

green space, maximum building coverage, maximum building height and minimum building setback from the street.

## **DESCRIPTION**

### **Description of Property**

As noted above, the property is located at 12129 Georgia Avenue, about 1,200 feet south of its intersection with Randolph Road. It consists of a single, deeded parcel 0.54 acres, or 23,547 square feet, in size and generally rectangular in shape, with 117 feet of frontage along Georgia Avenue and a depth of 255 feet. The property is generally flat and largely open. There are three specimen trees on the site, as well as scattered rows of smaller trees, but no forest stands. There is currently one single-family detached house and an associated garage on the property. There are two driveways with access to Georgia Avenue.

### **Surrounding Area**

**Definition of the Surrounding Area**—Floating zone applications require a delineation of the surrounding area. In general, the surrounding area consists of those places most directly affected by the application. The study area for this request is bounded by Shorefield Road on the south, Wheaton Regional Park on the east, Randolph Road on the north and Georgia Avenue on the west. Because the land use pattern in this area—multi-family housing and institutional uses in the R-20 and R-30 zones—is distinct from the mix of single-family detached houses and institutional uses across Georgia Avenue in the R-60 Zone, Georgia Avenue is a logical neighborhood boundary. Figure 1 shows the surrounding area.

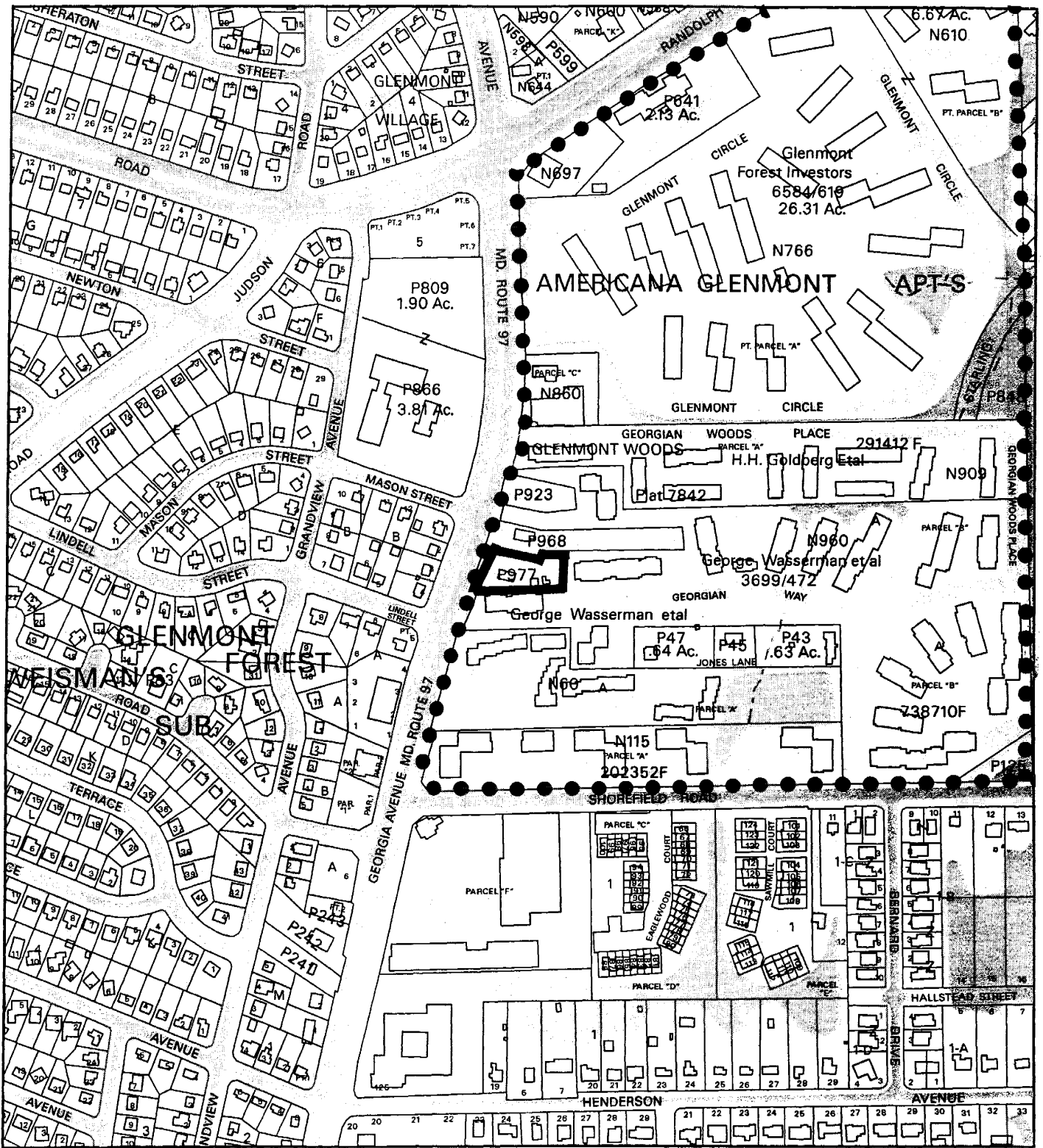
**Adjacent Uses**—The property proposed for this reclassification is bounded on three sides by a series of garden apartment buildings. Further to the east, as noted above, is Wheaton Regional Park, which offers a wide range of recreational opportunities easily accessible to downcounty residents. To the north is St. Andrew's Lutheran Church, which offers social services and child care as well as religious activities. Kensington Fire Station 18 and the Wheaton-Glenmont Police Station are located at the intersection of Georgia Avenue and Randolph Road.

