



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

March 28, 2011

MEMORANDUM

TO: Montgomery County Planning Board

FROM: Damon B. Orobona *DAMON*

VIA: Rose Krasnow, Division Chief

SUBJECT: Special Exception S-2801, Request for a Daycare Facility for Persons with Disabilities

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RECOMMENDATION: *Approval with Conditions.*

The applicant, Mary Emah, owns a single-family detached home at 3060 Fairland Road, Silver Spring, Maryland. The applicant is requesting a special exception that will allow her to operate an after-school therapeutic integration program for children with autism out of her home. There will be a maximum enrollment of 10 children in the program. All children will arrive and depart the site at the same time by a van service provided through the program.

To obtain approval for the use, which is classified as a *Daycare Facility for Persons with Disabilities* under the zoning ordinance, the applicant must satisfy all general zoning standards required for any special exception and certain specific requirements pertaining to the requested use.

In this instance, the applicant satisfies substantially all zoning requirements necessary for the granting of the special exception. However, a waiver is required to reduce the typically-required side- and front-yard setbacks for a special exception parking facility. Staff supports the waiver request, as the justification provided sensibly explains why the waiver should be permitted. The application is consistent with the 1997 Fairland Master Plan and there are no environmental or transportation-related concerns with the submission. Staff recommends the application be approved with the following conditions:

1. The applicant is bound by all submitted statements and materials pertaining to proposed the operations;
2. The hours of operation will be limited to Monday through Friday from 9:00am to 6:00pm and Saturday and Sunday from 10:00am to 4:00pm;
3. Weekday van arrival time will be between the hours of 2:00 and 3:00pm and weekday van departure time will be between 5:30 and 6:00pm.

4. Weekend van arrival time will be between the hours of 10:00 and 11:00am and weekend van departure time will be between 3:30 and 4:00pm;
5. The maximum number of disabled individuals to be cared for on site is 10;
6. The maximum number of non-resident employees on site will be two;
7. The applicant should provide additional landscaped screening of the parking area, particularly along the front and western side of the parking pad, with specific details of proposed plantings to be submitted during the hearing examiner's proceedings with input from planning staff.

## **I. PROCEDURE**

Application S-2801, filed December 23, 2010, seeks a special exception, pursuant to §59-G-2.13 of the Montgomery County Zoning Ordinance, to permit a Daycare Facility for Persons with Disabilities in a single-family detached home located at 3060 Fairland Road, Silver Spring, Maryland.

The Office of Zoning and Administrative Hearings has scheduled a public hearing date on this application for April 18, 2011, in the Stella B. Werner Council Office Building at 100 Maryland Avenue, Rockville, Maryland. Before the Hearing Examiner's proceedings, the Montgomery County Planning Board will conduct an initial public review of the application on April 7, 2011, at 8787 Georgia Avenue, Silver Spring, Maryland.

## **II. THE PROPOSAL**

### **A. Subject Property**

The subject property is 19,409 square feet in size and is rectangular in shape. It is classified under the R-90 Zone.

The existing house was constructed in 1983. According to Maryland tax records, the two-story home (three levels to the rear) is 1,748 square feet in size. The house is located on gently-sloping land, decreasing in elevation towards the rear of the property. The backyard is mostly clear and is fenced on all three sides. Existing landscaping is well-maintained. The site has a sidewalk running along Fairland Road and two driveway access points to the street via a semi-circular driveway. The home has an attached, front-facing two-car garage and there is ample space for extra parking on the semi-circular driveway and on a parking pad located on the west side of the property. The photographs that follow illustrate various aspects of the subject property.

**Front of House**



**Back of House**





## Driveway and Parking



### B. The Neighborhood

The neighborhood that surrounds the subject property is generally bound by single-family homes along the southern side of Memory Lane to the north and the single-family detached homes along the south side of Fairland Road to the south. The east side of the neighborhood boundary truncates just before reaching an R-200 zoned subdivision, and the neighborhood tapers off to the west where homes no longer have access along Fairland Road. All homes in the neighborhood are single-family detached homes. The entire neighborhood is zoned R-90. The neighborhood boundary, which is depicted with a dashed line on the map below, has been drawn to include any nearby properties that may be affected by a potential increase in traffic, noise, or physical activity associated with the proposed use. No other special exceptions exist within the neighborhood boundaries.



