

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

**MCPB**  
**Item #4**  
**April 5, 2007**



**REVISED MEMORANDUM**

**DATE:** ~~March 22, 2006~~ **March 29, 2007**

**TO:** Montgomery County Planning Board

**VIA:** Rose Krasnow, Chief *RK*  
Catherine Conlon, Supervisor *CC*  
Development Review Division *DK*

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

**REVIEW TYPE:** Preliminary Plan of Subdivision, Resubdivision of Existing Lot 10,  
Block A, Bannockburn Heights

**APPLYING FOR:** Two one-family detached residential lots

**PROJECT NAME:** Bannockburn Estates

**CASE #:** 120060670

**REVIEW BASIS:** Chapter 50, including Sec. 50-29 (b)(2), Montgomery County  
Subdivision Regulations

**ZONE:** R-200

**LOCATION:** Located at the northeast corner of the intersection of Selkirk Drive  
and Helmsdale Road

**MASTER PLAN:** Bethesda Chevy Chase

**APPLICANT:** Mr. Shafi M. Azimi

**ENGINEER:** Benning & Associates, Inc.

**FILING DATE:** January 3, 2006

**HEARING DATE:** April 5, 2007

**STAFF RECOMMENDATION:** Approval, subject to the following conditions:

- 1) Approval under this preliminary plan is limited to two (2) residential lots for the construction of two (2) one-family detached dwelling units.
- 2) The Applicant shall protect trees as shown on the Tree Save Plan dated July 17, 2006. No demolition, clearing or grading may occur prior to all required inspections as stipulated in Section 110 (*Inspections*) of the Forest Conservation Regulations.
- 3) Compliance with conditions of MCDPWT letter dated April 6, 2006, unless otherwise amended.
- 4) Prior to recordation of the plat, the Applicant shall provide proof that the existing structure has been demolished or renovated to bring it into compliance with the new lot lines depicted on the preliminary plan.
- 5) Compliance with the conditions of the MCDPS stormwater management approval dated January 12, 2006.
- 7) The Adequate Public Facility (APF) review for the preliminary plan will remain valid for sixty-one (61) months from the date of mailing of the Planning Board opinion.
- 8) Other necessary easements.

**SITE DESCRIPTION:**

Lot 10 ("Subject Property") is part of the Bannockburn Estates Subdivision, which was originally approved in 1958 as two (2) lots at its existing location. In 1960, a resubdivision plan was approved to consolidate the two (2) lots into the existing Lot 10. The Subject Property is located in the Cabin John Watershed, with the Use Class I-P, at the northeast corner of the intersection of Selkirk Drive and Helmsdale Road (Figure #1). The Subject Property contains 1.15 acres and is zoned R-200. Surrounded by one-family residential dwellings, there are no streams, wetlands, floodplains, environmental buffers or forests on the Subject Property. The property contains a dwelling, which will be partially removed. Access to the site is currently via a private driveway with access points on both Helmsdale Road and Selkirk Drive.



**Figure #1 - Bannockburn Estates Vicinity Map**

The above graphic depicts the Subject Property outlined in yellow.

## **PROJECT DESCRIPTION:**

This is a preliminary plan to re-create two (2) residential lots, which originally existed in 1958. The property was subsequently consolidated into the existing single lot. The property currently contains a dwelling, which would be bisected by the proposed lot line. A portion of this dwelling, ~~on the proposed Lot 16~~, will be removed to bring ~~it the proposed lots~~ into compliance with the setback requirements. ~~A portion of the remainder on Lot 17 will also of the dwelling, on the proposed Lot 17, will be demolished and replaced by a new dwelling~~ (Attachment A). Vehicular access to the property will be directly from Helmsdale Road and Selkirk Drive via private driveways. The property will be served by public water and sewer.

## **ANALYSIS AND FINDINGS**

### **Master Plan Compliance**

The Bethesda Chevy Chase Master Plan did not specifically address the Subject Property but did provide general guidance and recommendations for development

patterns and density. The Master Plan reconfirmed the one-family detached residential areas and supports the R-200 zoning. The current preliminary plan complies with the R-200 zone development standards in that it proposes two (2) one-family residential lots.

## **Transportation**

### Local Area Transportation Review

The proposed lots do not generate 30 or more vehicle trips during the morning or evening peak-hours. Therefore, the application is not subject to Local Area Transportation Review. Vehicular and pedestrian access and circulation will be safe and adequate with the proposed improvements.

## **Environment**

### Environmental Guidelines

The site does not include any streams, wetlands, or floodplains and there are no environmental buffers on the property. The property is not subject to the Planning Board's Environmental Guidelines.

### Forest Conservation

The Subject Property is exempt from the Forest Conservation Law per #4-06069E as a "Small Property" (less than 1.5 acre in size). There are a few significant trees (24" to 29" diameter at 4.5' above the ground) on and adjacent to the property, but none will be lost as a result of this subdivision. As noted below, several trees were cleared prior to submission of the application.

### Stormwater Management

On January 12, 2006, the MCDPS Stormwater Management Section approved the project's stormwater management concept which includes drywells for water quality control.

### Recent Tree Clearing Activity

Subsequent to the submission of the preliminary plan application, a neighboring citizen contacted the Development Review Division (DRD) to inform staff that several trees had been removed from the Subject Property prior to the submission of the plan. The preliminary plan was scheduled for the Planning Board Hearing on October 5, 2006, but was postponed until the neighbor's allegation could be investigated. On October 9, 2006, an MNCPPC inspector visited the site to determine the validity of the allegation and discovered that approximately 16 trees had been removed. Staff determined that

none of the trees were part of a forest, and none were specimen trees. Therefore, the tree clearing did not constitute a violation of the forest conservation law.

### **Compliance with the Subdivision Regulations and Zoning Ordinance**

This application has been reviewed for compliance with the Montgomery County Code, Chapter 50, the Subdivision Regulations. The application meets all applicable sections, including the requirements for resubdivision as discussed below. Access and public facilities will be adequate to support the proposed lots and uses. The proposed lot size, width, shape and orientation are appropriate for the location of the subdivision.