### **Intended Use and Approval Procedures**

The applicant is proposing to build six townhouses on the property, as shown on the submitted Schematic Development Plan. The units will be in two groups of three, with the first group facing Georgia Avenue and the second to the rear of the property. All six townhouses will be connected to Georgia Avenue by a single, private driveway. Each will have a two-car garage and a driveway to offer additional off-street parking. The group of units facing Georgia Avenue will have

# 12129 GEORGIA AVENUE--G-818

# FIGURE 1



Map compiled on May 28, 2004 at 9:44 AM | Site located on base sheet no - 216NW02

### NOTICE

The planimetric, property, and topographic information shown on this map is based on copyrighted Map Products from the Montgomery County Department of Park and Planning of the Maryland-National Capital Park and Planning Commission, and may not be copied or reproduced without written permission from M-NCPPC.

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

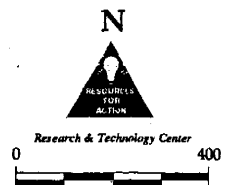
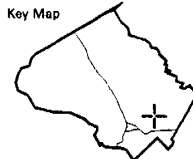
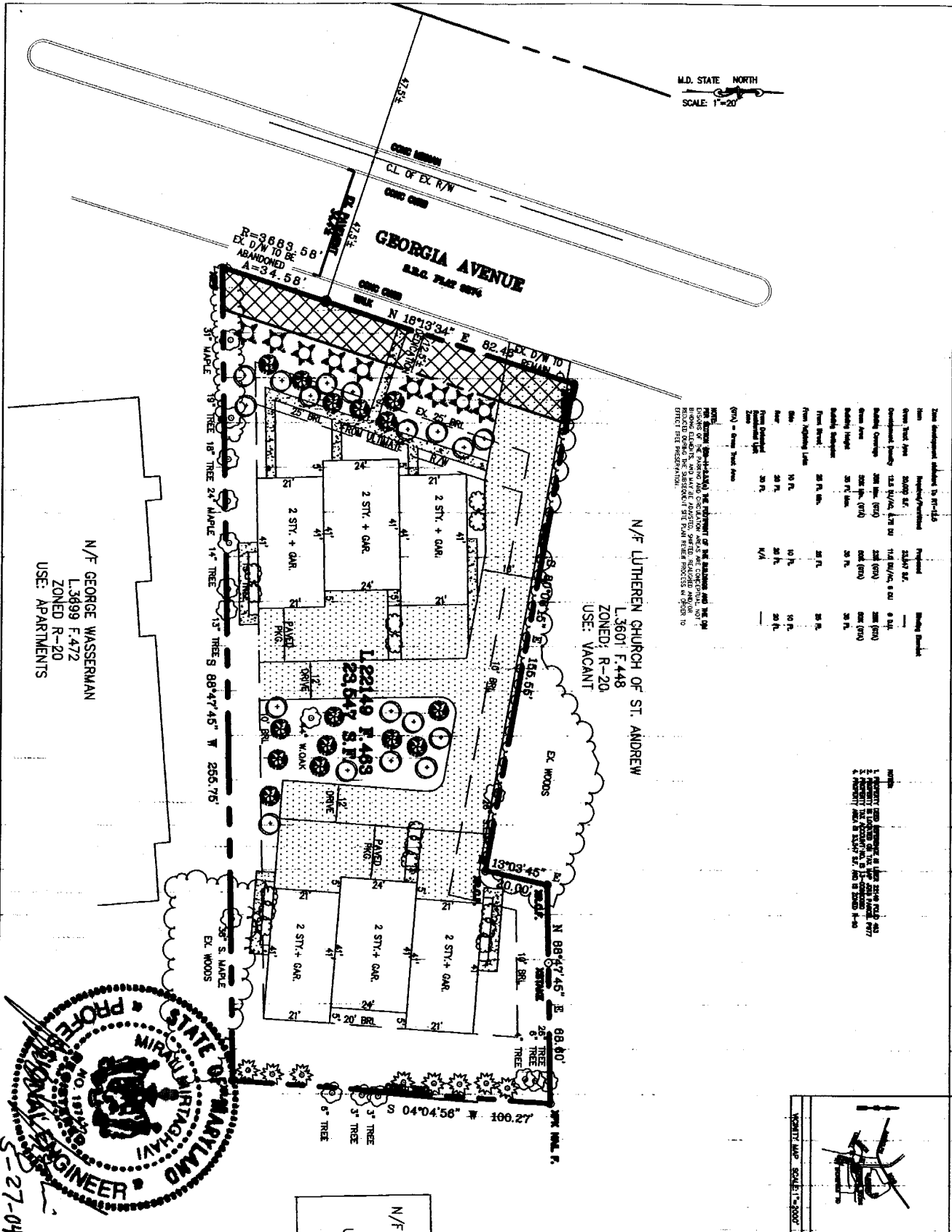


