



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

MCPB  
Item #  
May 6, 2010



**MEMORANDUM**

**DATE:** April 23, 2010

**TO:** Montgomery County Planning Board

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

Catherine Conlon, Supervisor *CC*  
Development Review Division

**FROM:** Stephen Smith, Senior Planner *SJS* (301) 495-4522  
Development Review Division

**REVIEW TYPE:** Record Plat including Subdivision Waiver Request

**APPLYING FOR:** Approval of Record Plat with a waiver of the Subdivision Regulations to permit platting under minor subdivision

**PROJECT NAME:** The Hunt Club (Lee Property)

**CASE #:** 220100550

**REVIEW BASIS:** Chapter 50, Sec. 50-38(a)(1), Montgomery County Subdivision Regulations

**ZONE:** RE-2

**LOCATION:** Located on the south side of Glen Road, approximately 800 feet west of its intersection with Three Sisters Road

**MASTER PLAN:** Potomac Sub-region

**APPLICANT:** Soo Won and Young Lee

**FILING DATE:** January 5, 2010

**HEARING DATE:** May 6, 2010

## **EXECUTIVE SUMMARY:**

With few exceptions, the Subdivision Regulations do not permit issuance of a building permit for construction of structures on unplatted parcels of land. Before such a permit can be issued, the parcels must be recorded by a plat. The approval of such a plat under the Subdivision Regulations requires the approval of a preliminary plan of subdivision or compliance with the provisions for platting under the Minor Subdivision provision of 50-35A. The subject application requests Planning Board approval of a record plat for an unrecorded parcel of land that does not satisfy the requirements for minor subdivision approvals. Instead, the applicants are requesting that the Board grant a waiver of the Subdivision Regulations and approve the proposed plat without requiring a preliminary plan.

**STAFF RECOMMENDATION:** Approval of the record plat pursuant to the minor subdivision provision in 50-35A(a)(6), including waiver of the requirement that the unplatted parcel must have been created by deed prior to June 1, 1958, pursuant to Section 50-38 of the Subdivision Regulations.

## **SITE AND PROJECT DESCRIPTION**

The subject property is an unplatted parcel (P 17) located on the south side of Glen Road, 800 feet west of its intersection with Three Sisters Road (Attachment A). The property is approximately 2.43 acres in size and is zoned RE-2. The property contains a single family dwelling which is proposed to be removed and replaced with a new dwelling.

Based on supporting documentation submitted with the waiver request, the “site plan” shows a new house to be located toward the rear of the property. A new house would be served by onsite well and private septic system; these have been approved by the Montgomery County Department of Permitting Services (MCDPS) Well and Septic Section. Access to Glen Road would be at the same driveway location that serves the existing home.

## **CITIZEN NOTIFICATION**

Staff has notified adjacent and confronting property owners as well as community groups and civic associations of this public hearing, as required.

## **BACKGROUND AND EXPLANATION OF WAIVER REQUEST**

The applicant purchased the property in March, 2008. In June 2008, the Applicant made an inquiry to MCDPS on how to obtain a building permit for the construction of a new house upon their property. Correspondence returned by MCDPS was appropriate and noted that Section 59-B-5.3 of the Zoning Ordinance describes the applicable development standards for the modification to, or replacement of, an existing house. The owners subsequently engaged an engineering consultant to prepare plans, including a Simplified NRI/FSD, Sediment Control Plan, and Well and Septic plan.

Upon submission of the aforementioned plans, the applicant was correctly informed by MCDPS that since new construction was proposed on the site, full compliance with Chapter 50 (the Montgomery County "Subdivision Regulations") would be necessary prior to the issuance a building permit.

Section 50-20(a) of the Subdivision Regulations requires that a property be platted prior to issuance of a building permit. The section states:

*"A building permit must not be approved for the construction of a dwelling or other structure, except structures or dwellings located on a farm strictly for agricultural use, unless such structure is to be located on a lot or parcel of land which is shown on a plat recorded in the plat books of the county and which has access as prescribed in Sec. 50-29 (a)(2); provided, that such permit may be issued for the following:*

- 1. A parcel covered by an exception specified in 50-9 of this chapter;*
- 2. A parcel covered by a valid site plan approved no more than four years prior to October 8, 1985, under Division 59-D-3, on which construction had begun as of that date, or on the medical center; or*
- 3. A parcel covered by a special exception approved under Division 59-G-1, which was being implemented as of October 8, 1985."*

In instances where an applicant is looking to replace an existing house that is sited on an unplatted parcel (ie. not recorded by plat), Development Review Staff initially directs inquirers to Section 50-9 of the Subdivision Regulations, *Exception to platting requirements* and more specifically, to Section 50-9(f), which states the following:

*"Recording a subdivision plat under this Chapter is not required for:  
...**(f) Single residential lot.** An application for a building permit for one (1) single-family detached dwelling unit, on a parcel, not previously included on a recorded plat, which has not changed in size or shape since June 1, 1958,  
provided:*

- 1. A description and location plat of the lot and proposed structure have been furnished with the permit application, sufficiently detailed, to locate the same on the base maps of Montgomery County.*
- 2. Approval of the permit application would not result in obstructing the future opening, extension of widening, of any road deemed essential in the public interest, nor would it otherwise jeopardize any planned public facility.*
- 3. The proposed lot and use comply with the zoning ordinance (except for street frontage) and the site plan shows clearly the setbacks, side and rear yards and any other information needed to check compliance with*

*the with regulations, including establishment of building restriction line along any existing or proposed road sufficient to provide for future expansion or opening of such road to its ultimate width.*

4. *Approval of the permit would not affect adversely the general plan for the physical development of the regional district or any portion thereof.*

A determination of whether an unplatted parcel qualifies for the Exception noted above is made by M-NCPPC Staff following a review of the deed history for the property. Upon a finding that a property qualifies, Staff issues a letter specifically identifying the property and the section of the regulations for which the Exception is granted, noting that a plat is not required for the subject property. With said letter, typically referred to as an Exception to Subdivision Regulations memorandum, an applicant could proceed with the building permit process, confident that M-NCPPC would sign-off on those portions of the permit process under its purview.

As described in both waiver justification letters, an Exception to Subdivision Regulations memorandum from M-NCPPC dated April 9, 1979 (Attachment B) was issued for the subject property. The property at that time was the approximately 2 acre residue of a larger parcel (P 965), that was proceeding through the subdivision process and ultimately became the Hunt Club subdivision, located due southeast of this site. The form letter contains the following standard language:

*“Since this parcel qualifies as an exception to the Subdivision Regulations, no record plat will be required for the release of a building permit by this office.”*

The form letter also has the following handwritten modification:

*“Prop.(erty) appears as not included on prel.(iminary) plan 1-78051, addition to existing residence OK as exception to Sub. Regs.”*

The existing residence noted is the house which is proposed to be replaced by the Applicant should the Board approve this request.

Staff can find no basis for the April 9, 1979 letter, except to facilitate the release of a permit solely to allow an addition to the existing structure which at the time was, and still remains, sited in the ultimate right-of-way for Glen Road. And, under the applicable regulations today, Staff would not be able to issue an Exception to Platting Requirement letter for the subject property, as this parcel was not created prior to June 1, 1958. Based upon these findings staff concluded that the subject property must be platted prior to the issuance of a building permit.

Unfortunately, the language and lack of specificity of the April, 1979 exception letter could unquestionably lead one to assume that a subdivision plan was not going to be needed for this property. The confusion created as a result has significantly delayed

the process for the applicants up to this point. Recognizing this, staff felt that while we cannot justify an exception to platting under the current regulations, a waiver of the subdivision regulations to provide some relief for the applicants might be warranted.

The Subdivision Regulations contain provisions for platting certain properties without the requirement of a Preliminary Plan. Section 50-35A(a)(6) states:

*Plats for Certain Residentially Zoned Parcels Created by Deed Prior to June 1, 1958. While recognizing the single parcel exemption of Sec. 50-9(e) (actually (f)), an owner may voluntarily submit a plat to record such parcel under the minor subdivision procedure provided that the parcel is only developable for one single-family detached dwelling unit.*

The applicant has submitted a minor subdivision plat under this section, however, the parcel in question was created in December, 1978 as the residue of a 25.7 acre tract that did exist prior to June 1, 1958, but received preliminary plan approval to subdivide. Since the subject property was never recorded on a plat resulting from that preliminary plan, the applicant is requesting a waiver of the subdivision regulations which would allow the property to be platted pursuant to the minor subdivision provision above, even though the parcel was created after June 1, 1958.

## **ANALYSIS OF THE WAIVER REQUEST**

The Planning Board has the authority to grant a waiver pursuant to Section 50-38(a)(1) of the Subdivision Regulations provided certain findings can be made. The section states:

*“The Board may grant a waiver from the requirements of this Chapter upon a determination that practical difficulties or unusual circumstances exist that prevent full compliance with the requirements from being achieved, and that the waiver is: 1) the minimum necessary to provide relief from the requirements; 2) not inconsistent with the purposes and objectives of the General Plan; and 3) not adverse to the public interest.”*

### Applicant’s Position

In two letters, dated December 23, 2009 (Attachment C) and March 1, 2010 (Attachment D), the property owners request that the Planning Board waive the requirement that the property proceed through the preliminary plan process. They base their request on unusual circumstances in the form of the property’s unclear subdivision history. The applicant’s letter dated March 1, 2010 letter describes their attempt to construct a new house on the unrecorded parcel since purchasing the property in March of 2008. The applicant notes that they had a consulting firm prepare all of the plans which they believed were necessary and that they were not notified that a plat would need to be recorded for their property until all of their plans had been submitted and were under review. As they point out, further delays in processing a preliminary plan at this time could potentially push their building permit approval back another year.

The applicant contends that conflicting guidance regarding the entirety of the process from County agencies, including the April 9, 1979 memorandum issued by the Commission, and further delays that would be associated with obtaining approval of a Preliminary Plan are legitimate basis for a waiver.

In lieu of a preliminary plan, the applicant has submitted a record plat application for review and approval, with the request that the Board approve the plat in conjunction with the waiver request.

#### Staff Position

The applicant believes that for the past 18 months, they have been following guidance from the county staff(s) responsible for getting them through the process to construct a new home on their property. Further delays that would result from the filing of a preliminary plan application at this time are impractical and unjustified in their opinion. Staff does not necessarily disagree.

The existence of the perplexing April 9, 1979 Exception to Subdivision Regulations letter, regardless of one's ability to comprehend its intent or substantiate its validity, would undoubtedly create confusion for a property owner. One should expect a level of clarity and credibility from documents that have been prepared by a governmental agency, but regrettably that is not the case with this property. Staff believes that this represents an unusual circumstance which, in staff's opinion, has led to misapplication of regulations and confusion among county agencies regarding the appropriate course of action for the issuance of a building permit for this property. For these reasons, staff believes that there are justifiable grounds to approve a waiver of the subdivision regulations.

Staff believes that allowing the recordation of a plat pursuant to the minor subdivision regulations of 50-35A(a)(6), including a waiver of full compliance of said section, constitutes the minimum necessary to provide relief from the requirements associated with a preliminary plan. Staff finds that the waiver as requested, and the resulting record lot, meet the applicable requirements of the Subdivision Regulations, Zoning Ordinance and Potomac Subregion Master Plan, and therefore is not inconsistent with the purposes and objectives of the General Plan. Further, the waiver is not adverse to the public interest as the recordation of the lot ensures that the subsequent building permit issued upon the property will meet the requirements for Commission review as specified in the Code.

In conclusion staff recommends approval of the waiver as requested and further recommends approval of the record plat in Attachment E. Staff has reviewed the aforesaid plat and find that it conforms to the requirements for minor subdivisions as specified in Chapter 50-35A of the County Code.

## **ALTERNATE PLAT (ATTACHMENT F)**

Staff notes Attachment F of this report contains a recently submitted, (April 19, 2010) modified version of a plat for this property. This record plat shows the existing house crossing the front lot line of proposed Lot 10 and denotes a phased dedication for Glen Road and a phased Public Utilities Easement (PUE). The applicant would like to keep the house to use as a staging area while the new house is constructed and staff has included this alternate plat version solely to expedite the plat approval process, and the release of the building permit, should the Board be inclined accept this option.

Staff does not support this alternate version of the plat and believes the removal of the house must occur prior to recordation of the plat since the Zoning Ordinance and Subdivision Regulations forbid the creation of a lot line that intersects a structure. Furthermore, there is no set timetable for the phasing to occur and once the plat is recorded and the building permit for the new house released, the Commission maintains little or no opportunity to ensure the removal of the offending structure. Staff recommends that the Board approve the plat indicated in Attachment E, containing full-width road dedication and a PUE for the entire length of the property frontage, and with the knowledge that staff will require proof that the house is removed before the plat is sent for recordation to the County Land Records Office.

