



**2710 Washington Avenue: Extension Request # 1, Administrative Subdivision Plan No. 620190130**

**MF** Marco Fuster, Planner Coordinator, Area 1, [marco.fuster@montgomeryplanning.org](mailto:marco.fuster@montgomeryplanning.org) 301.495.4521

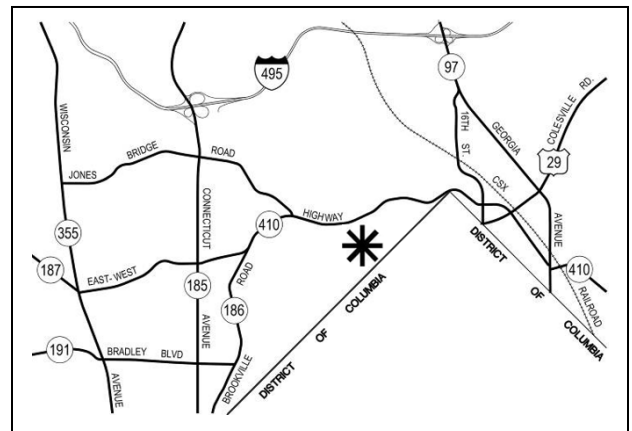
**SD** Stephanie Dickel, Supervisor, Area 1, [stephanie.dickel@montgomeryplanning.org](mailto:stephanie.dickel@montgomeryplanning.org), 301.495.4527

**CM** Elza Hisel-McCoy, Chief, Area 1, [Elza.Hisel-McCoy@montgomeryplanning.org](mailto:Elza.Hisel-McCoy@montgomeryplanning.org), 301.495.2115

**Staff Report Date:** June 2, 2020

**Description**

Request to extend the regulatory review period from April 30, 2020, to November 19, 2020  
Location: 2710 Washington Avenue  
Zone: R-60  
Master Plan: 2000 North and West Silver Spring  
Property Size: 1.07 acres  
Applicant: Larry Eig  
Date Accepted: January 7, 2020



**Summary**

Chapter 50, Subdivision Regulations, Section 50.6.3.B.3, for Administrative Subdivision Plans, provides a 90-day limit for a hearing. The Planning Board may, however, extend this period. This Application was accepted on January 7, 2020. The Development Review Committee (DRC) provided comments to the Applicant on February 4, 2020. The 90-day review period passed without the Applicant responding to the DRC comments or filing for an extension of review period. According to section 50.00.01.06.8 of the Code of Montgomery County Regulations:

an application... that has not been properly extended under Chapter 50 or 59 must be treated as withdrawn unless the applicant can demonstrate good cause to extend the application. The staff must send written notice to an applicant whose plan has been inactive that the applicant has 30 calendar days to request an extension of the staff review.

The Development Application and Regulatory Coordination (DARC) Division accordingly issued a Notice of Potential Application Withdrawal on April 13, 2020 (Attachment A). The Applicant was given 30 calendar days from the issuance of the notice to request an extension for Administrative Subdivision Plan No. 620190130.

The Applicant responded within the 30-day window set forth in the notice and requested (in an application dated May 20, 2020 - Attachment C) that the review period for the Administrative Subdivision Plan be extended from April 30, 2020, to November 19, 2020. The extension will allow the Applicant additional time to address the extensive DRC comments issued for the application. The Planning Board hearing on the application may take place before the end of the review period and will be publicly noticed in accordance with the Zoning Ordinance.

Staff recommends **APPROVAL** of this extension request.

**Attachment A:** Notice of Potential Application Withdraw

**Attachment B:** Applicant's response to Notice of Potential Application Withdraw

**Attachment C:** Applicant's extension request.



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

April 13, 2020

Larry Eig  
2710 Washington Avenue  
Chevy Chase, MD 20861

**Re: NOTICE OF POTENTIAL APPLICATION WITHDRAWAL**  
**Administrative Subdivision 620190130**  
**Plan Name 2710 Washington Avenue**

Sent via email to [theeigs@verizon.net](mailto:theeigs@verizon.net) and via USPS

Dear Mr. Eig;

On January 7, 2020 the Montgomery Planning Department accepted an Administrative Subdivision, plan number 620190130, called 2710 Washington Avenue for review. Under Section 50.6.3.B.3 of the Montgomery County code the "Director must take action of an administrative subdivision plan or schedule a public hearing within 90 days after the date an application is accepted." As of today, April 13, 2020, 97 days have lapsed since the plan acceptance and there has been no response to the comments provided before the February 4, 2020 Development Review Committee meeting.

According to section 50.00.01.06.8 of the Code of Montgomery County Regulations if "an application... that has not been properly extended under Chapter 50 or 59 must be treated as withdrawn unless the applicant can demonstrate good cause to extend the application. The staff must send written notice to an applicant whose plan has been inactive that the applicant has 30 calendar days to request an extension of the staff review". **As such, you have 30 calendar days from today to request an extension for Administrative Subdivision plan number 620190130.** This extension must: "(a) be in writing; (b) show good cause to grant an extension; and (c) propose a timeframe to finalize the application". If no extension request is received within 30 days, or if the extension request does not satisfy the three criteria above, the application will be deemed withdrawn by default. After an application is deemed withdrawn, a new application and fee must be submitted to re-file the plan.

If you have any questions regarding the potential withdrawal of this administrative subdivision, please contact me at [mark.pfefferle@montgomeryplanning.org](mailto:mark.pfefferle@montgomeryplanning.org) or (301) 495-4730.

