



6104 Stardust Lane, Special Exception, SE-12-02



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Completed: 5/2512

Description

Special Exception No. 12-02: Lily Pads Child Day Care Facility

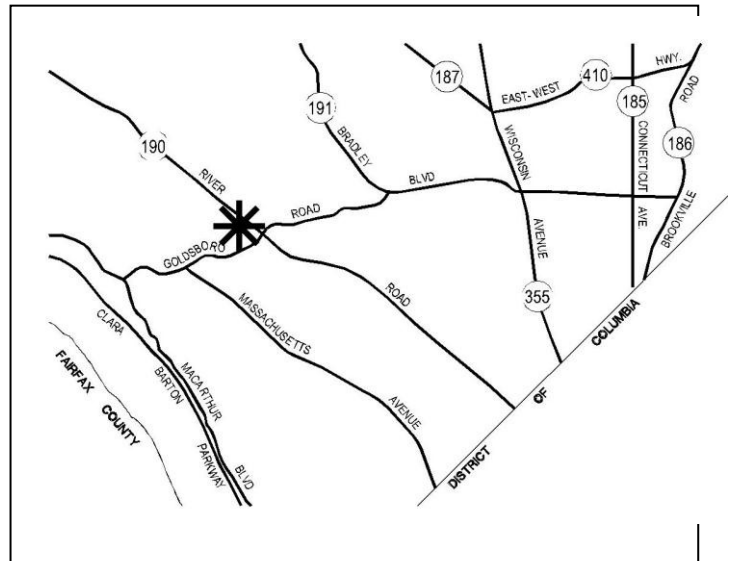
Request for a special exception for up to 12 children for a group day care facility, 6401 Stardust Lane, Bethesda, R-60 Zone, 1990 Bethesda Chevy Chase Master Plan.

(Action Required for Hearing by the Hearing Examiner on June 28, 2012)

Staff Recommendation: Approval with Conditions

Applicant: Leah Goitein

Date Submitted: February 12, 2012



Summary

The applicant, Leah Goitein, seeks approval of a special exception application for a group day care home for a maximum of 12 children at 6104 Stardust Lane in Bethesda, Maryland. The property is zoned R-60, which necessitates a special exception request to operate the proposed group day care at this location. The group day care use is proposed within the one-family detached residence on the site. Exterior alterations to the existing structure are not proposed at this time. The applicant currently resides in the home as part of a rental agreement and will monitor the day care operations in addition to two non-resident employees.

To obtain approval for a group day care special exception, the applicant must satisfy general zoning standards applicable to all special exceptions and specific zoning requirements tailored specifically to day care centers. The application meets the applicable technical requirements for a group day care facility and the proposal is consistent with the 1990 Bethesda Chevy Chase Master Plan.

RECOMMENDATION

Staff concludes that a group day care facility for a maximum of 12 children is an appropriate special exception use for the property and recommends APPROVAL with the following conditions:

1. All evidence, testimony and exhibits of record are binding on the applicant.
2. The group day care use must be limited to 12 children not older than four years of age, and two non-resident employees.
3. Permitted hours of operation are Monday through Friday, 8:00 a.m. to 6:00 p.m.
4. The applicant must comply with Maryland State and Montgomery County standards for the operation of a child day care facility.

I. PROCEDURE

Application SE 12-02, filed February 12, 2012, seeks a special exception, pursuant to §59-G-2.13.1 of the Montgomery County Zoning Ordinance, to permit a group day care home for up to 12 children located in a one-family detached residential dwelling unit located at 6104 Stardust Lane in Bethesda.

The Office of Zoning and Administrative Hearings has scheduled a public hearing date on this application for June 28, 2012, 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 June 7, 2012, at 8787 Georgia Avenue, Silver Spring, Maryland.

II. THE PROPOSAL

A. The Subject Property

The subject property is located in the southeast quadrant of the intersection of Stardust Lane and Haviland Drive in Bethesda. Access to Stardust Lane is available from the River Road Service Drive while Haviland Drive access is available from Goldsboro Road. The subject property is approximately two miles east of the Capital Beltway. The lot measures 9,475 square feet in size and contains a one-family detached residential home that is approximately 2,800 square feet in size. The site is generally rectangular in shape and has a gentle slope. There are no forests, streams, floodplains, wetlands, or environmental buffers on the property.



Front view of subject property from Stardust Lane



Rear view of subject property from backyard

B. The Neighborhood

The property is located in the Country Club Forest neighborhood of the Bethesda Chevy Chase Master Plan area. The defined neighborhood, for technical purposes of finding compatibility for the special exception request, is defined as an area much smaller than the Country Club Forest neighborhood. The neighborhood is defined by Stardust Lane on the north, River Road to the east, Goldsboro Drive to the south, and by the intersection of Stardust Lane and Redwing Drive to the west. This definition includes nearby homes within blocks that are adjacent to the subject property that may be affected by the child daycare facility and its associated activities.

The defined neighborhood shows a predominant residential character. The entire neighborhood is zoned R-60. The neighborhood is solely comprised of one-family detached homes. There is one

special exception (BA-1493, a dental office) within a one-family detached home, located at the corner of the River Road Service Drive and Stardust Lane. The defined neighborhood boundary is shown below.

Aerial Photo with Neighborhood Boundary



C. The Proposal

The existing day care use has been in operation on the property for over two years as a permitted use in the R-60 zone, as a family day care with a maximum of 8 children. The applicant is registered with the state of Maryland and currently credentialed at level three. The applicant is proposing to expand the operations to a group day care home with a maximum of 12 children. The facility will continue to be operated within the lower level of the existing one-family detached residential dwelling unit on the site. Upon approval of this special exception request, the applicant will expand the operations to a room within the first floor of the dwelling unit.

The day care currently has one staff member in addition to the applicant. If the petition to expand the day care is granted, the petitioner plans to hire one more employee. Children in the daycare will range from three month-old infants to 4 year-old children. The hours of operation for the child day care are 8:00 a.m. to 6:00 p.m. on weekdays. Access to the property is via a curb-cut and driveway off Stardust Lane. Off-street parking for the proposed day care will be provided on the driveway, which could accommodate two to three vehicles. The applicant is proposing to continue to use the rear yard as an outdoor play area, and the on-street parking spaces on Stardust Lane and Haviland Drive for drop-off and pick-up operations.



Play area on lower level



Sleeping area on lower level

III. ISSUES TO CONSIDER

A. Master Plan Guidance

This Special Exception application for the proposed group day care home in Bethesda is located in an area referred to as the “Palisades” in the *1990 Bethesda Chevy Chase Master Plan* (“Plan”). The neighborhood is recommended for the R-60 Zone and low density residential use by its Master Plan.

The Plan refers to several types of child day care facilities: such as “registered family day care homes” that serve up to six children at one time and are permitted uses within residential zones as well as a “small child care center” that serves up to 20 children. A “registered family day care home” is essentially a family day care in today’s terms which allows not more than 8 children including the children of the provider who are less than 6 years of age. A “small child care center” is essentially a child day care center for 13 or more children when using current zoning language. The applicant’s proposal falls in the middle of these two defined uses, as a group day care home for 9 but not more than 12 children including the children of the provider. The Plan does not support “small child care centers” in general, but further clarifies that according to the zoning ordinance at that time “family day care homes” are a permitted use in a residential zone, and that any small child care centers with 13-20 children can be approved in such zones, by the Hearing Examiner, if certain special exception requirements are met. This proposal for 12 children is clearly supported by the Plan subject to a finding of compatibility.

There are no specific recommendations in the Plan for the subject property in particular, however, specific language on page 155 of Section 6.22, *Child Needs* states, “To provide child care opportunities to residents and employees with varying locational and program preferences, the Plan supports the location of centers in both neighborhood/residential and employment settings.” Furthermore, on page 155 under Neighborhood Based Services, the authors reiterate that “The Plan supports the location of child care centers within public and private facilities when they are compatible with the surrounding residential communities.” The applicant’s proposed facility within an established residential structure in the Palisades area adequately meets these guidelines that encourage special exceptions to be residential in character and scale. The applicant has provided an adequate landscaping plan as recommended by the Plan. This proposal to expand from a family day care home to a group day care home with a maximum of 12 children is consistent with the 1990 Bethesda Chevy Chase Master Plan.

B. Traffic and Parking Considerations

The proposed access to the site is from the private driveway from Stardust Lane. The site has street frontage on both Stardust Lane and Haviland Drive, both 26-foot wide secondary residential streets with on-street parking allowed along both sides. There are four-foot wide sidewalks along both sides of Stardust Lane; there are no sidewalks along Haviland Drive.

Pursuant to Section 59-E-3.7. Schedule of requirements, off-street parking spaces must be provided as follows:

Child day care facility. For a family day care home or group day care home, one space for every non-resident staff member in addition to the residential parking requirement. The required number of spaces may be allowed on the street abutting the site.

