

**923 GIST AVENUE (BLAIR SECTION 1)**  
**SUBDIVISION WAIVER NO. SRW202501**

**Description**

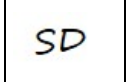
Pursuant to Division 50.9 of the Subdivision Ordinance, the Applicant requests a Subdivision Waiver of the requirements of Section 50.8.2.C.1 of the Subdivision Ordinance to allow a record plat to be approved for a Property within downtown Silver Spring without the approval of a Preliminary Plan.

COMPLETED: 11/25/2024  
PLANNING BOARD HEARING DATE: 12/5/2024  
MCPB ITEM NO. 9


## Planning Staff



Grace Bogdan, Planner IV, Downcounty Planning, grace.bogdan@montgomeryplanning.org, 301.495.4533



Stephanie Dickel, Supervisor, Downcounty Planning, Stephanie.Dickel@montgomeryplanning.org, 301.495.4527



Elza Hisel-McCoy, Chief, Downcounty Planning, Elza.Hisel-McCoy@montgomeryplanning.org, 301.495.2115

### LOCATION/ADDRESS

923-925 Gist Avenue, approximately 210 feet east of Georgia Avenue

### MASTER PLAN

2022 *Silver Spring Downtown and Adjacent Communities Plan*

### ZONE

CR-3.0, C-3.0, R-3.0, H-130' and the Fenton Village Overlay Zone

### PROPERTY SIZE

0.18 acres

### APPLICANT

923 Gist, LLC

### ACCEPTANCE DATE

October 2, 2024

### REVIEW BASIS

Chapter 50

### Summary:

- Staff recommends approval of the Subdivision Waiver request.
- The Subdivision Waiver is submitted pursuant to Division 50.9 of the Subdivision Ordinance and was reviewed by the Development Review Committee.
- The Subdivision Waiver would allow the Applicant to record one lot (totaling 7,200 square feet with 800 square foot right-of-way dedication) reflecting the consolidation of existing record lots and unsubdivided parcel, which have existed for several decades. This in turn will allow issuance of a building permit to construct a small addition to the back of the existing building.
- The Property is located in downtown Silver Spring and contains one structure that was constructed in the early 1930s with all necessary infrastructure in place.
- No community correspondence has been received.

TABLE OF CONTENTS

SECTION 1: EXECUTIVE SUMMARY ..... 3

SECTION 2: RECOMMENDATIONS AND CONDITIONS ..... 4

    SUBDIVISION WAIVER SRW2025001 ..... 4

SECTION 2: SITE DESCRIPTION ..... 5

    VICINITY..... 5

    PROPERTY DESCRIPTION..... 5

SECTION 3: PROJECT DESCRIPTION..... 7

    PROPOSAL ..... 7

SECTION 4: COMMUNITY OUTREACH ..... 8

SECTION 5: SUBDIVISION WAIVER NO. 202501 FINDINGS AND ANALYSIS ..... 8

SECTION 6: CONCLUSION ..... 10

    ATTACHMENTS ..... 10

## SECTION 1: EXECUTIVE SUMMARY

The Applicant for the proposed Subdivision Waiver is a small business owner for Bump n' Grind, a coffee shop that currently exists at 923-925 Gist Avenue in downtown Silver Spring. The coffee shop is located within a former single-family dwelling that was previously converted for commercial use. The Applicant submitted for a building permit in June of 2023 for a one-story, 800-square-foot expansion of the structure in the rear of the Property. The Department of Permitting Services notified the Applicant that any development within the Fenton Village Overlay Zone requires approval of a Site Plan from the Planning Board. However, in December 2023, the County Council adopted Zoning Text Amendment (ZTA) No. 23-06, which states that “Site plan approval under Section 7.3.4 is required for any development in the FV Overlay zone, except for any addition, reconstruction, or exterior alteration that is one-story, up to a maximum of 15 feet, and that changes the gross floor area by less than 1,000 square feet and meets the minimum setbacks in the underlying zone.” [emphasis added]

Although no Site Plan is now required, the building permit remains under review given that the existing Property is comprised of recorded lots and an unsubdivided parcel and the existing structure (and proposed addition) crosses these interior lot lines. Per Section 50.3.2 of the Subdivision Ordinance, a “building permit may only be issued for a building located on a lot or parcel shown on a plat recorded in the County Land Records ... and in a manner that does not result in the building or structure crossing a lot line.” Accordingly, the building must be on a record lot and cannot cross lot lines, so a resubdivision to consolidate the various properties is needed.

The Subdivision Ordinance contains three levels of process for subdivisions: Preliminary Plans, Administrative Plans, and Minor Plans. These levels of review are based on the scale and complexity of the proposed development, and the criteria for each are identified in Chapter 50. While there are allowances in Chapter 50 for residential properties to expedite the review process with a Minor Subdivision, they do not extend to commercial properties with existing structures, such as this one.

Section 50.9 of the Subdivision Ordinance allows the Planning Board to grant a waiver from a requirement of Chapter 50 after making the required findings. The Applicant is requesting a waiver of Section 50.8.2.C.1, Approval Procedure for Record Plats, that requires plats to have an approved preliminary plan prior to record plat approval, to allow the existing lots and unsubdivided parcel to be consolidated into one record lot, thereby allowing the structure and addition to be located on one lot of record. The Subdivision Waiver request was sent to the Development Review Committee and agency comments have been incorporated into the Staff Report and recommended conditions.

Staff recommends the Planning Board approve the Subdivision Waiver request with conditions, including the requirement to dedicate right-of-way along Gist Avenue at the time of record plat. All other agency requirements typically reviewed during Preliminary Plan are not required based on the proposed level of development and necessary infrastructure being in place. All other requirements relating to the building permit will be finalized through the Department of Permitting Services process.

## SECTION 2: RECOMMENDATIONS AND CONDITIONS

### SUBDIVISION WAIVER SRW2025001

Staff recommends approval of 923 Gist Avenue, Subdivision Waiver No. SRW 202501, to waive Section 50.8.2.C.1 of the Subdivision Ordinance which requires approval of a Preliminary Plan prior to approval of a record plat on 0.16 acres, zoned CR-3.0, C-3.0, R-3.0, H-130', in the 2022 *Silver Spring Downtown and Adjacent Communities Plan*. This approval is subject to the following conditions:

1. This Subdivision Waiver is limited to one lot totaling 7,200 square feet (0.16 acres).
2. The Subdivision Waiver will remain valid for three (3) years from its initiation date (as defined in Montgomery County Code Section 50.4.2.G), and before the expiration date of this validity period, a final record plat for all property delineated on the approved Subdivision Waiver must be recorded in the Montgomery County Land Records or a request for an extension filed.
3. The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Transportation ("MCDOT") in its letter dated November 13, 2024, and incorporates them as conditions of the Subdivision Waiver. The Applicant must comply with each of the recommendations in the letter, which may be amended by MCDOT if the amendment does not conflict with any other conditions of the Subdivision Waiver.
4. The Applicant must provide the following dedications and show them on the record plat(s) for the following existing road:
  - a) All land necessary to accommodate 35 feet from the existing pavement centerline along the Subject Property frontage for Gist Avenue.



