



Special Exception, SE-12-03: Balfour Drive Group Day Care

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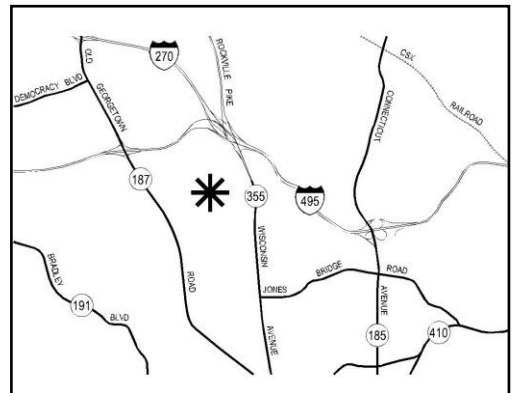
Parag Agrawal, Area 1 Senior Planner, parag.agrawal@montgomeryplanning.org, 301-495-4621

Robert Kronenberg, Area 1 Acting Division Chief, robert.kronenberg@montgomeryplanning.org, 301-495-2187

Completed: 06/ 26 /2012

Description

Special Exception No. 12-03 Balfour Drive Day Care
Request for a special exception for up to 12 children
For a group day care facility, 9414 Balfour Drive, Bethesda, R-60 Zone
(Action Required for Hearing by the Hearing Examiner on August 3, 2012)
Staff Recommendation: Approval with Conditions
Applicant: Mariana Ilie
Date Submitted: February 13, 2012



Summary

The applicant is requesting a special exception to operate a group day care home for up to 12 children in the lower level (basement) of the existing one-family home. The applicant owns a one-family home in the Maplewood Manor subdivision of Bethesda, and currently operates a registered family day care for up to eight children. The applicant now wants to expand the existing day care for up to 12 children, and does not intend to change the existing design/ foot print of the building. Because the property is zoned R-60, a special exception is required to operate the proposed group day care at this location. 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 a group day care center. The application meets all of the technical zoning requirements for a group day care, and the proposal is also consistent with the Bethesda Chevy Chase Master Plan ("Plan").

STAFF RECOMMENDATION

Staff recommends that application SE-12-03, for a special exception to permit a group day care at 9414 Balfour Drive be approved with the following conditions:

- (1) The group day care use must be limited to 12 children ranging from six weeks to six years of age.
- (2) The group day care will have maximum of two resident staff persons and one non-resident staff person.
- (3) Permitted hours of operation are Monday through Friday 6:00 AM to 5:30 PM.
- (4) The applicant must comply with all Maryland State and Montgomery County standards for the operation of a child day care facility.

I. PROCEDURE

Application SE-12-03, filed February 13, 2012, seeks a special exception, pursuant to § 59-G-2.13.1 of the Montgomery County Zoning Ordinance, to permit a group day care for up to 12 children in the lower level (basement) of the existing one-family home, with a private entrance located at the rear of the house.

The Office of Zoning and Administrative Hearings has scheduled a public hearing date on this application for August 3, 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 July 12, 2012 at 8787 Georgia Avenue, Silver Spring.

