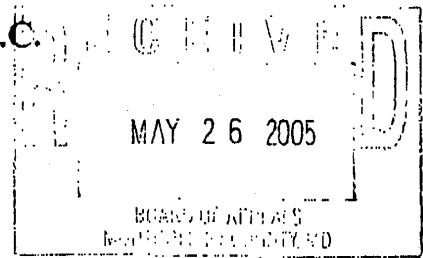


## ATTACHMENT 7

**SKOLNICK & LEISHMAN, P.C.**Post Office Box No. 1240  
Olney, Maryland 20830

May 26, 2005

Allison Fultz, Chairperson  
Board of Appeals of Montgomery County  
Stella B. Werner Council Office Building  
100 Maryland Avenue, Room 217  
Rockville, Maryland 20850RE: Petition for Special Exception, Case No. S-2628  
Himalayan Elderly Care II, Inc., et al.  
17234 New Hampshire Avenue, Silver Spring, MD 20905

Dear Ms. Fultz:

During the review of the referenced Petition at the Maryland-National Capital Park and Planning Commission (M-NCPPC), it was discovered that compliance with the screening requirement of Zoning Ordinance Section 59-E-2.83(c) would result in an undue hardship for the Petitioner.

Accordingly, we hereby request that the Board of Appeals grant a waiver of the requirement of Section 59-E-2.83(c) for the referenced Petition.

The ten (10) parking spaces are close to the facility which is near the center of the widest portion of the 6 acres property. The parking spaces are about 200 feet from the side property lines, about 120 feet from the front property line, and about 640 feet from the rear property line.

With such large distances, there is no need for screening by evergreen landscaping, a solid wood fence, a masonry wall, a berm, or a combination of those screening items. For only 10 parking spaces, the cost of such screening would be an undue financial hardship for the Petitioner.

Also, the property has a driveway that uses, in part, a right of way (of about 872 feet) through a neighbor's property. The cost to screen such a long driveway -- that has existed for decades and currently has minimal traffic -- would be an undue financial hardship for the Petitioner.

This Petition involves a 6 acre parcel of land that has a natural landscaping that includes many trees and grass covered areas. The existing -- and extensive -- landscaping is compatible with the residential character of the neighborhood.

Allison Fultz, Chairperson  
May 26, 2005  
page 2

Since the facility is a group home for senior citizens, there is minimal traffic on the driveway and usually very few cars in the parking spaces. Thus, there is no adverse visual, noise or environmental impacts by waiving the screening requirements of Section 59-E-2.83(c) for the parking spaces and the driveway.

Thank you for your consideration of this Petition -- and your assistance in considering this request for a waiver.

Very truly yours,

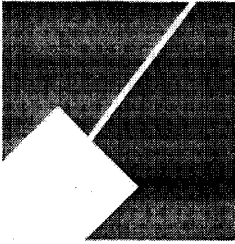


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cc: Martin Klauber, Esq.  
People's Counsel  
Office of the People's Counsel  
100 Maryland Avenue, Room 226  
Rockville, Maryland 20850

Sunita Kayastha  
Himalayan Elderly Care II, Inc.

M-NCPPC



MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING

THE MARYLAND-NATIONAL CAPITAL  
PARK AND PLANNING COMMISSION

8787 Georgia Avenue  
Silver Spring, Maryland 20910-3760  
301-495-4500, [www.mncppc.org](http://www.mncppc.org)

February 16, 2005

**MEMORANDUM**

TO: Carlton Gilbert, Supervisor  
Development Review Division

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

FROM: Cherian Eapen, Planner/Coordinator *CE*  
Transportation Planning

SUBJECT: Special Exception Case No. S-2628  
Proposed Large Group Home for the Elderly (maximum of 16 residents)  
Himalayan Elderly Care, Inc.  
17234 New Hampshire Avenue, Silver Spring  
Patuxent (Rural) Policy Area

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This memorandum presents Transportation Planning staff's Adequate Public Facilities (APF) review of the subject Special Exception Case to permit a large group home with a maximum of 16 elderly residents at 17234 New Hampshire Avenue, within the Patuxent (Rural) Policy Area in an RE-2 Zone. The proposed group home is currently operating as a small group home for a maximum of eight elderly residents within a single-family dwelling on the property. The applicant, as part of this Special Exception case, is not proposing any new construction or enhancements on the property.

**RECOMMENDATION**

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

## DISCUSSION

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

The proposed Special Exception use is located within a single-family dwelling along the west side of New Hampshire Avenue (MD 650) between Avenleigh Drive and Cliftonbrook Lane. The site is land-locked and has vehicular access to and from MD 650 via an existing private driveway off MD 650 (approximately 1,000 feet long) through the Ashton Methodist Church property. There are no sidewalks along MD 650 in this area. Metrobus Route Z2 serves MD 650, and has bus stops near the proposed use. The proposed use will not have an adverse effect on pedestrian access or safety. Adequate parking is available on the property to accommodate the anticipated parking need of the proposed use.

### Master Plan Roadway

The 1998 Approved and Adopted Ashton/Sandy Spring Master Plan describes the nearby master-planned roadways, bikeway, and pedestrian facilities as follows:

- New Hampshire Avenue, a north-south roadway between Ednor Road and Ashton Road (MD 108), designated as a two-lane major highway, M-12, with a 120-foot right-of-way and a proposed Class I bikeway, PB-23.

### Local Area Transportation Review

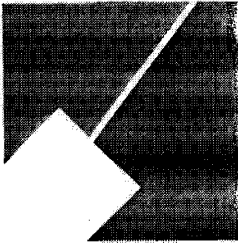
Site-generated traffic associated with large group homes for the elderly is nominal, if any, during the weekday morning (6:30 to 9:30 a.m.) and evening (4:00 to 7:00 p.m.) peak-periods (since the residents do not drive motor vehicles). Typically, traffic generated by group homes consists of trips to and from a site by its on-site caregivers and staff members on a daily basis, and trips by occasional deliveries and visitors.

A traffic study is not required to satisfy Local Area Transportation Review, because the site would generate fewer than 30 total peak-hour trips during the morning and evening peak periods. Therefore, the applicant is not required to analyze the impact of site-generated traffic on adjacent intersections.

CE:gw

cc: Mary Goodman  
Shelton Skolnick  
Piera Weiss

M-NCPPC



**MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING**

THE MARYLAND-NATIONAL CAPITAL  
PARK AND PLANNING COMMISSION

8787 Georgia Avenue  
Silver Spring, Maryland 20910-3760  
301-495-4500, [www.mncppc.org](http://www.mncppc.org)

May 11, 2005

**TO:** Carlton Gilbert, Zoning Supervisor  
Development Review Division

**FROM:** <sup>CB</sup> Candy Bunnag, Environmental Planner  
Countywide Planning Division

**SUBJECT:** Special Exception S-2628, Himalayan Elderly Care, II, Inc.

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Staff has no comments on the proposed special exception. There is no land disturbance proposed and no changes to existing structures, trees, or landscaping. The application is exempt from the forest conservation law requirements (forest conservation exemption no. 4-05268E) under Section 22A-5(q)(1) of the Forest Conservation Law (a special exception application for an existing structure and the proposed use will not result in clearing of existing forest or trees).