The lots were reviewed for compliance with the dimensional requirements for the R-200 zone as specified in the Zoning Ordinance. The lots as proposed will meet all the dimensional requirements for area, frontage, width, and setbacks in that zone. A summary of this review is included in attached Table 1. The application has been reviewed by other applicable county agencies, all of who have recommended approval of the plan.

### **Conformance with Section 50-29(b)(2)**

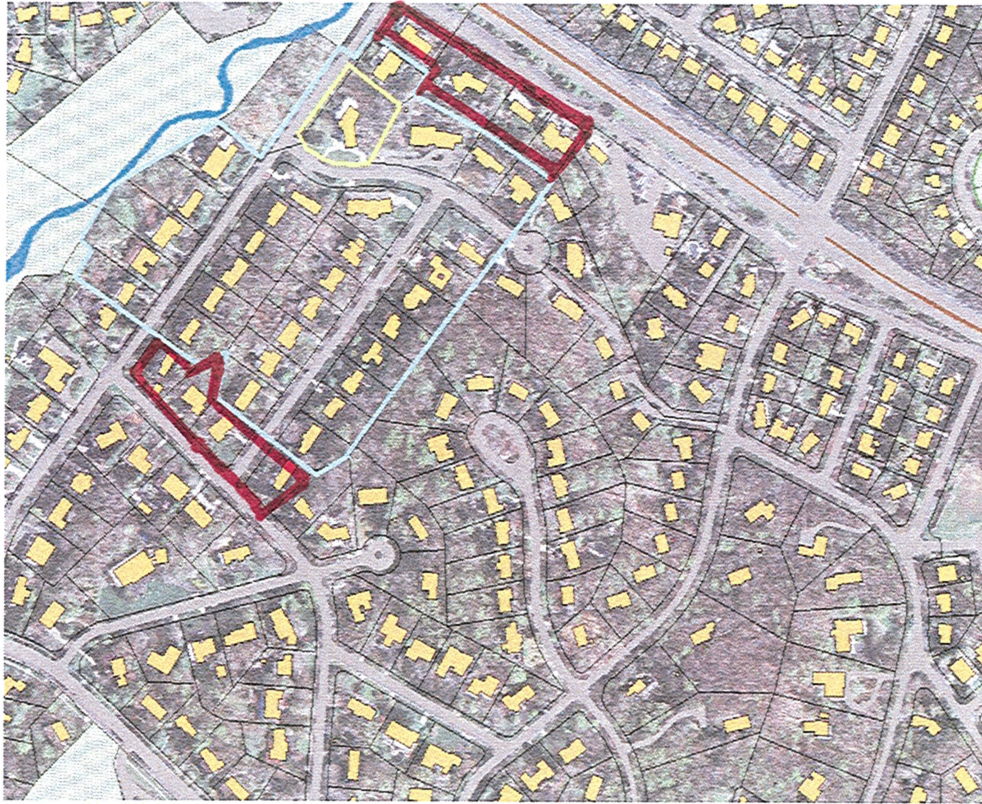
#### **A. Statutory Review Criteria**

In order to approve an application for resubdivision, the Planning Board must find that the proposed lot complies with all seven of the resubdivision criteria, set forth in Section 50-29(b)(2) of the Subdivision Regulations, 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.

#### **B. Neighborhood Delineation**

In administering the Resubdivision section, the Planning Board must determine the appropriate neighborhood (“Neighborhood”) for evaluating the application. In this instance, the applicant has proposed a Neighborhood of ~~30~~ 39 lots for analysis purposes as shown in Figure #2, outlined in light blue. The neighborhood extends north to River Road, west of Helmsdale Road, east of Raddington Place and south to Loch Lomond Drive. The applicant’s neighborhood delineation is appropriate because it includes abutting and confronting lots, and the lots on the main travel routes to the Subject Property. The Neighborhood provides an adequate sample that exemplifies the lot and development pattern of the area. The applicant has provided a tabular summary of the area based on the resubdivision criteria.



**Figure #2 – Neighborhood Delineation Map**

Figure #2 depicts the Neighborhood Delineation outlined in light blue.

### **C. Analysis**

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

In performing the analysis, Staff applied the resubdivision criteria to the delineated neighborhood. Based on the analysis, the proposed resubdivision will be of the same character as the existing lots in the neighborhood. As set forth below, the attached tabular summary, Attachment B, and graphical documentation support this conclusion:

**Frontage:** In a neighborhood of ~~30~~ 39 lots, lot frontages range from 100 feet to 408 feet. The proposed Lot 16 has a frontage of 381.20 feet and the proposed Lot 17 has a frontage of 104.70 feet. **The proposed lots will be consistent in character with other lots in the neighborhood with respect to frontage.**

**Buildable Area:** Lot areas range from ~~6,506~~ 6,095 square feet to 24,437 square feet in the neighborhood. **The proposed lot areas will be 9,641 square feet and 12,781 square feet. The proposed lots will be in character with the existing lots in the neighborhood with respect to area.**

**Lot Size:** The lot sizes in the delineated neighborhood range from 20,000 square feet to 44,960 square feet. The proposed Lots 16 and 17 will have lot sizes of 29,948 and 20,032 square feet, respectively. Lot 17 is one of 16 lots in the Neighborhood that are at, or near, 20,000 square feet in size. **Therefore, the lot sizes of the proposed lots are of the same character as the existing lots in the neighborhood.**

**Lot Width:** The lot widths in the existing neighborhood range from ~~100~~ 95 feet to 246.90 feet. **The proposed Lot 16 will have a width of 128.97 feet and Lot 17 will have a lot width of 104.70 feet which will be of the same character as the other existing lots in the neighborhood as it pertains to lot width.**

**Shape:** There are ~~eight (8)~~ ten irregular lots, one (1) square lot, and the remaining are rectangular lots. The proposed resubdivision will create one (1) irregular lot and one (1) rectangular lot. **The proposed lots will be of the same character as the existing lots in the neighborhood.**

**Alignment:** There are ~~three (3)~~ eight (8) corner lots, and the remaining lots are perpendicular. The proposed resubdivision will create one (1) corner lot and one (1) perpendicular lot. **The proposed subdivision will be consistent in character with the existing lots in the neighborhood as it pertains to alignment.**

**Residential Use Suitability:** The proposed lots are suitable for residential use.

## **Citizen Correspondence and Issues**

This plan submittal pre-dated new requirements for a pre-submission meeting with neighboring residents, however, written notice was given by the applicant and staff of the plan submittal and the public hearing date. As of the date of this report, two citizen letters have been received. Copies of these letters are shown in Attachment E.

