



Real Estate Surveyors & Developers, LLC

Laurel Lakes Executive Park
8325 Cherry Lane
Laurel, MD 20707
T: (301)-604-3105 F: (301)-604-3108

2/15/2021

PAID

Doug Wagner
35 S. Summit Avenue
Gaithersburg, MD 20877
T: 206 -954-0102
E-mail:doughwagner@gmail.com

2/15/2021	2/15/2021	Metes & Bounds	
Surveying Services	@ 35 S. Summit Avenue Gaithersburg, MD		200.00
	(Metes & Bounds Description)		
Payment Received	AUTH# 07392D		-200.00

\$0.00

LEGAL DESCRIPTION

35 SOUTH SUMMIT AVENUE
GAITHERSBURG, MD 20877

Being a parcel of land situate in the 9th Election District of Montgomery County, Maryland and being more particularly described as follows:

Beginning for the same at a point on the easterly right-of-way line of South Summit Avenue, 60 foot wide right-of-way, said point also being at a common corner of Lot 1 and Lot 2 as shown and delineated on a plat of subdivision known as "Flower Field", the same being duly recorded among the Land Records of Montgomery County, Maryland as plat #1355, thence running and binding continuously on the said easterly right-of-way line

1) N13°30'00"E, 83.60 feet to a point at the southwesterly corner of Griffith Park as described in a deed located in liber 2502 at folio 9 among the aforementioned Land Records, passing in transit the northwestern corner of the aforementioned Lot 1 at distance of 8.60 feet from the end hereof, thence leaving the said South Summit Avenue and binding and running continuously along the southern line of the said Griffith Park

2) S76°30'00"E 180.00 feet to a point on a prolongation of the easterly property line of the said Lot 1, thence

3) S13°30'00"W, 83.60 feet to the point at a common corner of the said Lot 1 and Lot 2, passing in transit the northeastern corner of the said Lot 1 at a distance of 8.60 feet from the beginning hereof, thence binding and running continuously along the common property line between Lot 1 and Lot 2

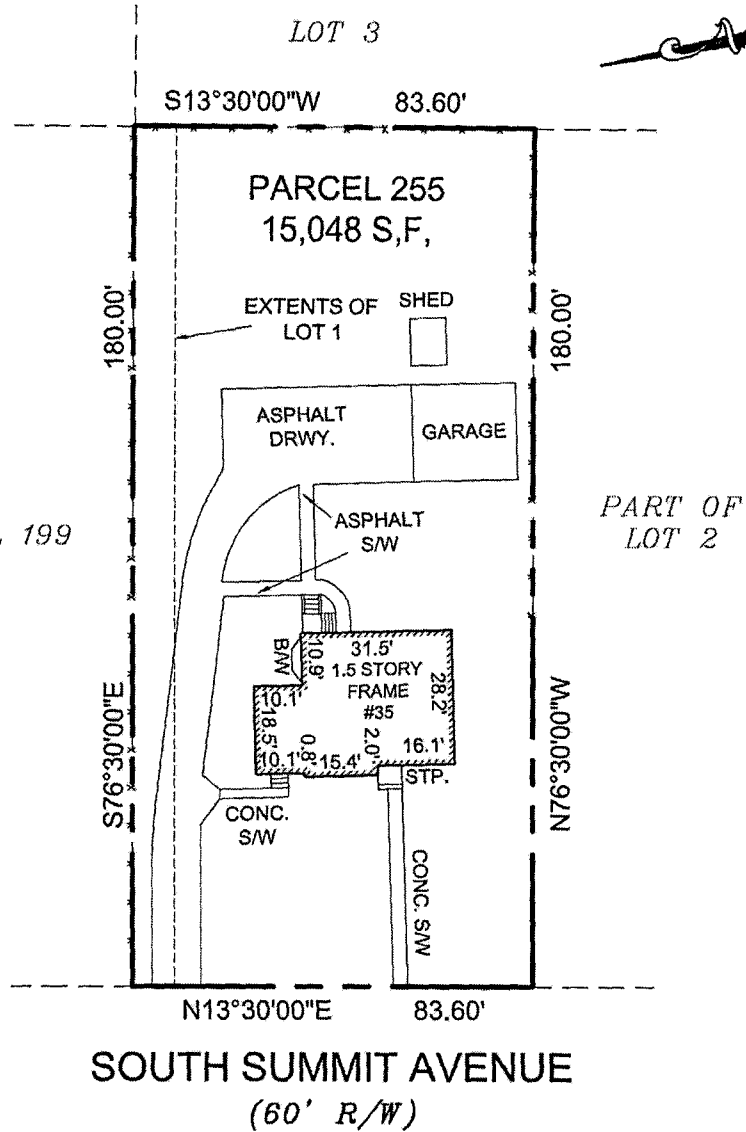
4) N76°30'00"W, 180.00 feet to the point of beginning, containing 15,048 square feet or 0.34545 acres of land, more or less.