FIGURE 2



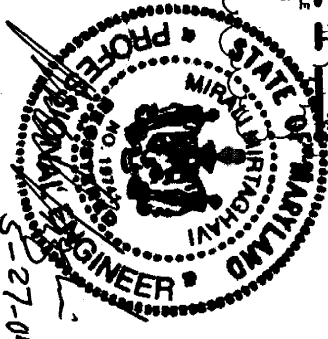
Zone Development Schedule by R-20-115

Item	Min./Max. Area	Min./Max. Height	Min./Max. Spacing	Min./Max. Setback
Open Yard Area	25% (min)	10 ft (min)	10 ft (min)	10 ft (min)
Development Density	100 sq ft (min)	10 ft (min)	10 ft (min)	10 ft (min)
Building Coverage	20% (min)	10 ft (min)	10 ft (min)	10 ft (min)
Open Area	20% (min)	10 ft (min)	10 ft (min)	10 ft (min)
Building Height	10 ft (min)	10 ft (min)	10 ft (min)	10 ft (min)
Setback	10 ft (min)	10 ft (min)	10 ft (min)	10 ft (min)
From Street	10 ft (min)	10 ft (min)	10 ft (min)	10 ft (min)
From Property Line	10 ft (min)	10 ft (min)	10 ft (min)	10 ft (min)
From Existing Lot	10 ft (min)	10 ft (min)	10 ft (min)	10 ft (min)
From Existing Building	10 ft (min)	10 ft (min)	10 ft (min)	10 ft (min)
From Existing Lot	10 ft (min)	10 ft (min)	10 ft (min)	10 ft (min)
From Existing Building	10 ft (min)	10 ft (min)	10 ft (min)	10 ft (min)

1. PROPERTY OWNER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE APPLICABLE AGENCIES AND AGENCIES SHALL BE RESPONSIBLE FOR REVIEWING THE APPLICATIONS AND ISSUING PERMITS.