Dwelling, one-family. Two parking spaces for each dwelling unit; except, that when the slope between the standard street sidewalk elevation at the front lot line and side lot line adjacent to a street, established in accordance with the county road construction code, and the finally graded lot elevation at the nearest building line exceeds, at every point along the front lot line, a grade of 3 inches per foot, such space shall not be required.

The proposed group day care home operations will necessitate two non-resident employees in addition to the petitioner. Based on the above requirements, two spaces are required for the dwelling unit and two non-resident staff member spaces are required. The two spaces required for the dwelling unit are located in the driveway and two non-resident staff member spaces can be accommodated along the street frontage of the site on either Stardust Lane or Haviland Drive.

According to the Petitioner's Statement of Operations, the day care currently opens at 8:00 a.m. and closes at 6:00 p.m. The applicant estimates that approximately 4-6 children arrive or depart during the peak-hour (7:00-9:00 am and 4:30-6:30 pm) for a total of 8-12 peak hour trips, and all of the drop-off's and pick-up's are expected to be "pass-by" or "diverted" trips (which are trips oriented to another primary destination and already on roadways adjacent to site). The proposed day care will not generate any net "new" peak-hour trips during the morning and evening peak-hours, but the two staff persons in addition to the applicant generate two "new" peak-hour trips during the morning and evening peak periods. Staff is expected to arrive before the opening and leave after the closing of the day care, within the respective morning and evening peak periods).

Based upon documentation from the site trip generation above, the petition satisfies the LATR requirements of the APF test. The petition is not subject to the PAMR requirements of the APF test because the proposal will generate less than four "new" peak-hour trips during the weekday morning and evening peak periods. Since the proposed child day care will not generate 30 or more "total" peak-hour trips during the weekday morning and evening peak periods, a traffic study is not required for the subject petition.



Stardust Lane, view looking north



Haviland Drive at Stardust Lane

C. Environmental Issues

The subject property is less than 40,000 square feet, therefore the Forest Conservation Law does not apply to this special exception site. The Forest Conservation non-applicability form was signed by Staff on January 25, 2012. There are no environmental issues associated with the application.

D. Community Involvement

There has been interest in this special exception request over the past few months. Staff has received approximately 10 letters supporting the application and approximately four letters opposing the application. Concerns expressed by neighbors were with regards to on-street parking and congestion, excessive special exceptions in the area, business operations in a rental property rather than an owner occupied property, additional noise from 12 children, and adequate space in the dwelling unit for 12 children.

Because the property is a corner a lot, approximately six on-street parking spaces are located along the property frontage. Homes on Stardust Lane and Haviland Drive have driveways for off-street parking, which allows for an adequate number of available on-street parking spaces in the vicinity of the subject property. The dental office located two houses north of the subject site at the corner of Haviland Drive and the River Road Service Drive is also a corner lot with adequate driveway and street parking. Staff does not believe one other special exception in the defined neighborhood constitutes a burdensome number of such uses in the area. The regulations do not stipulate that a group day care home must be operated by the owner of the dwelling unit in which the facility is proposed. It is important to note that the applicant has been caring for children in this location for over two years and many letters of support were from parents of children who have been very satisfied with the care given.

Additional noise from 12 children, rather than eight, is a valid concern, however, four infants are permitted by state regulations and such children will generate very little outside noise. The applicant anticipates, based on current operations, that not all 12 children will be full-time and the probable maximum number of children at one time will be 10. There is one hour of outside play for the children in the morning and one outside play hour in the afternoon. Expanding from a family day care home with eight children to a group day care home with 12 children is unlikely to produce a setting with a significantly louder noise level. The petitioner intends to expand the space used for the group day care facility to the first floor level of the home, in recognition that more play and sleeping areas will be needed. Additional staff hired by the applicant will ensure supervision on another floor of the dwelling unit.

IV. ZONING ORDINANCE ANALYSIS

A. Compliance with Development Standards

The subject property is located in the R-60 Zone. The proposal conforms to all technical development standards of the R-60 Zone, as shown on the table below.

Development Standard	Min/Max Required	Provided	Applicable Zoning Provision
Minimum Lot Area	6,000 sq ft	9,475 sq ft	§59-C-1.322(a)
Minimum Lot Width at Front Building Line	60 ft	65 ft	§59-C-1.322(b)
Minimum Lot Width at Street Line	25 ft	57 ft	§59-C-1.322(b)
Setback from Street	25 ft	25 ft	§59-C-1.323(a)
Side Setback from adjoining lot	8 ft	10.5 ft	§59-C-1.323(b)(1)
Rear Yard Setback	20 ft	36 ft	§59-C-1.323(b)(2)
Building Height	35 ft	25 ft	§59-C-1.327
Building Coverage	35 percent	29.5 percent	§59-C-1.328
Parking Facility Side Yard Setback for Special Exceptions in Residential Zone	16 ft	28 ft	§59-E-2.83(b)
Parking Requirement	2 spaces for employees; 2 spaces for dwelling unit	4 spaces total	§59-E-3.7

B. Inherent and Non-Inherent Adverse Effects

The standard of evaluation for a special exception requires consideration of the special exception's inherent and non-inherent adverse effects on nearby properties and the general neighborhood where it is proposed.¹ Inherent adverse effects are the harmful effects caused by the physical and operational characteristics necessarily associated with the particular special exception use, irrespective of the size or scale of the proposed operations. Alone, inherent characteristics are not sufficient to constitute a denial of the application. Non-inherent adverse effects are any harmful effects caused by physical and operational characteristics of the proposed special exception not inherently associated with the special exception use. Or, alternatively, they could be adverse effects created by unusual characteristics of the site. An application can be denied based on non-inherent adverse effects.

The inherent physical and operational characteristics of a child day care facility include:

- vehicular trips to and from the site;
- outdoor play areas;
- noise generated by children;
- drop-off and pick-up areas; and
- lighting.

There are no significant traffic impacts that would result from the proposed special exception. Adequate parking would be available for parents and employees in accordance with the special exception requirements. Outdoor play areas are adequate, and limited additional noise will be generated by an additional four children at the site. Existing lighting on the property is adequate and consistent with the residential character of the neighborhood and no new lighting will be added. The front, side, and rear yards are landscaped with mature trees on the applicants' property. There are no unusual non-inherent characteristics of the site. There are no non-inherent adverse effects arising from the group day care use sufficient to form a basis for denial.

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.

¹ §59-G-1.2.1.

Analysis: A group day care center is a permissible special exception in the R-60 Zone if all zoning standards are met.² As documented above, this group day care home meets the standards in the R-60 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.

Analysis: The proposal satisfies all requirements of §59-G-2 (analysis given in subsection D below). While the sentiment in the above provision that compliance with technical zoning standards does not create a presumption that the proposed use is compatible with nearby properties and does not require the Board to recommend approval of the special exception, the proposal is compatible with the surrounding neighborhood.

- (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.

Analysis: As previously discussed on page 6, the proposal is consistent with the *1990 Bethesda Chevy Chase 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: This provision requires a finding that the proposal is compatible with the surrounding neighborhood. It has been long established that the proposed kind, location, size, and form of proposed structures, as well as effects upon the neighborhood, are considerations to be weighed in the determination of compatibility. The one-family detached dwelling unit in which the day care operates will not undergo exterior alterations and will continue to be in harmony with the typical homes of the surrounding neighborhood.

² §59-C-1.31

- (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: Approval of the proposed group day care facility will not produce detrimental effects to the use and development of surrounding properties. Approval of a special exception in this location will not contribute to commercialization of this long-established residential neighborhood.

- (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: While staff hesitates to classify noise or physical activity from the play of children objectionable, letters from citizens in the area have expressed reservations about having four additional children at this location within a residential neighborhood. The applicant anticipates increasing the number of infants in the day care center, whom will primarily remain indoors and produce limited additional noise. No objectionable vibrations, fumes, odors, dust, illumination, or glare will be associated with the proposal.

- (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: There is only one existing special exception in the defined neighborhood (a dental office operating out of a one-family detached home), and the approval of this special exception will not affect the area adversely. It will provide a service identified and encouraged as part of the master-planning guidance for 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.

Analysis: A group day care will not 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. Police and fire services, water, and sanitary sewer are already established for the site. The proposal meets both the LATR and PAMR transportation findings.

- (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 Child Daycare Special Exception Standards

§59-G-2.13.1 Child Daycare Facility.

- (a) The Hearing Examiner may approve a child daycare facility for a maximum of 30 children if:

- (1) a plan is submitted showing the location of all buildings and structures, parking spaces, driveways, loading and unloading areas, play areas and other uses on the site;

Analysis: The applicant has satisfied this standard.

- (2) parking is provided in accordance with the Parking Regulations of Article 59-E.

Analysis: The applicant has satisfied this standard.

- (3) an adequate area for the discharge and pick up of children is provided;

Analysis: The applicant has satisfied this standard.

