



Item # 15

M E M O R A N D U M

DATE: October 26, 2001
TO: Montgomery County Planning Board
FROM: A. Malcolm Shaneman
Planning Department
(301) 495-4587
SUBJECT: Informational Maps for Subdivision Items on the
Planning Board's Agenda for November 01, 2001.

Attached are copies of plan drawings for Items #12, #13, #14, #15. These subdivision items are scheduled for Planning Board consideration on November 01, 2001. The items are further identified as follows:

Agenda Item #12 - Preliminary Plan 1-02004
Cabin John

Agenda Item #13 - Preliminary Plan 1-02014
Camp Property

Agenda Item #14 - Preliminary Plan 1-01082
Johnson Property

Agenda Item #15 - Preliminary Plan 1-01090
Burnt Mills

Attachment

VICINITY MAP FOR

BURNT MILLS VILLAGE, LOT 34 BLK. J (1-01090)



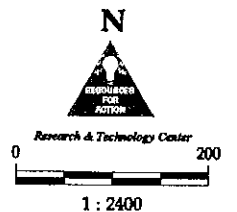
Map compiled on October 25, 2001 at 10:14 AM | Site located on base sheet no - 214NE01

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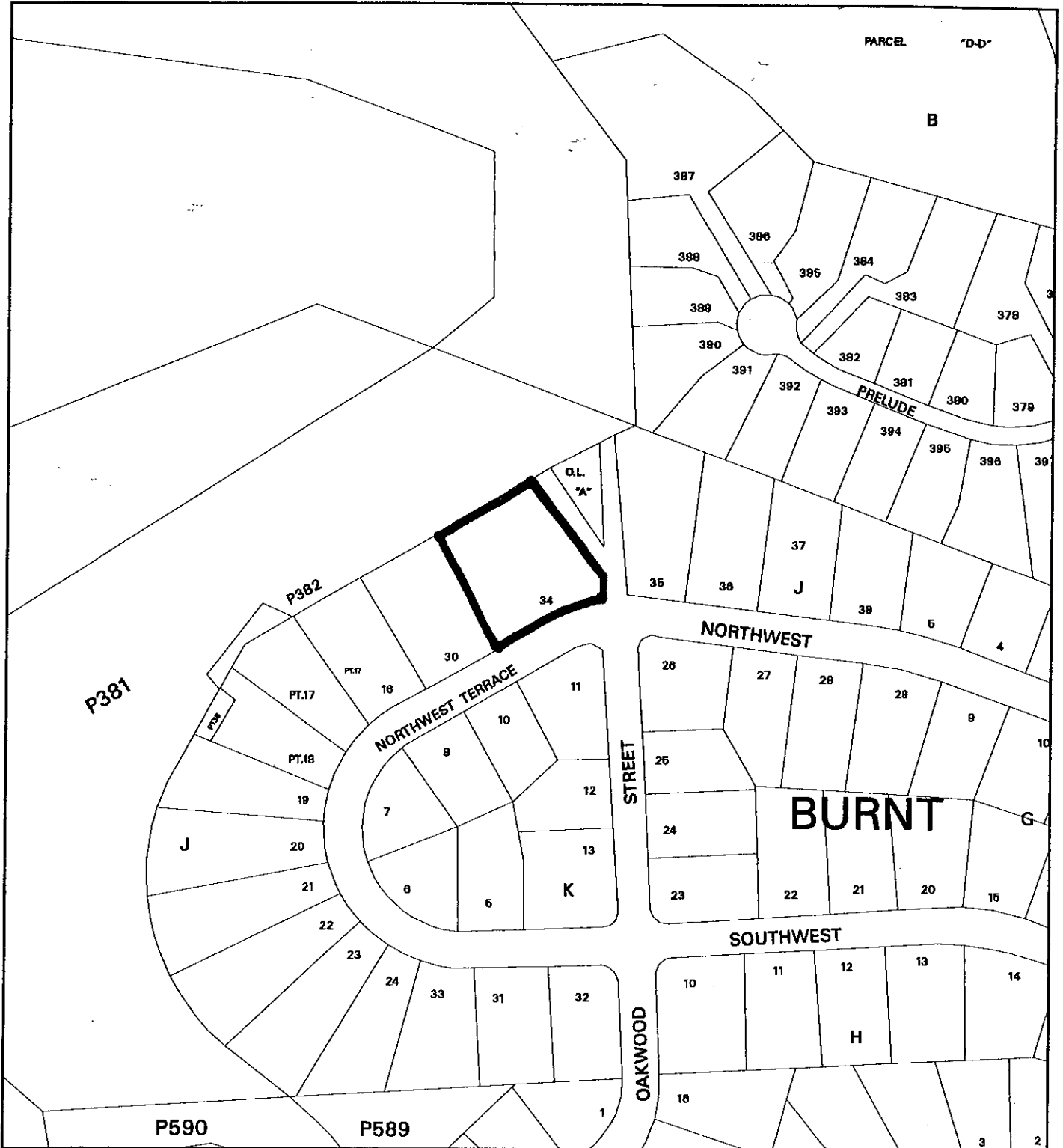
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BURNT MILLS VILLAGE, LOT 34 BLK. J (1-01090)



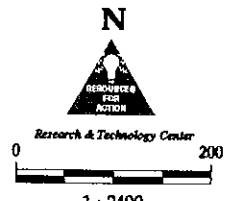
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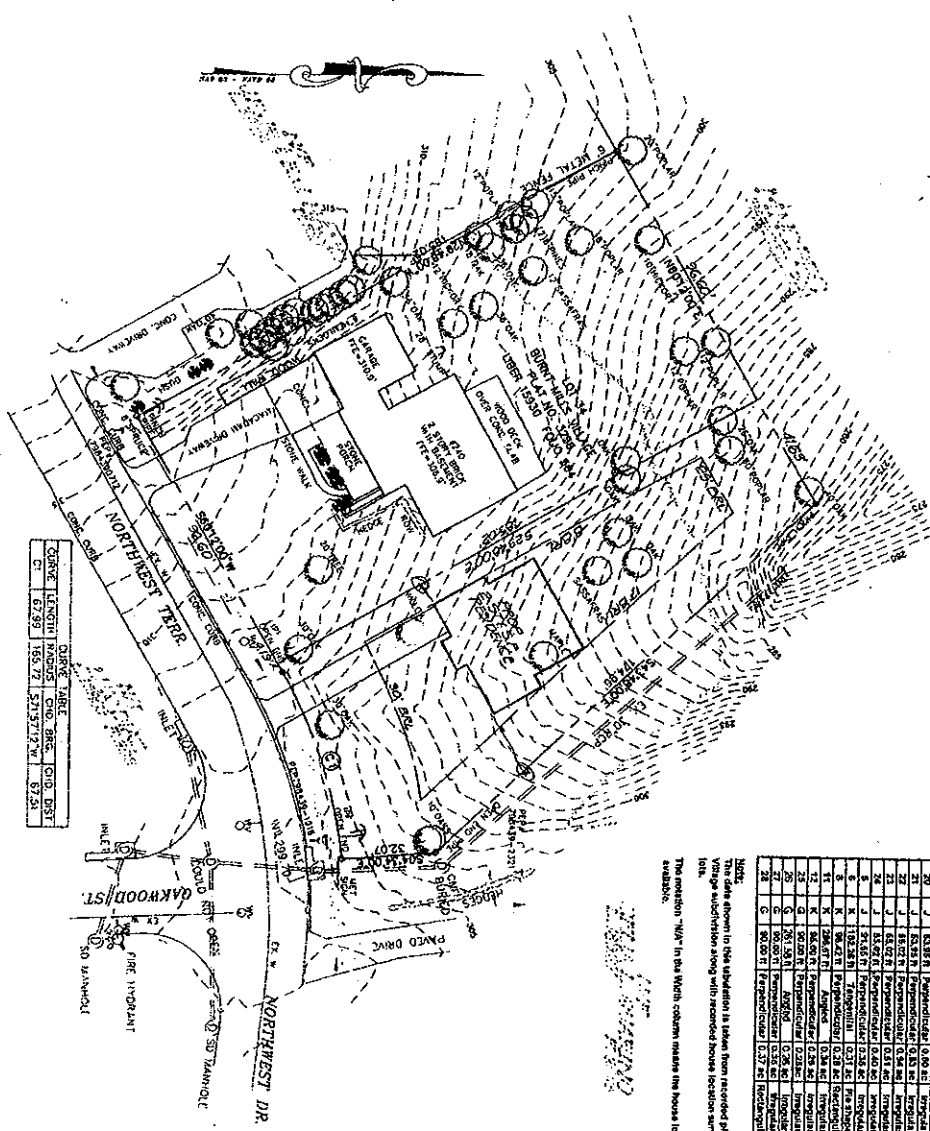
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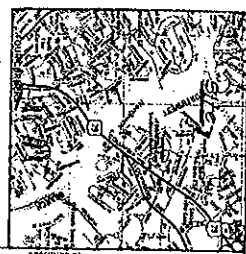




