

Item # 10



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

M E M O R A N D U M

DATE: March 01, 2002
TO: Montgomery County Planning Board
FROM: A. Malcolm Shaneman
Development Review Division
(301) 495-4587
SUBJECT: Informational Maps for Subdivision Items on the
Planning Board's Agenda for March 07, 2002.

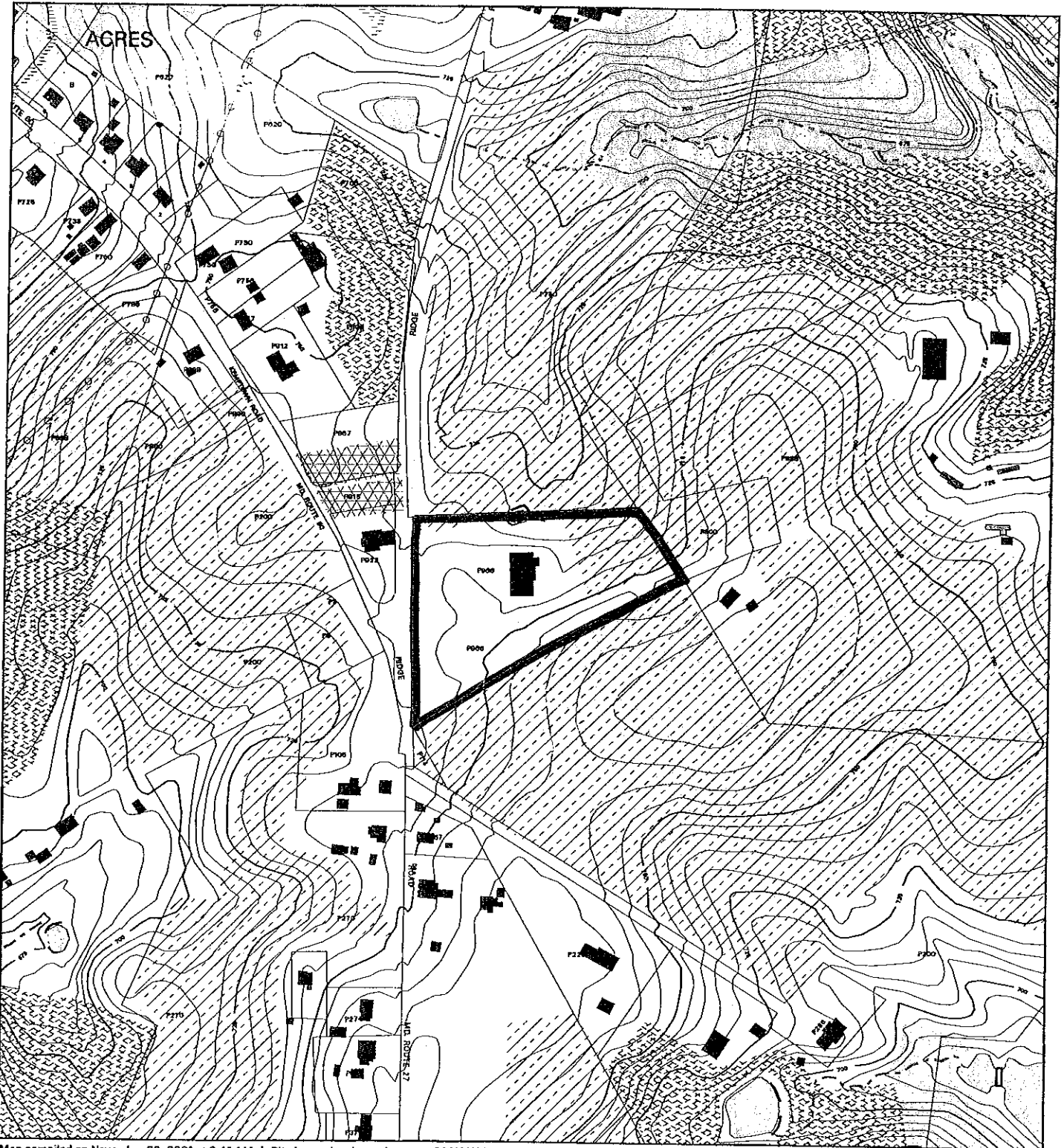
Attached are copies of plan drawings for Items #06, #07, #08, #09, #10. These subdivision items are scheduled for Planning Board consideration on March 07, 2002. The items are further identified as follows:

- Agenda Item #06 - Preliminary Plan 1-01080
The Retreat at Liberty Mill
- Agenda Item #07 - Preliminary Plan 1-99001E
Montgomery Chinese Christian Church
- Agenda Item #08 - Preliminary Plan 1-00095
Warfield Property
- Agenda Item #09 - Preliminary Plan 1-02046
Sunnymeade
- Agenda Item #10 - Preliminary Plan 1-02047
Gladhill Tractor Sales

Attachment

VICINITY MAP FOR

GLADHILL TRACTOR SALES (1-02047)



Map compiled on November 26, 2001 at 9:41 AM | Site located on base sheet no - 238NW09

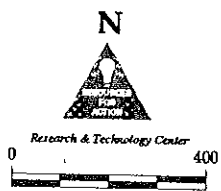
NOTICE

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Property lines are compiled by adjusting the property lines to topography created from aerial photography and should not be interpreted as actual field surveys. Planimetric features were compiled from 1:14400 scale aerial photography using stereo photogrammetric methods.

This map is created from a variety of data sources, and may not reflect the most current conditions in any one location and may not be completely accurate or up to date. All map features are approximately within five feet of their true location. This map may not be the same as a map of the same area plotted at an earlier time as the data is continuously updated. Use of this map, other than for general planning purposes is not recommended. - Copyright 1998

Key Map



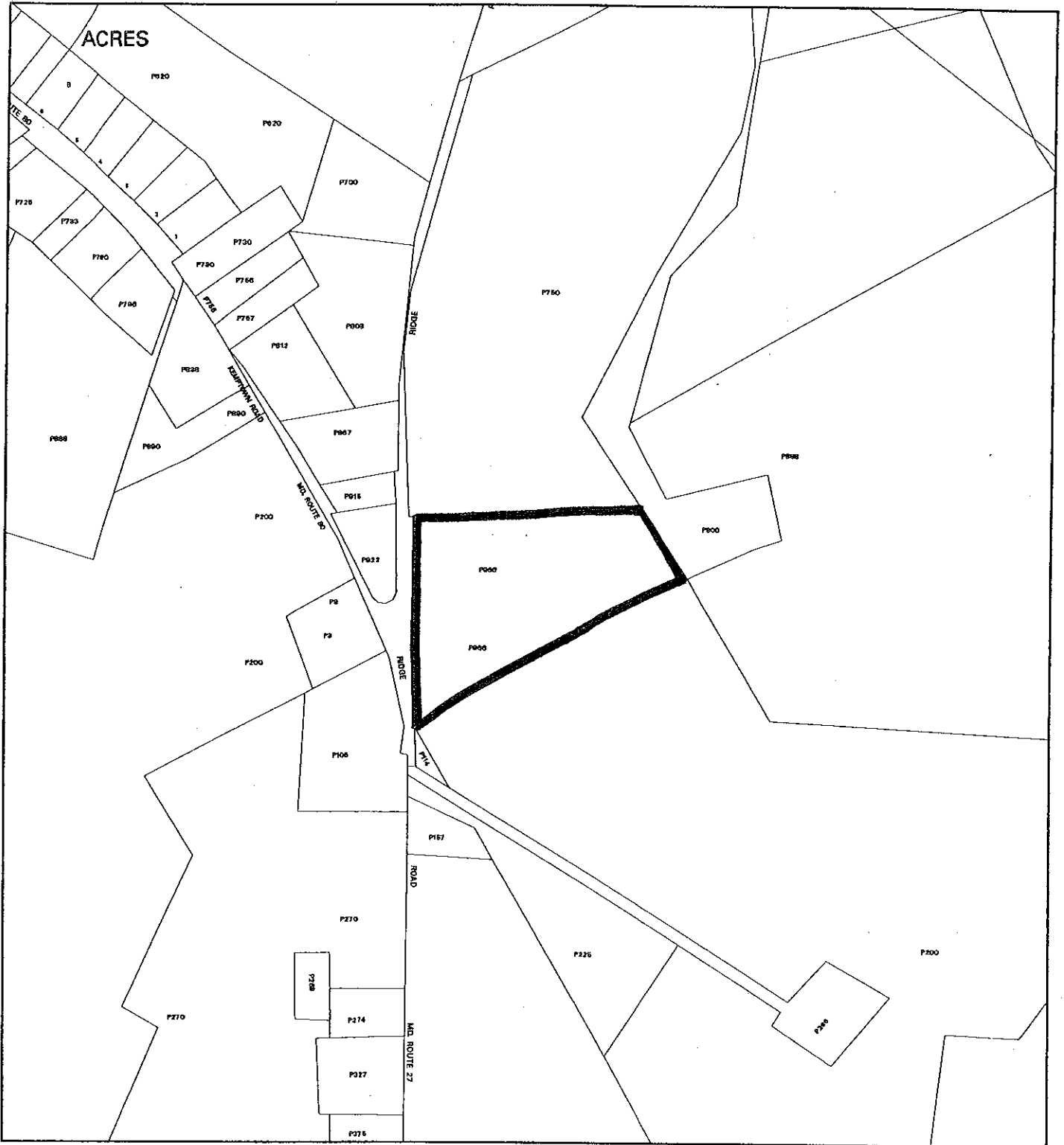
MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