- (4) the petitioner submits an affidavit that the petitioner will:
(A) comply with all applicable State and County requirements;
(B) correct any deficiencies found in any government inspection; and
(C) be bound by the affidavit as a condition of approval for this special exception;
and

Analysis: The applicant has supplied an affidavit with the application materials.

- (5) the use is compatible with surrounding uses and will not result in a nuisance because of traffic, parking, noise or type of physical activity. The hearing examiner may require landscaping and screening and the submission of a plan showing the location, height, caliper, species, and other characteristics, in order to provide a physical and aesthetic barrier to protect surrounding properties from any adverse impacts resulting from the use.

Analysis: As previously stated in the General Conditions section, the proposal will be compatible with the surrounding neighborhood.

V. STAFF RECOMMENDATION

Staff recommends that application SE 12-02, for a special exception to permit a group day care center at 6104 Stardust Lane, Bethesda, Maryland, be recommended for approval to the Hearing Examiner.

VI. ATTACHMENTS

- A Statement of Operation
- B Site Plans
- C Transportation Planning Interoffice Memorandum
- D Forest Conservation Application
- E Citizen Correspondence
- F Affidavit of Compliance

LILY PADS CHILD CARE OPERATION PLAN-EXPANSION

Lily Pads Child Care has been open since January 2010. Since opening, we have filled with children eager to learn, grow, and develop in a comfortable atmosphere. At Lily Pads, I have offered a quality experience for infants and toddlers as well as preschool age children. Currently, the children's ages range from four months to over three years. We have a capacity of eight children per day. I have fifteen children enrolled in my program. Most come maybe twice a week and a few are full time. Since Lily Pads is full, as the part time children want to add days I am unable to offer that additional care to parents. Also, there is a high demand that is not being met for infant care in my location. I am constantly getting phone calls for people looking for care for children under age two. I currently only have one or two children a day under age two but am licensed to have four. If I was allowed to have twelve children, I could help meet the infant need. I currently have six people on a waitlist looking for childcare beginning in April 2012 going through November 2012.

I have a Bachelor's of Business Administration, an MBA, and have taken multiple early childhood education college level classes. I have my 90-hour certificate and am credentialed currently at a level three. My current employee, Brenda Gardner Smith has been with me since opening. The children and parents speak highly of her and she is a reliable, loyal, responsible employee. She has over twenty years experience as a nanny and has over two years experience in Lily Pads.

EXHIBIT NO. 9
REFERRAL NO. SE 12-02

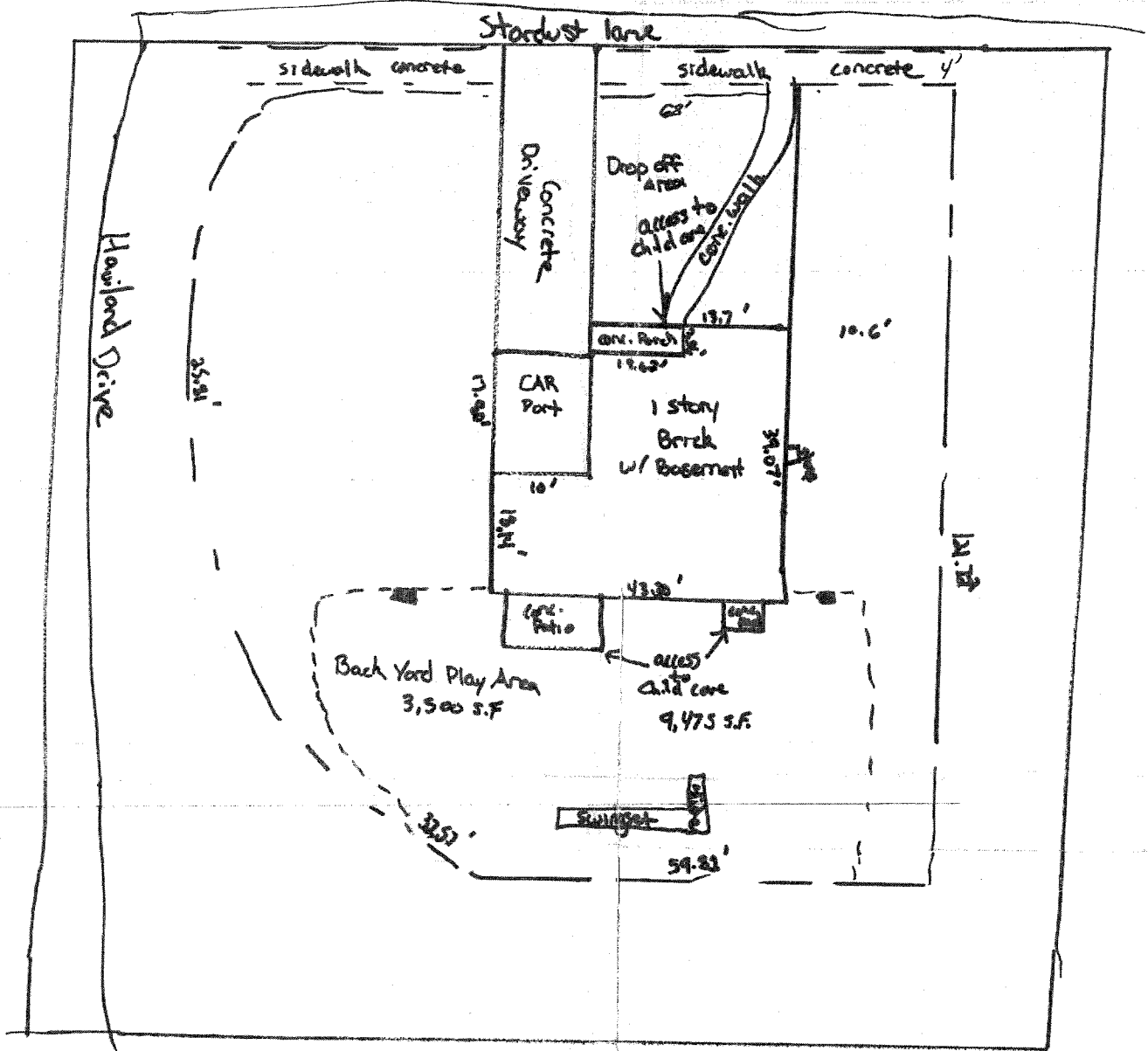
With this new proposal to add four children to the capacity, I plan to hire one more employee. I will operate a room with children age two and over and another room for children under age 2. I will be hiring a teacher to cover the infant room. I plan to continue to operate between 8 am and 6 pm Monday through Friday.

The way parking is currently; there are two spaces in the driveway. There are also spaces along Stardust lane and Haviland Drive. My house is on the corner of both streets. There is plenty of street parking available daily. Also, the ways parents do pick up/drop off, they come in about 15 minute increments and usually stay between 1-10 minutes. That means two or three children come at eight, two or three at 815, two or three at 830, two or three at 845, two or three at 9, and two or three at 915. For pick up at the end of the day, children leave between 2:30 and 6 pm so it is very spread out and they leave one or two at a time. With the children coming and leaving at different times, it is spread out enough that there is ample street parking.

I do not plan to do any construction to the exterior of the house. There is lighting that is 60 watts at the door, in the carport, and towards the end of the sidewalk. Inside, there are floodlights all throughout the house that are 60 Watt. In the interior, I will be adding a hard-wired battery back up fire alarm for a napping room and purchasing equipment such as cribs, exersaucers, highchairs, mats, and developmentally appropriate toys to add to an already large collection of equipment.

With the addition of four children to my capacity, I will be able to meet a demand in my neighborhood and within my childcare. Lily Pads Child Care will

continue to operate at a high, quality level of care while offering a better opportunity for more children to experience our program.