## Neighborhood Boundary



### C. Proposed Use

The applicant is the administrator for American Caregivers, Inc., a licensed provider of home care services to the elderly, the disabled, and children with mental or physical disabilities at off-site locations. The applicant has already been issued a use and occupancy certificate for a home health practitioner's office to operate the office components of this business out of the Fairland Road residence. The certificate limits the office use to 720 square feet and one non-resident employee.

The applicant recently expanded American Caregivers' services to provide a therapeutic integration program for children with autism, which is a therapeutic care program that focuses on music, dance, and recreational activities to help teach autistic children social skills and behavior. The operation will care for up to 10 autistic children, but the applicant states that the program is unlikely to have all 10 children on site at any one time.

The applicant desires to operate the therapeutic daycare program out of the single-family residence on Fairland Road and integrate the program with the existing office use. To provide the services at this location, the applicant desires approximately 1,200 square feet of space to be provided on the first floor and basement level of the home and to be allowed two non-resident employees working at the site. The first floor will house office space, while the basement level is to provide classroom, play, and napping space for the children. Children, under supervision, will access the outdoor play space through the rear basement door of the home.

The operation will use a van service for the pick-up and drop-off of children in order to minimize traffic and activity increases in the neighborhood. No independent pick-ups or drop-offs are expected from parents. The children will arrive at the site will between 2:00 to 3:00pm, and departure time will be between 5:30 and 6:00pm on weekdays. The site will also provide services on weekends, with arrival time scheduled to take place between 10:00 and 11:00am and departure between 3:30 and 4:00pm. The office component of the use will run from 9:00am to 5:00pm on weekdays only. The two non-resident employees will utilize either garage or driveway parking provided on the property. No new construction will be necessary to accommodate the proposed daycare for autistic children.

As illustrated in the photographs throughout, the home's entry points, landscaping, and overall appearance are typical compared to other single-family homes in the neighborhood. The use should not detract from the appearance of the neighborhood. Adequate lighting, residential in character, is located above the basement entrance to the daycare.

### **III. ISSUES TO CONSIDER**

#### **A. Master Plan Compliance**

The property is located within the area covered by the 1997 *Fairland Master Plan*. The Master Plan does not have a specific special exception recommendation for this property. However, the Plan does identify two problems noted by the residents: the narrowness of interior roads and limited on-street parking. Since the proposal has two to three additional on-site spaces in addition to a two-car garage, all vehicles associated with the use will have space to park on site. Any visual impact from additional vehicles on the property can be alleviated with additional landscape screening.<sup>1</sup> Moreover, since a van will be used to pick-up and drop off the children, the need for any additional parking is very limited.

## **B. Traffic and Parking Considerations**

Vehicular access is from Fairland Road, a major arterial. The property has a semi-circular driveway, with two access points along Fairland Road, which provides safe ingress and egress of vehicular movements from the street and avoids the need for vehicles to back onto Fairland Road.

The proposed daycare for autistic children meets the transportation related requirements of the Adequate Public Facilities (APF) Ordinance.<sup>2</sup> The proposal is estimated to generate three peak-hour trips during the weekday morning and evening peak-periods. Since the number of peak hour trips, when combined, will generate fewer trips than the threshold figure requiring a traffic study (30 peak-hour trips), the proposal passes the Local Area Transportation Review (LATR). Policy Area Mobility Review (PAMR) is not required because the proposal will generate less than three new peak-hour trips within the weekday morning and evening peak periods.

The special exception will not have an adverse effect on vehicular and pedestrian access or pedestrian safety.

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<sup>1</sup> See Community-based Planning interoffice memorandum at attachment 1.

