



Preliminary Plan Amendment No. 11996048A (In Response to a Violation): Greentree Estates, Lot 3

JP
RAW
JAC

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John Carter, Chief Area 3 Planning Team

Staff Report Date: 11-01-13

Description

**Preliminary Plan Amendment No. 11996048A
(In Response to a Violation): Greentree Estates, Lot 3**

Modify the Category I Conservation Easement on the property located at 9704 Carmel Court, 0.48 acres, R-200 Zone, Potomac Master Plan

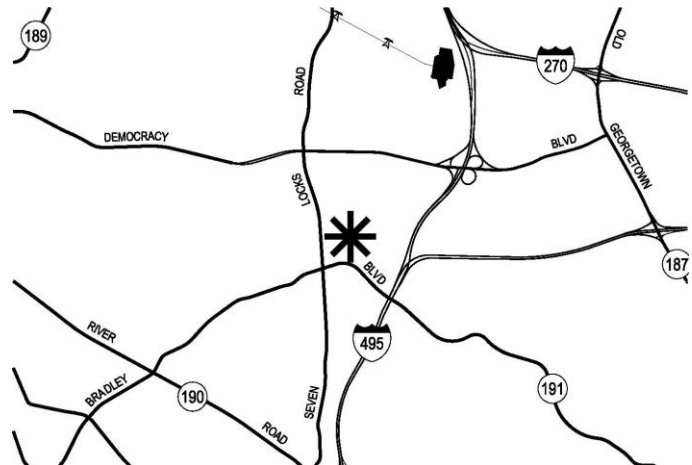
Staff Recommendation: *Approval with Conditions*

Applicant: Thomas M. Hurson ("Applicant")

Subject Property: Greentree Estates, Lot 3
(9704 Carmel Ct.)

Submittal Date: May 5, 2011

Review Basis: Chapter 22A



Summary

- Removal of 884 square feet (0.02 Ac.) of Category I conservation easement
- Mitigation for removal of easement to be met offsite at a Forest Conservation Mitigation Bank

STAFF RECOMMENDATION: Approval of the Limited Amendment to the Preliminary Plan and associated Final Forest Conservation Plan, subject to the following conditions:

1. The Applicant must submit a complete record plat application within ninety (90) days of the mailing of the Planning Board Resolution approving the limited amendment to the Preliminary Plan that delineates the revised Category I conservation easement. The existing conservation easement remains in full force and effect until the record plat is recorded in the Montgomery County Land Records by the Applicant.
2. The record plat must reference the standard Category I conservation easement as recorded at liber 13178, folio 412 in the Land Records for Montgomery County, Maryland over the areas identified to remain, as shown on the amended final forest conservation plan.
3. The Applicant must submit a Certificate of Compliance to use an M-NCPPC approved offsite forest mitigation bank within ninety (90) days of the mailing of the Planning Board Resolution approving 11996048A. The Certificate of Compliance must provide .04 acres (1,768 square feet) of mitigation credit for the removal of 0.02 acres (884 square feet) of Category I conservation easement. The Applicant must delineate the revised Category I conservation easement boundary on the property with permanent easement markers and appropriate signage as required by 11996048A no later than ninety (90) days from the recordation of the record plat and the new conservation easement.
4. All other conditions of Preliminary Plan No. 119960480 and Forest Conservation Plan No. 119960480 that were not modified herein, as contained in the Planning Board's Opinion dated March 11, 1996, remain in full force and effect.

BACKGROUND

The Montgomery County Planning Board approved Preliminary Plan #119960480 "Greentree Estates", on March 11, 1996. That approval was for nine (9) lots on 5.3 acres of land in the R-200 zone. The property was subject to the forest conservation law (Chapter 22A of the County Code) and a forest conservation plan (FCP) was required.

The final FCP for the entire subdivision was approved for 5.3 acres and showed 4.46 acres of existing forest. Of the 4.46 acres of existing forest, 3.07 acres were cleared and 1.39 acres were retained. This generated a 0.44 acre reforestation requirement which was met via a combination of onsite planting, offsite planting, and onsite tree canopy credit.

The Montgomery County Department of Permitting Services (MCDPS) issued permits for the construction of a pool and fence on May 24, 2001 for the property located at 9704 Carmel Court. The Building Permit application (attached) included a drawing of the property which showed the location of proposed and existing structures, the property lines, the zoning building restriction lines and the conservation easements. The drawing clearly shows that the pool and pool fence are to be constructed outside of the Category I easement area, yet the pool and fence were not built in conformance with the Building Permit drawing and were constructed within the easement.

On January 13, 2011 the Applicant was sent a letter from M-NCPPC Inspection Staff outlining the restrictive nature of Category I conservation easements and highlighted the terms of the easement, specifically noting that swimming pools, patios, and fences are not allowed in the Category I easement.

The Applicant was issued a Notice of Violation (NOV) for having the swimming pool and associated amenities within the recorded Category I conservation easement. The NOV (EPDNOV 001), dated January 13, 2011, gave the Applicant until February 15, 2011 to submit an application to amend the Preliminary Plan to address the Category I conservation easement encroachment. The application was accepted as complete on May 19, 2011 and designated Preliminary Plan No. 11996048B ("Application").

SITE DESCRIPTION

The property is identified as Lot 3, Greentree Estates, located at 9704 Carmel Court, in Bethesda ("Property" or "Subject Property"). The Property is 0.48 acres in size and is developed with a single family residence. The lot gently slopes downhill from east to the west; there are no streams, floodplain, or wetlands on the Property. The Property is located within the Cabin John Creek watershed, which is a Use I-P designation. The Countywide Stream Protection Strategy rates the water quality in this watershed as fair. The record plat that includes the Property shows approximately 4,600 square feet of Category I conservation easement along the west side of the Property. The easement is bisected by a Montgomery County Department of Transportation (MCDOT) storm drain easement.