The first letter was received from Michael Berman, a resident of Haddington Place, who expressed concerns pertaining to the removal of trees prior to the submittal of the preliminary plan, and the destruction of the continuity of the community fabric, which he believes this plan proposes. Staff is also concerned about the tree clearing prior to subdivision, but the forest conservation law does not currently prevent such clearing if it does not involve trees that are part of a forest. It is not possible to determine if tree save measures would have been required as part of this plan had the clearing not been done. As discussed above, Staff determined that the tree clearing which occurred is not a violation of the forest conservation law.

In addition, Mr. Berman's letter implies that the proposed resubdivision is not consistent with the existing character of the neighborhood and therefore destroys the continuity of the fabric of the community. Staff's review of a resubdivision plan must ensure that the plan complies with all County regulations in addition to the subdivision regulations, with special emphasis on Section 50-29(b)(2) of the Subdivision Regulations. This section of the subdivision regulations is specific to resubdivisions and indicate that 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. Based on the section in this report entitled, *Comparison of the Character of Proposed Lots to Existing*, the proposed Lots 16 and 17 are of the same character as the existing lots in the neighborhood.

Staff has also received a copy of a letter, that was sent to the Applicant from Douglas Boner of the Bannockburn Citizens Association (BCA), which indicate that the property is subject to private covenants recorded in 1940, that give the citizens association authority to approve or disapprove the proposed resubdivision plan. In this case, the BCA does not approve the proposed resubdivision. In reviewing subdivision applications, the Planning Board is not bound by the provisions of a private covenant. Attached, is a letter from the applicant's attorney explaining efforts to obtain support from the Bannockburn Citizens Association (BCA) regarding the proposed resubdivision.

## **CONCLUSION**

Section 50-29(b)(2) of the Subdivision Regulations specifies seven criteria with which resubdivided lots must comply. They are street frontage, alignment, size, shape, width, area and suitability for residential use within the existing block, neighborhood or subdivision. As set forth above, the two proposed lots are of the same character as the existing lots in the defined neighborhood with respect to each of the resubdivision criteria, and therefore, comply with Section 50-29(b)(2) of the Subdivision Regulations. The proposed lots meet all requirements established in the Subdivision Regulations and the Zoning Ordinance, and comply with the recommendations of the R-200 Master Plan. Access and public facilities will be adequate to serve the proposed lots, and the application has been reviewed by other applicable county agencies, all of which have recommended approval of the plan. Therefore, approval of the application with the conditions specified above is recommended.

## **Attachments**

- Attachment A Vicinity Map
- Attachment B Proposed Development Plan
- Attachment C Neighborhood Delineation Map
- Attachment D Tabular Summary
- Attachment E Correspondence

