spring, MD 20910

APR 2 2016

Subject: Resubdivision of Lot 5, Block G – Lake Normandy Estates M-NCPPC Plan File No. 720160020

Dear Mr. Sigworth,

My husband and I strongly oppose the resubdivision of Lot 5, Block G in the Lake Normandy Estates Subdivision currently owned by Mr. Ali Zahedian. The resubdivision application seeks to create two small mid-block lots fronting on Marseille Drive out of the existing Lot 5, Block G property.

Our objections are:

1. If approved, Mr. Zahedian's application will completely alter the look, feel and rhythm of our neighborhood. As we stand at the edge of our property, looking to the left on Marseille Drive and to the right, the rhythm of the neighborhood will be destroyed if Mr. Zahedian's lot is split in two. The two new lots will both have significantly shorter frontages than the neighboring lots. As a matter of fact, all the homes one can see from my home have lots lined up with the lot across the street. The unsightliness of the issue is obvious when looking at the Marseille Drive Plat from Rouen to Fall River Lane.
2. This isn't the first time Mr. Zahedian has sought to split his lot. Going back to May 1996 (DRC minutes, 03/11/96, Page 4, 1-96074), and again in 2013. Each and every time, the reviewer raised concerns about his application and Mr. Zahedian abandoned his application. In reliance on his various withdrawals, over 20 years, we and the neighborhood relied on our neighborhood not losing its character, look and feel.
3. In fact the people of Marseille Drive were reassured of keeping their neighborhood look, feel and rhythm. Back in May 1987, a precedent setting decision was made when one of our former Marseille Drive neighbor, Mr. Abdelaziz Mahfoudi, sought to resubdivide his lot (Preliminary Plan No. 1-87142). That property is essentially across Marseille Drive from Mr. Zahedian's property. Like Mr. Zahedian, Mr. Mahfoudi sought subdivide mid-block lots located on Marseille Drive in the local neighborhood bounded by lots on either side of Marseille Drive between Fall River and Rouen Lanes. Like Mr. Zahedian's application, Mr. Mahfoudi's application would have created two lots; Mr. Mahfoudi's with 140 and 100 feet of frontage, while Mr. Zahedian's current application proposes to create two lots with 111 and 110 feet of frontage respectively. The Montgomery County Planning Board disapproved Mr. Mahfoudi's application because it did not comply with Section 50-29 (b) (2) requirements as to compatibility with the existing neighborhood. See its August 1987 finding. The Board found that each of the lots in the affected neighborhood on Marseille Drive had at least 140 feet of frontage. Thus the creation of the only lot with 100 feet of frontage...would result in a lot which is not "of the same character as to street frontage...as other lots within the existing neighborhood

Sincerely,



Lesley Lavalley  
9116 Marseille Drive  
Potomac, MD 20854



April 15, 2016

9132 Marseille Drive  
Potomac, MD 20854

Ryan Sigworth  
Montgomery County Planning Department  
M-NCPPC  
8787 Georgia Avenue  
Silver Spring, MD 20910



Subject: Resubdivision of Lot 5, Block G – Lake Normandy Estates, Marseille Drive

Dear Mr. Sigworth,

This is in regard to a pending application (M-NCPPC Plan File No. 720160020) for the resubdivision of Lot 5, Block G in the Lake Normandy Estates Subdivision submitted for the current Mr. Ali Zahedian by Mr. David McKee of Benning & Associates. We strongly object to this proposed resubdivision which does not comply with the requirements of Section 50-29 (b) (2) of the Montgomery County Code. If approved, this resubdivision will forever alter the character of our long established neighborhood, particularly the character of the residential properties on Marseille Drive between Fall River Lane and Rouen Lane by subdividing the property into two smaller lots fronting midblock on Marseille Drive.

As you no doubt are aware, January 1996, Mr. Zahedian submitted an application for resubdivision of the Lot 5 Block G property (File No. 1-96074) proposing essentially the creation of similarly two smaller lots. The File No. 1-96074 application was never approved. We believe that you are also aware of a similar application that was disapproved by the Planning Board submitted by Mr. Abdelaziz Mahfoudi in May 1987 (Preliminary Plan No. 1-87142). Both would have subdivided mid-block lots on Marseille Drive in the local neighborhood bounded by Fall River and Rouen Lanes. Mr. Mahfoudi's application would have created two lots with 140 and 100 feet of frontage respectively while Mr. Zahedian's current application proposes to create two lots with frontage of 111 and 110 feet. The Montgomery County Planning Board in its August 1987 finding, disapproved Mr. Mahfoudi's application on the sound basis that it did not comply with Section 50-29 (b) (2) requirements of compatibility with the existing neighborhood. The Board found that each of the lots in the affected neighborhood on Marseille Drive had at least 140 feet of frontage and the creation of lots with meaningfully less frontage (100 feet under the Mahfoudi application) would not be of the same character as to street frontage as other lots within the existing neighborhood.