Attachment A- Location Map

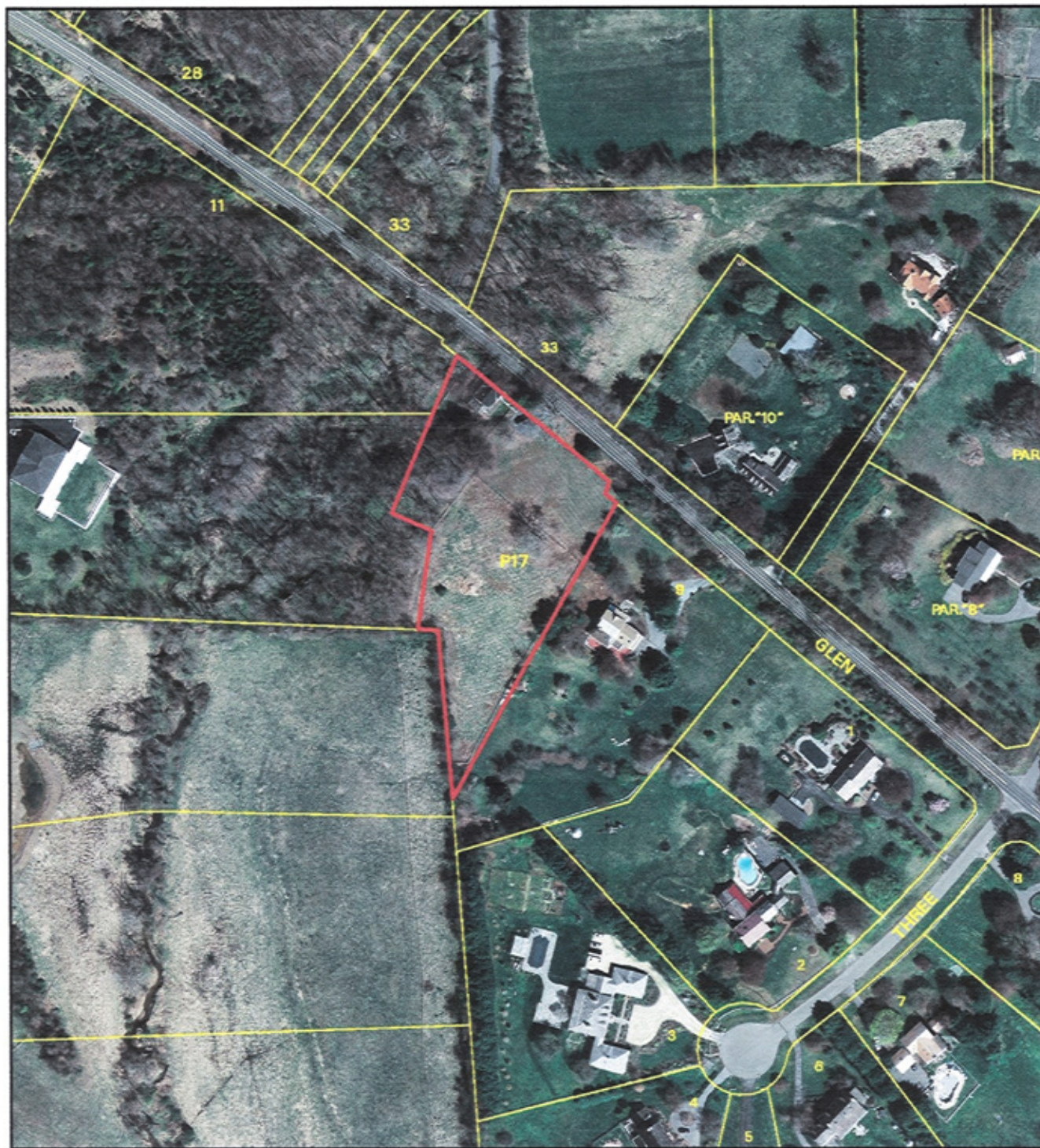
Attachment B - M-NCPPC Memorandum dated April 9, 1979

Attachment C and D - Waiver Request Letters

Attachment E - Record Plat

Attachment F - Alternate Record Plat with Existing House

# LEE PROPERTY - 12300 GLEN ROAD



Map compiled on April 22, 2010 at 3:33 PM | Site located on base sheet no - 216NW12 | Date of Orthophotos: April 2006 - Used with permission from Montgomery County Government

### NOTICE

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Property lines are compiled by adjusting the property lines to topography created from aerial photography and should not be interpreted as actual field surveys. Planimetric features were compiled from 1:14400 scale aerial photography using stereo photogrammetric methods.

This map is created from a variety of data sources, and may not reflect the most current conditions in any one location and may not be completely accurate or up to date. All map features are approximately within five feet of their true location. This map may not be the same as a map of the same area plotted at an earlier time as the data is continuously updated. Use of this map, other than for general planning purposes, is not recommended. - Copyright 1998

Key Map

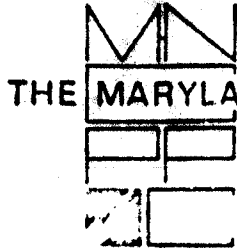


Restoration & Technology Center



1 inch = 200 feet  
1 : 2400





THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

8787 Georgia Avenue • Silver Spring, Maryland 20907

(301) 589-1480

Date: April 9, 1979

MEMORANDUM

TO: Paul Jackson, Plans Examiner  
Montgomery County Department of Environmental Protection

FROM: Robert S. Beall or Gordon A. Campbell  
Subdivision Office, Development Review Division, M-NCPPC

SUBJECT: Owner: **JOHN MCGOWAN**  
Acreage: **2+ AC.**  
Liber: **PT of 968** Folio: **482**  
Tax Plate: **EQ** Parcel Number: **300**  
Other:

*Prop. appears as not included in plan 1-78051  
Addition to existing residence OK as exception to  
Sub Reg's*

I am writing to advise you that the dwelling which is <sup>EXISTING</sup> (proposed) as described above, has been reviewed by this office.

Since this parcel qualifies as an exception to the Subdivision Regulations, no record plat will be required for the release of a building permit by this office. However, I would point out that any further resubdivision of this parcel will require subdivision approval.

If you have any questions, please feel free to contact this office.

djg

cc: John J. Allen Assoc.



December 23, 2009

Ms Angela Brown  
The Maryland-National Capital  
Park and Planning Commission  
8787 Georgia Avenue  
Silver Spring, Maryland 20910

Re: Lee Property  
RCI Project 401-XX  
Minor Subdivision Justification

Dear Ms Brown,

Enclosed is our application for approval of a Minor Subdivision for the Lee Property under Section 50-35A(a)(6) of the Subdivision Regulation of Montgomery County, Maryland.

The applicants request a waiver to Section 50-35A(a)(6) of the subdivision regulations which permits a single residential lot to be approved as a minor subdivision if it was created by deed prior to June 1, 1958. The property included in this application was created on November 2, 1979 by a deed recorded in the Land Records of Montgomery County, Maryland in Liber 5263 at folio 280. The justification for this waiver is based on a Memorandum from Robert S. Beall or Gordon A. Campbell of the Development Review Division dated April 9, 1979 that indicates that this property qualifies as an exception to the subdivision regulations. A copy of the April 9, 1979 memorandum is enclosed for the record.

The approved plan entitled "Simplified NRI/FSD for Forest Conservation Exemption is subject to change based on final review of the Well and Septic plan by the Montgomery County Department of Permitting Services Well and Septic Division.

I have enclosed an email from Rich weaver indicating that the Development Review Division will accept this plat as a minor subdivision.

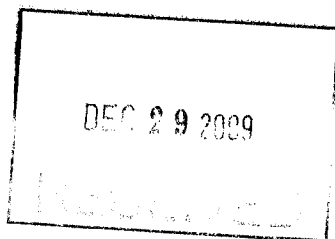
Please feel free to give me a call if you have questions or comments.

Sincerely,  
Rodgers Consulting, Inc.

Timothy P. Quinn  
Principal

enclosures

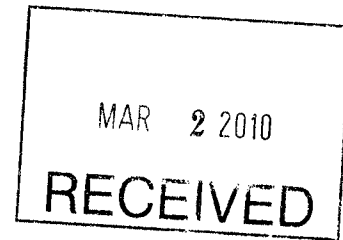
cc: Soo Won & Young Lee  
Jang Lee  
Gary Unterberg



n:\projdocs\401's\401xx\survey\plat submittal.ltr.doc

March 1, 2010

Ms. Catherine Conlon  
Maryland-National Capital  
Park and Planning Commission  
8787 Georgia Avenue  
Silver Spring, Maryland 20910



Re: 12300 Glen Road, Potomac, MD  
Request for Subdivision Regulation Waiver for 1 Lot

Dear Ms. Conlon:

We request approval of a Subdivision Regulation Waiver pursuant to Section 50-38 of the **Montgomery County, Maryland Subdivision Regulations**, to allow us to record a subdivision plat for our property. As noted below, this is a rare case where a parcel of land has been subdivided, except for the portion of property that contains the existing house. We have been trying to get a permit to construct our new home and after 20 months we still have not reached an agreement with Montgomery County on the correct procedure. The waiver will allow us to move forward with a subdivided lot. We understand that the Planning Board can grant a waiver to the subdivision regulations *"upon a determination that practical difficulties or unusual circumstances exist that prevent full compliance with the requirements from being achieved and that the waiver is: 1) the minimum necessary to provide relief from the requirements; 2) not inconsistent with the purposes and objectives of the General Plan; and 3) not adverse to the public interest"* [Sec. 50-38 (a) Authority of Board] (**see Exhibit 'A'**).

#### **Background and Description of the Property:**

We are the owners of a 2.43 acre parcel located at 12300 Glen Road in Potomac, Maryland. The property is more particularly described as Parcel 17 as shown on Montgomery County, Maryland Tax Map EQ (**see Exhibit 'B'**). Our property is currently improved with a single family detached dwelling. Parcel 17 adjoins the Hunt Club subdivision on the east, the Travilah Park subdivision on the west and the Stoney Creek subdivision on the south. The Bealmon Grove subdivision confronts Parcel 17 on the opposite side of Glen Road.

We purchased Parcel 17 on March 24, 2008, with the intention of demolishing the existing house and replacing it with our new single family home, toward the rear of the parcel.

The decision to construct our home on Parcel 17 was based, in part, on a memorandum (**see Exhibit 'C'**) dated April 29, 1979, from Robert S. Beall and Gordon A. Campbell of the Development Review Division of Maryland-National Capital Park & Planning Commission (M-NCPPC) to Paul Jackson, Plans Examiner for the Montgomery County, Maryland, Department of Environmental Protection, which stated: *"Since this parcel qualifies as an exception to the Subdivision Regulations, no record plat will be required for the release of a building permit by this office"*. The memorandum also contains the hand written statement: *"Prop appears as not included on prelim plan 1-78051. Addition to existing residence OK as exception to Sub Regs"*. We do not know the origin of the hand written statement on the memorandum. The two statements made in the memorandum are conflicting and have created a great deal of confusion. M-NCPPC initially exempted this property from the forest conservation requirements, based on the subdivision exemption status indicated in the memorandum.

We obtained copies of the Hunt Club Preliminary Plan from the files of the M-NCPPC. Two Preliminary Plans were found. One Preliminary Plan shows eight lots and excludes our property (**see Exhibit 'D'**). The other preliminary plan shows ten lots and includes our property (**see Exhibit 'E'**). There are no approval signatures on either preliminary plan. We are unsure as to which is the "Approved" Preliminary Plan. The recorded Hunt Club subdivision record plat includes nine lots (**see Exhibit 'F'**). The Preliminary Plan opinion was not available in the M-NCPPC file.

### **Creation as a Separate and Distinct Parcel:**

Parcel 17 (2.43 acres), prior to being established as a separate parcel, was part of a 25.738 acre tract owned by The Potomac Hunt Incorporated, by virtue of a deed dated March 15, 1976 and recorded among the Land Records of Montgomery County, Maryland in Liber 4758 at folio 636 (*see Exhibit 'G'*). Parcel 17 was established as a separate and distinct parcel on December 29, 1978, by a deed from The Potomac Hunt Incorporated, to John Robert McGowan and Anne Gerrin McGowan, recorded among the Land Records of Montgomery County, Maryland, in Liber 5263 at folio 280 (*see Exhibit 'H'*), and was not part of a subdivision approved by the M-NCPPC. The Potomac Hunt Incorporated retained ownership of the remaining 23.304 acres. The 23.304 acre remainder was conveyed to The Hunt Club Partnership on January 2, 1980, by a deed recorded among the Land Records of Montgomery County, Maryland, in Liber 5462 at folio 475 (*see Exhibit 'I'*), and was subsequently subdivided to create The Hunt Club subdivision, approved by M-NCPPC on September 15, 1980, and recorded among the Land Records of Montgomery County, Maryland, as Plat Number 13130. Parcel 17 was not included in the Hunt Club subdivision plat.

### **Application for Building Permit:**

On June 26, 2008, we submitted a letter to the Montgomery County, Maryland Department of Permitting Services (MCDPS) requesting information about our lot.

On July 14, 2008, we received an email (*see Exhibit 'J'*) from MCDPS that stated:

*If the house was in fact existing, before 1958, even if by deed and not subdivision, and because you have an existing house on the property, then the zoning ordinance allows the following:*

*Sec. 59-B-5.3. One Family Dwelling*

*Any one-family dwelling in a residential zone or agricultural zone that was built on a lot legally recorded by deed or subdivision plat before June 1, 1958, is not a nonconforming building. The dwelling may be altered, renovated, or enlarged, or replaced by a new dwelling under the zoning development standards in effect when the lot was recorded, except that:*

*(a) a lot recorded before March 16, 1928, in the original Maryland-Washington Metropolitan District, must meet the development standards in the 1928 Zoning Ordinance;\**

*\*Editor's note-The 1928 Zoning Ordinance is attached to Article 59-B.*

*(b) one-family dwellings and accessory structures on a lot legally recorded by deed or subdivision plat before June 1, 1958, in the Upper Montgomery County Planning District must comply with the setback, yard, and area coverage standards applicable to the lot in the 1956 Zoning Ordinances for the Upper Montgomery Planning District;*

*(c) the maximum building height and maximum building coverage in effect when the building is altered, renovated, enlarged, or replaced by a new dwelling applies to the building; and*

*(d) an established building line setback must conform to the standards for determining the established building line in effect for the lot when any alteration, renovation, enlargement, or replacement by a new dwelling occurs. Any building permit issued before November 23, 1997 must conform to the development standards in effect when the lot was recorded.*

*If the property was not recorded by deed before June 1, 1958, then you would be required to go through subdivision. You can check with the Land Records Department at the Montgomery County Circuit Court building located next to the Executive Building of Montgomery County which is located 101 Monroe Street, Rockville, MD. They can research all the deeds that exist for the property.*

Based on the information received from MCDPS, we engaged P.E. Services, Inc. to prepare the applicable plans required to obtain a building permit for our new home. The following plans and/or permit applications were prepared and submitted in the summer and fall of 2008:

- Simplified Natural Resources Inventory/Forest Stand Delineation for Forest Conservation Exemption - approved by M-NCPPC on October 31, 2008.
- Erosion and Sediment Control Plan – submitted to MCDPS.
- Well and septic plan – approved by MCDPS.

After submittal of the plans mentioned above, we were informed by MCDPS that a building permit could not be issued for our new home until a subdivision plat for Parcel 17 was approved and recorded.

We met with M-NCPPC Development Review Division and were informed that a subdivision record plat for Parcel 17 would now need to be approved and recorded in order to obtain a building permit. In an October 6, 2009, email (*see Exhibit 'K'*), M-NCPPC Development Review Division affirmed their position that they would accept the application for a minor subdivision plat for the property and that a subdivision waiver application and fee would not be required.