COMPARISON LOT DATA TABLE

Lot	Area	Perimeter	Area	Perimeter	Area	Perimeter
1	10,000	1,000	10,000	1,000	10,000	1,000
2	10,000	1,000	10,000	1,000	10,000	1,000
3	10,000	1,000	10,000	1,000	10,000	1,000
4	10,000	1,000	10,000	1,000	10,000	1,000
5	10,000	1,000	10,000	1,000	10,000	1,000
6	10,000	1,000	10,000	1,000	10,000	1,000
7	10,000	1,000	10,000	1,000	10,000	1,000
8	10,000	1,000	10,000	1,000	10,000	1,000
9	10,000	1,000	10,000	1,000	10,000	1,000
10	10,000	1,000	10,000	1,000	10,000	1,000
11	10,000	1,000	10,000	1,000	10,000	1,000
12	10,000	1,000	10,000	1,000	10,000	1,000
13	10,000	1,000	10,000	1,000	10,000	1,000
14	10,000	1,000	10,000	1,000	10,000	1,000
15	10,000	1,000	10,000	1,000	10,000	1,000
16	10,000	1,000	10,000	1,000	10,000	1,000
17	10,000	1,000	10,000	1,000	10,000	1,000
18	10,000	1,000	10,000	1,000	10,000	1,000
19	10,000	1,000	10,000	1,000	10,000	1,000
20	10,000	1,000	10,000	1,000	10,000	1,000
21	10,000	1,000	10,000	1,000	10,000	1,000
22	10,000	1,000	10,000	1,000	10,000	1,000
23	10,000	1,000	10,000	1,000	10,000	1,000
24	10,000	1,000	10,000	1,000	10,000	1,000
25	10,000	1,000	10,000	1,000	10,000	1,000
26	10,000	1,000	10,000	1,000	10,000	1,000
27	10,000	1,000	10,000	1,000	10,000	1,000
28	10,000	1,000	10,000	1,000	10,000	1,000
29	10,000	1,000	10,000	1,000	10,000	1,000
30	10,000	1,000	10,000	1,000	10,000	1,000

NOTE:
 The data shown in this subdivision is taken from recorded plat of the Burnt Mills Village Subdivision along with recorded house location surveys for neighboring tracts.
 The notation "NW" in the North column means the house location survey was not available.



1 01090

General Notes:

- Subdivision Name: Burnt Mills Village
- Lot Block Reference: 44
- Plan Number: 3254
- Record Owner: Mrs. Michelle Q. Profit
- Lot Information:
 - 347: Burnt Mills Village
 - 44: 44
 - 3254: Mrs. Michelle Q. Profit, 240 Northwest Terrace, Silver Spring, Maryland 20901, Telephone: (301) 993-0087
 - 347: Michelle Q. Profit, 40 Pine Orchard Lane, Silver Spring, Maryland 20901, Telephone: (301) 993-0087
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- Water Supply: Potomac River (State 1)
- Sanitary Sewerage: Potomac River (State 1)
- Stormwater: Potomac River (State 1)
- Fire Protection: Potomac River (State 1)
- Electric Service: Potomac River (State 1)
- Telephone Service: Potomac River (State 1)
- Gas Service: Potomac River (State 1)
- Other Utilities: Potomac River (State 1)
- Other Notes: Potomac River (State 1)

PREPARED FOR:
 Mrs. Michelle Q. Profit
 240 Northwest Terrace
 Silver Spring, MD 20901

PROJECT:
 Residential Re-subdivision
 Lot 34 Block J
 Burnt Mills Village Subdivision
 Montgomery County, Maryland

DESIGNED BY:
KEVIN FISHER & ASSOCIATES
 Architecture • Engineering • Construction Services
 1303 NORTHCREST DRIVE
 SILVER SPRING, MD 20904
 (301) 879-0886



COMPANY:
KEVIN FISHER & ASSOCIATES, INC.
 ARCHITECTURE • ENGINEERING • CONSTRUCTION SERVICES
 1303 NORTHCREST DRIVE
 SILVER SPRING, MD 20904
 (301) 879-0886

DATE: 2/11/11
SCALE: AS SHOWN
PROJECT NO.: 101090
DRAWING NO.: 0101

MEMORANDUM

DATE: October 26, 2001

TO: Montgomery County Planning Board

VIA: Joe R. Davis, Chief
Development Review Division

FROM: A. Malcolm Shaneman, Supervisor (301) 495-4587
Richard A. Weaver, Senior Planner (301) 495-4544
Planning Department Staff

REVIEW TYPE: Preliminary Plan Review

APPLYING FOR: Resubdivision of Existing Lot 34 Block J Burnt Mills Village For Two Lots

PROJECT NAME: Burnt Mills Village

CASE #: 1-01090

REVIEW BASIS: Chapter 50, Sec. 50-29 (b)(2), Montgomery County Subdivision Regulations, and Resubdivision Criteria

ZONE: R-90

LOCATION: North Side of Northwest Terrace 80 Feet Northwest of Northern Terminus of Oakwood Street

MASTER PLAN: Fairland – White Oak

APPLICANT: Eugene and Michelle Profit

FILING DATE: June 28, 2001

HEARING DATE: November 1, 2001



Shaneman
R.W.

STAFF RECOMMENDATION: Denial, Pursuant to Section 50-29 (b)(2), Montgomery County Subdivision Regulations

PROJECT DESCRIPTION:

This is a request to resubdivide an existing 0.69-acre (31,103 square feet) lot into two lots (17,873 square feet and 12,229 square feet). The review is subject to the criteria for resubdivision as outlined in Chapter 50, Section 50-29 (b)(2), the Montgomery County Subdivision Regulations, Resubdivision Criteria. As such, the proposed lots must be substantially of the size, shape, area, width, frontage, alignment and suitability for residential uses as the recorded lots within the defined neighborhood.

SITE DESCRIPTION:

The subject property (Lot 34) is located in the Burnt Mills Village subdivision, originally recorded by plat in the early 1950's. The subdivision is well established with existing homes and mature trees. Northwest Terrace, upon which the subject property fronts, forms a loop and therefore staff has established the *defined neighborhood* to include all lots fronting on Northwest Terrace, Southwest Terrace, Oakwood Street and Childs Street (specifically delineated on Vicinity Map included in packet).

The lot pattern within the neighborhood is fairly consistent with lots generally aligned perpendicular to the street. The narrowest frontages (65 –75 ft.) are those lots that are located on the outside curve of Northwest Terrace to the west of the subject property. These *radial* lots tend to be the narrowest within the neighborhood. Two houses on these lots have been built across lot lines to afford adequate width to construct. This would not be permitted under today's standards, and staff notes for the Board that the resubdivision criteria require comparison of the proposed lots to existing lots as *platted*, and not of the lots as developed. Lot shape is somewhat variable, although the majority of lots are square or rectangular with the aforementioned radial lots being somewhat pie-shaped. Two irregularly shaped rectangle lots front on Oakwood Street. No flag lots are found within the neighborhood.

Lot 34 is the largest within the defined neighborhood at 30,103 square feet. The majority of lots fall within the range of 14,000 square feet to 25,000 square feet (see chart containing quantified lot analysis). The proposal would create two lots: 17,873 square feet and 12,229 square feet.

