

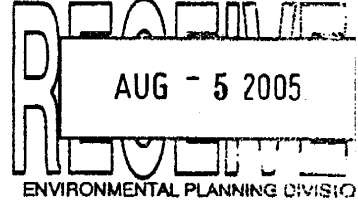
# **ATTACHMENT C**



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

Manton

THE MARYLAND NATIONAL CAPITAL  
PARK AND PLANNING COMMISSION



**MEMORANDUM**

**DATE:** August 5, 2005

**TO:** John Carter, Community Based Planning Division  
Melissa Banach, Strategic Planning Division  
Tom Vanderpoel, Community Based Planning Division  
Mary Dolan, Environmental Planning Division  
Daniel Hardy, Transportation Planning Division  
Sharon Suarez, Research & Information Division  
Tanya Schmieler, Park Planning and Development Division  
Gwen Wright, Historic Preservation Unit  
Taslina Alam, Development Review Division  
Khalid Afzal, Community Based Planning Team 5

**FROM:** Carlton Gilbert  
Development Review Division

**PLEASE REPLY TO:** Elisabeth Tesfaye 1301

**SUBJECT:** Board of Appeals Petition No. S-2593

**Special Exception Request:** Major Home Occupation – Beauty Salon.

**Location:** 13124 Foxhall Drive, Silver Spring

**Zone:** R-90

*no comments from  
Environmental  
Planning  
Division  
20 September '05*

Please assign a person on your staff to review the case cited above. Written comments and recommendations are requested by **Monday, September 12, 2005** for the staff report on this case. Staff may sign case files out of the Development Review Division, briefly, for review.

In addition to any other observations, it would be helpful to have your input on the following:

**Community Based Planning:** 1) consistency with master plan, 2) whether the special exception will adversely affect the surrounding area, 3) any information or recommendation concerning relevant master planning studies or other government action now under way.

**Environmental Planning:** 1) environmental impact due to topographic or other factors which may cause problems, 2) conformance with tree preservation legislation of Chapter 22-A of the County Code.

**Transportation Planning:** traffic impact and adequacy of road network affected by request.

**Park Planning & Development:** impact on existing or proposed park areas.

**Development Review:** applicable subdivision requirements.



September 29, 2005

**MEMORANDUM**

TO: Elsabett Tesfaye, Planner  
Development Review Division

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

FROM: Ed Axler, Planner/Coordinator *EA*  
Transportation Planning

SUBJECT: Board of Appeals Petition S-2593  
Major Home Occupation – Beauty Salon  
13124 Foxhall Drive, Silver Spring  
Kensington/Wheaton Policy Area

---

This memorandum is Transportation Planning staff's Adequate Public Facilities (APF) review of the subject special exception petition in the R-90 zone.

**RECOMMENDATION**

Transportation Planning staff recommends the following condition in addition to the operational limitations proffered by the applicant as part of the APF test for transportation requirements related to granting this Board of Appeals case:

Develop and implement a formal parking strategy to assure that the employees and customers are parking in legally permitted areas along Kayson Street and Foxhall Drive. The strategy should include monitoring where customers park their vehicles and informing them if they are parking illegally. If this monitoring is not effective, formally request the Montgomery County Department of Public Works (DPWT) to install additional signing and marking as appropriate along Foxhall Drive.

With the recommendation above, Transportation Planning staff finds that the proposed special exception use satisfies the Local Area Transportation Review (LATR) test and will have no adverse effect on area roadway conditions or nearby pedestrian facilities.

## DISCUSSION

### Site Location

The existing single-family detached unit wherein the subject special exception use is proposed is located on the south side of Kayson Street between Georgia Avenue (MD 97) and Foxhall Drive within the Foxhall community.

### Vehicular Site Access

Vehicular access to the driveway and garage serving this existing single-family detached unit is from Foxhall Drive via Kayson Street and Georgia Avenue (MD 97).

One of comments in the neighbors' letters expressed concern regarding the adequacy of the sight distance to turn into and from Kayson Street at Georgia Avenue. Park and Planning staff does not find that the community identification sign and the petitioner's rear fence (i.e., required to enclose their swimming pool) in the southeastern corner of this intersection unreasonably hinders the ability to turn into and out of Kayson Street.

### Master-Planned Roadways and Bikeways

According to the *Master Plan for the Communities of Kensington-Wheaton* and the *Countywide Bikeways Functional Master Plan*, the roadways and bikeways are designated as follows:

1. Georgia Avenue (MD 97) is classified as a six-lane divided major highway, M-8, with a 120-foot right-of-way and an existing Class I bikeway. The Countywide Bikeways Functional Master Plan designates a shared-use path, SP-29, along Georgia Avenue north of the Glenmont Metrorail Station.
2. Hathaway Drive is classified as a primary residential street with a 70-foot right-of-way and an existing Class II or III bikeway.
3. Rippling Brook Drive is classified as a primary residential street, P-14, with a 70-foot right-of-way.