<sup>2</sup> See Transportation Planning interoffice memorandum at attachment 2.



### **C. Landscape and Environmental Aspects**

The applicant has provided a Landscape Plan with the application. The plan shows the locations of existing landscaping on the site. No new plantings are proposed with the application, but staff is recommending a condition for additional plantings between the parking area and Fairland Road and the adjoining home to the west to improve privacy and buffering. As noted earlier, and as represented in the photographic evidence shown throughout this report, the property's landscaping is well maintained. All landscaping falls within the standards expected for a typical single-family home. There are no environmental issues or concerns associated with the applicant's proposal. The site is exempt from forest conservation requirements due to its small size.<sup>3</sup>

### **D. Community Involvement**

To date, staff has not received any objections from the community. There is no evidence of concern from adjoining and confronting neighbors regarding the proposed special exception. One letter of support has been received.<sup>4</sup>

## **IV. ZONING ORDINANCE ANALYSIS**

### **A. Compliance with Development Standards**

The subject property is located in the R-90 Zone, which permits the proposed special exception. The following table summarizes the relevant development standards for the application.

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<sup>3</sup> See forest conservation exemption form at attachment 3.

<sup>4</sup> See letter of support at attachment 4.

Development Standard	Min/Max Required	Provided	Applicable Zoning Provision
Maximum Building Height	2.5 stories	2 stories	§ 59-C-1.327
Minimum Lot Area	9,000 sq. ft.	19,409 sq ft.	§ 59-C-1.322(a)
Minimum Lot Width at Front Building Line	75 ft.	100+ ft.	§ 59-C-1.322(b)
Minimum Lot Width at Street Line	25 ft.	100+ ft.	§ 59-C-1.322(b)
Minimum Setback from Street	30 ft.	33 ft.	§ 59-C-1.323(a)
Minimum Side Yard Setback	8 ft. one side; sum of 25 ft. both sides	14 ft one side; 36 ft. sum of both sides	§ 59-C-1.323(b)(1)
Minimum Rear Yard Setback	25 ft.	100+ ft.	§ 59-C-1.323(b)(2)
Maximum Building Coverage	30 percent	9 percent	§ 59-C-1.328
Parking Spaces	1 space for every 4 persons with disabilities; 2 spaces for single-family dwelling = 5	5 spaces (3 spaces for SE; 2 spaces for single-family dwelling)	§ 59-E-3.7
Parking Setback for SE Parking Facility	Side: 16 ft. Front: 30 ft. Rear: 20 ft.	Side: 4 ft. Front: 2 ft. Rear: 140+ ft.	§ 59-E-2.83

The proposal conforms to all applicable development standards of the zone except two setbacks pertaining to *special exception parking facilities in residential zones*. However, the applicant is requesting a waiver of these setbacks as is allowed under §59-E-4.5 of the zoning ordinance. Staff supports the waiver as sensible because the parking area is small and appears residential in nature, the parking area is already in existence and supports the household and office activities currently conducted on site with no objections from

neighbors, and additional landscaped screening is recommended as a condition of approval.

Generally, parking facilities, including driveways, must be set back a distance not less than the applicable building front and rear yard and twice the building side yard required in the zone. The setback provisions of this section provide for greater setbacks for parking in a residential area than would be typically required. The intent is to mitigate the potential impacts of a proposed parking facility on adjacent residential land uses.

According to the applicant's submitted survey, the subject property's western parking pad is located only two feet from the western property line and approximately three feet from where the front property line meets the Fairland Road right-of-way; neither distance meets the required parking facility setback. However, as illustrated in the photos shown throughout the report, the driveway and parking pad (classified as a parking facility for special exception purposes because it has more than three spaces) appears residential in nature. With the added condition for additional screening to buffer the parking pad from the street and the adjoining neighbor to the west, the parking facility will not have an adverse visual impact on surrounding properties. Because the proposed operations will use a van to transport children to and from the site, only minimal increased activity will be present on the property during daytime hours. Both the semi-circular driveway and parking pad are already in existence to support the residential and office uses on site.