PROPOSAL

The Application proposes to address the NOV by adjusting and removing portions of the Category I easement in to which the swimming pool and fence have encroached. This Application will result in the removal of 884 square feet (0.02 acres) of Category I conservation easement to be mitigated offsite by purchasing mitigation credit at a 2:1 ratio or 1,768 square feet (0.04 acres) in an approved Forest Conservation Bank.



Figure 1: Proposed Easement Removal

PLANNING BOARD REVIEW AUTHORITY

The Forest Conservation Regulations require Planning Board action on certain types of modifications to an approved FCP. Section 22A.00.01.13 of the Regulations state:

Minor amendments which do not result in more than a total of 5000 square feet of additional forest clearing may be approved by the planning director on a case by case basis...

Although the Regulations provide for Staff level review of easement modifications less than 5000 square feet in total area, the Planning Board has requested that any removal of, or significant changes to recorded conservation easements should be addressed in a public forum with a decision by the Board.

ANALYSIS AND FINDINGS

This Application is a retroactive response to resolve the NOV and bring the Subject Property into compliance. The proposed mitigation for the easement encroachment and subsequent easement removal is to mitigate in an off-site forest mitigation bank. Onsite mitigation of easement removal is generally preferable to offsite mitigation because it provides in-kind and in-place benefits for what is being removed. If the easement can be rearranged onsite, the Board has found this to be acceptable at a ratio of 1:1. However, if opportunities to mitigate onsite are not available or preferred, the Planning Board can allow mitigation offsite at a 2:1 ratio. This mitigation policy was established by the Planning Board in November of 2008.

For this Application, Staff advises that there are no appropriate areas to add easement onsite given the constraints created by the current development on the Subject Property, the MCDOT storm drain easement, and the small size of the Property. Offsite mitigation is the preferred option in consideration of the Property's constraints, when considering the remaining easements, receiving mitigation, resolving the NOV, and considering the needs of the current and future homeowners.

The removal of 884 square feet (0.02 acres) of Category I conservation easement is the minimum amount necessary to address the pool and fence encroachment in to the easement. At the prescribed 2:1 offsite mitigation credit ratio, the Applicant must purchase 1,768 square feet (0.04 acres) in an approved Forest Conservation Bank.

Staff supports the easement removal and the proposed mitigation as a means to resolve the outstanding encroachment issues and bring the Subject Property into compliance.

NOTIFICATION and OUTREACH

In accordance with adopted procedures, the Subject Property was signed with notification of the intent to file a preliminary plan amendment. At some point during the Application process the Application notice signs on the Subject Property were removed or fell down. The sign was reposted on August 27, 2013 and has met the minimum requirement that it be visible and properly posted at least 30 days prior to the public hearing.

All adjoining and confronting property owners, civic associations, and other registered interested parties will be notified of the upcoming public hearing on the Application. As of the date of this report, Staff has not received any calls or correspondence in regards to this Application. Any comments received hereafter will be forwarded to the Board

CONCLUSION

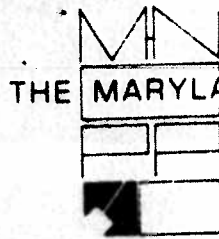
Staff recommends that the Planning Board approve this Application to revise the forest conservation plan with the conditions specified above.

Attachments:

- A. Opinion for Preliminary Plan No. 119960480
- B. Original Plat Preliminary Plan No. 119960480
- C. Revised Preliminary Plan 11996048A
- D. MCDPS Building Permit Application and Drawing for Pool

file

Date of mailing: March 11, 1996



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
8787 Georgia Avenue • Silver Spring Maryland 20910-3760

Action: Approved Staff Recommendation with Modifications
(Motion of Comm. Baptiste, seconded by Comm. Richardson, with
a vote of 3-0; Comms. Baptiste, Richardson, and Hussmann voting
in favor, with Comms. Aron and Holmes being absent).

MONTGOMERY COUNTY PLANNING BOARD

OPINION

Preliminary Plan 1-96048

NAME OF PLAN: GREENTREE ESTATES, LOTS 1-9

On 12-18-95, TAMARA CORPORATION, submitted an application for the approval of a preliminary plan of subdivision of property in the R200 zone. The application proposed to create 9 lots on 5.30 ACRES of land. The application was designated Preliminary Plan 1-96048. On 03-07-96, Preliminary Plan 1-96048 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 1-96048 to be in accordance with the purposes and requirements of the Subdivision Regulations (Chapter 50, Montgomery County Code, as amended) and approves Preliminary Plan 1-96048, subject to the following conditions:

Approval, including waiver of internal sidewalk, subject to:

- (1) Compliance with Environmental Planning Division approval regarding the requirements of the forest conservation legislation (as part of the preliminary plan). Applicant must satisfy all conditions prior to recording of plat or MCDEP issuance of sediment and erosion control permit, as appropriate (submit final Forest Conservation Plan for technical staff approval prior to recording of plats)
- (2) Dedication of Greentree Road for 60' right-of-way
- (3) Prior to recording of plats, submit verification of MCDEP stormwater management approval in compliance with concept dated 3/7/96
- (4) Record plat to reflect delineation of conservation easements over the areas of tree preservation
- (5) Access and improvements as required by MCDOT
- (6) Other necessary easements

- continued -

- 2 -

- (7) This preliminary plan will remain valid until April 11, 1999
(37 months from the date of mailing which is March 11, 1996)
Prior to the expiration of this validity period, a final record
plat for all property delineated on the approved preliminary
plan must be recorded or a request for an extension must be filed.