II. THE PROPOSAL

A. The Subject Property

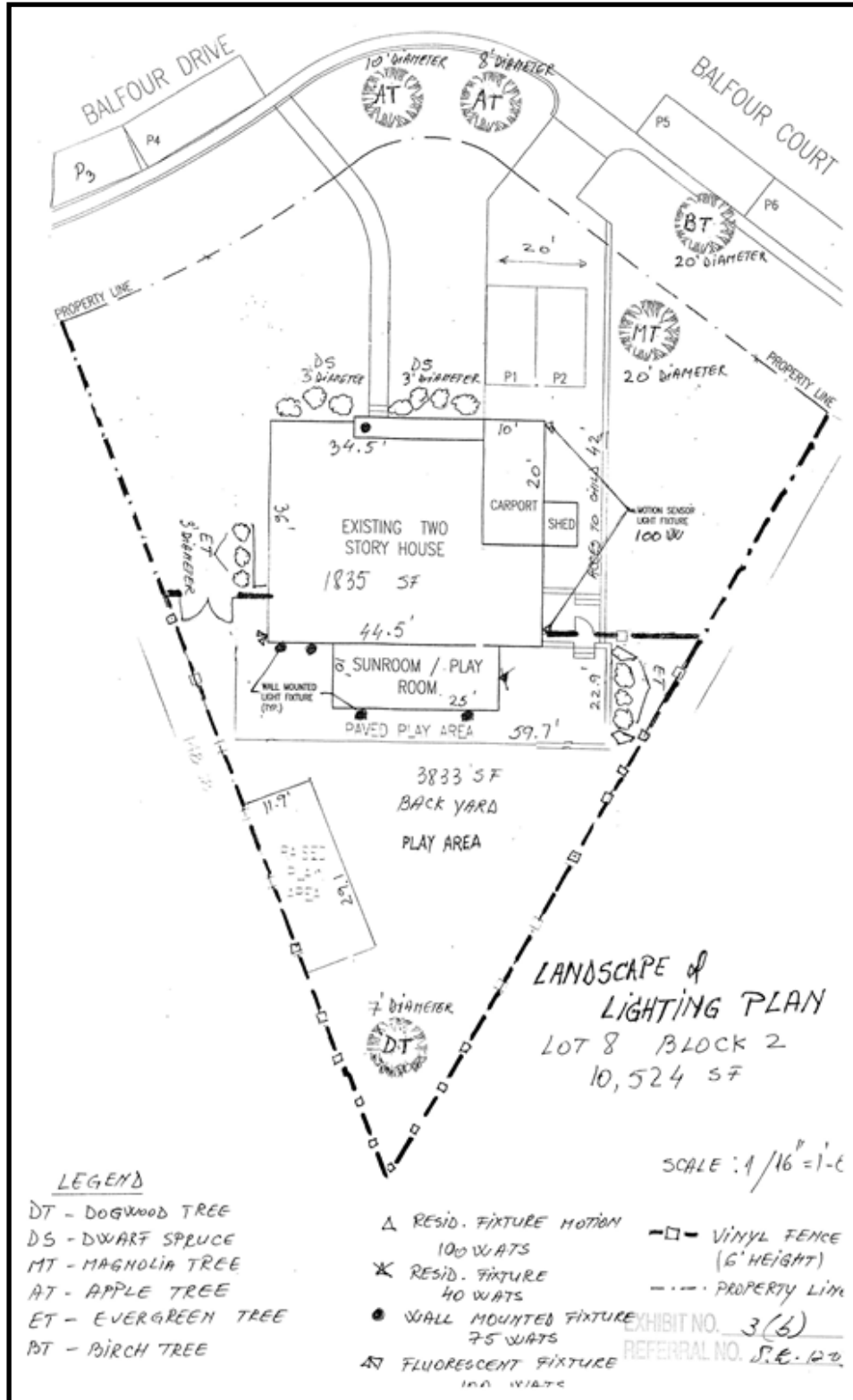
The Property is located at 9414 Balfour Drive in the Maplewood subdivision of Bethesda. The property is approximately ¼ mile from the Rockville Pike and Alta Vista Road intersection. The triangular shaped lot is 10,524 square feet in area and has frontage along Balfour Drive and Balfour Court. The property does not have any environmental constraints in the form of streams, forests, floodplains, and wetlands.



Front view of the subject property showing the primary house entrance and the walkway



Balfour Drive streetscape view looking north



B. The Neighborhood

The property is located in the Maplewood subdivision of the Bethesda/ Chevy Chase Master Plan area. The neighborhood primarily has a residential character with one-family detached homes. The entire neighborhood is zoned R-60. Maplewood Alta Vista Park that is owned by the Maryland National Capital Park and Planning Commission is located at Alta Vista Road approximately 600 ft. north of the subject property. The neighborhood boundary that is depicted by a yellow line on the aerial photograph below has been drawn to include nearby properties that may be impacted by the day care operation and the potential increase in traffic. The neighborhood surrounding the subject property is bound by Alta Vista Road to the north, Holland Avenue to the east, Elsmere Avenue to the south, and Kingsley Avenue to the west. There is no existing special exception in the defined neighborhood.