DISCUSSION:

Again, this request is to create two lots that staff has examined for consistency with the subdivision criteria. It is the staff determination that the requested lots will fail the criteria for size, frontage and useable area. Although the 12,229 square foot lot will not be the smallest within the neighborhood, it is well toward the smaller end of the scale. Staff further notes that the smaller lots in the neighborhood have wider frontage than proposed (e.g., lots 2, 3, 4), thus the shape also would be inconsistent with smaller lots with straight road frontage. Only 7 lots would be smaller. Frontage on this lot is 75 feet, and staff notes frontage this narrow exists in the neighborhood only within the lots located on the radial curve of Northwest Terrace (and not on the straight road frontages). Neither of the proposed lots are true radial lots.

Additionally, staff concludes that the area of the smaller proposed lot. Fails to meet the resubdivision criteria. While the smaller proposed lot *could* accommodate a residential unit, the area available for a house location is the smallest within the neighborhood and is inconsistent with the building area within the neighborhood.

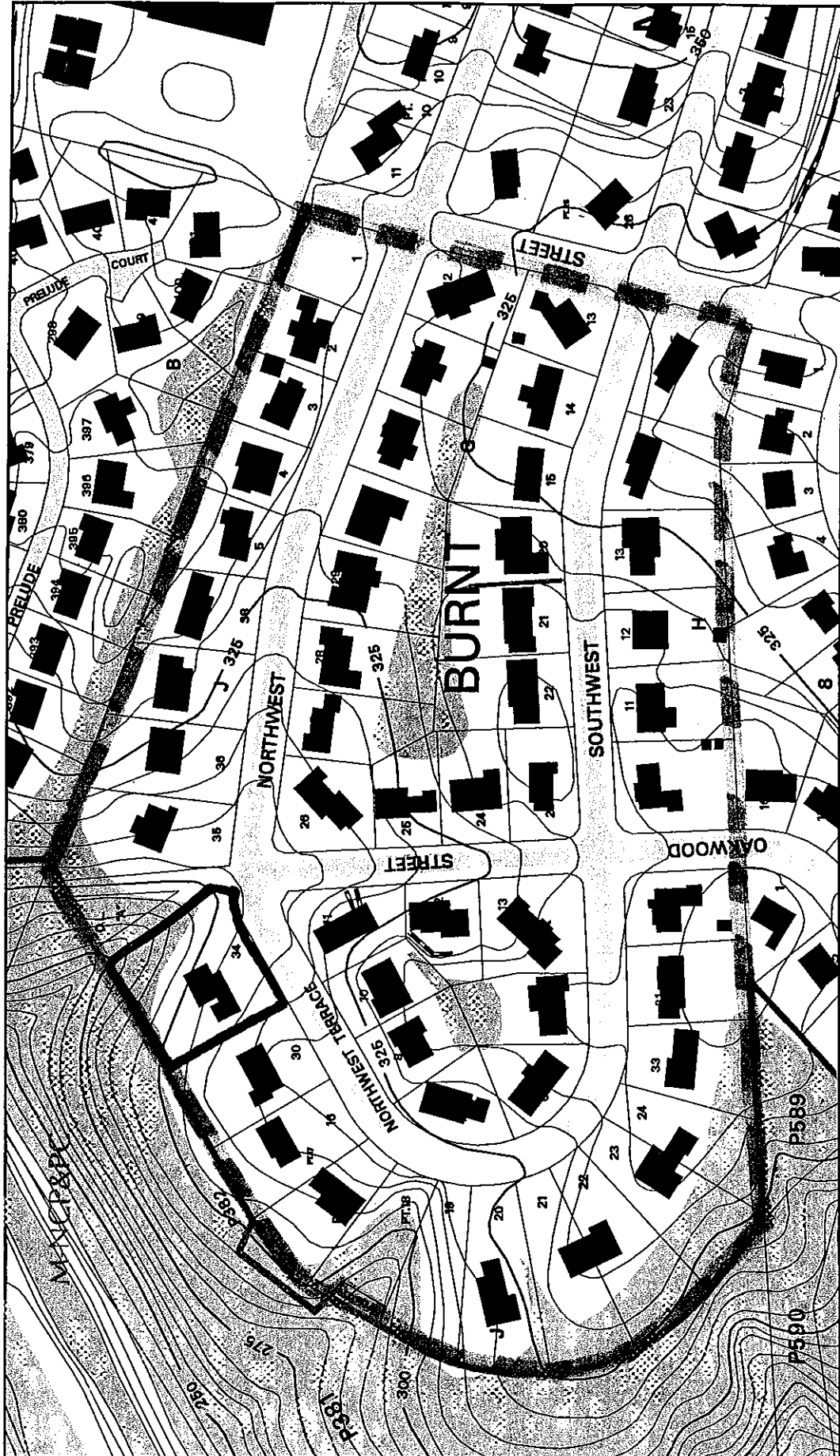
CONCLUSION:

The staff review identifies four criteria upon which the resubdivision fails: size, useable area, shape and frontage. It should be reiterated that the Planning Board must find that the proposed resubdivision substantially meets *all* of the resubdivision criteria. Staff based failure of the size and frontage criteria on the fact that the smaller proposed lots is closer to the size of the smallest lots within the neighborhood and would not be representative of the median range. The small lots, with narrow street frontage, also are not consistent with the character of the smaller lots that have wider road frontage, or with the narrower radial lots that include more square footage. It also was staffs' determination that the useable area of the proposed small lot would actually be the least within the defined neighborhood, thereby giving cause for finding failure to meet the resubdivision criteria.

Attachments

Vicinity Development Map	4
Neighborhood Delineation Map	5
Proposed Development Plan	6
Tabular Summary	7 - 8
Citizen Correspondence	9 - 24

VICINITY MAP FOR
BURNT MILLS VILLAGE, LOT 34 BLK. J



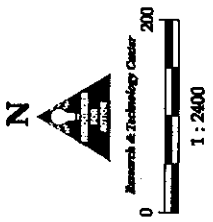
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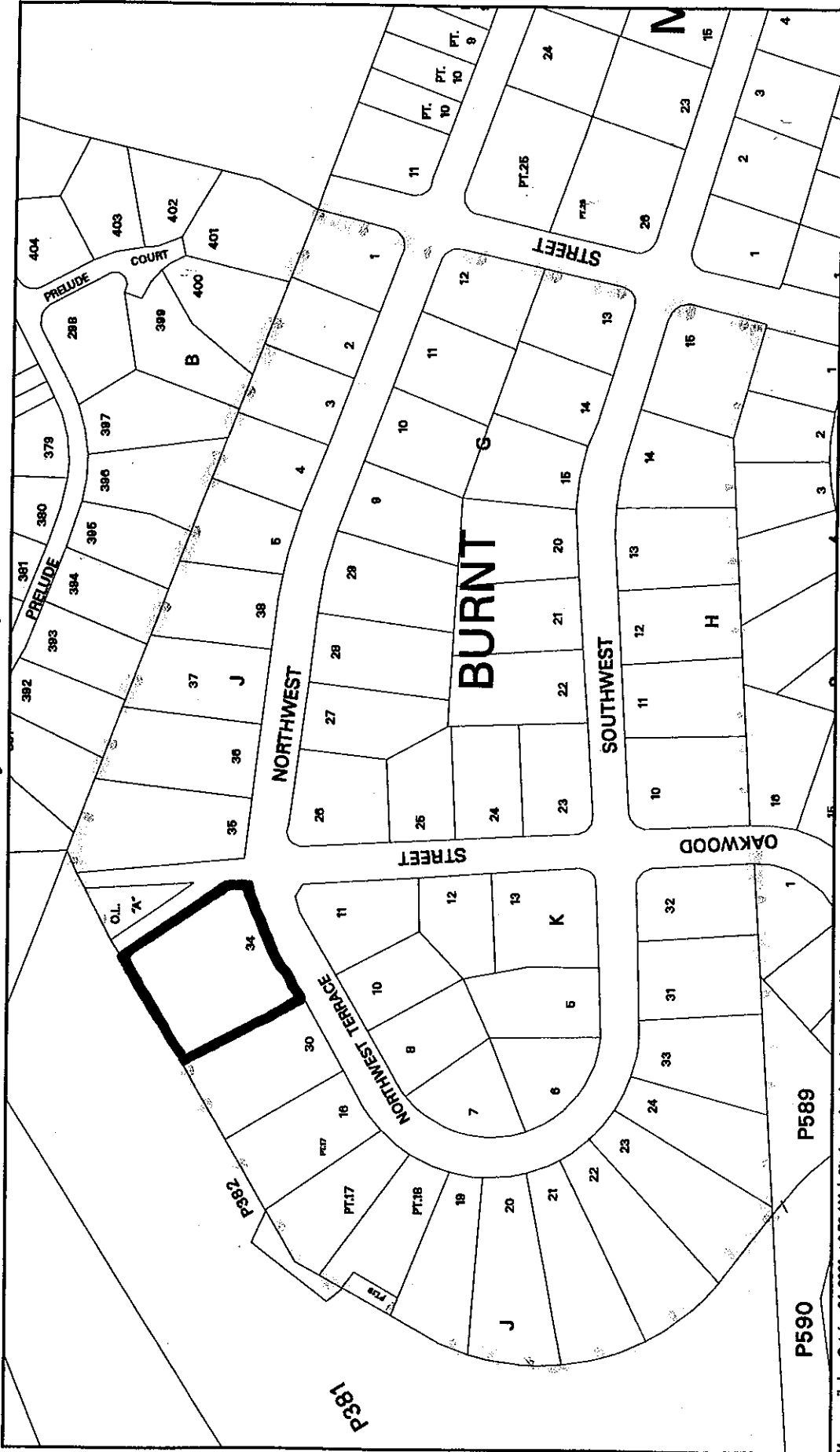
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MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING
 THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
 8767 Georgia Avenue - Silver Spring, Maryland 20910-9780