#### **Minor Subdivision Application:**

We engaged Rodgers Consulting, Inc. to prepare and submit a minor subdivision plat in accordance with Section 50-35A(a)(6). On December 23, 2009, Rodgers Consulting, Inc. submitted the minor subdivision plat application to M-NCPPC (*see Exhibit 'L'*). The minor subdivision plat application was accepted by M-NCPPC. On January 4, 2010, the Forest Conservation Plan exemption granted by the October 31, 2008, approval was rescinded by M-NCPPC (*see Exhibit 'M'*). The exemption was rescinded based on Environmental Planning's recent knowledge that a subdivision plat would need to be prepared for Parcel 17. Review comments on the minor subdivision plat were received from M-NCPPC and MCDPS on January 26, 2010. Also on January 26, 2010, M-NCPPC sent an email stating that a complete Subdivision Regulation Waiver application and fee would be required for the plat to proceed toward approval (*see Exhibit 'N'*). Based on the conflicting directions we have been given, we asked for a meeting with M-NCPPC. On February 5, 2010, we met with M-NCPPC Development Review Division. At that meeting we discussed the two options that would allow us to obtain a building permit for our new home: filing a Preliminary Plan application for our property, or obtaining a Subdivision Regulation Waiver. We concluded that the Subdivision Regulation Waiver was our best approach.

#### **Justification for a Waiver from the Subdivision Regulations:**

##### **1. Conflicting Direction from the County**

- a. Based on correspondence from MCDPS, we paid the appropriate fees and submitted an application for a building permit. The application for building permit was subsequently denied by MCDPS.
- b. Based on correspondence with M-NCPPC Environmental Planning staff we have paid the appropriate fees and made application for a Simplified Natural Resources Inventory/Forest Stand Delineation for Forest Conservation Exemption plan. The exemption plan was approved. M-NCPPC now informs us that the exemption is no longer valid.
- c. Based on correspondence with M-NCPPC Development Review Division we have paid the appropriate fee and made application for a minor subdivision in accordance with Section 50-35A of the Subdivision Regulations. The minor subdivision plat application was accepted by M-NCPPC and review comments have been issued. M-NCPPC now informs us that the minor subdivision plat is not acceptable and that a Preliminary Plan or a waiver of the subdivision regulation will be required.

- d. We have made application and paid the appropriate fees to MCDPS Well and Septic Division for a Well and Septic Plan approval. That plan has been approved.
- e. We have had to pay our consultant to redo several plans including the Erosion and Sediment Control Plan, the Well and Septic Plan and the Natural Resources Inventory/Forest Stand Delineation.

We sought guidance from MCDPS and M-NCPPC, the governmental authorities responsible for the issuance of building permits. We followed that guidance and relied on statements made by MCDPS and M-NCPPC staff that directed us to apply for a building permit and apply for minor subdivision of the property.

## 2. Further Delays and Financial Hardship

After 20 months of following what we believed to be reliable guidance, we are told by M-NCPPC that if the Subdivision Regulation Waiver cannot be obtained we must drop back to square one and follow the formal subdivision approval process. Filing a Preliminary Plan application will most likely delay issuance of a building permit for another 1 to 2 years and will rescind approvals we have already obtained for forest and well and septic. A Preliminary Plan application will require new septic testing which could potentially delay approval of the Well and Septic Plan for another 1 to 2 years.

## **Conclusion:**

In March of 2008, we thought we purchased a buildable lot. Twenty months later we are no further along with our proposed new home than we were at the time of purchase. We have changed consultants twice. We have paid for plans to be redone two or three times in an attempt to clean up the confusion caused by misinformation provided by MCDPS and M-NCPPC. Submitting a Preliminary Plan for our property will void the already approved septic tests which will delay issuance of our building permit for two years.

Our property is currently improved with a single family detached dwelling. Demolition of the existing dwelling and construction of our new home does not alter the existing use of the property. No additional lots are being created. We have submitted the minor subdivision plat to MCDPS and M-NCPPC and plat comments have been issued by both agencies. Our land surveyor has addressed the plat comments. Granting us the subdivision regulation waiver will allow us to proceed with subdivision plat recordation and building permit which will allow us to begin construction of our new home in a few months. Per our last discussion with M-NCPPC, a Subdivision Regulation Waiver is the best way to move forward. We respectfully request approval of the waiver.

Sincerely,



Soo Won Lee & Young Lee

cc: Jang Lee  
Gary Unterberg, Rodgers Consulting  
Tim Quinn, Rodgers Consulting  
Aaron Worley, Rodgers Consulting

# EXHIBIT "A"

Board or its staff record any approved final plat or portion of a plat, the developer or subdivider must present to the Board an agreement approved by the County to complete all public improvements as required in Section 50-24. The developer or subdivider must assure final completion by obtaining the permits or bonds and providing sureties as required by applicable laws, regulations, and requirements of the public agencies concerned. The agreement must provide that before any person occupies any building within the subdivision, the developer or subdivider must complete or obtain all necessary permits, and must post all sureties required to guarantee final completion of the improvements and all public facilities required to be constructed by the subdivider or developer to serve the buildings, including the roads, cross streets, drainage ways, and walkways to provide adequate traffic circulation and access to serve the buildings and that portion of the subdivision being developed. The County also may require, where applicable, the developer to obtain road permits and post surety for roads, drainage ways, and walkways in the subdivision which are necessary to provide access and traffic circulation to adjoining tracts of land, schools, and other public property. The agreement may be amended from time to time, as approved by the County, as to the timing of obtaining the permits and posting the sureties. The agreement may be amended or cancelled in whole or part where abandonment, change in zoning, or replanning requires resubdivision platting of undeveloped portions of the subdivision. A new agreement must be signed for the resubdivision. If the subdivider is a corporation, the agreement must be signed individually by the principal officers of the corporation as well as by the corporation. The requirement of individual signatures may be waived, wholly or in part, by the Director of the Department of Permitting Services, or an authorized designee, whenever a corporation presents evidence to show corporate viability and corporate net worth, and deemed sufficient to assure that the corporation, in its own name, is fiscally able to satisfy any enforcement actions taken hereunder. The decision of the Director of the Department of Permitting Services is final, subject only to review by the Chief Administrative Officer. The Board, the County, or any other public agency with jurisdiction may take any legal or other action necessary to enforce the provisions of an agreement, including, where applicable, withholding water and sewer service or suspending or revoking well or sewage disposal permits or authorizations.

(3) In cases under paragraph (2) above wherein the subdivider or developer is required by regulations of the Washington Suburban Sanitary Commission to record a final plat dedicating to public use public roads in excess of his immediate building plans in order to obtain installation of water and sewer to the site of his proposed building operations, the agreement may provide that posting of surety required by the road construction code for road improvements for such excess platting may be delayed as approved by the County in accordance with a time sequence of proposed development set forth in the agreement. (Mont. Co. Code 1965, § 104-26; 1973 L.M.C., ch. 25, § 8; Ord. No. 7-41, § 4; Ord. No. 8-90, § 1; Ord. No. 10-12, § 3; Ord. No. 13-26, § 1; Ord. No. 13-36, § 1; Ord. No. 13-57, § 5; Ord. No. 13-62, § 1; Ord. No. 13-113, § 1; Ord. No. 14-37, § 1; Ord. No. 14-50, § 1.)

## Sec. 50-38. Waivers from requirements of this chapter.

### (a) *Authority of Board.*

(1) The Board may grant a waiver from the requirements of this Chapter upon a determination that practical difficulties or unusual circumstances exist that prevent full compliance with the requirements from being achieved, and that the waiver is: 1) the minimum necessary to provide relief from the requirements; 2) not inconsistent with the purposes and objectives of the General Plan; and 3) not adverse to the public interest.

(2) Large Scale Development or Preservation of Open Space, Forest and Tree Conservation, Environmentally Sensitive Areas, or Prevention of Soil Erosion. The standards and requirements of this Chapter may be modified by the Board if it determines that:

a. a plan and program for a new town, a complete community or a neighborhood unit will provide adequate public spaces and improvements for the circulation of traffic, recreation, light, air, and service needs of the tract when fully developed and populated, and that legal provisions to assure conformity to the plan are satisfactory; or

b. a variance will promote the preservation or creation of open space, forest and tree conservation, preservation of environmentally sensitive areas, or the prevention of soil erosion in the public interest. The Board shall also have the power to modify or vary the requirements of this Chapter where, in the opinion of the Board, the preservation or creation of open space, the prevention of soil erosion or the preservation of exceptional natural topography and trees worthy of preservation in the public interest will be best served thereby.

(3) **Moderate Price Development.** Approval for such a subdivision shall not be granted until the Board shall have reviewed all of the plans of subdivision and development, including the dwelling units and community facilities to be constructed to ascertain the feasibility and practicability that the objectives of this variation from the requirements of the chapter will be achieved. In determining such feasibility and practicality the Board shall obtain assurances that any and all waivers required of other land development codes, rules and regulations shall have been granted by the appropriate authorities. The Board shall also determine and be satisfied that at least a substantial number of dwelling units in a proposed subdivision shall not exceed a sale price of twenty-five thousand dollars (\$25,000.00). When any such subdivision includes, abuts, or is in the immediate vicinity of any recorded subdivision or developed neighborhood then the Board may hold a public hearing on the proposed subdivision before approving same. Where a variation for an increase in density is requested in a town sector zone or planned neighborhood zone, the Board shall be satisfied that all increased numbers of dwelling units may be accomplished without adverse impact on the school, water, road and sewer systems necessary to support the development of the affected property; shall be satisfied that all increased numbers of dwelling units shall not exceed a sale price of twenty thousand dollars (\$20,000.00); shall be satisfied that the increase in development of dwelling units shall provide for at least 0.75 people per acre on the whole zone plan; and shall increase dwelling units proportionately only to the maximum of an additional 1.5 people per acre on such zone plan.

(b) *Procedure for granting variations.*

(1) **Written Request to the Board.** A request for a variation from this chapter shall be addressed to the board in writing, stating all facts warranting variation.

(2) **Referral for Recommendations.** The Board must refer a copy of each request to the Chief Planning Engineer, the Department of Public Works and Transportation, the Washington Suburban Sanitary Commission and the Board of Education for investigation, report, and written recommendation before acting on the request. Any report and recommendation must be submitted to the Board within 30 days after the staff receives it, or the recommendation must be treated as favorable. A request for a variation, filed under this section, constitutes a waiver of the time requirements set forth in Sections 50-35 and 50-36 and extends the time permitted for such review for 45 additional days.

(3) **Resolution.** The decision of the Board shall be in the form of a resolution adopted by the Board by a majority of those voting; and a copy of said resolution shall be forwarded to each agency mentioned in paragraph (2) above.

(4) **Conditions.** In granting a variation, the Board may require such conditions in lieu of full compliance as will, in its judgment, secure substantially the objectives of the requirements so modified



and protect the public interest.

(5) **General Considerations.** Notwithstanding the provisions herein, the Board shall not be authorized to vary or modify the provisions of Chapter 59 of this Code, the road construction code, the building code, health laws or other ordinances or regulations of the County. Pursuant to a moderate price development as contemplated in this Chapter, the Board and the County Council shall cooperate to achieve such waiver within their respective jurisdictions as may enhance the objectives, fulfillments and purposes of that development.

(c) *Board may require special conditions.* In granting a variation, the Board may require such conditions in lieu of full compliance as will, in its judgment, secure substantially the objectives of the requirements so modified and protect the public interest.

(d) *Nonwaiver of other ordinances.* Notwithstanding the provisions herein, the Board shall not be authorized to vary or modify the provisions of Chapter 59 of this Code, the road construction code, the building code, health laws or other ordinances or regulations of the County. (Mont. Co. Code 1965, § 104-27; Ord. No. 6-26; Ord. No. 6-123; Ord. No. 6-168; 1973 L.M.C., ch. 25, § 8; Ord. No. 12-16, § 1; Ord. No. 13-26, § 1; Ord. 13-57, § 6.)

**Sec. 50-39. Residential cluster subdivision.**

(a) *Purpose.* The cluster method of subdivision is intended to promote both flexibility and variety of housing types in residential communities without sacrificing existing per acre dwelling densities or changing the character of the neighborhood. This method of development is also intended to encourage the preservation of existing topography and to promote forest conservation under Chapter 22A while providing useful community green or open space.

- (1) Variations in lot areas and dimensions are permitted;
- (2) A greater variety of building types is introduced in the R-90 and R-60 zones;
- (3) Procedures are established to assure adequate maintenance and restricted use of common grounds;
- (4) Procedures are established to assure adequate protection of existing neighborhoods in the immediate vicinity of proposed cluster developments; and
- (5) The use of this optional method of subdivision is subject to approval by the planning board.

(b) *Conditions for use.* The use of the cluster method of development shall be subject to the following conditions and regulations:

- (1) The appropriate regulations in chapter 59 of this Code pertaining to cluster development in the respective zoning classifications.
- (2) The land proposed for development must be programmed for public water or sewer, as shown on the comprehensive ten-year water and sewerage plan as adopted by the county council and approved by the state department of health and mental hygiene.
- (3) No dwelling in a cluster development shall be occupied unless it is served by public water

