

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

**MCPB**  
**Item #**  
**4/1 /10**



**MEMORANDUM**

**DATE:** March 19, 2010

**TO:** Montgomery County Planning Board

**VIA:** Rose Krasnow, Chief *RK*  
Catherine Conlon, Subdivision Supervisor *CC*  
Development Review Division

**FROM:** Richard A. Weaver, Coordinator (301-495-4544) *RAW*  
Development Review Division

**REVIEW TYPE:** Preliminary Plan of Subdivision, Consent Item

**APPLYING FOR:** Request to revise previously approved ingress/egress easement on Lots 15 and 16, Block A, Piney Spring

**PROJECT NAME:** Piney Spring  
**CASE #:** 11993043A  
**REVIEW BASIS:** Chapter 50, Montgomery County Subdivision Regulations

**ZONE:** RE-2  
**LOCATION:** In the southeast corner of the intersection of Piney Meetinghouse Road and Glen Road  
**MASTER PLAN:** Potomac Subregion

**APPLICANT:** Eleanor Cain  
**ENGINEER:** Charles P. Johnson and Associates

**FILING DATE:** March 9, 2010  
**HEARING DATE:** April 1, 2010

**RECOMMENDATION:** Approval to revise the alignment of the reciprocal ingress, egress and utility easement on Lot 15 and 16 as shown on Record Plat No. 20439, subject to the following conditions:

- 1) The revised ingress, egress and utility easement across Lot 15 must be shown on a new record plat for the lot with proper reference to the abandonment of the existing easement.
- 2) The portion of the revised ingress, egress and utility easement on Lot 16 must be recorded by deed and the liber and folio for said deed must be referenced on the record plat required by Condition #1. No new plat for Lot 16 is required.
- 3) Applicant must submit a complete record plat application within 90 days of the date of mailing of the Resolution for this application.
- 4) The record plat must show all other necessary easements.

### **SITE DESCRIPTION**

Lots 15 and 16, Block A, Piney Spring (Subject Property) represent two of the four lots approved as part of the Piney Spring Subdivision (119930430) in 1994. The total area of Lots 15 and 16 is 4.45 acres and they are zoned RE-2, as is the entire subdivision. Lots 15 and 16 are both currently owned by the Applicant. Lot 15 is vacant and Lot 16 has a one family structure on it. Access to Lot 16, Lot 15 and an adjacent lot, Lot 14, was approved to be by a shared driveway within a reciprocal ingress & egress easement and public utility easement. The alignment of that easement was ultimately set and shown on Record Plat No. 20439 (Attachment 1). Presently, a driveway within that easement only exists on Lot 16 where it serves the existing house. From Lot 16, the easement as shown on the record plat would have the driveway cross on to, and through, the center of Lot 15. The easement continues across Lot 15 and terminates at the northern property line of Lot 14, where the driveway would be able to cross on to Lot 14 and provide access for this lot to Piney Meetinghouse Road.

### **AMENDMENT DESCRIPTION**

This consent item amendment proposes to revise the record plat for Lot 15 only, to re-align the driveway and utility easement so that it does not cross so dramatically through the center of Lot 15. (Attachment 2) The proposed easement alignment would shift it to the west where it would parallel Piney Meetinghouse Road more closely leaving a larger buildable area for a house on Lot 15 while continuing to extend to Lot 14 and provide access to that lot.

### **PUBLIC NOTICE**

A notice regarding the subject amendment was sent to all parties of record by the Applicant on March 2, 2010. The notice gave interested parties 15 days to review and comment on the amendment per the Development Review Manual. Staff received no inquiries or comments regarding the proposed amendment

## **ANALYSIS AND FINDINGS**

This amendment deals solely with an element of a record plat and does not seek to amend the conditions of approval of preliminary plan 119930430. No additional lots are requested by this application and all previous findings for adequacy of public facilities, including; roads, utilities, emergency services, environmental protection and stormwater management remain valid. Likewise, all previous findings for conformance with the Potomac Subregion Master Plan, the Montgomery County Subdivision Regulations and the Montgomery County Zoning Ordinance remain valid and the previous conditions of approval remain in full force and effect. Staff does note that Fire and Rescue Services will be reviewing the future structures on Lots 14 and 15 to assess current Fire and Rescue access standards. Should additional driveway construction be required for access, this may be accommodated outside of the easement area.

This application was submitted because the owner of Lot 15 preparing to sell to a prospective purchaser who finds the alignment of the existing easement less than desirable. The portion of the easement that is on Lot 16 will be marginally expanded to provide for the alignment of the new easement of Lot 15. Staff is not opposed to the expanded easement on Lot 16 being established solely by a recorded deed; however, staff believes that it is important to show the new easement alignment across Lot 15 on a new record plat for that lot because this easement will provide access to Lot 14 at a different location than shown on the current plat. The owner of Lot 14 is a party of record and was sent a copy of the amendment. The owner of Lot 14 is the brother of the Applicant. The Applicant has informed staff that he does not oppose the proposed re-alignment.

## **CONCLUSION**

The revised ingress/egress easement proposed with this amendment complies with the preliminary plan that was approved by the Board. The easement continues to provide shared access to Piney Meetinghouse Road for all affected lots in a manner that is reasonable for each of them. Therefore, staff recommends approval of the re-alignment of the ingress, egress and utility easement as requested with the conditions recommended in this staff report.