VICINITY MAP FOR

BURNT MILLS VILLAGE, LOT 34 BLK. J (1-01090)



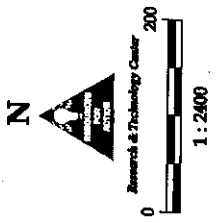
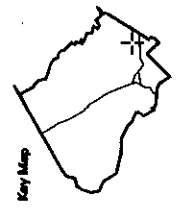
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MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING
 THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
 6767 George Avenue - Silver Spring, Maryland 20910-4790



RESUBDIVISION
Residential Re-subdivision
Block J
Lot 34
Burn Mill Village County, Maryland

Architects: **KEVIN FISHER & ASSOCIATES**
 1303 NORTHWEST DRIVE
 SILVER SPRING, MD 20904
 (301) 975-0886

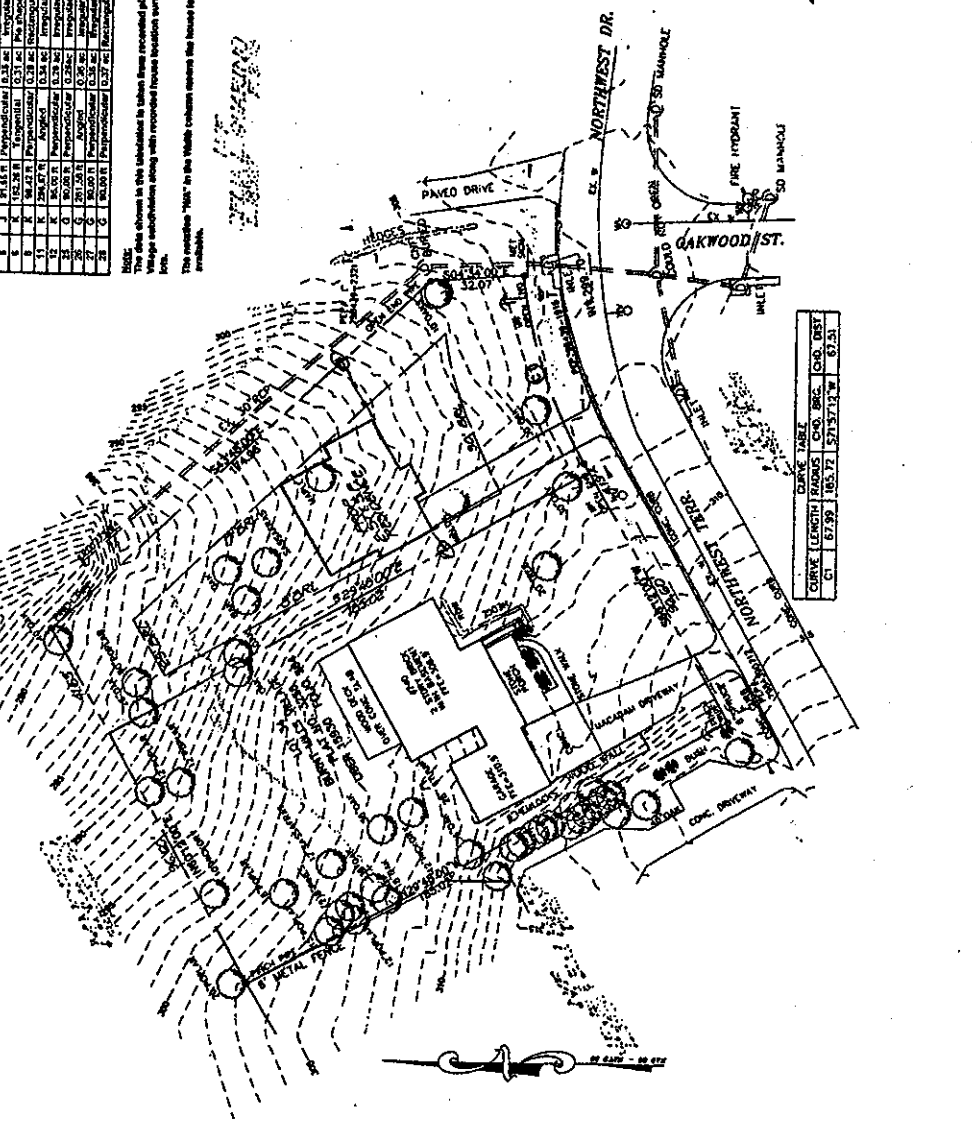
1 01090

GENERAL NOTES:
 1. Subdivision Name:
 2. Lot Area:
 3. Plat Book Reference:
 4. Plat Number:
 5. Record Owner:
 6. Lot Information:
 7. Easement:
 8. Water Supply:
 9. Surveyor's Management:
 10. Boundary & Topography:
 11. Easement/Shared Easement:
 12. Existing Easement/Shared Area:
 13. Year Construction Plan:
 14. New Year Construction:
 15. New Title Worksheet:
 16. Subj. Classification (Map 34):
 17. Division District:
 18. Proposed Re-subdivision Data:
 19. Number of Lots:
 20. Total Area:
 21. Total Existing Lot (pl) Area:
 22. Proposed Lot (pl) Area:
 23. The Map No. (pl):
 24. The Sheet No. (pl):
 25. Map Page No.:

Comparable Lot Data Table

Lot #	Block	Area	Shape	Value	Lot Area
1	1	0.17	Rectangular	11,000.00	28,000.00
2	1	0.17	Rectangular	11,000.00	28,000.00
3	1	0.17	Rectangular	11,000.00	28,000.00
4	1	0.17	Rectangular	11,000.00	28,000.00
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39	1	0.17	Rectangular	11,000.00	28,000.00
40	1	0.17	Rectangular	11,000.00	28,000.00

GENERAL NOTES:
 1. The data shown in this tabulation is taken from recorded plat(s) of the Survey 1888.
 2. Major subdivisions along with recorded house location surveys for neighboring lots.
 3. The section "Map" in the title column shows the house location survey was not recorded.



