



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

MCPB  
Item # 4

November 6, 2008

**DATE:** October 27, 2008

**TO:** Montgomery County Board of Appeals

**FROM:** Renée M. Miller, AICP, Senior Planner *RAM*  
Development Review Division (301-495-4723)

**VIA:** Rose Krasnow, Chief, Development Review Division *RK*  
Ralph D. Wilson, Zoning Supervisor *RDW*

**SUBJECT:** **S-2735: Special Exception Petition of Pierre and Tanni Guirand, Group Home, Large (Assisted living for seniors)**

**MASTER PLAN:** Aspen Hill Master Plan

**FILING DATE:** July 21, 2008

**PLANNING BOARD:** November 6, 2008

**PUBLIC HEARING:** November 14, 2008

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**I. STAFF RECOMMENDATION**

The applicant currently operates a group home for 8 senior adults who are in need of assisted living. Under the proposed special exception, the group home would be expanded to include up to 15 beds for senior adults. No expansion of the existing residential dwelling is needed to accommodate the increase in the number of senior residents. The applicant is licensed by the State to provide assisted living accommodations for senior adults. The parking facility associated with the application does not fully satisfy the rear and side yard setback requirements or the requirement that 30 percent of the paved parking area be shaded. The applicant must either make the necessary adjustments to the plan or obtain a waiver from the Board of Appeals.

Staff recommends that special exception application S-2735 be **APPROVED** subject to the following conditions:

- (1) The applicant is bound by all submitted statements and materials of record;
- (2) The special exception is limited to a maximum of fifteen (15) beds and no more than five (5) employees on-site at any one time;

- (3) Visitation hours are limited to 10:00 A.M – 7:00 P.M., seven days per week; and
- (4) The applicant must plant sufficient trees in or around the parking facility to assure that at least 30 percent of the paved parking area is shaded, as described in Section III.D.3 of this report.

Staff also recommends approval of a waiver of the parking facility rear and side yard setback requirement. In staff's view, a waiver of the requirement would not adversely affect adjacent properties.

## II. APPLICATION SUMMARY

- A. Site Size and Location:** Site size is approximately 24,076 square feet. The site is described as Lot 1, Block 36, Plat One, "Bel-Pre Woods" Subdivision. The site is located on the northwest corner of Bel Pre Road and Georgia Avenue/MD 97. (See Attachment 1.)
- B. Zone and Proposed Use:** The site is classified in the R-200 Zone. The applicant is seeking approval to expand an existing senior assisted living facility group home.
- C. Scope of Operations:** The number of beds would be limited to a maximum of 15 and the number of employees would be limited to a maximum of 5 that could be on-site at any one time.
- D. Master Plan Consistency:** The proposed use is consistent with the 1994 Aspen Hill Master Plan. The Master Plan is silent with regards to any special exception recommendation for the subject site.
- E. Applicant:** Tanie Guirand and Pierre Guirand

## III. BACKGROUND INFORMATION

### A. Statement of the Case

In each of the one-family detached residential zones, as a matter of right, a group home for no more than 8 residents. A group home for 9, but not more than 16 residents, requires the grant of special exception. A group home is a facility licensed, funded, certified, or registered by the State of Maryland or the County that offers residential accommodations, supervision, or assisted community living for the residents. The number of residents in a group home includes members of the staff who reside at the group home.

The applicant proposes to expand an existing 8 bed senior assisted living facility group home to include up to 15 beds. The group home is a residential alternative for seniors with health and cognitive impairments who are unable to remain independent at home. The existing group home is known as Angel Gardens and consists of

approximately 5,385 square feet. The group home contains fourteen-bedrooms, two-living rooms, two-kitchens and four-bathrooms, as well as an outdoor space for residents. (See Attachment 2.) The site enclosed by a 6-foot board fence and is well landscaped.

Visitors access this site from two curb cuts along Bel Pre Road, and employees access the site from a service road along Georgia Avenue, which dead-ends into the second driveway of this home. The first curb-cut along Bel Pre Road is a former driveway entrance that leads to a two-car drive; the second curb-cut leads to an asphalt-paved area. (See Attachment 3.)

No new construction is proposed. Adequate landscaping and lighting are provided on-site, and all existing trees will be retained. Existing landscaping is a combination of holly shrubs, Leyland cypress, bamboo and apple trees. (See Attachment 4.)

The applicant states that the number of employees that will be on-site at any one time will not exceed 5. It is anticipated that the group home staff will work in three shifts to provide around the clock care to the residents. The shifts are as follows: (1) 8:00 A.M. to 8:00 P.M.; (2) 9:00 A.M. to 8:00 P.M.; and (3) 8:00 P.M. to 8:00 A.M. A part-time employee is generally on-site for only two hours per day, between 2:00 P.M. and 4:00 P.M. The applicant indicates that, at a maximum, one delivery of supplies will be made monthly.

## **B. Neighborhood and Site Conditions**

This site is located on the northwest corner of Georgia Avenue and Bel Pre Road and is classified in the R-200 zone. The site is developed with what was originally a residential home with an accessory apartment, but the structure is now used as assisted living facility for senior adults. The topography of the site is relatively flat. (See Attachment 3.) The site has approximately 175-feet of frontage along Bel Pre Road and approximately 116-feet of frontage along the Georgia Avenue service road. Two driveway entrances exist along Bel Pre Road. An existing surface parking within the site's front yard is primarily used by visitors. The property is subdivided and a preliminary plan is not required.

The site appears to be well maintained, and the group home is well buffered from adjacent homes. Information provided by the applicant indicates that the original house was built in 1971. The addition, which is to the rear of the property, is one-story. The site also has 2 two-car garages, one that fronts along the Georgia Avenue service road and the other along Bel Pre Road.

Staff has defined the surrounding area to include those properties immediately adjacent and abutting the site. (See Attachment 1.) The surrounding area consists mainly of single-family residential homes, zoned R-200. Two other special exceptions, dental office and a previously approved accessory apartment, are also within the defined neighborhood.

### **C. Master Plan Conformance**

The site is within the boundary of the approved and adopted 1994 Aspen Hill Master Plan. The Master Plan does not specifically address use of the site for anything other than a one-family detached dwelling, under the standards of the R-200 zone, but a group home is permitted in the zone by special exception. Community-Based Planning staff concludes that the proposed use would not adversely affect the surrounding community and that the expansion of the group home is consistent with the goals and objectives of the Aspen Hill Master Plan. (See Attachment 5.)

### **D. Transportation Planning Review**

#### **1. Local Area Transportation Review**

Transportation staff has reviewed the proposed expansion of the existing group home and has found that it will generate fewer trips than the threshold that requires a Local Area Transportation Review (LATR) traffic study; therefore the subject use satisfies the LATR requirements of the adequate public facilities ordinance. Traffic generated by the existing facility was observed for 2 days and was found to generate a maximum of 2 peak hour trips during the morning weekday (6:30 A.M. to 9:30 A.M.) and evening peak (4:00 P.M. and 7:00 P.M.) periods. Transportation staff estimates the proposed special exception use will generate 1 additional peak-hour trip during the weekday peak-periods. (See Attachment 5.)

