



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

December 4, 2008

MCPB
Item #
December 18, 2008

MEMORANDUM

TO: Montgomery County Planning Board

VIA: Larry Cole, Highway Coordinator *LC*
Move/Transportation Planning Division

FROM: Cherian Eapen, Planner/Coordinator *CE*
Move/Transportation Planning Division
301-495-4525

SUBJECT: Abandonment Request No. AB-718
Request to abandon 210 feet of unimproved Maple Avenue right-of-way
Maple Avenue right-of-way width: 50 feet
Between Lot 4, Block 2 and Lot 3, Block 3, Avery Lodge Subdivision, Rockville
East of Avery Road, South of Dimes Road
Upper Rock Master Plan; Rural East Policy Area

RECOMMENDATION

Staff recommends that the Planning Board approve transmittal of a recommendation of approval of the referenced abandonment request to the Montgomery County Department of Transportation (DOT) subject to the following condition:

- The proposed abandonment become effective with the recordation of a record plat for the property that incorporates the abandoned 50-foot right-of-way, which would reflect a 20-foot wide public use easement along the entire west side of the abandoned right-of-way (along the frontage of Lot 3, Block 3 of the subdivision or 5722 Dimes Road).

DISCUSSION

This memorandum presents Transportation Planning staff's review of the subject request to abandon approximately 210 feet of unimproved Maple Avenue right-of-way south of Dimes Road between Lot 4, Block 2 and Lot 3, Block 3 of Avery Lodge Subdivision, within the Upper Rock Creek Master Plan area and the Rural East Policy Area in an RE-2 zone.

The referral from County Executive's office detailing the subject request is included as Attachment No. 1. A Public Hearing is scheduled for this abandonment request by the Executive's office for Monday, January 5, 2009.

Maple Avenue is an unpaved, unmaintained "driveway" that extends approximately 700 feet to the south from Dimes Road to Rock Creek Regional Park. The roadway has a right-of-way width of 50 feet and provides access to five homes from Dimes Road. The general area is zoned RE-2.

The abandonment is being requested by Mr. and Mrs. Jones ("Applicant", residing at 5718 Dimes Road, which is Lot 4, Block 2 of the subdivision) for them to construct a detached 2-3 car garage that will avoid existing septic, well, and propane tank areas on the property. The section of Maple Avenue right-of-way being requested for abandonment represents the terminus of Maple Avenue and abuts the Applicant's property, the Rock Creek Regional Park and Lake Frank owned by the Maryland-National Capital Park and Planning Commission (M-NCPPC), and a neighbor's property (5722 Dimes Road, owned by Mr. Roland S. Kircher). It is our understanding that the Applicant is seeking abandonment of the entire 50-foot right-of-way and is planning to incorporate this entire right-of-way to their property. It is also our understanding that the neighbor at 5722 Dimes Road has no interest in the abandoned right-of-way.

FINDINGS

Staff recommends approval of the referenced abandonment request subject to the Applicant providing a 20-foot wide public use easement along the west side of the abandoned right-of-way.

The above finding is based on the staff assessment that though the subject right-of-way is not needed to serve any present or anticipated future vehicular traffic need, a public use easement is needed over a portion of the abandoned right-of-way to continue provide pedestrian access to Rock Creek Regional Park from Dimes Road and Maple Avenue, and vehicular access to the house at 5722 Dimes Road from Maple Avenue.

LC:CE:tc
Attachments

cc: Mike Cassedy
Crystal Myers
Cathy Conlon
Tanya Schmieler
Greg Leck
Kevin and Lena Jones
Roland S. Kircher

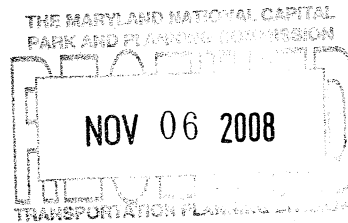
AB-718 Staff Memo.doc



DEPARTMENT OF TRANSPORTATION

Isiah Leggett
County Executive

Arthur Holmes, Jr.
Director



November 5, 2008

Mr. Royce Hanson, Chairman
Maryland-National Capital Park and
Planning Commission
8787 Georgia Avenue
Silver Spring, MD 20910