Sincerely,



Mark Pfefferle  
Chief, DARC

cc: Doug Tiley ([doug@oclinc.com](mailto:doug@oclinc.com))  
Patrick O'Neil (Lerch Early [poneil@lercheearly.com](mailto:poneil@lercheearly.com))  
Marco Fuster ([marco.fuster@montgomeryplanning.org](mailto:marco.fuster@montgomeryplanning.org))  
Stephanie Dickel ([stephanie.dickel@montgomeryplanning.org](mailto:stephanie.dickel@montgomeryplanning.org))  
Neil Braunstein ([neil.braunstein@montgomeryplanning.org](mailto:neil.braunstein@montgomeryplanning.org))

**Patrick L. O'Neil**  
301-657-0738  
[ploneil@lerchearly.com](mailto:ploneil@lerchearly.com)

May 13, 2020

**VIA ELECTRONIC DELIVERY**

The Honorable Casey Anderson, Chair  
Montgomery County Planning Board  
Maryland National Capital Park and Planning Commission  
8787 Georgia Avenue  
Silver Spring, Maryland 20910

Re: 2710 Washington Avenue  
Request for Extension of Plan Review Period  
Administrative Subdivision 620190130

Dear Chairman Anderson:

The Shirley P. Eig Revocable Trust (the "Applicant") is the Applicant of the above referenced Administrative Subdivision (the "Application"). On behalf of the Applicant, and pursuant to Montgomery County Code Section 50.6.3.B.3, we respectfully request an extension of the time in which action, including a public hearing, must be taken on the above referenced Application.

The Application were formally accepted on January 7, 2020 and was originally scheduled for a public hearing before the Planning Board on April 30, 2020. However, since the Development Review Committee ("DRC") meeting on February 4, 2020, the Applicant has been evaluating the feasibility of modifying the proposed subdivision from three to two lots – in response to DRC comments. This evaluation has been slightly complicated by the decision-making process of the ownership entity, which is a family trust, that intends to use the sale proceeds for the long term care of a family member who is afflicted with severe Multiple Sclerosis. At this time, the Applicant has authorized the pursuit of a two-lot subdivision and the development team is preparing plans to this effect and to fully address DRC comments.

Accordingly, the Applicant is requesting a six-week extension within which to re-submit plans in response to DRC comments. While approximately 80% of the comments have already been addressed, the Applicant still needs to retain a contractor to conduct test pits at the proposed entrance to the second proposed lot off of Abilene Drive in order to confirm the location of a previous WSSC water/sewer connection in that area. The requested review extension will allow sufficient time to complete this work. The Applicant otherwise defers to Planning Staff on the proposed date for scheduling the Planning Board hearing.

Chair Casey Anderson  
May 13, 2020  
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Thank you for your consideration of this matter.

Very truly yours,



Patrick L. O'Neil

cc: Mark Pfefferle  
Marco Fuster  
Stephanie Dickel  
Neil Braunstein  
Larry Eig  
Doug Tilley



Montgomery County Planning Department  
Maryland-National Capital Park and Planning Commission

Effective: February 6, 2019

8787 Georgia Avenue  
Silver Spring, Maryland 20910-3760

www.montgomeryplanning.org

Phone 301.495.4550  
Fax 301.495.1306

**REGULATORY REVIEW EXTENSION REQUEST**

Request #1       Request #2

M-NCPPC Staff Use Only			
File Number	_____	MCPB Hearing Date	_____
Date Received	_____		

Plan Name: 2710 Washington Avenue      Plan No. 620190130

This is a request for extension of:       Project Plan       Sketch Plan  
    Preliminary Plan       Site Plan

The Plan is tentatively scheduled for a Planning Board public hearing on: 04/30/2020

The Planning Director may postpone the public hearing for up to 30 days without Planning Board approval. Extensions beyond 30 days require approval from the Planning Board.

**Person requesting the extension:**

Owner,  Owner's Representative,  Staff (check applicable.)

Patrick O'Neil	Attorney for Applicant		
<i>Name</i>	<i>Affiliation/Organization</i>		
7600 Wisconsin Avenue, Suite 700			
<i>Street Address</i>			
Bethesda	MD	20814	
<i>City</i>	<i>State</i>	<i>Zip Code</i>	
(301) 657-0738	ploneil@lercheearly.com		
<i>Telephone Number</i>	<i>Fax Number</i>	<i>E-mail</i>	

We are requesting an extension for 7 months until 11/19/2020

Describe the nature of the extension request. Provide a separate sheet if necessary.

Since the Development Review Committee ("DRC") meeting on February 4, 2020, the Applicant has been evaluating the feasibility of modifying the proposed subdivision from three to two lots - in response to DRC comments. This evaluation has been slightly complicated by the decision-making process of the ownership entity, which is a family trust, that intends to use the sale proceeds for the long term care of a family member who is afflicted with severe Multiple Sclerosis. At this time, the Applicant has authorized the pursuit of a two-lot subdivision and the development team is preparing plans to this effect and to fully address DRC comments.

Please see letter dated May 13, 2020 for additional discussion.

**Signature of Person Requesting the Extension**

*Pat O'Neil*

Signature

05/20/2020

Date

**Extension Review**

*Planning Director Review for Extensions 30 days or less*

I, the Planning Director, or Director's designee, have the ability to grant extensions of the Planning Board public hearing date of up to 30 days and approve an extension of the Planning Board public hearing date from \_\_\_\_\_ until \_\_\_\_\_.

\_\_\_\_\_  
*Signature*

\_\_\_\_\_  
*Date*

*Planning Board Review for Extensions greater than 30 days*

The Montgomery County Planning Board reviewed the extension request on \_\_\_\_\_ and approved an extension for more than 30 days of the Planning Board public hearing date from \_\_\_\_\_ until \_\_\_\_\_.