#### **2. Policy Area Mobility Review**

This site is located within the Aspen Hill Policy Area and therefore, a project proposed in the policy area is required to mitigate 20% of new trips. However, the threshold for an application to require mitigation under Policy Area Mobility Review (PAMR) is 4 or more trips. The proposed senior home expansion is estimated to generate a "total" of only 3 peak hour trips during the weekday morning and evening peak periods, so no mitigation is required.

#### **3. Parking Facility Requirements**

A parking facility with 3 or more parking spaces that serves a special exception use in a residential zone is closely regulated. The regulations are intended to mitigate potential adverse visual, noise, and environmental impacts on adjacent properties. Each parking facility must be set back a distance not less than the applicable front and rear yard and twice the building side yard setback required by the zone. Also, trees must be planted and maintained to assure that at least 30 percent of the paved parking area is shaded. The application does not fully satisfy either of these standards and must make the necessary adjustments to the plan to come into code compliance or obtain a waiver from the Board of Appeals. A waiver requires the applicant to demonstrate that the health, safety, and welfare of those who use the adjoining land and public roads near the parking facility are protected.

The applicant is requesting a waiver of the minimum side yard and front yard setback requirements for the parking facility. Under the waiver, the parking



facility would extend into the side yard setback area by 14-feet and into the front yard setback area by 30-feet. Staff believes that the waivers are justified. The site is long and narrow and the orientation of the existing structure, coupled with the existence of the County drainage easement makes it impractical to bring the existing parking facility into compliance with the required front and side yard setback standard. Strict compliance with the setback standard would result in less safe vehicular access in and out of the site. Also, a 6-foot board fence, in addition to evergreen and shade trees, protects nearby homes from potential noise, glare or reflection of automobile lights. No commercial-type lighting is proposed for the surface parking area, since the area is not used after 7:00 P.M. In staff's view, a waiver of the setback standard would not adversely affect adjacent properties and would be consistent with established parking facility health, safety, and welfare objectives.

Staff recommends that approval of the special exception be conditioned on the applicant planting sufficient additional trees to assure that at least 30 percent of the paved parking area is shaded. This will require the applicant to plant at least 4-trees around the perimeter of the paved surface parking. Some examples of trees that could provide the proper shading include red maple, oak, sweetgum, and American elm. At planting the trees should be at least 3" caliper.

#### **E. Environmental Planning Review**

The application has been reviewed by Environmental Planning staff to determine if it meets the requirements of Chapter 22A of the Montgomery County Code, the Environmental Guidelines, Noise Guidelines, and other related requirements. There are no environmental impacts associated with this application. The application is not subject to Chapter 22A, Forest Conservation. (See Attachment 7.)

### **IV. Analysis**

#### **A. Standards for Evaluation**

The standard for evaluation under 59-G-1.21 requires consideration of the inherent and non-inherent effects of the proposed use at the proposed location. 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 the physical and operational effects 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 effects, are a sufficient basis to deny a special exception.

The inherent characteristics of a group (assisted living) home include: (1) buildings and structures, as well as outdoor passive areas for residents and visitors; (2) outdoor lighting; (3) maintenance of the assisted living facility; (4) traffic associated with trips to and from the site by employees, visitors and residents engaged in on and off-site activities; (5) parking areas to accommodate visitors and staff; and (6) noise from ambulances in emergencies.

In reviewing this application, staff finds that the size, scale and scope of the inherent effects associated with this application are minimal and not likely to result in any unacceptable noise, traffic disruption or any environmental impact at the proposed location. There are no non-inherent effects associated with this special exception.

Adequate parking is available for the guests and employees of the senior group home. The applicant is not proposing exterior modifications to accommodate the additional beds and the exterior residential appearance will remain intact. The applicant is providing ample landscaping and buffers along the perimeter of the site, and the residential character of the structure will be retained.

**B. 59-G-1.2.1 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.*

**Staff Analysis:** A group home is a permissible special exception in the R-200 zone.

*(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.*

**Staff Analysis:** The proposed use complies with the group home standards and requirements of §59-G-2.26. See Section III C. for analysis.

*(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.*

**Staff Analysis:** The Aspen Hill Master Plan does not specifically address the special exception use of the subject site. In staff's view, the proposed group

home is consistent with the goals and objectives of the Aspen Hill Master Plan.

- (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 Board or Hearing Examiner must consider whether the public facilities and services will be adequate to serve the proposed development under the Growth Policy standards in effect with the special exception application was submitted.*

**Staff Analysis:** The general character of the neighborhood is single-family residential, although, a dental office is located directly south of the subject site. There are no external modifications being proposed and minimal additional traffic is anticipated. For these reasons staff believes the proposed expansion will be in harmony with the existing character of the neighborhood.

- (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.*

**Staff Analysis:** In staff's view, the proposed group home expansion will not be detrimental to the use, peaceful enjoyment, economic value or development of surrounding properties and neighborhood. Most activity related to the proposed use will take place within the interior of the building. The entire site is buffered by a 6-foot board fence and substantial landscaping is provided.

- (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.*

**Staff Analysis:** The proposed group home is not expected to cause any objectionable noise, vibrations, fumes, odors, dust, illumination, glare or physical activity at the subject site. There are no proposed exterior modifications needed to accommodate the proposed expansion, nor additional exterior lighting. Existing exterior lighting is of a residential-type and no spillover is anticipated from the wattage used by these fixtures. With the exception of gardening activities, all activities will be held inside of the building.

- (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.*

**Staff Analysis:** Two special exception applications have been previously approved within the defined neighborhood; however, one special exception for an accessory apartment use is no longer in use. Staff notes that there are 24 properties in the neighborhood; and the addition of this group home will result in 8% of the properties are special exceptions. The addition of this special exception therefore, will not result in an excessive concentration of special exception uses and will not adversely affect the area or alter its residential character.

- (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.*

**Staff Analysis:** The group home provides assisted living services to seniors and will not adversely affects the health, safety, security, morals or general welfare of the community.

- (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.*

(A) *If the special exception use requires approval of a preliminary plan of subdivision the adequacy of public facilities must be determined by the Planning Board at the time of subdivision review. In that case, subdivision approval must be included as a condition of the special exception.*

(B) *If the special exception does not require approval of a preliminary plan of subdivision, the Board of Appeals must determine the adequacy of public facilities when it considers the special exception application. The Board must consider whether the available public facilities and services will be adequate to serve the proposed development under the Growth Management Policy standards in effect when the application was submitted.*

(C) *With regard to public roads, the Board or the Hearing Examiner must further find that the proposed development will not reduce the safety of vehicular or pedestrian traffic.*

**Staff Analysis:** The special exception application will not require approval of a preliminary plan and, therefore, this application must be analyzed under subsection (B) above. The applicant has stated that the subject site is adequately served by public facilities and Planning staff has confirmed that the use will result in a minimal traffic increase. There is no evidence of diminished vehicular safety, since only a minimal increase in traffic is expected. Additionally, the staff will park in the driveway that is

accessed from the Georgia Avenue service road, which means the different traffic flows on-site are separated.