8787 Georgia Avenue - Silver Spring, Maryland 20910-3760

1:4800

VICINITY MAP FOR

GLADHILL TRACTOR SALES (1-02047)



Map compiled on November 28, 2001 at 10:52 AM | Site located on base sheet no - 239NW08

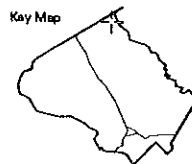
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Key Map



N



0 400



1 : 4800

December 18, 2001

Maryland-National Capital Park and Planning Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910

Attention: Subdivision Office
Development Review Division

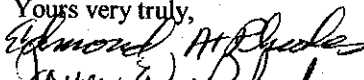
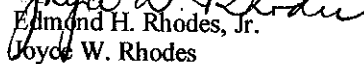
Gentlemen:

We have been notified as adjoining property owners that Gladhill Farm Machinery and Sales, Rt. 27 & Rt. 80, Damascus, Maryland (Application # 1-02047) has applied for preliminary subdivision plan to be considered by the Montgomery County Planning Board.

As there has been difficulty with the Gladhills using a portion of our property as one of their entrances, we have enclosed a letter from the Maryland Department of Transportation that requests them to use the entrance that was required and constructed to be their access to Rt. 27 . . . not using someone else's property as an additional driveway. We have also enclosed a letter from our attorney that once again reminds the Gladhills of the driveway infringement and further reminds them that each time they apply for a special exception they always promise to work out the driveway problem, however, stalling continues to take place with no action taken to correct the problem.

We felt that you should be made aware of the existing problem and the unwillingness of the Gladhills to address the matter. It would certainly seem reasonable to us that this problem should be resolved before any subdivision plan is adopted or any more buildings are constructed on the Gladhill property that at the onset was to be only a "farm storage shed".

If you have any questions on this matter, please feel free to contact us at 301-253-3303. We would welcome your input.

Yours very truly,


Edmond H. Rhodes, Jr.
Joyce W. Rhodes
28235 Kemptown Road
Damascus, Maryland 20872

Enclosures

Tri-County Surveys, Inc.

LAND PLANNING CONSULTANTS • SUBDIVISIONS • LOTS & BOUNDARIES

BOX 55 • DAMASCUS, MARYLAND 20872 • PHONE (301) 831-3655

1-02047

William L. Wirts
Reg. Land Surveyor
Md. No. 10721

NOTICE OF APPLICATION TO
ADJACENT AND CONFRONTING PROPERTY OWNERS
PRELIMINARY SUBDIVISION PLAN TO BE CONSIDERED BY THE
MONTGOMERY COUNTY PLANNING BOARD


Name of Plan GLADHILL FARM MACHINERY & SALES
Current Zoning R DT
Number of Proposed Lots 1
Geographical Locations ROUTES 27 AND B

The above-referenced subdivision application has been filed with the Montgomery County Planning Board and is being reviewed by the Planning Board staff under the provisions of Chapter 50 of the Montgomery County Code.

A copy of the proposed subdivision plan is enclosed. This plan may change due to specific reviews and stated changes suggested by this agency and other county and state agencies. Please send any written comments, at your earliest convenience, to the Maryland-National Capital Park and Planning Commission, 8787 Georgia Avenue, Silver Spring, Maryland 20910 - Subdivision Office, Development Review Division.