RESUBDIVISION
Residential Re-subdivision
Block J
Lot 34
Burn Mill Village County, Maryland

Architects: **KEVIN FISHER & ASSOCIATES**
 1303 NORTHWEST DRIVE
 SILVER SPRING, MD 20904
 (301) 975-0886

GENERAL NOTES:
 1. Subdivision Name:
 2. Lot Area:
 3. Plat Book Reference:
 4. Plat Number:
 5. Record Owner:
 6. Lot Information:
 7. Easement:
 8. Water Supply:
 9. Surveyor's Management:
 10. Boundary & Topography:
 11. Easement/Shared Easement:
 12. Existing Easement/Shared Area:
 13. Year Construction Plan:
 14. New Year Construction:
 15. New Title Worksheet:
 16. Subj. Classification (Map 34):
 17. Division District:
 18. Proposed Re-subdivision Data:
 19. Number of Lots:
 20. Total Area:
 21. Total Existing Lot (pl) Area:
 22. Proposed Lot (pl) Area:
 23. The Map No. (pl):
 24. The Sheet No. (pl):
 25. Map Page No.:

AB CONSULTANTS, INC.
 1000 WASHINGTON BLVD
 SUITE 200
 SILVER SPRING, MD 20910
 (301) 975-0886

DATE: 08/21/00
 DRAWN BY: J. J. JONES
 CHECKED BY: J. J. JONES
 PROJECT NO.: 00000000

PROJECT NO.: 00000000
 SHEET NO.: 00000000
 TOTAL SHEETS: 00000000

Comparable Lot Data Table

Lot #	Block	Frontage (ft)	Alignment	Size (sq ft)	Shape	Width (ft)	Area	Comments
30	J	120.00 ft	Perpendicular	22,204	Rectangular	120	9,992	
31	J	100	Perpendicular	16,205	Rectangular	100	7,300	
32	J	100	Perpendicular	16,929	Rectangular	100	7,620	
33	J	70	Perpendicular	16,182	Rectangular	80	7,280	
34	J	97	Perpendicular	17,873	Rectangular	96.6	8,010	Proposed
34-B	J	72	Perpendicular	12,229	Irregular	75	5,500	Proposed
35	J	82	Angled	25,038	Irregular	100	11,270	
36	J	100	Perpendicular	20,944	Rectangular	90	9,420	
37	J	100	Perpendicular	18,470	Rectangular	89	8,310	
38	J	100	Angled	12,409	Rectangular	92	5,580	
1	J	95	Perpendicular	12,188	Rectangular	95	5,480	
2	J	95	Perpendicular	12,424	Rectangular	95	5,590	
3	J	95	Perpendicular	12,543	Rectangular	95	5,640	
4	J	95	Perpendicular	12,664	Rectangular	95	5,070	
5	J	90	Perpendicular	14,273	Irregular	86	6,420	
16	J	83	Perpendicular	17,328	Irregular	84	7,800	
17	J	55	Perpendicular	16,463	Irregular	66.5		Pt of Lot
18	J	55	Perpendicular	0.38 ac	Irregular	66.5		Pt of Lot
19	J	55	Perpendicular	18,726	Irregular	71.5	8,430	
20	J	55	Perpendicular	21,602	Irregular	71.5	9,720	
21	J	55	Perpendicular	23,279	Irregular	53.3	10,480	
22	J	55	Perpendicular	23,360	Irregular	55.02	10,510	
23	J	55	Perpendicular	22,257	Irregular	55.02	10,010	
24	J	55	Perpendicular	17,216	Irregular	55.02	7,750	
5	K	84	Perpendicular	15,155	Rectangular	140	6,820	
6	K	182	Tangential	13,417	Pie Shape	155	6,040	
7	K	182	Perpendicular	12,255	Pie Shape	150	5,510	
8	K	96	Perpendicular	12,336	Rectangular	90	5,550	
10	K	110	Perpendicular	14,718	Irregular	140	6,620	
11	K	297	Angled	14,718	Irregular	128	6,620	
12	K	95	Perpendicular	11,412	Irregular	95	5,140	
13	K	123	Perpendicular	13,621	Rectangular	140	6,130	

Comparable Lot Data Table

Lot #	Block	Frontage (ft)	Alignment	Size (sq ft)	Shape	Width (ft)	
9	G	85	Perpendicular	14,407	Retangular	90	6,480
10	G	105	Perpendicular	14,572	Retangular	105	6,640
11	G	105	Perpendicular	14,284	Retangular	105	6,430
12	G	80	Perpendicular	14,039	Retangular	100	6,320
13	G	92	Perpendicular	14,259	Retangular	100	6,420
14	G	100	Perpendicular	13,443	Retangular	100	6,050
15	G	89	Perpendicular	14,834	Retangular	100	6,680
20	G	90	Perpendicular	16,942	Retangular	100	7,620
21	G	85	Perpendicular	17,188	Retangular	85	7,730
22	G	95	Perpendicular	17,572	Retangular	95	7,910
23	G	85	Perpendicular	13,414	Retangular	110	6,040
24	G	90	Perpendicular	13,500	Retangular	90	6,080
25	G	90	Perpendicular	11,908	Retangular	90	5,360
26	G	111	Perpendicular	15,536	Retangular	111	6,990
27	G	90	Perpendicular	15,153	Irregular	90	6,740
28	G	90	Perpendicular	16,065	Retangular	90	7,230
10	H	100	Perpendicular	19,360	Retangular	100	8,710
11	H	105	Perpendicular	17,015	Retangular	105	7,660
12	H	100	Perpendicular	16,205	Retangular	100	7,290
13	H	100	Perpendicular	16,662	Retangular	100	7,500
14	H	157	Perpendicular	18,357	Irregular	150	8,260
15	H	120	Perpendicular	18,314	Square	120	8,240

Donald M. McKee
305 Northwest Drive
Silver Spring, MD 20901
301.593.4591

July 25, 2001

Mr. Malcolm Shaneman
Subdivision Office Development Review Division
Maryland-National Capital Park and Planning Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910

RE: Plan No. 1-01090
240 Northwest Terrace

Dear Mr. Shaneman:

This concerns applicant Michelle Q. Profit's desire for you to approve a plan to subdivide Lot #34 in Burnt Mills Village. This lot and our entire neighborhood was platted in 1952. That lot has remained as it currently exists for these 49 years. All of our homes were constructed in the early to mid-1950's, with nary a new house completed since then. I write as an owner that is located less than 200 feet from the southeast corner of this lot. I have lived here for 42 years and have greatly admired this splendid piece of property which all of the owners have kept in excellent condition (mowed and debris-free). I am also President of our Home Association (310 lots).

Before processing this application further, I believe you should consider the following points and observations. Of course, a personal visit by your staff would allow you to understand the feelings of our neighbors (and mine) if this is approved.

1. Almost all of our houses are sited at street level or above (less than 2% are slightly below street grade). This aesthetically forms the basis for what we consider is a very beautiful neighborhood. We thus ask that, if this application is approved, that the first floor level be set at least at elevation 307 which is the street level opposite its front entrance. This would set the basement level at approximately 299. If the contours on the map are correct (which we must assume), you will now note that the present ground elevation is at 298 (front, center of the proposed structure) and at 292.5 (!!) at the back. There will be required a gigantic amount of fill in the front to bring the yard up to street level and under the basement floor level. This amount of imported soil, duly compacted, is nowhere available in this area.
2. Access way to the Northwest Branch stream. For all of these years, no owner has ever impeded our families (and outsiders too) from traversing their property to take enjoyable hikes down the gully to the stream. If a house is allowed as shown, the owner, I am sure, will feel it necessary to fence along his eastern property line, since


the "walkers" will now be just outside his house's walls. This then leaves the 25 foot wide strip (owned by the County) over the existing 30-inch storm drain as the only access to the parklands. (There is no other easily navigable entrance to the stream anywhere else in our neighborhood.) With the northeast corner of lot 34 spotted only 10 feet west of the discharge pipe and 20 feet down the hill (to the north) from the pipe and with a fence installed, there is now no safe entrance to the park. You must see this to make a judgement! To maintain this access, it will be necessary for the County to extend this 30-inch pipe at least 50 feet down the gully and then properly grade over top of it. The 25-foot pathway closer to the street requires work on it also due to trees growing thereon. The terrain over the pipe and down the free-flowing water path is not safe for pedestrians or any equipment that might have to be brought in for maintenance. In short, you must use the owner's side of the property line for maintenance or access. With a fence you cannot get in there for anything.