## **B. Inherent and Non-Inherent Adverse Effects**

The standard of evaluation for a special exception requires consideration of the inherent and non-inherent adverse effects on the nearby properties and general neighborhood where the use is proposed.<sup>5</sup> Inherent adverse effects are the harmful effects caused by the physical and operational characteristics necessarily associated with the particular use irrespective of the size or scale of

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<sup>5</sup> §59-G-1.2.1.



operations. Non-inherent adverse effects are any harmful effects caused by physical and operational characteristics not necessarily inherently associated with the particular special exception use, or adverse effects created by unusual characteristics of the site.

Any analysis of inherent and non-inherent adverse effects must first establish what physical and operational characteristics are necessarily associated with a particular special exception use. As established by previous applications, the following are the inherent physical and operational characteristics necessarily associated with a daycare facility for persons with disabilities: (1) the physical building; (2) parking area for required spaces; (3) lighting; (4) activity generated by persons with disabilities utilizing grounds for outdoor activity or contemplative space; (5) employees of the facility; and (6) trips to and from the site.

Alone, the inherent characteristics are not sufficient to constitute a denial. However, adverse effects that are not characteristic of a daycare facility for persons with disabilities are considered non-inherent adverse effects, which may be sufficient to result in the denial of a special exception application.

In the instant case, there are no adverse effects that will negatively impact the community above and beyond those necessarily inherent to a daycare for persons with disabilities. The daycare activities will be located in the basement of the main dwelling and will be non-identifiable from the street. The space is set up to provide all the spaces and facilities necessary for a daycare use of this nature, including office space, classroom and play areas, and napping facilities.

The daycare entrance appears as a typical rear basement entry to a single-family house, making it difficult to distinguish from any other neighborhood home. The backyard and grounds of the property are relatively clear and safe while consistent with typical residential standards. The property is large enough – over twice the size of the minimum R-90 lot size – to help prevent noise from adversely affecting surrounding properties.

Parking for the daycare will be sufficient. Here, in addition to the two available spaces in the attached garage for residential use, there is ample space

for three vehicles to park along the property's semi-circle driveway and parking pad. Additionally, given the proposed operations of the use whereby children are taken by van to and from the site, substantial parking is not necessary.

The operational and physical characteristics of the proposed daycare are consistent with the inherent characteristics of a daycare for disabled persons use. There are no non-inherent adverse effects present in this case.

### **C. General Special Exception Requirements**

#### **§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.

Analysis: A daycare for disabled persons is a permissible special exception in the R-90 Zone.<sup>6</sup>

(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.

Analysis: The proposed special exception complies with the standards and requirements set forth for the use in §59-G-2.13, as described in section IV.D.

(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

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<sup>6</sup>§59-C-1.31(d).

the applicable master plan, a decision to grant the special exception must include specific findings as to master plan consistency.

Analysis: As discussed in part III.A, the proposed use is consistent with the 1997 *Fairland 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.

Analysis: The proposed special exception will be in harmony with the general character of the neighborhood. It will not have an impact on population density; it will result in only a modest increase in the intensity of use of the property with little change in the character of the use; it will result in only a minimal increase in vehicular traffic; adequate parking is available; and no other daycares exists within 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.

Analysis: Because the proposed daycare for disabled persons presents only minimal impacts to the immediate area, the special exception will not be detrimental to the use, peaceful enjoyment, economic value, or development of the surrounding properties or the defined neighborhood provided that the special exception is operated in compliance with the Zoning Ordinance and the listed conditions of approval are satisfied.

- (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.

Analysis: Based on the nature of the use, the proposed special exception will cause no objectionable vibrations, fumes, odors, or dust. Noise and physical activity will be minimal, as the majority of operations will take place indoors. Only



up to 10 children will be enrolled in the daycare, and the applicant has stated that it is unlikely that all 10 children will be on site at the same time. Further, the size of the subject property's lot is more than twice the size of the R-90 minimum and the backyard is screened by both fence and plantings. Given all the above, outdoor play from the children will not likely cause substantial noise or physical activity to surrounding properties. The use will cause no objectionable illumination or glare because the provided lighting is residential in character.

