




Bannockburn Estates Preliminary Plan Amendment No. 12006067A

 Matthew Folden, Planner Coordinator, Area 1, matthew.folden@montgomeryplanning.org, 301.495.4539

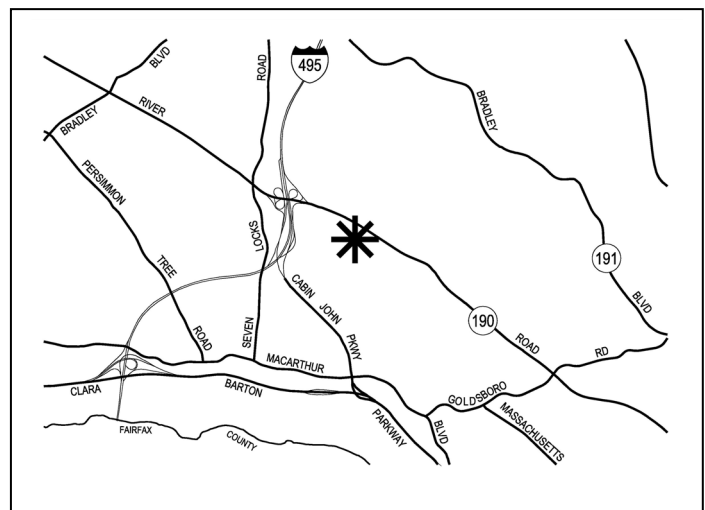
 Stephanie Dickel, Supervisor, Area 1, stephanie.dickel@montgomeryplanning.org, 301.495.4527

 Elza Hisel-McCoy, Chief, Area 1, Elza.Hisel-McCoy@montgomeryplanning.org, 301.495.2115

Description

Completed: 4.24.20

- Reinstatement of Preliminary Plan 120060670 for two lots for an existing single family detached dwelling unit (to remain) and construction of a new dwelling unit;
- Location: 7501 Helmsdale Road, Bethesda;
- Current use(s): single family detached dwelling unit;
- 49,980 square feet (1.15 acres) of tract area zoned R-200 within the 1990 *Bethesda-Chevy Chase Master Plan*;
- Review Basis: Chapter 50, Subdivision Regulations, and Chapter 59, Zoning Ordinance;
- Applicant: Mr. Shafi Azimi
- Acceptance date: January 30, 2020.



Summary

- Staff recommends approval of the Preliminary Plan Amendment 12006067A with conditions.
- The Application requests reinstatement of Preliminary Plan 120060670, which granted approval for the creation of two lots to accommodate an existing single family detached dwelling unit (to remain), and construction of a new dwelling unit, through March 31, 2021.
- Due to a series of practical difficulties and undue hardship experienced by the Applicant, the previous approval expired on August 2, 2018.
- No additional lots are proposed and the configuration of the lots remains unchanged.
- Reinstatement criteria is set forth in Section 50.4.2.H.2.b. of the Subdivision Regulations, which permits the Board to reinstate a preliminary plan and establish a new validity period if the Applicant demonstrates practical difficulty or undue hardship.
- Staff received a phone inquiry about the Project that articulated concerns about stormwater management and the current state of maintenance on the Property.

SECTION 1: RECOMMENDATION AND CONDITIONS

Preliminary Plan No. 12006067A

Staff recommends approval of Preliminary Plan Amendment 12006067A, to reinstate the Planning Board approval and extend both the Preliminary Plan and Adequate Public Facility validity periods. All site development elements shown on the latest electronic version as of the date of this Staff Report submitted via ePlans to the M-NCPPC are required except as modified below. Except for the amended conditions below, the conditions approved under Preliminary Plan 120060670, remain valid and in full effect.

2. Prior to certification of the Preliminary Plan, the Applicant must receive approval of a revised Tree Save Plan reflecting current conditions on the Subject Property. No demolition, clearing or grading may occur prior to all required inspections set forth in the Forest Conservation Regulations.
6. The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Permitting Services ("MCDPS") – Water Resources Section in its stormwater management concept letter dated January 12, 2006, and reconfirmed by letter, dated March 25, 2020, and incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDPS – Water Resources Section if the amendment does not conflict with any other conditions of the Preliminary Plan approval.
7. The Adequate Public Facility ("APF") review for the Preliminary Plan will remain valid until March 31, 2021.
9. The Preliminary Plan will remain valid until March 31, 2021.
10. The certified Preliminary Plan must contain the following note:
Unless specifically noted on this plan drawing or in the Planning Board conditions of approval, the building footprints, building heights, on-site parking, site circulation, and sidewalks shown on the Preliminary Plan are illustrative. The final locations of buildings, structures and hardscape will be determined at the time of issuance of building permit(s). Please refer to the zoning data table for development standards such as setbacks, building restriction lines, building height, and lot coverage for each lot.
11. Prior to Certification of the Preliminary Plan, the Applicant must:
 - a. *Show resolutions and approval letters on the certified set;*
 - b. *Update the Tree Save Plan to reflect current conditions on the Subject Property;*

SECTION 2: SITE DESCRIPTION

Site Vicinity and Analysis

The subject site (Subject Property or Property) is located at 7501 Helmsdale Road in Bethesda, which is generally described as the northeast corner of the Selkirk Drive/ Helmsdale Road intersection. The Property is within the area encompassed by the 1990 *Bethesda-Chevy Chase Master Plan*. The Site is comprised of Lot 10, Block A, within the “Bannockburn Estates” Subdivision, as recorded in the Montgomery County Land Records in Plat 5808 (dated, 1960)¹. The Site has a tract area of approximately 49,980 square feet (1.15 acres). The Property is zoned R-200.



Figure 1 – Vicinity Map

The Property is currently improved with a single-family detached dwelling unit, which has been partially demolished in accordance with Condition No. 5 of the previous approval, as established in Planning Board Resolution 07-72 (Attachment A). Vehicular access to the Property is currently provided through two existing curb cuts on Selkirk Drive and one curb cut on Helmsdale Road. There are no known rare, threatened, or endangered species on site; there are no 100-year floodplains, stream buffers, or wetlands on site. There are no known historic properties on site.

¹ Lot 10 was the result of a resubdivision of Lots 5, 6, and Part of Lot 4, as created by Plat 5392, dated 1958.



Figure 2 – Site Aerial

Surrounding Uses

The Property is located within an established residential neighborhood on the south side of River Road (MD 190), just east of the I-495 Capital Beltway. In addition to single-family dwelling units, the immediate neighborhood includes the Primary Day School, across Booze Creek to the northwest, and the St. Mark Orthodox Church, to the east. The Holton Arms School and Burning Tree Elementary School are located across River Road to the north.

SECTION 3: PROJECT DESCRIPTION

Previous Approvals

Preliminary Plan 120060670

The Montgomery County Planning Board approved Preliminary Plan of Subdivision No. 120060670 on April 5, 2007, under the Subdivision Regulations in effect prior to February 2017 and 1990 *Bethesda-Chevy Chase Master Plan*. That approval, documented in Planning Board Resolution 07-72 (dated July 3, 2007) for the creation of two lots on 1.15 acres of land, expired on August 2, 2018. The Adequate Public Facility (APF) finding of that approval, set forth in Condition No. 7, was for a period of 61 months from the date of mailing of the Planning Board opinion (July 3, 2007). As a result of several sequential automatic validity period extensions for all subdivision approvals by the County Council, the Preliminary Plan validity and Adequate Public Facilities validity were extended until August 2018 and August 2020, respectively.