Mr. Zahedian's application proposes to create two lots with substantially less than 140 feet of frontage and is indistinguishable in any meaningful way from the application rejected in 1987. The Planning Board has established 140 feet as the frontage metric to be applied in evaluating the Section 50-29 (b) (2) character requirements for the Marseille Drive neighborhood at issue. We hope you agree that it is reasonable to expect the Planning Board to uphold the integrity and character of our well-established neighborhood as it has existed over many decades. We therefore implore the Planning Board to disapprove the subject resubdivision application. Thank you and the Planning Board for your consideration.

Sincerely,

A handwritten signature in black ink that reads "Linda &amp; Richard Isen".

Linda and Richard Isen

April 20, 2016

Montgomery County  
RECEIVED

★ APR 26 2016 ★

Planning Department

Mr. Ryan Sigworth  
Montgomery County Planning Department  
M-NCPPC  
8787 Georgia Avenue  
Silver Spring, MD 20910

Subject: Resubdivision of Lot 5, Block G – Lake  
Normandy Estates M-NCPPC Plan File No. 720160020

Dear Mr. Sigworth,

My lot adjoins Mr. Zahedian's lot and I strongly oppose the re-subdivision of Lot 5, Block G in the Lake Normandy Estates Subdivision sought by Mr. Ali Zahedian.

Mr. Zahedian is seeking to create two small mid-block lots on his property. If approved, Mr. Zahedian (who no longer lives on Marseille Drive and who's house is in a state of disrepair) will completely alter the look, feel and rhythm of our neighborhood. As his next-door neighbor I would stand at the edge of my property, looking to the left and to the right, having on one side the neighborhood I've enjoyed for over twenty years and, on the other side, a completely different view; two large structures, each in a crowded lot, where there has always been a single house and numerous trees (more on the trees below). The character, look, feel and rhythm of the neighborhood will be destroyed if Mr. Zahedian splits his lot into two lots with significantly shorter frontages than the neighboring lots.

This isn't the first time Mr. Zahedian has sought to split his lot. Starting back in May 1996 (see, DRC minutes, 03/11/96, Page 4, 1-96074), Mr. Zahedian sought to split his lot a number of times. Each time, the Park and Planning reviewer raised concerns about the application, and each time Mr. Zahedian was compelled to abandon his application. In reliance on his various failed and withdrawn attempts -- that the neighborhood has endured for over 20 years -- the neighbors and I have come to rely on our neighborhood not losing its character, look and feel. Mr. Zahedian's current attempt does not make new or materially different argument or point. Thus, this new attempt should be denied for the same reasons he withdrew his previous attempts.

There is also ample applicable independent precedent to deny Mr. Zahedian's application, going back to at least 1987. In May 1987, Mr. Abdelaziz Mahfoudi sought to re-subdivide his lot (Preliminary Plan No. 1-87142) located on Marseille Drive across from Mr. Zahedian's property. Like Mr. Zahedian, Mr. Mahfoudi sought to subdivide mid-block lots located on Marseille Drive in the local neighborhood bounded by lots on either side of Marseille Drive between Fall River and Rouen Lanes. Like Mr. Zahedian's application, Mr. Mahfoudi's application would have created two lots; Mr. Mahfoudi's with 140 and 100 feet of frontage, while Mr. Zahedian's current application proposes to create two smaller yet lots with 111 and 110 feet of frontage respectively.

The Montgomery County Planning Board disapproved Mr. Mahfoudi's application because it did not comply with Section 50-29 (b) (2) requirements as to compatibility with the existing neighborhood. See the Planning Board's August 1987 findings. The Board found that each of the lots in the affected



neighborhood on Marseille Drive had at least 140 feet of frontage. Thus the creation of the only lot with 100 feet of frontage...would result in a lot which is not "of the same character as to street frontage...as other lots within the existing neighborhood." On the basis of this very relevant independent decision, the neighbors and I have come to rely on our neighborhood not losing its character, look and feel.

Unlike Mr. Zahedian, Mr. Mahfoudi understood the importance of neighborhoods. He did not renew his request and, in fact, as long as he lived on Marseille Drive, he strongly opposed Mr. Zahedian's attempts to change the neighborhood by splitting his lot into two.

Here, Mr. Zahedian's application proposes to create two lots with each having substantially less than 140 feet of frontage. The Planning Board has established 140 feet as the frontage metric to be applied in evaluating the Section 50-29 (b) (2) character requirements for the Marseille Drive neighborhood. Thus, the Planning Board must disapprove Mr. Zahedian's resubdivision application as it did in the case of Mr. Mahfoudi.