Aerial Photo with Neighborhood Boundary



Alta Vista streetscape view



Balfour Drive streetscape view looking south

C. The Day Care Proposal

The applicant is proposing to operate a group day care home for a maximum enrollment capacity of 12 children in the lower level (basement) of the existing one-family home. The property owner currently operates a registered family day care home for eight children in the basement of the existing home since last 17 years, and the property owner now wants to expand the current operations. Children in the day care will range from six weeks to six years old. The day care will have maximum of two resident staff persons and one non-resident staff person. The proposed hours of operation will be Monday through Friday from 6:00 AM to 5:30 PM, with an employee arriving at 5:30 AM. The majority of the children are expected to arrive between the hours of 6:00 AM and 8:30 AM and will be picked up between the hours of 3:30 PM and 5:30 PM. The applicant is expecting that no more than two to three children would arrive or depart from the day care in any half-hour period.

The day care will be operated in the fully finished lower level (basement) of the existing one-family home, with a private entrance located at the rear of the house. Parents and children will use the side walkway to reach the rear entrance of the center. The floor area of the basement is approximately 850 square feet. The applicant is not planning to make any changes to the existing design of the property. The property has a vinyl fence along the entire backyard that will be used as a play area. The entire fence belongs to the homeowner. The children will be divided in two groups, infants and toddlers.



Interior photograph of the day care in operation



Play area of the existing day care



Day care entrance located at the rear of the house



Backyard that is used as a play area is fully fenced.



The property is currently well illuminated

III. ISSUES TO CONSIDER

A. Master Plan Guidance

This proposed use is consistent with the 1990 Bethesda Chevy Chase Master Plan (“Plan”) as the existing one-family home and the expanded day care operation is compatible with the surrounding one-family residential neighborhood.

The neighborhood is recommended for the R-60 Zone and low density residential use is consistent with the Plan. The Plan strongly supports child day care facilities in private homes, provided they are compatible with the surrounding residential community. 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, “child care centers” in public and private facilities, and ‘freestanding child care centers’ in either retrofitted homes or new centers. On page 155, the Plan states that recent studies of small child day care centers serving 7-20 children suggest that these centers have few negative impacts, including traffic and parking, on the surrounding community. There are no specific recommendations in the Plan that concern this particular site, 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 Plan restates that, “The Plan supports the location of child care centers within public and private facilities when they are compatible with the surrounding residential communities.”

Since the applicant is not proposing to alter the existing building or the associated landscaping, the new expanded day care will have a minimal impact on the neighborhood. The existing one-family house is also compatible with the one-family residential character of the community.

B. Traffic and Parking Considerations

The proposed group day care will not have an adverse impact on the transportation network in the immediate area. All of the drop-off’s and pick-ups are expected to be “pass-by” or “diverted” trips, the proposed day care is estimated to generate no net “new” peak hour drop-off or pick-up trips during the morning and evening peak-hours. With the addition of a new staff person, the day care however is estimated to generate one “new” peak-hour trip during the evening peak period (since the staff person

is expected to leave after the closing of the day care at 5:30 p.m., within the evening peak period of 4:00 p.m. – 7:00 p.m.). No morning peak-hour trips will be added by the new staff person since the staff person is expected to arrive at the day care prior to its opening at 6:00 a.m., ahead of the morning peak period start of 6:30 a.m.¹

Consistent with the zoning ordinance §59-E-3.7, for a group day care home one parking space is required for every non-resident staff member in addition to the residential parking requirement. The zoning ordinance allows the required parking space to be located on the street abutting the site. The proposed day care will have three off-street parking and four on-street parking spaces. Two on-street parking spaces are located on Balfour Drive and two on-street parking spaces are located on Balfour Ct. Two off-street cars can also be parked in the driveway, and one in the carport. The neighborhood primarily has one-family homes with separate driveways and garages. Majority of cars in the neighborhood are parked off-street. The four on-street parking spaces are expected to be used by the non-resident staff person, and for children drop-off and pick-up.

C. Environmental Issues

There are no environmental issues or concerns associated with the applicant's proposed group day care. The special exception is not subject to the forest conservation law since it is on a property less than 40,000 square feet².

D. Community Involvement

The Staff has not heard from any neighborhood resident about the proposed group day care. The applicant has submitted letters of support from two individuals that have known the applicant for many years³. There is no evidence of concern or objection from adjoining neighbors regarding the proposed day care.

