






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

MCPB
Item #13
Date: 4/12/07

MEMORANDUM: SPECIAL EXCEPTION

DATE: April 2, 2007
TO: Montgomery County Board of Appeals
VIA: Rose Krasnow, Division Chief 
Ralph Wilson, Acting Zoning Supervisor 
FROM: Carlton W. Gilbert, Planner Coordinator 
Development Review Division (301-495-4576)
REVIEW TYPE: Special Exception
APPLYING FOR: Major Home Occupation
APPLICANT: Deborah K. Prettyman
CASE NUMBER: S-2688
REVIEW BASIS: Chapter 59, Zoning Ordinance
ZONE: RE-2C
LOCATION: 10948 Bellehaven Boulevard
Damascus, MD
MASTER PLAN: Damascus Master Plan, 2006
FILING DATE: September 29, 2006
PUBLIC HEARING: April 27, 2007 - 9:30 a.m. at the Hearing Examiner

STAFF RECOMMENDATION: APPROVAL of the special exception petition for a major home occupation at 10948 Bellehaven Boulevard, in Damascus. The following operational limitations apply:

1. The major home occupation (financial services business) must be limited to a maximum of 1,052 square feet in the basement of the dwelling;
2. There must be no more than two (2) non-resident employees on the premises per day;
3. Clients and visitors are by appointment only. During tax season (January through April), there must be no more than a total of eight (8) client visits per day. In the off-season, there must not be more than a total of two (2) visits per day. Not more than 2 clients may visit the property at any one time during the tax season or during the off-season;
4. The applicant must maintain a written log of all arrivals and departures associated with the use, including employees, clients, visitors, deliveries and

pick-ups. The log must show names, appointment times, and arrival and departure times. The log must be available for inspection by County authorities at all times.

5. The hours of business operation during tax season (January – April) are from 9:00 a.m. to 7:00 p.m., Monday through Saturday, and from 9:00 a.m. to 4:00 p.m., Monday through Thursday during the off-season; and
6. All evidence, testimony and exhibits of record are binding on the applicant.

In staff's view, the establishment of a major home occupation (financial services business) at the existing residence with operational limitations recommended by staff, will not constitute a nuisance because of traffic or physical activity and will not adversely affect the residential character of the neighborhood. The use at the proposed location satisfies the specific special exception requirements of 59-G-2.29 for a major home occupation.

PROJECT SUMMARY

The applicant, Deborah Prettyman, requests a special exception to permit a major home occupation (financial services business) at 10948 Bellehaven Boulevard in Damascus. The subject property is known as part of Lot 44, Block E in the Spring Gardens Estate Subdivision. The property is zoned RE-2C and contains approximately 31,684 square feet of land. The property is improved with a two-story single family dwelling with a basement that contains a total floor area of approximately 5,120 square feet. The dwelling is setback approximately 60 feet from the front property line, approximately 40 feet from the right side lot line and approximately 56 feet from the left side lot line. A covered porch is attached to the rear of the dwelling and is located approximately 100 feet from the rear lot line. Parking for the dwelling is provided on-site in an existing two-car garage and asphalt driveway. The existing driveway measures approximately 60 feet in depth by 20 feet in width. The driveway is large enough to accommodate four (4) parked cars. The front, side and rear yards of the property are landscaped with mature trees, shrubs and flowers.

Neighborhood Description

The Spring Garden Estates neighborhood surrounding the subject property is bordered by Kingstead Road to the north, John H. Haines Park to the east, Middleboro Drive to the south and Kings Valley Road to the west. The immediate and surrounding neighborhood land is zoned RE-2C and R-200. Single-family detached dwellings with two-car garages are present on both sides of Bellehaven Boulevard. There are no special exceptions in the immediate neighborhood.

Elements of the Proposal

The applicant owns and operates a financial services business known as American Financial Services Business. On April 3, 2006, a notice of violation was issued to the applicant for operating a major home occupation in a RE-2C zone without special exception approval. The applicant is requesting a special exception to operate a financial services business in the basement of her residence located at 10948 Bellehaven Boulevard. The business provides a variety of services for both private individuals and small businesses. A portion of the basement, approximately 1,052 square feet, will be used for business/office activities. The proposed office will contain computer equipment, general office supplies, desks and chairs. The office contains a waiting area and workspace for the applicant and employees. The applicant proposes to limit the use to two (2) non-resident employees to support the business. There will be one (1) full-time employee and two (2) part-time employees. According to the applicant, the two part-time employees do not have the same work schedule and will not be working at the office at the same time.

During tax season (January – April), the applicant proposes to limit the hours of operation from 9:00 a.m. to 7:00 p.m. daily, Monday through Saturday, and from 9:00 a.m. – 4:00 p.m., Monday through Thursday during the off-season. In addition, the applicant is proposing to limit the number of clients or visits per day to eight (8) during tax season and no more than two (2) clients or customers visiting the office during the off-season. Both during tax season and in the off-season, there will be no more than two (2) clients or customers visiting the property at the same time.

PARKING

Under section 59-G-2.29(j)(1), there must be one parking space for each non-resident employee plus one parking space for every client or customer allowed by the conditions of the special exception to visit in any one-hour period. These spaces must be in addition to the number of spaces required for the residential use of the property. A total of six (6) parking spaces (2 for the residential use, 2 for each non-resident employee, and 2 for the number of clients) are required. The proposed major home occupation provides two (2) garage parking spaces that serve the residential use and resident operator of the business. The existing driveway provides adequate space for four (4) on-site parking spaces. Additionally, there is availability of two (2) on-street parking spaces in front of the dwelling.

Staff believes that the vehicles parked in the garage and in the driveway will appear as a typical residential parking configuration and not adversely affect the residential nature of the surrounding uses. Furthermore, staff believes that parking on the side or rear yard of the property would require additional impervious surface to accommodate expanded driveways and begin to change the appearance of the neighborhood, and would not be supported by staff.

LANDSCAPE AND LIGHTING

The subject property contains several mature trees, shrubs and flowers in the front, side and rear yards. The landscaping as shown on the site plan provides adequate screening and shade for the existing driveway. There are three (3) 60-watt lights (one porch and two garage door lights) shown at the front of the dwelling. No additional lighting is proposed for the proposed major home occupation.

ADDITIONAL REVIEW REQUIREMENTS

The subject property consists of one recorded lot. Neither subdivision nor site plan review is required to accommodate the requested special exception.

Analysis

Master Plan

The site is situated within the Adopted and Approved Damascus Master Plan (2006) area. According to the Master Plan, the subject property is located in the neighborhood transition area. The Plan is silent on special exceptions within the neighborhood transition area. This Plan reconfirmed the RE-2C zoning for the subject property. There are no master plan implications associated with this application. (See Attached Memo)

Transportation

The application meets the transportation-related requirements of the APF test. Based on information submitted by the applicant, the Petitioner will have two full-time equivalent employees and a limited number of visitors during the weekday. The site would generate few peak-hour vehicle trips (2 to 3 during tax season, mid-January through mid-April) during the weekday morning (6:30 a.m. to 9:30 a.m.) and evening (4:00 p.m. to 7:00 p.m.) peak periods. Therefore, no traffic study is required to satisfy the Local Area Transportation Review test. Access to the site is provided from Bellehaven Boulevard. Bellehaven Boulevard is built as a tertiary residential street with a reduced width right-of-way and connects to Kingstead Road, a primary residential street, via Greensboro Drive. The site has four (4) off-street parking spaces and on-street parking is also available. There are no sidewalks on either side of Bellehaven Boulevard and little pedestrian activity in the vicinity of the site and this situation will not change with the proposed use under the subject special exception. Staff finds the existing access to be safe and adequate to accommodate the requirements of the site.