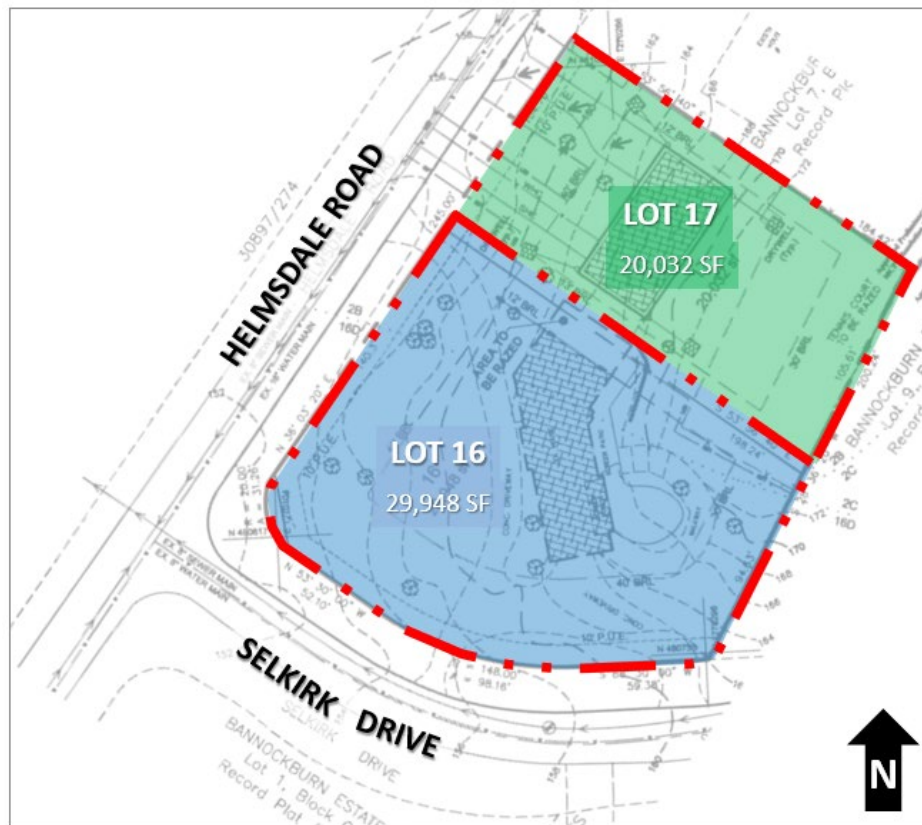


Figure 3 – Approved Lotting Diagram

Proposal

The Application requests reinstatement of the previous Preliminary Plan approval and extension of the current adequate public facility validity period through March 31, 2021¹, in order to record pending Record Plat Application No. 220090930. This reinstatement request is in accordance with Section 50.4.2.H.2.b. of the Montgomery County Code, which permits the Board to reinstate a Preliminary Plan and establish a new validity period if the Applicant demonstrates practical difficulty or undue hardship.

As summarized in the Applicant's Statement of Justification (Attachment B), the Applicant has suffered a practical difficulty or undue hardship, as detailed in the finding below. The Application to reinstate the Preliminary Plan and extend the Adequate Public Facilities validity through March 31, 2021 does not alter the intent of the original approval and the only changes to conditions of approval are those necessary to bring the subdivision into compliance with current practices.

SECTION 4: PRELIMINARY PLAN AMENDMENT 12006067A

Analysis and Findings

The Planning Board found that Preliminary Plan 120060670 met the requirements of the R-200 zone; satisfied Forest Conservation and water quality requirements and complied with other applicable regulatory requirements.

¹ The Application originally requested an extension through December 31, 2020, however, this request was further extended, until March 31, 2021, as a result of the COVID-19 crisis.

The Planning Board further determined that the Project was compatible with other uses and other site plans when considering existing and proposed adjacent development. Unless specifically set forth herein, this Amendment does not alter the intent, objectives, or requirements in the originally approved site plan and all findings not specifically addressed remain in effect.

The elements of the proposed Preliminary Plan Amendment No. 12006067A remain consistent with the original findings, as modified, to reinstate the Preliminary Plan and extend the Adequate Public Facility validity period. The findings are modified as follows:

1. *Public Facilities will be adequate to support and service the area of the subdivision*

The scope of the Subdivision, which results in a net increase of one single family dwelling unit has a *de minimis* impact on public facilities.

a. Roads and Other Transportation Facilities

Transportation access is adequate to serve the development proposed by this Preliminary Plan. The existing lot has direct access onto Helmsdale Road and Selkirk Drive, both of which are classified as secondary residential roadways within 60-foot-wide public rights-of-way. There will be no changes to the adjacent public streets as a result of the subject Application.

b. Local Area Transportation Review (LATR)

The transportation impact of Preliminary Plan 120060670 was evaluated in accordance with the LATR Guidelines in place at the time of approval and transportation capacity was found to be adequate at that time. Although the Subject Property continues to have a valid transportation adequate public facility approval, through August 2020, the Subject Application was evaluated in accordance with the 2016-2020 Subdivision Staging Policy to update this validity. Since the Subject Application generates fewer than three new peak hour trips, the Project is considered to have a *de minimis* impact on the transportation network. As a result, adequate public facilities exist to serve the Subject Property.

c. School Capacity

With a net of one new single-family detached dwelling unit, the Subject Application is determined to fall within the *de minimis* (three units or less) exemption. Therefore, the Project is exempt from any applicable residential development moratoria and it is unnecessary to test the Project's estimated impact on school enrollment under the current Annual School Test.

d. Other Public Facilities and Services

Public facilities and services are available and will be adequate to serve the proposed development. The property will be served by public water and sewer systems. Water, sewer, and other utilities are located within the adjacent public roadways. Connections (one or multiple connections) off one or more of these roads adjoining the Property will service the Property, the design of which will be finalized at building permit. The Application was reviewed by both Planning Staff and the predecessor of the Montgomery County Department of Permitting Services (MCDPS), Fire Department Access and Water Supply Section, as part of the original approval, and emergency vehicle access has been deemed adequate. Local health clinics, police stations and fire stations are all operating within acceptable levels as established by the Subdivision Staging Policy.

2. *All Forest Conservation Law, Chapter 22A requirements are satisfied*

This Application is subject to Chapter 22A Forest Conservation Law but was previously found to be exempt by MNCPPC Staff on September 8, 2006 (Attachment C). At that time, the Project was found to meet the requirements of exemption, currently found in Section 22A-5(s)(1), because the proposed activity occurs on a tract of land less than 1.5 acres with no existing forest or existing specimen or champion trees, and will not result in afforestation requirements of more than 10,000 square feet. The Project's Forest Conservation Exemption was confirmed by MNCPPC staff as part of the Subject Application review.

3. *All stormwater management, water quality plan, and floodplain requirements of Chapter 19 are satisfied*

The MCDPS Stormwater Management Section reconfirmed the original stormwater management concept approval, dated January 12, 2006, on March 25, 2020 (Attachment D). Per the approval letter, the stormwater management concept meets stormwater management requirements via Environmental Site Design to the Maximum Extent Practicable ("ESD to the MEP") via the use of drywells for water quality control.

4. *Any other applicable provisions specific to the property and necessary for approval of the subdivision is satisfied.*

Under Section 50.4.2.H.2.b. of the Montgomery County Code, the Board may reinstate a Preliminary Plan and establish a new validity period if the Applicant demonstrates practical difficulty or undue hardship.

The original application was approved immediately before the start of the economic downturn, commonly referred to as the Great Recession; before a series of family emergencies that required the Applicant to divert time and financial resources toward the unforeseen support of his extended family; and issues with the contractor responsible for implementing the previous approval. The timing of the original approval, coupled with the hardship of extensive home renovations, required by Preliminary Plan Condition No. 5 (partial demolition of the existing home to satisfy minimum setbacks to the lot lines created by the original approval), and issues with the consultant responsible for completing the plat resulted in significant delay of the Project and ultimately concluded in a lapse of the Preliminary Plan validity Period.