## SECTION 2: SITE DESCRIPTION

### VICINITY

The Property is located on Gist Avenue in the block between Georgia Avenue (MD-29) to the west and Fenton Street to the east, within the Fenton Village Overlay Zone and the 2022 *Silver Spring Downtown and Adjacent Communities Plan*. This block is characterized by a mixture of commercial businesses such as auto-clinics, and neighborhood serving uses such as restaurants, salons, and a laundromat, as well as a handful of single-family homes. The Applicant owns the adjacent property located at 927 Gist Avenue, which is not part of the Subject Application. The entire block is zoned Commercial Residential (CR) with a maximum total density of 3 FAR and height of 130 feet (CR-3.0, C-3.0, R-3.0, H-130').



Figure 1 – Vicinity Map showing Subject Property in red-dashed line

### PROPERTY DESCRIPTION

The Subject Site (“Subject Property”, “Property”, or “Site”) totals 0.18 acres (8,000 square feet) and is comprised of Lots 35 & 36, Block A, Blair Section 1 (recorded on Plat No. 229 in the Land Records of Montgomery County in 1922), and a portion of an unsubdivided parcel, all currently identified as Tax ID Number 13- 00989568. The Property contains an existing single-family dwelling constructed in 1932 that has been converted into a commercial business, with a patio, driveway, and parking in the rear.









## SECTION 4: COMMUNITY OUTREACH

The Applicant has complied with all submittal and noticing requirements per Chapter 50 and the Administrative Procedures for Development Review. A notice letter was sent on September 30, 2024 describing the proposed subdivision waiver request and tentative hearing date. No pre-submittal meeting or posting of the site is required for Subdivision Waivers. No correspondence has been received.

## SECTION 5: SUBDIVISION WAIVER NO. 202501 FINDINGS AND ANALYSIS

To grant a waiver from a requirement of Chapter 50, the Board must find pursuant to Section 50.9.3 that:

- 1. due to practical difficulty or unusual circumstances of a plan, the application of a specific requirement of the Chapter is not needed to ensure the public health, safety, and general welfare;***

The Subdivision Waiver is requested given the practical difficulty of the existing layout and physical improvements onsite. The Property is comprised of two record lots and an unsubdivided parcel, for which the existing structure crosses these interior lot lines. The structure and interior lot lines have existed in this condition since the early 1930s, with existing improvements for access to public roads and utilities. The Property does not fit under any of the criteria within Chapter 50 for Minor Subdivisions, which could expedite the process for record plat review, as these provisions are typically only extended to residential properties and/or uses. Therefore, the Property would be subject to a detailed preliminary plan, where there is little benefit given the existing improvements.

A building permit for the minor 800-square foot addition is under review with the Montgomery County Department of Permitting Services (MCDPS) for compliance with various health, safety, building code, and accessibility regulations. No other physical improvements or public infrastructure are necessary to ensure public health, safety, and general welfare will be met.

The Applicant's proposal demonstrates conformance with Chapter 59 use and development standards as a lot within the CR zone, and proposes a commercial use and density allowed within the standard method of development. The Property is located within the Silver Spring Parking Lot District, therefore any onsite parking may be reduced with a payment to the Parking Lot District as specified in Chapter 60 of County Code. The current tax rate for the Parking Lot District is zero (July 2024-June 2025). Any further parking requirements will be determined by MCDPS Zoning Division through the building permit process.

- 2. the intent of the requirement is still met; and***

The intent of the requirements of Chapter 50 are still being met, as the Subdivision Waiver was reviewed by the Development Review Committee to ensure the proposed lot consolidation is in keeping with the necessary requirements of various agencies. As described in Finding 1 above, the Applicant will be dedicating necessary right-of-way that would be required during Preliminary Plan, and all other agency requirements typically reviewed during Preliminary Plan are either not required based on the level of development or will be reviewed during the building permit process. The Subdivision Waiver will allow the Applicant to record a plat establishing one lot of record, formally reflecting how the Property has functioned and transferred owners throughout the decades. With the creation of one lot of record the intent of Section 50.3 is fully being met, which states that “a building permit may only be issued for a building located on a lot shown on a plat recorded in the County Land Records... in a manner that does not result in the building or structure crossing a lot line.”

**3. the waiver is:**

***a) the minimum necessary to provide relief from the requirements; and***

The proposed Subdivision Waiver is the minimum necessary to provide relief from the requirements, as it remains in conformance with the remaining criteria found in Section 50.8.2.C for Record Plat Approvals. With the approval of ZTA No. 23-06, no Site Plan is required given the proposed addition will be less than 15 feet in height and less than 1,000 square feet. The Subdivision Waiver was reviewed by the Development Review Committee and the Applicant will dedicate land to accommodate the master planned right-of-way along Gist Avenue.

***b) consistent with the purposes and objectives of the General Plan.***

*Thrive Montgomery 2050 General Plan* (“Thrive”, “General Plan”) encourages concentrated growth in centers of activity through compact, infill development and redevelopment to maximize efficient use of land (page 73 of the General Plan). *Thrive* also encourages Complete Communities and identification of elements necessary to complete centers to make 15-minute living a reality, allowing flexible approaches to accommodate infill and redevelopment that improves access to amenities at a neighborhood scale (page 87 of the General Plan). The Applicant for this Subdivision Waiver is a small business owner that intends to grow a neighborhood serving use in downtown Silver Spring where environmentally friendly transportation options and public infrastructure exist to enhance the Fenton Village Community. Therefore, the Subdivision Waiver request is consistent with the purposes and objectives of the General Plan.

## SECTION 6: CONCLUSION

As conditioned, the Subdivision Waiver satisfies the findings under 50.9.3.A to waive the requirement under 50.8.2.C.1 of the Subdivision Ordinance. Therefore, Staff recommends approval of Subdivision Waiver No. SRW202501 with the conditions specified at the beginning of this report.

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### ATTACHMENTS

*Attachment A: Subdivision Waiver Statement of Justification and Plans*

*Attachment B: Agency Letters*

*STATEMENT OF JUSTIFICATION*

**SUBDIVISION REGULATION WAIVER REQUEST**  
**923 GIST AVENUE (BLAIR, SECTION 1)**

**September 12, 2024**

**I. INTRODUCTION**

The applicant, 923 Gist, LLC, (“Applicant”), hereby submits this Subdivision Regulation Waiver Request pursuant to Chapter 50.9 of the Montgomery County Code. (for approval of a waiver of Section 50.8.2(C)(1) of the Montgomery County Code, which requires approval of a Preliminary Plan of Subdivision prior to approval of a (non-minor) record plat. This waiver request, if approved by the Board, would enable the applicant to submit a Record Plat application, to create a record lot by combining the existing properties. The record lot would facilitate the approval of pending County building permit applications.

**II. EXISTING CONDITIONS AND SURROUNDING AREA**

The subject property is located at 923 Gist Avenue in Silver Spring, Maryland and is comprised of two (2) record lots: Lots 36-37, Block A, Blair, Section 1 (Plat Book 2, Plat 229; recorded 06/06/1922) and a part of an unplatted parcel. See attached, Exhibit A (ALTA / NSPS Land Title Survey of 923 & 927 Gist Avenue) with pertinent property limits highlighted. The property comprises approximately 8,000 square feet and is currently improved with a two-story commercial building, hardscape areas, a parking lot, and a shared driveway.

The property is currently zoned “CR” (Commercial Residential), located in both the Fenton Village Overlay and the Downtown Silver Spring Overlay districts, and surrounded by a mix of small-scale commercial properties and existing single-family dwellings.

The applicant has filed building permit applications (permit #1036198 and #1064765) with the Montgomery County Department of Permitting Services for interior renovations, a single-story addition (approximately 800-square feet), and related accessibility improvements to convert the existing commercial-use structure into a new use. Pursuant to Section 4.9.9(C) of the Montgomery County Zoning Ordinance, a Site Plan is not required for the proposed addition due to its limited size and scope.