Staff concludes that the approval of the subject special exception petition will not adversely affect the surrounding roadway system.

Environment

There are no environmental issues or concerns associated with the subject proposal. No environmentally sensitive areas are located on the property. This special exception is exempt from forest conservation law as the proposed use will not result in clearing of any existing forest or trees.

Development Standards

The subject property is located in the RE-2C zone, which permits the proposed use by special exception. The lot was created through an RE-2C cluster development. The proposal conforms to all applicable current development standards of the RE-2C cluster development standards. The following table summarizes the relevant development standards for the RE-2C zone that are applicable to the proposed special exception request:

Development Standards	Required (current)	Proposed/Existing
Minimum Lot Area	25,000 sq. ft.*	31,684 sq. ft.*
Minimum Lot Width		
• At front building line	150 feet	150 feet
• At street line	25 feet	118 feet
Minimum Building Setback:		
Front Yard	40 feet	60.5 (approx.)*
Side Yards		
• Left side	15 feet*	40 feet*
• Right side	15 feet*	50 feet*
Rear Yard	50 feet*	100 feet (approx.)*
Maximum Bldg. Height	2 stories or 35 feet	25 feet (approx.)
Maximum Bldg. Coverage	25 percent	8 % (approx.)

*As stated above, the lot was created through an RE-2C cluster development per a record plat known as Plat 8, Lots 37-47, Block E, Spring Garden Estates dated April, 1986. The dwelling was constructed in 1988. The existing setbacks and relevant development standards are in compliance with the RE-2C cluster development standards.

Community Concerns

Attached are several letters in support of the major home occupation request. There is no evidence of concern or objection from adjoining neighbors regarding the use and operation of a financial services business.

Conclusion

Staff recommends approval of the major home occupation office, subject to the conditions noted on the first page of the technical staff report. The special exception as proposed will have no adverse impact on the surrounding neighborhood and will serve the needs of residents in the vicinity and Montgomery County residents in general.

Montgomery County Zoning Ordinance

Conditions of Approval

Section 59G-1.2 of the Zoning Ordinance contains certain standards for approval of any Special Exception. The proposed special exception is consistent with these requirements and meets the conditions for approval as described below:

Sec. 59-G-1.2. Conditions for granting.

59-G-1.2.1. Standard for evaluation

A special exception must not be granted without the findings required by this Article. In making these findings, the Board of Appeals, Hearing Examiner, or District Council, as the case may be, must consider the inherent and non-inherent adverse effects of the use on nearby properties and the general neighborhood at the proposed location, irrespective of adverse effects the use might have if established elsewhere in the zone. Inherent adverse effects are the physical and operational characteristics necessarily associated with the particular use, regardless of its physical size or scale of operations. Inherent adverse effects alone are not a sufficient basis for denial of a special exception. Non-inherent adverse effects are physical and operational characteristics not necessarily associated with the particular use, or adverse effects created by unusual characteristics of the site. Non-inherent adverse effects, alone or in conjunction with inherent adverse effects, are a sufficient basis to deny a special exception.

Analysis of inherent and non-inherent adverse effects considers size, scale, scope, light, noise, traffic and environment. These criteria are used to identify the physical and

operational characteristics of the use. Any special exception may have some or all of these effects in varying degrees. What must be determined during the analysis is whether these effects are acceptable or will create adverse impacts sufficient to result in a denial. To that end, inherent adverse effects associated with the use must be determined.

Applying the above analysis to this case, the staff finds:

The inherent adverse effects, generic physical and operational characteristics associated with a major home occupation use include associated parking, lighting, and noise generated by clients and vehicular trips to and from the site. There are no significant transportation impacts that would result from the proposed special exception. Adequate parking is available on-site as well as on the street. There will be no changes to the existing dwelling, or driveway. Existing lighting on the property is adequate and consistent with the character of the neighborhood. All of the lighting fixtures are mounted on the front of the dwelling. No new lighting will be added. The front and rear yards are well landscaped with mature trees. Flowers and shrubbery are located in the front, side and rear of the dwelling.

Provided that the applicant complies with the recommended conditions, there will be no unacceptable inherent impacts associated with the subject proposal that warrant denial.

59-G-1.21. General conditions.

(a) A special exception may be granted when the Board, the Hearing Examiner, or the District Council, as the case may be, finds from a preponderance of the evidence of record that the proposed use:

(1) Is a permissible special exception in the zone.

Section 59-C.131(d) permits major home occupations in the RE-2C zone by special exception.

(2) Complies with the standards and requirements set forth for the use in Division 59-G-2. The fact that a proposed use complies with all specific standards and requirements to grant a special exception does not create a presumption that the use is compatible with nearby properties and, in itself, is not sufficient to require a special exception to be granted.

The special exception as proposed complies with the standards and requirements set forth in Section 59-G-2.29 of the Zoning Ordinance as described below.

(3) Will be consistent with the general plan for the physical development of the District, including any master plan adopted by the Commission. Any decision to grant or deny a special exception must be consistent with any

recommendation in a master plan regarding the appropriateness of a special exception at a particular location. If the Planning Board or the Board's technical staff in its report on a special exception concludes that granting a particular special exception at a particular location would be inconsistent with the land use objectives of the applicable master plan, a decision to grant the special exception must include specific findings as to master plan consistency.

The 2006 Damascus Master Plan reconfirmed the RE-2C zoning for the subject site. There are no master plan issues associated with this application.

- (4) *Will be in harmony with the general character of the neighborhood considering population density, design, scale and bulk of any proposed new structures, intensity and character of activity, traffic and parking conditions and number of similar uses.*

The proposed major home occupation will be in harmony with the general character of the neighborhood. The proposed special exception will not increase the intensity of activity or traffic and will provide parking in such a manner as to not affect parking conditions in the neighborhood. Four parking spaces plus two garage spaces will be provided on-site and the applicant is not proposing any new parking. The applicant does not intend to change, alter, or modify the exterior of the building. The activities related to the financial services business will occur entirely within the basement of the dwelling. The applicant will retain the single-family character and residential appearance of the building.

- (5) *Will not be detrimental to the use, peaceful enjoyment, economic value or development of surrounding properties or the general neighborhood at the subject site, irrespective of any adverse effects the use might have if established elsewhere in the zone.*

The proposed special exception will not be detrimental to the use, peaceful enjoyment, economic value or development of surrounding properties of the general neighborhood. Activities related to the proposed use will occur entirely indoors in the basement of the dwelling, except for the arrival /departure of clients and employees. The surrounding neighbors have submitted letters in support of the applicant's proposal stating that there are no issues or concerns with the use.

- (6) *Will cause no objectionable noise, vibrations, fumes, odors, dust, illumination, glare, or physical activity at the subject site, irrespective of any adverse effects the use might have if established elsewhere in the zone.*

The proposed major home occupation will not cause objectionable noise, vibrations, fumes, odors, dust, illumination, glare or physical activity any different than if established elsewhere in the zone. Physical activities will be limited to the interior of the building. Deliveries will be for routine office supplies and/or delivery of mail.