¹ See Attachment 1: Transportation Planning Memorandum

² See Attachment 2: Environment Memorandum

³ See Attachment 3: Letters of Support

IV. ZONING ORDINANCE ANALYSIS

A. Compliance with Development Standards

The subject property is located in the R-60 Zone (Residential, one-family). As per zoning ordinance section 59-G-1.12, the Hearing Examiner can hear and decide petitions for special exceptions for child day care facilities for up to 30 children. The applicant is not proposing to alter the existing building design or any associated landscaping features. The proposal conforms to all applicable development standards of the zone, as summarized in the table:

Development Standard	Min/ Max Required	Provided	Applicable Zoning Provision
Minimum Lot Area	6,000 sq ft	10,524 sq ft	§59-C-1.322(a)
Minimum Lot Width at Front Building Line	60 ft	64' on Balfour Ct.	§59-C-1.322(b)
Minimum Lot Width at Street Line	25 ft	64' on Balfour Dr., and 72' on Balfour Ct.	§59-C-1.322(b)
Setback from Street	25 ft	28'	§59-C-1.323(a)
Side Setback from adjoining lot	8 ft	24' , 14'	§59-C-1.323(b)(1)
Rear Yard Setback	20 ft	N/A	§59-C-1.323(b)(2)
Building Height	35 ft	20 ft	§59-C-1.327
Building Coverage	35 percent	15.45 percent	§59-C-1.328
Parking Facility Side Yard Setback for Special Exceptions in Residential Zone	16 ft	32'	§59-E-2.83(b)
Parking Requirement	1 space for employee; 2 spaces for dwelling unit	Total of 7 spaces; 4 on-street parking spaces and 3 spaces off-street	§59-E-3.7

B. Inherent and Non-inherent Adverse Effects

As stated in section 59-G-1.2.1 of the zoning ordinance, the Hearing Examiner must consider the inherent and non-inherent adverse effects of the use on nearby properties and the general neighborhood at the proposed location. Inherent adverse effects are the physical and operational characteristics necessarily associated with the particular use regardless of the physical size or scale of operations. 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 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 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 child day care center special exception:

- (1) Vehicular trips to and from the site,
- (2) Outdoor play areas,
- (3) Noise generated by children,
- (4) Drop-off and pick-up areas,
- (5) Lighting

Alone, the inherent characteristics of a particular use are not sufficient to constitute an application denial. However, non-inherent effects that are not characteristic of the day care use may be sufficient to result in the denial.

In this case, there are no non-inherent effects that will negatively impact the community. The proposed group day care operation will be run from the fully finished lower level (basement) of the existing one-family home, with a private entrance located at the rear of the house. Parents and children will use the side walkway to reach the rear entrance of the center. The floor area of the basement is approximately 850 square feet. The applicant is not planning to make any changes to the existing design of the property.

As the proposed day care will have the maximum enrollment capacity of 12 children, the inherent effects of the day care use will also be minimal. The property backyard that will be used as a play area has a vinyl privacy fence along its entire length. The privacy fence will help to mitigate the noise generated in the play area. The property will sufficiently be illuminated for safe drop-off and pick-up for children, but will not be a distraction for neighboring properties. Parking for the proposed group day care is sufficient. The proposed day care will have parking for seven cars. As the day care will employ one non-resident staff person, only one long term additional parking is required. The day care is not expected to receive supply deliveries from commercial vehicles.

The proposed day care will have minimal inherent and non-inherent impacts on the community.

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 group day care home is a permissible special exception in the R-60 Zone

(59-C-1.3)

(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 group day care meets all requirements of section 59-G-2 of the zoning code as described in section IV D of this report.

(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 10, the proposal is consistent with the 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: The proposed special exception will be in harmony with the general character of the neighborhood. The day care will be operated from the existing one-family home that is compatible with the streetscape character. The proposal will only slightly increase the traffic and noise in 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: As the proposed day care presents only minimal impact to the immediate area, the special exception will not be detrimental to the use, peaceful enjoyment, economic value or development of surrounding properties or the general 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: Based on the nature of the proposed use, there will be no objectionable noise, vibrations, fumes, odors, dust, illumination, glare or physical activity at the subject site. The noise in the rear yard that will also serve as the playground will be mitigated by the wood privacy fence.