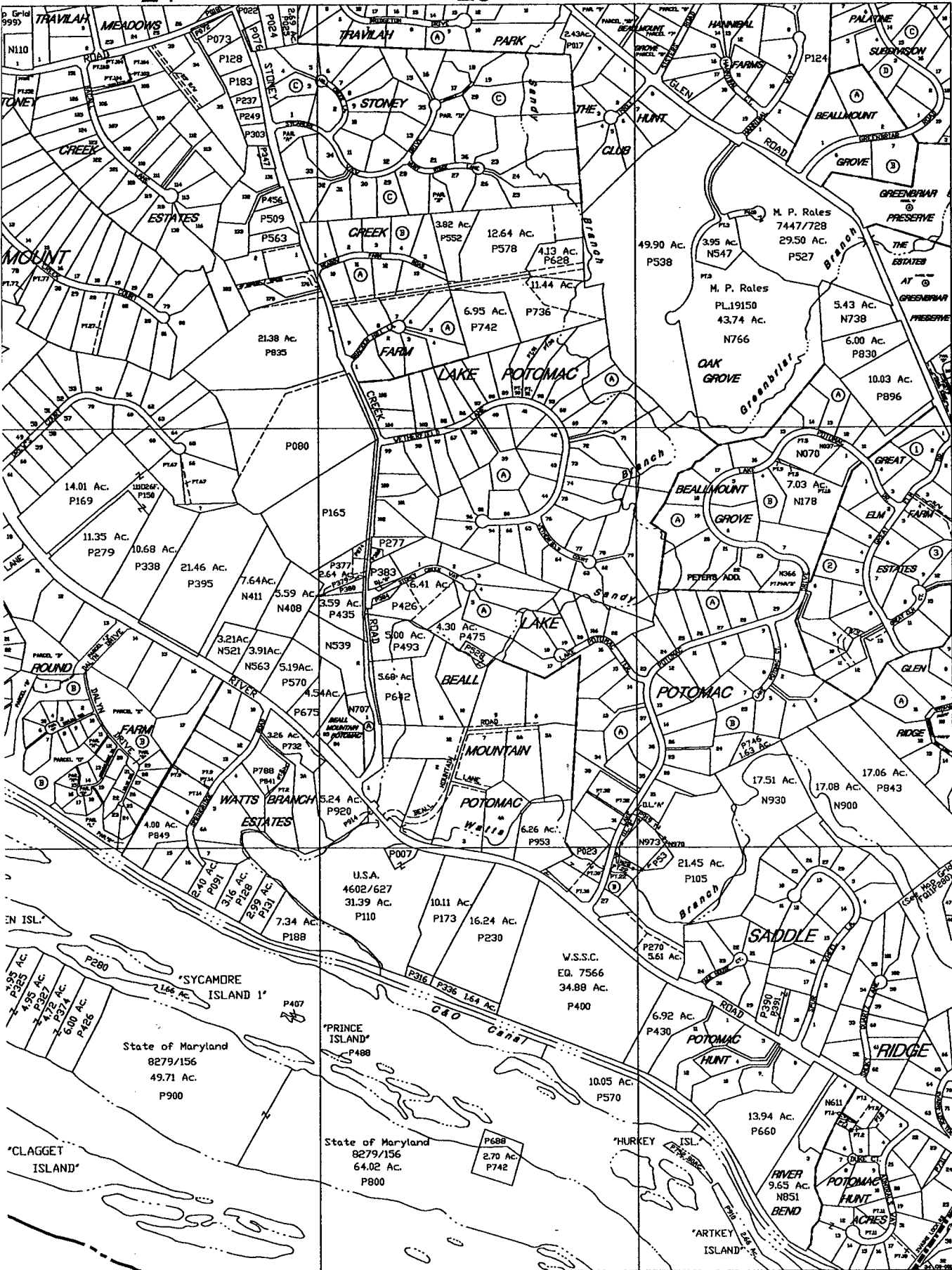
# EXHIBIT "B"

E4

E5

EF

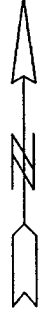
N64000



Q3 FQ123

Q2 FQ122

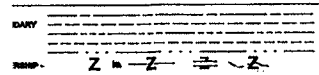
Q1 FQ121



E4


E5

E6



## MONTGOMERY CO.,

## MAP EQ



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION  
8787 Georgia Avenue • Silver Spring, Maryland 20907  
(301) 588-1480

Date: April 9, 1979

MEMORANDUM

TO: Paul Jackson, Plans Examiner  
Montgomery County Department of Environmental Protection

FROM: Robert S. Beall or Gordon A. Campbell  
Subdivision Office, Development Review Division, M-NCPPC

SUBJECT: Owner: JOHN MCGOWAN  
Acreage: 2+ AC. Folio: 482  
Liber: Prof 966 Parcel Number: 300  
Tax Plate: EQ  
Other:

*Prop. appears as not indicated on 'plan 1-7805'  
addition to existing residence OK as exception to  
Sub Regs*

I am writing to advise you that the dwelling which is <sup>EXISTING</sup> (proposed) as described above, has been reviewed by this office.

Since this parcel qualifies as an exception to the Subdivision Regulations, no record plat will be required for the release of a building permit by this office. However, I would point out that any further resubdivision of this parcel will require subdivision approval.

If you have any questions, please feel free to contact this office.

*John J. Allen*

djj

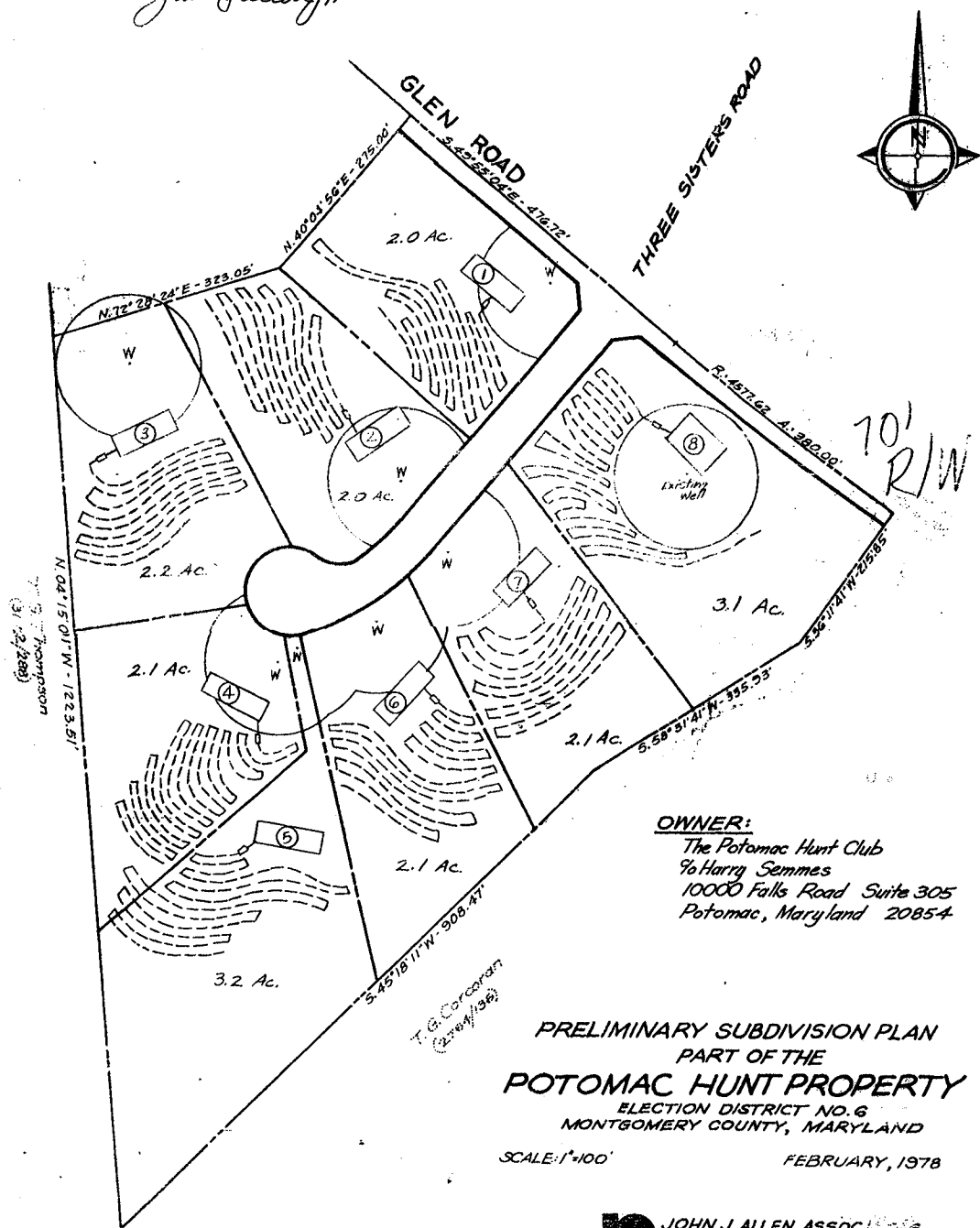
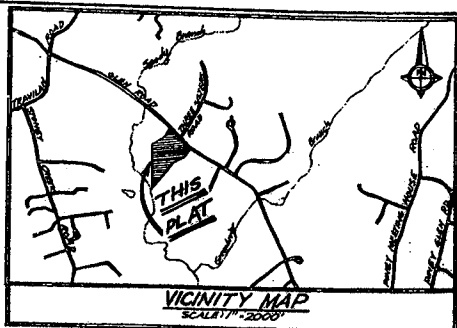
cc: John J. Allen Assoc.

# EXHIBIT "D"

**NOTES:**

1. Property is part of Liber 968 Folio 482.
2. Topography shown is from M.N.C.P.R.C. data.
3. Plan based on RE-2 zone.
4. Major soils are Md B3 and Md C3 group 1 & 2.
5. Lots to be served by wells and individual septic disposal.

*John J. Allen Jr.*



**OWNER:**  
 The Potomac Hunt Club  
 % Harry Semmes  
 10000 Falls Road Suite 305  
 Potomac, Maryland 20854

**PRELIMINARY SUBDIVISION PLAN  
 PART OF THE  
 POTOMAC HUNT PROPERTY**

ELECTION DISTRICT NO. 6  
 MONTGOMERY COUNTY, MARYLAND

SCALE: 1" = 100'      FEBRUARY, 1978

**JOHN J. ALLEN ASSOC.**  
 Civil Engineers - Land Planners - Surveyors  
 Bethesda, Md. 20814 (301) 656-3650

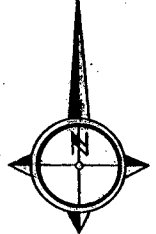
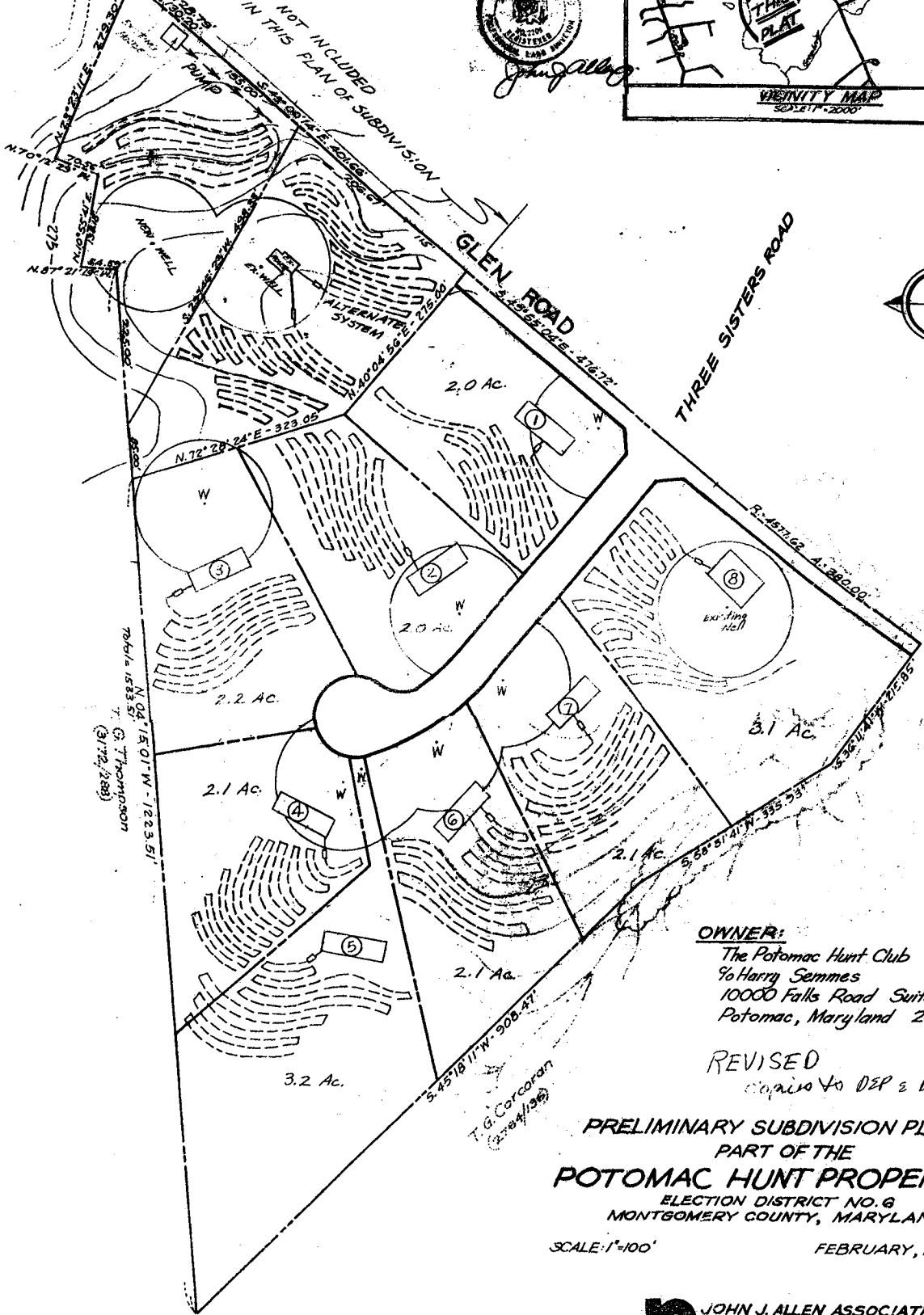
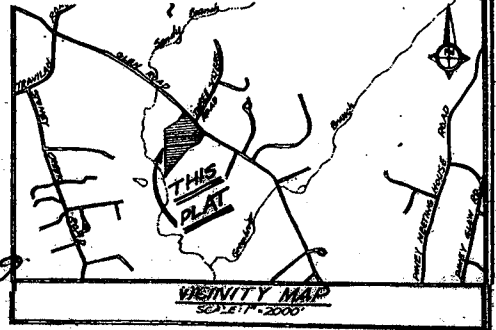
# EXHIBIT "E"

**NOTES:**

1. Property is part of Liber 968-Folio 482.
2. Topography shown is from M.N.C.P.P.C. data.
3. Plan based on RE-2 zoning.
4. Major soils are M1B3 and M1C3 groups 1 & 2.
5. Lots to be served by wells and individual septic disposal systems.