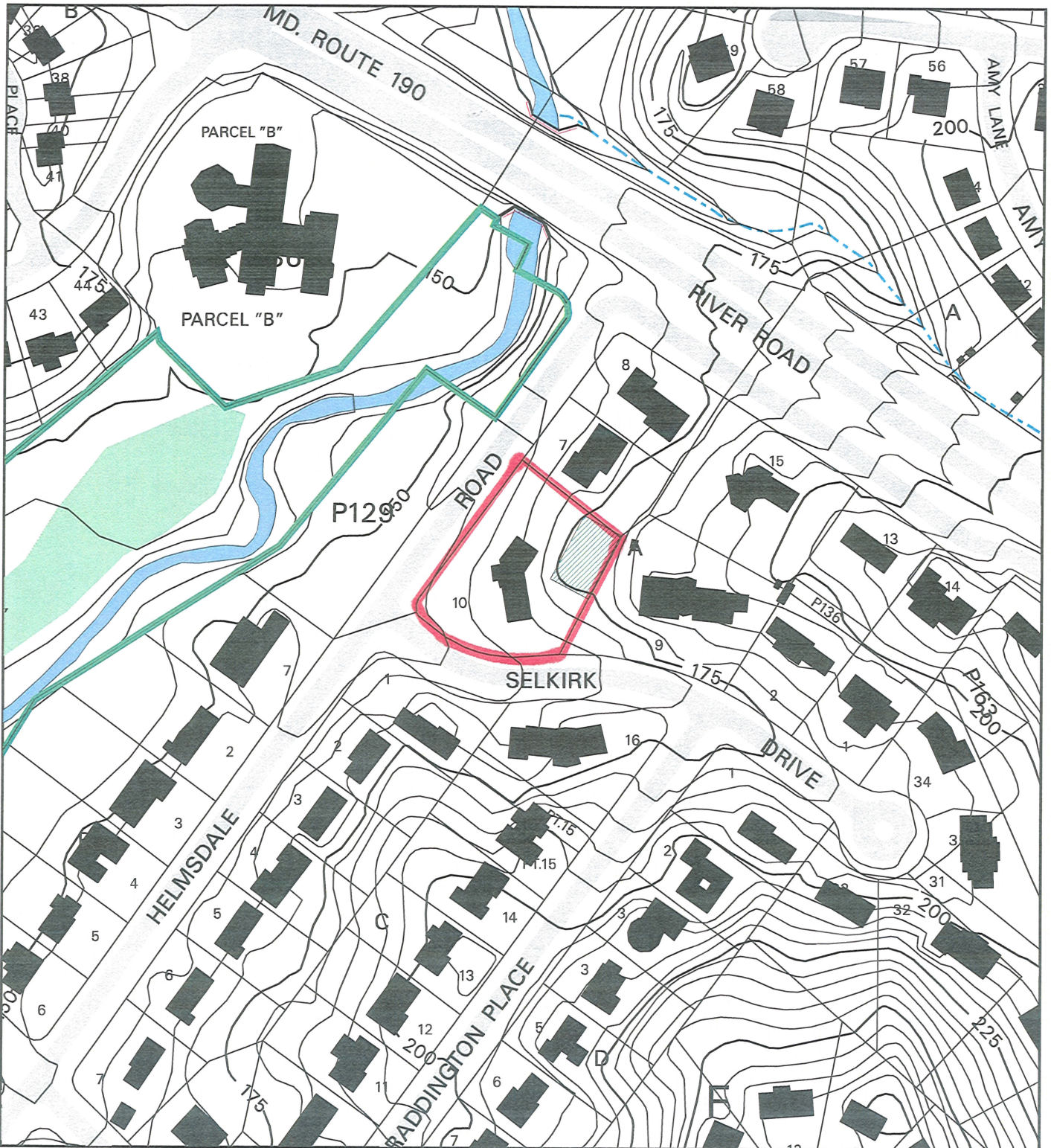


TABLE 1

## Bannockburn Estates Preliminary Plan Data Table and Checklist

<b>Plan Name: Bannockburn Estates</b>				
<b>Plan Number: 120060670</b>				
<b>Zoning: R-200</b>				
<b># of Lots: 2</b>				
<b># of Outlots: 0</b>				
<b>Dev. Type: 2 one-family detached dwelling units</b>				
<b>PLAN DATA</b>	<b>Zoning Ordinance Development Standard</b>	<b>Proposed for Approval on the Preliminary Plan</b>	<b>Verified</b>	<b>Date</b>
Minimum Lot Area	20,000 sq.ft.	20,032 sq.ft. is minimum proposed	<i>DML</i>	Sept. 11, 2006
Lot Width	100 ft.	Must meet minimum	<i>DML</i>	Sept. 11, 2006
Lot Frontage	25 ft.	Must meet minimum	<i>DML</i>	Sept. 11, 2006
Setbacks				
Front	40 ft. Min.	Must meet minimum	<i>DML</i>	Sept. 11, 2006
Side	12 ft. Min./ 25 ft. total	Must meet minimum	<i>DML</i>	Sept. 11, 2006
Rear	30 ft. Min.	Must meet minimum	<i>DML</i>	Sept. 11, 2006
Height	50 ft. Max.	May not exceed maximum	<i>DML</i>	Sept. 11, 2006
Max Resid'l d.u. per Zoning	2 dwelling units	2 dwelling units	<i>DML</i>	Sept. 11, 2006
Site Plan Req'd?	No	No	<i>DML</i>	Sept. 11, 2006
<b>FINDINGS</b>				
<b>SUBDIVISION</b>				
Lot frontage on Public Street	Yes		<i>DML</i>	Sept. 11, 2006
Road dedication and frontage improvements	Yes		DPWT memo	April 6, 2006
Environmental Guidelines	Yes		Environmental memo	Sept. 8, 2006
Forest Conservation	Exempt		Environmental memo	Sept. 8, 2006
Master Plan Compliance	Yes		<i>DML</i>	Sept. 11, 2006
<b>ADEQUATE PUBLIC FACILITIES</b>				
Stormwater Management	Yes		DPS memo	January 12, 2006
Water and Sewer (WSSC)	Yes		WSSC memo	February 6, 2006
Local Area Traffic Review	N/A			
Fire and Rescue	Yes		MCDFRS memo	February 6, 2006

# BANNOCKBURN ESTATES (120060670)



Map compiled on January 24, 2006 at 4:19 PM | Site located on base sheet no - 209NW07

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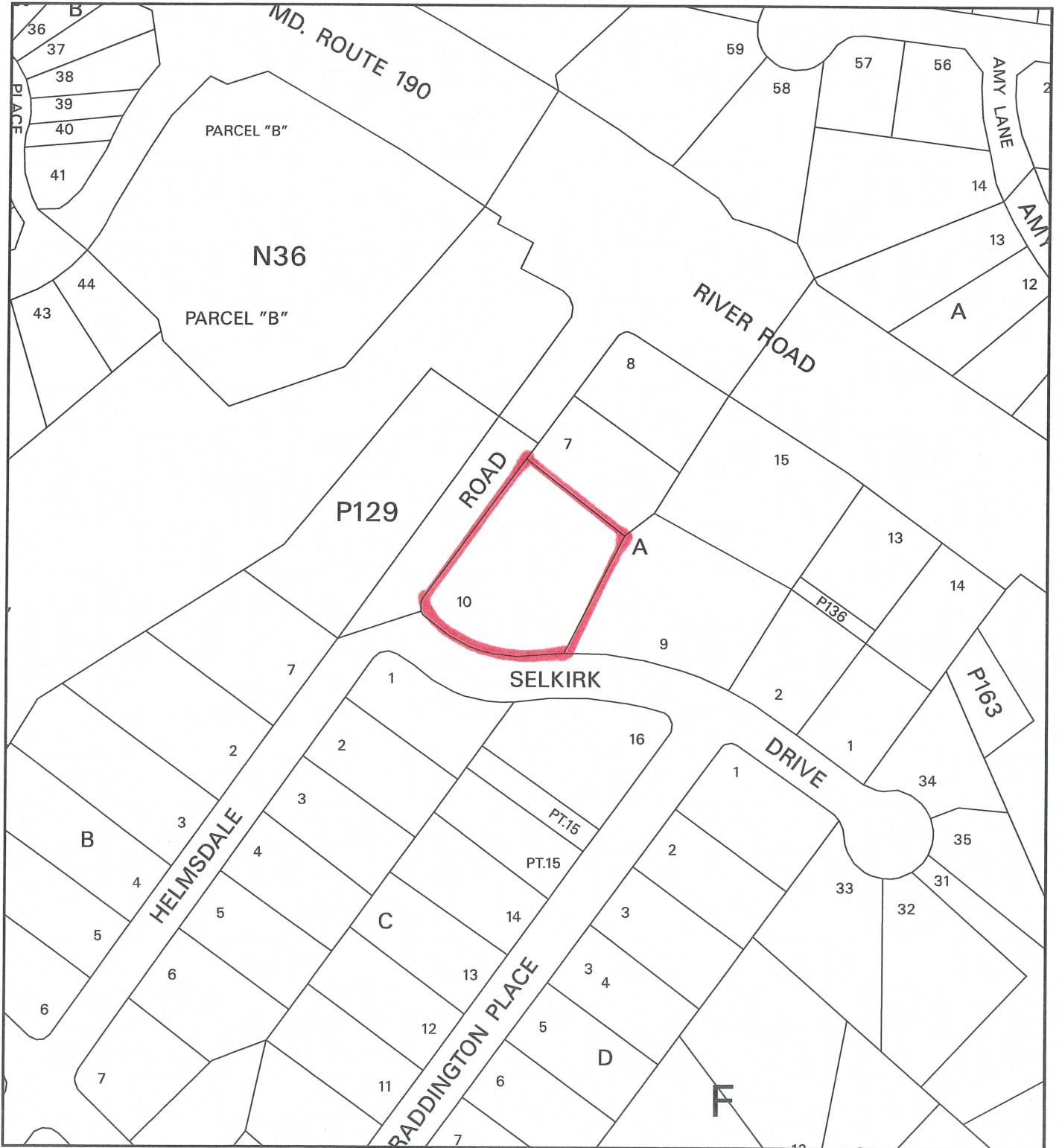
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0 200