PRELIMINARY SUBDIVISION PLAN APPLICATION FILE NO: 1-96048
 withdrew or superseded: N another plan on property? fileno: -
 NAME OF SUBDIVISION: GREENTREE ESTATES, LOTS 1-9 DATE OF APPLIC: 12-18-95
 SPECIAL EXCEPTION OR ZONING CASE NO: DATE OF SRC: -
 THRESHOLD: PRE-PRELIMINARY PLAN FOR THIS PROPERTY, ENTER IT: -

LOCATION

B. N QUADRANT OF INTERSECTION OF GREENTREE ROAD & ANNLEE TERRACE
 200 BASE MAP NO: 212NW7 MPDUS PROPOSED: 0
 NO. LOTS PROPOSED: 9 NUMBER OF RESIDENTIAL UNITS PROPOSED: 9
 TYPE OF UNITS: SF, ' 0 ' 0 ' 0 ' 0 ZONING: R200
 NUMBER OF UNITS: 9 0 0 0 0 ZONING: ,
 PROPOSED SANITARY FACILITIES: WATER: PUBLIC SEWER: PUBLIC
 NUMBER OF TDRS: 0 REQUEST CLUSTER OPT: N REQUEST MPDU WAIVER: N
 REQUEST STORM WATER MANAGEMENT WAIVER: N HISTORIC SITE OR DISTRICT?: N
 OWNER NAME: TAMARA CORPORATION
 ADDRESS: 11709 ROBERTS GLEN CT. TELEPHONE NO: 301-294-9599
 POTOMAC, MD, 20854
 CONTRACT PURCHASER NAME:
 ADDRESS: 0 TELEPHONE NO: - -

CONVEY AREA: 5.30 ACRES INCLUDE AREA: 5.30 ACRES PLAN FEE: \$665.00

RESTRICTIONS:
 NONE

ENGINEER OR SURVEYOR: DEWBERRY & DAVIS
 ADDRESS: 804 WEST DIAMOND AVE TELEPHONE: 301-948-8300
 GAITHERSBURG, MD, 20878

MPDU REQUIRED: 0 MPDU APPROVED: 0 NO. OF LOTS APPROVED: 0
 UNITS APPROVED: TYPE OF UNITS: SF, ' 0 ' 0 ' 0 ' 0
 NUMBER OF UNITS: 9 0 0 0 0
 DATE OF PLAN ACTION: 03-07-96 PLANNING BOARD ACTION: APPROVED
 PLAN EXTENSION: DATE GRANTED: 00-00-00 EXPIRATION: 00-00-00

200 BASE MAP NO: 212NW07 MASTER PLAN AREA: 29 TAX MAP NO: GP342
 X COORDINATE 755387 TAX MAP YEAR: CENSUS TRACT & BLOCK:
 Y COORDINATE 430283 PLANNING AREA: 29 TRAFFIC ZONE: 153

SEWERSHED NO: SEWER AUTHORIZATION NO:
 STORM WATER MGMT. WAIVER GRANTED: STREAM CHANNEL MODIFICATION:
 WRA PERMIT NEEDED:
 PARKLAND ACRES: REC FACIL: PLAYGROUND: PLAYFIELD: OTHER:

WE GRANT TO THE WASHINGTON SUBURBAN SANITARY COMMISSION (W.S.S.C.), SUCH EXCLUSIVE RIGHTS AS NECESSARY FOR THE CONSTRUCTION, RECONSTRUCTION, OPERATION, MAINTENANCE AND REPAIR OF SANITARY SEWERS AND/OR WATER MAINS AND APPURTENANCES WITHIN ANY WATER AND/OR SEWER RIGHTS-OF-WAY /EASEMENTS SHOWN AND DENOTED HEREON AS "W & S EASEMENT", SUBJECT TO AND TOGETHER WITH THE CONDITIONS CONTAINED IN A RIGHT OF WAY DOCUMENT FROM THE GRANTORS, THEIR SUCCESSORS OR ASSIGNS TO THE W.S.S.C. TO BE RECORDED HEREAFTER.

WE, THE UNDERSIGNED, OWNERS OF THE PROPERTY SHOWN AND DESCRIBED HEREON, HEREBY ADOPT THIS PLAN OF SUBDIVISION, ESTABLISH THE MINIMUM BUILDING RESTRICTION LINES, DEDICATE THE STREETS TO PUBLIC USE, AND GRANT TO MONTGOMERY COUNTY, AND SLOPE EASEMENTS 25 FEET WIDE, AS SHOWN ON MAP. OTHERWISE, THE HEREIN, ADJACENT, PARALLEL AND CONTIGUOUS TO THE STREET RIGHT-OF-WAY LINES, SLOPE EASEMENTS SHALL BE AUTOMATICALLY EXTINGUISHED AFTER ALL REQUIRED PUBLIC IMPROVEMENTS ABUTTING SAME HAVE BEEN LAWFULLY COMPLETED AND HAVE BEEN ACCEPTED FOR MAINTENANCE BY MONTGOMERY COUNTY OR OTHER APPROPRIATE PUBLIC AGENCY. FURTHER, WE GRANT TO MONTGOMERY COUNTY, THEIR SUCCESSORS AND ASSIGNS, EASEMENTS, INDICATED HEREON AS M.C.D.O.T. STORM DRAIN EASEMENTS, FOR STORM DRAINS AND APPURTENANCES.