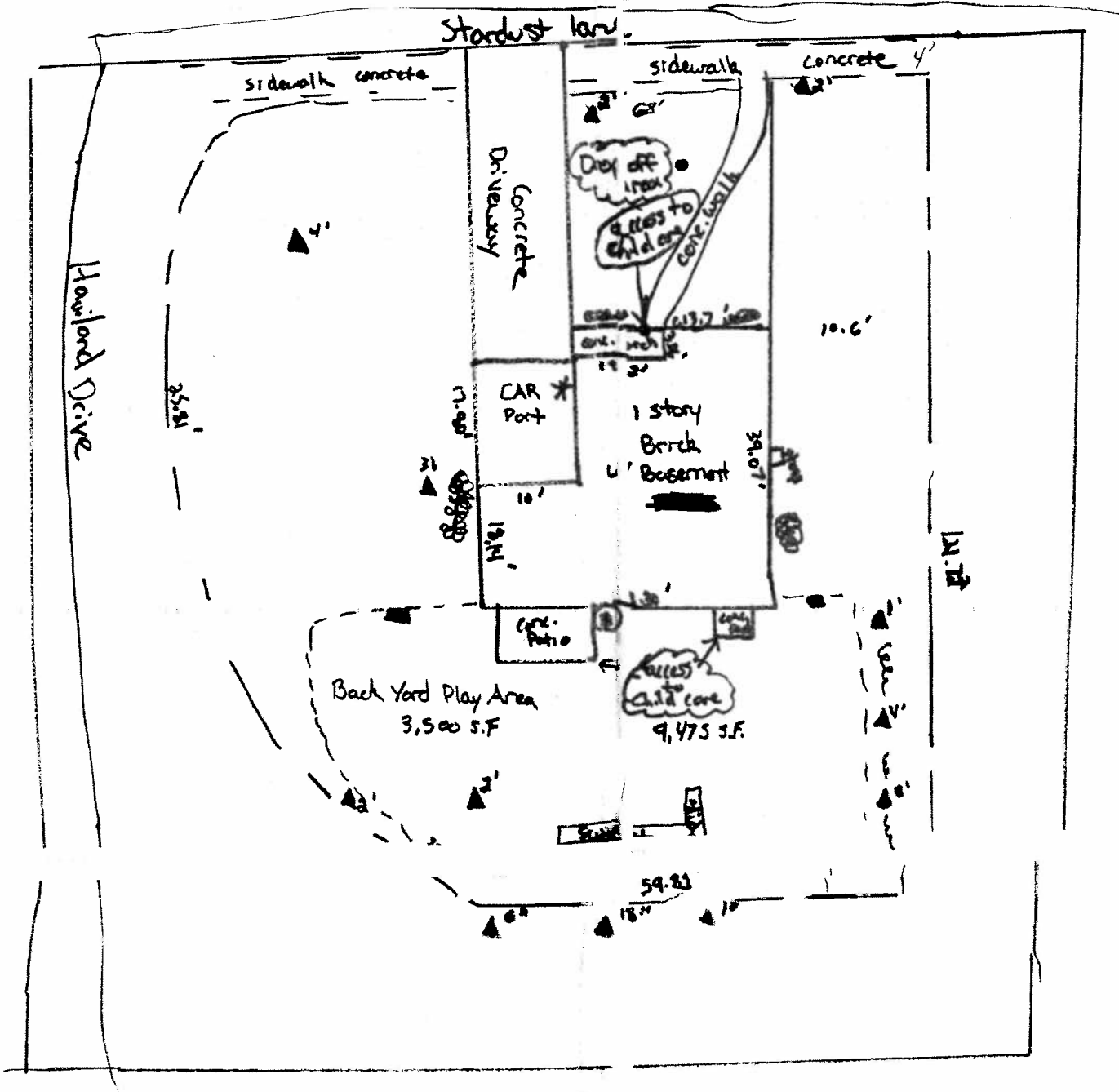


Site Plan
 Lot 1
 Block A
 9,475 S.F.



Legend
 - - - - wood fence
 - - - - parking
 - - - - property line
 Scale 1" = 10' ft
 ■ Gate

EXHIBIT NO. 3
 REFERRAL NO. 72-02



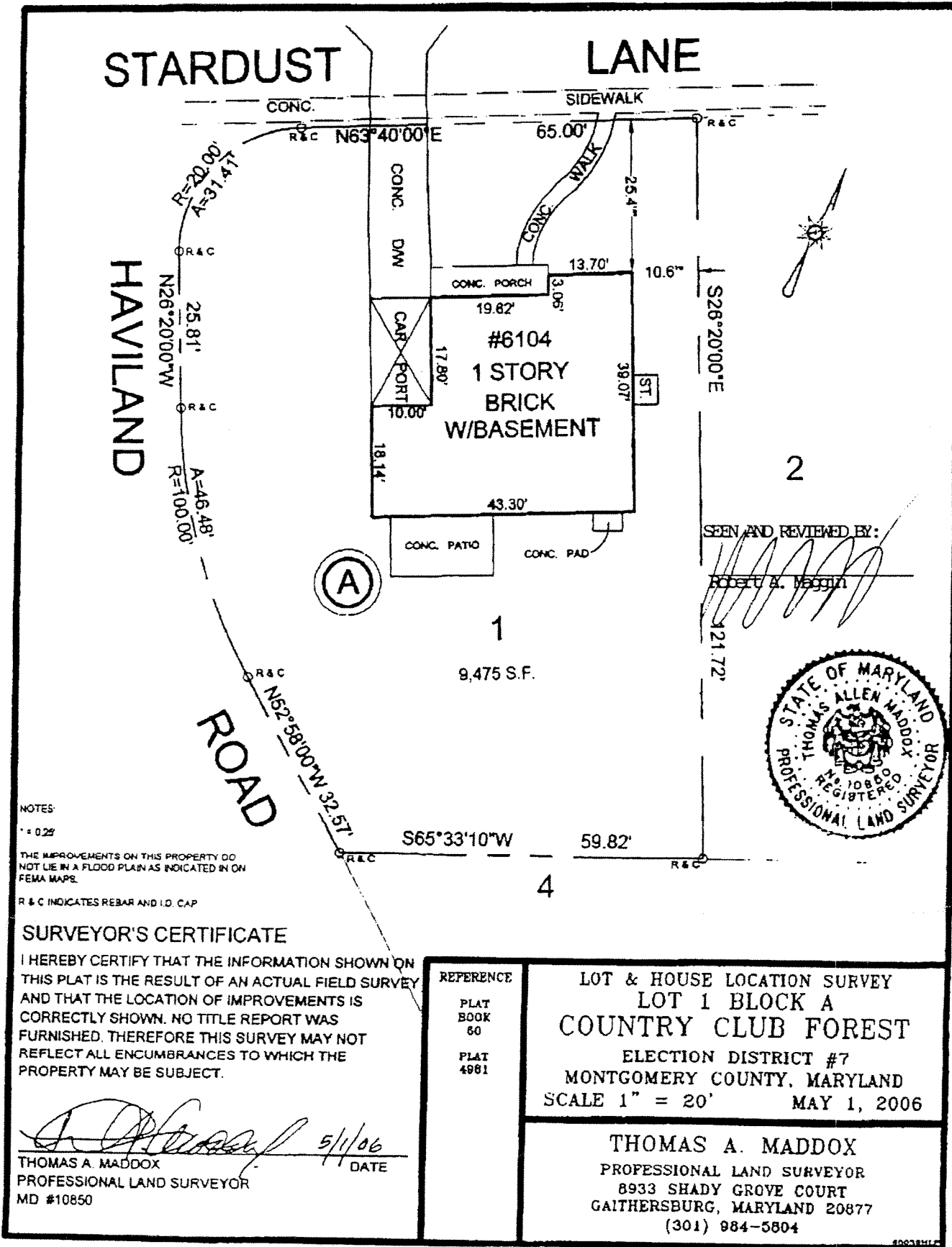
Landscape + Lighting Plan

Lot 1
Block A
9,475 S.F.

Scale
1" = 10 ft.

3/14
 10/18/04





NOTES

1" = 0.25'

THE IMPROVEMENTS ON THIS PROPERTY DO NOT LIE IN A FLOOD PLAIN AS INDICATED IN OH FEMA MAPS.

R & C INDICATES REBAR AND I.D. CAP

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT THE INFORMATION SHOWN ON THIS PLAT IS THE RESULT OF AN ACTUAL FIELD SURVEY AND THAT THE LOCATION OF IMPROVEMENTS IS CORRECTLY SHOWN. NO TITLE REPORT WAS FURNISHED. THEREFORE THIS SURVEY MAY NOT REFLECT ALL ENCUMBRANCES TO WHICH THE PROPERTY MAY BE SUBJECT.

Thomas A. Maddox 5/1/06
THOMAS A. MADDOX
PROFESSIONAL LAND SURVEYOR
MD #10850

REFERENCE

PLAT BOOK 60
PLAT 4981

LOT & HOUSE LOCATION SURVEY
LOT 1 BLOCK A
COUNTRY CLUB FOREST
ELECTION DISTRICT #7
MONTGOMERY COUNTY, MARYLAND
SCALE 1" = 20' MAY 1, 2006

