



**MONTGOMERY COUNTY PLANNING DEPARTMENT**  
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

**MCPB**  
**ITEM #**  
**2/1/07**

**DATE:** January 16, 2007

**TO:** Montgomery County Planning Board

**VIA:** Rose Krasnow, Chief *RK*  
Development Review Division

Richard Weaver, Planning Coordinator *RAW*  
Development Review Division

**FROM:** Dolores Kinney, Senior Planner (301) 495-1321 *DK*  
Development Review Division

**SUBJECT:** Request for an extension to the validity period – Preliminary Plan No. 12001066 – North Glen Hills

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**Recommendation:** Extend validity period to July 5, 2007

**Discussion:**

The subject preliminary was approved by the Planning Board on October 23, 2003 for two one-family residential lots located on the east side of Bratton Court, approximately 500 feet south of Sunset Drive. The resolution reflecting the Planning Board's action was mailed on December 4, 2003. Pursuant to the conditions of approval, the preliminary plan remained valid for 37-months (January 4, 2007) from the date of the mailing unless, prior to that date, the Applicant either recorded by plat all land shown on the approved plans or submitted a request to extend the validity period. Attached, please find the Applicant's timely request dated December 18, 2006 to extend the validity period for Preliminary Plan 120010660, (formerly 1-01066), North Glen Hills, for six months, until July 5, 2007. The extension is requested to afford the Applicant adequate time to record the plat.

Pursuant to Section 50-35 (h)(3)(d) of the Subdivision Regulations, "the Planning Board may only grant a request to extend the validity period of a preliminary plan if the Board is persuaded that:

- i. delays, subsequent to the plan approval by the government or some other party, essential to the applicant's ability to perform terms of conditions of the plan approval, have materially prevented applicant from validating the plan, provided such delays are not created by the applicant; or
- ii. the occurrence of significant, unusual, and unanticipated events, beyond applicant's control and not facilitated or created by applicant, have substantially impaired applicant's ability to validate its plan and that exceptional or undue hardship (c as evidenced, in part, by the efforts undertaken by applicant to implement the terms and conditions of the plan approval in order to validate its plan) would result to applicant if the plan were not extended."

The Applicant's letter seeks extension based on certain unanticipated delays by governmental agencies that have resulted in significant delays to the project as discussed below.

### **Applicant's Position**

As previously stated, the Planning Board approved the Subject Preliminary Plan on October 23, 2003. The preliminary plan approval was contingent upon the abandonment of Bratton Court, which was a public street on which the property fronts. According to the Applicant's letter dated December 18, 2006, the abandonment resolution, which was the basis of the record plat, was delayed which consequently delayed the approval of the preliminary plan plat. The adoption of the abandonment resolution was required prior to Planning Board approval of the preliminary plan record plat. Park and Planning records indicate that the Planning Board adopted the resolution for the abandonment on December 14, 2006. The Planning Board subsequently approved the record plat on December 21, 2006. As indicated, the applicant contends that ample time was not available to proceed with recordation of the plat.

### **Staff Position**

The request for extension is based on unanticipated delays by a governmental agency that has prevented timely recordation of the plat. It is staff's determination that the unanticipated delay outlined in the applicant's letter and summarized above is reasonable justification upon which the Planning Board can base the approval of the current extension pursuant to Section 50-35(h)(3)(d) of the Subdivision Regulations. Therefore, staff recommends that the preliminary plan be extended to July 5, 2007, to allow adequate time for all issues to be addressed prior to plat recordation.

### **Attachments:**

Extension Request Letter dated December 18, 2006.

PG Associates, Inc.  
932 Hungerford Drive, Suite 4B  
Rockville, MD 20850

December 18, 2006

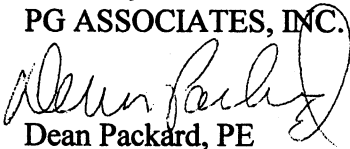
Ms. Taslima Alam  
MNCPPC  
8787 Georgia Avenue  
Silver Spring, MD 20910

Re: North Glen Hills  
Lots 13 & 14, Block 7  
#1-01066  
Extension Request

Dear Taslima:

At your request we are submitting this request to extend the preliminary plan for six months. This is assuming that the record plat will incur additional delays that would prevent the recording of the plat after January 4, 2007. The justification for this request is that the abandonment resolution that is the basis of the record plat was delayed due to government oversight from June when it was originally scheduled until December 14, 2006. This was required prior to the Planning Board approving the plat, scheduled for December 21, 2006. This limits the time available to record the plat prior to January 4, 2007.

Sincerely,  
PG ASSOCIATES, INC.

  
Dean Packard, PE  
President