(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 no existing special exception in the defined neighborhood, the approval of this special exception will not impact the area adversely and will not alter the predominant residential character of 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: There is no evidence that the proposed day care 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. Police and fire services, water, and sanitary sewer are already established for the site.

(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 Day care Special Exception Standards

§59-G-2.13.1 Child Day care Facility.

(a)The Hearing Examiner may approve a child day care 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 application is for a maximum of 12 children ranging from 6 weeks to 6 years of age. The applicant has submitted a site plan showing the location of all buildings, driveways, parking spaces and play areas. The submitted site plan is presented on page 4 of this report.

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

Analysis: Consistent with the zoning ordinance §59-E-3.7, for a group day care home one parking space is required for every non-resident staff member in addition to the residential parking requirement. The zoning ordinance allows the required parking space to be located on the street abutting the site.

The proposed group day on Balfour Drive can accommodate seven parking spaces. Four parking spaces are on the street abutting the subject property, and three parking spaces are provided off-street. The day care requires two parking spaces for residential use and one employee parking space.

- (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 materials⁴

(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, the proposal is compatible with the surrounding neighborhood.

V. STAFF RECOMMENDATION

Staff recommends that application SE-1203, for a special exception to permit a group day care at 9414 Balfour Drive, be recommended for approval to the Hearing Examiner.

VI. ATTACHMENTS

1. Transportation Planning Interoffice Memorandum
2. Environment Interoffice Memorandum

3. Letters of Support
4. Affidavit of Compliance with all applicable State and County requirements
5. Certificate of Registration – State of Maryland, Department of Education
6. Statement of Operations
7. Forest Conservation Application

April 30, 2012

MEMORANDUM

TO: Parag Agarwal

FROM: Cherian Eapen

SUBJECT: Special Exception Case No. S.E.-12-3
Petition for a child day care for 12 children by Mariana Ilie (“Petitioner”)
Lot 8, Block 2, Maplewood Manor Subdivision
9414 Balfour Drive, 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 9414 Balfour Drive in Bethesda from 8 children to up to 12 children. The existing day care has been in operation on the property for 17 years. The hours of operation for the child day care are 6:00 a.m. to 5:30 p.m. on weekdays. As part of the proposed expansion, the day care will add one staff member (in addition to the Petitioner). 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 6:00 a.m. to 5:30 p.m., 12 children, and 2 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 along Balfour Drive (to the southwest of its intersection with Balfour Court) and extends between Alta Vista Road to the north and Holland Avenue to the east in Bethesda. The National Institutes of Health and the National Military Medical Center are

located to the south of the property, and the Maplewood Alta Vista Park is located to the north of the property (approximately 800 feet from the property, to the northeast of Alta Vista Road/Balfour Drive intersection).

Balfour Drive is a 24-foot wide secondary residential street with on-street parking allowed along both sides. Balfour Court is a short stub road (approximately 100 feet) that extends to the southwest from Balfour Drive and is approximately 40 feet wide. Parking is allowed along both sides of Balfour Court. There are no sidewalks along Balfour Drive or Balfour Court.

Access to the property is via a curb-cut and driveway off Balfour Court. 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 30 that runs between Bethesda Metro Station and Medical Center Metro Station. Bus stops for this route are approximately 1,700 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* has no master-planned roadways or bikeways in the immediate vicinity of the subject property.

Site Trip Generation

According to the Petitioner's Statement of Operations, the day care opens at 6:00 a.m. and closes at 5:30 p.m. As part of the proposed expansion, the day care will add one staff person (in addition to the Petitioner), with the staff person arriving prior to the opening and departing after the closing.

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 to generate no net "new" peak-hour drop-off or pick-up trips during the morning and evening peak-hours. With the addition of a new staff person, the day care however is estimated to generate one "new" peak-hour trip during the evening peak period (since the staff person is expected to leave after the closing of the day care at 5:30 p.m., within the evening peak period of 4:00 p.m. – 7:00 p.m.). No morning peak-hour trips will be added by the new staff person since the staff person is expected to arrive at the day care prior to its opening at 6:00 a.m., ahead of the morning peak period start of 6:30 a.m.