WE HEREBY GRANT TO THOSE PARTIES LISTED IN THAT CERTAIN DECLARATION RECORDED IN LIBER 3834 AT FOLIO 457 AMONG THE LAND RECORDS OF MONTGOMERY COUNTY, MARYLAND, TEN (10) FEET WIDE PUBLIC UTILITY EASEMENTS, DESIGNATED HEREON AS "P.U.E.", SUBJECT TO THE TERMS AND PROVISIONS FOR PUBLIC UTILITY EASEMENTS INDICATED WITHIN SAID DECLARATION.

WE HEREBY GRANT TO THE MONTGOMERY COUNTY PLANNING BOARD OF THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION (M-NCPPC), A CONSERVATION EASEMENT, AS SHOWN HEREON, PURSUANT TO THE FOREST CONSERVATION PLAN ILLUSTRATED ON M-NCPPC SITE PLAN NO.8-93003, AND IN ACCORDANCE WITH THE TERMS, PROVISIONS AND CONDITIONS CONTAINED IN A CONSERVATION EASEMENT AGREEMENT RECORDED AMONG THE AFORESAID LAND RECORDS IN LIBER 13178 AT FOLIO 412.

AS OWNER(S) OF THIS SUBDIVISION, WE, OUR SUCCESSORS AND ASSIGNS, SHALL CAUSE PROPERTY CORNER MARKERS TO BE SET BY A REGISTERED MARYLAND LAND SURVEYOR, IN ACCORDANCE WITH SECTION 50-24(e)(2) OF THE MONTGOMERY COUNTY CODE.

THERE ARE NO SUITS, ACTIONS AT LAW, LEASES, LIENS OR TRUSTS ON THIS PROPERTY.

WITNESS 3/2/96 Hilda Diller Mitchell
DATE HILDA DILLER MITCHELL

FOR TAMARA CORPORATION

Galia Steinbach 3/13/96 Joav Steinbach
GALIA STEINBACH, SECRETARY DATE JOAV STEINBACH, PRESIDENT

I HEREBY CERTIFY THAT THE PLAN SHOWN HEREON IS CORRECT TO THE BEST OF MY PROFESSIONAL KNOWLEDGE, BELIEF AND INFORMATION AND THAT IT IS A SUBDIVISION OF ALL OF THE LAND CONVEYED TO H. CHESTER MITCHELL, JR. (DECEASED) AND HILDA DILLER MITCHELL FROM HELEN ELIZABETH TUCKER AND ELINOR WORTHINGTON CAM BY DEED DATED NOVEMBER 26, 1951 AND RECORDED IN LIBER 1603 AT FOLIO 575 AMONG THE LAND RECORDS OF MONTGOMERY COUNTY, MARYLAND.

1. I FURTHER CERTIFY THAT THE PLAN SHOWN HEREON IS ALSO A SUBDIVISION OF ALL OF THE LAND CONVEYED TO TAMARA CORPORATION FROM BETHESDA COUNTRY CLUB, INC. BY QUIT CLAIM DEED DATED MARCH 21, 1996 AND RECORDED IN LIBER 14003 AT FOLIO 659 AMONG SAID LAND RECORDS.

LIBER 74003 AT FOLIO 637 AMONG SAID LAND RECORDS.
I FURTHER CERTIFY THAT, ONCE ENGAGED AS DESCRIBED IN THE OWNER'S DEDICATION HEREON, ALL MONUMENTS SHOWN
THUS (□), AND ALL PROPERTY MARKERS AND OTHER BOUNDARY MARKERS SHOWN THUS (○) WILL BE SET AS DELINEATED
HEREON IN ACCORDANCE WITH SECTION 50-24 (e) (2) OF THE MONTGOMERY COUNTY CODE.

THE TOTAL AREA OF THIS PLAT IS 230,698 SQUARE FEET OR 5.2961 ACRES OF LAND OF WHICH 26,391 SQUARE FEET OR 0.6059 OF AN ACRE IS HERBY DEDICATED TO PUBLIC USE.

FOR DEWBERRY & DAVIS

ERIC V. DAY
PROFESSIONAL LAND SURVEYOR
MD. REGISTRATION NO. 10771

MARCH 12, 1990
DATE

FILED
MAY 15 1996

SUBDIVISION RECORD PLAT
LOTS 1 - 9 & PARCEL A
GREENTREE ESTATES

POTOMAC (10TH) ELECTION DISTRICT
MONTGOMERY COUNTY, MARYLAND
SCALE: 1" = 50' DATE: MARCH 1996

DEWBERRY & DAVIS
ARCHITECTS ENGINEERS PLANNERS SURVEYORS
804 WEST DIAMOND AVENUE
GAITHERSBURG, MARYLAND 20878
(301) 948-8300

THE APPROVAL OF THIS PLAT IS PREDICATED ON THE
ADEQUACY AND AVAILABILITY OF PUBLIC WATER AND SEWER

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

APPROVED: 3/14/96

Chairman CHAIRMAN

M-NCP&PC RECORD PLAT FILE NO. 599-23

MONTGOMERY COUNTY
DEPARTMENT OF TRANSPORTATION
PUBLIC WORKS AND

APPROVED: MAY 13, 1996

BY: Robert Z. Mayman
FOR DIRECTOR

**MONTGOMERY COUNTY
DEPARTMENT OF ENVIRONMENTAL
PROTECTION**

APPROVED: May 13, 1996

BY: *David W. Loh*
for DIRECTOR

RECORDED

PLAT BOOK

PLAT NO.