*John J. Allen*



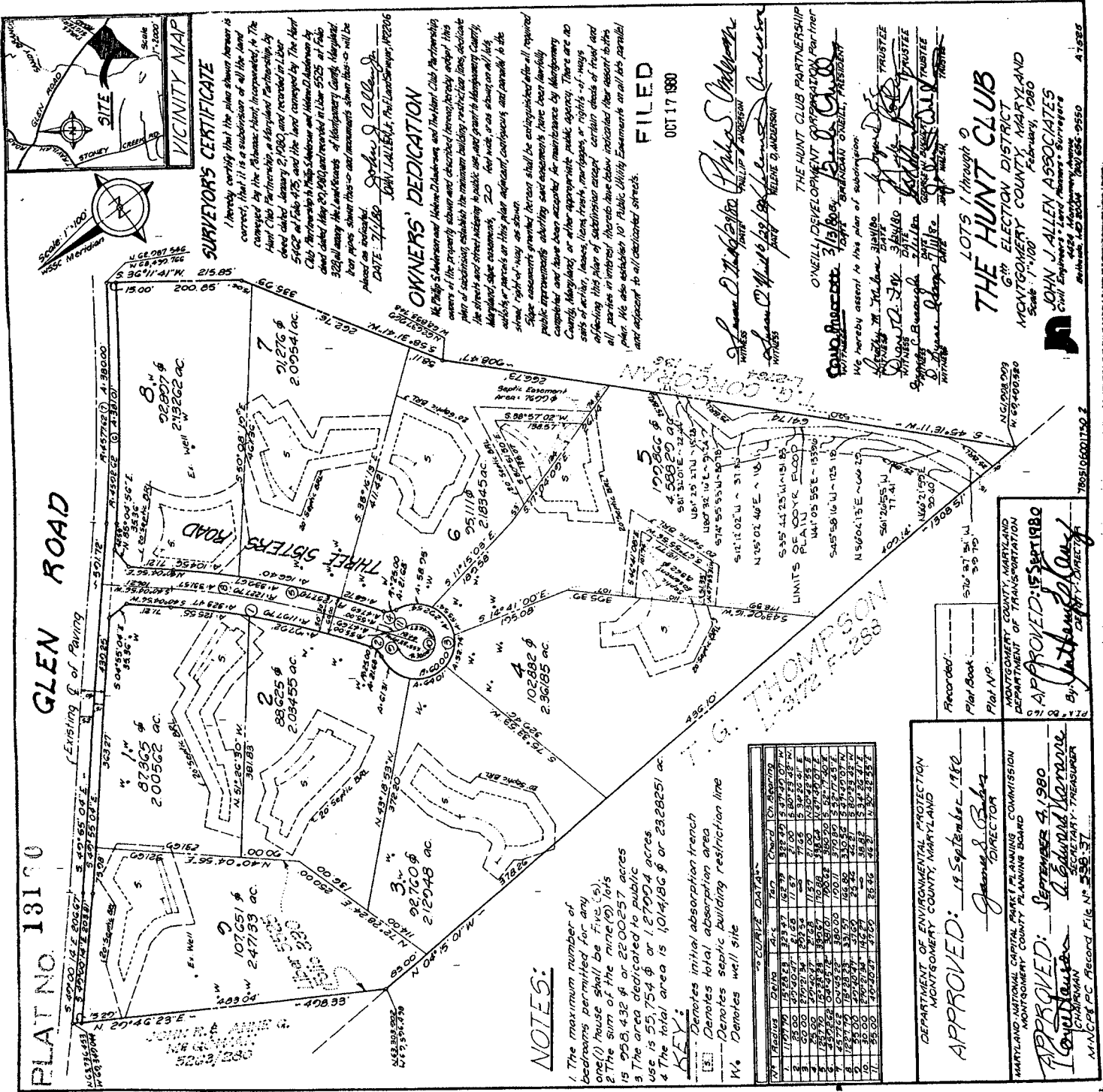
**OWNER:**  
 The Potomac Hunt Club  
 % Harry Semmes  
 10000 Falls Road Suite 305  
 Potomac, Maryland 20854

REVISED  
 copies to DEP & DOT  
*gc*

**PRELIMINARY SUBDIVISION PLAN**  
 PART OF THE  
**POTOMAC HUNT PROPERTY**  
 ELECTION DISTRICT NO. 6  
 MONTGOMERY COUNTY, MARYLAND

SCALE: 1" = 100'      FEBRUARY, 1978

**JA** JOHN J. ALLEN ASSOCIATES  
 Civil Engineers - Land Planners - Surveyors  
 Bethesda, Md. 20814 (301) 656-3550



**SURVEYOR'S CERTIFICATE**

I hereby certify that the plan shown herein is correct, that it is a subdivision of all the land conveyed by the Release from Incorporation, by Hunt Club Partnership in Maryland Partnership, by deed dated January 2, 1980, and recorded in Liber 5562 of Folio 428, and the land conveyed by The Hunt Club Partnership in this Subdivision and Volume 5525 of Folio 428, and recorded in Liber 5525 of Folio 382, all being the land interests of Montgomery County, Maryland, that have been shown on this plan and that will be placed on record.

DATE: 9/19/80 James J. Baker  
John J. Allen, Jr.  
John J. Allen, Jr., Phil Land Surveyor, MPE206

**OWNERS' DEDICATION**

The Philip S. Anderson and Helen D. Anderson, and The Hunt Club Partnership, owners of the property above and described hereby dedicate to the public use and grant to Montgomery County, Maryland, the streets and easements shown on this plan and grant to Montgomery County, Maryland, the easements shown on this plan and grant to Montgomery County, Maryland, the easements shown on this plan. We also dedicate to the public use and grant to Montgomery County, Maryland, the easements shown on this plan and grant to Montgomery County, Maryland, the easements shown on this plan. We also dedicate to the public use and grant to Montgomery County, Maryland, the easements shown on this plan and grant to Montgomery County, Maryland, the easements shown on this plan.

FILED  
OCT 17 1980

*James J. Baker*  
 Director  
 Montgomery County Planning Board

THE HUNT CLUB PARTNERSHIP  
 ONEILL DEVELOPMENT CORPORATION, Partner  
 3/19/80, Belmont  
 1001 BRANCH STREET, PRESIDENT

WE hereby assent to this plan of subdivision:  
James J. Baker Director  
John J. Allen, Jr. Secretary  
John J. Allen, Jr. Treasurer  
John J. Allen, Jr. Chairman

LOTS 1 THROUGH 9  
**THE HUNT CLUB**  
 6th ELECTION DISTRICT  
 MONTGOMERY COUNTY, MARYLAND  
 DATE: 9/19/80  
 February, 1980  
**JOHN J. ALLEN ASSOCIATES**  
 Civil Engineers - Land Planners - Surveyors  
 4444 Rockledge Drive, Suite 200  
 Bethesda, MD 20814  
 Telephone: (301) 953-9550

**NOTES:**

- The maximum number of bedroams permitted for any one (1) house shall be five (5).
- The sum of the nine (9) lots is 958,432 sq. ft. or 22,002.57 acres.
- The area dedicated to public use is 55,754 sq. ft. or 1.27004 acres.
- The total area is 1,014,186 sq. ft. or 23,282.51 acres.

- KEY:**
- Denotes initial absorption trench
  - Denotes total absorption area
  - Denotes septic building restriction line
  - W Denotes well site

NO.	MEASUREMENT	AREA	TYPE	COMMENTS
1	119799	15282.3	323.47	15282.3
2	8500	10751.9	17.97	10751.9
3	24795	24795.0	17.97	24795.0
4	107651	107651.0	17.97	107651.0
5	12048	12048.0	17.97	12048.0
6	200562	200562.0	17.97	200562.0
7	212048	212048.0	17.97	212048.0
8	102882	102882.0	17.97	102882.0
9	236185	236185.0	17.97	236185.0
TOTAL		1014186.0		1014186.0

DEPARTMENT OF ENVIRONMENTAL PROTECTION  
 MONTGOMERY COUNTY, MARYLAND

APPROVED: 19 September 1980  
James J. Baker  
 DIRECTOR

APPROVED: September 9, 1980  
John J. Allen, Jr.  
 SECRETARY-TREASURER

RECORDED: 19 September 1980  
John J. Allen, Jr.  
 DEPUTY SECRETARY-TREASURER

MING/PC RECORD FILE NO. 258-37

LIBER 4 758 FOLIO 636

CLERK'S OFFICE  
MONTG. CO., MD.

NO CONSIDERATION  
NO TITLE EXAMINATION

1976 MAR 15 PM 4 14

1950

DEB ---ACK

CLK.C.T.H.C.

4 8 8

PAID 4 8 8

15-76

THIS DEED, made and entered into in the County of Montgomery, State of Maryland, this 3rd day of February 1975, by and between

RICHMOND B. KEECH, PRESTON C. KING, ROBERT D. LADD, F. MORAN McCONIHE and VALENTINE C. WILSON, Trustees and HARRY H. SEMMES, Master, parties of the first part, hereinafter sometimes called the "Grantors", and

THE POTOMAC HUNT INCORPORATED, a Maryland Corporation, party of the second part,

WHEREAS, by a Deed dated May 14, 1945 and recorded among the Land Records of Montgomery County, Maryland on May 22, 1945 in Liber 968 at folio 482 the herein described premises containing 25.738 acres of land, more or less, were conveyed by Arthur Raymond Henley and Viola Lillian Henley, his wife, to Ralph R. Counselman, L. Howell La Motte, F. Moran McConihe, William C. Hanson and Richmond B. Keech, Trustees, to be held by them in trust for the use and benefit of The Potomac Hunt, (an unincorporated association) with power to sell or encumber and convey the same by deed in fee simple or deed of trust or other estate, as directed by the Hunt Committee of Potomac Hunt, such direction to be evidenced by the signature of one of the joint masters for the time being of said Hunt to any conveyance made pursuant thereto;

WHEREAS, by an Instrument of Trust made May 5, 1954 and recorded among said Land Records on June 4, 1954 in Liber 1926 at folio 293 the said Trustees, as designated in the said Deed recorded in Liber 968 at folio 482, or their survivors and appointed successors as provided for in said Instrument of Trust, have the power as described in the aforesaid Deed to sell or encumber and to convey the herein described premises as directed by the Hunt Committee of the Potomac Hunt and upon the joint signature of one of the Joint Masters of the Hunt;

WHEREAS, the Grantors are the present Trustees and the Master of the Hunt for the time being;

WHEREAS, said Instrument of Trust further provided that any power contained therein in said Deed as recorded in Liber 968 at folio 482 specifically authorized the said Trustees, together with one of the Joint Masters of the Hunt, acting upon the authorization of the Hunt Committee of the Potomac Hunt, to execute any Deed, Deed of Trust, mortgage, acquittance, quitclaim, release, or other instrument as may be required.

WHEREAS, Articles of Incorporation of The Potomac Hunt Incorporated were approved and received for record by the State Department of Assessments of Taxation of Maryland on April 3, 1974 as in conformity with law and ordered recorded;

1530

LIBER 4 758 FOLIO 637

WHEREAS, the said Hunt Committee of the Potomac Hunt desires and has duly resolved to convey the herein described premises to the Potomac Hunt Incorporated.

WITNESSETH, that in consideration of the sum of Ten Dollars and other good and valuable consideration, receipt of which is hereby acknowledged, the said parties of the first part do grant and convey unto the party of the second part in fee simple all that property situate in Montgomery County, State of Maryland, described as:

Parts of a tract of land called "Beall Mount", "Evans Chance", "The Resurvey of Plney-Grove", being also part of the same lands conveyed by Charles T. Stearn and Ida B. Stearn, his wife, to Arthur Raymond Henley and Viola Lillian Henley, his wife, dated September 2nd, 1939, and recorded in Liber 752 at folio 210, one of the Land Records of Montgomery County, Maryland, and more particularly described by metes and bounds, courses and distances following to wit:

Beginning for the same at the end of 670.00 feet on the sixth line of the above mentioned conveyance and running thence North 00° 38' 22" West 1533.51 feet to a stone planted at the end of said line; thence still with the outlines of said conveyance North 83° 44' 40" West 54.59 feet; North 14° 32' 20" East 138.18 feet; North 66° 35' 50" West 70.56 feet, North 26° 59' 50" East 279.30 feet to a point on the southside of the Travilah-Glen Road; thence bounding on the southside of said road on a curve to the right having a radius of 2128.79 feet for a distance of 130.20 feet (chord South 47° 08' 42" East 130.18 feet); thence South 45° 23' 35" East 401.66 feet; South 46° 18' 25" East 591.71 feet; thence on a curve to the left having a radius of 4577.62 feet for a distance of 380.00 feet (chord South 48° 41' 06" East 379.90 feet) thence leaving the outlines and to include a parcel of said land South 39° 48' 20" West 215.85 feet, South 62° 08' 20" West 335.94 feet; South 48° 54' 50" West 908.48 feet to the place of beginning, containing 25.738 acres of land, more or less.

Being the same property described in Liber 968 folio 482 among the said Land Records.

Subject to covenants and restrictions of record.

TO HAVE AND TO HOLD said land and premises above described or mentioned and hereby intended to be conveyed, together with the rights, privileges, appurtenances and advantages thereunto belonging or appertaining unto and to the only proper use, benefit and behoof forever of said party of the second part in fee simple.

TOGETHER with the building and improvements thereupon erected, made or being; and all and every, the rights, alleys, ways, water, privileges, appurtenances and advantages to the same belonging or in anywise appertaining.



AND the said parties of the first part covenant that we will warrant specially the property hereby conveyed; and that we will execute such further assurances of said land as may be requisite.

WITNESS our hands and seals.

James W. Dales  
Witness James W. Dales

[Signature] [SEAL]  
RICHMOND B. KEECH, Trustee

Vivian E. Beuchert  
Witness Vivian E. Beuchert

[Signature] [SEAL]  
PRESTON C. KING, Trustee

Betty S. Murphy  
Witness Betty S. Murphy

[Signature] [SEAL]  
ROBERT D. LADD, Trustee

Brenda B. Petty  
Witness Brenda B. Petty

[Signature] [SEAL]  
F. MORAN McCONIHE, Trustee

[Signature]  
Witness John N. Spate

[Signature] [SEAL]  
VALENTINE C. WILSON, Trustee

W.E. Carroll  
Witness W.E. Carroll

[Signature] [SEAL]  
HARRY H. SEMMES, Master

District of Columbia  
STATE OF MARYLAND )  
COUNTY OF MONTGOMERY ) ss

On this 3<sup>rd</sup> day of February, 1975, before me, the undersigned officer, personally appeared Robert D. Ladd known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument and acknowledged that he has executed the same for the purposes therein contained.

In witness whereof I have hereunto set my hand and official seal.



Betty S. Murphy  
Betty S. Murphy, Notary Public, D.C.

My commission expires: November 15, 1977

LIBER 5263 FOLIO 280

CLERK'S OFFICE  
MONTG. CO., MD.

1978 DEC 29 PM 2:33

THIS DEED, made this 2nd day of November, in the year Nineteen Hundred Seventy-eight, by and between THE POTOMAC HUNT INCORPORATED (a Maryland corporation), party of the first part, and JOHN ROBERT MCGOWAN and ANNE GERRIN MCGOWAN, his wife, parties of the second part.