- (7) *Will not, when evaluated in conjunction with existing and approved special exceptions in any neighboring one-family residential area, increase the number, intensity, or scope of special exception uses sufficiently to affect the area adversely or alter the predominantly residential nature of the area. Special exception uses that are consistent with the recommendations of a master or sector plan do not alter the nature of an area.*

The proposed special exception will not increase the number, intensity, or scope of special exception uses sufficiently to affect the area adversely or alter its residential nature. There are no other special exception uses within the neighborhood.

- (8) *Will not adversely affect the health, safety, security, morals or general welfare of residents, visitors or workers in the area at the subject site, irrespective of any adverse effects the use might have if established elsewhere in the zone.*

The special exception as proposed will not adversely affect health, safety, security, morals or general welfare of residents, visitors or workers in the area. The use will be in harmony with other activities in the immediate area.

- (9) *Will be served by adequate public services and facilities including schools, police and fire protection, water, sanitary sewer, public roads, storm drainage and other public facilities.*

The subject property is currently served by adequate public water and sewer. The area is served by police and fire protection.

Sec. 59-G-2.29. Home occupation, major.

The use of a dwelling for a major home occupation, including a professional or home health practitioner's office that is not in accordance with Sections 59-A-3.4 and 59-A-6.1, may be allowed, subject to the following provisions:

(a) The use must be clearly subordinate to the use of the dwelling for residential purposes. The amount of floor area used for the major home occupation must not exceed 33 percent or 1,500 square feet, whichever is less, of the total floor area of the dwelling unit and any existing accessory building on the same lot or parcel. Any enlargement of the total floor area resulting from construction completed on or after the date of application for the special exception or within 18 months immediately preceding the application must be excluded from the total floor area on which this calculation is based.

The total area of the dwelling is 5,120 square feet. The area proposed for the special exception is 1,052 square feet, which is only 21% of the total area of the dwelling unit on the property.

(b) The use must be conducted within the dwelling unit or any existing accessory building and not in any open yard area of the lot or parcel on which the dwelling is located. Exterior storage of goods or equipment is not permitted. No separate detached building may be constructed on the lot or parcel for the express purpose of specifically operating the home occupation. No more than one existing accessory building may be used for this purpose. The use may, however, involve off-site activities such as sales, client contact and other matters related to the home occupation.

The applicant does not propose any modifications to the exterior of the dwelling. As proposed, the major home occupation will be conducted within the dwelling.

(c) The Board may grant a special exception for a major home occupation on the same property as a registered home occupation, if it finds that both together can be operated in accordance with the provisions of this section and Section 59-G-1.2, title "Conditions for Granting." The Board must not grant a special exception for more than one major home occupation on the same property or approve such a use if the property is also approved for a different special exception in accordance with this Division 59-G-2.

There are no other special exceptions or registered home occupations proposed for the property.

(d) The home occupation office must be conducted only by members of the family, as defined in Section 59-A-2.1, residing in the dwelling and a maximum of 2 nonresident employees or associates to be determined by the Board, taking into account the impact on neighboring residences of the resultant parking and traffic. The Board may allow more than 2 nonresident employees for a health practitioner's practice; however, no nonresident health practitioner is allowed. In any case where customers, clients or patients visit the dwelling, there must be no more than 2 resident operators of the home occupation or 2 resident health practitioners or other professionals practicing in the dwelling; abuse of this exemption may lead to revocation of the Certificate of Registration.

The applicant is the only resident that will be working for the financial services business. In addition to the applicant, there will be two full-time equivalent non-resident employees. One filled by a full-time person and the other filled by 2 part-time employees. According to the applicant, the two part-time employees do not have the same work schedule and, as such, will not be working for the business at the same time. Therefore, there will only be two non-resident employees on the property at any given time.

(e) Clients, customers, patients or other visitors in connection with the home occupation must visit by appointment only. The Board may specify the hours during which they may visit and may limit the number of clients, customers, patients, or other visitors during those periods. An indoor waiting room must be provided. In the case of a home health practitioner, as defined in Section 59-A-2.1, emergency patients may visit outside the specified hours or without appointment; abuse of this exemption may lead to revocation of the special exception.

As proposed, any client, customer, or any other visitor to the financial services business will only visit the property by appointment. During tax season (January through April), the office will be open Monday through Saturday from 9:00 a.m. until 7:00 p.m. During the off-season (May through December), the office hours of operation will be Monday through Thursday from 9:00 a.m. until 4:00 p.m. An indoor waiting area will be provided within the office. According to the applicant, a maximum of eight (8) clients will visit the office each day during tax season. In the off-season, the number of client visits to the office will be reduced to two (2) per day. There will be no more than 2 clients or customers visiting the property at any given time.

(f) No equipment or process that creates noise, vibration, glare, fumes, odors or electrical or electronic interference detectable at or beyond the lot line is allowed as part of the special exception activity, nor is it allowed to involve use, storage or disposal of:

- (1) A quantity of a petroleum product sufficient to require a special license or permit from the fire marshal; or
- (2) Any material defined as hazardous or required to have a special handling license by the Montgomery County Code, as amended, or the Annotated Code of Maryland, as amended, except that disposal of medical waste must be regulated as provided in Maryland State Laws and Regulations.

No such equipment or material will be used, and the applicant complies with this requirement. The only materials that will be stored on the property associated with the proposed special exception are general office supplies, such as personal computers, printers, fax machines, telephones, and typewriters.

- (g) The only allowable equipment or facilities are those needed for:
- (1) Domestic or household purposes;

(2) General office purposes, such as but not limited to a personal computer, calculator, word processor, or typewriter; or

(3) Art or handicraft equipment, such as but not limited to a hand loom, spinning wheel, kiln, or woodworking tools.

(4) In the case of a home health practitioner, as defined in Section 59-A-2.1, medical equipment may also be used, subject to the provisions of Paragraph (f), above.

The application proposes only to use equipment for general offices purposes, and complies with this requirement.

(h) The sale of goods on the premises is prohibited, except for:

(1) The products of dressmaking, hand-weaving, block-printing, the making of jewelry, pottery or musical instruments by hand, or similar arts or handicrafts performed by a resident of the dwelling; or

(2) No more than 5 sales per month of items customarily ordered for delivery to customers at off-site locations.

No sale of goods is proposed, and thus the application complies.

(i) Display or storage of goods is prohibited except for:

(1) Such handmade items as are enumerated in paragraph (h)(1) above; or

(2) Samples of merchandise that may be ordered by customers to whom it will be delivered at off-site locations, or merchandise awaiting such delivery.

No goods or display items will be stored or displayed on the site.

(j) Except as provided in Paragraph (2), off-street parking must be provided on-site in accordance with the relevant provisions of Article 59-E, as follows:

(1) For a home health practitioner, the Board may require the number of spaces specified in Section 59-E-3.7 for "office, medical practitioner." Alternatively, and for any other use encompassed by this Section 59-G-2.29, there must be one parking space for each nonresident employee or associate plus one parking space for every client or customer allowed by the conditions of the special exception to visit in any one-hour period. These spaces must be in addition to the number of spaces required for the residential use of the property.

(2) In determining the necessary amount of on-site parking, the Board may take into account the availability of on-street parking spaces, but on-street parking must not be allowed in connection with the home occupation or professional office if it will have an adverse impact on neighboring residences.