1 inch = 200 feet  
1 : 2400

# BANNOCKBURN ESTATES (120060670)



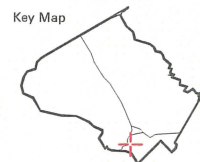
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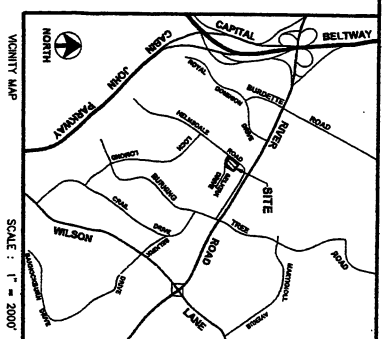
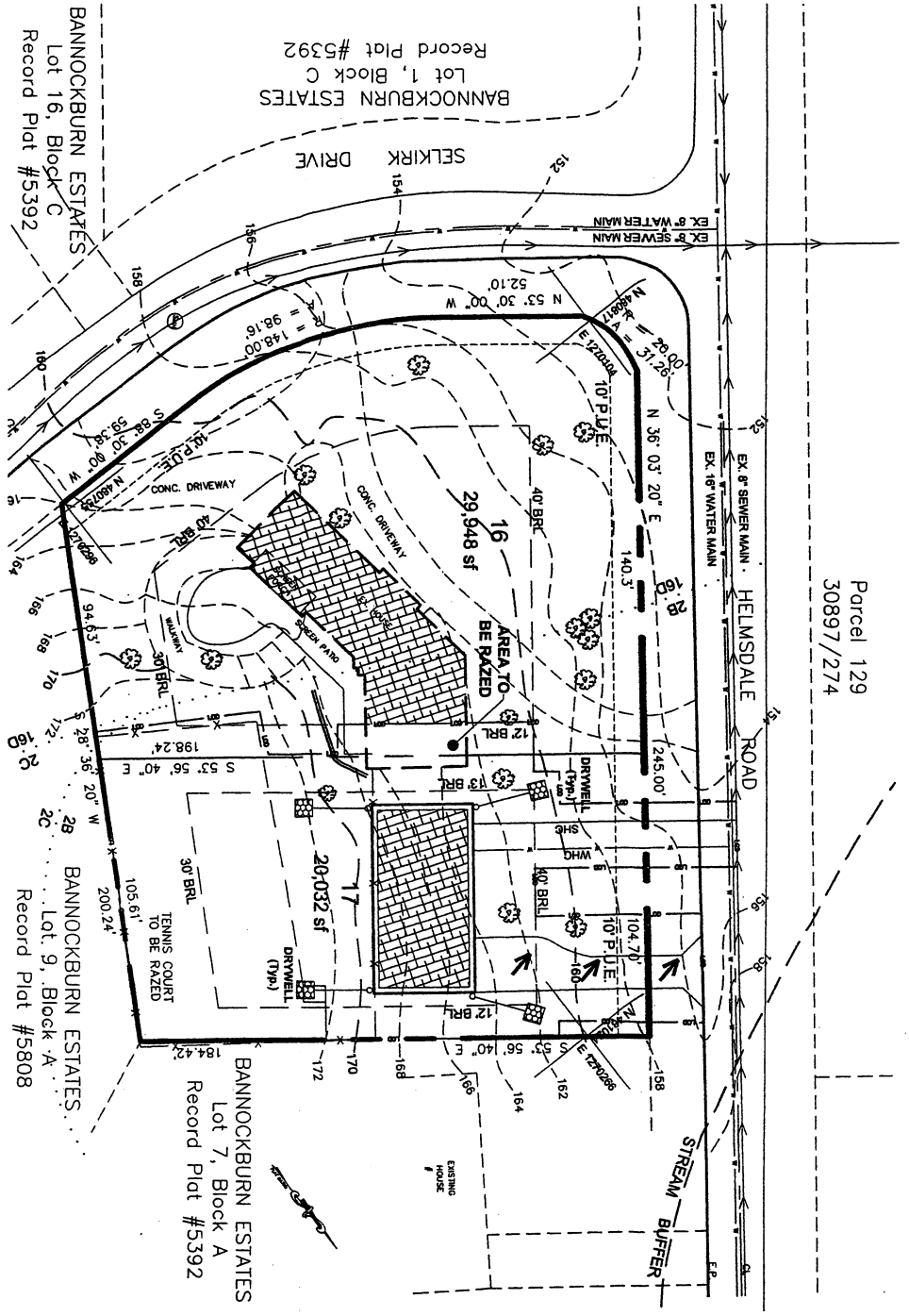


Research & Technology Center



1 inch = 200 feet  
1 : 2400

Parcel 129  
30897/274



OWNER:  
SHAFI M. AZIMI  
7501 HELMSDALE ROAD  
BETHESDA, MARYLAND 20817  
202-994-6061

BANNOCKBURN ESTATES  
Lot 16, Block C  
Record Plat #5392

BANNOCKBURN ESTATES  
Lot 9, Block A  
Record Plat #5808

BANNOCKBURN ESTATES  
Lot 7, Block A  
Record Plat #5392

**BOUNDARY CERTIFICATION:**  
I hereby certify that the boundary shown hereon is correct to my best knowledge based upon available records and visual observations.