- (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.

Analysis: No other daycare special exceptions exist in the neighborhood, which is made up of approximately 30 detached homes. The proposed use will not increase the intensity or scope of special exception uses sufficiently to affect the area adversely.

- (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.

Analysis: There is no evidence that the proposed use will adversely affect the health, safety, security, morals, or general welfare of the residents, visitors, or workers in the area of the proposed special exception.

- (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 Planning Board must determine the adequacy of public facilities in its subdivision review. In that case, approval of a

preliminary plan of subdivision must be a condition of granting 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 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.

Analysis: The proposed special exception will be adequately served by existing public services and facilities. The LATR guidelines require a traffic study to be performed if the applicant's action generates 30 or more peak-hour trips. The proposed daycare is expected to generate only three morning peak-hour trips and only three evening peak-hour trips, far below the 30-trip threshold. This minimal amount of traffic increase can be accommodated by the existing road network in the neighborhood. Furthermore, the proposed use is not likely to negatively impact the safety of vehicular or pedestrian traffic as the use will not generate a substantial increase in either form of traffic.

- (b) Nothing in this Article relieves an applicant from complying with all requirements to obtain a building permit or any other approval required by law. The Board's finding of any facts regarding public facilities does not bind any other agency or department which approves or licenses the project.

Analysis: No finding necessary.

- (c) The applicant for a special exception has the burden of proof to show that the proposed use satisfies all applicable general and specific standards under this Article. This burden includes the burden of going forward with the evidence, and the burden of persuasion on all questions of fact.

Analysis: The applicant is aware of this standard.

## D. Specific Accessory Apartment Requirements

### §59-G-2.13. Daycare Facility for Senior Adults and Persons with Disabilities.

A daycare facility or center for up to 40 senior adults and persons with disabilities may be allowed if the Board finds:

- (1) That such use will not constitute a nuisance because of traffic, insufficient parking, number of individuals being cared for, noise or type of physical activity.

Analysis: As previously stated, the use will not constitute a nuisance because the traffic generated from the use will be minimal, there will only be a maximum of 10 children being cared for at any one time, and the lot size and screening helps shield nearby properties from any potential noise or physical activity generated from the use.

- (2) That the applicant possesses a valid certificate to operate an elderly and medically handicapped daycare facility issued by the secretary of the Maryland Department of Health and Mental Hygiene; and

Analysis: The applicant possesses the required documentation. Documentation is found at attachment 5.

- (3) That any property to be used as a daycare facility is of sufficient size to accommodate the proposed number of residents and staff.

Analysis: The home and lot is large enough to support the care of up to 10 children and accommodate two off-site employees. The state of Maryland has certified the space as appropriate for the daycare use; the lot is more than twice the size of the minimum R-90 lot, so outdoor activity space should be adequate. There is sufficient parking to support two off-site employees.



## **V. STAFF RECOMMENDATION**

Staff recommends that application S-2801, for a special exception to permit a daycare for persons with disabilities in a home located at 3060 Fairland Road, Silver Spring, Maryland, be approved subject to the conditions found at the beginning of the staff report, and that a waiver be granted for the front and sideyard parking setback requirements.