(3) Screening must be provided in accordance with Section 59-E-2.83. The required spaces must be located in the side or rear yard, except that the Board may approve parking in a driveway traversing the front yard if it finds that there is inadequate space for the parking or necessary screening in the side or rear yard, and the front-yard driveway can be screened in accordance with Section 59-E-2.83. If an applicant can establish, to the satisfaction of the Board, that a front-yard parking area was

constructed prior to February 5, 1990, in order to satisfy the parking requirements for a residential professional office as a permitted use, the Board may waive the requirement for side or rear yard parking if it finds that such action will not have an adverse impact on neighboring residences.

The proposed major home occupation provides four (4) on-site parking spaces in the driveway. The garage provides two (2) additional spaces that serve the residential use and also the resident operator of the business. The vehicles parked in the four (4) driveway spaces appear as a typical residential parking configuration, and therefore, will not adversely affect the residential nature of the surrounding uses. In addition, there is on-street parking available in front of the subject property. Staff finds the existing on-site parking six (6) spaces adequate for the proposed special exception use.

- (k) In the Residential One-Family Zones regulated by Section 59-C-1.3 and in recorded residential subdivisions in the Agricultural Zones regulated by Division 59-C-9, any commercial vehicle that is parked or garaged on-site in connection with the home occupation must comply with the regulations for commercial vehicles in section 59-C-1.31, title "Land Uses." In the Townhouse and Multiple-Family Zones regulated by Sections 59-C-1.7 and 59-C-2.3, respectively, one commercial vehicle may be parked on-site in connection with the home occupation if parked in a garage.

There will be no commercial vehicles parked on the site.

(l) The Board may restrict deliveries by truck in volume and frequency and may limit them to deliveries by public or private services that also deliver to private homes. There will be no deliveries by truck other than UPS, Federal Express, etc..

(m) Reserved.

(n) A special exception for a major home occupation is granted for a two-year period and the special exception may be renewed if it is operated in compliance with the findings and conditions of the Board in the initial grant and satisfies the compliance procedures specified by Section 59-G-1.3. The public hearing on the renewal may be waived by the Hearing Examiner if the inspection of the premises indicates that the special exception is in compliance with the conditions established by the Board of Appeals and the parties entitled to notice are given an opportunity to request a hearing and fail to do so.

The applicant must so note to the above. This is the applicant's fist application for the Major Home Occupation.

(o) In those zones where a professional office for a resident of a dwelling was permitted by right prior to February 5, 1990, and if a use-and-occupancy permit for the professional office was issued prior to February 5, 1990, the office may be continued as

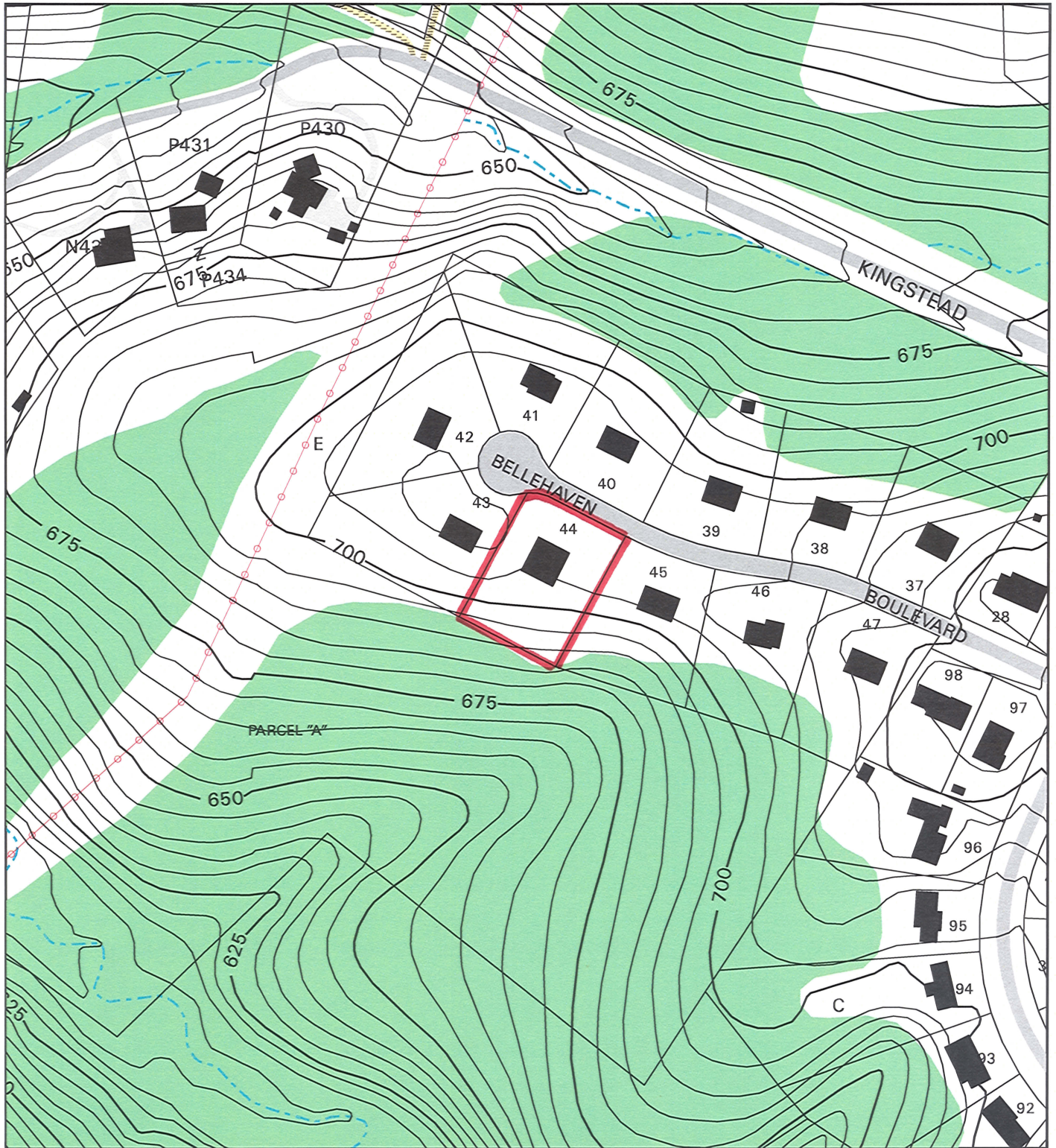
a nonconforming use, as provided in Division 59-G-4. (See Section 59-C-1.31, 59-C-2.3 or 59-C-9.3.)

Not applicable.

