

1-02023

Item #9

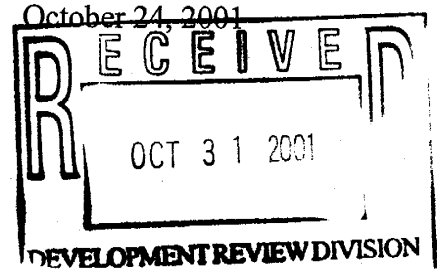
# Murro, Johnson, Lloyd & Rowe, LLC

CONSULTING

W. Daniel Murro  
Adam M. Johnson  
Nicole G. Lloyd  
Robinson S. Rowe

P.O. Box 1853  
Silver Spring, MD 20915  
INTERNET: MJLR@law.com

Maryland-National Capital Park and Planning Commission  
ATTN: Subdivision Office, Development Review Division  
8787 Georgia Avenue  
Silver Spring, MD 20910



RE: Preliminary Plan No. 1  
Name of Plan: Proposed Lots 12 & 13, Block C, Westchester  
Current Zoning: R-90  
No. Proposed Lots: Two  
Geographical Loc: on Blueridge Ave., 100' East of Nairn Rd.

To Whom It May Concern:

I am writing this letter on behalf of Mr. and Mrs. Chun Ro, the residents and owners of property located on 1801 Blueridge Avenue, an end-block home that will be directly impacted by the above-referenced proposal.

There are several issues of safety, criminal activity, and overall aesthetics regarding the land on which the new driveway is proposed. The preliminary plan does not address any of these concerns, and will essentially aggravate the current problems within the community. In its current state, the preliminary plan is totally unacceptable.

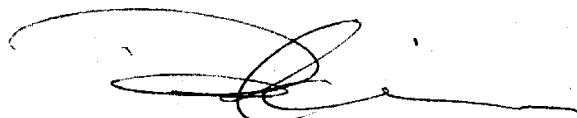
The proposed driveway diverges from the end of Blueridge Avenue, creating a fork at this end location between the proposed driveway and an old, un-maintained and unlighted public walk path. This dilapidated public walk path is an attraction for criminal activity, because it allows easy access to a secluded wooded area in the neighborhood. This area is not lighted, and is not cleaned, maintained, or patrolled by the county. Several incident reports have been made to the local police department, yet no measures have been taken to remedy the situation.

An unsightly "fork" at the end of Blueridge Avenue will add to accentuate the deteriorating condition of the public walk path, and allow even easier access for criminals to the secluded and un-maintained wooded area. Among other undesirable things that occur in this wooded area, criminals conduct illegal drug-involved activities and litter the area with trash and stolen property. Combined with a hideous ditch that currently exists at the end of Blueridge Avenue, and a grotesque steel barrier at the end of Channing Drive, I am certain that all of the members in the neighborhood feel as strongly against the proposed location of this driveway as do Mr. and Mrs. Chun Ro.

