

Elizabeth Rogers 301-841-3845 ecrogers@lerchearly.com

October 14, 2025

#### VIA ELECTRONIC AND HAND DELIVERY

Ms. Kathleen Byrne, Esq. Office of Zoning and Administrative Hearings 100 Maryland Avenue, Suite 200 Rockville, Maryland 20850

> Re: Motion to Amend Application

> > Notley Road

Local Map Amendment No. H-159 (the "Application")

Hearing Examiner Byrne,

On behalf of Notley Assemblage LLC (the "Applicant") we are submitting this request to amend the above-referenced Local Map Amendment Application (the "Application").1 The Applicant made a number of modifications to the Application to address comments received from M-NCPPC Technical Staff and the community. The revised plans, reflecting these modifications, were submitted to OZAH on August 22, 2025 and are included in the record. As noted in the revised Land Use Report (Exhibit 38), the Applicant decreased the overall building height to 50' (from the 60' originally proposed). As such, the Applicant is formally amending the application form and is updating the Floating Zone Plan cover sheet to reflect that the updated zone being requested is CRNF-1.0, C-0.0, R-1.0, H-50'. (See attached).

Thank you in advance for your consideration of this request.

Sincerely,

Babreth C. Rogen Elizabeth C. Rogers

Enclosures

10202367.1 94339.004

<sup>&</sup>lt;sup>1</sup> Per Rule 11 of the OZAH Zoning Rules of Procedure, a Local Map Amendment application can be amended by-right until 10 days before the public hearing.

### OFFICE OF ZONING AND ADMINISTRATIVE HEARINGS MONTGOMERY COUNTY, MARYLAND

100 Maryland Avenue, Room 200
Rockville, Maryland, 20850
(240) 777-6660
{Form Revised 2-7-19}

OZAH LMA No. H
Date Certified by Planning
Date OZAH Accepts for Filing
Scheduled Hearing Date

#### Application for Local Map Amendment to the Zoning Ordinance Montgomery County, Maryland

Notley Assemblage LLC		
	Name of Applicant(s)	
that portion of the Maryland-Washington	Council for Montgomery County, Maryland, Regional District within Montgomery Cou Election District of Montgomery County and	inty, for the reclassification of
Lot, Block and Subdivision if boundaries conform or a description by metes, bounds, courses and o	m to lot boundaries a subdivision for which a plat is distances, and plat references.	s recorded among the land records,
Part of Lot 1, Part of Lot 2, and Lots 3-5 in the	e "Price's Subdivision" as recorded among the	Montgomery County
Land Records at Plat No. 1767 and two unre	corded parcels (P500 and P529) in "Beall's Mar	nor".
located at 13707, 13711, 13715, 13719, 13727, at	nd 13733 Notley Rd., and 13704 New Hampshire Av	e., Silver Spring, 20904
	street number, or if none, the location with respect to ne	
consisting of 8.97 acres		
Area	in square feet if less than 1 acre, or in acres if one or me	ore
from the R-200	Zone to the CRNF-1.0, C-0.0, R-1.0, H-50'	Zone
Present classification	Requested classification	
	61218, 05-00276130, 05-00276141, 05-00267465, 05-	
Name and address of owner(s), if other than	n applicant_Bernard B. Kaplan, 13715 Notley Rd.,	Silver Spring, MD 20904
Zackary Parzow, 13711 Notley Rd., Silver Spring,	MD 20904	
List all persons having at least a 5% interes purchasers, optional purchasers and person	st in property, including those holding mortgans holding mortgages, etc.	ages, liens, etc., and all contract
Bernard B. Kaplan		
Zackary Parzow		
	dates of filing and actions taken on all application the same larger lot, parcel or tract of land	
Application Number	Date	Action Taken

Please note that if previous Local Map Amendment applications were filed for the subject property, filing of subsequent Local Map Amendment applications are limited as specified in Zoning Ordinance §59.7.2.1.G.

I have read the REVISED NOTICE REGARDING LOCAL MAP AMENDMENT APPLICATIONS FILED AFTER MAY 1, 2014 and the CHECKLIST FOR LOCAL MAP AMENDMENT (LMA) APPLICATIONS accompanying this form on OZAH's website, and I am filing herewith all of the required accompanying information. I hereby affirm that all of the statements and information contained in or filed with this Application are true and correct.