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 three or fewer net “new” peak-hour trips during the morning and evening peak-hours, the petition is not subject to the PAMR requirements of the APF test (since four or more “new” peak-hour trips is the threshold that require consideration of PAMR mitigation).

S.E. 12-3 Mariana Ilie Child Day Care.docx



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

TO: Parag Agrawal , Area 1
VIA: Robert Kronenberg, Supervisor, Area 1
FROM: Tina Schneider, Senior Environmental Planner, Area 1
DATE: April 27, 2012
SUBJECT: Special Exception: SE-12-03
9414 Balfour Drive, Bethesda

The applicants have provided a Landscape Plan with the Special Exception application. The plan shows the location of existing landscaping on the site. No new planting are proposed with the application, and no trees are proposed for removal.

There are no environmental issues or concerns associated with the applicants' proposed day care. The forest conservation law does not apply to the special exception.

Approval signatures

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Attachment 3

February 3, 2012

Hearing Examiner
Office of Zoning and Administration Hearings
100 Maryland Avenue - Room 200
Rockville, Maryland 20850

¹²⁻⁰³
RE: SE ~~08-02~~

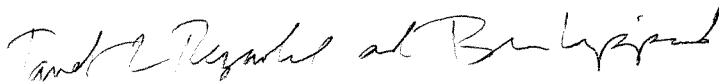
Dear Hearing Examiner:

This letter expresses my support for request in Special Exception Case ^{SE-12-03} ~~SE-08-02~~ to expand the existing child care facility, International Daycare Bethesda. My husband and I have known the Ilie family for the past six (6) years, and we give our full support to expand their current program.

As parents, we believe that it is very important to have high-quality child care programs, the type that the Ilie family provides, and has provided, for many children in Montgomery County.

We recommend that the Planning Board approve of the petition for special exception. We believe that an expansion of International Daycare Bethesda would greatly help the Bethesda community.

Sincerely,



Janet Reynolds and Benjamin Lippard
6817 Algonquin Avenue
Bethesda, MD 20817

cc: Mr. Damon B. Orobona, J.D.
Zoning Analyst/Senior Planner
Montgomery County Planning Department

EXHIBIT NO. 11 (6)
REFERRAL NO. S.E. 12-03

Attachment 3

January 27, 2012

Hearing Examiner
Office of Zoning and Administrative Hearings
100 Maryland Avenue, Room 200
Rockville, Maryland 20850

Dear Hearing Examiner,

This letter expresses my support for request in the Special Exception Case of Mariana Ilie to expand her child care facility at 9414 Balfour Drive, Bethesda. I have known Mariana Ilie since 2008, and know her to be extremely responsible, conscientious, and very caring. She took care of my daughter from age 8 months until she was 3-1/2, and provided her with an excellent learning environment, lots of personal attention, good structure, and stimulating educational activities.

I believe Mariana Ilie will make a wonderful contribution to Bethesda with her proposed expanded child care center as she will be able to serve more children and families and give them an excellent foundation for the rest of their lives. Her location has a safe fenced-in backyard, and has convenient driveway parking as well as easy parking in front and on the cul-de-sac if needed. This makes child drop-offs and pick-ups very easy.

I highly recommend that the Planning Board approve this petition for special exception, as I believe their facility's services would be a wonderful enhancement for our community. Please feel free to contact me if you have any further questions.

Sincerely,

Sarah Swanson

6108 Swansea Street
Bethesda, MD 20817
301-365-4308

EXHIBIT NO. 11(a)
REFERRAL NO. S.E. 12'03


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.

MARIANA ILIE
Petitioner

Subscribed and sworn to me, a Notary Public for Montgomery County, Maryland, this 7 day of January, 2012.

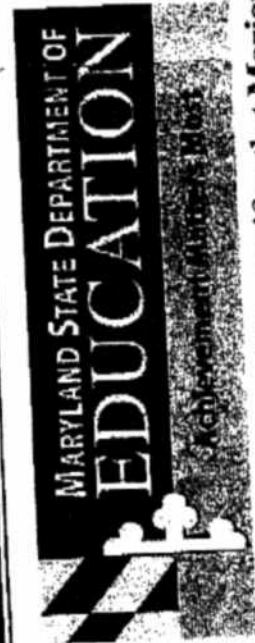

Notary Public

My Commission Expires:

PHILIPPE G. BONHOMME NOTARY PUBLIC MONTGOMERY COUNTY MARYLAND MY COMMISSION EXPIRES MARCH 8, 2015

EXHIBIT NO. 12
REFERRAL NO. S. E. 12-03

POST IN CONSPICUOUS PLACE - This Certificate of Registration is not transferable to another person, address, or location.