Chapter 50.3.2.B reads in part, that “a building permit may only be issued for a building located on a lot or parcel shown on a plat recorded in the County Land Records or on a parcel exempt from recording





requirements under Subsection 3.3.B, and in a manner that does not result in the building or structure crossing a lot line”.

Though Section 3.3.A provides for certain exemptions, those are not applicable to the subject property. While Section 3.3.B allows for the recordation of a plat prior to building permit, the subject property does not qualify under this condition. Section 50.7, pertaining to Minor Subdivisions is also non-applicable to the subject property. Therefore, unless a Subdivision Regulation Waiver is granted, a preliminary plan of subdivision, and associated record plat, would be required prior to the issuance of a building permit application.

The applicant hereby requests a waiver from Section 50.8.2(C)(1) of the Montgomery County Code, which requires approval of a Preliminary Plan / Subdivision Plan prior to approval of a record plat.

### **III. SUBDIVISION REGULATION WAIVER REQUEST**

Pursuant to Section 50.9.3.A, to grant a waiver, the Board must find that:

1. due to practical difficulty or unusual circumstances of a plan, the application of a specific requirement of the Chapter is not needed to ensure the public health, safety, and general welfare;

*Per available tax records, the existing structure was constructed circa 1932 crossing the interior lot lines of the three underlying properties. The approval of current building permit applications may not be granted without the recordation of a subdivision record plat (and unless waived, a Preliminary Plan per Chapter 50.4). As stated above, the application(s) propose a small ( $\pm$  800 square foot), single-story addition, interior renovations, and related site improvements.*

*The County building permit review process is responsible, for among other regulations, ensuring compliance with applicable health and safety standards and compliance with ADA regulations. Approval of a subdivision waiver would not relieve the Department of Permitting Services from their required reviews.*

*Furthermore, while the property does not fit under any of the existing criteria for minor subdivisions, there is little benefit to requiring a detailed preliminary plan prior to a record plat application for this property: the site is already developed and has access (and is connected) to existing public utilities.*

2. the intent of the requirement is still met; and

*A waiver of Section 50.8.2(C)(1) would allow the applicant to proceed directly with a record plat application prior to approval of the aforementioned County building permit applications. The*



*subject property is currently improved, is connected to adjacent public utilities, and conforms to the general surrounding neighborhood, of which it has been a part of for more than of 90 years.*

3. the waiver is:
  - a. the minimum necessary to provide relief from the requirements; and
  - b. consistent with the purposes and objectives of the General Plan.

*A waiver of Section 50.8.2(C)(1) would allow the applicant to proceed directly with a record plat application prior to approval of the aforementioned County building permit applications.*

*During the review and approval of ZTA 23-06, the Planning Board noted the waiver of Site Plan requirements for small building modifications, such as those proposed in this Subdivision Regulation Waiver Request, was a “reasonable regulatory relief” with “minimal to no impact on compatibility with adjacent development”. It reasonably follows that similarly small building modifications would also have minimal to no impact on surrounding development and would be consistent with the purposes and objectives of Chapter 50 and Chapter 59.*

*Additionally, if granted, this waiver would substantially conform to the recently adopted Thrive General Plan, which encourages complete communities and removing barriers to growth in urban areas. This project entails the limited redevelopment (expansion) of an existing commercial use, continuing the urban growth in the area, while maximizing efficient use of available land. Per page 73 of “Thrive”, flexibility of zoning and subdivision regulations is encouraged to support “corridor-focused compact development.”*

*Compact, “corridor-focused” (re)development supports existing communities, decreases a reliance on motor vehicles with more amenities accessible to environmentally friendly transportation options (walking, biking, mass transit, etc), and decreases wear and tear on existing aging infrastructure.*



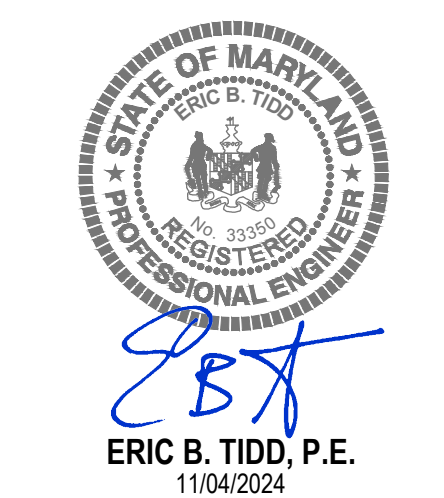
# SUBDIVISION REGULATION WAIVER

## Blair, Section 1 MNCPPC SRW202501

ATTACHMENT A

CAS JOB NO.: 24-523  
DATE: 10/2024

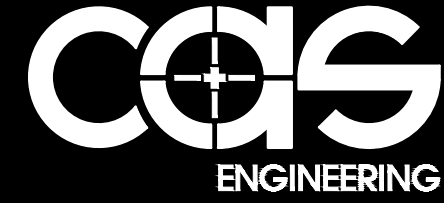
DATE	REVISION
11/04/24	EST - 2024 Resubmitted to MNCPPC after DRC Comments Addressed



**PROFESSIONAL ENGINEER CERTIFICATION:**  
I hereby certify that these documents were prepared or approved by me, and that I am a duly licensed professional engineer under the laws of the State of Maryland, License No. 33300, expiration date 07/11/2025, and that this plan meets MCDPS criteria for building and sediment control permit applications.

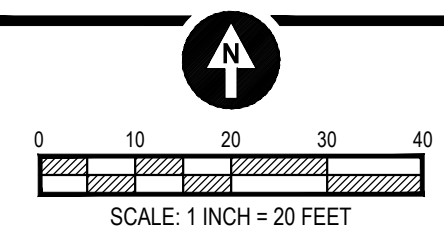
n/f Lots 35-36, Block A, Blair, Section 1, and Unnamed Parcel  
Plot Book 3, Plat No. 229, Recorded 06/07/1922  
Wheaton (13th) Election District, Montgomery County, MD

923 Gist Avenue  
Silver Spring, Maryland 20910



**CAS ENGINEERING-MD**  
10 South Bentz Street  
Frederick, Maryland 21701  
301-607-8031 Phone  
info@casengr.com  
www.casengr.com

**CAS ENGINEERING-DC, LLC**  
4836 MacArthur Boulevard NW, 2nd Floor  
Washington, DC 20007  
202-393-7200 Phone  
info@cas-dc.com  
www.cas-dc.com



**SHEET TITLE:**  
Subdivision  
Regulation Waiver  
Cover Sheet

**SRW-1**

### GENERAL SURVEYOR NOTES:

- This plat is of benefit to the consumer insofar as it is required by a lender or title insurance company or its agent in connection with contemplated transfer, financing or refinancing.
- If this is a House Location Drawing, it is not to be relied upon for the establishment or location of fences, garages, buildings, or other existing or future improvements.
- If this is a House Location Drawing, it does not provide for the accurate identification of the property boundary lines, but this identification might not be required for the transfer of title or securing financing or refinancing.
- Unless otherwise noted, no title report was reviewed by the surveyor. Easements, restrictions, and/or right-of-way may exist that are not shown.
- Underground facilities not shown, may exist.
- This survey does not address wetlands, contaminated waste or toxic soil conditions, nor have any reports, studies or information regarding such been provided to this surveyor.
- The information contained on this survey has been performed exclusively and is the sole responsibility of Exacta Surveyors. Additional logos or references to third party firms are for informational purposes only.
- Structures are measured at ground level.
- Points of Interest (POIs) are selected above-ground improvements which may be in conflict with boundary, building setback or easement lines, as defined by the parameters of this survey. There may be additional POIs which are not shown, not called-out as POIs, or which are otherwise unknown to the surveyor. These POIs may not represent all items of interest to the viewer.
- Utilities shown on the subject property may or may not indicate the existence of recorded or unrecorded utility easements.
- Building measurements should not be used for new construction or planning. Measurements should be verified prior to such activity.
- If this is a House Location Drawing, it is for informational purposes only. Per Maryland State code it may NOT be relied upon to determine boundaries and may NOT be used for building permits or construction.