WITNESSETH that, for and in consideration of the sum of \$60,000.00, the said party of the first part does grant and convey unto the said parties of the second part, in fee simple, their heirs and assigns, as tenants by the entirety, the following described land and premises, with the improvements, easements and appurtenances thereunto belonging, situate, lying and being in Montgomery County, State of Maryland, namely:

Part of a tract of land called "Beall Mount", "Evans Chance" and "Resurvey on Piney Grove", being part of the land conveyed by Liber 968 at Folio 482 among the Land Records of Montgomery County, Maryland, and being more particularly described as follows: Beginning for the same at the end of the first line of Liber 968 at Folio 482 and running thence with the second, third, fourth and fifth lines of said Deed with bearings corrected to meridian of the Washington Suburban Sanitary Commission as follows:  
North 87° 21' 19" West 54.59 feet,  
North 10° 55' 41" East 138.18 feet  
North 70° 12' 29" West 70.56 feet  
North 23° 23' 11" East 279.30 feet to the southerly line of Glen Road, thence with said line and the sixth and party of the seventh lines of Liber 968 at Folio 482 as follows: 130.20 feet along the arc of a curve to the right with a radius of 2,128.79 feet (chord South 50° 45' 21" East 130.18 feet)  
South 49° 00' 14" East 195.00 feet, thence crossing the whole tract South 29° 46' 23" West 498.33 feet to a point on the first line of Liber 968 at Folio 482, thence with part of said line North 04° 15' 01" West 225.00 feet to the beginning.  
Containing 2.43422 acres of land

TOGETHER WITH a general easement across the lands of the party of the first part herein for continued use of the existing well and septic drain fields as presently constructed, said easement to be extinguished in the event of construction of a new well or septic system as may be necessary upon the 2.43422 acres of land hereby conveyed.  
According to survey by John J. Allen Associates, dated October 18, 1978

BEING part of the same land described in Liber 4758 at Folio 636.

TO HAVE AND TO HOLD the same unto and to the use of the said parties hereto of the second part, in fee simple.

AND the said party of the first part does hereby covenant to warrant specially the property hereby conveyed, and to execute such further assurances of said land as may be requisite.

LAW OFFICE  
BETTS, CLOGG  
& MURDOCK  
JEFFERSON BUILDING  
ROCKVILLE, MARYLAND  
414-4400

I hereby certify that I am an attorney duly admitted to practice before the Court of Appeals of Maryland and that this instrument was prepared under my supervision  
*James Henry Murdock*  
James Henry Murdock

DEC-29-78 PAID 2865 CLK.CI.M.C.  
DEC-29-78 PAID 2866 CLK.CI.M.C.  
DEC-29-78 PAID 2867 CLK.CI.M.C.

RYBACK  
251  
TTBACK  
M-BOOK  
DED  
264.00  
300.00  
9.00

264  
300  
9-

25161M

WITNESS the corporate seal and signature on the day and year first hereinbefore written.

Signed, sealed and delivered in presence of

Attest: *Randolph W. Reed, Jr.*  
Randolph W. Reed, Jr. Secretary


THE POTOMAC HUNT INCORPORATED  
By *Thomas N. Dowd*  
Thomas N. Dowd President

STATE OF MARYLAND  
COUNTY OF MONTGOMERY, to wit:

I HEREBY CERTIFY that on this 17th day of November, 1978, before the subscriber, a Notary Public of the state and county aforesaid, personally appeared THOMAS N. DOWD, who acknowledged himself to be President of The Potomac Hunt Incorporated and that he, as such officer, being authorized so to do, executed the foregoing instrument for the purposes therein contained by signing the name of said corporation by himself as such officer.

IN TESTIMONY WHEREOF, I have affixed my official seal the date above written.

My commission expires July 1, 1982

*James Henry Murdock*  
James Henry Murdock, Notary Public  


CERTIFICATE

I HEREBY CERTIFY that the foregoing instrument was executed pursuant to a duly adopted resolution by the Board of Directors of The Potomac Hunt Incorporated, and do further certify that the foregoing instrument is not part of a transaction in which there is a sale, lease, exchange or other transfer of all, or substantially all, of the property and assets of said corporation.

*Thomas N. Dowd*  
Thomas N. Dowd President

LAW OFFICE  
BETTS, CLOGG  
& MURDOCK  
JEFFERSON BUILDING  
ROCKVILLE, MARYLAND  
434-4400

LITER 5263 FOLIO 282

DEC 29 1978

4-1-390696

All taxes on assessments certified to the  
Collector of Taxes of Montgomery County  
Md. by ~~1/28/78~~ ~~1/28/78~~ have been paid Dept. of  
Finance, Montgomery County, Md. This  
statement is for the purpose of providing  
recognition and is not an exercise of the  
further taxation even for prior periods, nor  
does it guarantee satisfaction of obligations  
for tax sales.

21662 TRANSFER TAX PAID  
MONTGOMERY COUNTY, MARYLAND

*[Signature]*

EXEMPT FROM RECAPTURE TAX

DEC 29 1978

TAX PAID

RIGHT TARIFF: THIS PROPERTY HAS BEEN  
TRANSFERRED ON THE MONTGOMERY COUNTY  
ASSESSMENT ROLL

ASSESSED VALUE DIVISION OF ASSESSMENT

*[Signature]*  
6-1-390696

Mr. and Mrs. John Robert McGowan  
c/o Monroe Development Corp.  
(Mr. Gonnell)  
8130 Boone Boulevard  
Vienna, Virginia, 22180

LIBER 5462 FOLIO 475

1980 JAN -3 PH 12: 07

CLERK'S OFFICE  
MONTGOMERY COUNTY, MD

THIS DEED, made this 2<sup>d</sup> day of January, 1980, by and between  
THE POTOMAC HUNT INCORPORATED, a Maryland corporation, as  
Party of the First Part, and

THE HUNT CLUB PARTNERSHIP, as Party of the Second Part,

WITNESSETH that in consideration of the sum of \$450,000, the  
said Party of the First Part grants and conveys unto the said  
Party of the Second Part, in fee simple, all that parcel of ground  
situate in the 6th Election District of Montgomery County, Mary-  
land, described as

Part of BEALL MONT, and

BEGINNING for the same at the beginning of a conveyance re-  
corded in Liber 4758 at Folio 636, and running thence, with part  
of the first line of said conveyance with bearings adjusted

1. North 04° 15' 01" West 1,308.51 feet to a point, thence
2. North 29° 46' 23" East 498.33 feet to a point on the southerly  
margin of Glen Road, and thence, with it
3. South 49° 00' 14" East 206.67 feet to a point, thence
4. South 49° 55' 04" East 591.72 feet to a point, thence with the  
arc of a curve to the left whose radius is 4,577.62 feet
5. An arc distance of 380.00 feet, chord bearing and distance  
South 52° 17' 45" East 379.90 feet to a point, thence  
leaving said road and running
6. South 36° 11' 41" West 215.85 feet to a point, thence
7. South 58° 31' 41" West 335.93 feet to a point, thence
8. South 45° 18' 11" West 908.47 feet to the beginning,

containing 23.304 acres

BEING part of the same land conveyed in Liber 4758 at Folio  
636 among the said land records,

TOGETHER with the improvements thereon, and all the rights,  
ways, easements, appurtenances and advantages thereunto belonging  
or in anywise appertaining,

AND the Party of the First Part covenants that it is seised  
of the land herein conveyed, that it has a right to convey the  
said land, that it has done no act to encumber the said land, that  
it warrants specially the land and premises herein conveyed and  
will execute such further assurances of the same as may be requi-  
site.

THE POTOMAC HUNT INCORPORATED

RTX 1980.00  
STATE TX 2250.00  
DEED 5.00

By: Clarence W. Gosnell, Jr.

ATTEST:

Randolph W. Reed, Jr.  
RANDOLPH W. REED, JR. Secretary

CLARENCE W. GOSNELL, JR., Chairman,  
Hunt Club Committee

STATE OF MARYLAND, MONTGOMERY COUNTY, Sct:

I hereby certify that on this 2<sup>d</sup> day of January, 1980, be-  
fore the subscriber, a Notary Public of the State of Maryland,  
personally appeared Clarence W. Gosnell, Jr., and he, being auth-  
orized so to do, acknowledged the foregoing deed to be the act of  
the said Corporation, and affirmed that this is not a transfer of  
all, or substantially all of the assets of the transferor corpora-  
tion.



Anna M. Littlefield  
Anna M. Littlefield NOTARY PUBLIC  
My commission expires July 1, 1982

I certify that the within instrument  
was prepared by me or under my  
supervision

Robert E. Dillard  
Member of the Bar of  
the Court of Appeals of  
Maryland

2250.00  
1980.00  
5.00  
21.00  
2256.

A-3281

LIBER 5462 FOLIO 476

6-1-390696

JAN 3 1980

All Taxes on assessments certified to the Collector of Taxes for Montgomery County Md. by 2-26-78 have been paid Dept. of Finance Montgomery County, Md. This statement is for the purpose of permitting recapture and is not assurance against further taxation even for prior periods, nor does it guarantee satisfaction of outstanding tax sales.

S 1746663 <sup>of</sup> TRANSFER TAX PAID  
MONTGOMERY COUNTY, MARYLAND  
BY Dr.

EXEMPT FROM RECAPTURE TAX

HERBERT L. ... TRANSFER TAX DEPARTMENT  
ASSESSMENT DEPARTMENT  
6-1-390696

## 12300 Glen Road

From: **Scala-Demby, Susan** (Susan.Scala-Demby@montgomerycountymd.gov)  
Sent: Mon 7/14/08 2:48 PM  
To: soowonlee55@hotmail.com

I am responding to your June 26, 2008 letter requesting information on the lot located at 12300 Glen Road.

If the house was in fact existing before 1958, **even if by deed and not subdivision**, and because you have an existing house on the property, then the zoning ordinance allows the following:

*Sec. 59-B-5.3. One-family dwelling.*

*Any one-family dwelling in a residential zone or agricultural zone that was built on a lot legally recorded by deed or subdivision plat before June 1, 1958, is not a nonconforming building. The dwelling may be altered, renovated, or enlarged, or replaced by a new dwelling, under the zoning development standards in effect when the lot was recorded, except that:*

(a) *a lot recorded before March 16, 1928, in the original Maryland-Washington Metropolitan District, must meet the development standards in the 1928 Zoning Ordinance;\**

*\*Editor's note—The 1928 Zoning Ordinance is attached to Article 59-B.*

(b) **one-family dwellings and accessory structures on a lot legally recorded by deed or subdivision plat before June 1, 1958, in the Upper Montgomery County Planning District must comply with the setback, yard, and area coverage standards applicable to the lot in the 1956 Zoning Ordinances for the Upper Montgomery Planning District;**

(c) *the maximum building height and maximum building coverage in effect when the building is altered, renovated, enlarged, or replaced by a new dwelling applies to the building; and*

(d) *an established building line setback must conform to the standards for determining the established building line in effect for the lot when any alteration, renovation, enlargement, or replacement by a new dwelling occurs. Any building permit issued before November 23, 1997 must conform to the development standards in effect when the lot was recorded.*

*If the property was not recorded by deed before June 1, 1958, then you would be required to go through subdivision. You can check with the Land Records Department at the Montgomery County Circuit Court building located next to the Executive Building of Montgomery County which is located 101 Monroe Street, Rockville, MD. They can research all the deeds that exist for the property.*

Even though the address of the property is in Potomac, it is considered the Upper County. Please visit the Zoning page of the DPS website at

**[www.montgomerycountymd.gov/permittingservices](http://www.montgomerycountymd.gov/permittingservices)**

for additional zoning information.

If you have questions please feel free to call me at the number below.

Susan Scala-Demby  
Permitting Services Manager  
255 Rockville Pike, 2nd floor  
Rockville, MD 20850  
240-777-6255

# EXHIBIT "K"

Tim Quinn

---

**From:** Weaver, Richard [Richard.Weaver@mncppc-mc.org]  
**Sent:** Tuesday, October 06, 2009 12:30 PM  
**To:** Tim Quinn  
**Cc:** Smith, Stephen  
**Subject:** RE: Minor subdivision

Tim,

I had a chance to talk to Cathy and here is where we stand:

You heard correctly that we would accept a minor subdivision application for the property under Section 50-35A(a)(6) but that it would be submitted with a justification to waive the requirement that the parcel be deeded prior to June 1, 1958. We will only require an application form and fee for the minor subdivision record plat; there will be no need to submit a waiver application and fee. Cathy advises that it is likely we will support the waiver but cannot guarantee the Board will support it. The justification for waiver will need to be based on the unusual circumstance of finding an exception letter in the file and proceeding based on that letter. There will be one hearing for the plat where staff will introduce the waiver request and hopefully, the Board will approve of it and approve the plat at the same time.

Let me know if you need anything.

Rich

---

**From:** Tim Quinn [mailto:TQuinn@RODGERS.com]  
**Sent:** Tuesday, October 06, 2009 9:51 AM  
**To:** Weaver, Richard  
**Subject:** RE: Minor subdivision

The property is P017 located on Tax Map EQ, Grid EQ53. The address is 12300 Glen Road, Potomac, MD 20854. The owner is Soo Wan Lee.

Thanks Rich.



# Plat No.

CURVE	RADIUS	LENGTH	TANGENT	CHORD	AREA
1	1052.02	158.53	83.46	124.23	11,177.74
2	1052.02	158.53	83.46	124.23	11,177.74

**Owner's Certificate**

We, the undersigned, owners of the property described herein, adopt this plat of subdivision, establish the boundaries of the lots, and dedicate the streets to public use, and guarantee compliance with the provisions of section 50-24 of the subdivision regulations.

Further, we grant to the applicable utility companies, and to each of them and their successors or assigns, a public utility easement in, on, and over the land designated herein as "P.U.E.", if any, with the terms and provisions of said grant being those set forth in that certain document entitled "DECLARATION OF TERMS AND PROVISIONS OF PUBLIC UTILITY EASEMENTS" recorded in Liber 3834 at Folio 457 among the Land Records of Montgomery County, Maryland.

As owners of this subdivision we, our successors and assigns, will cause all property corner markers and any other required monumentation to be set by registered Maryland Surveyors in accordance with the provisions of section 50-24 (f) of the Montgomery County Code prior to the opening of public streets for maintenance.

There are no suits or actions at law, leases, liens, mortgages or trusts affecting the property shown hereon.