**C. General Development Standards (§59-G-1.23-- applicable subsections only)**

*(a) Development Standards. Special exceptions are subject to the development standards of the applicable zone where the special exception is located, except when the standard is specified in Section G-1.21 or in Section G-2.*

**Staff Analysis:** Table 1 below demonstrates that the use satisfies the applicable development standards for the R-200 zone and all other applicable development standards. Please refer to Section II D. for the discussion of a parking facility waiver.

**Table 1: Development Standards: R-200 Zone.**

<b>Development Standards</b>	<b>Requirement</b>	<b>Provided</b>
Minimum Tract Area (§59-C-1.321(a))	N/A	24,076 SF
Maximum Density (d.u./usable acre) (§59-C1.32(b))	N/A	N/A
Lot Area (§59-C-1.322(a))	20,000 SF	24,076 SF
Lot Width (§59-C-1.322(b)): @ Front of Bldg Line @ Street	100' 25'	±175' ±215'
Yard Requirements (main building): From Street (§59-C-1.323(a)) From Adjoining Lot Side Yards (§59-G-2.37(b)(3)) One Side Both Sides Rear Yard (§59-C-1.323(b))	40'  12' 25' 30'	±41'  ±38' ±104' ±41'
Building Height (maximum) (§59-C-1.237)	50'	± 23' (ridge line)
Coverage (maximum net lot area) (§59-C-1.328)	25%	19.3%
Parking/Loading Facilities Setback (§59-E-2.83) Front/Rear Yard of applicable zone Side Yard (2xs side yard of applicable zone)	40'/30', respectively 24' (12*2)	± 9' ± 9'
Off-Street Parking (§59-E-3.7) Residents (2 spaces) Employees- 1 space/2 employees on largest work shift	2 2	Total = 14

*(b) Parking Requirements. Special Exceptions are subject to all relevant requirements of Article 59-E.*

**Staff Analysis:** The proposed group home is required to provide a minimum of 4 parking spaces; however, the applicant is providing ten spaces in addition to the code required number of spaces. The amount of parking being provided is not increasing with this application.

(c) *Minimum Frontage. Not Applicable.*

(d) *Forest conservation. If a special exception is subject to Chapter 22A, the Board must consider the preliminary forest conservation plan required by that Chapter when approving the special exception application and must not approve a special exception that conflicts with the preliminary forest conservation plan.*

**Staff Analysis:** This property is not subject to Chapter 22A Montgomery County Forest Conservation Law.

(e) *Water quality plan. Not Applicable.*

(f) *Signs. The display of a sign must comply with Article 59-F.*

**Staff Analysis:** The applicant is not proposing any signs with this application.

(g) *Building compatibility in residential zones. Any structure that is constructed, reconstructed or altered under a special exception in a residential zone must be well related to the surrounding area in its siting, landscaping, scale, bulk, height, materials and textures, and must have a residential appearance where appropriate. Large building elevations must be divided into distinct planes by wall offsets or architectural articulation to achieve compatible scale and massing.*

**Staff Analysis:** Not applicable; there are no proposed exterior modifications to the existing building.

(h) *Lighting in residential zones. All outdoor lighting must be located, shielded, landscaped or otherwise buffered so that no direct light intrudes into an adjacent residential property. The following lighting standards must be satisfied unless the Board requires different standards for a recreational facility or to improve public safety:*

(1) *Luminaries must incorporate a glare and spill light control device to minimize glare and light trespass.*

(2) *Lighting levels along the side and rear lot lines must not exceed 0.1 foot-candles.*

**Staff Analysis:** The provided lighting complies with §59-G-1.23(h). The applicant is not proposing to alter the existing residential light fixtures at this time. The lights on the property are typical lights used by single-family and multi-family residential structures and use standard light bulbs. No spillover is anticipated from these lights.

**D. Sec. 59-G-2.26. Group Home, large.**

(a) *When allowed. In addition to the general conditions required in division 59-G-1, a group home may be allowed upon a finding by the Board of Appeals:*



*(1) That any property to be used for a group home is of sufficient size to accommodate the proposed number of residents and staff.*

**Staff Analysis:** The subject property is of sufficient size to accommodate the proposed number of residences and staff. Please see Section III C. for analysis.

*(2) That the site to be used as a group home for children provide ample outdoor play space, free from hazard and appropriately equipped for the age and number of children to be cared for.*

**Staff Analysis:** Not applicable.

*(3) That off-street parking must be provided in the amount of one parking space for every 2 residents and one space for every 2 employees on the largest work shift. The Board may decrease the off-street parking where the method of operation or clientele indicates the decrease is warranted.*

**Staff Analysis:** Off-street parking is adequate and provided on-site. Please see Section III C. for analysis.

#### **V. Community Comments/Concerns**

As of this writing, staff received correspondence from the Office of Zoning and Administrative staff, submitted by Mr. Raymond Ramsey. Mr. Ramsay did not express opposition to the proposed special exception; but would like additional traffic safety precautions be made to be provided by the applicant.