RE: Request for Comments on Proposed Abandonment
AB718 – Abandonment of Unimproved Maple Avenue
Avery Lodge Subdivision, Rockville

Dear Mr. Hanson:

The purpose of this letter is to request M-NCPPC comments on the proposed abandonment of a portion of unimproved Maple Avenue in the Avery Lodge Subdivision in Rockville. The abandonment request was made by Ms. Lena Jones, the Applicant. The subject right-of-way is adjoined by property (Lot 4, Block 2 and also referred to as parcel N128 on Tax Map GS61) owned by the Applicant. The other adjoining property owner (Lot 3, Block 3 and also referred to as parcel N145 on Tax Map GS61) supports the proposed abandonment provided that the Applicant grants an access easement which the Applicant has agreed to do. For your reference I have enclosed a copy of the letter of request along with other information concerning this matter.

I would greatly appreciate receiving your comments by January 5, 2009.

If either you or your staff need additional information or have questions, please call me at 240-777-7254.

Sincerely,

Michael S. Cassidy
Michael S. Cassidy

Enclosures

cc: ~~Dan Hardy~~
Larry Cole

Division of Transportation Engineering
Property Acquisition Section

DEAR MR. LEGGETT,

¹²
MAY, 2008

MY HUSBAND AND I WANT TO BUILD AN ENERGY EFFICIENT, ACTIVE AND PASSIVE SOLAR GAIN GARAGE FOR OUR NEW ALL-ELECTRIC CAR. OUR ENVIRONMENTAL SENSIBILITIES ARE NATURALLY HEIGHTENED HERE, BECAUSE WE ABUT A LARGE PARK (LAKE FRANK).

IN ORDER TO FIT A 2-3 CAR GARAGE ATTACHED TO THE EXISTING HOUSE, AND AVOID THE SEPTIC, WELL, AND BURIED PROPANE TANK AREAS, WE NEED TO ASK FOR AN ABANDONMENT OF THE 50' COUNTY RIGHT-OF-WAY NEXT TO OUR LOT. THAT 50'SWATH SERVES 5 HOMES AS A SHARED DRIVEWAY. IT WAS NAMED "MAPLE AVE. WHEN THE PENN FAMILY FARM WAS ORIGINALLY SUBDIVIDED IN THE LAST CENTURY.

OUR HOUSE (57 18 DIMES) IS AT THE END OF THIS UNPAVED, UNMAINTAINED, DRIVEWAY, WHERE MNPPC LAND ABUTS "MAPLE AVENUE".

OUR INTENTION IS TO USE NO MORE THAN HALF OF THE RIGHT-OF-WAY DURING CONSTRUCTION, AND END UP WITH NO MORE THAN 35' OF WIDTH FOR THE ENTIRE STRUCTURE.

THERE WILL BE NO IMPEDIMENT FOR OUR NEIGHBORS' ACCESS INTO THE PARK.

WE WERE TOLD THAT THE COUNTY WILL REVIEW THIS REQUEST AND CONSIDER THE IMPACT OF GRANTING US PART, OR ALL, OF THE RIGHT-OF-WAY. ALL THE NEIGHBORS I HAVE SPOKEN TO ARE AMENABLE.

WE HOPE TO HAVE AN EXPEDITED PROCESS AS THE ELECTRIC CAR IS COMING SOON!

ENCLOSED IS CHECK #1751 (WACHOVIA) FOR \$2,500.

PLEASE CALL ME WITH ANY QUESTIONS: HOME 301-340-7352 DAYTIME
OR CALL MY MISBEHAVING CELL PHONE, 240-464-5216.

THANK YOU VERY MUCH,

LENA JONES



[KEVINANDLENA@YAHOO.COM]

REQUEST FOR COMMENTS

BY JANUARY 5, 2009

AB718 PORTION OF UNIMPROVED MAPLE AVENUE

AVERY LODGE SUBDIVISION

ROCKVILLE

The portion of Maple Avenue is unimproved and adjoined by property owned by the Applicant. Please see the attached Tax Map and ADC road map.