MARYLAND

WASHINGTON, D.C.

VIRGINIA

ADDRESS: 35 SOUTH SUMMIT AVENUE
GAITHERSBURG, MD 20877



NOTES:

1. THIS IMPROVEMENT LOCATION DRAWING:
 - A. IS OF BENEFIT TO A CONSUMER ONLY INsofar AS IT IS REQUIRED BY A LENDER OR A TITLE INSURANCE COMPANY OR ITS AGENT IN CONNECTION WITH CONTEMPLATED TRANSFER, FINANCING OR REFINANCING;
 - B. IS NOT TO BE RELIED UPON FOR THE ESTABLISHMENT OR LOCATION OF FENCES, GARAGES, BUILDINGS, OR OTHER EXISTING OR FUTURE IMPROVEMENTS; AND
 - C. DOES NOT PROVIDE FOR THE ACCURATE IDENTIFICATION OF PROPERTY BOUNDARY LINES, BUT SUCH IDENTIFICATION MAY NOT BE REQUIRED FOR THE TRANSFER OF TITLE OR SECURING FINANCING OR REFINANCING.
2. THE LEVEL OF ACCURACY OF APPARENT SETBACK DISTANCES IS ONE FOOT, MORE OR LESS.
3. THIS PLAT WAS PREPARED WITHOUT BENEFIT OF A TITLE REPORT.
4. SUBJECT TO ALL EASEMENTS ON RECORD.
5. A BOUNDARY SURVEY IS RECOMMENDED TO ACCURATELY LOCATE BOUNDARY LINES, HOUSE AND IMPROVEMENTS ON PROPERTY.

REV.: 2-16-21

DRAWN BY: DS

FILE: #35 SOUTH SUMMIT AVENUE

I HEREBY CERTIFY THAT IMPROVEMENTS ARE LOCATED AS SHOWN HEREON AND TO THE BEST OF MY INFORMATION, PROFESSIONAL KNOWLEDGE AND BELIEF, THERE ARE NO ENCROACHMENTS EXCEPT AS SHOWN.

BOUNDARY SURVEY
LOT 16: BLOCK 610
SUBDIVISION NAME
 PLAT: #22 @ 22
 PRINCE GEORGE'S COUNTY, MARYLAND
 SCALE: 1" = 20' DATE: 9/20/19

REAL ESTATE SURVEYORS & DEVELOPERS, LLC

Residential, Commercial, Industrial and Land
 WWW.RESDLLC.COM
 LAUREL LAKES EXECUTIVE PARK
 8325 CHERRY LANE
 LAUREL, MARYLAND 20707
 TEL: (301)604-3105 FAX: (301)604-3108

FITZROY J. BERTRAND
SURVEYOR

DATE



SNIDER & ASSOCIATES
LAND SURVEYORS

19544 AMARANTH DRIVE • GERMANTOWN, MARYLAND 20874
(301) 948-5100 • (301) 948-1286 Fax

TAX ID: 09-00821447

LEGAL DESCRIPTION

PART OF 2 ~ BLOCK 1

FLOWER FIELD

GAITHERSBURG (9TH) ELECTION DISTRICT
MONTGOMERY COUNTY, MARYLAND

Being a parcel of land lying in the Gaithersburg or Ninth (9th) Election District of Montgomery County, Maryland, acquired by *Douglass H. Wagner and Catherine P. Wagner* from *Gary M. Chenevert and Melodie K. Chenevert* by deed dated November 16th, 2012 and recorded among the Land Records of Montgomery County in Liber 45452 at Folio 274; said parcel also being a part of Lot 2, Block 1 as shown on a plat of subdivision entitled "*Lots 1 To 9, Block 1, FLOWER FIELD*" and recorded among said Land Records in Plat Book 22 at Plat No. 1355 and being more particularly described as follows:

Beginning for the same on the northerly right of way of Hutton Street (formerly known as Paradise Lane) at the southerly common lot corner of Lots 2 and 3 and at the beginning of the North 76°30' West, 180.00 feet line of Lot 2 as shown on the aforesaid plat; thence running with a part of said plat line the following course:

1. North 76°30'00" West, 170.00 feet to an angle point in the Right-of-Way line of Hutton Street as shown on a street dedication plat entitled "*Street Dedication Plat for Widening of Hutton Street, Gaithersburg*" and recorded among the aforesaid Land Records in Plat No. 8080; thence running with said Right of Way Line the following course:
 2. North 31°30'00" West, 14.14 feet to a point 10.00' from the beginning of the North 13°00' East 75.00 feet plat line of Lot 2 as shown on the aforesaid Plat No. 1355 and being on the

easterly right-of-way of Summit Avenue; thence running with said right-of-way of Summit Avenue the following course and running with the outlines of Lot 2 the remaining three (3) courses:

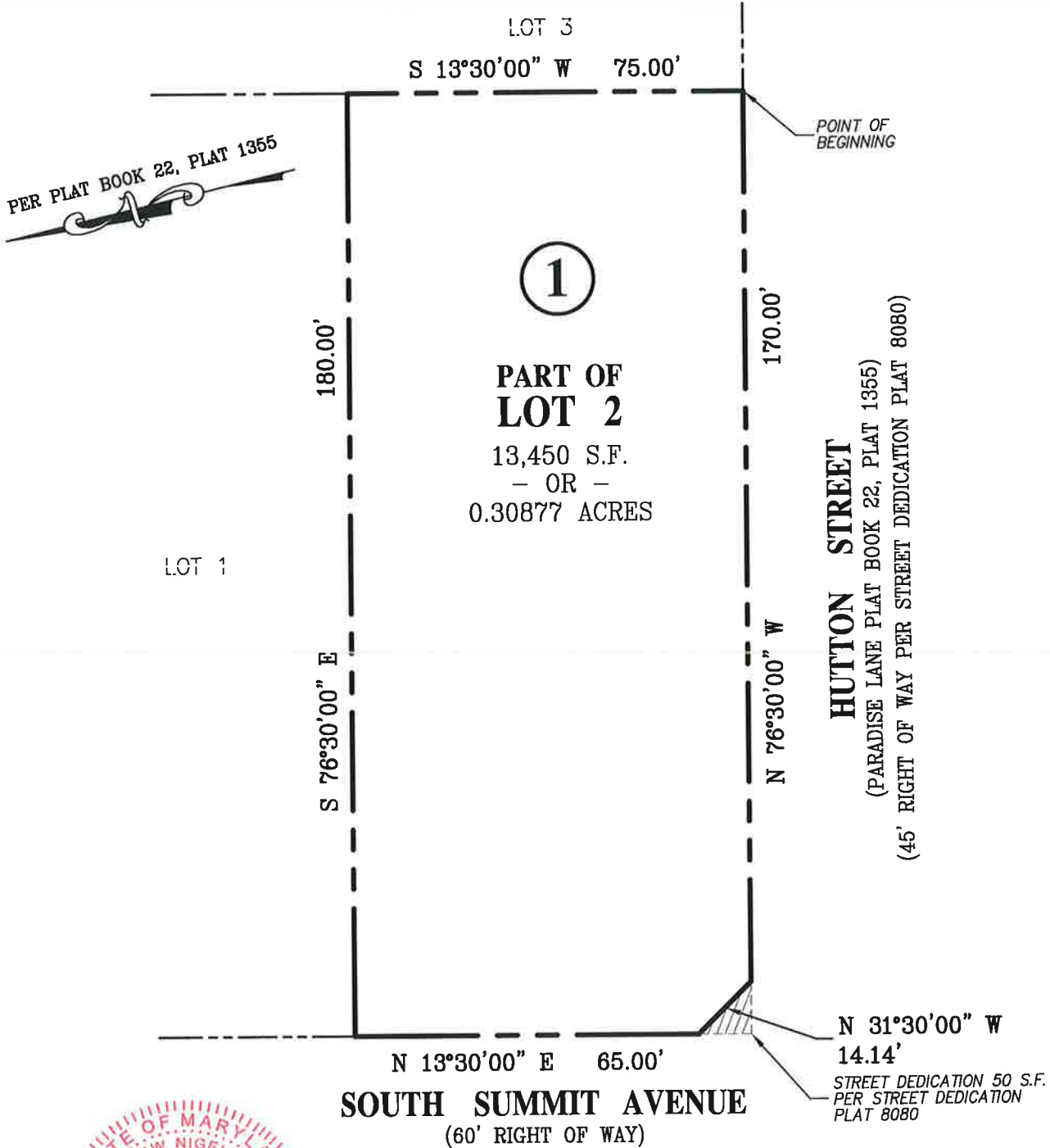
3. North 13°30'00" East, 65.00 feet to a point; thence
4. South 76°30'00" East, 180.00 feet to a point; thence
5. South 13°30'00" West, 75.00 feet to the point of beginning, containing 13,450 square feet or 0,30877 acres of land, more or less and as shown on a sketch attached hereto.