## **VI. ATTACHMENTS**

1. Community-based Planning Interoffice Memorandum
2. Transportation Planning Interoffice Memorandum
3. Forest Conservation Exemption Verification
4. Letter of Support
5. Documentation
  - Maryland Department of Health and Mental Hygiene
  - Maryland State Department of Education
  - Department of Permitting Services



**MONTGOMERY COUNTY PLANNING DEPARTMENT**

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MEMORANDUM

March 25, 2011

TO: Damon Orobona, Senior Planner, Zoning Area 1  
FROM: Kristin O'Connor, Senior Planner, Area 3 (301-495-2172)  
VIA: John Carter, Chief, Area 3  
SUBJECT: Special Exception, Daycare Facility for Persons with Disabilities, No. S-2783

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**RECOMMENDATION**

Staff believes the proposed use will not change the residential character of the neighborhood. The proposed use is compatible to the existing single-family neighborhood as it is low-intensity in nature, and the special exception is in conformance with the 1997 Fairland Master Plan when the following conditions are met:

- 1) Appropriate screening of the parking along Fairland Road
- 2) Appropriate screening of the rear and side yards

**MASTER PLAN COMPLIANCE**

The R-90 Zoning is confirmed for the subject site in the Fairland Master Plan (1997). The site is located in the Tanglewood area in the 1997 Plan (Figure 18, p. 41). The 1997 Plan revealed that Tanglewood contains a diverse housing supply: 380 single-family detached units and 680 townhouses. The Fairland Plan confirms the General Plan's housing objective to maintain and enhance the quality of housing and neighborhoods. The residential character of the neighborhood will remain consistent with the surrounding properties because the use is low-intensity in nature.

The Plan has no specific guidance for this property regarding a daycare facility for persons with disabilities or about any other special exceptions. However, the Plan does identify two problems noted by the residents: the narrowness of the interior roads and limited on-street parking. The residents commented that it "is difficult for two cars to pass when cars are parked on the street" (p. 39). The proposal has two additional off-road parking spots for

Approval signatures

Planning Area 3 Team  
8787 Georgia Avenue, Silver Spring, Maryland 20910  
[www.MontgomeryPlanning.org](http://www.MontgomeryPlanning.org)

employees and a pad for a van that will provide 100% transportation for the children. Since no parking is proposed off-site, transportation staff is not concerned about vehicles parked on the street.

As proposed, the only visual impact on the surrounding neighborhood will be two employee cars on the asphalt driveway area and a service van that will pick up and drop off the children. Therefore, Staff believes the proposed use is not incompatible to the existing single-family neighborhood when the applicant provides screening for the front yard parking and the necessary additional screening required in the rear and side yards.



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

December 14, 2010

**MEMORANDUM**

**TO:** Damon Orobona, Senior Planner  
Build/Development Review Division

**FROM:** Shahriar Etemadi, Supervisor  
Move/Transportation Planning Division

**SUBJECT:** Special Exception Case No. S-2783  
Petition for Home Occupation  
3060 Fairland Road, Silver Spring, Maryland

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This memorandum presents Transportation Planning staff's Adequate Public Facilities (APF) review of the subject special exception petition to permit expansion of an existing home occupation at the above-referenced location.

**RECOMMENDATION**

Transportation Planning staff recommends no condition to support approval of the above special exception petition since the application meets the transportation-related requirements of the APF test. The home occupation expansion will not have an adverse effect on the transportation network in the immediate area.

**DISCUSSION**

**Property Location, Vehicular and Pedestrian Access, Parking, and Public Transportation**

The property is located at 3060 Fairland Road. An existing 720 square feet of the house is currently used for caring of disabled children.

Vehicular access is from Fairland Road, a Major Highway. The applicant has recently built a circular driveway for a safe and ease of ingress and egress of vehicular movements from Fairland Road. There is 5-foot sidewalk along Fairland Road along the property frontage. The special exception use will not have an adverse effect on pedestrian access/safety in the area due to this business has been in use before and the proposed expansion will have any significant

impact on already a very low volume of pedestrian traffic. We do not expect any additional pedestrian activities as the result of approving this special exception..

The existing house has a two car garage and additional area for off-street parking which can accommodate two vehicles.