State of Maryland - Department of Education
Office of Child Care

CERTIFICATE OF REGISTRATION

Region: 5
County: MONTGOMERY
Registration Number: 59033
Registered Provider since: 12/13/1995

This certifies that **Mariana Ilie** is registered to operate a Family Child Care Home
at: **9414 Balfour Drive, Bethesda, MD 20814**

The Office of Child Care issues this Certificate of Registration pursuant to Family Law Article, Sections 5-558 through 5-558, and COMAR 13A.15.01-.15.

Current Status of Registration:	Approved Ages of Children in Care:		Approved Hours of Operation:		Accreditation:	
Issued on: 08/31/2009	Under 2 years old*	4	Days:	YES	Accredited:	NO
Revised on:	2 years through 5 years old	YES	Evenings:	NO	Accrediting Agency:	
Status: Continuing - Full	5 years through 12 years old	YES	Overnight:	NO		
	13 years through 20 years old	NO	Weekends:	NO		

Maximum number of family child care children approved for care at one time: **8**

This Certificate of Registration is issued to the provider named above on condition that the provider agrees to comply with all applicable family child care laws and regulations. Failure to comply with applicable laws and regulations may result in an enforcement action against the Certificate of Registration, including but not limited to suspension or revocation of the Certificate or denial of a new Certificate. The provider must surrender this Certificate to the Office of Child Care upon suspension, revocation, voluntary closure, or denial of a new Certificate.

* No more than two children under the age of two, including the provider's own children, may be in care at any time unless approved in advance by OCC.

RESTRICTIONS/COMMENTS: NAPING APPROVED IN THE RECREATION AND SUN ROOMS. THE FIRST(1ST), SECOND (2ND) FLOORS OF THE HOME AND FURNACE AREA ARE OFF LIMITS TO CHILD CARE. ** TWO APPROVED ADULTS MUST BE PRESENT AT ALL TIMES AND ACTIVELY SUPERVISING CHILDREN WHEN MORE THAN TWO (2) CHILDREN UNDER THE AGE OF 24 MONTHS ARE IN CARE. THE APPROVED ADDITIONAL ADULT IS GHEORGHE ILIE.

Nancy S. Grasmick
State Superintendent of Schools
Maryland State Department of Education

Statement of Operations

TO: Hearing Examiner
Office of Zoning and Administrative Hearing
100 Maryland Avenue
Rockville, Maryland

From: Petitioner
Mariana Ilie

Re: Petitioner (Mariana Ilie) request for a special exception to operate a child daycare of 12 children as "Small Group Daycare Center." Daycare is located in the basement of a two story single family home, with a private entrance located at the rear of the house. The home is located at:

9414 Balfour Dr.
Bethesda, MD 20814
Montgomery County

To Whom It May Concern:

We are pleased to present you the following proposal for a **Special Exception Use** for a **Small Group Daycare Center** for the above referenced property.

Proposal Summary Description for Special Exception Application:

Petitioner Mariana Ilie, resident and owner of the above property, intent to apply to the Montgomery County Government for a **Special Exception Use** to convert a current residential R-60 zoned property, in order to operate a **Small Group Daycare Center** in the lower level of the property (basement). Should the county grant permission, we **do not** intent to change or alter the existing design of the property.

EXHIBIT NO. 8
REFERRAL NO. S.E. 12-03

Site and Building Description:

The property is located in Bethesda, Maryland $\frac{1}{4}$ mile from Route 355 and Alta Vista Road intersection and $\frac{1}{4}$ mile from Route 187 and Beech Drive intersection.

Neighborhood boundaries include Route 355 to the east, West Cedar Lane to the south, Route 187 to the west and Interstate 495 (capitol beltway) to the north. It is recorded as **Lot 8, Block 2, in Maplewood Manor**. It is approximately 10,524 square feet. It has paved street parking located in front of the property, capable of accommodating (5) cars, as well as (2) additional spaces in the driveway. Existing property is a two story single family home with a fully finish walk out basement and sunroom, concrete foundation and composition roof surface. The exterior walls are brick. The gross floor area of the basement is approximately 850 square feet.