In his Statement of Justification (Attachment B) for the reinstatement, the Applicant explained that the partial demolition of his home and existing mortgage debt, resulting from site work associated with the previous Preliminary Plan approval, prohibit the Applicant from filing a new Preliminary Plan application, thus the request for reinstatement to finish executing the original approval. The Applicant and his family have lived on the Subject Property for over 20 years and have shown good faith efforts to comply with the original approval, including the partial demolition set forth in Condition No. 5. A summary of steps taken to execute the approval include:

- Filing a Plat application with M-NCPPC in March 2009.
- Filing a building permit application with the Department of Permitting Services (DPS) in April 2014; subsequently renewed by DPS in 2015.
- Completion of home alterations in December 2016.

A detailed summary of the steps the Applicant has taken to effectuate Preliminary Plan 120060670 is provided in the Applicant's Statement of Justification. Additional information about delay associated with the Applicant's consultant are also detailed in the Statement of Justification.

The Application to reinstate the Preliminary Plan and extend the Adequate Public Facilities validity through March 31, 2021 do not alter the intent of the original approval and the only changes to conditions of approval are those necessary to bring the subdivision into compliance with current practices.

Community Outreach

The Applicant has met all signage, noticing, and submission meeting requirements. The Applicant is not required to hold a pre-submittal public meeting; however, a mailed notice was sent out to parties of record on January 30, 2020.

Staff received one phone call from a resident who is opposed to reinstatement of the Subject Preliminary Plan and had concerns about stormwater management on the Property. The resident informed Staff that they went on record in opposition to the Project at the time of the original approval. In response to these comments, Staff informed the resident that the application would be required to amend the stormwater management concept approval with the Department of Permitting Services prior to any action by the Planning Board. The amended stormwater management concept approval was granted on March 25, 2020.

CONCLUSION

The Project satisfies the findings of the Subdivision Regulations for reinstatement of a Preliminary Plan and is consistent with the goals and recommendations of the 1990 *Bethesda-Chevy Chase Master Plan*. The Project complies with the general requirements and development standards of Section 4.4 and the general development requirements of Article 59-6 of the Zoning Ordinance. Therefore, Staff recommends approval of Preliminary Plan No. Amendment 12006067A to reinstate the Preliminary Plan with the conditions specified at the beginning of this report.

ATTACHMENTS

- A. Preliminary Plan 120060670 Resolution No. 07-72
- B. Applicant's Statement of Justification
- C. Forest Conservation Exemption 42006069E
- D. Agency Letters



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

JUL - 3 2007

MCPB No. 07-72
Preliminary Plan No. 120060670
Bannockburn Estates (Resubdivision)
Date of Hearing: April 5, 2007

MONTGOMERY COUNTY PLANNING BOARD

RESOLUTION¹

WHEREAS, pursuant to Montgomery County Code Chapter 50, the Montgomery County Planning Board ("Planning Board" or "Board") is vested with the authority to review preliminary plan applications; and

WHEREAS, on January 3, 2007, Mr. Shafi M. Azimi ("Applicant"), filed an application for approval of a preliminary plan of subdivision of property that would create 2 lot(s) on 1.15 acres of land located the northeast corner of the intersection of Selkirk Drive and Helmsdale Road ("Property" or "Subject Property"), in the Bethesda Chevy Chase master plan area ("Master Plan"); and

WHEREAS, Applicant's preliminary plan application was designated Preliminary Plan No. 120060670, Bannockburn Estate ("Preliminary Plan" or "Application"); and

WHEREAS, Staff issued a memorandum to the Planning Board, dated March 29, 2007, setting forth its analysis, and recommendation for approval, of the Application subject to certain conditions ("Staff Report"); and

WHEREAS, following review and analysis of the Application by Planning Board staff ("Staff") and the staffs of other governmental agencies, on April 5, 2007, the Planning Board held a public hearing on the Application (the "Hearing"); and

WHEREAS, at the Hearing, the Planning Board heard testimony and received evidence submitted for the record on the Application; and

¹ This Resolution constitutes the written opinion of the Board in this matter and satisfies any requirement under the Montgomery County Code for a written opinion.

Approved as to
Legal Sufficiency:

MyD 6/4/07

8787 Georgia Avenue, Suite 200, Silver Spring, Maryland 20910

M-NCPPC Legal Department
www.MCParkandPlanning.org

Chairman's Office: 301.495.4605 Fax: 301.495.1320

E-Mail: mcp-chairman@mncppc.org

MCPB No. 07-72
Preliminary Plan No. 120060670
Bannockburn Estates (Resubdivision)
Page 2

WHEREAS, on April 5, 2007, the Planning Board approved the Application subject to certain conditions, on motion of Commissioner Perdue; seconded by Commissioner Bryant; with a vote of 4-0, Chairman Hanson and Commissioners Bryant, Perdue, and Wellington voting in favor; Commissioner Robinson absent.

NOW, THEREFORE, BE IT RESOLVED THAT, pursuant to the relevant provisions of Montgomery County Code Chapter 50, the Planning Board approved Preliminary Plan No. 120060670 to create 2 lot(s) on 1.15 acres of land located on the northeast corner of the intersection of Selkirk Drive and Helmsdale Road ("Property" or "Subject Property"), in the Bethesda-Chevy Chase master plan area ("Master Plan"), subject to the following conditions:

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

BE IT FURTHER RESOLVED, that, having given full consideration to the recommendations and findings of its Staff, which the Board hereby adopts and incorporates by reference, and upon consideration of the entire record, the Montgomery County Planning Board FINDS, with the conditions of approval, that:

1. *The Preliminary Plan substantially conforms to the master plan.*

The Bethesda Chevy Chase Master Plan did not specifically address the Subject Property but did provide general guidance and recommendations for development patterns and density. The plan reconfirms the zoning for

extensive one-family detached residential areas and to maintain and enhance residential communities along major highways and arterials. The Planning Board finds that the preliminary plan complies with the master plan goals in that it proposes one-family, residential development.

2. *Public facilities will be adequate to support and service the area of the proposed subdivision.*

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

3. *The size, width, shape, and orientation of the proposed lots are appropriate for the location of the subdivision.*

The Planning Board finds that the proposed lot size, width, shape and orientation are appropriate for the location of the subdivision. The lots were reviewed for compliance with the dimensional requirements for the R-200 zone as specified in the Zoning Ordinance. The lots as proposed will meet all the dimensional requirements for area, frontage, width, and setbacks in that zone. The application has been reviewed by other applicable county agencies, all of who have recommended approval of the plan.

4. *The Application satisfies all the applicable requirements of the Forest Conservation Law, Montgomery County Code, Chapter 22A.*

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

The Subject Property is exempt from the Forest Conservation Law per #4-06069E as a "Small Property" (less than 1.5 acre in size). There are a few significant trees (24" to 29") on and adjacent to the property, but none will be lost as a result of this subdivision.

5. *The Application meets all applicable stormwater management requirements and will provide adequate control of stormwater runoff from the site. This finding is based on the determination by the Montgomery County Department of Permitting Services ("MCDPS") that the Stormwater Management Concept Plan meets MCDPS' standards.*

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

6. *The proposed lots are of the same character as to street frontage, alignment, size, shape, width, area and suitability for residential use as other lots within the existing neighborhood ("Neighborhood"), as analyzed below.*

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

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

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

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

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

Shape: There are eight (8) irregular lots, and the remaining are rectangular lots. The proposed resubdivision will create one (1) irregular lot and one (1) rectangular lot. The Planning Board finds that the proposed lots will be of the same character as the existing lots in the neighborhood as to shape.

MCPB No. 07-72
 Preliminary Plan No. 120060670
 Bannockburn Estates (Resubdivision)
 Page 5

Suitability for Residential Use: The Planning Board finds that the proposed lots are suitable for residential use.

7. *The Planning Board does not have jurisdiction over private covenants among private parties.*

The President of the Bannockburn Citizens Association requested that the Planning Board respect the private covenants that he claimed are applicable to the Subject Property and require the Applicant to obtain approval from the Association prior to the Planning Board making a decision on the Application. The Planning Board found that the covenants were a private matter among private parties and that it did not have jurisdiction over interpretation and application of the private covenants.