#### Local Area Transportation Review

Using trip generation rates included in the *Local Area Transportation Review (LATR)/Policy Area Mobility Review (PAMR) Guidelines*, the single-family dwelling on the property was estimated to generate one peak-hour trip 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. The applicant's proposal will add two additional employee who may use public transportation or use own car. The applicant is using two vans to transport children that each may make one trip in the peak hours and an additional trip during the off-peak periods. The additional employees and the vans transporting children are expected to make less than 3 additional trips during the peak hours of AM and PM weekday peak period. Therefore, the applicant is exempt from LATR test.

#### Policy Area Mobility Review

As noted above, the single-family dwelling and the home occupation on the property together generate less than three peak-hour trips during the weekday morning and evening peak periods. The subject petition therefore is not subject to the PAMR requirements of the APF test.

SE:ss

Environmental Planning Division

Effective 1/08

Montgomery County Park & Planning Dept. ♦ 8787 Georgia Ave., Silver Spring, MD 20910 ♦ 301-495-4540, fax: 301-495-1303

APPLICATION

Forest Conservation Applicability\* for Special Exceptions

PROPERTY LOCATION

Street Address: 3060 FAIRLAND ROAD

Subdivision: CALVERTON Parcel(s) # Lot #(s): P7 Block(s): 29

Property Tax Identification Number: 05 02259637

Applicant (Owner or Contract Purchaser):

Name: MARY EMATT
Street Address: 3060 FAIRLAND RD
City: SILVER SPRING MD Zip Code: 20904
Phone No.: (301) 408-0100 Fax No.: (301) 408-0189

TOTAL AREA OF PROPERTY: 0.45 acres 19626 square feet

APPLICANT ATTESTS THAT THE FOLLOWING STATEMENTS APPLY TO THE SUBJECT SPECIAL EXCEPTION APPLICATION:

- The application applies to a special exception on a property of less than 40,000 square feet.
No forest or individual trees will be disturbed.
The property is not subject to a previously approved Forest Conservation Plan.
The special exception proposal will not impact any champion tree as defined by the Montgomery County Forestry Advisory Board.

Signature of applicant (Owner or Contract Purchaser):

Signature: [Handwritten Signature] Date: 6/21/10

M-NCPPC acknowledges that the special exception for the above property is not subject to the Forest Conservation Law as defined in Chapter 22A of the Montgomery County Code.

Signature of M-NCPPC Environmental Planning staff reviewer:

Signature: [Handwritten Signature] Joshua Penn Date: 6/21/10
301-495-4546


\*This form may be used only if the property is less than 40,000 square feet in total area.

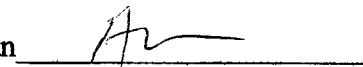


3056 Fairland Road  
Silver Spring, MD 20904  
9/27/10

To The Board of Appeals For Montgomery County

My name is Dagim Seyoun, my wife Abenet Shiferan and I own and reside in the property at 3056 Fairland Road adjacent to 3060 Fairland Road. We are writing to inform you that the parking lot at 3060 Fairland Road does not have any negative impact on us. Also that Ms. Emah has planted some trees to screen her parking area from us. Thanks.

Dagim Seyoun 

Abenet Shiferan 



MARYLAND  
DEPARTMENT OF HEALTH AND MENTAL HYGIENE  
OFFICE OF HEALTH CARE QUALITY  
SPRING GROVE CENTER  
BLAND BRYANT BUILDING  
55 WADE AVENUE  
CATONSVILLE, MARYLAND 21228

License No. R2004

Registration No. 25207

Issued to: AMERICAN CAREGIVERS, INC.  
801 WAYNE AVENUE  
SUITE 101  
SILVER SPRING, MD 20910

Type of Facility or Community Program:  
RESIDENTIAL SERVICE AGENCY

Date Issued: 08/01/2010

SERVICES: SKILLED NURSING AND AIDES; LEVEL OF CARE: RN SUPERVISION  
OF AIDES WITHOUT MEDICATION MANAGEMENT

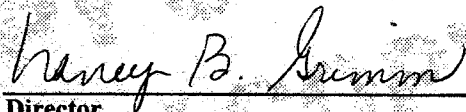
Number of Residents or Clients: N/A

Number of Beds: N/A

Other: N/A

Authority to operate in this State is granted to the above entity pursuant to The Health-General Article, COMAR Section 19-4A et Seq., Annotated Code of Maryland and is subject to any and all statutory provisions including all applicable rules and regulations promulgated thereunder. This document is not transferable.