Proposed Program Description:

The proposed child care program will provide early care and education activities for infants, toddlers and pre-school children to enhance their social, emotional, cognitive, language and physical development.

We desire a maximum enrollment capacity of twelve (12) children, ages six weeks thru six years old and one (1) staff member, Gheorghe Ilie, with the petitioner Mariana Ilie serving as the Director.

The proposed hours of operation will be Monday thru Friday between the hours of 6:00am and 5:30pm, with employees arriving at 5:30am and children at 6:00am. The last child would depart at 5:30pm and the last employee soon to follow. The children will be transported to the facility by parents between the hours of 6:00am and 8:30am and will be picked up between the hours of 3:30pm and 5:30pm. No more than two to three children would arrive or depart from the center in any half-hour period.

The children will be divided in two groups, infants and toddlers/ pre-school. Each group will have would have a separate room adjacent to each other. Children will have same time for outdoor play. Outdoor play for the infants will be limited to outdoor stroller time. An appropriate child to staff ratio will be maintained in accordance with the State Licensing Regulations.

Petitioner Mariana Ilie has seventeen (17) years of experience in monitoring the program of operations of childcare center, in Bethesda Maryland. Monitoring of the program is to ensure the provision of childcare services for infants, toddlers and pre-school to verify compliance with Child Development Regulations.

Parking:

There are two parking areas, one is located on the front east side of the property with street parking for two (2) cars plus an additional two (2) car spaces available in the garage. The other area is located in front/ front west side of the house with street parking available for two (2) cars.

There will be a total of six (6) parking spaces available, including two spaces in the driveway. Parents and children will use the side walkway of the driveway to reach the rear entrance of the center. The drive way is approximately 21 feet in width and 42 feet long.

Play Area:

The play area would be approximately 850 square feet and will be located on the north side of the property. Outdoor play equipment and toys, age appropriate, are provided. Toys and moveable equipment will be stored immediately after the playtime period ends.

Trees:

Additional tree planning is not proposed. There are five (5) trees on the subject property. Located in the front side of the property are two (2) apple trees, one is ten (10) feet in diameter and the other is eight (8) feet in diameter. Located to the front east side of the property there are two (2) additional trees, Birch tree approximately 20 feet in diameter and magnolia tree approximately 22 feet in diameter. Located at the rear of the property/ outdoor play area is a dog wood tree approximately 7 feet in diameter.

Landscaping:

We are not proposing to change or altar the existing landscaping design of the property. Professional landscapers did all planting of trees and shrubs. The garden area will be neatly maintained.

Illumination:

The existing exterior illumination consists of two (2) residential fixture motion lights located at the enterence of the garage and the entrance of the outdoor play area. There are an additional five (5) wall mounted fixtures, one at the front entrance of the property and four at the rear of the property/ outdoor play area. An additional residential fixture is located at the back entrance of the property/

entrance of the daycare center. Also an additional Fluorescent light fixture is located on the west side of the property, opposite of the daycare center entrance.

Fencing:

Existing fencing consists of privacy style fencing along the entire back yard/ outdoor play area. The entire fence belongs to the homeowner, not any of the neighbors. The fence (white) is six feet high and was professionally installed by LongFence Co. to enclose the outdoor play area.

Trash pick-up would be through normal residential, curbside service once a week.

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: 9414 BALFOUR DR

Subdivision: MAPLEWOOD MANOR Parcel(s) # _____ Lot #(s): 8 Block(s): 2

Property Tax Identification Number: 01-00690586

Applicant (Owner or Contract Purchaser):

Name MARIANA ILIE

Street Address 9414 BALFOUR DR

City BETHESDA State MD Zip Code 20814

Phone No. (301) 896-0657 Fax No. (301) 896-0657

TOTAL AREA OF PROPERTY: _____ acres 10524 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 *Mariana Ilie*

Date 08.30.10.

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 *[Signature]*

Date 8/31/10

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

EXHIBIT NO. 7
REFERRAL NO. S.E. 12-03