Signature: *[Signature]*  
Date: 12-29-05



**NOTES:**

1. AREA OF PROPERTY - 48,980 SF
2. EXISTING ZONING - R-210
3. NUMBER OF LOTS SHOWN - 2
4. MINIMUM LOT SIZE PERMITTED - 20,000 SF
5. SITE TO BE SERVED BY PUBLIC SEWER & WATER
6. EXISTING SEWER & WATER SERVICE CATEGORIES: S-4, W-1
7. LOCATED IN CABIN JOHN CREEK WATERSHED (USE L7)
8. DEVELOPMENT STANDARDS:  
Frontyards - 40' (Subject to established building line setback)  
Sideyards - 30'  
Rearyards - 30'
9. PROPERTY LOCATED ON TAX MAP GN42; WISC GRID SHEET 210NNW7
10. UTILITIES TO BE PROVIDED BY: Washington Gas, Verizon, PEPSCO

**B&A** Design & Associates, Inc.  
1000 Maryland Drive  
Bethesda, MD 20814  
301-461-8888



TOTAL ENGINEERING SERVICES  
PLANNERS, ENGINEERS, SURVEYORS  
P.O. BOX 10123  
SILVER SPRING, MD 20914  
TEL:(301) 515 1514 FAX:(301) 515 5589

REVISION:

PROJECT NAME:  
LOT 10 BLOCK A  
BANNOCKBURN ESTATES  
7501 HELMSDALE RD.  
PLAT BOOK 65 PLAT NO. 5808  
MONTGOMERY COUNTY  
MARYLAND

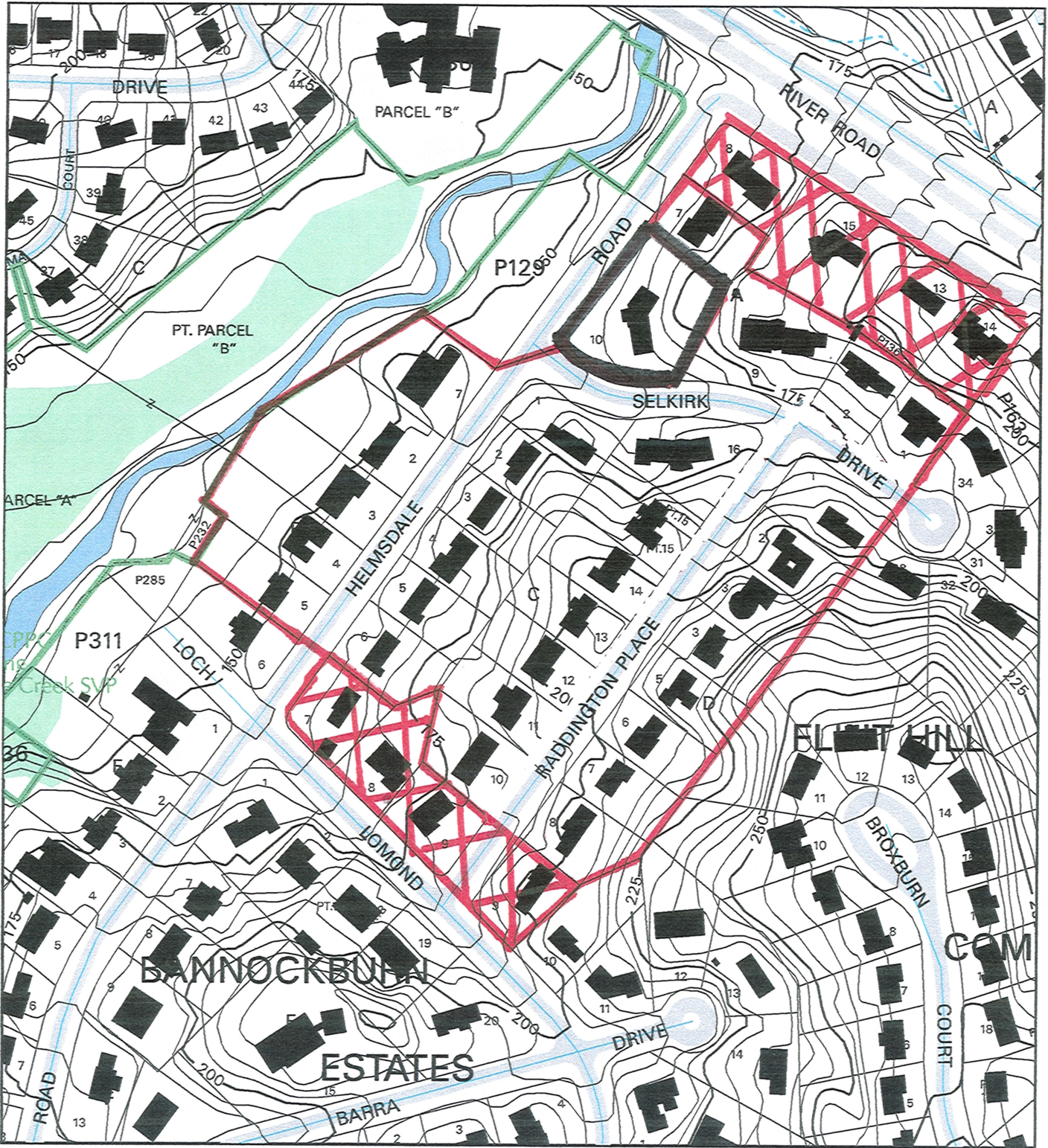
DRAWING TITLE:  
PRELIMINARY PLAN

Drawn by:	Checked by:	Approved by:	Date:
Scale:	1" = 30'	Sheet No.:	1 OF 1
Date:	12-28-05		