BE IT FURTHER RESOLVED, that this Preliminary Plan will remain valid for 36 months from its Initiation Date (as defined in Montgomery County Code Section 50-35(h), as amended) and that prior to the expiration of this validity period, a final record plat for all property delineated on the approved Preliminary Plan must be recorded among the Montgomery County Land Records or a request for an extension must be filed; and

~~BE IT FURTHER RESOLVED~~, that the date of this Resolution is JUL 13 2007 (which is the date that this Resolution is mailed to all parties of record); and

BE IT FURTHER RESOLVED, that any party authorized by law to take an administrative appeal must initiate such an appeal within thirty days of the date of this Resolution, consistent with the procedural rules for the judicial review of administrative agency decisions in Circuit Court (Rule 7-203, Maryland Rules).

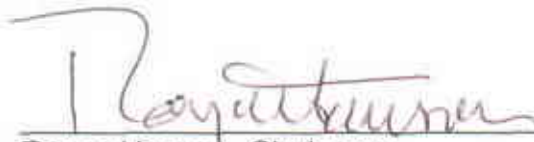
* * * * *

CERTIFICATION

At its regular meeting, held on Thursday, June 7, 2007, in Silver Spring, Maryland, the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission ADOPTED the above Resolution, on motion of Commissioner Wellington, seconded by Vice Chair Perdue, with Chairman Hanson, Vice Chair Perdue, and Commissioners Bryant, Robinson, and Wellington present and voting in favor. This

MCPB No. 07-72
Preliminary Plan No. 120060670
Bannockburn Estates (Resubdivision)
Page 6

Resolution constitutes the final decision of the Planning Board, and memorializes the Board's findings of fact and conclusions of law for Preliminary Plan No. 120060670 Bannockburn Estates (Resubdivision).



Royce Hanson, Chairman
Montgomery County Planning Board



Casey L. Cirner
301.517.4817
ccirner@milesstockbridge.com

December 18, 2019

Chairman Casey Anderson, Esq.
Members of the Montgomery County Planning Board
Maryland-National Capital Park and Planning Commission
8787 Georgia Avenue
Silver Spring, MD 20910

Re: Request to Reinstate Preliminary Plan No. 120060670
Bannockburn Estates

Dear Chairman Anderson and Members of the Montgomery County Planning Board:

Pursuant to §50.4.2.G.E.b of the Montgomery County Code, the Applicant, Shafi Azimi, respectfully requests reinstatement of Preliminary Plan No. 120060670, Bannockburn Estates (the "Preliminary Plan") and its Adequate Public Facilities ("APF") validity period, until December 31, 2020, in order to record the pending subdivision Record Plat No. 220090930 (the "Plat"). The original APF approval would have been valid until August 2, 2020 and therefore, this request extends the APF validity by 4 months to align it with the Preliminary Plan validity period.

The Preliminary Plan divides Mr. Azimi's single lot, which currently contains his primary residence, into a 2 lot subdivision that will yield 1 additional detached dwelling unit. Despite Mr. Azimi's diligent efforts, the Preliminary Plan expired on August 3, 2018, by no fault of his own. Unless the Preliminary Plan is reinstated, Mr. Azimi will suffer undue hardship and practical difficulty because: (1) he is unable to file a new preliminary plan due to the substantial personal and financial sacrifices he and his family made in pursuit of the original Preliminary Plan and Plat approvals, which includes, without limitation, removing 4 of the 5 bedrooms of his home to satisfy Preliminary Plan Condition No. 5; and (2) the attendant devaluation of his Property following the home alteration, coupled with the increased mortgage debt associated with refinancing the home to fund the subdivision and home alteration, have eliminated any equity in the Property. Accordingly, the sale of the Property as a single lot will not provide any opportunity for Mr. Azimi to recover any financial loss from the Preliminary Plan expiration or be able to afford a new property better suited to his family's needs.

I. Applicable Standard

The Planning Board may reinstate an expired preliminary plan and the associated APF approval "if practical difficulty or undue hardship is demonstrated by the applicant. The Board may require the applicant to get a new APFO review and approval by the Board as a prerequisite or condition of its action to extend an expired plan." § 50.4.2.G.2.b, Montgomery County Code.

II. Background

Mr. Azimi and his family have owned and occupied the house located at 7501 Helmsdale Road in Bethesda (the "Property") for over twenty years. The Property, Lot 10, Block A, Bannockburn Estates, was originally recorded as two lots in 1958 and subsequently merged into a single lot in 1959. *See* Plat Nos. 5392 and 5806. The existing home was constructed in the 1960's.



The Preliminary Plan reestablishes the Property as two lots and was approved by the Planning Board via Resolution MCPB No. 07-72 dated July 3, 2007 (the "Resolution"). As a result of reestablishing the two lots, the existing home crossed over the new lot line, which prompted Condition No. 5 of Preliminary Plan approval:

Prior to recordation of the plat, the Applicant shall provide proof that the existing structure has been demolished or renovated to bring it into compliance with the new lot lines depicted on the preliminary plan.

The Preliminary Plan was certified on August 23, 2007 and remained valid until August 3, 2018.¹ Accordingly, 1 additional year is requested to hire new consultants, record the Plat and complete all the outstanding conditions precedent thereto outlined in **Exhibit A**, attached hereto and incorporated herein

III. Reinstatement of the Preliminary Plan is Justified.

A. Significant Efforts were undertaken to Satisfy Preliminary Plan Condition No. 5.

Mr. Azimi diligently and continuously pursued Plat recordation throughout the Preliminary Plan validity period. The Preliminary Plan was approved at the start of the economic downturn. Notwithstanding, Mr. Azimi commenced the Plat process. Once the economy started to turn around, and Mr. Azimi's family emergencies subsided², he began in 2013 to focus on satisfying Preliminary Plan Condition No. 5. Because Mr. Azimi, his wife and three daughters (now ages 17, 23 and 25) reside at the home, it had to be altered, rather than demolished, to satisfy Condition No. 5. However, the construction process was difficult and wrought with challenges, including escalating construction costs and delays associated with the preparation of plans, obtaining financing for the construction and finding a contractor to perform the work, but ultimately construction was completed, all as detailed below:

- On or about March 5, 2009, the Plat was filed with M-NCPPC.
- In 2011, the Consultant addressed the first round of Plat comments.
- The Consultant also investigated pursuing a variance to avoid the home alteration, which delayed pursuit of the construction process.
- In 2013, Mr. Azimi began preparing to alter the home, which would include removing 4 bedrooms, 2 bathrooms, closets and other space. He also began speaking with contractors about the scope of construction and associated costs.
- In December 2013, he hired Beglis Architects, P.C. to design the home alteration.

¹ The Resolution provided for a 36 month Preliminary Plan validity period and a 61 month APF approval, which were automatically extended by the Montgomery County Council in 2-year increments for a total of 8 years for preliminary plans valid on March 31, 2009. Accordingly, the Preliminary Plan expired August 2, 2018 and the APF would have expired August 3, 2020.

² Mr. Azimi's brother-in-law passed away suddenly in 2013, leaving his sister in great need of support. A few months later his brother suffered a debilitating stroke, requiring Mr. Azimi and his siblings to relocate him from Connecticut to a residence closer to the family and secure his 24/7 care.