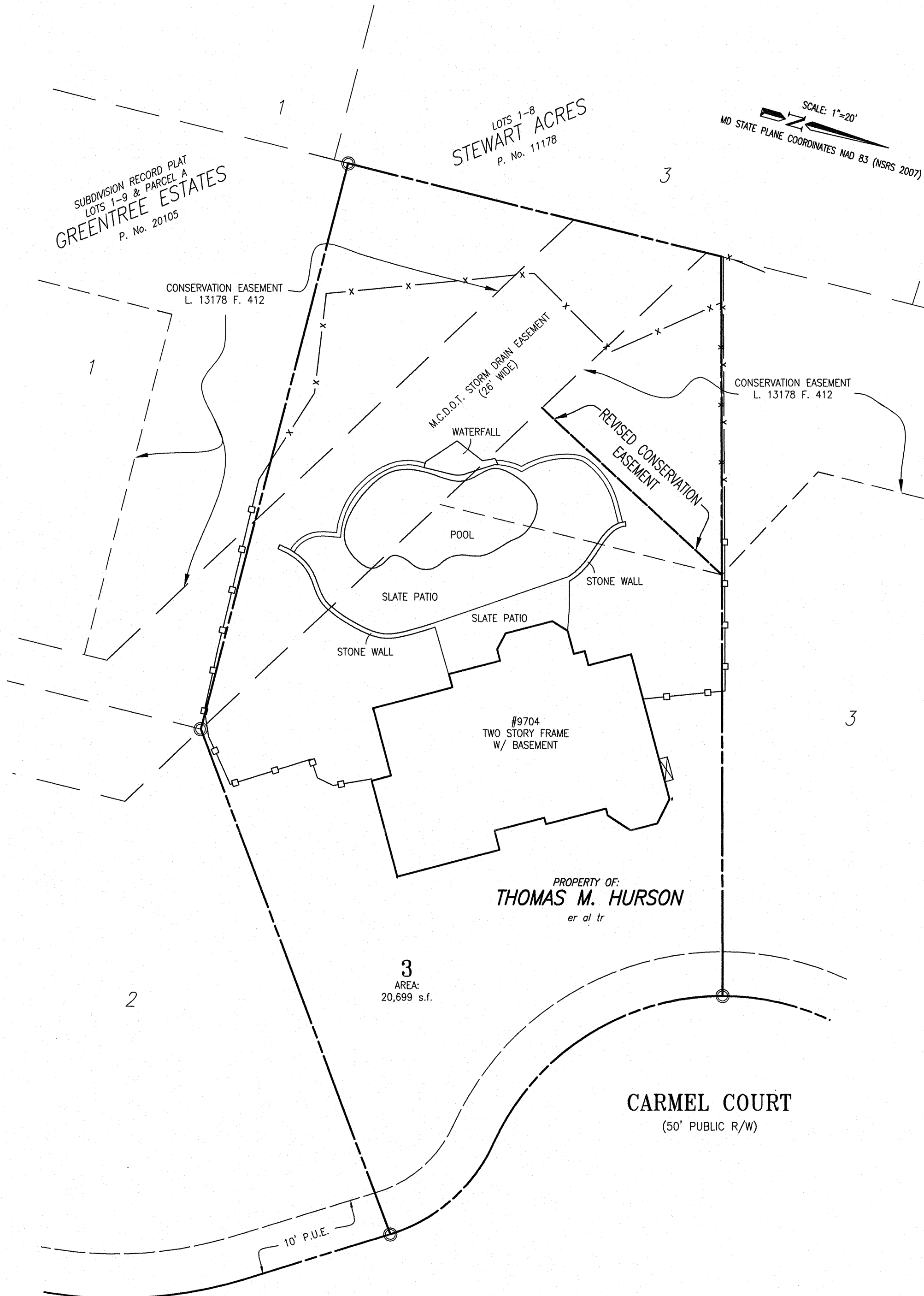
NOTES:

ALL TERMS, CONDITIONS, AGREEMENTS, LIMITATIONS, AND REQUIREMENTS ASSOCIATED WITH ANY PRELIMINARY PLANNING BOARD PLAN FOR THE PLANNING BOARD'S LAND DEVELOPMENT THIS PROPERTY. THE PLAN SUBMITTED BY THE MONTGOMERY COUNTY PLANNING BOARD ARE INTENDED TO BE FINAL AND NOT BE DISMISSED OR RECORDED OF THIS PLAT, UNLESS EXPRESSLY CONTEMPLATED BY THE PLAN AS APPROVED. THE OFFICIAL PUBLIC FILES FOR ANY SUCH PLAN ARE MAINTAINED BY THE PLANNING BOARD AND AVAILABLE FOR PUBLIC REVIEW DURING NORMAL BUSINESS HOURS.

OPEN SPACE PARCEL "A" SHOWN HEREON IS SUBJECT TO THE TERMS AND PROVISIONS OF COVENANTS
RECORDED IN LIBER 13983 FOLIO 597. PARCEL "A" IS TO BE CONVEYED TO THE HOMEOWNER'S
ASSOCIATION.

THE LOTS SHOWN HEREON ARE SUBJECT TO THE MONTGOMERY COUNTY FOREST CONSERVATION LAW OF 1992 AND A FOREST CONSERVATION PLAN APPROVED PER CHAPTER 22A OF THE MONTGOMERY COUNTY CODE.