The Montgomery County Planning Board will hold a public hearing on the above-referenced subdivision application to obtain public comment. Written notification of the date of the public hearing will be sent to you not later than 10 days before the meeting.

If you have any further questions, please contact the Subdivision Office at the Park and Planning Commission at 495-4585.


WILLIAM L. WIRTS
Professional Land Surveyor
MD Reg. No. 10721



**Maryland Department of Transportation
State Highway Administration**

Parris N. Glendening
Governor
John D. Porcari
Secretary
Parker F. Williams
Administrator

January 22, 2001

Ms. Katherine Freeman
County Board of Appeals
for Montgomery County
Stella B. Werner Council
Office Building
100 Maryland Avenue
Rockville, MD 20850

Re: Montgomery County
MD 27
Gladhill Property
Case No. S-1396-B

Dear Ms. Freeman:

Reference is made to the above captioned petition which is located at the intersection of MD 80 & MD 27 in Damascus Maryland

This office reviewed this case and requests that, as a condition of approval, the applicant be required to use the existing access to MD 27 which was permitted by SHA on May 13, 1992.

Thank you for the opportunity to review this petition. If you have any questions, please contact Greg Cooke at 410-545-5595 or our toll free number in Maryland only 1-800-876-4742 (x5595). You may also email him at (gcooke@sha.state.md.us).

Very truly yours,

Kenneth A. McDonald Jr., Chief
Engineering Access Permits Division

KAM/GC

cc: Mr. Charlie Watkins
~~XXXXXXXXXXXXXXXXXXXX~~

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

JEAN ROGER BUCHEN
ATTORNEY AT LAW
341 WEST PATRICK STREET
FREDERICK, MARYLAND 21701
(301) 662-0008
FAX 662-8990

November 9, 2001

Maurice Gladhill
Gladhill Tractor Mart
900 E. Patrick Street
Frederick, MD 21701

Dear Mr. Gladhill,

Although it has been some time since we last discussed the location of the boundary line and the ownership of the triangular portion of land off Route 27 between Gladhill Tractor Sales and Services and Mr. and Mrs. Rhodes, my clients wish to address the triangular piece of property at this time.

During the time of your application in late fall of 2000 for a special exception for the Gladhill Tractor Sales and Service, and again in January of 2001, before the special exception hearing, you indicated that you had inadvertently placed blacktop on the property of Mr. and Mrs. Rhodes. You also acknowledged that as long as your shop had been in existence on Ridge Road, traffic associated with your business had been using land that did not belong to you for ingress and egress. You further indicated at that time that you wished to be a good neighbor and would remove any blacktop that was placed where it did not belong as well as cease the use of the triangle piece of property in question.

Several months have passed and there has been no action and no further discussion concerning this piece of property. My clients require the removal of the blacktop and for you to cease any use of this triangular piece of property, which through research with deeds and surveys, and through your own admission, clearly belongs to them and not to you or your Company.

My clients have been very patient but this difficulty continues. The deeds clearly state that Mr. Hilton has a 20' right of way, all of which should be on the Gladhill property. In order to clear up this problem, the entrance needs to be removed from the triangular piece of property that belongs to my clients.

The State Highway Administration requested that you put in a commercial entrance as part of the approval of your special exception. They not only required its establishment, but meant for it to be used by you, your customers, your employees, and your

delivery vendors. The "No Exit" sign that you erected does nothing to stop the usage of the Hilton right of way by others. And because you blacktopped your parking area and driveway right up to the right of way only encourages people to use that road, and thus enter and exit over my client's triangular piece of property.

The traffic over the triangular piece of property has not diminished since your last hearing, but has increased substantially, and now with the construction of another building has increased even more. You assured the Zoning Board that you would work this trespassing issue out with my clients, but you have done nothing but increase the use over said parcel.

My client's request that you remove the portion of blacktop that is on their property, and that you remove the portion of the right of way that is over the triangular piece. A new entrance to your property and the right of way for Mr. Hilton needs to be constructed in such a way as not to cross the property owned by my clients.

Please contact me within one week from the receipt of this letter to advise me when this removal and relocation will be accomplished. My clients request that this matter be accomplished expeditiously.

Sincerely yours



Jean Roger Buchen

JRB:cbb

cc: Mr. and Mrs. Rhodes