#### **VI. Conclusion**

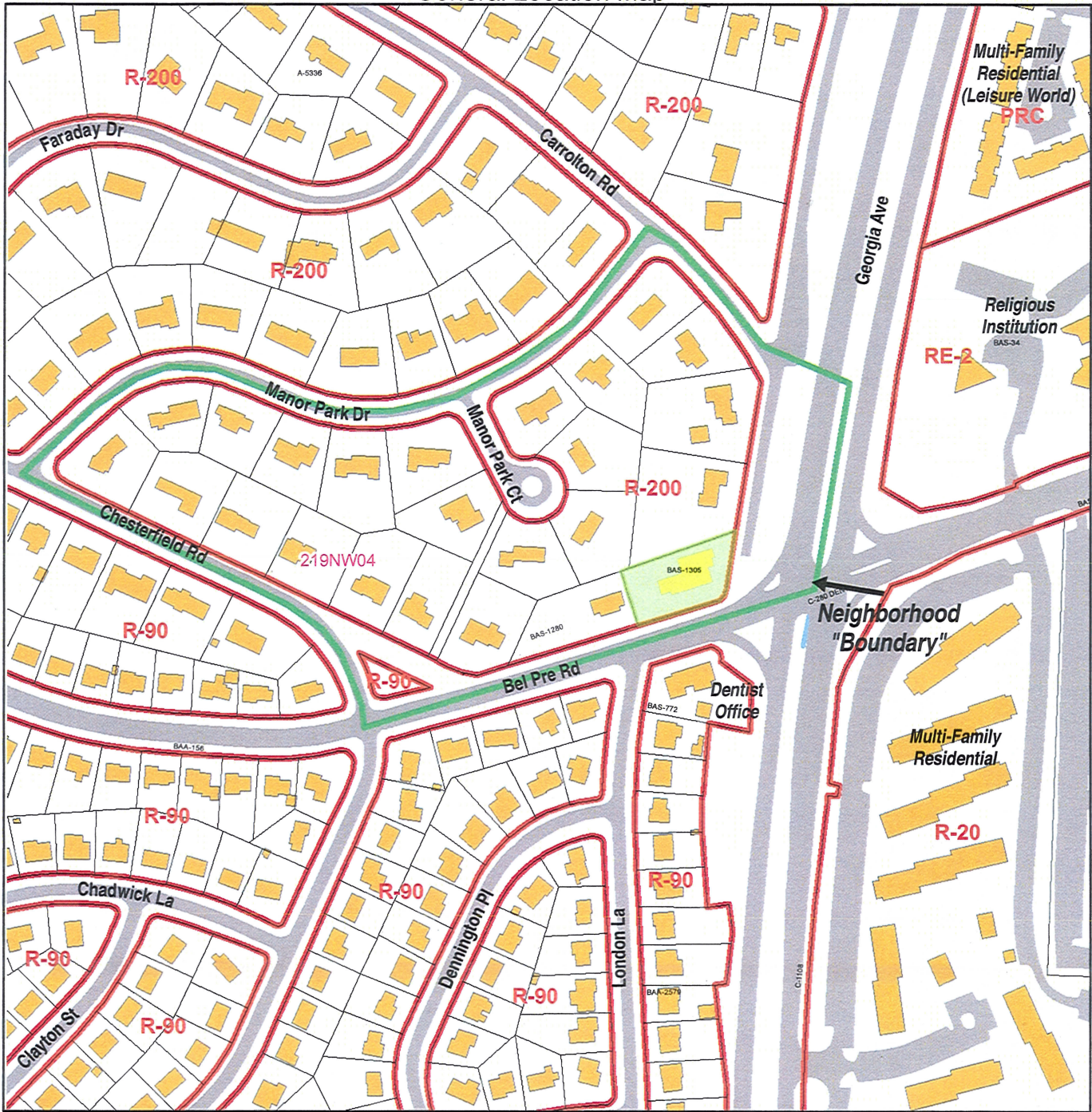
Based on review of the application and all information of record, staff concludes that the application, with the conditions imposed by staff, satisfies all relevant standards for grant of a group home special exception. For these reasons, staff recommends that special exception application S-2735 for a group home on the northwest corner of Bel Pre Road and Georgia Avenue, Rockville, MD, be granted by the Board of Appeals.

## **ATTACHMENTS**

- Attachment 1-** General Location Map
- Attachment 2-** Architectural Floor Plans, as submitted by applicant
- Attachment 3-** A. Site Survey, produced by Snider and Associates, dated June 28, 2004  
B. Site Photographs/Aerial Photography
- Attachment 4-** Existing Landscape Areas, as submitted by applicant
- Attachment 5-** Memorandum from Pamela Johnson, Community-Based Planning to Renée M. Miller, AICP, dated October 7, 2008
- Attachment 6-** Memorandum from Cherian Eapen, Transportation Planning Division, to Renée M. Miller, Development Review Division, dated October X, 2008
- Attachment 7-** Waiver Request, as submitted by applicant, dated October 7, 2008
- Attachment 8-** Memorandum from Amy Lindsey, Environmental Planning Division, to Renée M. Miller, Development Review Division, October 7, 2008
- Attachment 9-** Correspondence from Raymond Ramsay to the Office of Zoning and Administrative Hearings, received October 3, 2008

# Attachment 1

## General Location Map



### LEGEND

-  Proposed SE
-  Special Exception
-  Building
-  Paved Area
-  Lake and Pond
-  Stream and River

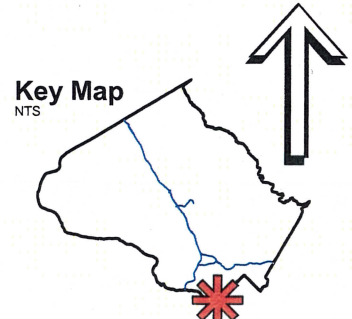
#### NOTICE:

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

Property lines are compiled by adjusting the property lines to topography created from aerial photography and should not be interpreted as actual field surveys. Planimetric features were compiled from 1:14400 scale aerial photography using stereo photogrammetric methods.

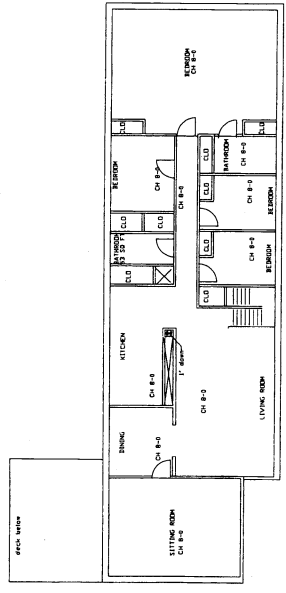
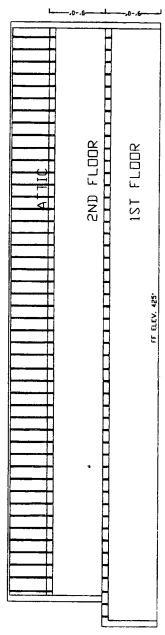
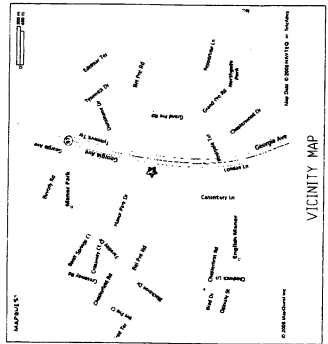
This map is created from a variety of data sources, and may not reflect the most current conditions in any one location and may not be completely accurate or up to date. All map features are approximately within five feet of their true location. This map may not be the same as a map of the same area plotted at an earlier time as the data is continuously updated. Use of this map, other than for general planning purposes is not recommended.