3. Drainage. Storm run-off from the three streets that form this "T" intersection exits through this 30-inch sewer line. In my 40+ years here, I have personally seen during a heavy, heavy rainstorm and with a partially obstructed catch basin or pipe, surface water rise over the curb and cascade down this lot toward the low ground. Each of the streets have a 6-8% downward grade with surface run-off coming down three streets (30 home sites with driveways). In short, that is no place to put a house even with a massive on-site fill-in program when this situation arises. There is also an 8 inch W.S.S.C. sanitary drain that cuts through this area in its way down to the trunk sewer at the stream side (again, serving some 30 homes).

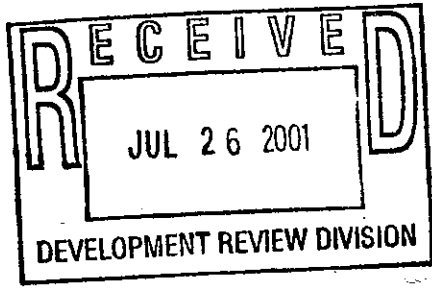
A neutral party must "walk" this lot to see the magnitude of these problems. Some 12 years ago, a previous owner tried this but the project did not move forward. You may refer to your file 1-89078, with the last correspondence of 2/13/91, and hopefully find several letters from our neighborhood owners. We have copies of some if you would like to see them. While maintaining the aesthetics of our streets is important, the above obstacles represent some points that need further reflection.

As an aside, the 40-foot oak shown on the AB Consultants/Fisher drawing does not exist where shown on the northeast corner of the lot. Also, the current house FFE is given as 306.9' with the adjacent garage as 310.9' - however, there is not a 4' difference between these two levels! The garage seems to be the correct one per the drawing contours based on the street level and an "eyeball" calculation.

Very Truly Yours,


Donald M. McKee
Maryland Professional Engineer
License #6226 (1960)

In short, I would 100%
support a decision to
disapprove this application



20 July 2001
221 NORTHWEST TERR.
SILVER SPRING, MD 20901

MR. MALCOLM SHAVEMAN
SUBDIV. OFFICE DEVELOPMENT REVIEW DIV.
MS. NATIONAL CAPITAL PARK & PLANNING COM. CTR.
8757 GEORGIA AVE.
SILVER SPRING, MD. 20910

Dear Mr. Shaveman

It has come to my attention that there is a plan to subdivide ^{the lot} across the street from my house and put a 2 Story house on the property. I would hope that the request for this plan will be denied because of the congestion it would cause. When our neighborhood was laid out it was intended that the larger lots would provide space for trees, grass, and a general feeling of spaciousness. This addition of a 2 story house on such a small lot amounts to overcrowding. Please do not approve the request to do this.

Respectfully yours,
Robert J. Lyon

Mr. and Mrs. William W. Gay
318 Northwest Drive
Silver Spring, Maryland 20901

March 23, 1989

Mr. Malcolm Shaneman
Subdivision Office
Development Review Division
Maryland-National Capital Park and Planning Commission
8787 Georgia Avenue,
Silver Spring, Maryland 20910

Dear Mr. Shaneman:

I wish to address the proposed division by Sylvia Himmelfarb of Lot 34 in Burnt Mills Village to create two lots (old 34 and new lot 36). The property in question is located at the intersection of Northwest Terrace and Oakwood Street. I believe this proposal is given the number, Plan 1-89078.

I live in the fifth house up the street from Mrs. Himmelfarb's property, at 318 Northwest Drive. I have resided at my current address for twenty years and have occupied various offices in the Burnt Mills Village Citizens Association. I am currently the Treasurer of that Association.

I wish to go on record that I strongly oppose this lot subdivision requested by Mrs. Himmelfarb for the following reasons:

1. The proposal is totally incompatible with the overall plan of the subdivision as built 30 to 40 years ago.
2. The proposed new lot is too small to support building a new house which is compatible in size, style, setback, and height with those of its immediate neighbors so anything built in the proposed location will stick out like an unsightly sore thumb.
3. The proposed site for the house is really not suitable for building in any reasonable sense because of the steep slope, location within a drainage field, close proximity of the house to Northwest Branch and to the pathways which run between the street and Northwest Branch Park, and the probable inability to adequately control erosion and runoff of soil into Northwest Branch during and after construction.
4. The value of the property of the immediate neighbors will be downgraded.
5. This kind of action would set a precedent for further similar actions which would have the effect of a general reduction in property values within the entire subdivision. Right now, Burnt Mills Village is a quiet, high quality, sought after area in which to live and there is no justification for cheapening it.

Just a few technical notes should be made. The proposal is identified as Burnt Mills Manor when, in fact, the property is in Burnt Mills Village. The proposal includes creating a new Lot 36. I believe there already exists a Lot 36 which I believe is 302 Northwest Drive.

I may be mistaken on this point, but from pacing off the property frontage, I believe the survey is not accurate compared to the actual situation on the ground and that some parts of the pathways to the parkland and the outlot have been miss located and included within the Himmelfarb property. This should be checked very carefully along with any constraint or easements on this area in the original subdivision plan.

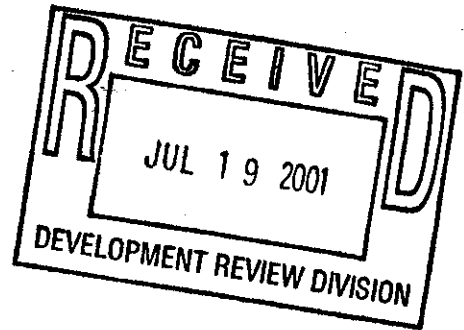
You may reach me at telephone number 593-9255 or at the above address.

Sincerely

William W. Gay

July 13, 2001

Mr. Malcolm Shaneman
Subdivision Office Development Review Division
Maryland-National Capital Park and Planning Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910



RE: Plan No. 1-01090

Dear Mr. Shaneman,

We are writing in regards to a preliminary plan that was presented to us on July 10 by Eugene and Michelle Profit of 240 Northwest Terrace, Silver Spring, Maryland. As we understand it, the plan is to split existing lot 34, on which there is currently a large two story house, into two lots and build a two story house on the split lot. Our residence is on Northwest Drive, lot 35, at the intersection of Northwest Drive, Northwest Terrace and Oakwood Drive. It is immediately adjacent to the proposed subdivision and new structure. We believe it is our lot that will be most severely impacted.

We are writing to express our strong opposition to this plan for the following reasons:

1. We bought our current residence in March, 2001, for two reasons: (a) the way the house is situated relative to our neighbors and the park, and (b) the sense of "openness" of the immediate neighborhood. It is obvious that the houses were strategically located and built to be in harmony with the environment. There are wide expanses of lawns, mature trees, and houses that were built to "blend in" with the environment. The layout of the properties and the natural terrain create an atmosphere that is unique. On one side of our house, there is open space and entry into the park – that is exactly where the proposed subdivision and building would be situated. While entry into the park would be maintained, it will not look or feel as special and inviting as it currently is. Essentially, the reasons we bought our house will be entirely nullified.
2. Destruction of the ambience and close proximity to another structure will devalue our property and reduce its potential for appreciation.
3. The proposed new lot is relatively small and will look entirely out of place. This is not at all in harmony with the plans that were set and recorded in 1952, when this village was envisioned. The lots and structures were not merely designed to "meet code". The proposed subdivision and structure will effectively destroy it all.

4. We are concerned that construction will negatively impact the environment. There is potential harm to old and vintage trees. Construction on land with that type of slope will most certainly create erosion and run-off.

Sincerely,

Celia Guarino

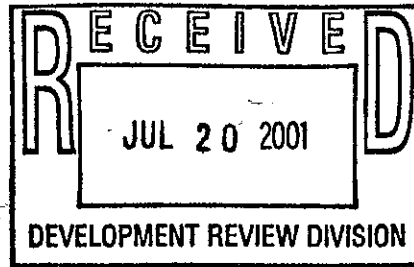


Joan Kelly



Co-Owners of 300 Northwest Drive

July 15, 2001



Mr. Malcolm Shaneman
Subdivision Office Development Review Division
Maryland-National Capital Park and Planning Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910

RE: Plan No. 1-01090

Dear Mr. Shaneman,

We are writing in regards to a preliminary plan that was presented to us on July 10 by Eugene and Michelle Profit of 240 Northwest Terrace, Silver Spring, Maryland. As we understand it, the plan is to split existing lot 34, on which there is currently a large two story house, into two lots and build a two story house on the split lot. Our residence is on Oakwood Drive at the intersection of Northwest Drive, Northwest Terrace and Oakwood Drive. It is immediately across from the proposed subdivision and new structure.