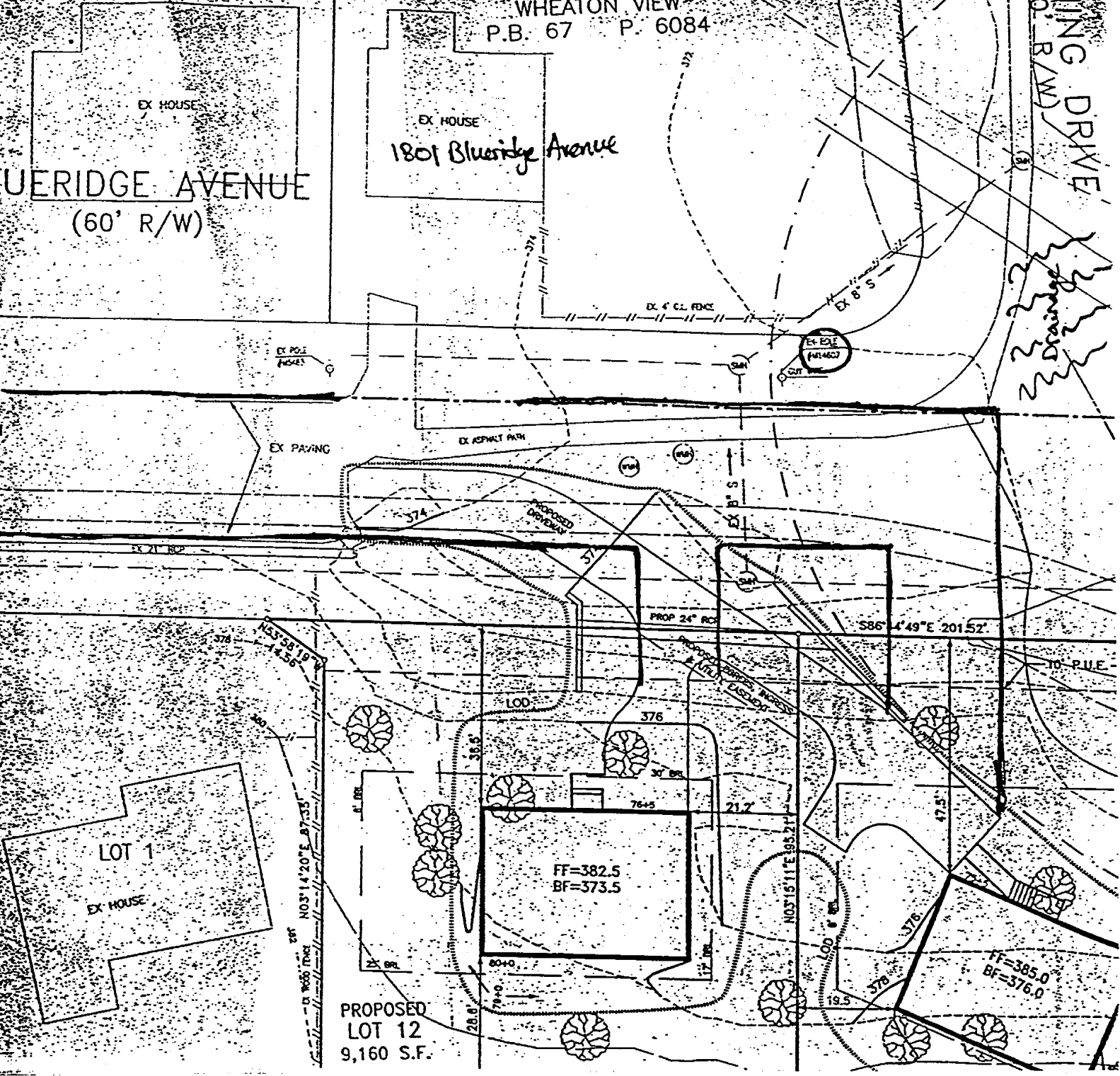
Ideally, I would suggest that the proposed driveway be created as a continuation of Blueridge Avenue that extends past the house on 1801 Blueridge Avenue and the telephone pole indicated in the blueprint as #M14607. Such an extension would eliminate the old walk path, and create a cul-de-sac at the end of Blueridge Avenue from where the driveways to the two proposed homes would extend. In creating this cul-de-sac, the steel barriers of the adjacent Channing Drive should be removed, and the empty area between Blueridge Avenue and Channing Drive (public walk path area) should be closed to the public. (See Attached Exhibit 1)

I would greatly appreciate your investigation into this matter. Please feel free to contact me at: 410-963-4980; and please keep me informed as to the status of the proposed plans or any upcoming hearing.

Sincerely,

A handwritten signature in black ink, appearing to read 'Robinson S. Rowe', with a long horizontal flourish extending to the right.

Robinson S. Rowe



### Exhibit 1

- \* Extend Bluesridge Avenue into a cul-de-sac.
- \* Close off public walk path.