1 inch = 300 feet  
Address: 4101 Bel Pre Road, Rockville

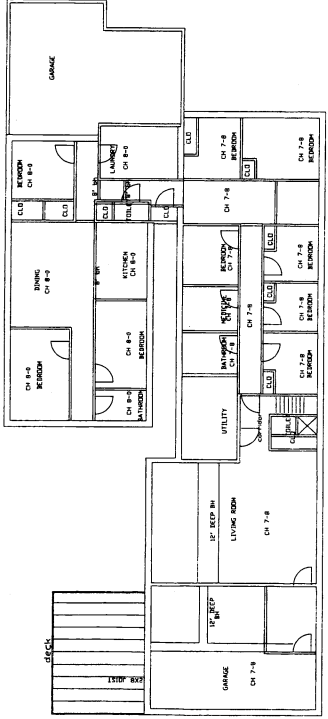


# ATTACHMENT 2

PROJECT NO.		FP-1
DATE		5-20-07
SCALE		1/8"
C.D.T.		REC
APPROVED		REC
DATE		05
PROJECT NAME		ANGELS GARDEN
ADDRESS		4101 BEL PRE ROAD ROCKVILLE MD 20853



2ND FLOOR



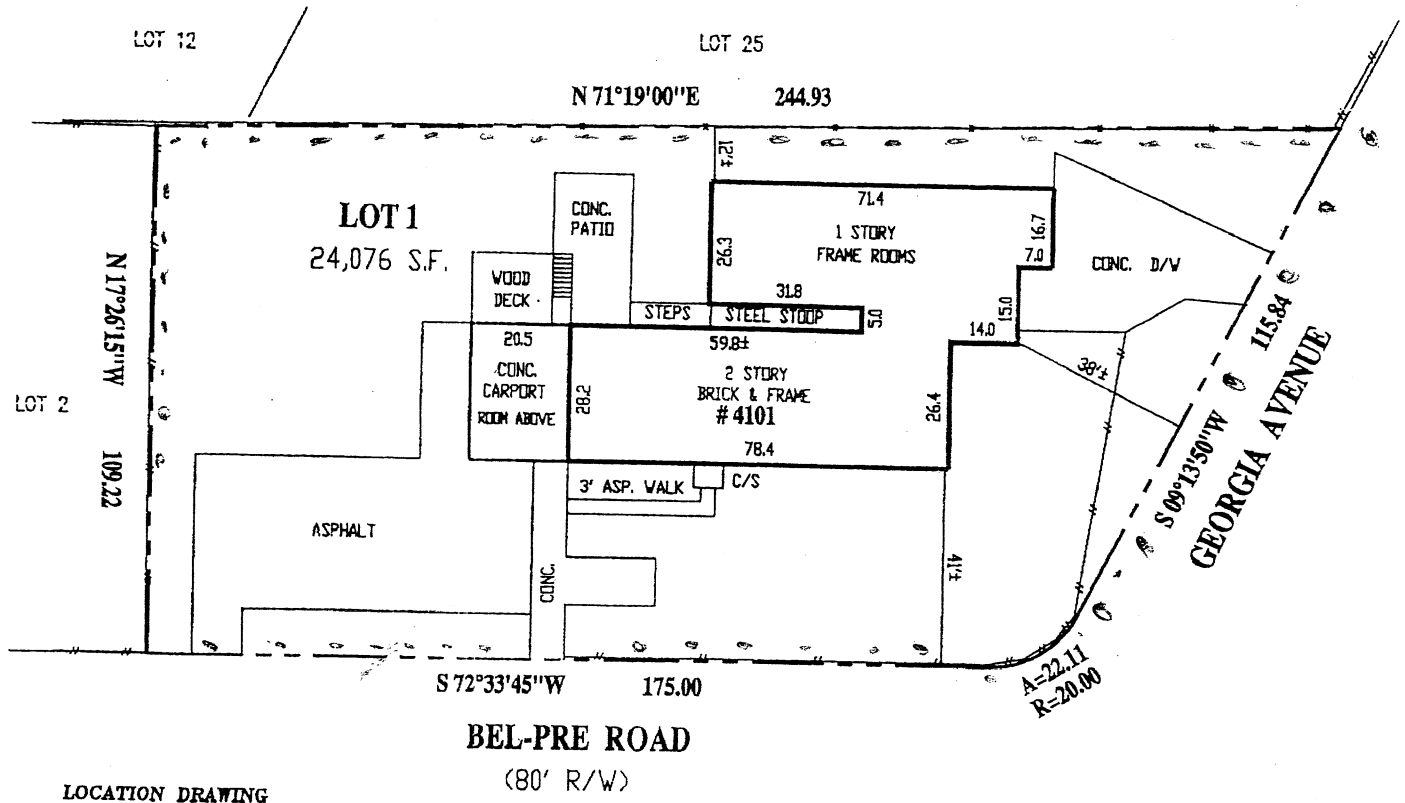
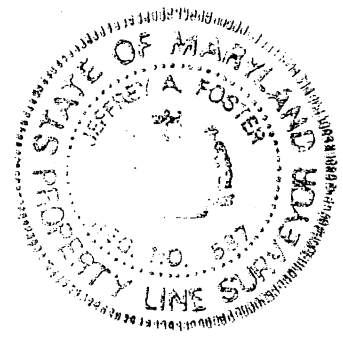
1ST FLOOR

**ATTACHMENT 3A**  
**CONSUMER INFORMATION NOTES:**

1. This plan is a benefit to a consumer insofar as it is required by a lender or a title insurance company or its agent in connection with contemplated transfer, financing or re-financing.
2. This plan is not to be relied upon for the establishment or location of fences, garages, buildings, or other existing or future improvements.
3. This plan does not provide for the accurate identification of property boundary lines, but such identification may not be required for the transfer of title or securing financing or re-financing.
4. Building line and/or Flood Zone information is taken from available sources and is subject to interpretation of originator.

**Notes**

1. Flood zone "C" per H.U.D. panel No. 0150 B
2. Setback distances as shown to the principal structure from property lines are approximate. The level of accuracy for this drawing should be taken to be no greater than plus or minus 3 Feet

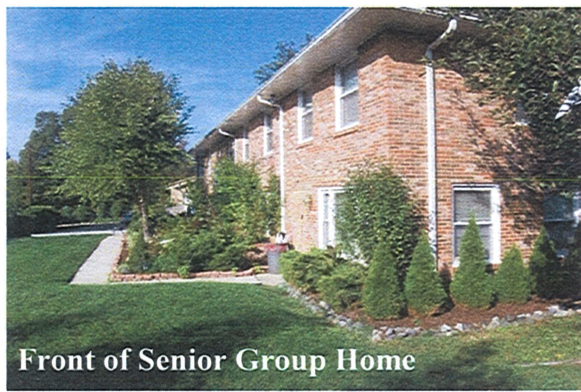
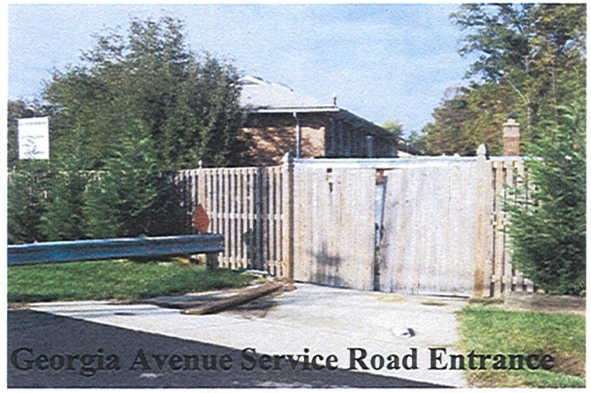
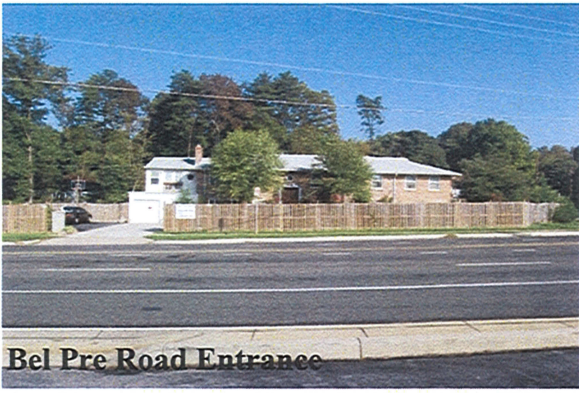