# REVISED NEIGHBORHOOD MAP

## BANNOCKBURN ESTATES (120060670)

ATTACHMENT C



Map compiled on September 11, 2006 at 11:04 AM | Site located on base sheet no - 209NW07

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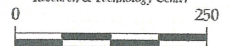
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Key Map



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1 inch = 250 feet  
1 : 3000

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

8787 Georgia Avenue - Silver Spring, Maryland 20910-3760



Additional Lots

		Revised	Bannockburn Estates Resubdivision					
Lot	Block	Frontage	Alignment	Size	Shape	Width	Area	
8	A	299.04	Corner	23,756	Irregular	130.00	9,215	
1	D	293.71	Corner	24,711	Irregular	193.40	7,764	
1	C	300.85	Corner	21,591	Irregular	196.40	6,506	
16	C	408.67	Corner	28,636	Irregular	246.90	12,004	
6	B	336.62	Corner	23,371	Rectangular	95.00	8,629	
9	C	303.38	Corner	21,207	Rectangular	125.00	7,038	
9	D	273.45	Corner	22,335	Rectangular	150.00	6,095	
7	C	272.10	Corner	22,336	Rectangular	158.00	8,196	
6	C	120.00	Perpendicular	22,492	Irregular	120.00	10,518	
10	C	125.00	Perpendicular	21,683	Irregular	125.00	10,266	
2	B	130.00	Perpendicular	21,304	Irregular	130.00	18,454	
7	B	150.00	Perpendicular	20,296	Irregular	150.00	15,228	
9	A	245.57	Perpendicular	44,960	Irregular	245.57	24,437	
2	C	100.00	Perpendicular	20,000	Rectangular	100.00	9,750	
3	C	100.00	Perpendicular	20,000	Rectangular	100.00	9,750	
4	C	100.00	Perpendicular	20,000	Rectangular	100.00	9,750	
5	C	100.00	Perpendicular	20,000	Rectangular	100.00	9,750	
11	C	100.00	Perpendicular	20,000	Rectangular	100.00	9,750	
12	C	100.00	Perpendicular	20,000	Rectangular	100.00	9,750	
13	C	100.00	Perpendicular	20,000	Rectangular	100.00	9,750	
14	C	100.00	Perpendicular	20,000	Rectangular	100.00	9,750	
2	D	100.00	Perpendicular	20,000	Rectangular	100.00	9,750	
3	D	100.00	Perpendicular	20,000	Rectangular	100.00	9,750	
4	D	100.00	Perpendicular	20,000	Rectangular	100.00	9,750	
5	D	100.00	Perpendicular	20,000	Rectangular	100.00	9,750	
6	D	100.00	Perpendicular	20,000	Rectangular	100.00	9,750	
7	D	100.00	Perpendicular	20,000	Rectangular	100.00	9,750	
4	B	100.00	Perpendicular	20,980	Rectangular	100.00	15,893	
5	B	100.00	Perpendicular	22,000	Rectangular	100.00	11,475	
2	A	108.72	Perpendicular	20,634	Rectangular	108.72	8,938	
3	B	110.00	Perpendicular	20,720	Rectangular	110.00	18,841	
7	A	110.00	Perpendicular	21,319	Rectangular	110.00	10,298	
14	A	116.73	Perpendicular	20,222	Rectangular	116.73	9,271	
1	A	120.00	Perpendicular	20,188	Rectangular	120.00	8,310	
15	C	120.00	Perpendicular	24,000	Rectangular	120.00	12,378	
8	D	125.00	Perpendicular	22,345	Rectangular	125.00	10,027	
13	A	135.44	Perpendicular	20,316	Rectangular	135.44	9,274	
15	A	220.50	Perpendicular	40,089	Square	220.50	23,235	
8	C	106.00	Perpendicular	20,131	Irregular	106.00	10,711	
<b>Proposed Lots</b>								
16 A		381.20	Corner	29,948	Irregular	128.97	12,781	
17 A		104.70	Perpendicular	20,032	Rectangular	104.70	9,641	

# Attachment E

## CORRESPONDENCE

PK

<b>Bannockburn</b>	Douglas G. Bonner, Vice President & Chair, Covenants Committee
<b>Citizens Association</b>	7513 Nevis Road, Bethesda, MD 20817
	Telephone: 202.408.3957 (W) 301.229.3296 (H)
www.bannockburnweb.com	Fax: 202.408.6399
	Email: dgbonner@verizon.net

June 30, 2006

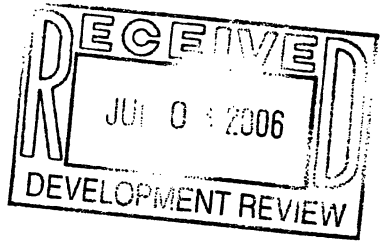
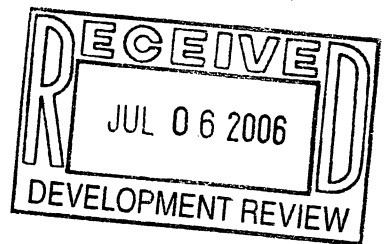
Mr. Shafi M. Azimi  
7501 Helmsdale Road  
Bethesda, MD 20817

Re: MNC-P&PC File # 120060670  
Site Address: 7501 Helmsdale Road, Bethesda, MD 20817

Dear Mr. Azimi:

The Bannockburn Citizens Association ("BCA") has considered your request for the written consent of BCA for the subdivision of the above-referenced property. As I advised you in my January 12, 2006 letter, the Eighth Covenant of the Covenants for Bannockburn, recorded July 5, 1940, at Liber 785, Folio 224 of the land records of Montgomery County provide that no re-subdivision or division of property shall be made without the BCA's written consent (as the designation agent of Bannockburn Heights Improvement Company). No request for approval of this proposed subdivision had been submitted to BCA before my January 12, 2006 letter, but you have since done so by letter dated January 20, 2006, with enclosures. I have also requested from you "written statements by the owners of neighboring property," as specifically required of applications for the re-subdivision of recorded lots under Article VIII, Section 3(c)(1) of the BCA ByLaws (adopted June 3, 1999). You have not submitted any written statement of any owners of neighboring property.