A public hearing will be held on

**Monday, January 5, 2009, at 1:00 p.m.
Executive Office Building, Lobby Auditorium
101 Monroe Street
Rockville, MD 20850**

Comments can be made by letter, fax or e-mail to

**Michael Cassedy
Department of Transportation
101 Monroe Street, 10th Floor
Rockville, MD 20850**

**Phone 240-777-7254
Fax 240-777-7259**

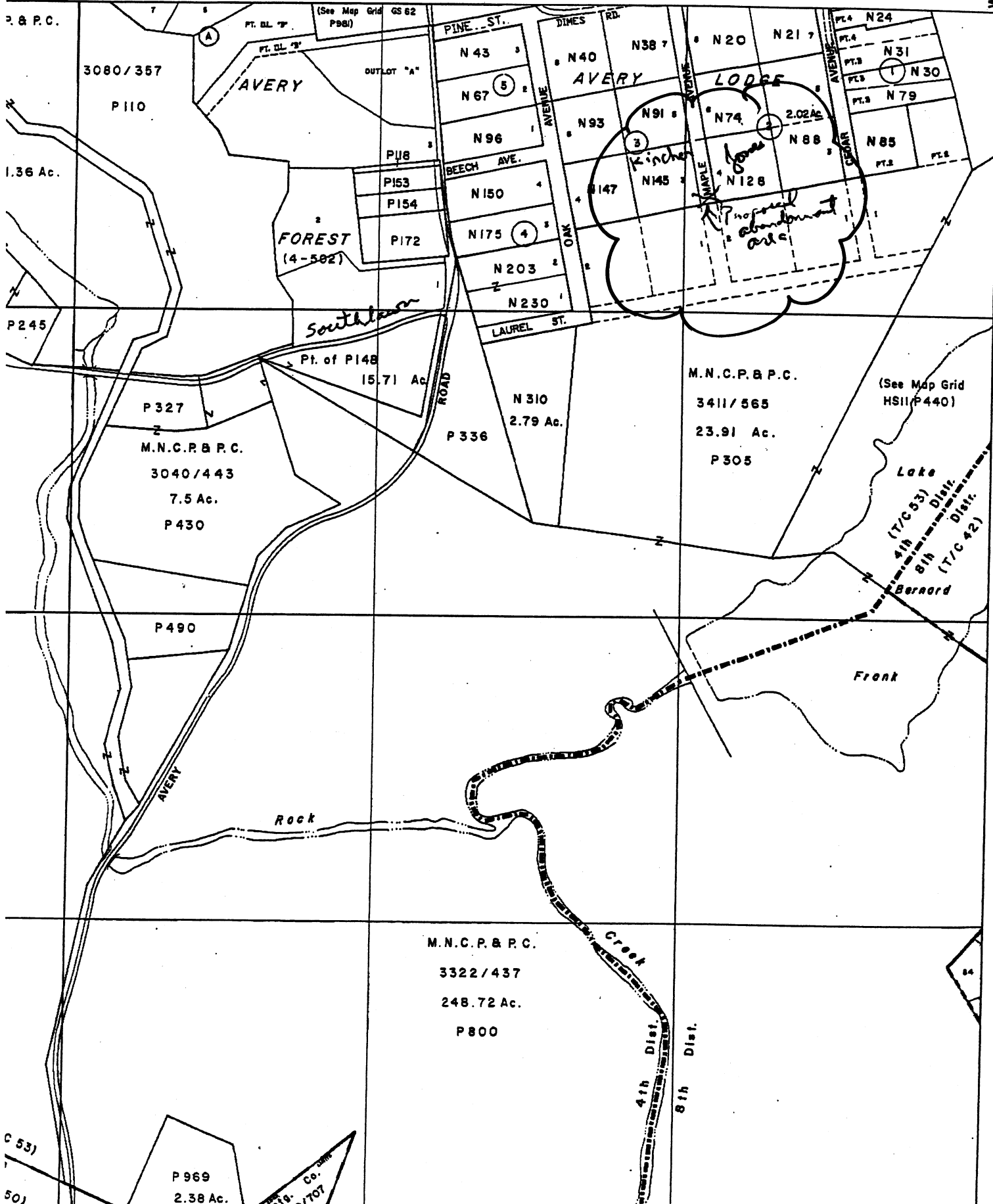
E-mail michael.cassedy@montgomerycountymd.gov

Tax Map GS 61

G 6

GS 562

W930000



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P 969
2.38 Ac.



HS 191