LIST OF ATTACHMENTS

1. Location Map
2. Neighborhood Map
3. Zoning Map
4. Site Plan
5. Floor Plan
6. Photographs
7. Violation Notice
8. Letters of Support
9. Community-Based Planning Memo
10. Transportation Planning Memo

S-2688



Map compiled on April 03, 2007 at 12:46 PM | Site located on base sheet no - 235NW11

NOTICE

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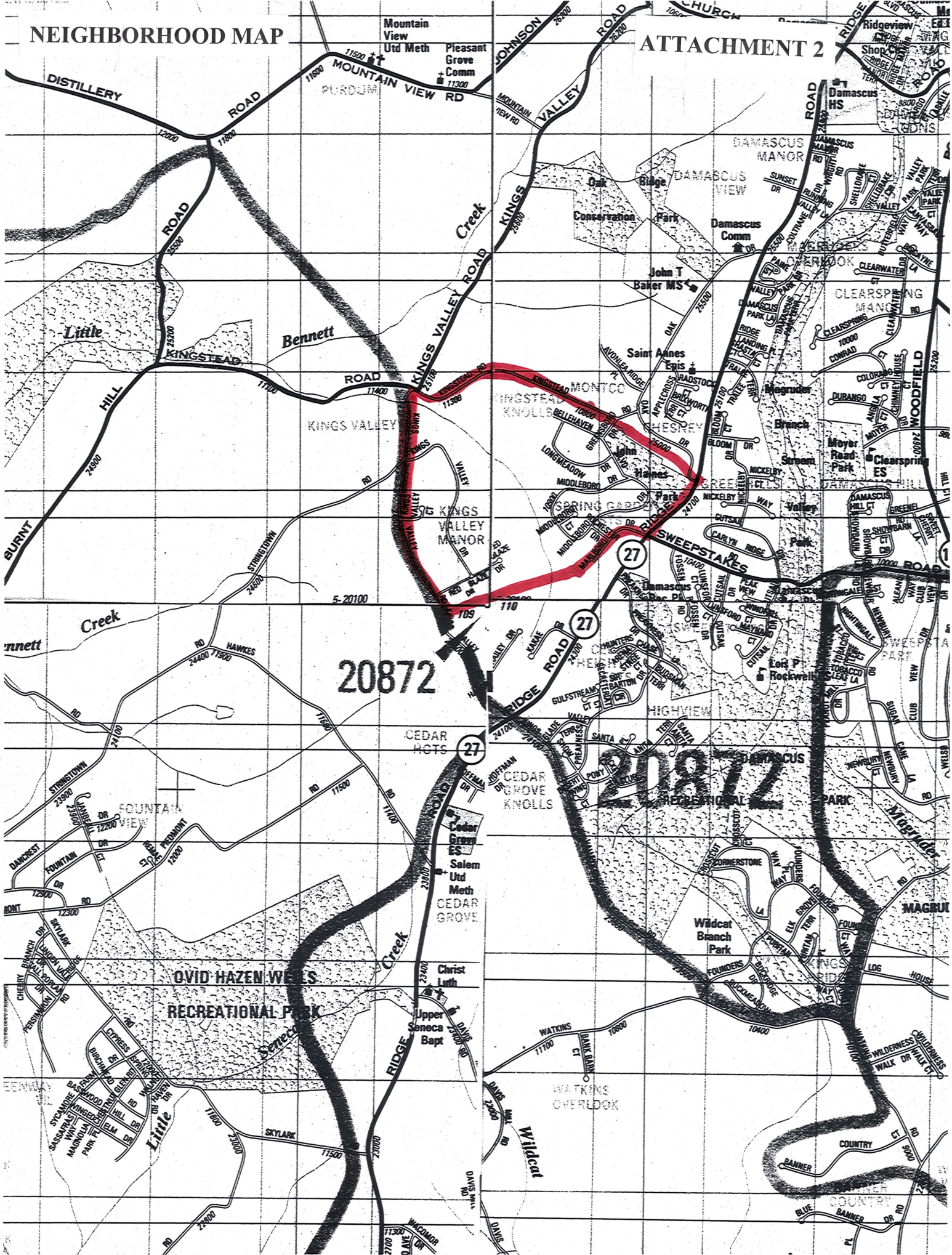
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Research & Technology Center

1 inch = 200 feet
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NEIGHBORHOOD MAP