The BCA Board of Directors has carefully considered the proposed subdivision, and the BCA does not approve it, for the reasons discussed in a separate letter we are sending on this date to the Maryland National Capital Park & Planning Commission, a copy of which is enclosed. Therefore this proposed subdivision cannot be legally done, since BCA approval is required under the BCA Covenants.

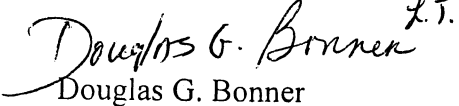




Mr. Shafi Azimi  
June 30, 2006  
Page 2

If you have any questions, please contact me or BCA's attorney, Norman Knopf, Esq. Thank you for your cooperation.

Sincerely,

 <sup>L.T.</sup>  
Douglas G. Bonner  
Secretary, Bannockburn Citizens Ass'n

Enclosure

cc: Maryland Nat'l Capital Park & Planning Commission (w/encl.) ✓  
Norman Knopf, Esq.(w/encl.)  
Mr. Stuart Brown, President (w/encl.)

<b>Bannockburn</b>	Douglas G. Bonner, Secretary & Chair, Covenants Committee
<b>Citizens</b>	7513 Nevis Road, Bethesda, MD 20817
<b>Association</b>	Telephone: 202.408.3957 (W) 301.229.3296 (H)
<a href="http://www.bannockburnweb.com">www.bannockburnweb.com</a>	Fax: 202.408.6399
	Email: <a href="mailto:dgbonner@verizon.net">dgbonner@verizon.net</a>

January 12, 2006

Mr. Shafi M. Azimi  
7501 Helmsdale Road  
Bethesda, MD 20817

Re: MNC-P&PC File # 120060670  
Site Address: 7501 Helmsdale Road, Bethesda, MD 20817


Dear Mr. Azimi:

The Bannockburn Citizens Association ("BCA") has learned that you have filed a subdivision application with the Maryland National Capital Park & Planning Commission for the above-referenced property. Please be advised that this property is subject to the "Covenants for Bannockburn" recorded July 5, 1940, at Liber 785, Folio 224 of the land records of Montgomery County. These Covenants provide in part as follows:

Eighth: That no re-subdivision of the said property, nor any division of same, shall be made without the consent in writing of the Bannockburn Heights Improvement Company, or their designated agents.

Please be further advised that authority for the enforcement of these restrictive covenants was transferred to the BCA by Assignment and Designation of Agent, recorded June 20, 1956 at Liber 2220, Folio 1362. Based on these authorities, the above-referenced property may not be lawfully subdivided without the express written approval of the BCA. No request for approval of subdivision has been submitted to BCA, and no approval for subdivision has been granted. Therefore, this property may not be lawfully subdivided.

As noted above, the Covenants for Bannockburn are recorded in the official land records of Montgomery County, Maryland. For convenient reference, they are also available on the BCA website ([www.bannockburnweb.com](http://www.bannockburnweb.com)) to any registered user of the website. If you have any questions, please feel free to contact me.

Sincerely,  
  
Douglas G. Bonner

cc: Maryland Nat'l Capital Park & Planning Commission  
David W. McKee, Benning & Associates, Inc.  
Norman Knopf, Esq.  
BCA Officers & Directors (by email)  
Mr. & Mrs. Fred Robinson (by email)

# MILES & STOCKBRIDGE P.C.

Rebecca D. Willens  
301-517-4830  
rwillens@milesstockbirdge.com

March 22, 2007

VIA FIRST CLASS MAIL & ELECTRONIC MAIL

Ms. Dolores Kinney, Senior Plans Reviewer  
M-NCPPC  
Development Review Division  
8787 Georgia Avenue  
Silver Spring, Maryland 20910

Re: Bannockburn Subdivision/Preliminary Plan Application No. 120060670

Dear Ms. Kinney:

The following letter is to advise you of the current status of matters in the above referenced subdivision application.

As you know, we have been working diligently with the Bannockburn Citizens Association ("BCA") to obtain their support for the requested two lot subdivision proposal. The BCA's initial position was in opposition to our request.

On November 28, 2006, via correspondence, with the BCA's attorney, we requested reconsideration of their position on the subdivision. We met with members of the BCA on January 4<sup>th</sup> to discuss the project and our request for reconsideration. Following the meeting, we provided some additional information regarding the proposal, the neighborhood delineation and the basis for our assertions regarding compatibility of the proposed lots within the existing neighborhood.

It is our understanding that the BCA met on Tuesday, March 20, 2007 to convene their monthly meeting and discuss our request for reconsideration. During that meeting, the BCA did not have sufficient attendance from the community to act on the request for reconsideration. Therefore, at the present time, our request for reconsideration has not been reviewed.

While we hope to reach a compromise with the BCA, we can not continue to delay the application from being heard by the Board. We have advised the BCA that we continue to hope that a compromise can be reached, either before or after the Planning Board hearing- we are leaving the lines of communication open.

Client Documents:4851-7490-2273v1|18847-000000|3/22/2007

11 N. Washington Street, Suite 700, Rockville, MD 20850 • 301.762.1600 • Fax: 301.762.0363 • [www.milesstockbridge.com](http://www.milesstockbridge.com)

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Page 2

Given the foregoing, we respectfully request that the matter be scheduled for the next available Planning Board hearing date. Should you have any questions, please do not hesitate to contact me.

Sincerely,



Rebecca D. Willens

cc: Shafi Azimi  
Bannockburn Citizens Association