- In March 2014, Mr. Azimi refinanced the Property to fund the construction. Mr. Azimi also revised the architectural drawings at his professional consultant's³ ("Consultant's") request to remove approximately 20 feet of home, rather 19 feet, which caused delay and increased costs.
- In April 2014, the building permit was filed and issued by the Department of Permitting Services ("DPS").
- In November 2014, Mr. Azimi hired a company to conduct an estate sale of the family's personal effects in order to downsize into the altered home. The estate sale included the family's furniture, televisions and certain heirlooms such as china and crystal.
- In February 2015, a second estate sale was conducted on Mr. Azimi's behalf.
- In 2015, the Building Permit was renewed, after expiring, and Mr. Azimi found and hired a contractor for the home alteration.
- In April 2015 and June 2015, Mr. Azimi conducted 2 more estate sales at the Property.
- In June 2016, Mr. Azimi refinanced the Property for a second time due to increased construction costs.⁴
- Construction commenced in the summer of 2016 and the Consultant conducted 3 site visits during construction.
- In September 2016, the Consultant resurveyed the altered home and promised to complete the Plat process by September 2017.
- In October 2016, the electrical and mechanical permits were issued for the home alteration.
- Construction was completed in December 2016.

B. Despite Mr. Azimi's Significant Efforts, the Preliminary Plan expired by no Fault of his Own.

Throughout the Preliminary Plan validity period, Mr. Azimi proactively engaged with the Consultant, M-NCPPC Staff, DPS Staff and other professionals in an attempt to complete the Plat process. Despite these valiant efforts, the Preliminary Plan expired prior to Plat approval. Throughout the process, the Consultant, who had already been paid in full to complete the Plat process, always provided just enough justification to keep Mr. Azimi believing the process would be completed.⁵

³ It is our understanding that the professional consulting firm was owned and operated by a professional engineer who employed or contracted with a surveyor for the Plat work.

⁴ Prior to commencement of construction costs increased. Costs increased again during construction due to unforeseen issues, including, without limitation, the need to modify the existing flat roof for positive drainage, balcony repair and extra efforts necessary to deal with the substantial craftsmanship of the existing home (stone and other sturdy materials).

⁵ When asked about the variance and Plat status, the Consultant always advised Mr. Azimi that they were in progress and the process takes a long time. When asked about the outstanding conditions precedent to Plat approval, the Consultant always indicated they were simple to complete and not to worry about them. In 2017, the Consultant



Notwithstanding, Mr. Azimi continually worked to move the Plat process forward by: (1) checking the status of the Consultant's completion of the remaining conditions precedent to Plat approval set forth in the Department of Transportation's April 6, 2006 letter attached hereto and incorporated herein as **Exhibit B**; (2) visiting M-NCPPC numerous times to check the Plat status, 2 of said visiting were memorialized by Stephen Smith's e-mails to the Consultant, attached hereto and incorporated herein as **Exhibit C**; (3) following up with the Consultant through text messages, phone calls, and visits to the Consultant's home office⁶ and subcontractor's⁷ office; and (4) successfully getting the Consultant's surveyor to assist with the Plat revisions.

Ultimately, however, while hand delivering the revised Plat to M-NCPPC on July 16, 2019, Mr. Azimi learned from Mr. Smith that the Preliminary Plan had expired.

C. Mr. Azimi will suffer undue hardship and practical difficulty unless the Preliminary Plan is reinstated.

Mr. Azimi is not a real estate professional, but, to his detriment, relied on a professional consultant to assist him in the Plat process. That consultant failed him. Even independently, however, Mr. Azimi and his family made significant sacrifices for the Plat approval that have been emotionally taxing, such as selling their belongings, living in a 1 bedroom home, enduring construction and mortgaging the Property. The entire family will suffer undue hardship and practical difficulty unless the Preliminary Plan is reinstated. The family's plan was to subdivide the Property, sell the 2 lots and use the money to pay off the subdivision expenses and relocate to a new home with more than 1 bedroom. Given the circumstances outlined above, the Property is now underwater, however, and selling it in its current condition, as a single lot, will not even cover the mortgage indebtedness generated to pay for the subdivision process and construction, much less give the family the ability to seek a better living condition. As a result, Mr. Azimi requests reinstatement of the Preliminary Plan until December 31, 2020 to allow him sufficient time to record the Plat and validate the Preliminary Plan.

IV. Adequate Public Facilities

An APF review is not necessary for this request because the reinstatement of the Preliminary Plan will generate 1 additional detached dwelling. There are adequate public facilities to support 1 additional detached dwelling, especially by virtue of its *de minimus* impact upon schools and transportation and the availability of public water and sewer and emergency services. Further, the APF for the Preliminary Plan was valid until August 3, 2020 and therefore, this reinstatement will technically only extend the APF validity period for 4 months following reinstatement.

advised Mr. Smith that his office was working on the Plat. In the spring of 2018, the Consultant appeared at the Property and requested Mr. Azimi obtain his mortgage company's signature on the Plat. Mr. Azimi took the **paper copy** of the Plat provided by the Consultant, completed the mortgage company's process, obtained its signature on the Plat on August 9, 2018 (after offering to hand deliver the Plat to its Pittsburgh, PA headquarters) and returned the Plat to the Consultant. Unbeknownst to Mr. Azimi, these efforts were fruitless because the mortgage company did not sign a Plat **mylar**, as M-NCPPC had not authorized mylars. In the fall of 2018, the Consultant advised Mr. Azimi he was seriously ill and would pass his project off to someone else. In December 2018, the Consultant responded to Mr. Azimi's text messages that he was going to be resting only over the holidays, leaving Mr. Azimi to believe the Plat would be completed thereafter.

⁶ Mr. Azimi would wait in his car at the Consultant's home office and on one occasion witnessed the Consultant turn his car around and leave when he spotted Mr. Azimi.

⁷ On this occasion, the subcontractor immediately called the Consultant and was told the Plat was in progress and conveyed that information to Mr. Azimi.



V. Conclusion

Based on the foregoing, the Applicant requests reinstatement of the Preliminary Plan until December 31, 2020.

Very truly yours,

A handwritten signature in blue ink, appearing to read 'Casey L. Cirner', is written over a faint, larger version of the same signature.

Casey L. Cirner

cc: Shafi Azimi

Exhibit A

Outstanding Tasks/Conditions Precedent to Plat Approval

- Contract with a new surveyor and engineer
- Meet with Department of Transportation to confirm the sidewalk waiver
- Property boundary confirmation
- Preparation of an updated Plat
- Address DPS and M-NCPPC Plat comments
- Mortgage company Plat sign off
- Survey Work for Down Stream Storm Drain Study
- Downstream Storm Drain Analysis
- Sight Distance Study Approval
- Sidewalk Waiver Confirmation
- Right of Way Permit
 - Frontage Improvement Plan (If Required)
 - Right-of-Way Street Tree Plan (If Required)
 - Street Light Plan Waiver Tasks
 - Street Light Plan (If Required)
- Planning Board Plat review
- Plat execution and recordation

**DEPARTMENT OF PUBLIC WORKS
AND TRANSPORTATION**

Douglas M. Duncan
County Executive

Arthur Holmes, Jr.
Director

April 6, 2006

Ms. Catherine Conlon, Subdivision Supervisor
Development Review Division
The Maryland-National Capital
Park & Planning Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910-3760

RE: Preliminary Plan #1-20060670
Bannockburn Estates

Dear Ms. Conlon:

We have completed our review of the preliminary plan dated 12/29/05. This plan was reviewed by the Development Review Committee at its meeting on 2/6/06. We recommend approval of the plan subject to the following comments:

All Planning Board Opinions relating to this plan or any subsequent revision, project plans or site plans should be submitted to DPS in the package for record plats, storm drain, grading or paving plans, or application for access permit. Include this letter and all other correspondence from this department.

1. Show all existing planimetric and topographic details paving, storm drainage, driveways adjacent and opposite the site, sidewalks and/or bikeways as well as existing rights of way and easements on the preliminary plan.
2. Necessary dedication for Helmsdale Road and Selkirk Drive and truncation at the corner of the aforementioned streets.
3. Grant necessary slope and drainage easements. Slope easements are to be determined by study or set at the building restriction line.
4. We did not receive complete analyses of the capacity of the downstream public storm system(s) and the impact of the post-development runoff on the system(s). As a result, we are unable to offer comments on the need for possible improvements to the system(s) by this applicant. Prior to approval of the record plat by the Department of Permitting Services (DPS), the applicant's consultant will need to submit this study, with computations, for review and approval by DPS. Analyze the capacity of the existing downstream public storm drain system and the impact of the post-development ten (10) year storm runoff on same. If the proposed subdivision drains to an existing closed section street, include spread and inlet efficiency computations in the impact analysis.