ATTACHMENT 2



20872

20872

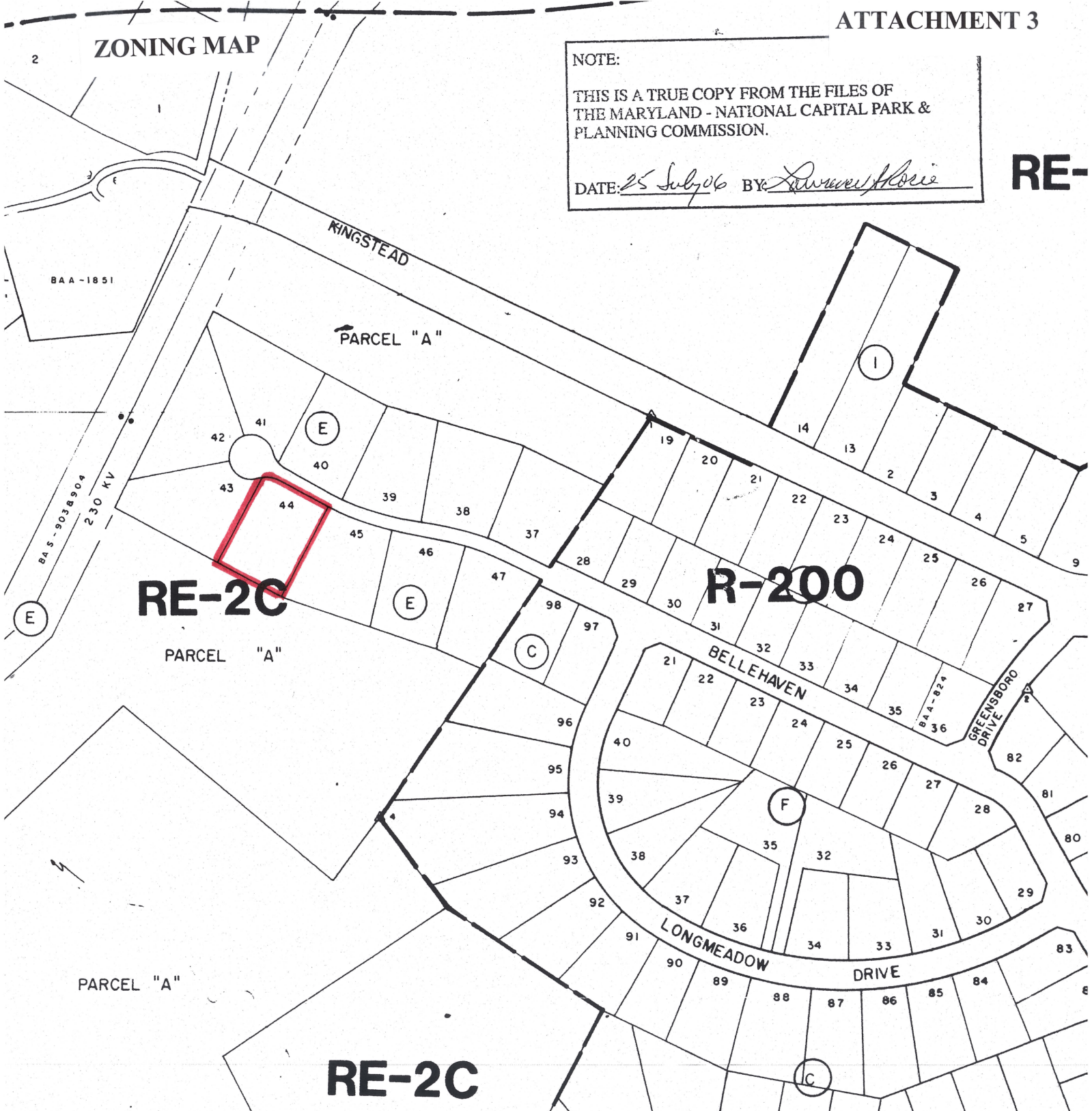
ZONING MAP

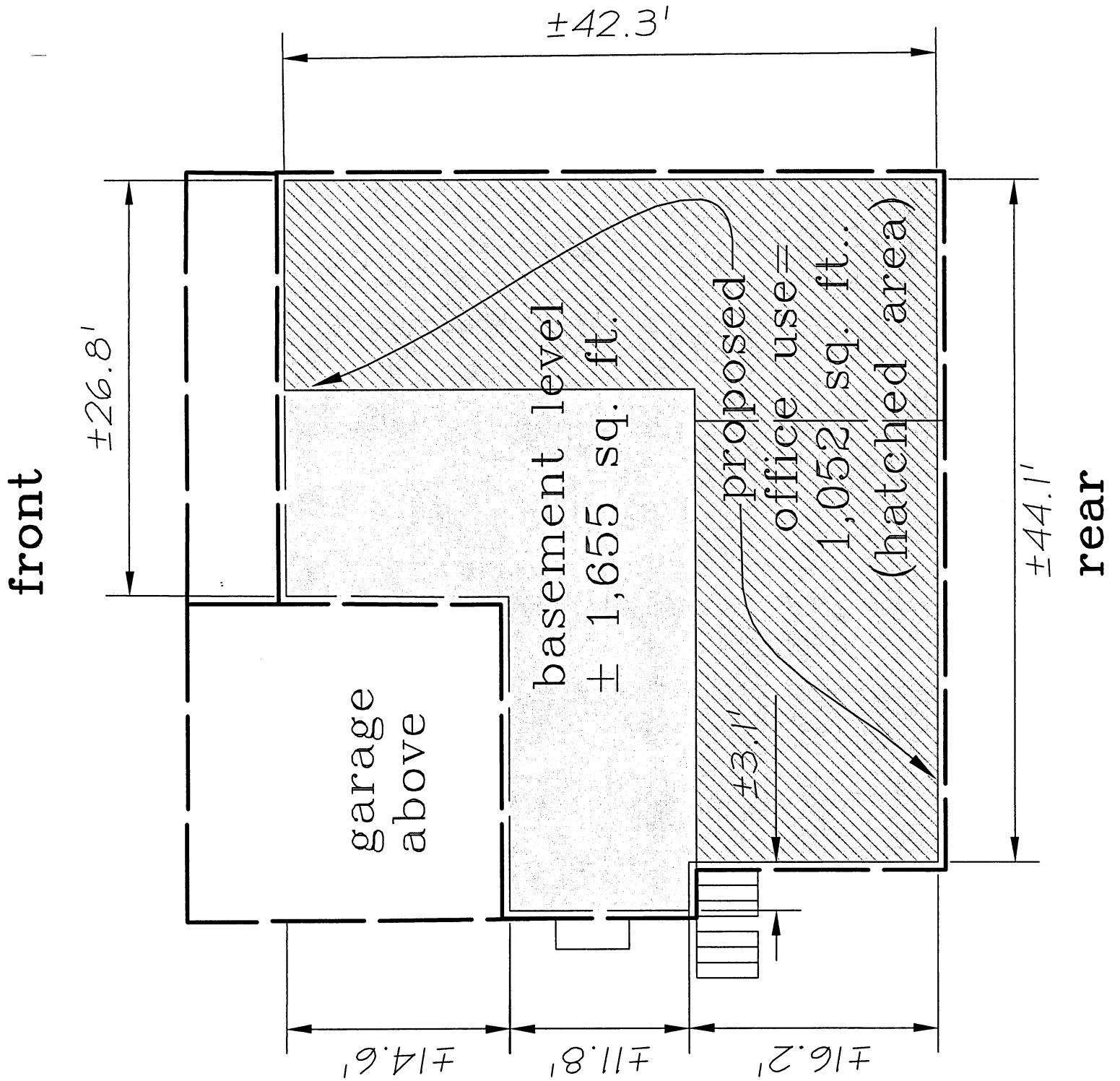
NOTE:

THIS IS A TRUE COPY FROM THE FILES OF THE MARYLAND - NATIONAL CAPITAL PARK & PLANNING COMMISSION.

DATE: 25 July 06 BY: *Sumner Horie*

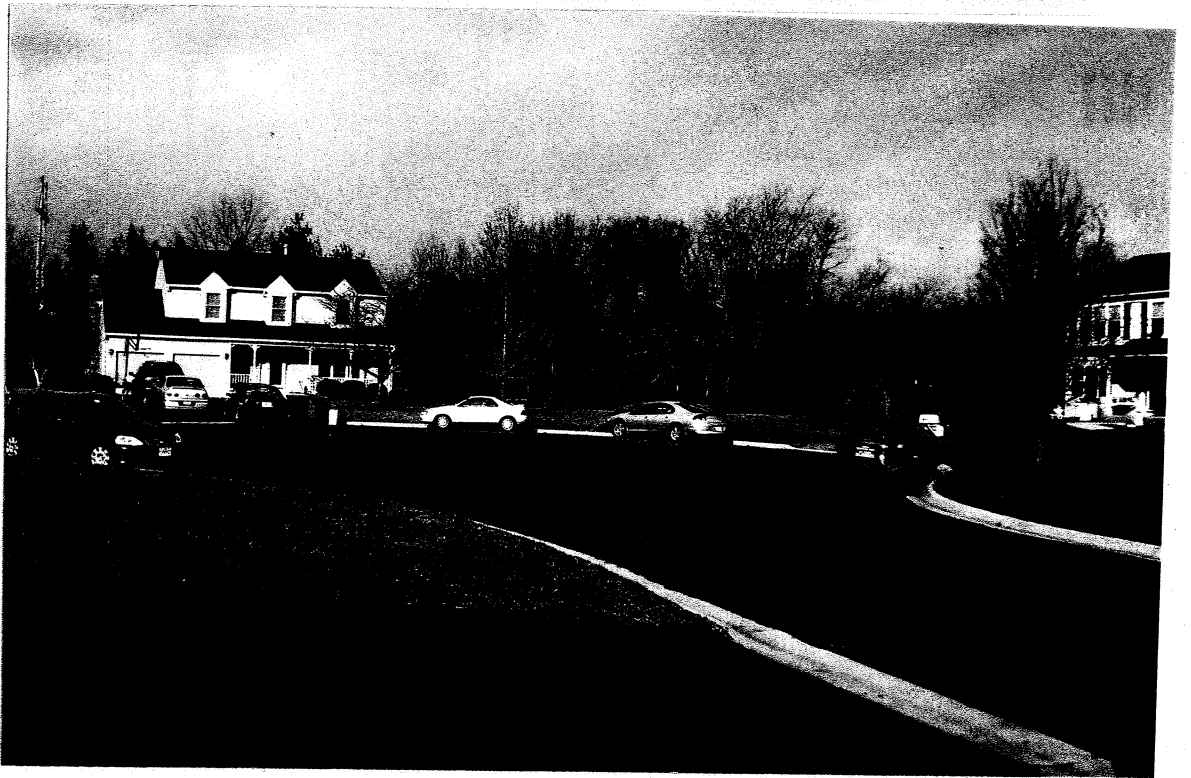
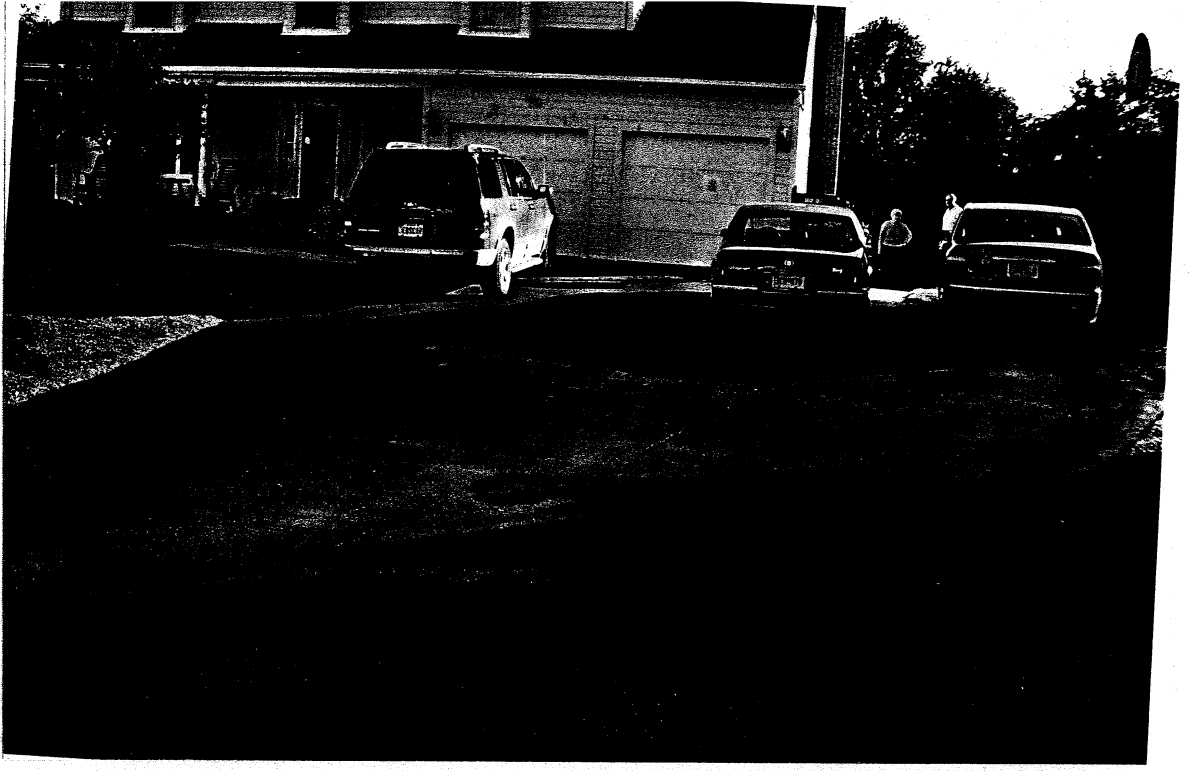
RE-