In closing, I would provide the following context. Mr. Zahedian's Marseille Drive property has appeared to be abandoned for months. Clearly he is no longer living there and, frankly, I do not miss him and his schemes.

- Sometime ago, the line for the fence I was putting around my backyard was moved some 4 frontage yards into our yard, on our border with Mr. Zahedian's property, increasing Mr. Zahedian's frontage by 4 yards. Oddly, only that border was moved. None of the other three sides were changed in any way.
- The minutes of Mr. Zahedian 1996 application to split his lot (see, 1-96074) reflects the following Park and Planning comment: "2. EPD – recommending tree save, want more detail especially on minimizing impact on tree root zones." Sometime thereafter Mr. Zahedian cut just about all of the large trees on his lot in contravention of Park and Planning concerns as reflected in the minutes (and possibly without appropriate permits).
- On still another occasion, Mr. Zahedian sought to split his lot without giving anyone in the neighborhood notice, formally or otherwise.

I later came to understand that all of these surprising instances had one thing in common; they all would have removed an impediment to Mr. Zahedian's ability to split his lot.

I know the Planning Board will seriously consider all the issues raised in this letter in evaluating this re-subdivision application. I request and pray it denies Mr. Zahedian's request for all of the reasons set out in my letter. In effect all that is needed here is for the Planning Board to apply to Mr. Zahedian's application the Planning Board's clear and logical reasoning in denying Mr. Mahfoudi's identical request on identical circumstances.

Respectfully submitted,



Jean-Paul Lavalleye  
9116 Marseille Drive  
Potomac, MD 20854  
[jplavalleye@msn.com](mailto:jplavalleye@msn.com)  
Cell: 240 505 3288

1-95673 CHEVY CHASE (Continued)

3. DEP - SSM waiver being reviewed - may not be Montgomery County jurisdiction (may be Village of Chevy Chase) - will check on jurisdiction issue and comment later
4. DOT - need spread comp, verify maintenance of storm drain system, Chevy Chase 3 will issue access permits, access and improvement onto Bradley Lane to be determined by Chevy Chase 3
5. WSSC - water/sewer connections, water to pipe is deficient, may need sumpers or grinders to get into sewer - check elevation
6. PEPCO - house too close to overhead lines, must coordinate further as to the issue of removal of lines and relocation, recommend relocating house approximately 5-10 feet - must be 15 feet away from existing lines, SPD will check on impact on trees if house is moved back
7. Bell Atlantic - phone lines may be an issue if applicant moves the existing lines
8. Tentative Planning Board date: May 2, 1996, provided that PEPCO issue is resolved.

1-95674

LAKE NORMANBY, ESTATES

Mr. Ali R. Zahedian  
Advanced Design Engineers, Inc

- Applicant  
- Engineer

COMMITTEE COMMENTS:

1. DRD - may be an issue with Resubdivision criteria - must meet Resubdivision Criteria - Section 50-29B of the Subdivision Regulations, proposed lots are smaller than other lots in immediate vicinity, will check on subdivision history in the neighborhood
2. EPD - recommending tree save, want more detail, especially on minimizing impact on tree root zones
3. DEP - SSM waiver request under review, most likely will be granted, concerned with storm-water run off
4. DOT - concerned with sight distance - incomplete study, need for existing and proposed driveways, concerned with apron on driveway, need to indicate roadway classification
5. WSSC - water & sewer connections
6. PEPCO - PUK shown is acceptable
7. Tentative Planning Board date: May 2, 1996.

LOT SIZE AN ISSUE

3/14/96

LEONARD A. SACKS & ASSOCIATES, P.C.

ONE CHURCH STREET  
SUITE 303  
ROCKVILLE, MARYLAND 20850

(301) 738-2470  
FAX (301) 738-3705

February 9, 2016

E-Mail: [lsacks@laspc.net](mailto:lsacks@laspc.net)

Montgomery County  
RECEIVED

FEB 16 2016

★  
★  
Planning Department

Lead Reviewer  
Development Application and Regulatory  
Coordination Division  
M-NCPPC  
8787 Georgia Avenue  
Silver Spring, Maryland 20910-3760

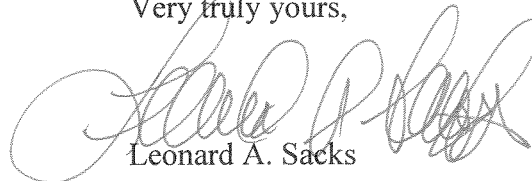
Re: Lake Normandy Estates  
M-NCPPC File No. 720160020

Dear Sir or Madam:

I reside at 11205 Fall River Court, Potomac, Maryland. The property which is the subject of the Application is located behind my house. I believe this is the third or fourth time that the owners have attempted this Application. For all of the prior reasons, this Application should be denied. Simply stated, it would be totally inconsistent with the neighborhood to allow for two houses where every other equally sized lot has one house.