## **Attachments**

- 1) Record Plat No. 20439
- 2) Proposed Easement Alignment



Sharon Margusada Hthelionhe

ROUSSETTE H. MCGONINE

NOT TO SCALE



NOTES:

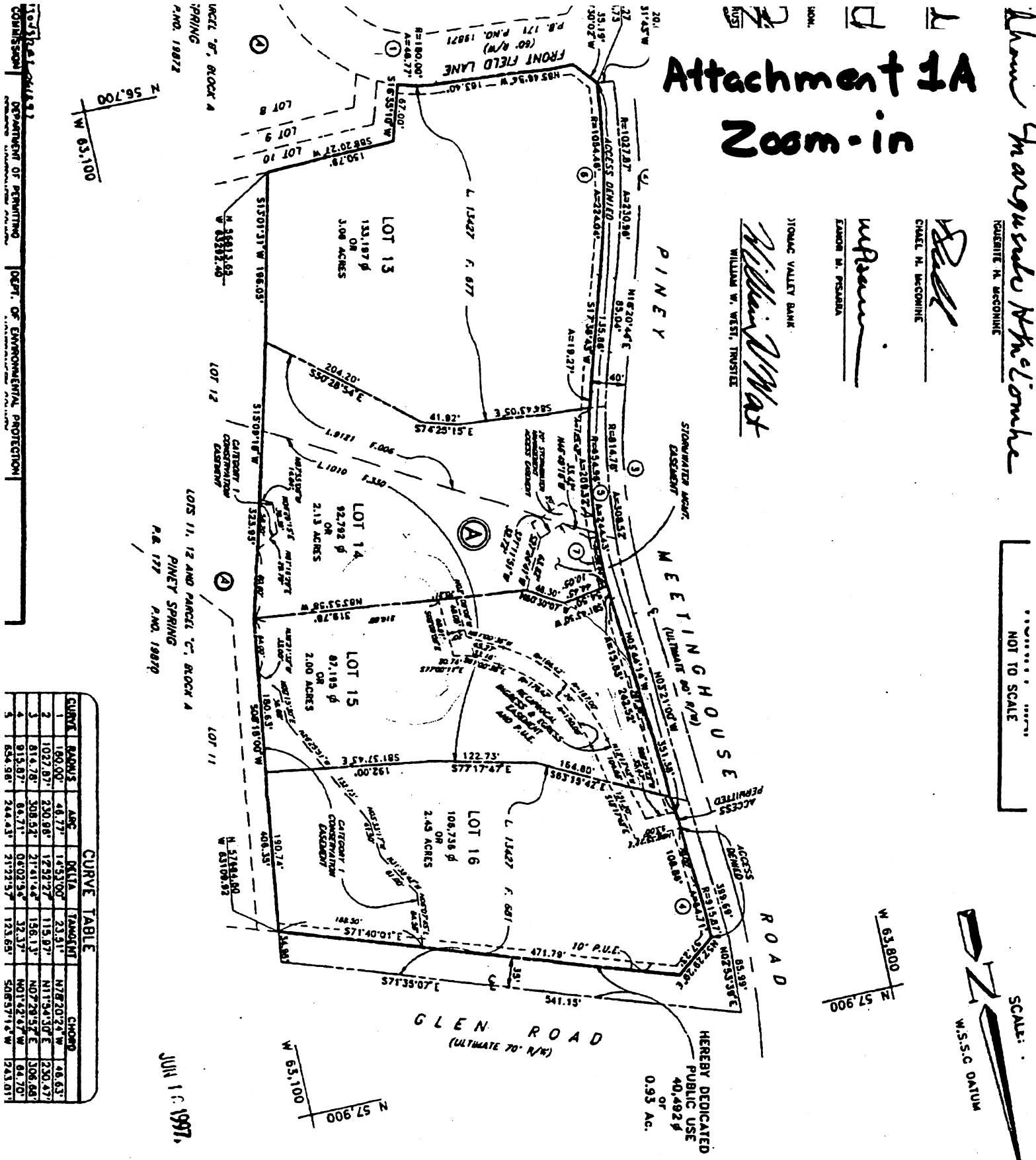
# Attachment 1A Zoom-in

*Cheryl H. McGonine*  
CHERYL H. MCGONINE

*Ermon M. Pysarra*  
ERMON M. PYSARRA

*William W. West*  
WILLIAM W. WEST, TRUSTEE

MONTGOMERY VALLEY BANK



HEREBY DEDICATED TO  
PUBLIC USE  
40.4924  
OR  
0.93 Ac.

1. ALL TERMS, CONDITIONS, ASSOCIATED WITH A PLAN OR OTHER PLAN APPROVED BY THE PLANNING BOARD TO SURVIVE AND BE THE OFFICIAL PUBLIC RECORD OF THE PLANNING BOARD (NORMAL BUSINESS)
2. APPROVAL OF THIS PLAN OR PUBLIC WATER A
3. ZONE: RE-2
4. ACCESS IS DENIED TO THE LOCATION SHOWN IN
5. THE PROPERTY SHOWN ON THE MONTGOMERY AND APPROPRIATE, SEDIMENT CONTROL MAY BE VIEWED AT MARYLAND.

AI	
DEED	
L13427 F.677	
L9121 F.001	
L1010 F.33K	
L13427 F.681	

CURVE	RADIUS	ARC	DELTA	TANGENT	CHORD
1	190.00'	46.77'	14°51'00"	23.51'	N78°20'24" W 46.63'
2	1027.87'	230.86'	12°32'27"	115.87'	N11°34'30" E 230.47'
3	814.78'	308.53'	21°41'44"	156.13'	N03°28'57" E 306.68'
4	913.87'	65.71'	04°02'34"	32.37'	N01°42'47" W 64.70'
5	656.58'	244.43'	21°32'57"	123.65'	S08°57'14" W 243.01'

JUN 10 1997

PLA  
LOTS 13  
PIN  
MONTGOMERY  
Scale: 1" =

UNCL. "B", BLOCK A  
SPRING  
P.N.O. 19872

DEPARTMENT OF PERMITTING  
DEPT. OF ENVIRONMENTAL PROTECTION



# Attachment 2