MSA 554 1249-4988 599-23



LEGEND	
	EX. WROUGHT IRON FENCE
	EX. CHAINLINK FENCE
	EX. DEWBERRY & DAVIS PIPE W/ CAP
	EX. CONSERVATION EASEMENT
	REVISE CONSERVATION EASEMENT

Zone	R-200	
Gross Tract Area	20,699 sqft or 0.48 Ac.	
Water/Sewer Categories	W-1/S-1	
Tax Map reference	GP342	
Boundary Information on this plan from	Charles P. Johnson & Assoc.	
All adjacent lots are in Zone R-200		
Development Standards		
Minimum Lot Area	20,000 sqft	
Minimum Lot Width @ Front Bldg Line	100'	
Minimum Lot Width @ Street Line	25'	
Building Restriction Setbacks	Required	Provided
Front	40'	40'
Side	12'/25' Both	12'
Rear	30'	30'
Building Height	50'	50' max

1. NRI/FSD (#4-96106) approved by MNCPPC.

2. There are no wetlands, 100-year floodplain, or historic resources on site according to available sources.

3. The site is located in the Cabin John Creek Watershed, Use 1.

4. Boundary and topography on original plan was surveyed by Dewberry & Davis in November 1995. 2 foot contour intervals

AMENDMENT FOR REVISION TO FOREST CONSERVATION EASEMENT ONLY

ENGINEER CERTIFICATE

THE UNDERSIGNED LICENSED PROFESSIONAL ENGINEER CERTIFIES THAT THE DRAWINGS HEREON CONFORM TO THE STANDARDS OF THE ZONE. THE DRAWINGS ARE CONSISTANT WITH THE DATA TABLE PROVIDED. I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND.

ALAN BARNEY
PROFESSIONAL ENGINEER
MD # 29891

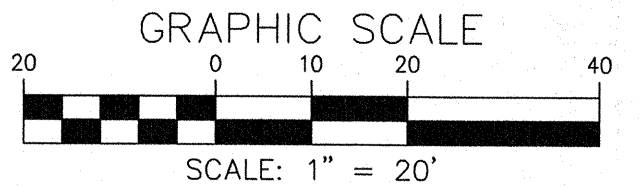
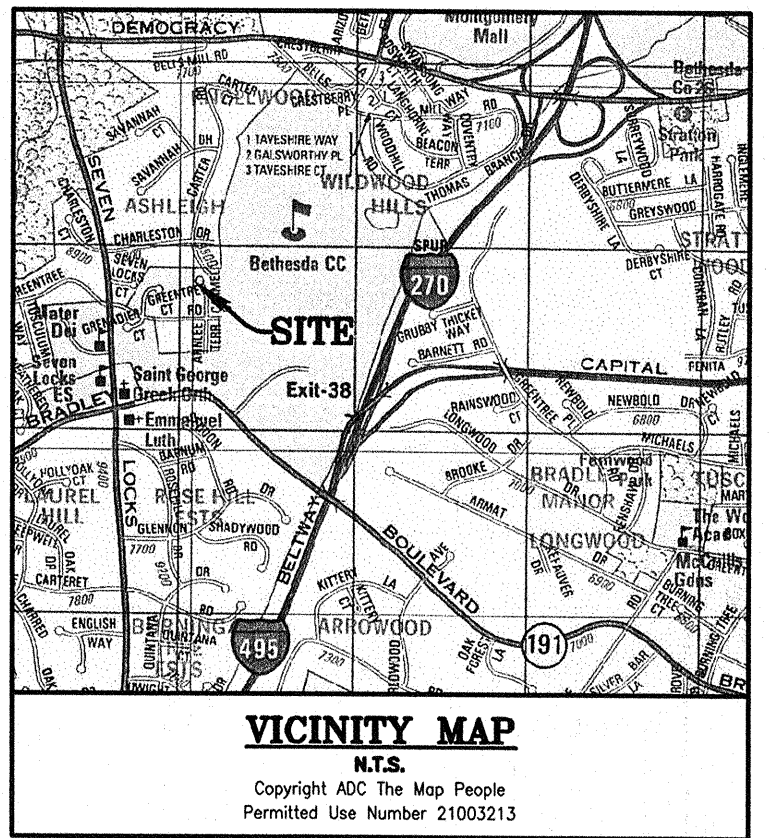
4/28/11 DATE 1/14/12 EXPIRATION DATE

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT THE BOUNDARY INFORMATION SHOWN HEREON IS CORRECT AND TAKEN FROM AVAILABLE DEEDS AND RECORDS.

4/28/2011 DATE

RONALD COLLIER
PROFESSIONAL LAND SURVEYOR
MD # 20014



M-NCPPC APPROVAL STAMP
CERTIFIED PRELIMINARY PLAN

FILE NO. 1-1996048A

MONTGOMERY COUNTY PLANNING BOARD

CHAIR OR DESIGNEE DATE

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

DEVELOPER'S CERTIFICATE

THE UNDERSIGNED AGREES TO EXECUTE ALL FEATURES OF THE PRELIMINARY PLAN APPROVAL NO. 1-1996048A, INCLUDING APPROVAL CONDITIONS, DEVELOPMENT PROGRAM AND CERTIFIED PRELIMINARY PLAN.

DEVELOPER'S NAME: THOMAS M. HURSON
CONTACT PERSON

ADDRESS: 9704 CARMEL COURT BETHESDA, MARYLAND 20817

PHONE: (301) 674-6720

SIGNATURE:

AMENDED PRELIMINARY PLAN
LOT 3
9704 CARMEL COURT
GREENTREE ESTATES
POTOMAC (10TH) ELECTION DISTRICT
MONTGOMERY COUNTY, MARYLAND

CPJ Charles P. Johnson & Associates, Inc.
Civil and Environmental Engineers • Planners • Landscape Architects • Surveyors
1751 Elton Rd., Ste. 300 Silver Spring, MD 20903 301.434.7000 Fax: 301.434.9394
www.cpj.com • Gaithersburg, MD • Frederick, MD • Stevensville, MD • Fairfax, VA

CLIENT: THOMAS M. HURSON 9704 CARMEL COURT BETHESDA, MD 20817	PRELIMINARY PLAN NO: 11996048A	SITE PLAN NO:
DESIGN LWP	SHEET 1	OF 1
DRAFT SSS	DATE APRIL 2011	FILE NO: 41-058-11
SCALE 1" = 20'		

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OR REPRODUCTION IS PROHIBITED.