We are writing to express our strong opposition to this plan for the following reasons:

1. It is obvious that the houses were strategically located and built to be in harmony with the environment. There are wide expanses of lawns, mature trees, and houses that were built to "blend in" with the environment. The layout of the properties and the natural terrain create an atmosphere that is unique. Across from our house, there is open space and entry into the park – that is exactly where the proposed subdivision and building would be situated. While entry into the park would be maintained, it will not look or feel as special and inviting as it currently is.
2. Destruction of the ambience will devalue our property and reduce its potential for appreciation. Instead of looking out into woodland, we will be looking at a two-story residence.
3. The proposed new lot is relatively small and will look entirely out of place. This is not at all in harmony with the plans that were set and recorded in 1952, when this village was envisioned. The lots and structures were not merely designed to "meet code". The proposed subdivision and structure will effectively destroy the beauty of the area.

4. We are concerned that construction will negatively impact the environment. There is potential harm to old and vintage trees. Construction on land with that type of slope will most certainly create erosion and run-off.

Sincerely,

Brooke Long / Jim Dull

Name:

Brooke + Luis Diaz

Address:

1114 Oakwood St.

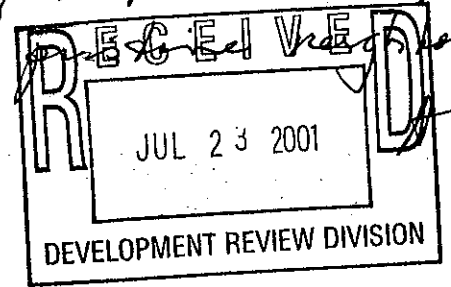
Silver Spring, MD. 20901

Same address

July 21, 2001

Malcolm Shaneman
Subdivision Office Development Review Division
Maryland-National Capital Park and Planning Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910

*A house of this style,
size, and vintage is
out of character for
this neighborhood*



RE: Plan Number 1-01090

Dear Mr. Shaneman,

We have been advised that a preliminary plan has been submitted to subdivide Lot 34, 240 Northwest Terrace, Silver Spring, and build a two-story house on the split lot. We are writing to express our opposition to this plan for the following reasons:

1. The neighborhood is unique in that the houses were strategically located and built to be in harmony with the environment. There are expanses of lawns, mature trees, and houses that were built to "blend in" with the environment. The layout of the properties and the natural terrain create a special ambience. The subdivision and two-story structure will essentially introduce a look and feel that will detract from what makes this neighborhood so special. While entry into the park would be maintained, it will not look or feel as special and inviting as it currently is.
2. Destruction of the ambience, aesthetics, and close proximity to another structure will potentially devalue property and/or reduce its potential for appreciation.
3. The proposed new lot is relatively small and will look entirely out of place. This is not at all in harmony with the plans that were set and recorded in 1952, when this village was envisioned. The lots and structures were not merely designed to "meet code". The proposed subdivision and structure will effectively destroy what was intended and created.
4. We are concerned that construction will negatively impact the environment. Old and vintage trees will potentially be harmed. Construction on land with that type of slope will most certainly create erosion and run-off.

Sincerely,

Allen E. Cherveney

Name: ALLEN E. CHERVENY

Address: 317 NORTHWEST DRIVE

SILVER SPRING, MD. 20901

301-593-6779

Re: Plan # 1-89078

301 Northwest Drive
Silver Spring, MD 20901
March 20, 1989

Mr. Malcolm Shaneman
Subdivision Office, Development Review Division
Maryland-National Capital Park and Planning Commission
8787 Georgia Avenue
Silver Spring, MD 20910

Dear Mr. Shaneman:

I reside directly across the street from the proposed subdivision and have owned this house since August 1969.

The configuration of existing Lot 34, was, along with the others in the subdivision, set and recorded in 1952.

Two main points must be made about this application. The first is that the granting of this application would result in a lot and home totally incompatible with the others in the neighborhood and immediate vicinity. Note that in order to fit even a small house onto the proposed Lot 36 requires the structure to be squeezed onto the lot much further forward toward the street than the existing structures on either side.

Another point that is apparent after studying the plan for a few minutes is that the configuration and size of existing Lot 34, as well as the designation of Outlot "B", was dictated by the topography and drainage in the area between existing Lot 34 and Lot 35. The area was unbuildable! Why else would a subdivider not have used this area to add another lot to his subdivision. What the topographic lines show, and a visual inspection would make even more apparent, is that this site is a man made broad swale that abruptly becomes a steep rocky stream, fed by a storm sewer and natural surface run-off. This water flows down a very steep incline directly into the Northwest Branch, visible in the wintertime by walking about two hundred feet onto MNCPPC property.

My other objection to the granting of this application rests on more philosophical or esthetic grounds. There are many subdivisions in Montgomery County in which topography and/or other practical considerations have produced lots much larger than the minimum required by the zoning. This is what makes interesting neighborhoods as well as some homes more valuable than others. Just because a historical accident, or a practical reason like slope, put a house on its lot in such a way that the lot could be divided, is, in my opinion, not a reason to allow this division to take place. If carried to its logical conclusion the practice would result in the destruction of many fine old neighborhoods which make the county what it is.

I ask that this subdivision application be denied, for the reasons enumerated above.

Thank you for allowing me to communicate my concerns.

Sincerely,

Bernard Fridovich

J.L. (Jack) Gates
405 Southwest Drive
Silver Spring, Maryland 20901

March 22, 1989

Mr. Malcolm Shaeman
Subdivision Office
Development Review Division
Maryland-National Park & Planning Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910

RE: Subdivision of Burnt Mills Village Lot 34

Dear Mr. Shaeman:

I am a bit confused. As President of the Burnt Mills Village Citizens Association, I am under the impression that I am to receive a copy of any plans to subdivide property in the Burnt Mills Village Community within ten days of its filing. As of today's mail I have not received notice of such plan. A neighbor told me about the plan to split the existing improved lot 34 into two lots, lot 35 to include the existing house and lot 36 with a proposed new house. Since I have not been notified officially, I will comment as a member, rather than as a representative, of the Burnt Mills Village Community.

In talking with neighbors in Burnt Mills Village, as well as others, I am reminded that people do not simply buy a house; they are also purchasing intangibles such as the aesthetics of the neighborhood, the layout of the properties, the natural resources and even the ambience of the total community environment. Some of the more sophisticated buyers will review the master plan and development drawings to determine what changes to the current community may be anticipated. My neighbors have told me they were attracted to Burnt Mills Village by the harmonious use of natural terrain, retention of the natural vegetation and large trees, the spacious lots and broad front lawns. The developer created congruence in the layout of the community; the houses were not forced on to the lot, even the smaller lots featured an appropriate house in a proper location to be compatible with the rest of the neighborhood.

The existing lot 34 is a strange shape relative to the other lots, dictated by the contour of the land as well as the required access to the park property behind Burnt Mills Village. The pie-shaped proposed lot 36 requires the proposed house to pop up to the very front of the lot in order to force it to fit within the minimum requirements of the local zoning code. The house will sit out 30 feet in front of the other houses in that block, thus destroying the congruity of a block that was created over 35 years ago when the community was built.

Mr. Malcolm Shaeman

March 22, 1989

Page 2

Based on the drawing, it appears that the proposed lots will meet the minimum 9,000 square feet requirement for R-90 zoning. However, the community was not created by barely meeting the code. Is it fair to the others in the community to allow an incompatible lot and house to be created simply because it meets minimum requirements?

Which leads to another question: Can folks move into an established neighborhood, after reviewing the master plan and development drawings, without fear that overdevelopment will creep in and recreate the neighborhood? Seems reasonable that "progress" of this type should be representative of the wishes of the community rather than merely of a single propertyowner.