Elizabreth C. Logen		
Signature of Attorney - (Pleas	se print next to signature)	
7600 Wisconsin Ave., Suite	e 700, Bethesda, MD 20814	
Address of Attorney		
301-841-3845	ecrogers@lerchearly.com	
Telephone Number	Email Address	_
David Muller David Muller David Muller 190: 13,7035 19 4 5 5 EDT1		
Signature of Applicant(s) - (F	Please print next to signature)	<del>_</del> 0
Notley Assemblage LLC c	o David Muller, Manager	=3
1910 Association Drive, R	eston, VA 20191	
Address of Applicant(s)		
202-360-5768	dmuller@ryansdev.com	_
Telephone Number	Email Address	
Subscribed and sworn before me	e by the Applicant(s), this <u>13</u> day of <u>October</u>	, 20 <i>.</i> 25 .
DANIELLE MARIE BA NOTARY PUBLIC REGISTRATION #8106 COMMONWEALTH OF VII MY COMMISSION EXPIRES 0	S104 RGINIA Notary Public	

Payment of appropriate filing fee must accompany this application. See Fee Schedule. Twenty-five percent of the specified fee must be paid directly to the Planning Department when this application is submitted for review of completeness. The remaining 75 per cent of the specified fee and all sign fees must be paid directly to OZAH when the application is filed with OZAH after it has been certified by the Planning Department. No part of such fee shall be refunded unless such refund and amount thereof is allowed under Zoning Ordinance Section 59.7.6.5.B.

Applicant is required to post the property covered by this application within 5 days from acceptance of filing, in accordance with Zoning Ordinance Section 59.7.5.2.C., with a sign or signs to be furnished by the Office of Zoning and Administrative Hearings. An affidavit of posting, as required by the Zoning Ordinance, must be presented at the hearing on the application.

Under Zoning Ordinance §59.7.2.1.B.7, new public notice must be provided for any modification to an application requesting an increase in the area proposed to be reclassified or requesting a change to the zoning classification.

# NOTLEY ROAD

# LOCAL MAP AMENDMENT #H-159

#### **DEVELOPMENT TABULATIONS**

Floating Zone Plan Development	<b>Tabulation</b>	ns		
Property Area Data				
Current Zoning	R-200			
Proposed Zoning	CRNF-1.00, C	-0.0, R-1.0, H-50		
Lot/Parcel	SF		Acres	
Lot 1, Price's Subdivision, Plat No. 1767	33,193 sf		0.76 ac	
Lot 2, Price's Subdivision, Plat No. 1767	33,691 sf		0.77 ac	
Lot 3, Price's Subdivision, Plat No. 1767	35,366 sf		0.81 ac	
Lot 4, Price's Subdivision, Plat No. 1767	35,366 sf		0.81 ac	
Lot 5, Price's Subdivision, Plat No. 1767	35,394 sf		0.81 ac	
Parcel 1, Bealls Manor	108,901 sf		2.50 ac	
Parcel 2, Bealls Manor	108,901 sf		2.50 ac	
Prior Dedications				
Notley Road & New Hampshire Ave.	44,442 sf		1.02 ac	
Gross Tract Area	435,254 sf		9.99 ac	
Proposed Dedications [1]				
Notley Road	27,645 sf		0.63 ac	
New Hampshire Ave.	3,200 sf		0.07 ac	
Net Tract Area	359,967 sf		8.26 ac	
TOTAL AREA TO BE RE-ZONED TO CRN	359,967 sf		8.26 ac	
PROPOSED USES				
Residential Units				
Total Units [2]			up to	130 dı