Thank you for your attention to this matter and please keep us advised of any actions or hearings with respect to this Application.

Very truly yours,



Leonard A. Sacks

LAS:cci

11209 Fall River Court  
Potomac, MD 20854  
February 22, 2016

(301) 993-8299

Mr. Ryan Sigworth  
Montgomery County Planning Department  
M-NCPPC  
8787 Georgia Avenue  
Silver Spring, MD 20910

Subject: Resubdivision of Lot 5, Block G – Lake Normandy Estates

Dear Mr. Sigworth,

I am writing in regard to M-NCPPC Plan File No. 720160020 which is an application for resubdivision of Lot 5, Block G in the Lake Normandy Estates Subdivision submitted by the property owner Mr. Ali Zahedian via Mr. David McKee of Benning & Associates. I strongly object to this proposed resubdivision because it does not meet the requirements of Section 50-29 (b) (2) of the Montgomery County Code and would adversely alter the character of the neighborhood in general and particularly the character of the properties on either side of Marseille Drive between Fall River and Rouen Lanes .

The subject resubdivision application proposes to create two small mid-block lots fronting on Marseille Drive out of the existing Lot 5, Block G property. I should point out that in January 1996, Mr. Zahedian submitted an application for resubdivision of the Lot 5 Block G property (File No. 1-96074) proposing essentially the same scheme for creating two lots. The File No. 1-96074 application was never approved.

There is certainly substantial similarity between the subject resubdivision application and that submitted by Mr. Abdelaziz Mahfoudi in May 1987 (Preliminary Plan No. 1-87142). Both applications propose subdividing mid-block lots located on Marseille Drive in the local neighborhood bounded by lots on either side of Marseille Drive between Fall River and Rouen Lanes. Mr. Mahfoudi's application would have created two lots with 140 and 100 feet of frontage respectively while Mr. Zahedian's current application proposes to create two lots with 111 and 110 feet of frontage respectively. The Montgomery County Planning Board in its August 1987 finding, disapproved Mr. Mahfoudi's application because it did not comply with Section 50-29 (b) (2) requirements as to compatibility with the existing neighborhood. The Board found that each of the lots in the affected neighborhood on Marseille Drive had at least 140 feet of frontage. Thus the creation of the only lot with 100 feet of frontage...would result in a lot which is not "of the same character as to street frontage...as other lots within the existing neighborhood."

Mr. Zahedian's application proposes to create two lots with substantially less than 140 feet of frontage. The Planning Board has established 140 feet as the frontage metric to be applied in evaluating the Section 50-29 (b) (2) character requirements for the Marseille Drive neighborhood. Thus, the Planning Board must disapprove Mr. Zahedian's resubdivision application as it did in the case of Mr. Mahfoudi.

I hope the Planning Board will seriously consider all the issues I have raised in this letter in evaluating the subject resubdivision application.

Respectfully,

  
Richard G. Rothman

M-NCPPC  
8787 Georgia Ave.  
Silver Spring, Maryland 20910

To whom it may concern:

I am writing to express my support of the re-subdivision plans filed by the Zahedian family for their property at 9108 Marseille Drive, Potomac, Maryland.

Please feel free to contact me with any questions.

Name: PETER J. METTAM *Peter J. Mettam*  
EMMA JEAN METTAM *Emma Jean Mettam*  
6-3-2013

Address: 9025 MARSEILLE DRIVE  
POTOMAC  
MD 20854

M-NCPPC  
8787 Georgia Ave.  
Silver Spring, Maryland 20910

To whom it may concern:

I am writing to express my support of the re-subdivision plans filed by the Zahedian family for their property at 9108 Marseille Drive, Potomac, Maryland.

Please feel free to contact me with any questions.

Name: John J. Tah   
Esther H. Tah 

Address:  
9320 Marseille Dr  
Potomac, MD 20854

M-NCPPC  
8787 Georgia Ave.  
Silver Spring, Maryland 20910

To whom it may concern:

I am writing to express my support of the re-subdivision plans filed by the Zahedian family for their property at 9108 Marseille Drive, Potomac, Maryland.

Please feel free to contact me with any questions.

Name: DAVID KAGEN  
*DK Kagen*  
Address: 9020 MARSEILLE Dr  
POTOMAC



M-NCPPC  
8787 Georgia Ave.  
Silver Spring, Maryland 20910

To whom it may concern:

I am writing to express my support of the re-subdivision plans filed by the Zahedian family for their property at 9108 Marseille Drive, Potomac, Maryland.

Please feel free to contact me with any questions.

Name: Jo Jo Rhee

Address: 9030 Marseille Drive Potomac,  
md, 20854