Item # 9

**El-Baba, Tariq**

**From:** Rob Harkins [harkhick@erols.com]  
**Sent:** Wednesday, October 29, 2003 1:27 PM  
**To:** El-Baba, Tariq  
**Subject:** Second Time Sent Reconsideration Request Preliminary Plan No. 1-02023 (Westchester)

**TO:** Tariq A. El-Baba, Associate General Counsel  
Office of the General Counsel  
Montgomery County Department of Park and Planning  
8787 Georgia Avenue  
Silver Spring, Maryland

**FROM:** Robert Harkins  
11402 Channing Dr.  
Silver Spring, MD 20902  
Stephan B. & O.S. Kurylas  
1807 Blueridge Ave  
Silver Spring, MD 20902  
Chun S. & L.S. Ro  
1801 Blueridge Avenue  
Silver Spring, MD 20902

**RE:** Reconsideration Request  
Preliminary Plan No. 1-02023 (Westchester)

Dear Mr. Tariq A. El-Baba:

As per The Rules of Procedure For The Montgomery County Planning Board Maryland-National Capital Park And Planning Commission (Revised November, 1993) and attached to your letter of September 23, 2003 to Ms. Kathleen Michels of the Upper Sligo Civic Association; We the above referenced and below signed request that a new public hearing be held on Preliminary Plan No. 1-02023.

Section 2-Notice (C.) requires that "ten calendar days prior to the public hearing on the application, the Planning Board staff shall mail notices of the date and location of the hearing. This notice shall be sent to all parties previously notifies, and to all additional parties of record."

WE ARE ALL PARTIES OF RECORD who spoke at the January 2002 hearing on this matter and were not notified of the May, 2003 hearing.

As stated in your letter of September 23, 2003, Pursuant to Section 11-Reconsideration (A) of the Rules of Procedure, you as staff counsel, denied the Neighbors of Upper Sligo Creek Watershed's petition based on its "untimely filing." WE note that Section 11 requires that the planning board must have received any reconsideration request within 10 days of the opinion mailing date. However, We all certify and submit that not only were none of us notified of the May hearing but in addition, none of us who are adjoining and confronting property owners and/or parties of record received the written opinion via United States Mail or in any other way.

We therefore demand as required by Section 11 (A) (1), (2) & (3) and (B), that our request for reconsideration of the above matter be presented to the Board at its next regularly scheduled meeting. We respectfully request that the petition attached to Ms Kathleen Michels' letter of

TO: El-Baba, Associate General Counsel

**ATTACHMENT ONE**

September 23, 2003, signed by more that 100 of our neighbors and

attached hereto, be submitted as additional evidence of the importance of the board's reconsideration of its decision.

We the undersigned Certify that the above statements are true to the best of our knowledge and information. We know that if we have willfully made untrue statement we may be liable to punishment by law.

SIGNED & DATED:

**TO:** Tariq A. El-Baba, Associate General Counsel  
Office of the General Counsel  
Montgomery County Department of Park and Planning  
8787 Georgia Avenue  
Silver Spring, Maryland

**FROM:** Robert Harkins                      Stephan B. & O.S. Kurylas  
11402 Channing Dr.                      1807 Blueridge Ave.  
Silver Spring, MD 20902              Silver Spring, MD 20902

Chun S, & Y.S. Ro  
1801 Blueridge Avenue  
Silver Spring, MD 2090s

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ATTACHMENT TWO

September 23, 2003, signed by more that 100 of our neighbors and attached hereto, be submitted as additional evidence of the importance of the board's reconsideration of its decision.

We the undersigned Certify that the above statements are true to the best of our knowledge and information. We know that if we have willfully made untrue statement we may be liable to punishment by law.

SIGNED & DATED:

Robert W Harkins Jr

10/24/03

Chris Soto Ro 10/31/03

Lundy Ro 10/31/03

Stephan & Olga Kurylas 10/31.03