I certify I was in responsible charge of the preparation of this metes and bounds description in compliance with the laws regulating land surveying in the State of Maryland, COMAR 09.13.06.12

Matthew N. Brien, Prof. L.S. Reg. #21406
License Exp. 06/08/2022
Snider and Associates
19544 Amaranth Drive
Germantown, MD 20874
O: 301-948-5100 F: 301-948-1286

SKETCH OF
LEGAL DESCRIPTION
PART OF LOT 2 ~ BLOCK 1
FLOWER FIELD
GAITHERSBURG (9th) ELECTION DISTRICT
MONTGOMERY COUNTY, MARYLAND



SOUTH SUMMIT AVENUE
(60' RIGHT OF WAY)

REFERENCES			SNIDER & ASSOCIATES LAND SURVEYORS 19544 Amaranth Drive Germantown, Maryland 20874 301/948-5100 Fax 301/948-1286 www.snidersurveys.com		
PLAT BK.	22		DATE OF LOCATIONS		
PLAT NO.	1355	SCALE: 1" = 30'			
LIBER	45452	DRAWN BY:	M.P.	CHECKED BY:	M.N.B.
FOLIO	274	DATE:	03-02-2021	JOB NO.:	08-04439-EXB

Statement in Support of Zoning Map Amendment for the Properties Located at 35 and 37 S Summit Avenue

Mr. Kenneth Wagner and Mrs. Donna Wagner, and Mr. Douglass Wagner and Mrs. Catherine Wagner (“Applicant”) submit this statement in support of their Zoning Map Amendment application for the adjoining properties located at 35 and 37 S Summit Avenue (“Properties”) in the City of Gaithersburg. The Application requests rezoning from the existing **R-90 (Medium Density Residential)** Zone to the **CBD (Central Business District)** Zone.

The Properties total approximately .66 acres (or 28,749 sq. ft) in size and each is developed with one residential primary structure and one garage accessory structure.

The applicant desires to rezone the properties to:

- 1) To allow improvements and development in accordance with the adopted master plan,

The Gaithersburg 2009 Master Plan: Land Use, Adopted December 19, 2011 (Resolution R-88-11), recommends rezoning the properties to CBD, Central Business District, and adopts a commercial-office-residential land use designation. The applicant has notional development ideas focused on the expansion and remodel of current residential structures in the near-term. However, due to dimensional restrictions of the current R-90 zoning assignment, potential expansion and improvements are very limited. For example, the Property located at 37 S Summit Ave. has a “grandfathered” non-conforming addition on the South side of the residential structure, any modification of this part of the residence would require a variance to the existing R-90 zoning requirement; whereas, should the Properties be rezoned CBD, structural improvements would be within scope of the zone.

- 2) To permit a flexible response of development to the market; and,

Rezoning the Properties to CBD would allow for greater flexibility for future growth and use of the site to include additional commercial and office possibilities, in compliance with the Master Plan recommendations. The current R-90 zoning restricts development primarily to single-family detached uses and includes dimensional restrictions which limit expansion and remodeling of the existing residences.

- 3) To encourage land assembly and the most desirable use of land in accordance with the Master Plan.

CBD zoning would open up the site to commercial, office, or other development uses not permitted by the current R-90 zoning. The expanded development potential afforded by the CBD Zone may encourage land assembly and facilitate future redevelopment of the site to its highest and best use.

- (b) As applied will be compatible and harmonious with existing and planned land uses in the surrounding area.

The proposed rezoning satisfies Section 24-10A (2) of City Code as follows:

- 1) The Applicant's request to rezone from R-90 to CBD for the primary purpose of expanding the residential structures and to maximize possible future development of the Properties is in line with the stated purpose of the CBD zone. The gateway corridor along S Summit Ave between Fredrick Ave and E Diamond Ave currently consists of a mixture of residential, commercial, and office space.