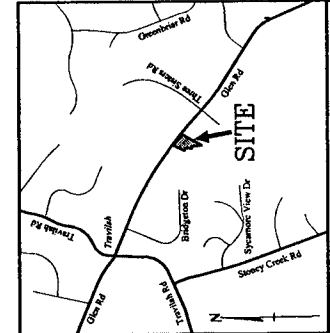
Date \_\_\_\_\_  
 \_\_\_\_\_  
 Soo Won Lee

Date \_\_\_\_\_  
 \_\_\_\_\_  
 Young A. Lee

**SURVEYOR'S CERTIFICATE**

I hereby certify that the data shown herein is correct; that it is a subdivision of all of the property acquired by Soo Won Lee and Young A. Lee, from Heidi Raszyn by a deed dated March 24, 2008 and recorded among the Land Records of Montgomery County, Maryland in Liber 3808 at Folio 247, and that the plat of subdivision shown herein is in accordance with the provisions of section 50-24 (e) of the Montgomery County Code. The total area included on this plat is 106,285 square feet or 2.43996 acres, of which 4,862 square feet or 0.11161 acres is dedicated to public use.

Date \_\_\_\_\_  
 \_\_\_\_\_  
 Timothy P. Quinn  
 Surveyor  
 Maryland Registration No. 20002

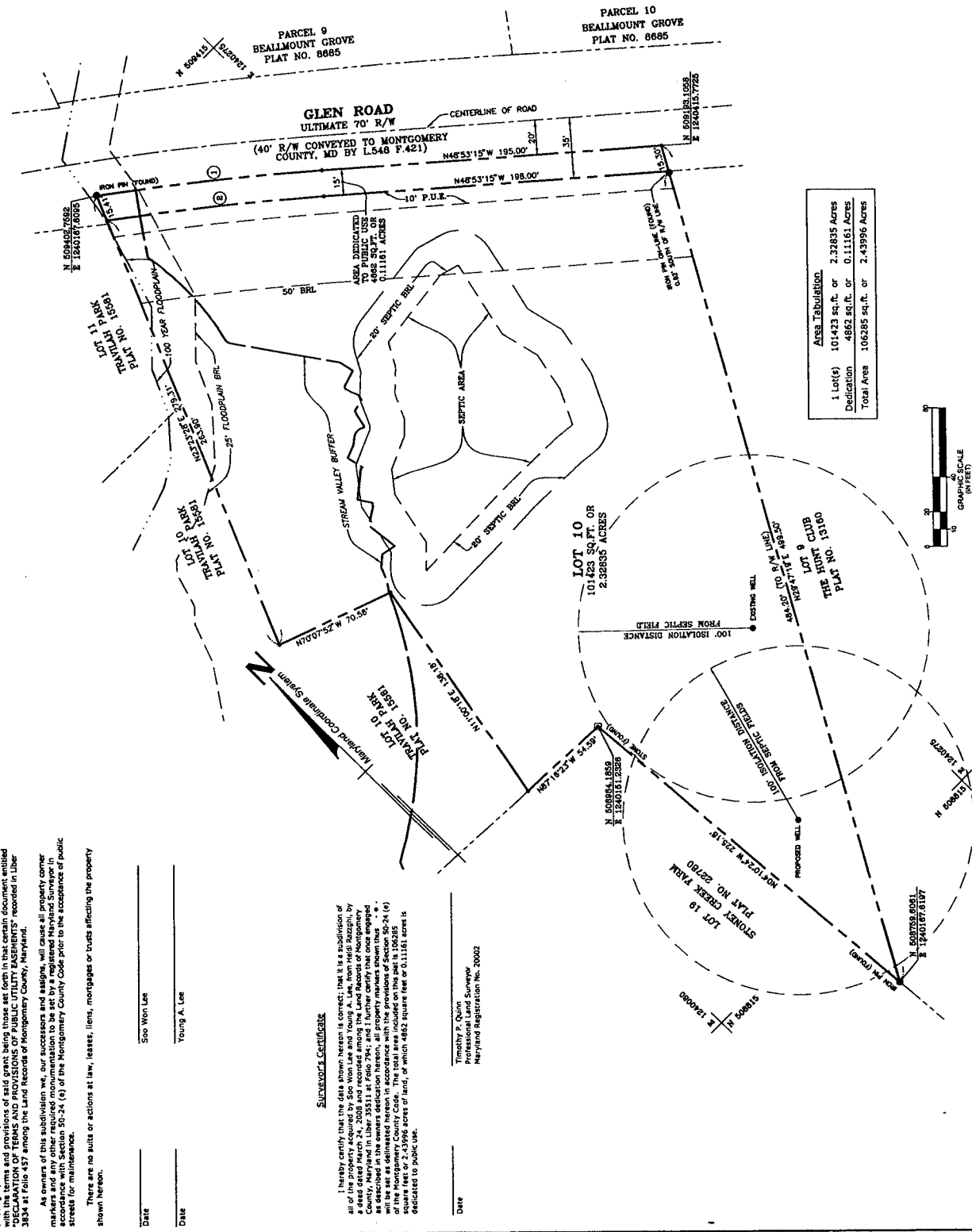


- GENERAL NOTES:**
- This Subdivision Record Plat is not intended to show every matter affecting the ownership and use, nor every matter restricting the ownership and use of the property. The Subdivision Record Plat is not intended to replace an examination of title or to depict or note all matters affecting title.
  - All terms, conditions, agreements, limitations, and requirements associated with any preliminary plan, site plan, project plan or other plan allowing development of this property, approved by the Planning Board and the Montgomery County Department of Permitting Services, shall be maintained by the plat as approved. The official public file for any such plan are maintained by the Planning Board and available for public review during normal business hours.
  - This property shall be served by private septic systems and private well systems only.
  - Septic building restriction lines are subject to change with Montgomery County Department of Permitting Services Well and Septic approval.
  - The septic area shown hereon is designed for a 5 bedroom house.
  - The property shown hereon is subject to the requirements of the Montgomery County Forest Conservation Law, including approval of a Final Forest Conservation Plan and appropriate agreements prior to the issuance of a Sediment Control Permit.
  - This Plat: 1 Lot(s); Zoned RE-2.
  - This property is shown on Tax Map Grid EQ33 (Tax Map EQ) and WSSC 200 Sheet Number 216 NW 12.
  - Horizontal datum is the Maryland Coordinate System (NAD83(CONS95)) (epoch 2002.0090), SPCS zone 1800 (MD), U.S. Survey Feet), based on GNSS observations post-processed by the National Geodetic Survey's "ODUSIS" service. The average combined scale/elevation factor for the site is 0.999947171.
  - This plat conforms to the requirements for Minor Subdivision approvals contained in Section 50-25A of the Montgomery County Subdivision Regulations, being Chapter 50 of the County Code.
  - All existing property markers shown hereon were held, unless otherwise noted.
  - The source of the 100 year floodplain shown hereon is based on Federal Emergency Management Agency Flood Insurance Rate Map Number 24031C03100 (Panel 31.0 of 480), have an effective date of September 29, 2006.

# EXHIBIT "L"

SUBDIVISION RECORD PLAT  
 LOT 10  
**THE HUNT CLUB**  
 DARNESTOWN (6TH) ELECTION DISTRICT  
 MONTGOMERY COUNTY, MARYLAND  
 SCALE: 1" = 40' DECEMBER, 2008

RCI JOB NO. 401XX  
 MNCPPC PLAT NO. 220100550



**Area Tabulation**

Lot(s)	101,423 sq. ft. or 2.32835 Acres
Dedication	4,862 sq. ft. or 0.11161 Acres
Total Area	106,285 sq. ft. or 2.43996 Acres



**FOR PRIVATE WELL AND SEPTIC ONLY**

THE MONTGOMERY COUNTY PARKS AND PLANNING COMMISSION  
 MONTGOMERY COUNTY PLANNING BOARD

APPROVED: \_\_\_\_\_  
 CHAIRMAN

APPROVED: \_\_\_\_\_  
 ASST. SECRETARY-TREASURER

DRAWN: \_\_\_\_\_  
 CHECKED: \_\_\_\_\_  
 RECORDED: \_\_\_\_\_

MONTGOMERY COUNTY DEPARTMENT OF PERMITTING SERVICES

APPROVED: \_\_\_\_\_  
 DIRECTOR

PLAT NO. \_\_\_\_\_

MNCPPC Record File No. \_\_\_\_\_

**RODGERS CONSULTING**

18001 Greenway, Suite 100  
 Gaithersburg, MD 20878  
 Phone: 301.251.6600  
 Fax: 301.251.6602  
 Email: info@rogersconsulting.com

# EXHIBIT "M"



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

January 4, 2010

Soo Won & Young A Lee  
13706 Valley Oak circle  
Rockville, MD 20850

RE: 12300 Glen Road  
Forest Conservation Plan Exemption  
Plan Number 12009073E

Dear Mr. and Mrs. Lee:

This letter is to inform you that your previously confirmed request to be exempt from submitting a forest conservation plan is rescinded and is no longer valid. The plan is invalidated for the submitted application identified the property as if it were a recorded single lot and qualified for an exemption from submitting a forest conservation plan under 22A-5(a) of the County Code. Section 22A-3 of the County Code defines "Lot" as: "*a tract of land, the boundaries of which have been established as a result of a deed or previous subdivision of a larger parcel, and which will not be the subject of further subdivision, as defined under Section 50-1, without an approved forest stand delineation and forest conservation plan*". The property is a parcel. It has been determined that the property is subject to further subdivision and is therefore not eligible for an exemption under 22A-5(a) of the County code. This exemption from submitting a forest conservation plan applies only to recorded single lots. We understand that Development Review Division may support a waiver from the subdivision requirement to create a single lot however the fact that a waiver is required means it is subject to further subdivision.

Since the exemption from submitting a forest conservation plan is invalidated this property must comply with Article II of the Montgomery County Forest Conservation Law. This will include the submission and approval of both a Natural Resource Inventory/Forest Stand Delineation (NRI/FSD) and a Forest Conservation Plan (FCP).

If you have any questions regarding these actions, please feel free to contact Josh Penn of my staff at 301-495-4546 or [joshua.penn@mncppc-mc.org](mailto:joshua.penn@mncppc-mc.org).

Sincerely,

Mark Pfefferle, Acting Chief  
Environmental Planning Division

Cc: NRI/FSD 42009073E  
Dave Post, 301-648-8834

**Tim Quinn**

---

**From:** Smith, Stephen [Stephen.Smith@mncppc-mc.org]  
**Sent:** Tuesday, January 26, 2010 6:09 PM  
**To:** Tim Quinn; Aaron Worley  
**Cc:** Brown, Angela; Conlon, Catherine; Weaver, Richard  
**Subject:** Lee Property

Tim/Aaron:

I placed a markup for plat 220100550 (Lee Property) in the pickup box as of now.



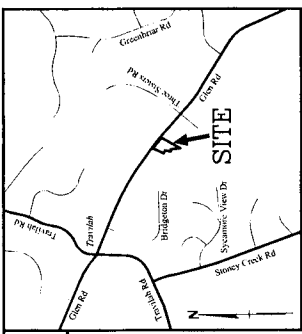
On this project we need a complete Request for Subdivision Regulations Waiver (SRW) application fee to Angela Brown (schedule a submission appt with her for this). I did see a justification letter in the Minor Sub package, but this proposal requires a waiver of Preliminary Plan, therefore the full SRW submission package is needed. The details on submittal requirements are included on the application form (linked to below). Environmental Planning also rescinded the previously granted Forest Conservation Exemption and will need an approved NRI and FCP (or exemption) etc – which I understand your office is working on.

[http://www.montgomeryplanning.org/development/forms/forms\\_list.shtm](http://www.montgomeryplanning.org/development/forms/forms_list.shtm)

Additionally, with regard to justification letter (for SRW) we are going to need some reasoning that is more substantiated than just the "1979 exception letter to accommodate a proposed addition"...I don't know if that on its own is enough to garner staff support for a waiver. So if in the course of the myriad of discussions on this project some other reasons had been brought up by Mr. Lee, then I would include them as well.

Steve

**Stephen J. Smith**  
Subdivision Review Section  
Montgomery County Planning Department  
(301)-495-4522  
Email: [Stephen.Smith@mncppc-mc.org](mailto:Stephen.Smith@mncppc-mc.org)



Vicinity Map: 1" = 2000'

Plat No.

CURVE	RADIUS	LENGTH	TANGENT	CHORD	DELTA
1	167.02	128.97	95.02	128.93	83°36'18"
2	1602.02	125.26	62.66	125.23	47°28'48"

**Owner's Certificate**

We, the undersigned, owners of the property described hereon, adopt this plat of subdivision; establish the minimum building setback lines, dedications to public use; and guarantee compliance with the provisions of Section 50-24 of the Subdivision Regulations.

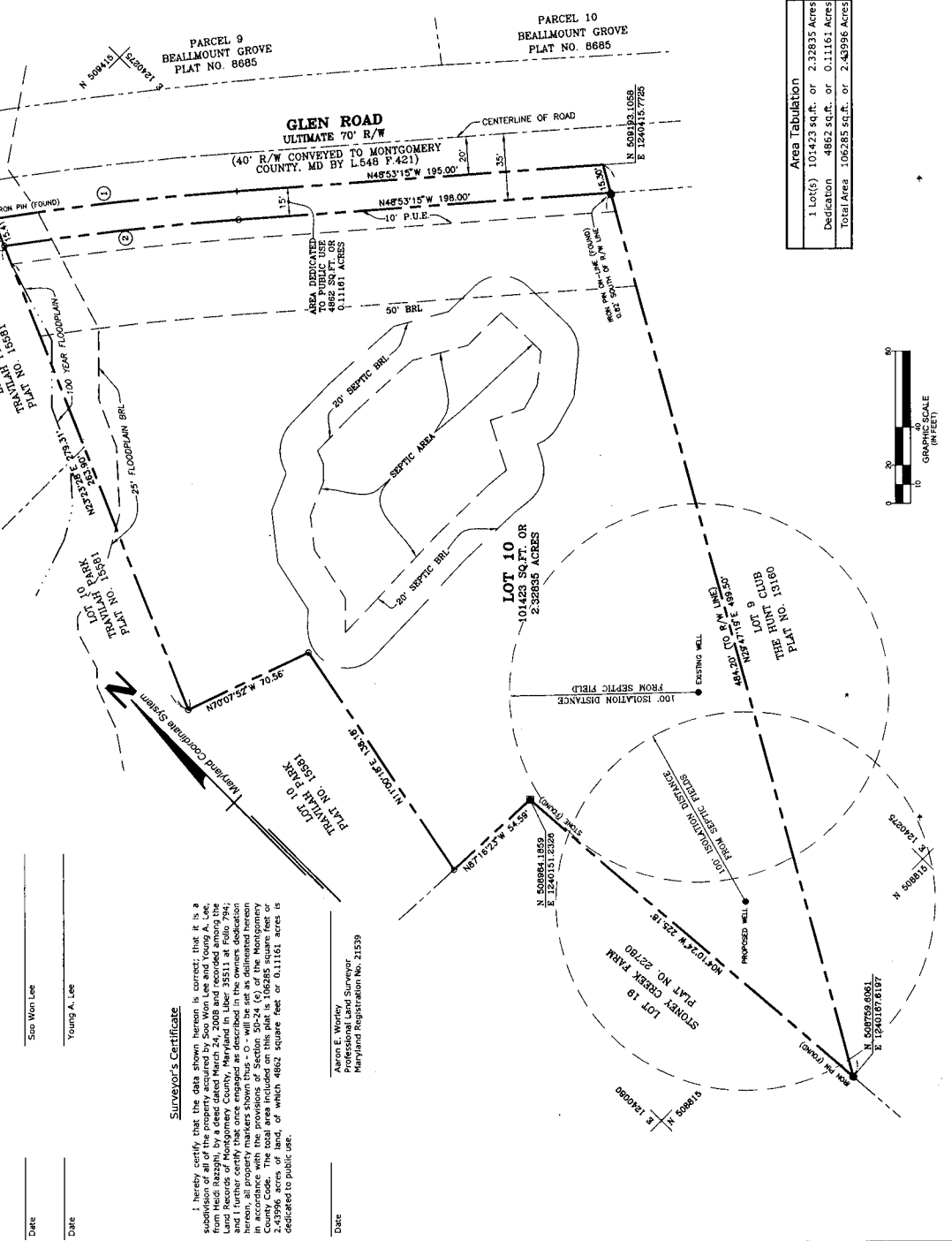
Further, we grant to the applicable utility companies, and to each of them and their successors, the right to use any and all easements and rights shown on this plat in connection with the terms and provisions of said grant being those set forth in that certain document entitled "DECLARATION OF TERMS AND PROVISIONS OF PUBLIC UTILITY EASEMENTS" recorded in Liber 3824 of folio 437 among the Land Records of Montgomery County, Maryland.