Expiration Date: 08/01/2011

  
Director

*Falsification of a license shall subject the perpetrator to criminal prosecution and the imposition of civil fines.*



Nancy S. Grasmick  
State Superintendent of Schools

200 West Baltimore Street • Baltimore, MD 21201 • 410-767-0100 • 410-333-6442 TTY/TDD • MarylandPublicSchools.org

July 26, 2010

Ms. Mary Emah, Administrator  
American Caregivers, Inc  
801 Wayne Avenue, Suite # 101  
Silver Spring, Maryland 20910

Dear Ms. Emah:

This is to confirm the receipt of American Caregivers, Inc. written Therapeutic Integration assurance regarding not providing meals or snacks and required compliance forms, listed below, on Monday, July 26, 2010.

**Compliance Forms:**

- 1. Montgomery County Fire and Rescue Services**
- 2. Montgomery County Home Occupation Certificate**
- 3. Liability Insurance (expiration date is 7/06/11)**

This is to inform you of Maryland State Department of Education, Autism Wavier Program, approval of American Caregivers, Inc TI site located at **3060 Fairland Road, Silver Spring, Maryland, 20904**. According to the Fire Inspection report dated May 19, 2010, the first and second floors are off-limits for waiver participants. However, the first floor may be utilized to travel to the basement area where room B will be used for napping and rooms A and C will be used for classroom and play.

Effective, **Monday July 26, 2010**, American Caregivers, Inc. may officially begin utilizing the facility listed above for their TI program. Thank you for providing services to participants in the Autism Wavier Program.

Sincerely,

Veda C. Usilton, Education Program Specialist  
Special Services Branch

c: June Cohen  
Ron Boone  
Kathy Whalen  
Bernice Rosenthal

Maryland Public Schools: #1 in the Nation AGAIN in 2010



DEPARTMENT OF PERMITTING SERVICES

Carla Reid  
Director

Isiah Leggett  
County Executive

USE-AND-OCCUPANCY  
CERTIFICATE

Issue Date: 6/3/2010  
Certificate No.: 265078  
ID: AC1107791

Expires: NONE

Residence or building location: 3060 FAIRLAND RD  
SILVER SPRING MD 20904-7117

Proposed Use: HOME HEALTH PRACTITIONER

The applicant has applied for a certificate of Use and Occupancy under the provisions of the Montgomery County Code. The use for each floor, or part thereof; the live load (p.s.f.); the fire grading; the construction type; the code/edition; and any special conditions must be as follows:

Floor	Use Group Class	Maximum Live Load	Fire Grading	Occupancy Load	Construction Type	Code/Edition	Conditions
2FLS	B	50	N/A		VB	2006IBC	1 NON-RES. EMPLOYEE

This certificate applies only to the above-described residence or building and is valid until the permitted use changes. Changes in use require recertification or new registration, pursuant to the Building Code.

Director, Department of Permitting Services

Caution: The issuance of this certificate does not eliminate the need to obtain the required approvals of other State or County agencies.



DEPARTMENT OF PERMITTING SERVICES

Isiah Leggett  
County Executive

Carla Reid  
Director

HOME OCCUPATION  
CERTIFICATE

Issue Date: 4/27/2010 Expires: NONE Certificate No.: 265079

This certifies that : MARY EMAH  
3060 FAIRLAND RD  
SILVER SPRING MD 20904-7117

Use: HOME HEALTH PRACTITIONER

Lot: P7 Subdivision: CALVERTON  
Block: 29 Owner's Name:

This certificate applies only to the above described residence or building and is valid until the permitted use changes. Changes in use require recertification or new registration, pursuant to the Zoning Ordinance.

Director, Department of Permitting Services