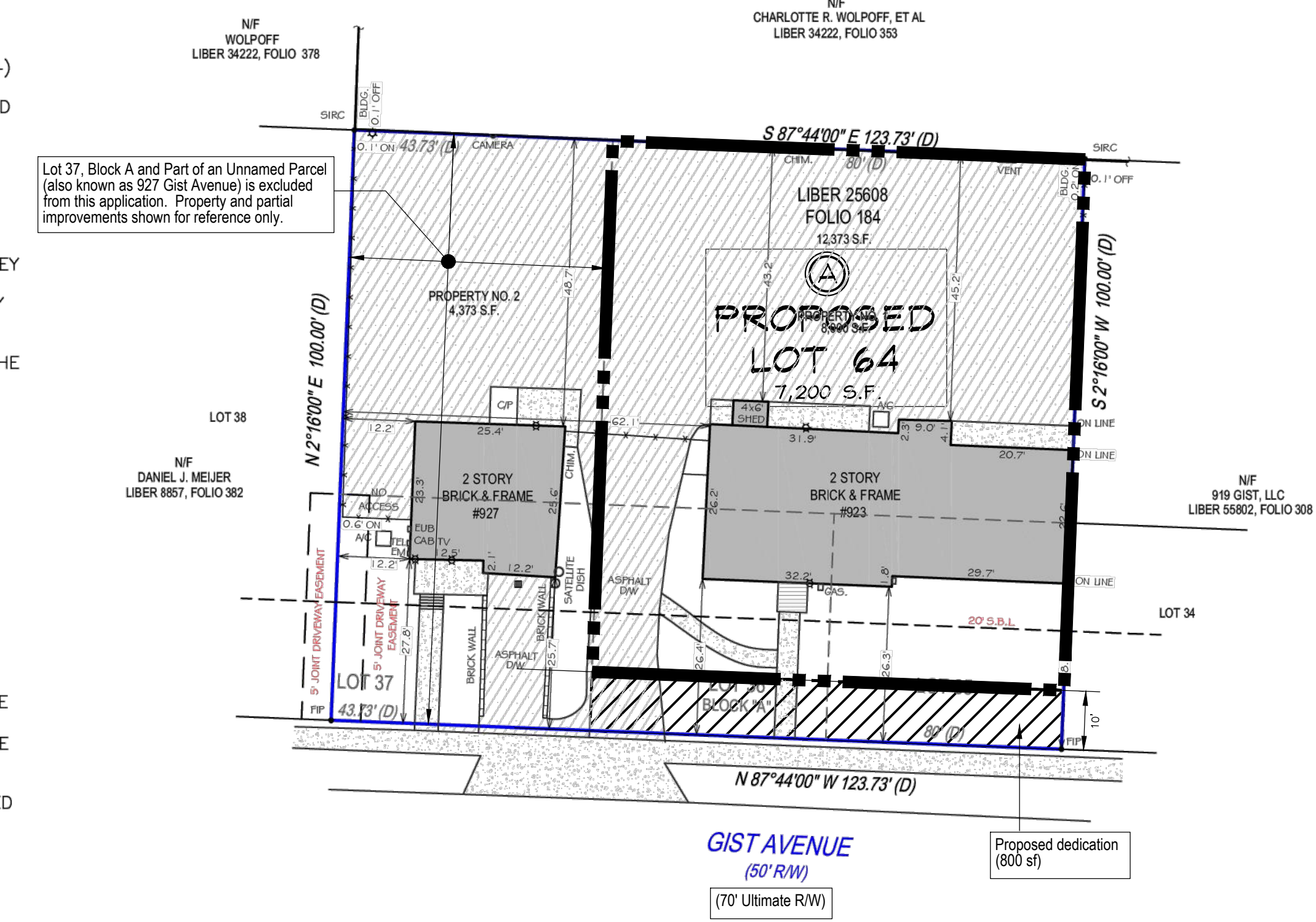
### SURVEYORS LEGEND:

LINETYPES		ABBREVIATIONS	MB - Map Book
Boundary Line	(C) - Calculated	ME - Maintenance Easement	
Center Line	(DI) - Deed	MES - Mitered End Section	
Chain Link or Wire Fence	(F) - Field	MF - Metal Fence	
Easement	(ML) - Measured	MH - Manhole	
Edge of Water	(P) - Plat	MHWL - Mean High Water Line	
Iron Fence	(RI) - Record	NR - Non-Radial	
Overhead Lines	(S) - Survey	NTS - Not to Scale	
Structure	A/C - Air Conditioning	NAVDE83 - North American Vertical Datum 1983	
Survey Tie Line	AE - Access Easement	NGVD29 - National Geodetic Vertical Datum 1929	
Vinyl Fence	ASBL - Accessory Setback Line	OG - On Ground	
Wall or Party Wall	B/W - Bay/Box Window	ORB - Official Records Book	
Wood Fence	BC - Block Corner	ORV - Official Record Volume	
	BFP - Backflow Preventer	O/A - Overall	
	BLDG - Building	O/S - Offset	
	BLK - Block	OSF - Outside Subject Property	
	BM - Benchmark	OH - Overhang	
	BR - Bearing Reference	OHL - Overhead Utility Lines	
	BRL - Building Restriction Line	OHWL - Ordinary High Water Line	
	BSMT - Basement	OW - Inside Subject Property	
SURFACE TYPES			
Asphalt	C - Center Line	P/E - Pool Equipment	
Brick or Tile	CP - Covered Patch	PE - Flat Book	
Concrete	C/S - Concrete Slab	PC - Point of Curvature	
Covered Area	CTV - Cable TV Floor	PCC - Point of Compound Curvature	
	CB - Concrete Block	PCP - Permanent Control Point	
Water	CH - Chord Bearing	PI - Point of Intersection	
Wood	CHIM - Chimney	PLS - Professional Land Surveyor	
	CLF - Chain Link Fence	PLT - Planter	
	CME - Canal Maintenance Easement	POB - Point of Beginning	
	CO - Clean Out	POC - Point of Commencement	
	CONC - Concrete	PRC - Point of Reverse Curvature	
	CONC - Concrete	PRM - Permanent Reference Monument	
	CS/W - Concrete Sidewalk	PT - Point of Tangency	
	CUE - Control Utility Easement	PUE - Public Utility Easement	
	CVG - Concrete Valley Gutter	R - Radius or Radial	
	D/W - Driveway	R/W - Right of Way	
	DE - Drainage Easement	RES - Residential	
	DI - Drain Field	REG - Range	
	DIH - Drill Hole	RDE - Road Overhang Easement	
	DUE - Drainage & Utility Easement	RP - Radius Point	
	ELEV - Elevation	S/W - Sidewalk	
	EM - Electric Meter	SBL - Setback Line	
	ENCL - Enclosure	SC - Survey Closure Line	
	ENT - Entrance	SCR - Screen	
	EOP - Edge of Pavement	SEC - Section	
	EW - Edge of Water	SEP - Septic Tank	
	ESMT - Easement	SEW - Sewer	
	EUB - Electric Utility Box	SIRC - Set Iron Rod & Cap	
	FCH - Found Chalk Hole	SNWE - Storm Water Management Easement	
	FF - Finished Floor	SNBD - Set Nail and Disc	
	FIP - Found Iron Pipe	SQFT - Square Feet	
	FIPC - Found Iron Pipe & Cap	STL - Survey Tie Line	
	FIR - Found Iron Rod	STY - Story	
	FIRC - Found Iron Rod & Cap	SV - Sewer Valve	
	FN - Found Nail	SWE - Sidewalk Easement	
	FNBD - Found Nail & Disc	TBM - Temporary Bench Mark	
	FRSSPK - Found Rail Road Spike	TEL - Telephone Facilities	
	GAR - Garage	TOB - Top of Bank	
	GM - Gas Meter	TUE - Technological Utility Easement	
	ID - Identification	TYP - Township	
	IE/EE - Ingress/Egress Easement	TX - Transformer	
	ILL - Illegible	TYP - Typical	
	INST - Instrument	UE - Utility Easement	
	INT - Intersection	UG - Underground	
	IRRE - Irrigation Easement	UP - Utility Pole	
	L - Length	UR - Utility Room	
	LAE - Limited Access Easement	VF - Vinyl Fence	
	LBA - License No. (Business)	W/C - Witness Corner	
	LBE - Limited Buffer Easement	WF - Water Filter	
	LEE - Landscape Easement	WF - Wood Fence	
	LEE - Lake/Landscape Maintenance Easement	WM - Water Meter/Valve Box	
	LS# - License No. (Surveyor)	WW - Water Valve	

