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September 8, 2005

VIA HAND DELIVERY

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

Re: Preliminary Plan No. 1-01031
Extension of Validity Period

Dear Ms. Conlon:

Pursuant to Section 50-35(h)(3) of the Montgomery County Subdivision Ordinance, the applicant under the above-referenced Preliminary Plan hereby requests an extension of the validity period until October 19, 2006. This extension is necessary in order to complete the recordation of the plat and the easements related thereto.

Background. The subject Preliminary Plan was approved by the Planning Board at a public hearing on January 25, 2001. The Plan provides for the resubdivision of the two existing lots, Lots 21 and 23, into two new lots, Lots 24 and 25, by adjusting the common lot line to shift approximately 14,000 square feet between the properties. Each lot is already improved with a single-family dwelling and no new construction is contemplated. A corrected Opinion was mailed on September 19, 2001.

By letter dated July 22, 2004, the applicant requested a two year extension of the validity period, through October 19, 2006 (attached). On September 30, 2004, the Planning Board granted a one-year extension of the validity period through September 30, 2005.

The applicant requests the additional term of the validity period because the applicant and Planning Board Staff took significantly more time to resolve the issues associated with the environmental easement than expected which consequently delayed the processing and recordation of the plat within the previous twelve month extension period. As of the date of this letter, the easement issues are near resolution (only implementation details remain) and the Record Plat has been approved and submitted to the Department of Permitting Services for

processing. However, additional time is needed for final processing and signature (by the two property owners and their respective lenders) in order for the plat to be recorded. Naturally, the owners, lenders and Planning Board were reticent to sign the plat until the easement could be shown, necessarily awaiting agreement on the easement issues and operation. Therefore, the applicant is requesting an additional extension of the validity period to allow for the easement document to be finalized and the Plat recorded.

Grounds for Extension. This extension is submitted prior to the expiration of the existing validity period, as required by Section 50-35(h)(3) of the Subdivision Ordinance.

The Planning Board may grant an extension of the Preliminary Plan validity period upon a finding that

delays, subsequent to the plan approval by the government or some other party, essential to the applicant's ability to perform terms or conditions of the plan approval, have materially prevented applicant from validating the plan, provided such delays are not created or facilitated by the applicant, or

the occurrence of significant, unusual or unanticipated events, beyond applicant's control and not facilitated or created by applicant, have substantially impaired applicant's ability to validate its plan and that exceptional or undue hardship (as evidenced, in part, by the efforts undertaken by applicant to implement the terms and conditions of the plan approval in order to validate its plan) would result to applicant if the plan were not extended. Mont. Co. Code Section 50-35(h)(3)(d).

During the past year, the Applicant has been diligently pursuing resolution of the environmental issues – approval of a Stream Restoration Plan and conservation easement. Because this Preliminary Plan involves two previously recorded lots, with existing homes, without the Stream Restoration Plan and easement, there would be no mechanism to protect the “environmentally sensitive” area if the Preliminary Plan lapses. Because of the complexity of the issue and the number of property owners involved, the matter took some time to resolve. Once the Restoration Plan and easement were finalized, the Record Plat was prepared and submitted for review.

This chain of events demonstrates the efforts undertaken by the applicant to implement the terms and conditions of the plan. The delays inherent in the review process are significant and beyond the applicant's control and hardship to the applicant would result were the validity period not extended.

Ms. Catherine Conlon
September 8, 2005
Page 3

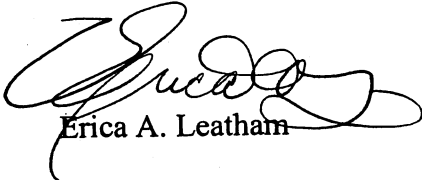
Thank you for your consideration of this matter. If you have any questions or need any additional information, please do not hesitate to contact us.

Sincerely yours,

HOLLAND & KNIGHT LLP



William Kominers



Erica A. Leatham

Enclosure

cc: Mr. Jonathan Chambers and Ms. Dana Hyde
Mr. John Hughes
Mr. Steven Tawes

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M-NCPPC



MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING

Date Mailed: September 19, 2001

THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

8787 Georgia Avenue
Silver Spring, Maryland 20910-3760

Action: Approved Staff Recommendation
Motion of Comm. Bryant, seconded by
Comm. Holmes with a vote of 4-0;
Comms. Bryant, Holmes, Hussmann and
Wellington voting in favor
Comm. Perdue absent

REVISED

MONTGOMERY COUNTY PLANNING BOARD

OPINION

Preliminary Plan 1-01031

NAME OF PLAN: CABIN JOHN PARK

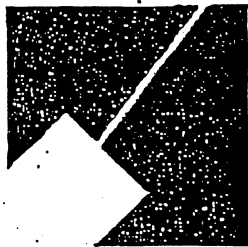
On 11/30/00, JONATHAN CHAMBERS AND DANA HYDE submitted an application for the approval of a preliminary plan of subdivision of property in the R-90 zone. The application proposed to create 2 lots on 1.39 acres of land. The application was designated Preliminary Plan 1-01031. On 01/25/01, Preliminary Plan 1-01031 was brought before the Montgomery County Planning Board for a public hearing. At the public hearing, the Montgomery County Planning Board heard testimony and received evidence submitted in the record on the application. Based upon the testimony and evidence presented by staff and on the information on the Preliminary Subdivision Plan Application Form, attached hereto and made a part hereof, the Montgomery County Planning Board finds Preliminary Plan 1-01031 to be in accordance with the purposes and requirements of the Subdivision Regulations (Chapter 50, Montgomery County Code, as amended) and approves Preliminary Plan 1-01031.

Comments: This application proposes an adjustment to the internal lot line shared by Part of Lot 21 and Lot 23. The adjustment will provide for an additional 14,000 square feet to be removed from Lot 23 (Proposed Lot 24) and added to Part of Lot 21 (Proposed Lot 25). This will result in two recorded lots one of 29,115 square feet the other of 31,668 square feet. Each of the represented properties are currently developed with single family dwellings.

Approval, subject to the following conditions:

- (1) Record Plats to reference and establish the necessary public utilities easement
- (2) Any building permit for the construction of a new single family dwelling shall be submitted for review by the Technical Staff of the Planning Board
- (3) Record plat to reflect any appropriate flood plain and/or conservation easements. The area of environmental sensitivity previously identified on Pre-Preliminary Plan No. 7-95053 shall be included as an easement area restricting new construction within it over lots 25 and 24.

M-NCPPC



MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING

THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

8787 Georgia Avenue
Silver Spring, Maryland 20910-3760
301-495-4500, www.mncppc.org

#1
Approval

October 5, 2004

Mr. Jonathan Chambers
7814 Macarthur Boulevard
Bethesda, Maryland 20818

Preliminary Plan No. 1-01031E

Request for an extension of the validity date for the **ADDITION TO CABIN JOHN PARK**

This is to inform you that the Montgomery County Planning Board considered your request for an extension to the validity period of the above-mentioned plan at its regularly scheduled meeting of September 30, 2004. At that time, the Planning Board voted 5-0 to grant an extension to September 30, 2005. (Commissioner Bryant made the motion; Commissioner Robinson seconded; Commissioners Berlage, Bryant, Perdue, Robinson and Wellington voted in favor)

Please give me a call at 301/495-4542 if you have any questions concerning this Planning Board action.

Sincerely,

Catherine Conlon
Development Review Division

cc: William Kominers