THOMAS A. MADDOX
PROFESSIONAL LAND SURVEYOR
8933 SHADY GROVE COURT
GAITHERSBURG, MARYLAND 20877
(301) 984-5804

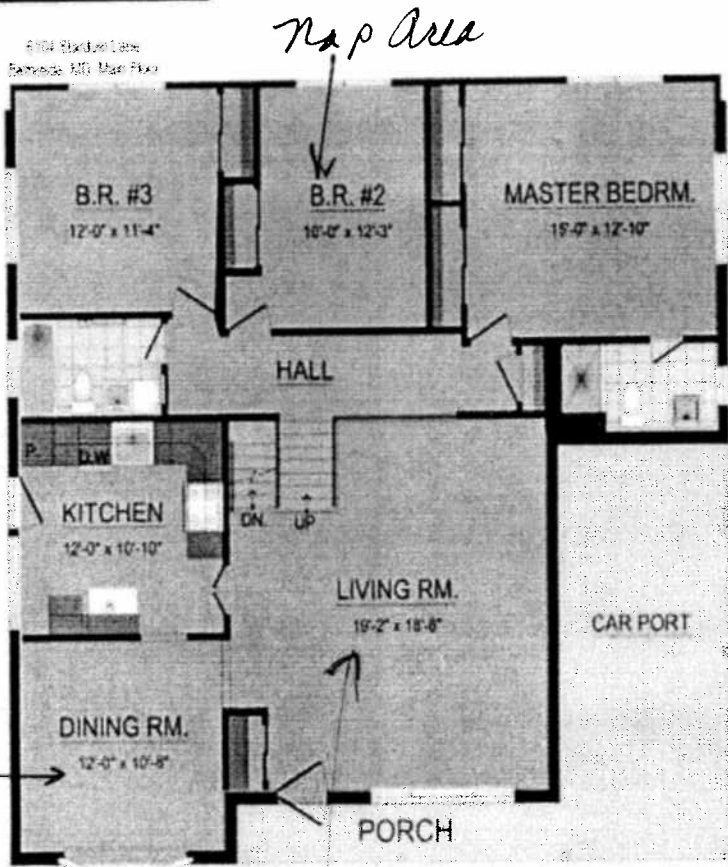
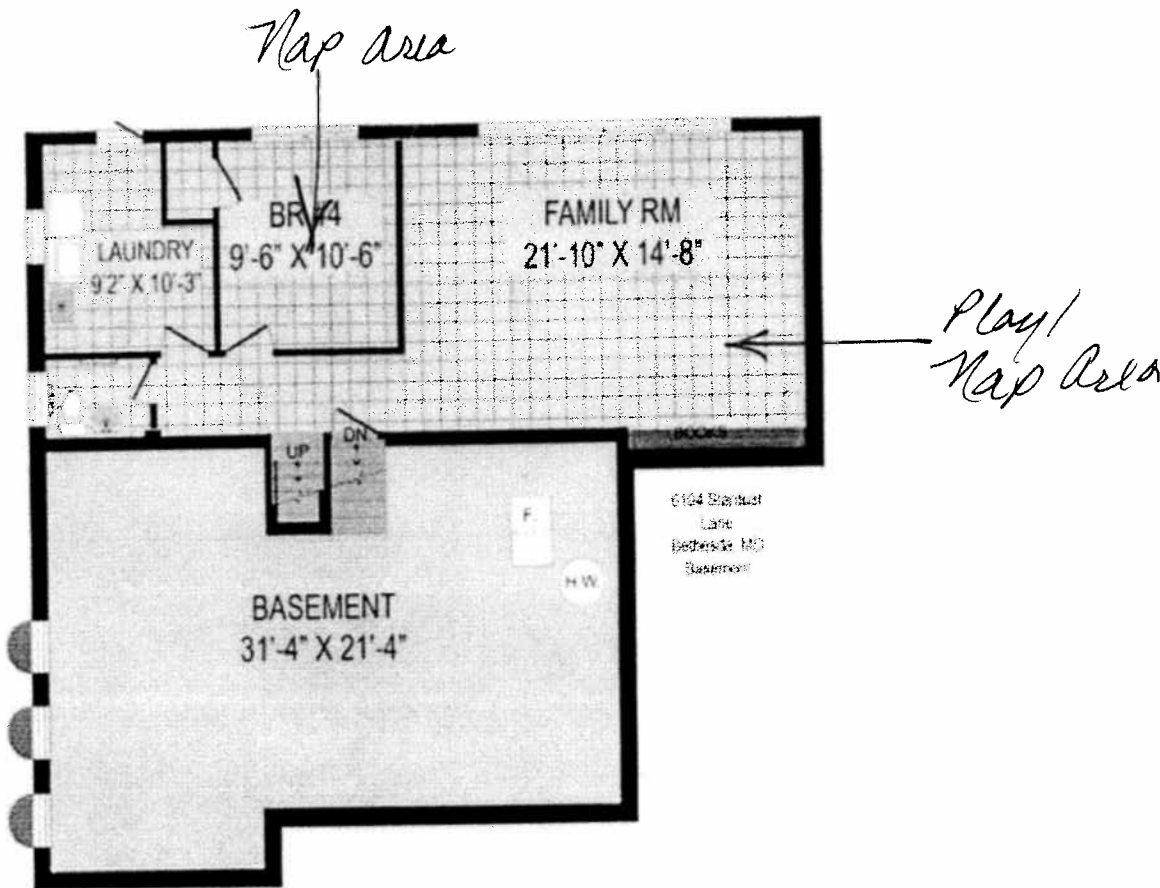


EXHIBIT NO. 4
 REFERRAL NO. SE 12-02

May 3, 2012

MEMORANDUM

TO: Erin Grayson

FROM: Cherian Eapen

SUBJECT: Special Exception Case No. S.E.-12-2
Lily Pads Child Care
Petition for a child day care for 12 children by Leah Goitein ("Petitioner")
Lot 1, Block A, Country Club Forest Subdivision
6104 Stardust Lane, Bethesda
Bethesda-Chevy Chase Policy Area

This memorandum presents the Adequate Public Facilities (APF) review for the subject special exception petition to permit expansion of an existing child day care on the property at 6104 Stardust Lane in Bethesda from 8 children to up to 12 children. The existing day care has been in operation on the property for over two years. The hours of operation for the child day care are 8:00 a.m. to 6:00 p.m. on weekdays. The day care currently has one staff member in addition to the Petitioner. If the petition to expand the day care is granted, the Petitioner plans to hire one more employee. The property is zoned R-60, and is located within the Bethesda-Chevy Chase Policy Area and Master Plan area.

RECOMMENDATION

The subject special exception petition is recommended for approval with the following condition (based on the Petitioner's Statement of Operations submitted for the subject special exception petition):

1. The petitioner must limit the normal hours of operation, number of students, and staff at the proposed day care to 8:00 a.m. to 6:00 p.m., 12 children, and 3 total staff.

The proposed child day care 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 subject property is located within the southeast corner of Stardust Lane and Haviland Drive in Bethesda. From the property, Stardust Lane extends east to a service road for River Road

(MD 190) and Haviland Drive extends south to Goldsboro Road (MD 614). The Walt Whitman High School is located to the north of the property.

Both Stardust Lane and Haviland Drive are 26-foot wide secondary residential streets with on-street parking allowed along both sides. There are four-foot wide sidewalks along both sides of Stardust Lane; there are no sidewalks along Haviland Drive.

Access to the property is via a curb-cut and driveway off Stardust Lane. Off-street parking for the proposed day care will be provided on the driveway, which could accommodate two-three vehicles.

The immediate area is served by RideOn Route 29 and Metrobus Route T2, which runs along River Road. Route 29 runs between Bethesda Metro Station and Friendship Heights Metro Station and Route T2 runs between Rockville Metro Station and Friendship Heights Metro Station. Bus stops associated with these routes are approximately 1,000 feet from the property.

The proposed special exception use will not have an adverse effect on pedestrian access/safety in the area.

Master Plan Roadways/Bikeways

The Approved and Adopted April 1990 *Bethesda-Chevy Chase Master Plan* describes the following nearby master-planned roadway and bikeway facilities:

1. River Road, to the north of the property, as a northwest-southeast four- to six-lane divided major highway (M-2) with a minimum right-of-way width of 150 feet between Capital Beltway (I-495) to the northwest and Ridgefield Road to the southeast. A dual bikeway, as a shared-use path and a signed shared roadway, is recommended as DB-2 in the 2005 Approved and Adopted *Countywide Bikeways Functional Master Plan* between Capital Beltway to the northwest and Western Avenue/D.C. line to the southeast.
2. Goldsboro Road, to the south of the property, as an east-west four-lane major highway (M-93) with a minimum right-of-way width of 120 feet between Massachusetts Avenue and River Road and as a four-lane arterial (48-foot pavement width; A-80) with a minimum right-of-way width of 80 feet between River Road and Bradley Boulevard. Additionally, bike lanes are recommended for Goldsboro Road as BL-1 in the *Countywide Bikeways Functional Master Plan* between MacArthur Boulevard to the west and Bradley Boulevard to the east.

Site Trip Generation

According to the Petitioner's Statement of Operations, the day care currently opens at 8:00 a.m. and closes at 6:00 p.m. The day care currently has one staff person in addition to the

Petitioner, with the staff person arriving prior to the opening and departing after the closing. If the petition to expand the day care is granted, the Petitioner plans to hire one more employee.

With an estimate of approximately 4-6 children to arrive or depart during the peak-hour (a total of 8-12 peak hour trips), and with all of the drop-off's and pick-up's expected to be "pass-by" or "diverted" trips (which are trips oriented to another primary destination and already on roadways adjacent to site), the proposed day care is estimated not to generate any net "new" peak-hour trips during the morning and evening peak-hours. With two staff persons, the day care however is estimated to generate two "new" peak-hour trips during the morning and evening peak periods (since staff is expected to arrive before the opening and leave after the closing of the day care, within the respective morning and evening peak periods).