### FLOOD ZONE INFORMATION:


PAGE 1 OF 1

## ALTA\NSPS LAND TITLE SURVEY OF 923 & 927 GIST AVENUE



### TITLE COMMITMENT NOTES:

TITLE REPORT FOR THE SUBJECT PROPERTY WAS ISSUED BY OLD REPUBLIC TITLE NATIONAL TITLE, NO FILE NUMBER, EFFECTIVE FEBRUARY 15, 2022.

THE SURVEYOR OFFERS THE FOLLOWING COMMENTS FOR THOSE ITEMS LISTED IN SCHEDULE "B-II" OF THE TITLE REPORT:

ITEMS 1 AND 2 NOT SURVEY MATTERS

ITEM 3 SHOWN ON SURVEY IF ANY

ITEM 4 EASEMENTS SHOWN ON SURVEY IF ANY

ITEM 5 THROUGH 7 NOT SURVEY MATTERS

ITEM 8 TWENTY FOOT BUILDING RESTRICTION SHOWN ON SURVEY

ITEM 9 RIGHTS OF WAY

LIBER 334, FOLIO 69 UNLOCATABLE

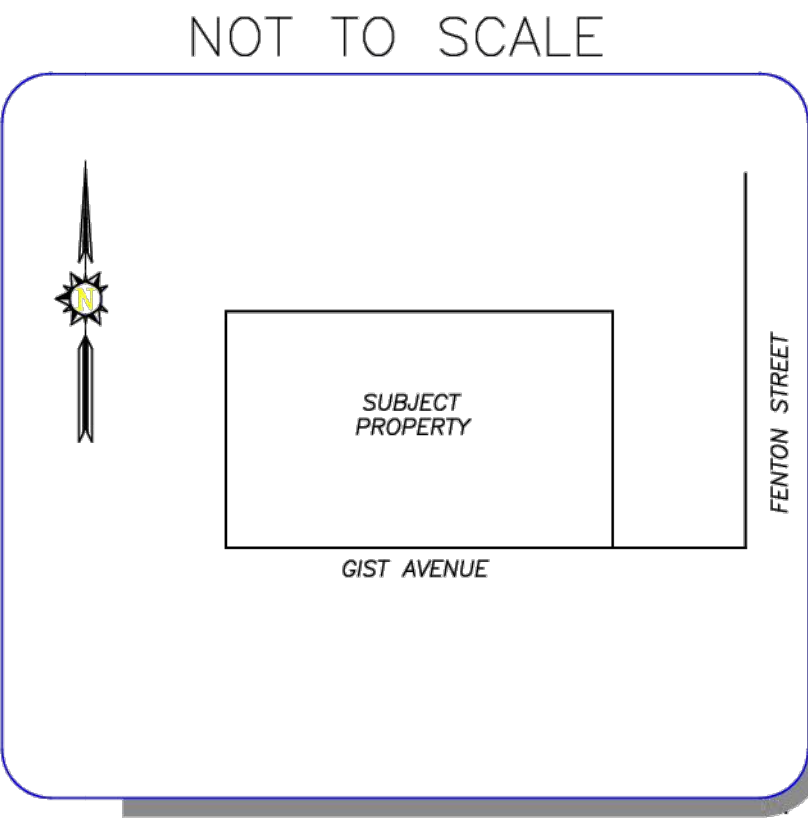
LIBER 418, FOLIO 318 UNLOCATABLE

ITEM 10 COVENANTS

LIBER TD17, FOLIO 372 NOT A SURVEY MATTER

LIBER 374 FOLIO 154 SHOWN ON SURVEY

ITEM 11 NOT A SURVEY MATTER



2203 0825  
ALTA SURVEY  
MONTGOMERY COUNTY

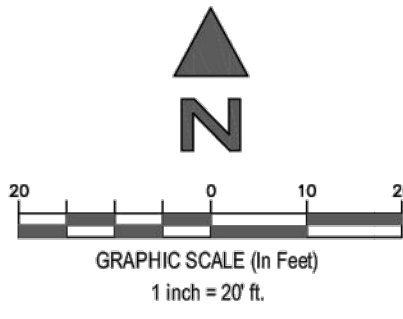
### SURVEY NOTES:

- THIS SURVEY REPRESENTS A BOUNDARY SURVEY AS DEFINED BY MINIMUM STANDARDS OF PRACTICE, TITLE 9, DEPARTMENT OF LABOR, LICENSING, AND REGULATIONS, SUBTITLE 13 BOARD FOR PROFESSIONAL LAND SURVEYORS, CHAPTER 06, BUSINESS OCCUPATIONS AND PROFESSIONS ARTICLE, SECTION 15-2008(b)(4) ANNOTATED CODE OF MARYLAND. THIS SURVEY IS NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL SEAL OF A MARYLAND LICENSED SURVEYOR.
- THE PROPERTY SHOWN HEREON IS NOW IN THE NAME OF 923-927, L.L.C., BY DEED RECORDED IN LIBER 25608 AT FOLIO 184 AMONG THE LAND RECORDS OF MONTGOMERY COUNTY, MARYLAND.
- THE SYMBOLS REFLECTED IN THE LEGEND AND ON THIS SURVEY MAY HAVE BEEN ENLARGED FOR CLARITY. THE SYMBOLS HAVE BEEN PLOTTED AT THE CENTER OF THE FIELD LOCATION AND MAY NOT REPRESENT THE ACTUAL SHAPE OR SIZE OF THE FEATURE.
- THE INFORMATION DEPICTED ON THIS SURVEY REPRESENTS THE RESULTS OF A FIELD SURVEY ON THE DATE INDICATED AND CAN ONLY BE CONSIDERED AS A REPRESENTATION OF THE GENERAL CONDITIONS EXISTING AT THAT TIME.
- THE SURVEYOR DID NOT INSPECT THE PROPERTY SHOWN HEREON FOR ENVIRONMENTAL HAZARDS.
- OWNERSHIP OF WALLS OR FENCES WAS NOT DETERMINED.
- THE INFORMATION CONTAINED IN THIS DOCUMENT WAS PREPARED BY EXACTA MARYLAND SURVEYORS, INC. EXACTA HAS TAKEN ALL REASONABLE STEPS TO ENSURE THE ACCURACY OF THIS DOCUMENT. WE CANNOT GUARANTEE THAT ALTERATIONS AND/OR MODIFICATIONS WILL NOT BE MADE BY OTHERS AFTER IT LEAVES OUR POSSESSION. THIS DOCUMENT MUST BE COMPARED TO THE ORIGINAL HARD COPY, WHICH BEARS THE ORIGINAL SURVEYOR'S CERTIFICATION SEAL AND SIGNATURE, TO ENSURE THE ACCURACY OF THE INFORMATION CONTAINED HEREON AND TO FURTHER ENSURE THAT ALTERATIONS AND/OR MODIFICATIONS HAVE NOT BEEN MADE. EXACTA MAKES NO WARRANTIES, EXPRESS OR IMPLIED, CONCERNING THE ACCURACY OF THE INFORMATION CONTAINED IN THIS OR ANY DOCUMENT TRANSMITTED OR REVIEWED BY COMPUTER OR OTHER ELECTRONIC MEANS. CONTACT EXACTA DIRECTLY FOR VERIFICATION OF ACCURACY.
- SUBSURFACE UTILITIES, FOUNDATIONS AND ENCROACHMENTS WERE NOT LOCATED AND ARE NOT SHOWN HEREON.
- EXACTA MARYLAND SURVEYORS, INC., DID NOT SEARCH THE PUBLIC RECORDS OF MONTGOMERY COUNTY, MARYLAND.
- ADDITIONS OR DELETIONS TO SURVEY MAPS OR REPORTS BY OTHER THAN THE SIGNING PARTY OR PARTIES ARE PROHIBITED WITHOUT WRITTEN CONSENT OF THE SIGNING PARTY OR PARTIES.
- ALL UTILITIES SERVICING THE SUBJECT PROPERTY ARE AVAILABLE THROUGH PUBLIC RIGHTS-OF-WAY.

### SURVEYOR'S CERTIFICATE:

THE UNDERSIGNED BEING A REGISTERED SURVEYOR IN THE STATE OF MARYLAND CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE CURRENT MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA\NSPS LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS ON FEBRUARY 23, 2021, INCLUDING ITEMS 1, 2, 4, 7A AND 8 FROM TABLE "A", PURSUANT TO THE ACCURACY STANDARDS AS ADOPTED BY ALTA AND NSPS AND IN EFFECT ON THE DATE OF THIS CERTIFICATION. UNDERSIGNED FURTHER CERTIFIES THAT IN MY PROFESSIONAL OPINION, AS A LAND SURVEYOR REGISTERED IN THE STATE OF MARYLAND, THE RELATIVE POSITIONAL ACCURACY OF THIS SURVEY DOES NOT EXCEED THAT WHICH IS SPECIFIED HEREIN. THE FIELD WORK WAS COMPLETED ON MARCH 18, 2022.

JOHN E. KROBATH  
PROFESSIONAL LAND SURVEYOR 10908  
STATE OF MARYLAND  
EXACTA MARYLAND SURVEYORS, INC.



www.exactaland.com | Office: 443.810.3904

PROPERTY ADDRESS:  
923 GIST AVENUE, SILVER SPRING, MARYLAND 20910

SURVEY NUMBER: 2203.0825

CERTIFIED TO:  
923 GIST, L.L.C., OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY

BUYER: 923 GIST, L.L.C.

LENDER:

TITLE COMPANY:

COMMITMENT DATE: NOT REVIEWED

CLIENT FILE NO:

LEGAL DESCRIPTION:  
ALL THAT PIECE OF PARCEL OF LAND BEING DESCRIBED IN LIBER 25608, FOLIO 184, RECORDED AMONG THE LAND RECORDS OF MONTGOMERY COUNTY, MARYLAND

JOB SPECIFIC SURVEYOR NOTES  
THE DIMENSIONS AND DIRECTIONS SHOWN HEREON HAVE BEEN REFERENCED TO A FIELD AS RECORDED IN LIBER 25608 FOLIO 184 AMONG THE LAND RECORDS OF MONTGOMERY COUNTY, MARYLAND

ACCURACY EQUALS ONE FOOT PLUS OR MINUS

DATE SIGNED: 03/30/22

FIELD WORK DATE: 4/1/2022

REVISION DATES:  
REV 3 12/14/2022 (REV 3 12/14/2022) (REV 2 12/14/2022) (REV 1 3/31/2022)

POINTS OF INTEREST  
NONE VISIBLE



CAS JOB NO.: 24-523  
DATE: 10/2024

DATE	REVISION
11/04/24	EST - SRW Resubmitted to MNCPPC after DRC Comments Addressed

ERIC B. TIDD, P.E.  
11/04/2024

**PROFESSIONAL ENGINEER CERTIFICATION:**  
I hereby certify that these documents were prepared or approved by me, and that I am a duly licensed professional engineer under the laws of the State of Maryland, License No. 33000, expiration date 07/11/2025, and that this plan meets MCDPS criteria for building and sediment control permit applications.

n/f Lots 35-36, Block A, Blair, Section 1, and Unnamed Parcel  
Plat Book 3, Plat No. 229, Recorded 06/07/1922  
Wheaton (13th) Election District, Montgomery County, MD923 Gist Avenue  
Silver Spring, Maryland 20910

## SITE / ZONING DATA - CR ZONE

Gross Site Area ..... 8,000 Sq. Ft. (0.184 Acres)  
Proposed Dedication ..... 800 Sq. Ft. (0.018 Acres)  
Net Tract Area ..... 7,200 Sq. Ft. (0.165 Acres)

1. Site	Required - General	Proposed - Lot 64 (923 Gist Ave)
Open Space (min)		
Open space, tract ≤ 10,000 SF	0%	0%
Open space, tract > 10,000 SF	10%	n/a
<b>Specifications for all Open Space</b>		
a. In a development with townhouse, apartment, multi use, or general building types, open space is calculated on the area of the site minus any area for detached house and duplex lots.		
b. Open space for the townhouse building type is common open space (see Section 6.3.5), and for other building types is public open space (see Section 6.3.6).		
<b>2. Lot and Density</b>		
Lot (min)		
Lot area	n/a	8,000 sf (existing); 7,200 sf (proposed)
Lot width at front building line	n/a	80 feet
Lot width at front lot line	n/a	80 feet
Density (max)		
CRN Density, FAR	mapped	n/a
CRT Density, FAR	The lesser of: mapped FAR or the greater of 10,000 SF or 1.0 FAR	n/a
CR Density, FAR		2,200 sf / 8,000 = 0.29 FAR (existing) 3,145 sf / 7,200 = 0.43 FAR (proposed)

## Specification for Density

a. In the CR zone, a designated historic resource that does not occupy more than 10% of the gross floor area is excluded from the FAR calculation.

b. Density may be increased above the limits in Section 4.5.3.C.2. for projects developed under Section 4.5.2.C.