**LOCATION DRAWING**  
**LOT 1, BLOCK 36, PLAT ONE**  
**BEL-PRE WOODS**  
 MONTGOMERY COUNTY, MARYLAND

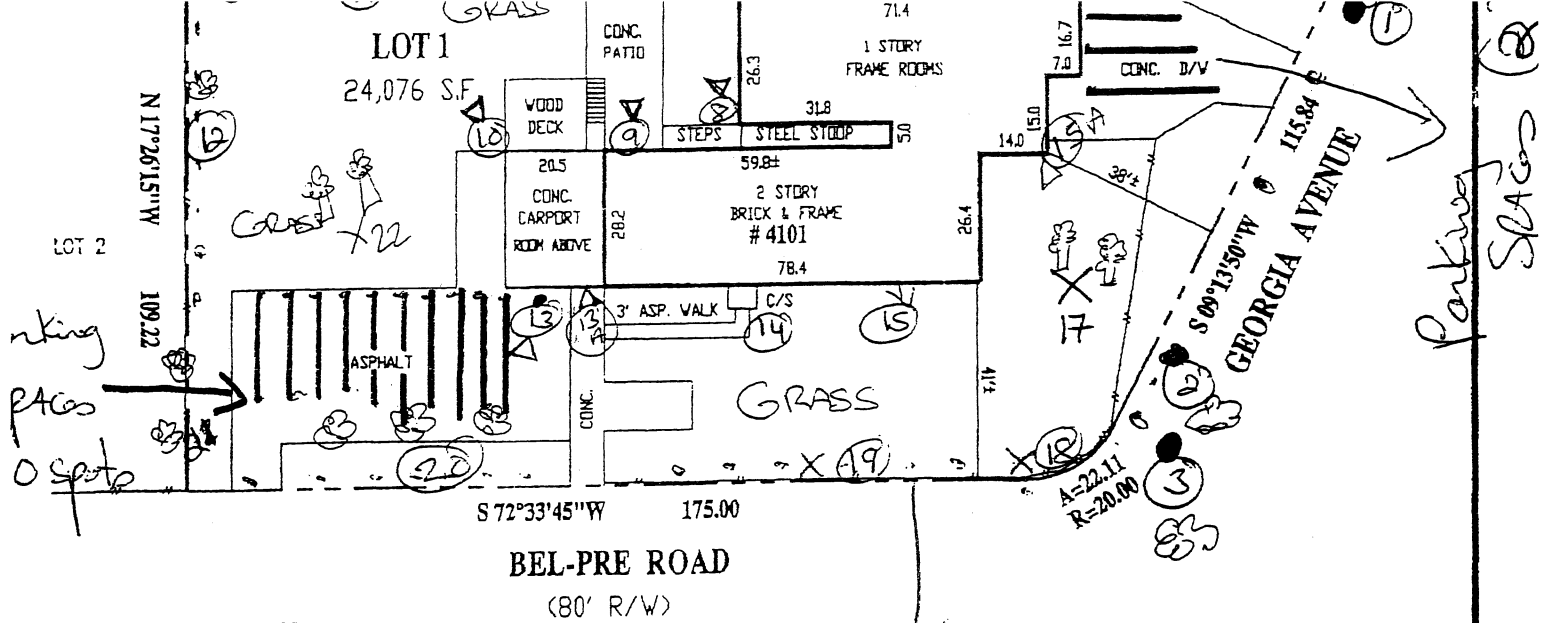
<p><b>SURVEYOR'S CERTIFICATE</b></p> <p>"THE INFORMATION SHOWN HEREON HAS BEEN BASED UPON THE RESULTS OF A FIELD INSPECTION PURSUANT TO THE DEED OR PLAT OF RECORD. EXISTING STRUCTURES SHOWN HAVE BEEN FIELD LOCATED BASED UPON MEASUREMENTS FROM PROPERTY MARKERS FOUND OR FROM EVIDENCE OF LINES OF APPARENT OCCUPATION."</p> <p><i>Jeffrey A. Foster</i>                  MARYLAND PROPERTY LINE SURVEYOR REG. NO. 587</p>	<p><b>REFERENCES</b></p> <p>PLAT BK. 66                  PLAT NO. 6044</p>		<p><b>SNIDER &amp; ASSOCIATES</b>                  SURVEYORS - ENGINEERS                  LAND PLANNING CONSULTANTS                  2 Professional Drive, Suite 216                  Gaithersburg, Maryland 20879                  301/948-5100, Fax 301/948-1286</p>	
	<p><b>LIBER</b>                  FOLIO</p>		<p><b>DATE OF LOCATIONS</b></p> <p><b>WALL CHECK:</b></p> <p><b>HSE. LOC.:</b> 06-28-04</p>	<p><b>SCALE:</b> 1" = 40'</p> <p><b>DRAWN BY:</b> E.M.G.</p> <p><b>JOB NO.:</b> 04-4849</p>



**ATTACHMENT 3B**



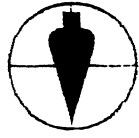




LOCATION DRAWING  
 LOT 1, BLOCK 36, PLAT ONE  
**BEL-PRE WOODS**  
 MONTGOMERY COUNTY, MARYLAND

**ATTACHMENT 4**

*Fenced Entirely*

SURVEYOR'S CERTIFICATE		REFERENCES		SNIDER & ASSOCIATES	
THE INFORMATION SHOWN HEREON HAS BEEN USED UPON THE RESULTS OF A FIELD INSPECTION PURSUANT TO THE DEED OR PLAT OF RECORD. EXISTING STRUCTURES SHOWN HAVE BEEN FIELD LOCATED BASED UPON MEASUREMENTS FROM PROPERTY MARKERS FOUND FROM EVIDENCE OF LINES OF APPARENT OCCUPATION.		PLAT BK. 86 PLAT NO. 8044		SURVEYORS - ENGINEERS LAND PLANNING CONSULTANTS 2 Professional Drive, Suite 218 Gaithersburg, Maryland 20879 301/948-5100, Fax 301/948-1288	
<i>Jeffrey A. Foster</i> MARYLAND PROPERTY LINE SURVEYOR REG. NO. 587		LIBER FOLIO	DATE OF LOCATIONS WALL CHECK:	SCALE: 1" = 40' DRAWN BY: E.M.G.	HSE. LOC.: 06-28-04 JOB NO.: 04-4848