ATTACHMENT D
-05-24-01

DEPARTMENT OF PERMITTING SERVICES

Douglas M. Duncan
County Executive

Robert C. Hubbard
Director

**BUILDING
PERMIT**

Issue Date: 5/24/2001

Permit No: 249147
Expires: 5/25/2002
X Ref. 9906240242
Rev. No:
ID: AC568814

THIS IS TO CERTIFY THAT:

LEWIS AQUATECH POOLS - LINDA VAN SCHAGEN
14100 WILARD ROAD
CHANTILLY VA

HAS PERMISSION TO: CONSTRUCT

SWIMMING POOL & FENCE

PERMIT CONDITIONS: SWIMMING POOL WITH 6' FENCE

PREMISE ADDRESS: 9704 CARMEL CT
BETHESDA MD 20817-

LOT 3	BLOCK	ZONE	GRID
LIBER	ELECTION DISTRICT 07	PLATE	PARCEL
FOLIO	TAX ACCOUNT NO.:		PS NUMBER 0
PERMIT FEE: \$220.00	SUBDIVISION BETHESDA OUTSIDE**		

MUST BE POSTED ON JOB SITE

NOTICE

THIS APPROVAL DOES NOT INCLUDE
PLUMBING, GAS PIPING OR ELECTRICAL
OR CONSTRUCTION IN ANY
DEDICATED RIGHT-OF-WAY.

NOTE

THIS PERMIT DOES NOT INCLUDE
APPROVAL FOR ANY ELECTRICAL
WORK. YOU MUST HAVE A
SEPARATE ELECTRICAL PERMIT
TO DO ANY ELECTRICAL WORK.

Director, Department of Permitting Services

PART ONE

1A. WORK TYPE (Action):

☒ Construct ☐ Extend/Add ☐ Repair ☐ Alter/Renovate

1B. ACTIVITY: (Check as many as apply)

☐ Finished Basement ☐ Room/Addition ☒ Pool ☐ Hot Tub
☐ Spa ☐ Porch ☐ Deck ☐ Fireplace
☐ Woodburning Stove ☐ Fence/Wall (Complete Part 3) ☐ Shed ☐ Slab
☐ Other: _____

1C. 790# Square Footage of Land Disturbance

1D. _____ Square Footage of Floor Area Created or Affected by This Action

1E. Declared Construction Cost Estimate \$ 10,000

1F. The primary structure on this lot is a: ☒ Single Family Home ☐ Townhouse ☐ Duplex ☐ Modular Home ☐ Trailer

1G. If this is a revision or is in the approved "Model Plan Program", give Permit Number: 9906240242

PART TWO

Contact Person: TOM HANSON - Owner **Daytime Phone No.:** 301 1 365-1870

Name of Applicant: Linda Van Schagen - Agent **Daytime Phone No.:** 1

Address: 9704 CARMEL ST City: BETHESDA State: MD Zip: 20817

Contractor: LEWIS Aquatic Pools **Contractor License No.:** 40061

Contractor Address: 14100 WILLARD RD CHANTILLY, VA Phone No.: 703-631-2800

Plans Prepared By: Rick Decelle **Registration No.:** _____ **Telephone No.:** 1

Location of Building Premise

House Number 9704 **Street** CARMEL ST CT

Town/City BETHESDA **MD** **Zip** 20817

Lot 3 **Block** _____

PART THREE COMPLETE ONLY FOR FENCE / RETAINING WALL

3A. Height: 6 feet _____ inches

3B. Type of Fence/Retaining Wall: WOOD/CHAIN LINK

3C. Indicate whether the fence or retaining wall is to be constructed on one of the following locations:

1. On Lot Line (complete 3D)	<input type="checkbox"/> Yes <input type="checkbox"/> No
2. Entirely on Land of Owner:	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
3. On Public Right-of-Way/Easement:	<input type="checkbox"/> Yes <input type="checkbox"/> No

(Revocable Letter Required)

3D. I/We agree to the erection of this retaining wall or fence on the lot line and to all terms and conditions of this application.

_____	_____	_____
Adjoining Property Owner(s) Signature	Lot	Block
_____	_____	_____
Adjoining Property Owner(s) Signature	Lot	Block
_____	_____	_____
Adjoining Property Owner(s) Signature	Lot	Block

TO BE READ BY APPLICANT

Any information that the applicant has set forth in this application that is false or misleading may result in the rejection of his application. A condition for the issuance of this permit is that the proposed construction will comply at all times with the plans as approved by all applicable government agencies. I hereby declare and affirm, under the penalty of perjury, that all matters and facts set forth in this building permit application are true and correct to the best of my knowledge, information and belief.

5-22-01 Linda Van Schagen

Date Signature of Applicant

(If applicant is other than owner, agent must complete authorized agent affidavit on back)

LINDA VAN SCHAAGEN

Name (Print)

3. All matters and facts set forth in this Affidavit are true and correct to the best of my knowledge, information and belief.

ATTACHMENT D

5-22-01
(Date)

Linda Van Schagen
Signature of Authorized Agent

LINDA VAN SCHAGEN
Print Name

MONTGOMERY COUNTY MUNICIPALITIES

Common Ownership Communities
*Special Taxing Districts

This is a list of Montgomery County Municipalities and Special Taxing Districts (*). Several Municipalities require building permits in addition to the required County building permit.