Local Area Transportation Review and Policy Area Mobility Review

Since the proposed child day care will not generate 30 or more "total" peak-hour trips during the weekday morning and evening peak periods, a traffic study is not required for the subject petition. With documentation of site trip generation as above, the petition satisfies the LATR requirements of the APF test.

Additionally, since the proposed child day care is estimated to generate only two "new" peak-hour trips during the morning and evening peak-hours (or less than four "new" peak-hour trips during the weekday morning and evening peak periods, which is the threshold that requires consideration of PAMR mitigation), the petition is not subject to the PAMR requirements of the APF test.

S.E. 12-2 Lily Pads Child Care.docx

Effective 1/08

Environmental Planning Division

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: 6104 Standish Ln Bethesda MD 20817
Subdivision: 0135 Parcel(s) # 0000 Lot #(s): 1 Block(s): A
Property Tax Identification Number: 07-00694015

Applicant (Owner or Contract Purchaser):

Leah Goiter
Name
6104 Standish Ln
Street Address
Bethesda MD 20817
City State Zip Code
(240) 743-4067 ()
Phone No. Fax No.

TOTAL AREA OF PROPERTY: _____ acres 9.475 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] 1/25/2012
Signature Date

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] 1/25/2012
Signature Date

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

EXHIBIT NO. 8
REFERRAL NO. 12102

6105 Stardust Lane
Bethesda, Maryland 20817

March 9, 2012



Office of Zoning and Administrative Hearings
100 Maryland Avenue Room No. 200
Rockville, MD 20850

Attention: Ms. Ellen Forbes

Dear Zoning Office:

Lily Pad Child Care
104 Stardust Lane
Bethesda, MD 20817

I am sending this letter to protest the application of Ms. Leah Goitein, owner of Lily Pad Child Care, to increase the number of children in her care from the current 8 to 12, ages 3 months to 4 years. She will probably be required to hire more care providers as well.

I protest her application because I feel this will further clog our streets in this residential neighborhood. Stardust Lane is between River Rd. and Massachusetts Ave. Currently we have a dentist office on the corner and a great deal of traffic flying by at both rush hours trying to avoid the busy intersection at River Rd. and Goldsboro Rd so they come flying down Stardust and turn on Haviland or Redwing. Also we have many students from Way Whitman HS flying down the street. This situation is out of hand.

Regarding the house. This is a modest house and the 8 children staying daily in the bottom level in 2 rooms (a family room, and one small bedroom which could accommodate 4 children and a bath.) There are two portacribs in the living room.

There are many child day care centers in our neighborhood - one at the River Rd. Unitarian Church at River Rd. and Whittier Blvd. and one at Pilgrim Church, Mass. Ave., across from the Little Falls Library, both with ample free parking.

I understand that this application will take 4-6 months to be resolved and an inspector will visit. Please let me know when there is a hearing.

Thanks for your help.

Sincerely,
Mary Kay Ford
Mary Kay Ford (301-229-5299)

EXHIBIT NO. 22
REFERRAL NO. S.E. 12-02

3-27-12

To: Office of Zoning + Administration
Hearings Room 200

Re: Lily Pad Child Care application
to increase from 8 to 12 children

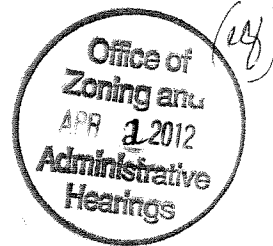
We are residents on the street
where this business operates.
We witness on a daily basis
the coming and goings of the
parents. Quite often the cars
may be parked far from the
curbs making it very
difficult to get by.

A worry about the safety
of the operation.

The Slattery Family
6208 Stardust Ln.
Bethesda, MD 20817-5928

Shelita
Slattery

EXHIBIT NO. 29
REFERRAL NO. S.E. 12-0:



6320 Haviland Drive
Bethesda, MD 20817

March 30, 2012

Ms. Ellen Forbes
Office of Zoning and Administrative Hearings
100 Maryland Avenue, Room 200
Rockville, MD 20850

Dear Ms. Forbes:

Leah Goitien and her boy friend rent the house at 6105 Stardust Lane, Bethesda, MD 20817. My home is 6320 Haviland Drive and Leah Goitien's backyard is directly across from the front of my home. This is a residential neighborhood (not zone commercial). I had hoped to enjoy a quiet retirement but with eight noisy children across the street it is very difficult. Now she wants to add four more children which makes twelve in a small house with limited accommodations. She has three portacribs in the living room by the front door and a very small room downstairs with four mats on the floor and they are side by side, also a small recreation room which would never accommodate twelve children.

We have a dentist office on the Corner of Stardust Lane which faces River Road next to it is a residential home, and then Leah Goitien's Lilly Pad Child Care on the corner of Stardust and Haviland Drive so there is not much parking on that side of the street.. Her boyfriend drives a very large pickup truck which he parks two wheels on the grass between the side walk and the street. It takes up space enough for two cars.

Leah Goitien is making quite a financial profit at the expensive of this neighborhood. Property owners on Stardust Lane and Haviland Drive pay high Montgomery County taxes to live here. Leah Goitien pays none.

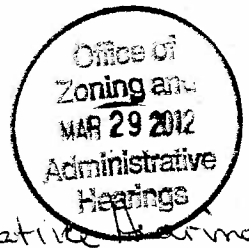
I am opposed to Leah Goitien's zoning exception to increase the number of children being taken care of there from eight to twelve children. She should never have been allowed to run a profitable business as a renter in this residential neighborhood..

Also the zoning sign in front of her house has the wrong telephone number on it. This is definitely to her advantage. Please post the correct telephone number.

Sincerely,

Shirley B. Tennyson

EXHIBIT NO. 28
REFERRAL NO. S.E. 1202



to: Office of Zoning and Administrative Hearings

Subject: Case SE-12-02 → child care expansion

We own a house one block down from the proposed expansion. We have lived in Stardust Lane for over 17 years.

These are the reasons my husband and I think that Ms Goitein should not be granted an expansion. I am writing because I received a letter from her asking for support.

→ Dropout and pick up times are in peak traffic hours. Our street has been used for many years and this will only increase the amount of traffic. This is also the time children walk to school bus stops on the street which will increase their risk.

→ There is already a dental office in the same block, two houses up. Cars from that office already take space on the street and also on non parking areas in the corner.

→ 12 children plus two adults will generate a great amount of waste (particularly from diapers, food) which will be picked up only once a week. Not sure of this in healthy and effects on the mice that we already have in the neighborhood

EXHIBIT NO. 27
REFERRAL NO. S.E. 12-02

→ I do not know if this is a necessary addition to the neighborhood considering there are two child care centers one block and two blocks from this house (Concord church & River Road Unitarian) etc.

→ these are our main concerns. while in the letter Ms. Gaiter sent to the neighborhood she claims they will maintain the quality of care, I cannot attest to that. However the corner is already busy for this residential area.

In sum these are the main reasons I am writing not to support the center's expansion (It is a rental house).

Please take these into consideration.

Sincerely

A. Schwartz

Analice Schwartz

6204 Stardust Ln

Bethesda, MD 20817

Office of Zoning and Administrative Hearings
100 Maryland Avenue, Room 200
Rockville, MD 20850
Attention: Ms. Ellen Forbes



Dear Ms. Forbes:

I am writing to share my opposition to the application of Lily Pad Child Care (6104 Stardust Lane, Bethesda, MD) for a zoning exception that would allow them to increase the number of children in their care from 8 to 12. I believe strongly that the proposed expansion would be bad for both the children and the neighborhood.

Currently, 8 children spend their days two rooms on the bottom level of this modestly-sized house -- a family room and a small bedroom -- with two portacribs set up in the livingroom. The expansion would require the cramming of 4 more children into an inadequate space. Given the many other child care options in the immediate vicinity, expansion seems both unnecessary and unfair to the families with children already in Lily Pad's care.

In addition, with the center and the dentist office a few doors up on the corner, rush hour traffic is already an issue on our small residential street -- and the parking situation on that end of Stardust can be a challenge. Driving more traffic our way will seriously exaserbate the problem.