PHOTOGRAPHS

ATTACHMENT 6





MONTGOMERY COUNTY
DEPARTMENT OF PERMITTING SERVICES
255 Rockville Pike, 2nd Floor
Rockville, Maryland 20850-4166

NOTICE OF VIOLATION

FOR MONTGOMERY COUNTY, MARYLAND the undersigned issuer, being duly authorized, states that:

On, 04-03-06 the recipient of this NOTICE, DEBORAH K PRETTYMAN
Date Recipient's Name

who represents the permittee/defendant, AMERICAN FINANCIAL SERVICE
Permittee's Name

is notified that a violation of Montgomery County Code: 59-C-1.31 (LAND USES)
OPERATING A MAJOR HOME OCCUPATION IN AN RE-2C ZONE
WITHOUT APPROVAL.

exists at: 10948 BELLEHAVEN BLV. DAMASCUS MARYLAND 199929259
Location Case #

The following corrective action(s) must be performed immediately as directed, REMOVE THE BUSINESS
FROM THE SUBJECT PROPERTY OR, HAVE A SPECIAL EXCEPTION CASE NO.
ISSUED BY THE COUNTY BOARD OF APPEALS TO REQUEST A GRANT FOR
HOME OCCUPATION, MAJOR.

30-DAYS COMPLIANCE TIME

See attached Inspection Report(s) for additional violations and/or required corrective actions.

An inspection fee of \$ _____ is required in addition to any application fee(s).

Re-inspection Date(s): _____ Permit Number: _____ Code/Edition: _____

Failure to comply with this notice will result in the issuance of one or more \$500.00 civil citations.

A STOP WORK ORDER is also issued this date at the above referenced project. All construction activities on these premises must cease immediately. Only those activities required to correct violations may continue. Permission is required to resume construction.

ISSUED BY: STAN GARBER [Signature] 4-3-06
Printed Name Signature Date

Phone No. 301-370-3656

RECEIVED BY: Deborah Prettyman [Signature] 4/3/06
Printed Name Signature Date

Phone No. 301-253-2134 Sent by Registered Mail/Return Receipt On: _____

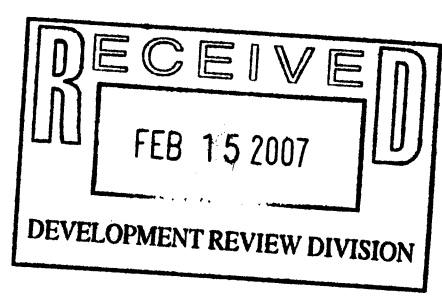
RECIPIENT'S SIGNATURE ACKNOWLEDGES RECEIPT OF A COPY OF THIS NOTICE OF VIOLATION

Gilbert

LETTERS OF SUPPORT

CASE No. S-2688

cc: Parks & Planning on 2/12/07



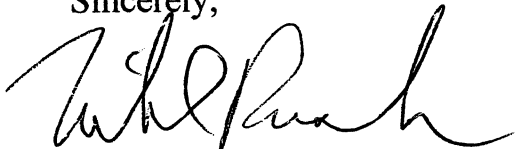
Michael Ruscher
10949 Bellehaven Blvd.
Damascus, MD 20872
September 14, 2006

To Whom It May Concern:

This letter is to express my support of Ms. Prettyman, 10948 Bellehaven Blvd., and the operation of her business at her residence. I live directly across the street from Ms. Prettyman and have not experienced any issues, inconveniences or problems related to her business operation in all the years we have been neighbors.

I have no concerns reference her continuing her business as currently operated and support her request for a special exception.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael Ruscher", written in a cursive style.

Michael Ruscher

Jackie and Karl Group
10944 Bellehaven Blvd.
Damascus, Maryland 20872

September 13, 2006

To whom it may concern,

This letter is in reference to our neighbor Debbie Prettyman, who resides at 10948 Bellehaven Blvd. We have no issues with the Special Exception she is applying for in order to maintain her home based tax business as it is today.

Please do not hesitate to call if you have any questions or need further information.

Sincerely,

A handwritten signature in cursive script, appearing to read "Jackie and Karl Group".

Jackie and Karl Group
301-253-4630

13 September 2006

To Whom It May Concern,

We are writing to you in regards to our neighbor, Deborah Prettymans request for a home business. We have no concerns in the matter of her business. She maintains her property very well and see no reason why she cannot continue her business at 10948 Bellehaven Blvd, Damascus Md.