REQUIRED:

CITY PERMIT APPROVAL BEFORE APPLICATION TO COUNTY:

Barnesville, Brookeville, Laytonsville, Poolesville and Washington Grove.

COUNTY PERMIT BEFORE APPLICATION TO CITY:

Town of Chevy Chase, Chevy Chase Section 3, Chevy Chase Section 5, Chevy Chase Village, Glen Echo, Kensington, Village of Martin's Additions and Somerset.

BOTH COUNTY AND CITY PERMITS REQUIRED (NO SPECIFIC ORDER OF ISSUANCE):

Village of North Chevy Chase, Garrett Park and Chevy Chase View.

COUNTY ONLY - NO CITY PERMIT ISSUED:

Friendship Heights, Oakmont and Takoma Park.

CITY PERMIT ONLY - NO COUNTY PERMIT REQUIRED:

Rockville and Gaithersburg.

If you have specific questions about permit requirements in any of these Municipalities and Special Taxing Districts, please contact them directly.

General Information/Questions about Montgomery County permit requirements should be directed to 301-217-6370.

If property is in a Common Ownership Community, please contact the Association to assure that you are in compliance with their requirements/process.

Village of Martin's Additions

P.O. Box 15267
Chevy Chase, MD 20815
(301) 656-4112
John Kay

Town of Barnesville

P.O. Box 95
Barnesville, MD 20838
(301) 972-8411
Patricia H. G. Menke

Town of Brookeville

P.O. Box 67
Brookeville, MD 20833
(301) 924-5979
Susan Johnson

Town of Chevy Chase

4301 Willow Lane
Chevy Chase, MD 20815
(301) 654-7144
Tom Huggard

Town of Chevy Chase View*

P.O. Box 136
Kensington, MD 20895
(301) 949-9274
Jana Coe

Chevy Chase Village

5906 Connecticut Avenue
Chevy Chase, MD 20815
(301) 654-7300

Village of Chevy Chase, Sec. 5

P.O. Box 15140
Chevy Chase, MD 20815
(301) 986-5481
Francis L. Higgins

Village of North Chevy Chase

P.O. Box 15887
Chevy Chase, MD 20815
(301) 654-7084
Marilyn Levitt

City of Gaithersburg

31 South Summit Avenue
Gaithersburg, MD 20877
(301) 258-6330
Building and Code Administration

Town of Garrett Park

P. O. Box 84
Garrett Park, MD 20896
(301) 933-7488
Glenda Ingham

Town of Glen Echo

P.O. Box 598, Town Hall
Glen Echo, MD 20812
(301) 320-4041
Betsy Platt

Village of Friendship Heights*

4433 South Park Avenue
Chevy Chase, MD 20815
(301) 656-2797

Town of Laytonsville

P.O. Box 5158
Laytonsville, MD 20882
(301) 869-0042
Charles Olin

Town of Oakmont

P.O. Box 34078
Bethesda, MD 20817
(301) 564-1913
Charles Wells

Town of Poolesville

P.O. Box 158
Poolesville, MD 20837
(301) 428-8927
Nancy I. Fost

City of Rockville

Maryland Avenue/Vinson Street
Rockville, MD 20850
(301) 309-3250
Permit Section

Town of Somerset

4510 Cumberland Avenue
Chevy Chase, MD 20815
(301) 657-3211
Thomas W. Carter

City of Takoma Park

7500 Maple Avenue
Takoma Park, MD 20912
(301) 270-1700

DESIGNATED AREA 2.107 P.1143
1573

MONTGOMERY COUNTY
DEPARTMENT OF PERMITTING SERVICES

APPROVED

Signature

DATE

5/24/01

PLANNING CLASS

R-200

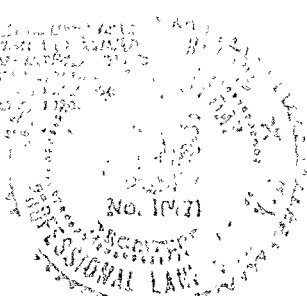
PAGE

STATE OF APPEALS CASE

pool, fence
not in
easement



ENCLOSURE OF OUTDOOR SWIMMING POOL: The pool or the property surrounding the pool must be enclosed by an approved fence or wall at least 3 feet high, securely anchored and not easily climbed or penetrated. When the fence or wall surrounds the property, an automatic pool cover, or audible alarms at all doors leading from the dwelling to the pool, must be installed.



MINIMUM ADVICE

- 1) THIS PLAN IS ON SEVENTY TO A CONVEYANCE ONLY INsofar as it is required by a lender or a title insurance company as a condition of financing. It is not to be relied upon for the location of fences, easements, buildings, or other matters of title or ownership.
- 2) THIS PLAN DOES NOT PROVIDE FOR THE LOCATION OF IMPROVEMENTS OF PROPERTY BOUNDARY LINES, BUT SUCH INFORMATION MAY BE OBTAINED FOR THE PURPOSES OF THIS PLAN BY SECURING PLANS OR REFERENCES.

NOTATION 2: SEE PLAN 100-100000

THIS PLAN IS NOT TO BE USED FOR ANY OTHER PURPOSES AND ANY REVISIONS TO THIS PLAN MUST BE MADE BY THE SURVEYOR WHO PREPARED THE PLAN.

AP# 29147

LOT 3

GREENTREE ESTATES

POTOMAC (10TH) ELECTION DISTRICT

MONTGOMERY COUNTY, MARYLAND

LOCATION DRAWING

DEWBERRY & DAVIS

ARCHITECTS ENGINEERS PLANNERS SURVEYORS

200 WEST DIAMOND AVE. #2

BALTIMORE, MARYLAND 21202

(301) 341-0300