TOTAL AREA	TO BE RE-ZONED TO CRI	N 359,967 ST		8.26 ac	
PROPOSED US	ES				
Residential Ur	nits				
Total U	nits [2]			up to	130 du
Total M	PDU (12.5%)			up to	17 du
DEVELOPMEN	T STANDARDS	Permitted/R	equired	Provided	
5.3.5.A Densit	:y				
Maximum Overall FAR		Established l	by Floating		
		Zone Plan		1.00 FAR	435,254 sf
Comme	rcial			0.00 FAR	0 st
Resider	ntial			1.00 FAR	435,254 st
		Established l	by Floating		
5.3.5.B Buildir	ng Height (max.)	Zone Plan		50 ft [3]	
5.3.5.B Buildir	ng Setbacks (minimum)	Established by Floating From Notley Road (south):		d (south):	
from property boundary		Zone Plan (a	ll others set	Front: 17'	
		by site plan)		Side: 12'	
				From New Hamps	shire Avenue
				(east): 15'	
		l			

Abutting Park or Single-family

Abutting Senior Living: 12'

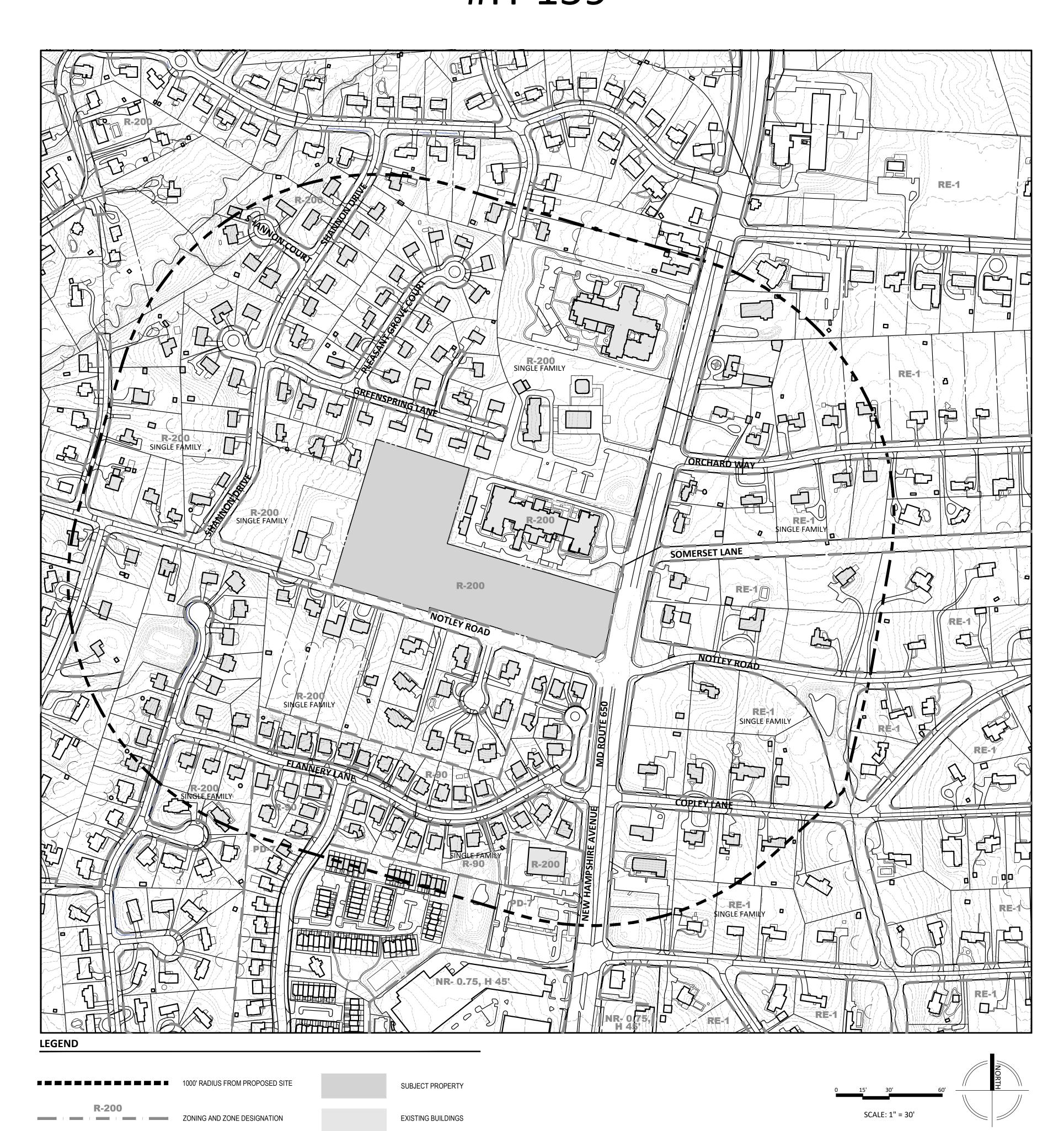
PROPERTY LINE

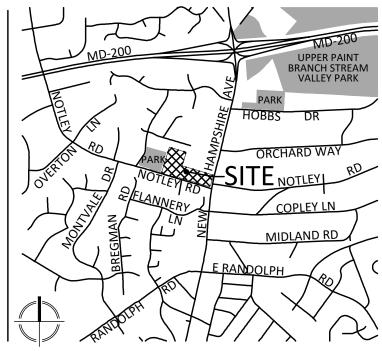
detached homes: 20'

under section 4.5.3C	10%	35,997 sf	10%	35,997 sf
PARKING [4]	Permitted/ F	Required	Provided	
Required Parking	2 per unit (m	inimum)	3.18	per unit
Front Load (22'x40') - 28 Units	56	spaces	56	garage spaces
			56	driveway spaces
Rear Load (20'x40') - 43 Units	86	spaces	86	garage spaces
			82	driveway spaces
Rear Load (16'x40') - 42 Units	84	spaces	42	garage spaces
			37	driveway spaces
Required Parking	1 per unit (m	inimum)		
Rear Load MPDU (14'x40') 17 Units	17	spaces	17	garage spaces
			17	driveway spaces
On-Street Parking			30	spaces
Total Parking	243	spaces	423	spaces

5.3.5.C Lot Size (minimum) 5.5.3.D Open Space provided

- [1] Proposed dedications will be finalized at time of Preliminary Plan
- [2] Final unit building types and quantity to be determined during site plan.