Section 24-160F.1 states the purpose of the CBD Zone is to "foster revitalization by promoting a desirable mix of commercial, office and residential uses, and giving incentives and providing public amenities, for attracting of a variety of leisure uses and activities to meet the needs and requirements of residents, workers, shoppers and visitors to Olde Towne, as well as to accomplish the following purposes:"

- (a) To encourage development in accordance with the adopted master plan by permitting an increase in density and intensity of use, flexibility in use, and layout where development is in substantial conformity with the Olde Towne Master Plan and the site plan is approved by the city planning commission.
 - ✓ The application to rezone increases the flexibility of use of the Properties and is in substantial conformity with the City's Land Use plan.
- (b) To permit a flexible response of development to the market, as well as to provide incentives for the development of a variety of land uses and activities in the central business district to meet the needs and requirements of residents, workers and shoppers.
 - ✓ The application to rezone increases the flexible response of development to the market by expanding possible future uses.
- (c) To encourage designs which are in conformity with the architectural guidelines as adopted by the mayor and city council.
 - ✓ Any changes to the property would have to conform with established policies and procedures ensuring future designs will conform with any architectural guidelines of the City.
- (d) To promote the effective use of transit facilities in the central business district and pedestrian access thereto.
 - ✓ CBD zoning of these properties enables continued residential uses and development of potential future commercial and office uses within walking distance to a MARC station and Montgomery County Ride-On bus stops, thus facilitating transit use.

- (e) To promote improved pedestrian and vehicular circulation and parking facilities.
 - ✓ Current plans to expand/remodel the residential structures on the properties will not negatively impact the pedestrian and/or vehicular circulation. Nor will enhancing the current structures impact parking in the immediate vicinity.
- (f) To assist in the development and redevelopment of adequate residential areas for people with a range of different incomes.
 - ✓ Rezoning will provide flexibility and options for the expansion and/or remodel of existing residential structures increasing the visual appeal to the Olde Town Corridor. Additionally, capital investment in the structures may increase total property value of neighboring properties.
- (g) To encourage the provision of public amenities as part of development proposals.
 - ✓ Rezoning would allow for flexibility and options should the properties be redeveloped in the future.
- (h) To encourage land assembly and the most desirable use of land in accordance with the Olde Towne Master Plan.
 - ✓ The Properties are not specifically identified in the Old Towne Master Plan; however, they are specifically identified in the Land Use Element of the City's 2009 Master Plan. However, expanding/remodeling the existing residential structures does not conflict with the Sector 2 Development Program of the Old Town Master Plan, which is adjacent to the properties. Rezoning to CBD opens up the properties to additional commercial and office uses, which may encourage land assembly and redevelopment in the future.

- 2) The proposed rezoning is "compatible and harmonious with existing and planned land uses in the surrounding area" as it aligns with the zoning recommended in the City's Master Plan. Currently, in the immediate vicinity of the Properties are City Hall, the new Police Station and Gaithersburg City Offices (16 S Summit), private businesses such as a Chiropractor, a private school, a church, and other residential properties. The applicant's desire to expand the current residential structures does not compete with or diminish from these other land uses, and any improvements would maintain the existing character. Rezoning would allow potential future redevelopment with office or commercial uses, which would be compatible with the nearby civic and office uses. Future redevelopment also has the potential to provide new amenities to the surrounding area.

Property Development Plan

The Applicant does not have current development plans for the Property beyond notional/aspirational plans to expand on and remodel and/or modernize the current residential structures for greater livability. In the near term the applicant would like to modify the existing residential structure on 37 S Summit Ave to remodel and possibly expand the non-conforming addition on the South side (Hutton Ave. side) of the structure. The expansion/remodel of the existing residences

will allow for the long-term habitation by the applicants as the family continues to grow. Additionally, the two properties together allow for mutual family support (both elder care and child care) between family members. Furthermore, the rezoning of the properties will allow future commercial development in accordance with the City's Master Plan and allow for a flexible response of developments to the market.

Excerpt from Gaithersburg 2009 Master Plan: Land Use, Adopted December 19, 2011

32. South Summit Ave properties, 5 parcels, 2.6 acres



Part of Lot 2 Flower Field and Tax Map FT51 Parcels P255, P309, P339 and P340

This 2.6-acre area contains five parcels, currently zoned R-90 with single family detached houses on each lot, included in the City's designated Enterprise Zone. Current commercial uses are found on two of the properties. The proximity of these properties to the Frederick Avenue Corridor provides an opportunity to create a transitional gateway into Olde Towne while enhancing the visual connection to the Corridor. Any future redevelopment with commercial/office uses would be consistent with the existing adjacent uses along Summit and Frederick Avenues. Any redevelopment of these properties should be sensitive to and in scale and visual character with the adjoining residential neighborhood.

Applicable Strategic Direction: Planning, Economic

Land Use and Zoning Actions:

- Adopt Commercial-Office-Residential land use designation
- Recommend zoning change from R-90 to CD for Parcels P309, P339, and P340
- Recommend zoning change from R-90 to CBD for part of Lot 2 Flower Field and Parcel P255