Sincerely,

Mike and Becky Keyser

Mike and Becky Keyser

10945 Bellehaven Blvd

Damascus Md 20872

September 12, 2006

TO WHOM IT MAY CONCERN

Re: Ms. Deborah Prettyman's request for a home business

I write this letter in support of granting a special exception to allow Ms. Deborah Prettyman at 10948 Bellehaven Blvd an office inside her home. As it currently stands, her home office has in no way inconvenienced our family.

Sincerely,

A handwritten signature in black ink, appearing to read "M. Davis". The signature is written in a cursive style with a horizontal line through the middle of the letters.

Mark Davis
10940 Bellehaven Blvd
Damascus, MD 20872

EXHIBIT # 5 (iv)

Cousuelo Bodine
10936 Bellehaven Blvd.
Damascus, MD 20872
301 253 1362

Sept. 11, 2006

To whom It May Concern:

Our neighbor, Debbie Prellman, who resides at 10948 Bellehaven Blvd is applying for a Special Exception to operate her accounting business out of her home. We have no objection, as long as there is no alteration to the existing natural beauty of our area. We do not want unsightly masonry walls erected which will obstruct our views.

Our natural landscape and our woods are sufficient to create a natural barrier. We have no objection to the granting of this Special Exception. If you have any questions please contact David or Cousuelo Bodine at 301)2531362.

Sincerely,



Cousuelo Bodine

EXHIBIT # 5(v)

Melissa Morton
10937 Bellehaven Blvd.
Damascus, MD 20872

September 11, 2006

To Whom it May Concern:

I have no concerns about Debbie Prettyman operating her business from her home. I have not seen an effect on traffic on our street because of her business and I am home all day. There is no detraction from the neighborhood from the cars going to and from her home. I support the special exception.


Melissa Morton

EXHIBIT # 5(vi)

May 25, 2006

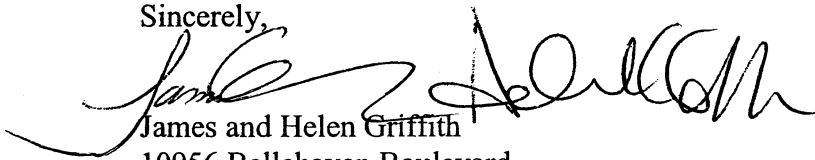
TO WHOM IT MAY CONCERN

Re Ms. Deborah Prettyman's request for a home business

Helen and I write this letter to express our support for the granting of a special exception to allow her to an office in her home located at 10948 Bellehaven Boulevard.

We have no issue or concerns about her planning to continue to have her home business.

Sincerely,

A handwritten signature in black ink, appearing to read "James and Helen Griffith", written over the typed name.

James and Helen Griffith
10956 Bellehaven Boulevard
Damascus, MD 20872
Tel: 301-253-1983

Patricia E. Welshon
10953 Bellehaven Boulevard
Damascus, MD 20872

Saturday, May 20, 2006

To Whom it May Concern,

This letter is in reference to our neighbor, Debbie Prettyman, who resides at 10948 Bellehaven Boulevard. My husband, Bob, and I have no issues with the Special Exception for which she is applying in order to maintain her home based tax preparation business.

Please do not hesitate to call if you have any questions or need further information.

Sincerely,



Patricia E. Welshon
301-253-3737

EXHIBIT # 5 (viii)

Walter Gallagher
10952 Bellehaven Blvd.
Damascus, MD 20872
March 17, 2006

To whom it may concern,

I am a neighbor of Debbie Prettyman who resides at 10948 Bellehaven Blvd. I understand that Ms. Prettyman is operating a home business at her residence. I have no issues with this situation as it currently stands.

Ms. Prettyman maintains her property well. Her business has not inconvenienced me in any way. I do not want any type of natural or man-made fence placed between our properties to hide any human or automotive traffic between our homes.

Walter Gallagher

A handwritten signature in cursive script that reads "Walter Gallagher". The signature is written in black ink and is positioned below the printed name.

EXHIBIT # 5(ix)

William N. Ernst
10941 Bellehaven Blvd
Damascus, MD 20872
September 13, 2006

To whom it may concern,

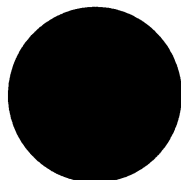
This letter is in reference to the Special Exception for our neighbor Debbie Prettyman who resides at 10948 Bellehaven Blvd. My wife, Patricia, and I have no issues with granting of a Special Exception to allow her to maintain her home office tax preparation business. Her business has not inconvenienced us in any way.

I do not want any additional landscaping to hide cars or people, since this would interfere with the open landscaping of our neighborhood.

William N. Ernst

A handwritten signature in black ink that reads "William N. Ernst". The signature is written in a cursive style with a long horizontal line extending to the right from the end of the name.

EXHIBIT # 5(x)




THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
Montgomery County Department of Park and Planning

MEMORANDUM

DATE: March 8, 2007

TO: Carlton Gilbert, Development Review Division

FROM: Kathleen A. Reilly, AICP, Community-Based Planning 

SUBJECT: Special Exception S-2688

The subject application is a request for a major home occupation. The property is located at 10948 Bellehaven Boulevard in the Damascus Planning Area. The site is zoned RE-2C and contains a single family detached dwelling unit. The applicant is requesting to operate a financial services business in the basement of her residence on the subject site.

The site is situated within the Adopted and Approved Damascus Master Plan (2006) area. According to the Master Plan the subject site, is located in the neighborhood transition area. The Plan is silent on special exceptions within the neighborhood transition area. This Plan reconfirmed the RE-2C zoning for the subject site. There are no master plan issues associated with this application.



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

March 27, 2007

MEMORANDUM

TO: Carlton Gilbert
Development Review Division

VIA: Daniel K. Hardy, Supervisor *DKH*
Transportation Planning

FROM: Ki H. Kim, Planner *KHK*
Transportation Planning

SUBJECT: Special Exception Application No. S-2688
Major Home Occupation at 10948 Bellehaven Boulevard
Damascus

This memorandum is Transportation Planning staff's Adequate Public Facilities (APF) review of the subject special exception petition. The subject special exception is for a major home occupation at the existing single-family detached dwelling unit located at 10948 Bellehaven Boulevard, Damascus.

Staff recommends no conditions required to support approval of the referenced special exception petition since the application meets the transportation-related requirements of the APF test. Based on information contained in the amendment statement submitted by the applicant, the petitioner will have two full-time equivalent employees and a limited number of visitors during the weekday. The site would generate few peak hour vehicle trips (two to three during tax season, mid-January through mid-April) during the weekday morning (6:30 a.m. to 9:30 a.m.) and evening (4:00 p.m. to 7:00 p.m.) peak periods. Therefore, no traffic study is required to satisfy the Local Area Transportation Review (LATR) test. Access to the site is provided from Bellehaven Boulevard. Bellehaven Boulevard is built as a tertiary residential street with a reduced-width right-of-way and connects to Kingstead Road, a primary residential street, via Greensboro Drive. The site has four off-street parking spaces, and on-street parking is also available. There are no sidewalks on either side of Bellehaven Boulevard and little pedestrian activity in the vicinity of the site. This situation will not change with the proposed use under the subject special exception. Staff finds the existing access is safe and adequate and the number of available parking spaces is adequate.

Transportation staff concludes that the approval of the subject special exception petition will not adversely affect the surrounding roadway system.

KK:mj