- [3] Maximum four stories. [4] Final parking will be determined at site plan.





#### REFERENCE NOTES

TAX ACCOUNT REFERENCE:

NRI/FSD NO:

WATERSHED:

05-00257477 **CURRENT ZONING:** PROPOSED ZONING:

SEWER SERVICE CATEGORY: SOIL DESIGNATION: FLOODPLAIN ZONE: FIRM COMMUNITY PANEL NO.: [24031C0360D],

WATER SERVICE CATEGORY:

FOR MONTGOMERY COUNTY, MD DATED SEPTEMBER 29, 2006.

#### **GENERAL NOTES**

- 1. THE HORIZONTAL DATUM IS MARYLAND STATE GRID NORTH (NAD83) AND THE VERTICAL DATUM IS NVGD29.
- 2. THE BUILDING FOOTPRINTS AND LOTS SHOWN ON THE FLOATING ZONE PLAN ARE ILLUSTRATIVE. FINAL BUILDING LOCATIONS, RELATED DETAILS SUCH AS UTILITIES AND GRADING WILL ULTIMATELY BE DETAILED AND DETERMINED AT TIME OF SITE PLAN. PLEASE REFER TO THE ZONING DATA TABLE FOR DEVELOPMENT STANDARDS SUCH AS SETBACKS. THE AREAS ATTRIBUTABLE TO THE VARIOUS USES AND THE AMOUNT OF THEIR
- 3. EXHIBITS ARE ILLUSTRATIVE AND MAY BE REVISED BY SUBSEQUENT ENTITLEMENT REVIEWS AND APPROVALS.

#### SHEET INDEX

FZP-1 COVER SHEET FZP-2 FLOATING ZONE PLAN FZP-3 ROAD SECTIONS

#### SUPPORTING DRAWINGS SHEET INDEX

APPROVED NRI/FSD SCHEMATIC STORMWATER MANAGEMENT PLAN FIRE ACCESS PLAN CONCEPT GRADING AND UTILITIES PLAN

#### SUPPLEMENTAL DRAWINGS SHEET INDEX

CIRCULATION PLAN OPEN SPACE PLAN **RECREATION PLAN** 

## **NOTLEY ROAD**

**5TH ELECTION DISTRICT** MONTGOMERY COUNTY, MARYLAND WSSC GRID: 218NE01

#H-159

#### BINDING ELEMENTS

- THE MAXIMUM BUILDING HEIGHT IS LIMITED TO 4 STORIES.
- THE USE OF THE PROPERTY WILL BE LIMITED TO RESIDENTIAL. A 6' FENCE WILL BE PROVIDED ALONG THE PROPERTY LINE
- NO ASSEMBLAGE OF UNITS ALONG NOTLEY ROAD MAY HAVE A COMBINED WIDTH GREATER THAN 100' MEASURED ALONG THE FOUNDATION OF THE GROUP OF UNITS.