N/F GEORGE WASSERMAN  
L.3699 F.472  
ZONED R-20  
USE: APARTMENTS

N/F LUTHERAN CHURCH OF ST. ANDREW  
L.3601 F.448  
ZONED R-20  
USE: VACANT



LANDPLAN ASSOCIATES P.O. BOX 10376 ROCKVILLE, MD. 20849 TEL: (301) 279-9990 FAX: (301) 279-9991 Mike@Landplanassociates.com	PARCEL 977 HERMITAGE 12129 GEORGIA AVE. SILVER SPRING, MD. 20902 15TH ELECTION DISTRICT MONTGOMERY COUNTY, MARYLAND	SITE DEVELOPMENT PLAN OWNER/DEVELOPER: SARAH MIRTAGHAVI P.O. BOX 10376 ROCKVILLE, MD. 20849 (301) 279-9990	M.M. Designated CADD Printed M.M. Approved 5-27-04 Date
			SHEET NO. 2/2 PROJECT NO. 03-148

Zone development standard To RT-12.5

Item	Required/Permitted	Proposed	Binding Element
Gross Tract Area	20,000 S.F.	23,547 S.F.	---

Development Density 12.5 DU/AC, 6.75 PU 11.0 DU/AC, 6 DU 6 D.U.

Building Coverage 35% Max. (GTA) 23% (GTA) 25% (GTA)

Green Area 50% Min. (GTA) 50% (GTA) 50% (GTA)

Building Height 35 Ft. Max. 35 Ft. 35 Ft.

Building Setbacks:

From Street 25 Ft. Min. 25 Ft. 25 Ft.

From Adjoining Lots:

Side 10 Ft. 10 Ft. 10 Ft.

Rear 20 Ft. 20 Ft. 20 Ft.

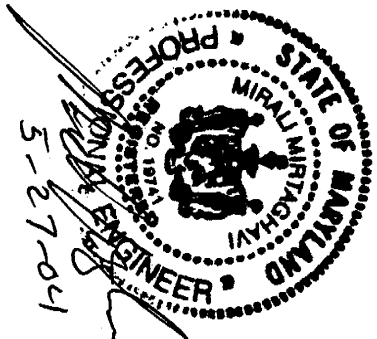
From Detached Residential Unit 30 Ft. N/A ---

(GTA) = Gross Tract Area

NOTE:  
PER SECTION §59-H-2.53(e) THE FOOTPRINT OF THE BUILDINGS AND THE DIMENSIONS OF THE PARKING AND CIRCULATION AREAS ARE CONCEPTUAL, NOT BINDING ELEMENTS, AND MAY BE ADJUSTED, SHIFTED, REALIGNED AND/OR REDUCED DURING THE SUBSEQUENT SITE PLAN REVIEW PROCESS IN ORDER TO EFFECT TREE PRESERVATION.

NOTES:

1. PROPERTY DEED REFERENCE IS LIBER 22149 FOLIO 463
2. PROPERTY IS LOCATED ON TAX MAP JQ13 PARCEL P977
3. PROPERTY TAX ACCOUNT NO. IS 13-00980080
4. PROPERTY AREA IS 23,547 S.F. AND IS ZONED R-90



Revisions	Description
No.	Date

**SITE DEVELOPMENT PLAN**

DRAWN/DEVELOPER:  
SARAH MIRTAGHAVI  
P.O. BOX 10376  
ROCKVILLE, MD. 20849  
(651) 279-9990

**PARCEL 977  
HERMITAGE**

12129 GEORGIA AVE.  
SILVER SPRING, MD. 20902  
13TH ELECTION DISTRICT  
MONTGOMERY COUNTY, MARYLAND

**LANDPLAN ASSOCIATES**

P.O. BOX 10376  
ROCKVILLE, MD. 20849  
TEL: (301) 279-9990  
FAX: (301) 279-9991  
Mike@Landplanassociates.com

Sheet No. **1/2**

Project No. 04-146

MM. CADB. MM. 5-27-04  
Designed By: Approved Date:

**DRAFT**

DECLARATION OF COVENANTS TO RESTRICT  
DEVELOPMENT STANDARDS

THIS DECLARATION is made on this day \_\_\_\_\_ of \_\_\_\_\_, 200\_\_\_\_, by SARAH G. MIRTAGHAVI and MIRALI MIRTAGHAVI, hereinafter referred to as "Declarants".