## Coverage (max)

Lot	n/a	n/a
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## 3. Placement

## Principal Building Setbacks (min)

Front setback	0'	26.3 feet (existing); 16.3 feet (proposed)
Side street setback	0'	n/a
Side setback, abutting Agricultural, Rural Residential, Residential Detached, or Residential Townhouse zones	See Section 4.1.B.8	n/a
Side setback, abutting all other zones	0'	0 feet + 18.1 feet
Side setback, end unit	n/a	n/a
Side setback between lot and site boundary	n/a	n/a
Rear setback, abutting Agricultural, Rural Residential, Residential Detached, or Residential Townhouse zones	See Section 4.1.B.8	n/a
Rear setback, abutting all other zones	0'	45.2 feet (existing); 32.4 feet (proposed)
Rear setback, alley	4'	n/a
Rear setback between lot and site boundary	n/a	n/a

## Accessory Structure Setbacks (min)

Front setback, behind front building line	0'	n/a
Side street setback	0'	n/a
Side setback	equal to Principal Building Setback	n/a
Rear setback	equal to Principal Building Setback	n/a
Rear setback, alley	4'	n/a

## Parking Setbacks for Surface Parking Lots (min)

Front setback	must be behind front building line of building in the BTA	existing; behind front of building
Side street setback	must be behind side street building line of building in the BTA	n/a
Side setback	must accommodate landscaping required under Section 6.2.9	n/a (less than 10 spaces)
Rear setback	must accommodate landscaping required under Section 6.2.9	n/a (less than 10 spaces)
Rear setback, alley	0'	n/a

## Build-to Area (BTA, max setback and min % of building facade)

Front setback	20'	no changes to existing conditions
Building in front street BTA	70%	no changes to existing conditions
Side street setback	20'	no changes to existing conditions
Building in side street BTA	35%	no changes to existing conditions

## Specifications for Build-to Area

a. The Build-to Area maximum front or side street setback may be increased by the minimum setback necessary to avoid a planned public transportation or utility easement, or a planned public transportation or utility reservation.

b. The Build-to Area requirements may be modified by the Planning Board during site plan review under Section 7.3.4. In approving a site plan submitted under this subsection, the Planning Board must find that the plan: (1) deviates from the Build-to Area requirements only to the extent necessary to accommodate the physical constraints of the site or the proposed land use; and (2) incorporates design elements that engage the surrounding publicly accessible spaces such as streets, sidewalks, and parks.

## 4. Height

Principal building	mapped and Section 4.1.B.8	36 feet (existing); no proposed changes
Accessory structure	mapped and Section 4.1.B.8	n/a

## 5. Form

Units permitted in one row	n/a	n/a
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## Building Orientation

Entrance facing street or open space	required	yes (existing)
Entrance spacing (max)	100'	1 entrance (existing; building less than 100-foot wide)

## Transparency, for Walls Facing a Street or Open Space

Ground story, front (min)	40%	no changes to existing conditions
Ground story, side/rear (min)	25%	no changes to existing conditions
Upper story (min)	20%	no changes to existing conditions
Blank wall, front (max)	35'	no changes to existing conditions
Blank wall, side/rear (max)	35'	no changes to existing conditions

## Specification for Building Orientation and Transparency

a. Building Orientation and Transparency requirements may be modified by the Planning Board in a site plan under Section 7.3.4. In approving a site plan submitted under this subsection, the Planning Board must find that the plan: (1) deviates from the Building Orientation and Transparency requirements only to the extent necessary to accommodate the physical constraints of the site or the proposed land use; and (2) incorporates design elements that engage the surrounding publicly accessible spaces such as streets, sidewalks, and parks.

## Allowed Building Elements

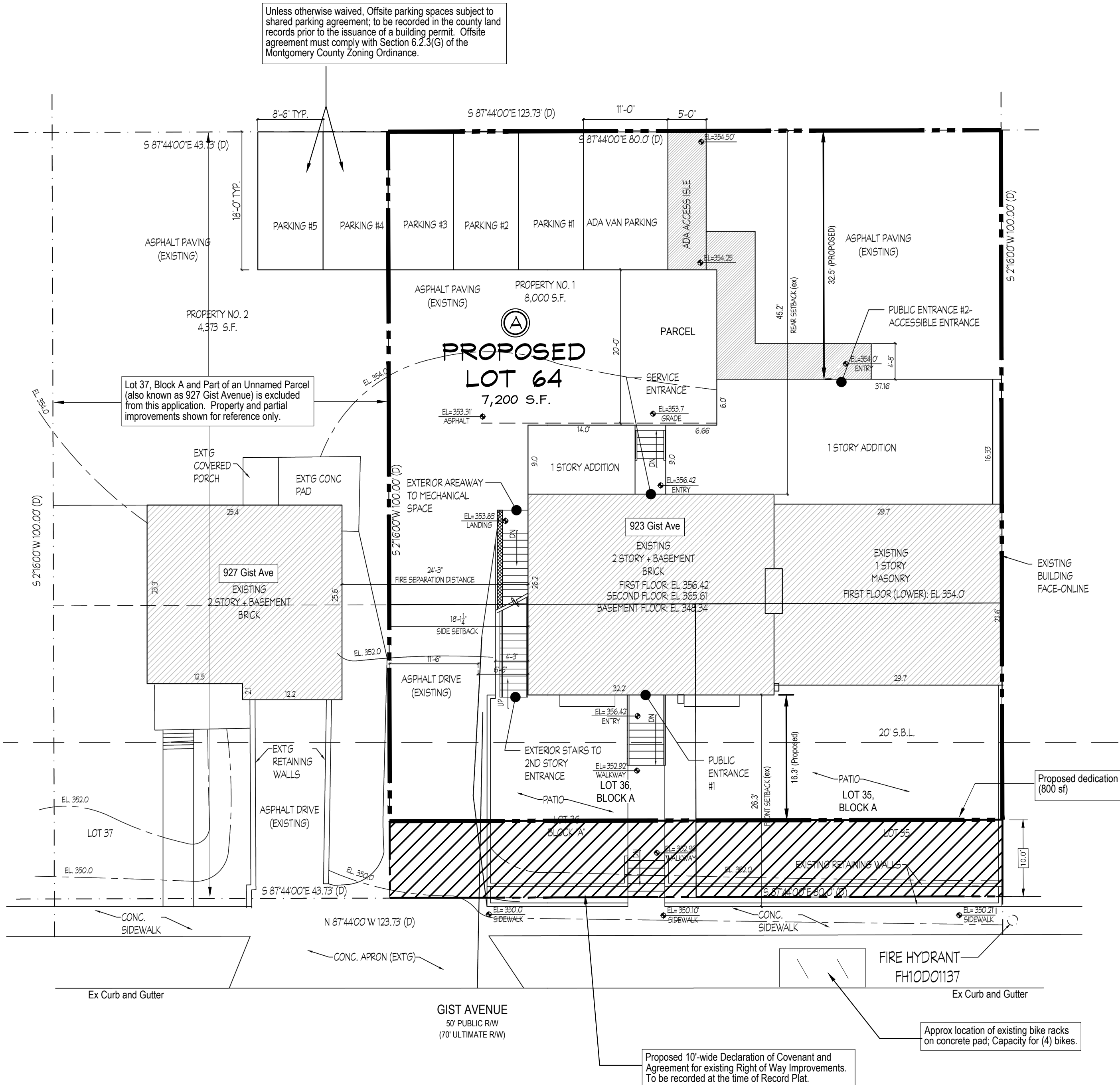
Gallery/awning	yes	none proposed
Porch/stoop	yes	none proposed
Balcony	yes	none proposed

## PARKING REQUIREMENTS

(Property is located in the Silver Spring Parking Lot District.)