SHARED WITH ALL DETACHED RESIDENTIAL UNITS.

PROJECT VM50728

SHEET NO.

**NOT FOR CONSTRUCTION** 

"FOR LOCATION OF UTILITIES CALL 8-1-1 or 1-800-257-7777 OR LOG ON TO www.call811.com or http://www.missutility.ne 48 HOURS IN ADVANCE OF ANY WORK IN THIS VICINITY" The excavator must notify all public utility companies with underground facilities in the area of proposed excavation and have those facilities

located by the utility companies prior to commencing excavation. The excavator is responsible for compliance with requirements of Chapter 36A of the Montgomery County Code. AYOUT: FZP—1, Plotted By: ron.sumangil

1910 ASSOCIATION DRIVE RESTON, VA 20191 202.360.5768 VICINITY MAP CONTACT: DAVID MULLER e-mail: DMuller@ryansdev.com SCALE: 1" = 2000' PLANNER & CIVIL ENGINEER: VIKA MARYLAND, LLC 20251 CENTURY BLVD 05-002674676, 05-00267454, 05-00267465, SUITE 400 05-00276141, 05-00276130, 05-00261218, GERMANTOWN MD, 20874 301.916.4100 CRNF-1.00, C-0.00, R-1.00, H-50 CONTACT: CHANDA BEAUFORT, R.L.A or LOGAN B. KELSO, P.E.

NORTHWEST BRANCH/PAINT BRANCH

VIKA MARYLAND, LLC 20251 CENTURY BLVD SUITE 400 GERMANTOWN MD, 20874 301.916.4100 CONTACT: ESRA SOYTUTAN, RLA, LEED AP ND

> LERCH, EARLY & BREWER, **7600 WISCONSIN AVE**

soytutan@vika.com

SUITE 700 BETHESDA MD, 20814 301.986.1300 CONTACT: ELIZABETH C. ROGERS, ATTY ecrogers@lerchearly.com TRAFFIC ENGINEER:

20251 Century Blvd., Suite 400

4041 Powder Mill Rd., Suite 215

NOTLEY ASSEMBLAGE LLC

Germantown, MD 20874

301.916.4100 | vika.com

Beltsville, MD 20705 240.848.7433 | vika.com Our Site Set on the Future.

PREPARED FOR:

beaufort@vika.com

LANDSCAPE ARCHITECT:

kelso@vika.com

**GOROVE SLADE** 4550 MONTGOMERY AVE SUITE 400 BETHESDA MD, 20814 202.540.1927

CONTACT: KATIE WAGNER, P.E. klw@goroveslade.com

REVISIONS

TAX MAP: JR52

COVER

SHEET

PROFESSIONAL SEAL

DRAWINGS OR DOCUMENTS ARE PROPRIETARY TO VIKA MARYLAND, LLC AND CONSTITUTE ITS PROPRIETARY INTELLECTUAL PROPERTY. THESE DRAWINGS AND/OR DOCUMENTS MUST NOT BE FORWARDED, SHARED COPIED, DIGITALLY CONVERTED, MODIFIED OR USED FOR ANY PURPOSE, IN ANY FORMAT, WITHOUT PRIOR WRITTEN AUTHORIZATION FROM VIKA MARYLAND, LL
VIOLATIONS MAY RESULT IN PROSECUTION. ONLY APPROVED, SIGNED AND SEALED PLANS OR DRAWINGS
MAY BE UTILIZED FOR CONSTRUCTION PURPOSES.

DRAWN BY: SG/RS DESIGNED BY: <u>JS/CSB</u> DATE ISSUED: <u>04/17/2025</u>

DRAWING FZP-01