WITNESSTH

WHEREAS, Declarants are the owners of certain real property in the County of Montgomery, State of Maryland, consisting of approximately 23,547 square feet, known as parcel P977 Hermitage, Tax Map JQ13, which is more particularly described on the Identification Plat attached hereto and made part hereof as Exhibit " A " (the "Property").

WHEREAS, on or about December 27, 2003, Declarants filed a local map amendment application (the "Rezoning Application"), as provided in Section 59-H-2.4 of the Montgomery County Code (the "Zoning Ordinance") requesting rezoning of the Property from the R-90 Zone to the R-T 12.5 Zone.

WHEREAS, pursuant to Section 59-H-2.53 of the Zoning Ordinance, Declarants submitted a Schematic Development Plan illustrating and specifying how and to what extent the Rezoning Application would bind the Property to the information provided on the Schematic Development Plan pertaining to use, development density, maximum building coverage, green area, maximum building height, building setback from street, building setback from other property lines and building footprint as shown on the Schematic Development Plan attached hereto and made apart hereof as Exhibit "B".

NOW THEREFORE, Declarant hereby declares that all of the real property described on Exhibit "A" hereto shall be held, conveyed, hypothecated, encumbered, sold, leased, rented, used, occupied and improved subject to the following covenants, which shall run with such real property and be binding on all parties having any right, title or interest in all or any portion of the real property described on Exhibit " A " hereto, their heirs, personal representatives, successors, transferees and assigns, unless the Property is rezoned or the Schematic Development Plan is amended and an amended covenant is executed and recorded among the Land Records of Montgomery County, Maryland, in accordance with Section 59-H-2.54 of the Montgomery County Code:

1. Density: Pursuant to Section 59-C-1.731 (b) of the Zoning Ordinance, the maximum density of development in the R-T 12.5 Zone is 12.5 units per acre of "usable area" as defined in Section 59-C-1.523 of the Zoning Ordinance. As demonstrated on the Schematic Development Plan, the usable area of the Property is 23,547 square feet and thus 6 units would be permitted.
2. Green Area: Pursuant to Section 59-C-1.734(b) of the Zoning Ordinance, the minimum green area required in the R-T 12.5 Zone is 50 percent. Pursuant to the Schematic Development Plan, 50 percent of the Property must be devoted to green area.

3. Building Coverage: Pursuant to Section 59-C-1. 734(a) of the Zoning Ordinance, the maximum building coverage permitted in the R- T 12.5 Zone is 35 percent. Pursuant to the Schematic Development Plan, the maximum building coverage on the Property is 25 percent.

4. Building Height: Pursuant to Section 59-C-1.733(a) of the Zoning Ordinance and the Schematic Development Plan, the maximum building height on the Property is 35 feet.

5. Building Setback from Street: Pursuant to Section 59-C-1. 732(b ) of the Zoning Ordinance and the Schematic Development Plan, the minimum building setback from the street is 55 feet.

All provisions of this Declaration of Covenants, including the benefits and burdens, shall touch, concern and run with the land and shall be binding upon and inure to the benefit of Montgomery County, Maryland, Maryland-National Capital Park and Planning Commission, the Declarants, and their respective successors, transferees, assigns, heirs and personal representatives.

IN WITNESS WHEREOF, the undersigned, being the DECLARANTS herein, has executed this instrument this \_\_\_\_ day of \_\_\_\_\_, 200\_\_.

WITNESS:

DECLARANTS

BY: \_\_\_\_\_  
SARAH G. MIRTAGHAVI

By: \_\_\_\_\_  
MIRALI MIRTAGHAVI