**Division of Operations**

101 Orchard Ridge Drive, 2nd Floor • Gaithersburg, Maryland 20878
240/777-6000, TTY 240/777-6013, FAX 240/777-6030

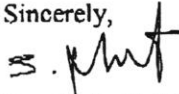
Ms. Catherine Conlon
Preliminary Plan No. 1-20060670
Date April 6, 2006
Page 2

5. The sight distances study has **not** been accepted. Prior to approval of the record plat by DPS, the applicant's engineer will need to submit a revised sight distances certification. The revised form will need to reflect the correct classification and speed limit for the existing and proposed driveway(s), to achieve a minimum of two hundred (200) feet of sight distance in each direction.
6. In accordance with Section 49-35(e) of the Montgomery County Code, sidewalks are required to serve the proposed subdivision. Sidewalks are to be provided along the site frontage.
7. Relocation of utilities along existing roads to accommodate the required roadway improvements shall be the responsibility of the applicant.
8. If the proposed development will alter any existing street lights, signing, and/or pavement markings, please contact Mr. Fred Lees of our Traffic Control and Lighting Engineering Team at (240) 777-6000 for proper executing procedures. All costs associated with such relocations shall be the responsibility of the applicant.
9. Trees in the County rights of way - species and spacing to be in accordance with the applicable DPWT standards. A tree planting permit is required from the Maryland Department of Natural Resources, State Forester's Office [(301) 854-6060], to plant trees within the public right of way.
10. Permit and bond will be required as a prerequisite to DPS approval of the record plat. The permit will include, but not necessarily be limited to, the following improvements:
 - A. Along the site frontage construct four (4) foot wide concrete sidewalk.
 - B. Improvements to the existing public storm drainage system, if necessitated by the previously mentioned outstanding storm drain study. If the improvements are to be maintained by Montgomery County, they will need to be designed and constructed in accordance with the DPWT Storm Drain Design Criteria.
 - C. Permanent monuments and property line markers, as required by Section 50-24(e) of the Subdivision Regulations.
 - D. Erosion and sediment control measures as required by Section 50-35(j) and on-site stormwater management where applicable shall be provided by the Developer (at no cost to the County) at such locations deemed necessary by the Department of Permitting Services (DPS) and will comply with their specifications. Erosion and sediment control measures are to be built prior to construction of streets, houses and/or site grading and are to remain in operation (including maintenance) as long as deemed necessary by the DPS.
 - E. Developer shall provide street lights in accordance with the specifications, requirements, and standards prescribed by the Traffic Engineering and Operations Section.

Ms. Catherine Conlon
Preliminary Plan No. 1-20060670
Date April 6, 2006
Page 3

Thank you for the opportunity to review this preliminary plan. If you have any questions or comments regarding this letter, please contact me at sam.farhadi@montgomerycountymd.gov or (240) 777-6000.

Sincerely,



Sam Farhadi, P.E., Senior Planning Specialist
Traffic Engineering and Operations Section

m:/subdivision/farhas01/preliminary plans/1-20060670, Bannockburn Estates.doc

Enclosures ()

cc: Shafi Azimi
David McKee, Benning & Associates
Joseph Y. Cheung; DPS RWPPR
Christina Contreras; DPS RWPPR
Sarah Navid; DPS RWPPR
Shahriar Etemadi; M-NCPPC TP
Gregory Leck, DPWT TEOS
Preliminary Plan Folder
Preliminary Plans Note Book

From: Smith, Stephen
Sent: Wednesday, July 17, 2019 10:22 AM
To: 'Heshmat Eskandari'; 'tesconsultant@aol.com'
Cc: 'azimishafi@yahoo.com'
Subject: RE: 220090930 (2-09093) Bannockburn Estates

Heshmat,

It has been 2.5 years since my email below without any activity...and now Mr. Azimi's preliminary plan is no longer valid. The plan approval expired on August 3, 2018, yet Mr. Azimi thought (before I told him otherwise yesterday) everything is moving forward. Regrettably, this project and the requirements associated to implement it have not been complied with in the 12 years since the plan was approved by the Board. Failure to record the plat has invalidated Mr. Azimi's plan approval and this project is dead. Mr. Azimi will need to seek further Planning Board action in hopes to revive it and I have suggested he speak to a land use attorney to help him through that process.

Stephen J. Smith
DARC Division
Montgomery County Planning Department
8787 Georgia Avenue
Silver Spring, MD 20910
301-495-4522

From: Smith, Stephen
Sent: Tuesday, February 28, 2017 8:20 AM
To: Heshmat Eskandari <heskandari@aol.com>; 'tesconsultant@aol.com' <tesconsultant@aol.com>
Cc: azimishafi@yahoo.com
Subject: RE: 220090930 (2-09093) Bannockburn Estates

Any update on this Heshmat...Mr. Azimi continues to check with our office to see whether you guys are following up. I'm done babysitting this project and have suggested that Mr. Azimi not rule out any options, including legal advisement, in order to get your office to finish this job.
Steve

From: Smith, Stephen
Sent: Wednesday, February 01, 2017 7:45 AM
To: 'Heshmat Eskandari' <heskandari@aol.com>
Cc: 'azimishafi@yahoo.com' <azimishafi@yahoo.com>
Subject: RE: 220090930 (2-09093) Bannockburn Estates

Fair enough Heshmat, but this neesz to be communicated to your client, so that is why I'm cc'ing him. We look forward to receiving the resubmittal (to both DPS and myself) and getting this project completed.

Steve

From: Heshmat Eskandari [<mailto:h eskandari@aol.com>]
Sent: Tuesday, January 31, 2017 4:14 PM
To: Smith, Stephen <stephen.smith@montgomeryplanning.org>
Subject: Re: 220090930 (2-09093) Bannockburn Estates

Hi Steve , I am out of state but we are working on it and
My office will send you a revised copy of plat which shows the part of building was removed and new lot is

Without the house encroachment

Which was the one of conditions of approved preliminary plan .

Thanks

Heshmat

Sent from my iPhone

On 31 Jan 2017, at 14:50, Smith, Stephen <stephen.smith@montgomeryplanning.org> wrote:

Heshmat/Najib:

Any progress on this project...Mr Azimi can't seem to get an answer as to the status of it. My answer to him is "nothing has happened since the email below." I await the resubmittal.

Steve

From: Smith, Stephen
Sent: Monday, December 08, 2014 1:59 PM
To: tesconsultant@aol.com; HEskandari@aol.com (h eskandari@aol.com) (h eskandari@aol.com) <h eskandari@aol.com>; sazimi@gwu.edu
Cc: Emery, Henry <Henry.Emery@montgomerycountymd.gov>; Jeeves, Brian (Brian.Jeeves@montgomerycountymd.gov) <Brian.Jeeves@montgomerycountymd.gov>
Subject: 220090930 (2-09093) Bannockburn Estates

Heshmat,

I spoke with Mr. Azimi regarding this plat application last week. He appears ready to obtain approvals and move forward with recordation of the plat, now that modifications to the existing structure, sited on the property, have been undertaken. My records indicate that we had some minor comments on our last review (May 24, 2011) and since it has been 3+ years since our last review, I'm requesting a hardcopy resubmittal of the plat before you prepare a mylar. That would entail two paper copies of the current plat (addressing all outstanding comments from my last review) and the redline markup. In

addition, I recommend a resubmittal to MCDPS as well (Henry and/or Brian probably want something similar). If you have any questions, please let me know.
Steve

Stephen J. Smith

Montgomery County Planning Department

8787 Georgia Avenue

Silver Spring, MD 20910

(301)-495-4522

www.montgomeryplanning.org

ELECTRONIC PLAT SUBMISSIONS WILL BE MANDATORY STARTING JULY 1, 2014

<http://www.montgomeryplanning.org/development/eplans.shtm>

NOTE: EFFECTIVE JULY 1, 2014 MYLARS SUBMITTED FOR APPROVAL BY THE PLANNING BOARD MUST ALREADY BE APPROVED (SIGNED) BY MCDPS.




THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

Planning Department, Montgomery County, Maryland
8787 Georgia Avenue, Silver Spring, Maryland 20910

MEMORANDUM

TO: Cathy Conlon, Development Review

FROM: Stephen Federline, Environmental Planning 

DATE: September 8, 2006

SUBJECT: Preliminary Plan 120060670 – Bannockburn Estates

RECOMMENDATION

The Environmental Planning staff has reviewed the preliminary plan referenced above. Staff recommends approval of the preliminary plan of subdivision with the following condition:

- 1) The proposed development shall comply with the requirements included on the Tree Save Plan (last revised July 17, 2006). No demolition, clearing, or grading may occur prior to all required pre-construction inspections as stipulated in Section 110 (*Inspections*) of the Forest Conservation Regulations.

BACKGROUND

The 1.15-acre property is located in Montgomery County at the corner of Helmsdale Road and Selkirk Drive. There is one single-family home and a tennis court included in the application. The plan proposes retention of the majority of that residence, and removal of the tennis court. No environmental concerns are evident, although there are a few significant trees (24" to 29") on and adjacent to the property. None of the identified trees will be lost as a result of this subdivision. However, citizens have questioned the removal of several trees on the site in the recent past.

Forest Conservation

This site is exempt from the Forest Conservation Law per #4-06069E as a "Small Property" (less than 1.5 acre in size). See attached exemption approval letter dated 12/09/05. The exemption is conditioned on tree save plan approval, which is proposed per the condition above.

Environmental Buffers

The site does not include any streams, wetlands, or floodplains and there are no environmental buffers on the property.

SDF:sdf:G:evelyndrc.ep106067sdfpb.doc



DEPARTMENT OF PERMITTING SERVICES

Marc Elrich
County Executive

Hadi Mansouri
Acting Director

March 25, 2020

David Mckee
Benning & Associates, Inc.
8933 Shady Grove Court
Gaithersburg, Maryland 20877

Re: Stormwater Management **CONCEPT**
RECONFIRMATION for Bannockburn
SWM Concept #:222864

Dear Mr. Mckee:

Your request for a stormwater management reconfirmation for the above site has been evaluated. The original approved SWM concept dated January 12, 2006 is hereby reconfirmed. Please adhere to all conditions required as part of that approval where possible. Stormwater will need to be designed to meet ESD to the MEP.

If you have any questions regarding these actions, please feel free to contact Andrew Kohler at 240-777-6275 or by email at Andrew.Kohler@montgomerycountymd.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Andrew Kohler".

Andrew Kohler
Senior Permitting Services Specialist
Water Resources Section
Division of Land Development Services

Cc: SM File #: 222864



MCPB Attachment D
April 5, 2007
Item #84
Bannockburn Estates
Preliminary Plan #120060670

DEPARTMENT OF PERMITTING SERVICES

Douglas M. Duncan
County Executive

January 12, 2006

Robert C. Hubbard
Director

Mr. David W. McKee
Benning & Associates, Inc.
8933 Shady Grove Court
Gaithersburg, Maryland 20877

Re: Stormwater Management **CONCEPT** Request
for Bannockburn Estates
SM File #: 222864
Tract Size/Zone: 1.15 / R-200
Total Concept Area: 1.15
Lots/Block: Proposed Lots 16 and 17 / A
Watershed: Cabin John Creek

1-06067

Dear Mr. McKee:

Based on a review by the Department of Permitting Services Review Staff, the stormwater management concept for the above mentioned site is **acceptable**. The stormwater management concept consists of on-site water quality control and onsite recharge via drywells and non-rooftop disconnect for Lot 17. No stormwater management is required for proposed Lot 16 at this time as the only construction proposed is razing a portion of the existing house. Channel protection volume is not required because the one-year post development peak discharge is less than or equal to 2.0 cfs.

Please submit a revised stormwater management concept for water quantity and water quality control for review and approval. All submissions must be accompanied by a resubmittal application. The revised submission must incorporate the following items:

The following **items** will need to be addressed **during** the detailed sediment control/stormwater management plan stage:

1. Prior to permanent vegetative stabilization, all disturbed areas must be topsoiled per the latest Montgomery County Standards and Specifications for Topsoiling.
2. A detailed review of the stormwater management computations will occur at the time of detailed plan review.
3. An engineered sediment control plan must be submitted for this development.
4. All filtration media for manufactured best management practices, whether for new development or redevelopment, must consist of MDE approved material.

This list may not be all-inclusive and may change based on available information at the time.

Payment of a stormwater management contribution in accordance with Section 2 of the Stormwater Management Regulation 4-90 is not required.

This letter must appear on the sediment control/stormwater management plan at its initial submittal. The concept approval is based on all stormwater management structures being located outside of the Public Utility Easement, the Public Improvement Easement, and the Public Right of Way



JAN 17 2006

unless specifically approved on the concept plan. Any divergence from the information provided to this office; or additional information received during the development process; or a change in an applicable Executive Regulation may constitute grounds to rescind or amend any approval actions taken, and to reevaluate the site for additional or amended stormwater management requirements. If there are subsequent additions or modifications to the development, a separate concept request shall be required.

If you have any questions regarding these actions, please feel free to contact Ellen Rader at 240-777-6336.