- 1) Holly shrubs
- 2) Holly shrubs
- 3) shrubs
- 4) Baboo trees
- 5) shrubs + roses
- 1) Projector light
- 1) Cypress trees
- 1) Lantern lights Motion
- Projector lights
- motion lights
- 11) Cypress trees
- 12) Cypress trees
- 13) Projector + Motion lights + Entry light
- 14) Entrance lights
- 15) + 15A) Projector lights
- 16) lights
- 17) Apple trees (2)
- 18) shrubs
- 19) shrubs
- 20) shrubs
- 21) shrubs + roses
- 22) Apple trees (3)



## ATTACHMENT 5

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

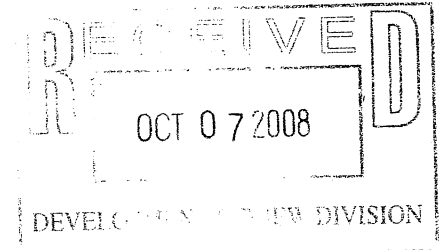
October 7, 2008

#### MEMORANDUM

TO: Renee Miller, Zoning Analyst  
Development Review Division

VIA: Khalid Afzal, East Transit Corridor Team Leader  
Community-Based Planning Division

FROM: Pamela Johnson, AICP, Planner Coordinator  
Community-Based Planning Division



SUBJECT: Special Exception S-2735, Petition of Tanie and Pierre Guirand for  
a Large Group Home at 4101 Bel Pre Road, Rockville, R-200 Zone

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**Conformance with Master Plan** – The proposed special exception, S-2735, to expand a senior group home at 4101 Bel Pre Road in Rockville at the northwest corner of the intersection of Georgia Avenue and Bel Pre Road from eight to fifteen persons, is located within the 1994 Aspen Hill Master Plan. The Plan does not specifically mention this property. The applicant is not proposing to expand or alter the exterior of the building. Staff finds that the proposal would not adversely affect its surrounding community and that the expansion of this senior care facility meets the goals and objectives of the Aspen Hill Master Plan.

KA:PJ:tv: G:\johnson\Special Exceptions\s2735



## ATTACHMENT 6

# MONTGOMERY COUNTY PLANNING DEPARTMENT

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

October 13, 2008

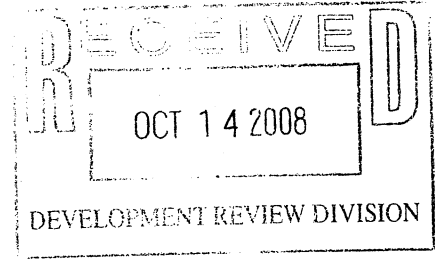
### MEMORANDUM

TO: Renee Miller, Planner  
Development Review Division

VIA: Shahriar Etemadi, Supervisor  
Transportation Planning Division

FROM: Cherian Eapen, Planner/Coordinator  
Transportation Planning Division  
301-495-4525

SUBJECT: Special Exception Case No. S-2735  
Proposed Large Group Home for the Elderly (with a maximum of 15 beds)  
The Angel's Garden Assisted Living  
4101 Bel Pre Road, Rockville/Aspen Hill  
Aspen Hill Policy Area



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This memorandum presents Transportation Planning staff's Adequate Public Facilities (APF) review of the subject special exception case to permit a large group home with a maximum of 15 beds within an existing single-family dwelling at 4101 Bel Pre Road in Rockville/Aspen Hill, within the Aspen Hill Policy Area. A small group home (with a maximum of eight beds) currently operates on the property. The applicant, as part of this special exception case, is not proposing any new construction or enhancements on the property.

### RECOMMENDATION

Transportation Planning staff recommends no transportation-related conditions to support granting of the subject special exception request, since the application meets the transportation-related requirements of the APF test. The proposed use will not have an adverse effect on the transportation network within the immediate local area.

### DISCUSSION

#### Site Location, Vehicular and Pedestrian Access, Public Transportation, and Parking

The proposed large group home will be located within an existing single-family dwelling to the northwest corner of the signalized intersection of Georgia Avenue (MD 97) and Bel Pre Road in Aspen Hill, which currently accommodates a small group home. Vehicular access to the site is available from Bel Pre Road and from a Georgia Avenue frontage road. Both Bel Pre Road

and Georgia Avenue have sidewalks on both sides. No off-site improvements are proposed as part of this special exception; the subject use therefore will not affect pedestrian accessibility or have an adverse effect on pedestrian access or safety in the area. Several Metrobus and RideOn bus routes serve the area and have stops near the proposed use.

Parking is available on the property on a parking lot/garage/driveway off Bel Pre Road and on a garage/driveway off the Georgia Avenue frontage road. While the parking lot/garage/driveway off Bel Pre Road can accommodate approximately 10 vehicles, the garage/driveway off Georgia Avenue frontage road can accommodate approximately 5 vehicles. Additional on-street parking is available on the Georgia Avenue frontage road which has no parking restrictions. Staff believes that the combination of off-street parking available on the subject property and on-street parking available along Georgia Avenue frontage road can adequately meet parking demand for the proposed use.

### Master Plan Roadways and Bikeways

The 1994 Approved and Adopted *Aspen Hill Master Plan* include the following nearby master-planned roadways and bikeways:

1. Georgia Avenue, as a six-lane divided north-south major highway (M-8) through the middle of the master plan area with a 150-foot right-of-way and a proposed Class I (off-road) bikeway (identified as SP-29 in the 2005 *Countywide Bikeways Functional Master Plan*).
2. Bel Pre Road, as a primary residential street between Norbeck Road (MD 28) to the west and Georgia Avenue to the east with a minimum right-of-way width of 80 feet, a paving width of 40 feet and a Class II (shared on-road) bikeway (identified as SR-33 in the 2005 *Countywide Bikeways Functional Master Plan*).

### Local Area Transportation Review

The existing small group home on the property is open between 10:00 a.m. and 7:00 p.m. and currently operates with two full-time caregivers during the day and one full-time caregiver during the night. Necessary services for the residents are generally provided at the facility. The residents, seniors with health and cognitive impairments, are not independent and do not drive motor-vehicles. They are visited by family members generally between 10:00 a.m. and 7:00 p.m., seven days a week. The applicant proposes to add one additional full-time caregiver and one part-time caregiver with the conversion of the existing small group home facility to a large group home facility.

Traffic generated by the existing facility was observed for two days and was found to generate a maximum of two peak-hour trips 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. Staff estimates that the proposed large group home on the property, with the additional caregivers, could generate one additional peak-hour trip during the above weekday peak-periods. Since the proposed special exception use will generate fewer trips than the threshold that require a Local Area Transportation Review (LATR)

traffic study (30 or more peak-hour trips during the weekday morning and evening peak periods), the subject use satisfies the LATR requirements of the APF test.

Policy Area Mobility Review

The proposed large group home use was estimated to generate a “total” of only three peak hour trips during the weekday morning and evening peak periods. The threshold for an application to require mitigation under Policy Area Mobility Review (PAMR) is four or more “new” peak hour trips. The proposed use therefore does not require the 20% trip mitigation required under PAMR for Aspen Hill Policy Area, and satisfies the PAMR requirements of the APF test.