TYPE	METRIC	REQUIRED	PROVIDED (*)
AUTO *	Commercial - Restaurant	820 sf proposed (gross); 4 total spaces	4 spaces
	4 spaces per 1,000 sf for Patron Use (includes outside seating in CR Zone)		
ACCESSIBLE	Commercial - Office	832 sf proposed (gross); 2 total spaces	2 spaces
	2 spaces per 1,000 sf of GFA		
BICYCLE	For 1 to 10 spaces, 1 accessible space; 1 of every 6 spaces must be van accessible	1 space, including 1 van space	1 space, including 1 van space
	1 of every 6 spaces must be van accessible		
BICYCLE	Commercial - Restaurant	820 sf proposed (gross)	4 spaces (existing; in ROW)
	1 short term per 10,000 sf GFA; 15% to be long term	1 space short term space; 1 long term	
ACCESSIBLE	Commercial - Office	832 sf proposed (gross); 1 space short term space; 1 long term	4 spaces (existing; in ROW)
	1 space per 5,000 sf of GFA		

(\*) Per Section 6.2.3(H)(1)(a) of the Montgomery County Zoning Ordinance, an applicant within a Parking Lot District may provide fewer parking spaces than required, after all adjustments are made under Section 6.2.3, if payment is made under Chapter 60.



## OWNER/APPLICANT

923 Gist, LLC  
Attn: David Fogel  
7901 Eastern Avenue #C8  
Silver Spring, MD 21108  
(301) 437-6652 Phone  
david@bumpground.com923 Gist Avenue  
n/f Lots 35-36, Block A, Blair, Section 1  
and Unnamed Parcel  
Proposed Lot 64, Block A, Blair Section 1  
Zoning Sheet  
MNCPPC SRW202501SHEET TITLE:  
Subdivision  
Regulation Waiver  
Zoning Sheet

SRW-2





## DEPARTMENT OF TRANSPORTATION

Marc Elrich  
County Executive

Christopher R. Conklin  
Director

November 13, 2024

Ms. Grace Bogdan, Planner III  
Downcounty Planning Division  
The Maryland-National Capital  
Park & Planning Commission (MNCPPC)  
2425 Reedy Drive, 14th Floor,  
Wheaton, MD 20902

RE: Subdivision Review Waiver  
Plan No. SRW202501  
Blair Section 1

Dear Ms. Bogdan:

We have completed our review of the revised Plan dated November 4, 2024, emailed to us on November 8, 2024, by MNCPPC. The plan was reviewed by the Development Review Committee at its meeting on October 22, 2024. We recommend approval of the plan subject to the following comments:

**Significant Comments:**

1. Gist Avenue:
  - a. Per the Master Plan of Highways and Transitways, it is classified as a Downtown Street with a proposed right-of-way of 70 feet.
  - b. The applicant shall dedicate the right-of-way as shown in the plan to comply with the master plan. Existing steps and retaining walls are in the proposed dedicated area, and the applicant shall sign a maintenance and liability agreement for all the existing features prior to the plat's recordation. Please coordinate with Montgomery County Department of Permitting Services (MCDPS) for the details and the process.
  - c. As per the Applicant's Statement of Justification dated September 12, 2024, they propose a small ( $\pm$  800 square foot) addition. The existing structure was constructed circa 1932 and crosses the interior lot lines of three properties. The approval of current building permit applications may not be granted without the recordation of a subdivision record plat (unless waived, per Chapter 50.4 – Preliminary Plan). No frontage improvements are required for the above-stated project.

**Office of the Director**

101 Monroe Street 10<sup>th</sup> Floor · Rockville Maryland 20850 · 240-777-7170 · 240-777-7178 FAX

[www.montgomerycountymd.gov](http://www.montgomerycountymd.gov)

*Located one block west of the Rockville Metro Station*

Ms. Grace Bogdan  
 SRW202501  
 November 13, 2024  
 Page 2

2. Transportation Demand Management (TDM) Plan Requirements: The applicant shall address the following TDM requirements prior to the issuance of the building permit:

TDM provisions of County Code 42A-26 apply to this development application. An owner or applicant for a new development or construction project located in a District in a **Red Policy Area** must submit a **Level 1 Project-based TDM Basic Plan** for a project with less than **40,000 gross square feet (gsf)**. The Blair, Section 1 project, located in the Silver Spring TMD and Red Policy Area, filed applications with the Montgomery County Department of Permitting Services for interior renovations, a single-story addition (approximately 800-square feet), and related accessibility improvements to convert the existing commercial-use structure into a new use. Hence, Level 1 TDM Basic Plan must be approved by MCDOT and submitted **prior to the issuance of any building permit by MCDPS**.

A Level 1 – Project-based TDM Basic Plan is not required to include specific project-based strategies other than providing information but must implement county-led strategies at the Project. In view of the goal of 65% Non-Auto Driver Mode Share (NADMS) for residents and employees blended in the Silver Spring TMD, MCDOT recommends the following as conditions of the project approval:

- Appointment of a Transportation Coordinator (a person to work with MCDOT and TMD representatives to achieve NADMS and other commuting goals).
- Notification of the Transportation Coordinator's contact information
- Access to the Project (owner must provide space on-site by prior arrangement with MCDOT or TMD representatives to allow the department to promote TDM).
- Availability of TDM Information (TDM-related information must be displayed in a location(s) visible to employees, residents, and other project users). Applicant provides a real-time information sign in the lobby of the building to inform residents and visitors of the transportation options in the vicinity.

The Applicant shall coordinate with MCDOT Commuter Services Section (CSS) staff: Samuel Damesa at [Samuel.Damesa@montgomerycountymd.gov](mailto:Samuel.Damesa@montgomerycountymd.gov) or (240) 777-8384 and James Carlson at [James.Carlson@montgomerycountymd.gov](mailto:James.Carlson@montgomerycountymd.gov) or (240) 777-8382 to implement the aforementioned recommendations of the Transportation Demand Management (TDM) plan for the new development project.

Ms. Grace Bogdan  
SRW202501  
November 13, 2024  
Page 3

Thank you for the opportunity to review this preliminary plan. If you have any questions or comments regarding this letter, please contact Deepak Somarajan, our Development Review Team for this project at [deepak.somarajan@montgomerycountymd.gov](mailto:deepak.somarajan@montgomerycountymd.gov) or (240) 777-7170.

Sincerely,

Deepak  
Somarajan

Digitally signed by Deepak  
Somarajan  
Date: 2024.11.13 14:48:59  
-05'00'

Deepak Somarajan, Engineer III  
Development Review Team  
Office of Transportation Policy

M:\Subdivision\Deepak\Preliminary Plan Plan\ 120230160-SRW202501-Blair-Section 1\Letter\SRW202501-Blair-Section 1  
Letter.docx

cc: SharePoint\Correspondence Folder FY'25

cc-e:	Eric Tidd	CAS Engineering
	Stephanie Dickel	MNCPPC
	Atiq Panjshiri	MCDPS RWPR
	Sam Farhadi	MCDPS RWPR
	Samuel.Damesa	MCDOT CSS
	James.Carlson	MCDOT CSS
	Sandra Brecher	MCDOT CSS
	Rebecca Torma	MCDOT OTP