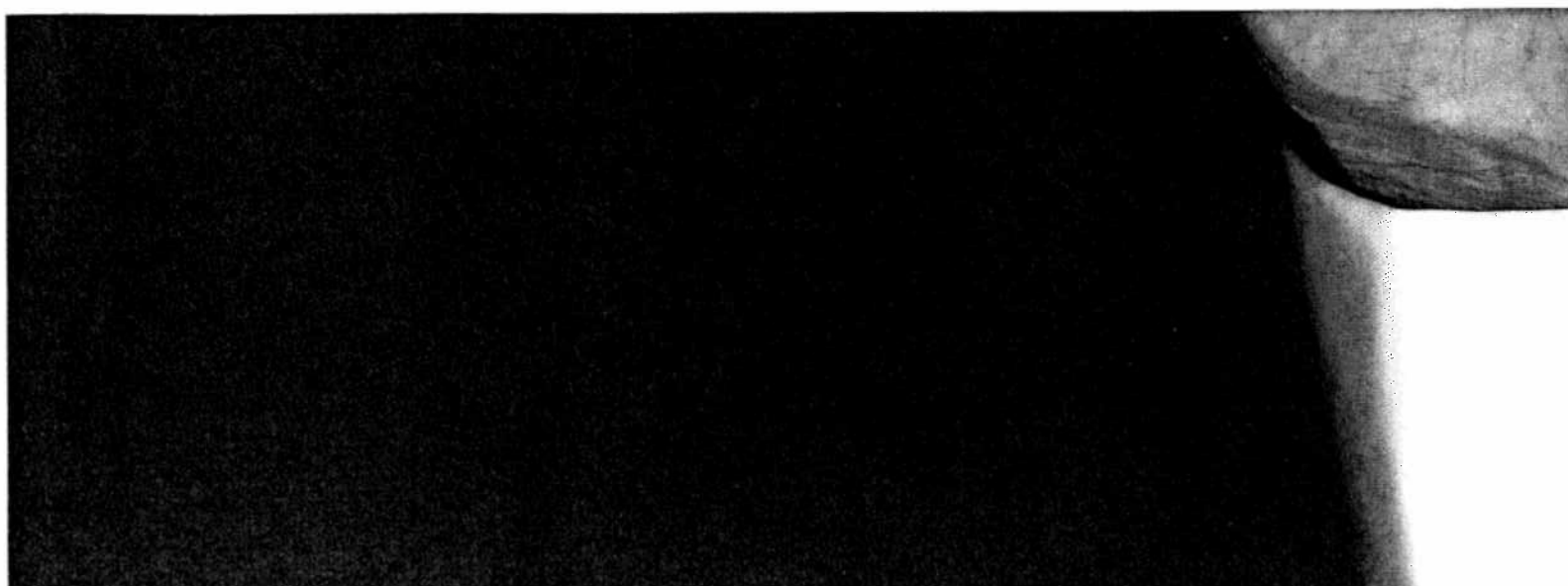
As a resident of Stardust Lane, as well as a mother and grandmother, I urge you to deny this zoning exception.

Sincerely,

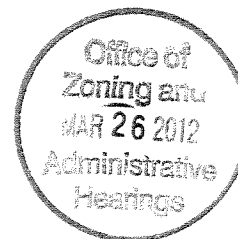
A handwritten signature in cursive script that reads "Barbara Mendel".

Barbara Mendel
6205 Stardust Lane

EXHIBIT NO. 24
REFERRAL NO. S.E. 12-02



Office of Zoning Administration
Attention: Ellen Forbes
Office Services Coordinator
100 Maryland Avenue
Room 200
Rockville, MD 20850



To Whom It May Concern:

My husband and I have been bringing our son Cole to LilyPads Child Care since November 2011. We are very excited and supportive of Leah Goitein's interest in expanding the center. Our 23 month old son, Cole, is doing great there! This has been a change for us, as Cole has gone from an in-home nanny to attending the center three days a week. We felt it was important to take advantage of the opportunity to socialize our son, exposing him to other children his age and begin to prepare him for the eventual transition to school. Leah has made this so much easier for us than I ever thought it would be. Leah and the staff are exceptionally attentive to all the children. They have done an amazing job of giving Cole the individual attention he needs while incorporating him into the group. We are hopeful that if the expansion is approved, Cole will be able to attend LilyPads on additional days.

In addition to the wonderful care our son is receiving, my other favorite aspect of LilyPads and Leah is the communication. Leah always takes the time to talk with me about Cole's day and how he's doing on a regular basis. She's very proactive in this regard, sending messages and photos during the day. There is nothing better! I don't want to feel like the nagging or overprotective parent and I never do because she is always communicating with me. I know that Leah and Brenda care deeply about my son's well-being.

Please feel free to contact me via phone, 301-896-0375, or email, tcarter@sdcvb.org, if you would like to speak with me personally.

Sincerely,

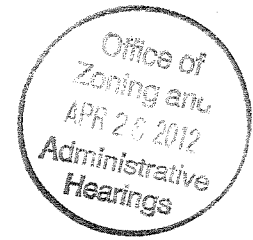
A handwritten signature in black ink that reads "Tina Carter Chocklett". The signature is written in a cursive style.

Tina Carter Chocklett

EXHIBIT NO. 26
REFERRAL NO. S.E. 12-02

April 22, 2012

Office of Zoning and Administrative Hearings
Petition of Leah Goitein Special Exception 12-02



To Whom It May Concern:

Leah Goitein has been our neighbor for almost two years. We have watched her with the children in her childcare and believe she runs an outstanding quality childcare program.

Living across the street, we have had minimal impact from the childcare's existence. There has been no issue with traffic or parking. The parents park either in her driveway or directly in front of the house and are quick in and quick out. Adding four children will not change this much as we assume many of the additional spots will be taken by siblings of the existing children at some point in time, thereby potentially not increasing traffic at all.

As parents ourselves, we understand the need for high quality daycare, in a home setting. We support the expansion of the Lily Pads Child Care.

Thank you,

Janine Adsett Silveira
Brian Silveira

cc: Leah Goitein

EXHIBIT NO. 32
REFERRAL NO. J.E. 12-02



Office of Zoning and Administration Hearings
100 Maryland Avenue Room No. 200
Rockville, MD 20850

Dear Ms. Forbes,

A neighbor, Leah Goitein requested signatures for a show of support petition for her Lilly Pads Child Care business located on Stardust Road, Bethesda, MD 20817.

I signed her petition and want to encourage you to support her business. I am an Early Childhood professional who has taught college courses in Pennsylvania and operated the early childcare center for Harrisburg Area Community College before moving to Maryland. I continue to teach, but not longer work on a childcare site. however I continue to support quality care for young children.

When I saw the Lilly Pad Child Care home open one block from my house I gave them a visit. I also called the county to verify that it was a licensed program appropriate care for children. I am completely satisfied that the Lilly Pads Child Care is an asset to our neighborhood. It provides a home like environment for young children and the yard is fenced in to provide safe outdoor play. Parents dropping and picking up children park on the street and do not cause any inconvenience to other residences.

Some neighbors are concerned about increase traffic. The child care facility does show any more traffic, than when a neighbor has guests come to visit. The cars arrive for dropping off and picking up and are at variable times throughout the day.

The real danger and hazard are from the many drivers trying to avoid the River Road and Goldsboro light and use our neighborhood as a short cut. These drivers drive through our two streets, Redwing Road and Stardust Road well above the speed limit endangering our children and pets. The county could make money-collecting fines from those who use our service road as a short cut.

The extra traffic that perhaps some neighbors are noticing is not from the Lilly Pad Child Care facility, but instead from high school students and their parents from Goldsboro area neighborhoods who use this little neighborhood as a shortcut.

I whole-heartedly support the Lilly Pad Child Care located on Stardust Road, Bethesda, MD 20817.

Best Regards,


Donna K. McGee 6408 Redwing Road, Bethesda, MD 20817 P:301-320-6105

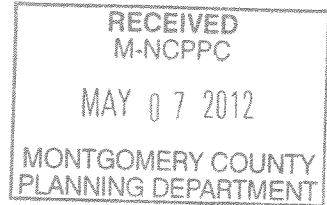
EXHIBIT NO. 30
REFERRAL NO. S. E. 12-02

10649 Montrose Ave, Apt 102
Bethesda, MD 20814



May 1, 2012

Ms. Ellen Forbes
Office Services Coordinator
Office of Zoning Admin. Hearings
100 Maryland Ave, Room 200
Rockville MD 20850



Dear Ms. Forbes,

My daughter attended Lily Pads Childcare from its opening in January 2010 through September 2011, when I went on maternity leave after having my second child. I note that reason for her departure, because my personally being able to take care of my children is the only reason we would have taken Meredith out of Lily Pads.

Leah and Brenda were ideal caregivers. Meredith still talks about them with such love, it warms my heart to know she was not just being taken care of but raised. The facility is bright and impeccably clean with age appropriate books and toys. Every day there is a different activity such as arts and crafts, music, dance and lots of imagination and play! They included an educational element in every activity which was communicated to me, as a parent, very effectively so we could emphasize the same lessons at home.

Speaking of communication, Leah and Brenda were superb. They were always clear with written communications, verbal updates and emails as far as the status of Meredith's day and Day Care policies. Leah also sent text messages and emails of pictures and videos so we could see what Meredith was doing. That type of attention to detail extended to her making photo albums of the year for each child and very sweet birthday presents. At Lily Pads they go the extra mile because you can tell they genuinely care about the children.