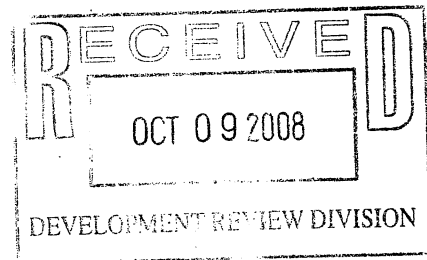
cc: Pam Johnson  
Tanie Guirand, RN

S-2735 Angels Garden Group Home.doc

# ATTACHMENT 7

THE ANGELS GARDEN LLC  
4101 Bel Pre road, Rockville MD 20853  
Petition of Tanie and Pierre Guirand

Office of Zoning & Administrative Hearings  
County Council Office Building, Room 200  
100 Maryland Avenue  
Rockville, MD 20850



**RE: Special Exception S-2735  
Waivers Request Related to Parking Facilities**

We the Petitioners, Tanie and Pierre Guirand, Petitioners for the above referenced special exception at 4101 Bel Pre Road, Rockville, MD, for large group home, we hereby request as part of this special exception application that the Board of Appeals approve 2 waivers for our existing parking facilities; and not the required setbacks pursuant to s59-E-2.83. The normal required side yard setback in the R-200 Zone is 12 feet but parking facilities for special exceptions under s-59-2-83 are required to be setback twice the minimum required side setback or in this case 24 feet; and front yard building setback of 40 feet.

We the Petitioners, own this property on lot 1, block 36. We operate a small group home for seniors, and have an existing parking of the street in front of the property of asphalt and concrete for 10cars. The Special Exception for large group home on lot 1, block 36 requires a side setback of 24 feet and a front setback of 40 feet. Our residents have dementia and other physical ailments and they do not drive or possess cars; the parking spaces are for family and staff. As part of the request, we intend to keep the existing parking as is.

To move the parking spaces would have several unnecessary consequences:

- (1) It would destroy the existing rear yard lawn and reduce outdoor space For our residents; while detracting from the residential appearance of The property.
- (2) A land easement was given to Montgomery County, Maryland for the



Manor Park Drive Storm Drain of 20feet wide by 100feet long at the  
Suggested setback site.

- (3) The suggested front and side setbacks would limit the amount of parking spaces.

The requested Waiver will prevent the unnecessary damages to the property and damages to the storm drainage system built by the County.

A copy of this letter is being sent to nearby property owners notifying them of this waiver request. Thank you for your attention to this request.

Sincerely,

Pierre and Tanie Guirand

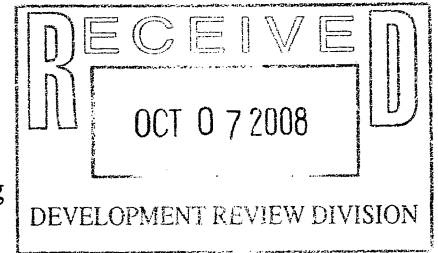
## ATTACHMENT 8



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

### MEMORANDUM

**TO:** Renee Miller, Development Review  
**VIA:** Mark Pfefferle, Supervisor, Environmental Planning  
**FROM:** Amy Lindsey, Environmental Planning  
**DATE:** October 7, 2008  
**SUBJECT:** Board of Appeals S-2735  
Guirand Senior Group home



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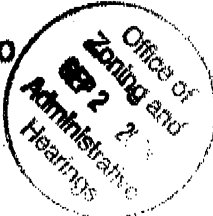
The subject plan has been reviewed by Environmental Planning to determine if it meets the requirements of Chapter 22A of the Montgomery County Code (Forest Conservation Law), the Environmental Guidelines, Noise Guidelines, and other related requirements. The following determination has been made:

**RECOMMENDATION: Approval.**

This Board of Appeals case proposes to increase the capacity of the existing senior group home from 8 beds to 15 beds. No land disturbance activities are proposed in conjunction with this plan. There are no environmental impacts from this proposed development and this property is not subject to Chapter 22A – Forest Conservation Law.

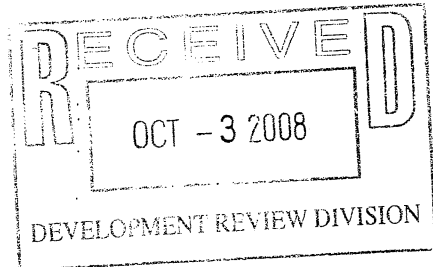
**ATTACHMENT 9**

Tel/Fax (301) 871-6480  
E. Mail None



13924 Blair Stone Lane  
Silver Spring  
Maryland 20906-3114  
August 28 2008

Office of Zoning  
and Administrative Hearings  
Stella B. Warner Council Office Building  
100 Maryland Avenue  
Room 200  
Rockville  
Maryland 20850  
Tel: (240) 777-6660  
Fax: (240) 777-6665



**Subject: CASE NO. S-2735**  
**Petition of Tanie and Pierre Guirand.**

**RE: Large Group Home**  
**Special Exception- Section 58-G-2.26.**

Gentlemen,

Thank you for sending the Notice of subject  
Hearing.

The following submission is respectfully made for  
consideration in the interest of public safety at the  
corner intersection of Georgia Avenue (State Highway 97)  
and Bel Pre Road where the subject property is located  
at 4101 Bel Pre Road, Rockville, Maryland 20853.

Specifically, concern is expressed for anticipated  
additional motor traffic which is proposed for the  
requested ten (10) additional parking spaces that are  
assumed to be off-street/on-property . . . and will  
probably will be used at peak traffic loading times (4pm

EXHIBIT NO. 13  
REFERRAL NO. S-2735

AUG-29-2008 09:46 PM RAYMOND RAMSAY

301 871 6480

P. 02

to 10pm) as Group Home clients are dropped-off/picked up coincident with the working hours of transportation vehicle drivers.

It cannot be assumed that Group Home clients will always be driven into the proposed additional on-site parking areas (10), and it is highly likely that they would be dropped off at Bel Pre Road) curbside to minimize commuting delays.

Under such conditions, southbound vehicles making right turns off Georgia Avenue, when initially entering Bel Pre Road could encounter (moving or stationary) Group Home vehicle activity. . . compounded by dual-directional traffic flow along Bel Pre Road itself.

As an a-priori requirement, it is requested that:

- 1) The property's peripheral curbs be painted yellow (owner's expense) and designated as NO PARKING zones.
- 2) A large (fixed) mirror be permanently installed (owner's expense) at the property Bel Pre Road exit (for client transportation driver use) . . . and for the purpose of sighting southbound vehicle traffic turning off Georgia Avenue.
- 3) The Group Home property owner be held accountable for the physical safeguarding of clients prior to entering and exiting motorized transportation vehicles,

Your consideration would be appreciated.

Thank you.

Sincerely

  
Raymond Ramsay