In a broader sense, I suggest that the subdivision of the property in long-established neighborhoods is generally not in the best interest of the community as a whole. If people buy a home based on the surrounding neighborhood, in addition to the attributes of the house itself, they should be reasonably able to rely on the filed documents to anticipate future changes. If a subdividing of the properties is to be done, let it be recorded at the time of the plans for the development are filed so folks will be aware of the possibility. Only if the sense of the community, by some form of representative vote, indicates a reconsideration of the original property layout would subdivision be appropriate.

An additional concern about the proposed subdividing of lot 34 is the requested waiver of stormwater management. Given the location of the property at the head of a swale and the necessary removal of many of the existing trees to accommodate the proposed house, I would think that the effect of stormwater erosion would be accelerated over the current conditions. Thus, full measures should be taken to protect the new lot 36 as well as the adjacent lots and the paths to the park, rather than waiving the requirements.

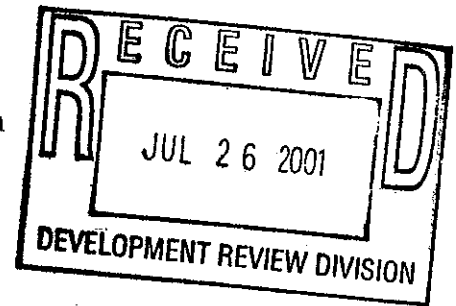
Thank you for your consideration of this important matter. Should you have any questions about my comments, or if you would like to discuss them further, I can be reached on 593-2127 in the evening or you may leave a message on the answering machine during the day.

Sincerely,

J. L. Gates

July 24, 2001

Malcolm Shaneman
Subdivision Office Development Review Division
Maryland-National Parks and Planning Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910



RE: Plan Number 1-01090

Dear Mr. Shaneman,

We have been advised the a preliminary plan has been submitted to subdivide Lot 34, 240 Northwest Terrace, Silver Spring, and build a two-story house on the split lot. I am writing once again to express my strong opposition to this plan.

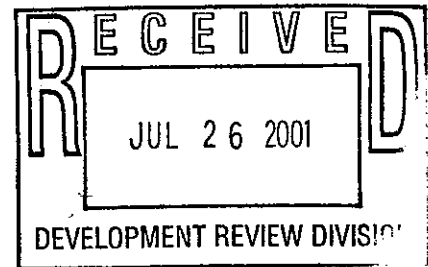
1. As an advocate of Environmental Protection, I am very much opposed to The sub-division of that lot. Enclosed are letters, given to me, after I Purchased the house, that were sent to you over 10 years ago. Those letters oppose the building of a house on that very same site. Nothing has changed. The building of a house would greatly disturb The natural topography of the land, and limit access to the parklands. Please reconsider, once again, denying the proposal of the sub-division. More than ever, we need to conserve our parks and our neighborhood.
2. The neighborhood is very unique, and when I first saw that piece of Land where my present house is located, I feel in love with the location To the park and the Northwest Creek. The layout of the properties And the natural terrain create a very special look and feel to the Neighborhood. The proposed new lot does not fit in at all with the Original plans for this village.

Sincerely,

A handwritten signature in cursive script that reads "Joan Kelly".

Joan Kelly
300 Northwest Drive
Silver Spring, Maryland
20901

Mr. Malcolm Shaneman
Subdivision Office, Development Review Division
Maryland-National Capital Park and Planning Commission
8787 Georgia Avenue
Silver Spring, MD 20910



1-01090

July 25, 2001

Dear Mr. Shaneman,

I am writing you in regard to plan # ~~V-89078~~

I reside directly across the street from the proposed subdivision and I am extremely upset that a proposal has been made to build on the tiny sliver of land that is one of the treasures of our neighborhood. I bought my house in March of this year as a quiet retirement home. I was attracted to the neighborhood because of the spaciousness of the lots and the large lawns and the fact that we were so near the entrance to the Northwest Branch and could enjoy the plentiful wild life that resides nearby.

My home at 301 Northwest Dr. was for sale for many months with a for-sale sign prominently displayed on the property, yet at no time was my real estate agent notified that there could be a possibility of construction nearby and more importantly, a demise of the graciousness of the neighborhood.

The configuration of existing Lot 34 was, along with the others in the subdivision, set and recorded in 1952.

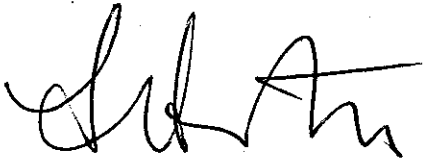
Two main points must be made about this application. The first is that the granting of this application would result in a lot and home totally incompatible with the others in the neighborhood and immediate vicinity. Note that in order to fit even a small house onto the proposed Lot 36 requires the structure to be squeezed onto the lot much further forward toward the street than the existing structures on either side.

Another point that is apparent after studying the plan for a few minutes is that the configuration and size of existing Lot 34, as well as the resignation of Outlot "B", was dictated by topography and drainage in the area between existing Lot 34 and Lot 35. The area was unbuildable! Why else would a subdivider not have used this area to add another lot to his subdivision? What the topographic lines show, and a visual inspection would make even more apparent, is that this site is a man-made broad swale that quickly becomes a steep rocky stream, fed by a storm sewer and natural surface run-off. This water flows down a very steep incline directly into the Northwest Branch, visible in the wintertime by walking about two hundred feet on top of MNCPPC property.

I would point out that the suburban areas around Washington, DC are under great pressure for development . One simply has to take a drive through Bethesda to see how homeowners have doubled the size of their homes, leaving little remaining lawn, to know how this trend can affect the quality of life of our neighborhoods. I believe that constructing a home on such a small, vulnerable piece of land would not only destroy the aesthetics of our neighborhood, but might set a precedent for distasteful development of other homes in the future.

Lastly, I come back to my concern for the wildlife of our neighborhood. I believe it is incumbent upon us to protect and preserve what little wildlife we have left among us, rather than unnecessarily destroy habitat. The mature trees that are situated on the proposed lot would be a great loss, as would the passage to the Northwest Branch that the deer, fox, rabbit, raccoon I have seen utilize daily.

Sincerely,

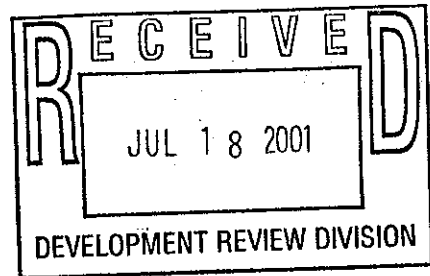
A handwritten signature in black ink, appearing to read "Perdita Huston". The signature is fluid and cursive, with a large initial "P" and "H".

Perdita Huston

301 Northwest Drive
Silver Spring, MD 20901

July 17, 2001

Malcolm Shaneman
Subdivision Office Development Review Division
Maryland-National Capital Park and Planning Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910



RE: Plan Number 1-01090

Dear Mr. Shaneman,

We have been advised that a preliminary plan has been submitted to subdivide Lot 34, 240 Northwest Terrace, Silver Spring, and build a two-story house on the split lot. We are writing to express our opposition to this plan for the following reasons:

1. The neighborhood is unique in that the houses were strategically located and built to be in harmony with the environment. There are expanses of lawns, mature trees, and houses that were built to "blend in" with the environment. The layout of the properties and the natural terrain create a special ambience. The subdivision and two-story structure will essentially introduce a look and feel that will detract from what makes this neighborhood so special. While entry into the park would be maintained, it will not look or feel as special and inviting as it currently is.
2. Destruction of the ambience, aesthetics, and close proximity to another structure will potentially devalue property and/or reduce its potential for appreciation.
3. The proposed new lot is relatively small and will look entirely out of place. This is not at all in harmony with the plans that were set and recorded in 1952, when this village was envisioned. The lots and structures were not merely designed to "meet code". The proposed subdivision and structure will effectively destroy what was intended and created.
4. We are concerned that construction will negatively impact the environment. Old and vintage trees will potentially be harmed. Construction on land with that type of slope will most certainly create erosion and run-off.

Sincerely,

Gloria M. Thomas

Name: *Gloria M. Thomas*

Address: *10828 Childs St.*

Silver Spring Md 20901