They also care about parent's wishes. I wanted to try a certain schedule with Meredith and they were very attentive and helped push that schedule. They also learned Baby Sign Language to help emphasize the technique resulting in Meredith being able to use it. They are very respectful of dietary requests as well.

Overall I couldn't have asked for a more loving, safe and educational environment for my child. It is very scary and stressful for new parents to go back to work and trust someone else with your baby. Lily Pads took that worry off my shoulders and made that transition seamless. I hope you grant Lily Pads an exception to be a center so more families can benefit from their expert care. I am happy to answer any questions, and can be reached at 202-288-0082.

Sincerely,

Danielle DeWitt

EXHIBIT NO. 33
REFERRAL NO. S.E. 12/02

Molly Keegan, MA, BCBA
Learning Together, LLC
202-427-4400

February 22, 2012

To Whom It May Concern:

The purpose of this letter is to highly recommend Lily Pads Child Care and it's capable owner Leah Goitein to potentially expand its current capacity. I am a behavior analyst who has been implementing therapy for a child in her day care center since October 2011. Leah has always been more than accommodating. It is clear her number one priority is to ensure the children in her care receive the type of environment and support that allows them to thrive. My client is a special needs child and Leah always took time out of her day to ask questions to ensure that what she was doing was best practice. Her education and background in childcare is apparent and I feel she would be more than capable to handle more children at her center.

Please do not hesitate to contact me with any further questions.

Sincerely,

Molly Keegan

EXHIBIT NO. 15 (a)
REFERRAL NO. 12-02

To Whom It May Concern:

We are writing in regard to our overwhelmingly positive experience with Lily Pads Childcare as a child care provider and in support of Lily Pads' efforts to expand its Bethesda location. From January to August 2011 when we left the DC area, our infant daughter, Emma, was enrolled at the Bethesda Lily Pads. Words cannot express how satisfied we were with our decision and with Emma's development under the care of Leah Grotein and her assistant Brenda.

When we first began searching for child care for our daughter in late 2010, we were understandably nervous about finding a situation in which we felt comfortable entrusting the care of our child. Before we heard about the opening at Lily Pads, we visited several daycares in Montgomery County, and while they all seemed very capable of taking care of our daughter, none of them seemed right for us. They were too big, too impersonal, not particularly clean or well maintained, or the staff rotated too often. Fortunately, a friend passed on a tip about an opening at Lily Pads. From our first meeting with Leah Grotein, it was apparent that this was the place we wanted our daughter to be. Leah was thorough in responding to our questions, and it was obvious from the beginning that she loved working with children. Most importantly, she immediately bonded with our daughter, which really put us at ease.

We were amazed at how quickly our daughter adapted to the change in her environment, and much of the credit for that goes to Leah and her staff. During periods of transition (changes in naps, feeding etc.), Leah worked with us to help figure out ways to help Emma adjust smoothly; in many ways, she was like our daughter's third parent. Leah frequently sent us photos and videos to show Emma in her daily activities, and it was abundantly clear that she was enjoying herself and had bonded with everyone at Lily Pads. There were even many days when she cried at being picked up, because she was so happy she didn't want to go home!

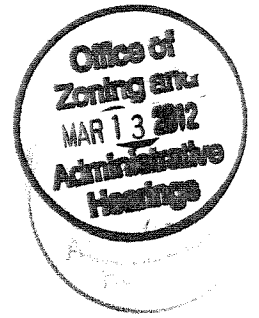
Overall, we were thrilled with our experience, and we hope to enroll Emma in Lily Pads when we return to the area this fall. We have no doubt that the qualities Leah showed us in caring for our child will enable her to open a larger child care facility. We highly recommend her to our friends and hope that you grant her a license for a larger child care facility so that more families in Montgomery County can have the opportunity to send their children to Lily Pads.

Sincerely,

Paul and Stephanie Schmitt

EXHIBIT NO. 15(d)
REFERRAL NO. 12-02

Ute and Max Voegler
7220 Millwood Ct.
Bethesda, 20817



Ellen Forbes
Office Services Coordinator Office of Zoning Admin. Hearings
Room 200
100 Maryland Ave.
Rockville MD 20850

Bethesda, 3/8/2012

To whom it may concern

We are writing this email in regard of the expansion of the daycare Lilypadschildcare run by Leah Goitein. We, the parents of Nicolas Voegler, who is attending this daycare since September 2012, very much support this expansion. We have experienced Leah Goitein as a very responsible and capable person taking care of Nicolas. Leah is always in a good mood and very welcoming to Nicolas and us. Leah is also very good in communicating with us personally and via email about how Nicolas day goes and about her plans for the coming weeks. Our son loves to attend Lilypadschildcare, and whenever I pick him up, he is in a very good mood and seemed to have had a great day. I am also impressed about how many activities Nicolas is exposed to during his day, and how much he learns. Overall, we had a very good experience with Lilypadschildcare so far.

Sincerely,

A handwritten signature in black ink, appearing to read "Ute Voegler".

Ute Voegler

EXHIBIT NO. 20
REFERRAL NO. S. E. 12-02

6401 Marjory Lane
Bethesda, Maryland 20817
January 31, 2012

TO WHOM IT MAY CONCERN:

I am writing this letter in support of the proposed expansion of the Lily Pads Child Care Center located in my neighborhood.

I am an early childhood music specialist who has recently retired from 25 years at Washington Episcopal School and I was also employed by St. Patricks Episcopal School in the same capacity for ten years prior to the founding of Washington Episcopal School. I have been doing a short, volunteer music class for the children currently in the Lily Pads facility since September of this year and have been most impressed by the friendliness, sensible discipline, interesting curriculum and the happy atmosphere there. Leah Goitein is extremely responsible and well organized and I am certain she would continue to be a fine leader in an expanded facility. I feel that my long experience in the early childhood education field gives me the judgment to support this teacher and her sensible plans for expansion.

Please feel free to contact me should you need further information on this subject.

Sincerely,



Kristin W. Butler
(301) 229-5247

EXHIBIT NO. 15 (a)
REFERRAL NO. 12102



Lily Pads Child Care <lilypadschildcare@gmail.com>

Lily Pads Child Care

1 message

Caitlin Kasmar <ckasmar@gmail.com>

Fri, Jan 27, 2012 at 10:56 AM

To: Lily Pads Child Care <lilypadschildcare@gmail.com>

Leah,

I'm writing this email to let you know that my family supports your efforts to grow your business, Lily Pads Child Care. As you know, our son Connor has attended your day care since August 2011. He looks forward to going to "school" every day and absolutely loves both you and Brenda. You have succeeded in creating a family-type atmosphere in a day care. I think you do an amazing job with all the children and I think adding more space and more children would only be a good thing.

Let me know if there is anything else we can do to help you achieve your goals in this regard.

Caitlin Kasmar
(773) 655-8542

EXHIBIT NO. 15 (6)
REFERRAL NO. 12-02



Ellen Forbes
Office Services Coordinator
Office of Zoning Admin. Hearings
100 Maryland Ave, Room 200
Rockville MD 20850

To Whom it May Concern:

We are writing this letter in strong support of the zoning exception for Lily Pads Daycare to expand to a small center. Lily Pads has been providing child care for our 22-month-old son since October 2011. We are extremely happy with the high quality of care that Ms. Leah Goitein and her staff provide on a daily basis. Our son enjoys the mix of outdoor play, music and the arts and crafts activities that Ms. Goitein plans each day. As parents, we particularly enjoy her innovative use of pictures and videos to keep us informed of how our son is doing throughout the day. We have already recommended Lily Pads to several of our friends who have small children or are expecting children. Given the shortage of high quality child care in the Bethesda area, the special exception to make Lily Pads a small center would be a benefit to the neighborhood and the community as a whole.

Please do not hesitate to contact us if you need more information.

Sincerely,

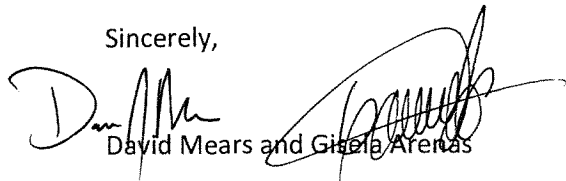

David Mears and Gisela Arenas

EXHIBIT NO. 21
REFERRAL NO. J.E. 12-0.



AFFIDAVIT OF COMPLIANCE

I HEREBY CERTIFY that I will comply with and satisfy all applicable State and County requirements, correct any deficiencies found in any government inspection, and be bound by this affidavit as a condition of approval for the special exception.

I understand that if I fail to meet State or County requirements, this special exception may be declared invalid.

Petitioner

Subscribed and sworn to me, a Notary Public for Montgomery County, Maryland, this 10th day of February, 20 12.

Notary Public

My Commission Expires: _____

MARIE SINKER
Notary Public, Montgomery Co., MD
My Commission Expires November 21, 2014

EXHIBIT NO. 16
REFERRAL NO. SE 12-02