Sincerely,

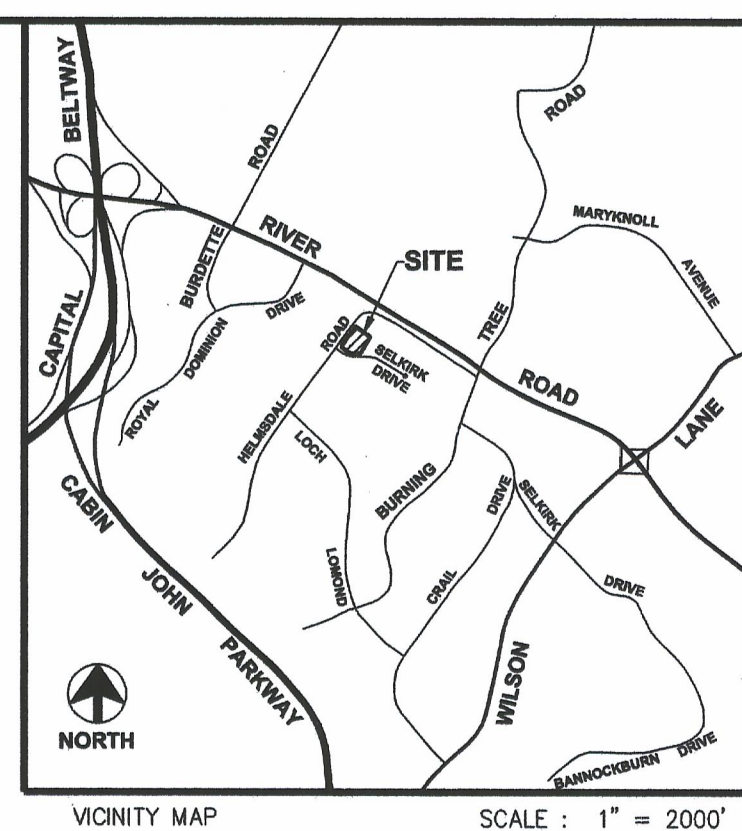
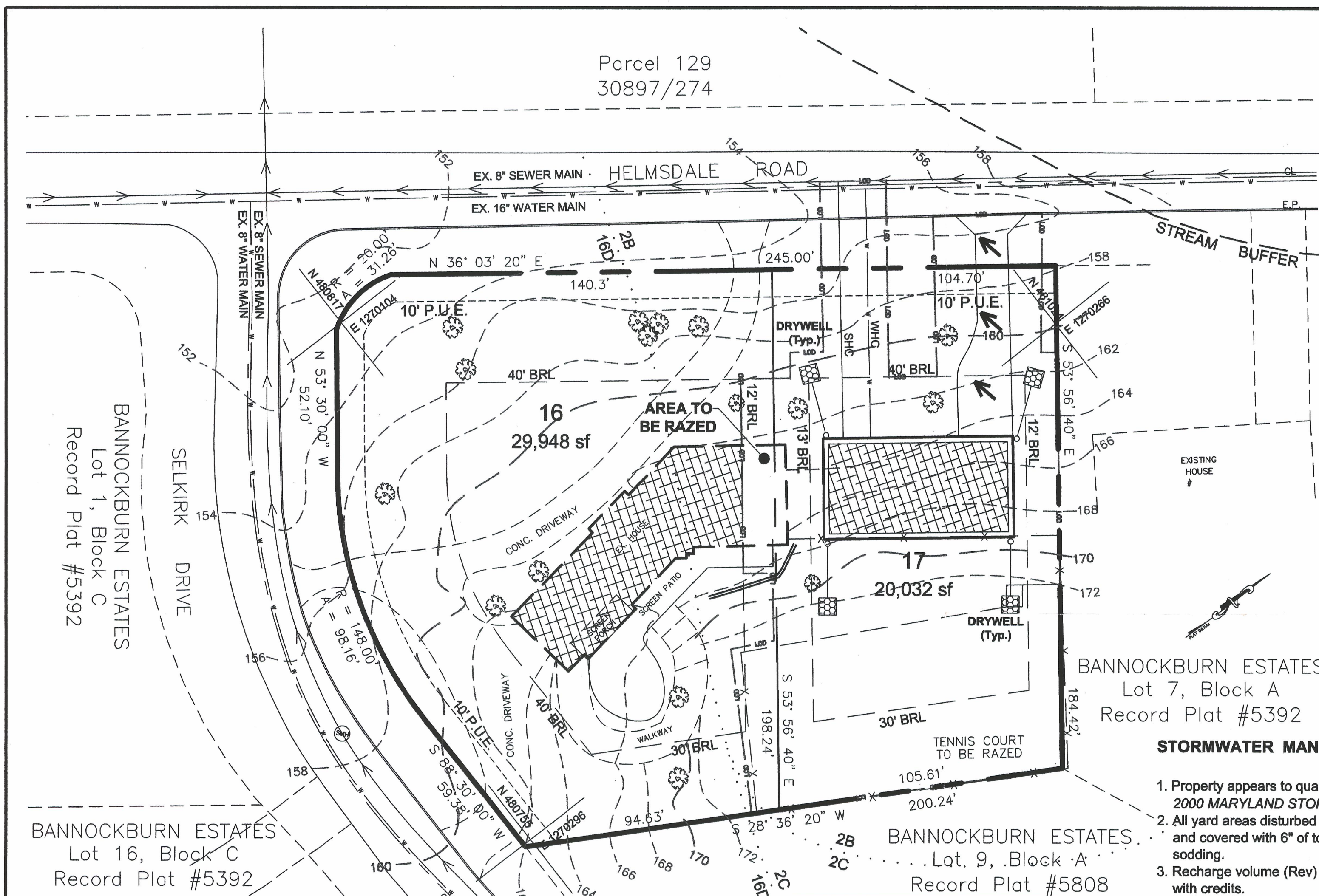


Richard R. Brush, Manager
Water Resources Section
Division of Land Development Services

RRB:dm CN222864.BannockburnEst.EBR

cc: C. Conlon
S. Federline
SM File #222864

QN - not required; Acres:
QL - on-site; Acres: 0.46
Recharge is provided



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

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

REVISION :		
NO.	DESCRIPTION	DATE

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

DRAWING TITLE :
STORMWATER MANAGEMENT
CONCEPT PLAN

Drawn :	Approved	Job No.
In Charge	Project Manager	Project Architect
Scale	Drawing No.	
Date	1 OF 1	
12-28-05		

LEGEND:

Non Rooftop Disconnect Flow Path (sheet flow) to Buffer Strip / Filter Strip

Downspout / Roofleader Location

Proposed Grading

Dry Well

Specimen Tree

STORMWATER MANAGEMENT NOTES:

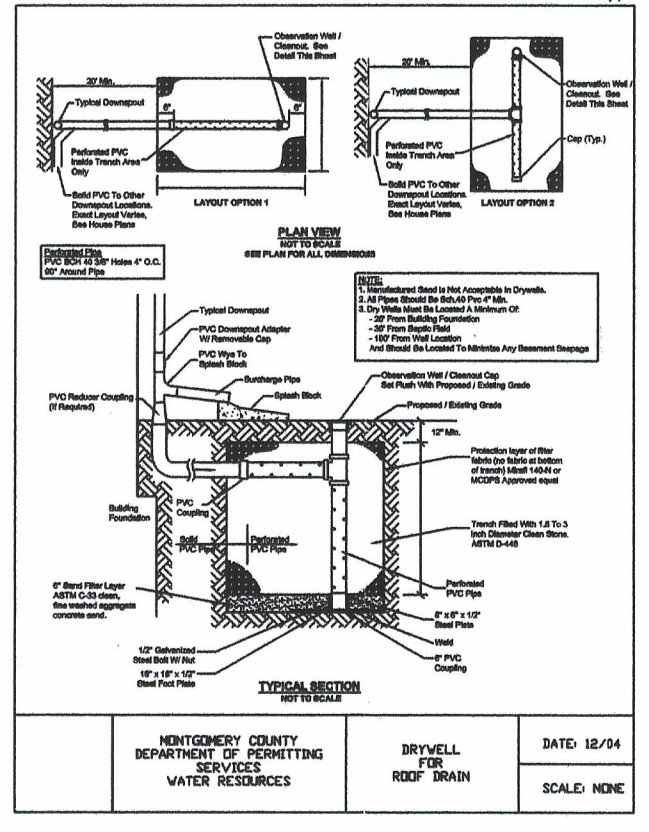
- Property appears to qualify for "stormwater credits" per 2000 MARYLAND STORMWATER DESIGN MANUAL.
- All yard areas disturbed by construction activities to be rototilled and covered with 6" of topsoil prior to any planting / seeding / sodding.
- Recharge volume (Rev) and water quality volume (WQv) are met with credits.
- Channel protection volume (Cpv) not required due to limited scope of project (i.e. less than 2 cfs increase in runoff).

Criteria for Disconnection of Rooftop Runoff Credit:

- The length of the "disconnection" shall be 75' or greater or compensated by the use of drywells, rain barrels, or other similar device.
- The entire vegetative "disconnection" shall be on an average slope of 5% or less.
- The disconnection must drain continuously through a vegetated channel, swale, or through a filter strip to the property line.
- Contributing area from each discharge to be 500 sf or less.
- Credit applicable to lots greater than 6,000 sf in size.
- Downspouts must be at least 10 feet away from the nearest impervious surface to discourage "re-connections".

Criteria for Non Rooftop Runoff Credit:

- Maximum contributing impervious flow path - 75'.
- Disconnection to drain through vegetated channel, swale, or filter strip to the property line.
- Length of disconnection equal or greater than contributing length.
- Average slope of 5% or less.
- Surface impervious to any one discharge location cannot exceed 1,000 sf.
- If the site cannot meet the required disconnection length, a spreading device such as a french drain, gravel trench, or other storage device may be needed for compensation.



Benning & Associates, Inc.
10000 Greenway Drive
8933 Shady Grove Court
Gaithersburg, MD 20877
(301) 948-6060