As owners of this subdivision, we, our successors and assigns, will cause all property corner markers and any other required monumentation to be set by a registered Maryland Surveyor in accordance with the provisions of Section 50-24 (e) of the Montgomery County Code prior to the commencement of public streets for maintenance.

There are no suits or actions at law, leases, liens, mortgages or trusts affecting the property shown hereon.

Date \_\_\_\_\_  
 \_\_\_\_\_  
 Seo Wan Lee

Date \_\_\_\_\_  
 \_\_\_\_\_  
 Young A. Lee



Area Tabulation	
1 Lot(s)	101,423 sq. ft. or 2.32835 Acres
Dedication	4862 sq. ft. or 0.11161 Acres
<b>Total Area</b>	<b>106,285 sq. ft. or 2.43996 Acres</b>

**RODGERS CONSULTING**  
 1987 Century Boulevard  
 Gaithersburg, Maryland 20878  
 P.O. Box 212209 Frederick  
 MD 21717-2209  
 Tel: 301-221-8888  
 Fax: 301-221-0009  
 www.rodgers.com

FOR PRIVATE WELL AND SEPTIC ONLY  
 THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION  
 MONTGOMERY COUNTY PLANNING BOARD

APPROVED: \_\_\_\_\_  
 CHAIRMAN  
 \_\_\_\_\_  
 ASST. SECRETARY-TREASURER

APPROVED: \_\_\_\_\_  
 MONTGOMERY COUNTY DEPARTMENT OF PERMITTING SERVICES  
 DIRECTOR

DRAWN BY: \_\_\_\_\_  
 CHECKED BY: \_\_\_\_\_  
 RECORDED BY: \_\_\_\_\_  
 PLAT NO. \_\_\_\_\_

- General Notes:**
- This Subdivision Record Plat is not intended to show every matter affecting the ownership and use, nor every matter restricting the ownership and use of this property. The Subdivision Record Plat is deemed to replace an examination of title or to depict or note all interests affecting title.
  - All terms, conditions, agreements, limitations and requirements associated with any easements, mortgages, leases, or other interests affecting this property, whether or not such plan are maintained by the Planning Board and available for public review during normal business hours.
  - This property shall be served by private septic systems and private well systems only.
  - Septic building restriction lines are subject to change with Montgomery County Department of Permitting Services Well and Septic Approval.
  - The septic area shown hereon is designed for a 5 bedroom house.
  - The property shown hereon is subject to the requirements of the Montgomery County Forest Conservation Law, including approval of a final Forest Conservation Plan and appropriate agreements prior to the issuance of a Subdivision Control Permit.
  - This Plat: 1" = 40' Zoned RE-2.
  - This property is shown on Tax Map Grid EQ53 (Tax Map EQ) and WSSC 200 Sheet Number 216 NW 12.
  - Horizontal datum is the Maryland Coordinate System (NAD83/COSME) (epoch 2002.0000). SPCS zone 1800 (MD). U.S. Survey Feet, based on GNSS observations post-processed by the National Geodetic Survey's "OPUS-85" service. The average combined scale/elevation factor for this site is 0.99994771.
  - This plat conforms to the requirements for Minor Subdivision approvals contained in Section 50-23A of the Montgomery County Subdivision Regulations, being Chapter 50 of the Montgomery County Code, and to the requirements for a parcel created by deed for a single family residence pursuant to Section 50-24(a)(8).
  - All existing property markers shown hereon were held, unless otherwise noted.
  - The source of the 100 Year Floodplain shown hereon is based on Federal Emergency Management Agency Flood Insurance Rate Map Number 240310310C (Panel 310 of 480), have an effective date of September 29, 2006.

Plat No.

CURVE	BEARING	CHORD	ARC	ANGLE
1	S 89° 12' 00" E	100.00	100.00	90.00
2	S 101° 22' 00" E	100.00	100.00	90.00
3	S 89° 12' 00" E	100.00	100.00	90.00
4	S 101° 22' 00" E	100.00	100.00	90.00

**Owner's Certificate**  
We, the undersigned, owners of the property described herein, do hereby dedicate the area of subdivision to establish the minimum building restriction lines dedicate the area to public use and guarantee compliance with the provisions of section 50-24 of the subdivision regulations.  
Further, we grant to the applicable utility companies, and to each of them and their successors or assigns, a Public Utility Easement in, on, and over the land designated herein as "P.U.E.", in conformity with the provisions of the Public Utility Easement Act, Chapter 43, of the Code of Maryland, and the DECLARATION OF TERMS AND PROVISIONS OF PUBLIC UTILITY EASEMENTS recorded in Liber 3834 at folio 457 among the Land Records of Montgomery County, Maryland.  
The dedication area shown bus [ ] and the P.U.E. shown thus [ ] will become effective when the owners raise the existing building.  
As owners of this subdivision we, our successors and assigns, will cause all property corner markers and any other required monumentation to be set by a registered Maryland Surveyor in conformity with the provisions of section 50-24 of the Montgomery County Code prior to the acceptance of Public Streets for performance.  
There are no suits or actions at law, in equity, or otherwise pending or to be pending affecting the property shown herein.

**Surveyor's Certificate**  
I hereby certify that the data shown herein is correct that it is a subdivision of all of the property acquired by Sio Won Lee and Young A. Lee, from Heald Hayslip, by a deed dated March 24, 2008 and recorded among the Land Records of Montgomery County, Maryland, and that I further certify that the area depicted on this plat is the same as that shown on the plat of the subdivision recorded in Liber 3834 at folio 457 among the Land Records of Montgomery County, Maryland. The total area included on this plat is 10,625 square feet or 2.4386 acres of land, of which 4882 square feet or 0.11161 acres is dedicated to public use (4874 square feet or 0.10550 acres dedicated upon removal of the existing building as shown herein).

**General Notes:**  
1. This Subdivision Map is not intended to show any matter affecting the contents and use of any matter remaining, has emergency and use of the property, desk or note all matters affecting this.  
2. All terms, conditions, agreements, limitations and requirements associated with any preliminary plan, site plan, project plan or other plan allowing development of this subdivision shall be deemed to be incorporated by reference into this plat for any such plan not maintained by the Planning Board and available for public review during normal business hours.  
3. This property shall be owned by private stock systems and private well systems only.  
4. State building regulations shall be subject to change with Montgomery County Department of Permitting Services and State approval.  
5. The property shown herein is subject to the requirements of the Montgomery County Forest Conservation Law, including approval of a Final Forest Conservation Plan and appropriate agreements prior to the issuance of a Subdivision Consent Permit.  
6. This plat is shown on Tax Map Grid R20 (Tax Map R20) and WSSC 200 Street Number 216 NW 12.  
7. Horizontal datum is the National Geodetic System (NAD83/CORS98) (epoch 2002.0000), SPCS zone 1800 (NAD), U.S. Survey Feet, based on 6003 observations post-processed by the National Geodetic Survey's "Continental Service". The average combined scale/dilation factor for the site is 0.99997171.  
8. This plat conforms to the requirements for lot subdivision approval contained in Section 50-24 of the Montgomery County Subdivision Regulations, being Chapter 43 of the Code of Maryland, and the Declaration of Terms and Provisions of a Single Family Residence pursuant to Section 50-24(a)(6).  
9. All existing property markers shown herein were field, unless otherwise noted.  
10. The source of the 100 year floodplain shown herein is based on Federal Emergency Management Agency Flood Inurement Form Number 2437 (DATED March 31st 2002 or 4837), with an effective date of September 24, 2001.

**Area Tabulation**  
Dedication (upon recordation of this plat) 101,423 sq. ft. or 2.32835 Acres  
Future Dedication (upon removal of existing building) 4574 sq. ft. or 0.10550 Acres  
Total Area 1,062,500 sq. ft. or 24.386 Acres

**Parcel 9**  
BREAMOUNT GROVE  
PLAT NO. 0686

**Parcel 10**  
BREAMOUNT GROVE  
PLAT NO. 0686

**Lot 10**  
101,423 sq. ft. or 2.32835 Acres

**Lot 9**  
4574 sq. ft. or 0.10550 Acres

**Project Corner Table**  
PLAT NO. 2780

**Lot 19**  
1,062,500 sq. ft. or 24.386 Acres

**Lot 18**  
1,062,500 sq. ft. or 24.386 Acres

**Lot 17**  
1,062,500 sq. ft. or 24.386 Acres

**Lot 16**  
1,062,500 sq. ft. or 24.386 Acres

**Lot 15**  
1,062,500 sq. ft. or 24.386 Acres

**Lot 14**  
1,062,500 sq. ft. or 24.386 Acres

**Lot 13**  
1,062,500 sq. ft. or 24.386 Acres

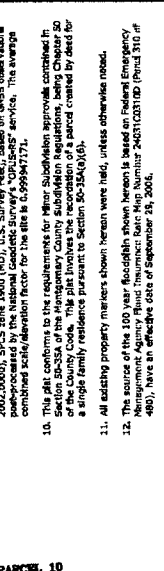
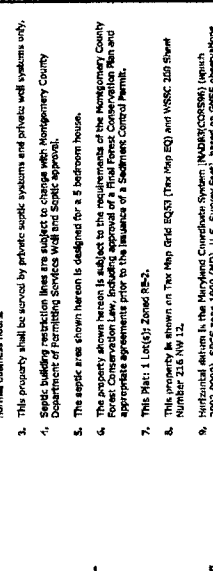
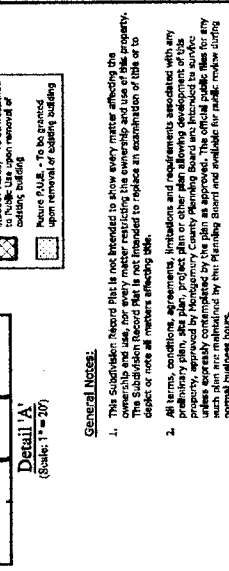
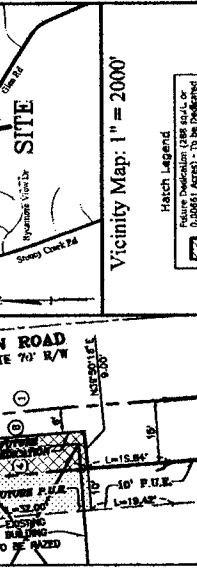
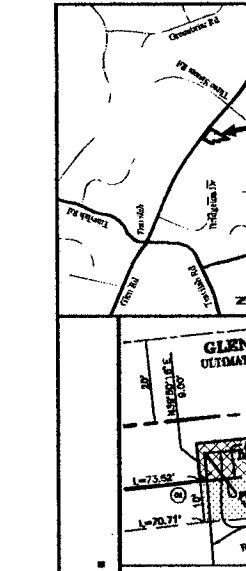
**Lot 12**  
1,062,500 sq. ft. or 24.386 Acres

**Lot 11**  
1,062,500 sq. ft. or 24.386 Acres

**Lot 10**  
1,062,500 sq. ft. or 24.386 Acres

**Lot 9**  
1,062,500 sq. ft. or 24.386 Acres

**Lot 8**  
1,062,500 sq. ft. or 24.386 Acres



**Subdivision Record Plat**  
**LOT 10**  
**THE HUNT CLUB**  
DARNESTOWN (9TH) ELECTION DISTRICT  
MONTGOMERY COUNTY, MARYLAND  
SCALE: 1" = 40' DECEMBER, 2008

REC. JOB NO. 40132  
MDCPPC PLAT NO. 06810680

DATE: \_\_\_\_\_  
DUE: \_\_\_\_\_

Sio Won Lee  
Young A. Lee

DAVID E. WILSON  
Professional Land Surveyor  
Maryland Registration No. 21339

FOR PRIVATE WELL AND SEPTIC ONLY  
THE MONTGOMERY-NATIONAL CAPITAL PARK AND PLANNING COMMISSION  
MONTGOMERY COUNTY PLANNING BOARD

APPROVED: \_\_\_\_\_  
MONTGOMERY COUNTY DEPARTMENT OF PERMITTING SERVICES

APPROVED: \_\_\_\_\_  
CHAIRMAN  
APPROVED: \_\_\_\_\_  
ASST. SECRETARY-TREASURER

APPROVED: \_\_\_\_\_  
DIRECTOR

APPROVED: \_\_\_\_\_  
PLAT NO.

RECORDED: \_\_\_\_\_

RECORDED: \_\_\_\_\_

DATE: \_\_\_\_\_

DATE: \_\_\_\_\_

DATE: \_\_\_\_\_

DATE: \_\_\_\_\_

DATE: \_\_\_\_\_

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