Foxhall Drive and Kayson Street are residential streets not listed in the master plan.

The *Master Plan for the Communities of Kensington-Wheaton*, adopted in 1989, predates the County's stated policy objective of implementing an exclusive busway along Georgia Avenue between the Glenmont Metrorail station and Olney. This transitway concept is included in other affected master plan amendments including Aspen Hill (in 1994), Glenmont Transit Area (in 1997) and Olney (in 2005). Preliminary conceptual plans indicate that the current master planned right-of-way of 120 feet along the subject property frontage would not accommodate the preferred busway design. The Georgia Avenue Busway is not currently the subject of any

project planning activity, although the County Executive and County Council president included the project as one of the County's priorities for new project planning studies in their joint November 2004 transmittal to the State delegation.

### Pedestrian Facilities

Sidewalks exist along Georgia Avenue and Kayson Street, but do not exist along Foxhall Drive. The pedestrian access to the beauty salon within this residential property is from a paved path off the driveway from Foxhall Drive. Two lead-in sidewalks exist from Kayson Street where one leads to a gate at perimeter fence enclosing a swimming pool. Customers were able to enter through this gate and around the rear of the house to the beauty salon entrance. Pathways connect the driveway. The proposed major home occupation will not change the existing pedestrian facilities.

### Parking

On-street parking is a particular concern expressed in letters written by neighbors. The number of legally available parking spaces is compared below with the parking demand in the worst-case scenario:

#### 1. Legally-Available On-Street

Under Montgomery County Code Sections 31-17 and 31-20, on-street parking is prohibited within 35 feet of an intersection. Along Kayson Street, the distance between existing "No Parking" signs would permit four vehicles to legally park. "No Parking" signs were installed along Kayson Street by DPWT to prohibit on-street parking near the intersections with Georgia Avenue and Foxhall Drive.

Similarly along Foxhall Drive, on-street parking is prohibited 35 feet away from intersection without a stop sign as at Foxhall Drive. The public is permitted to park on a public street, such as Foxhall Drive, in front of private residences and is not limited to visitors to that particular residence. However, motorists may not park their vehicles within five feet of a private driveway, unless permitted by the land owner/occupant. Similar to Kayson Street, the petitioner may have to formally request DPWT to install a "No Parking" sign along Foxhall Drive if motorists regularly park within 35 feet of the intersection with Kayson Street.

#### 2. Available Parking Supply

If customer and employee on-street parking was restricted to only along the petitioner's property frontage and the parking spaces were delineated with pavement markings, a maximum number of legally, available on-street parking spaces is as follows:

- a. Four parking spaces along Kayson Street.

- b. Four parking spaces along Foxhall Drive where three vehicles can park south of the driveway and one vehicle can park between the driveway and the intersection with Kayson Street.

Including the off-street parking in the garage (i.e., used by petitioner) and on the driveway, the employees and clients would have a maximum of 14 on and off street parking spaces. However, the existing on-street parking spaces are not delineated and may result in reducing on-street capacity. The table below summarizes the number of legally permitted parking spaces for 1) the estimated “reasonable” number without delineated pavement marking, assuming that the first motorists park in the middle of two potential spaces and 2) the “maximum” number if delineated with pavement markings:

Legally-Permitted Parking	Number of Parked Vehicle	
	Reasonable	Maximum
Off-Street – Garage	2	2
Off-Street-Driveway	3	4
Subtotal- Off-Street	5	6
On-Street – Kayson Street	3	4
On-Street – Foxhall Drive	3	4
Subtotal – On-Street	6	8
Total – On & Off-Street	11	14

3. Parking Demand for the Worst-Case Scenario

The demand for parking spaces in the worst-case scenario is estimated as follows:

Vehicle Owner	Estimated Demand for the Worst-Case Scenario
Petitioner	Estimated to be 2-car family
Employees	Proffered as 2 non-resident employees
Customers	Maximum of 9 based on a) up to 3 workers and b) up to 3 customers per worker (i.e., 1 waiting or arriving, 1 being served, and 1 leaving)
Other Visitor	Estimated to be 1 at any time
Total	Estimated maximum of 14

Transportation Planning staff concludes that sufficient parking exists on or adjacent to the site, with operational concerns addressed by the recommended condition.

Adequate Public Transportation Facilities Review

This existing single-family detached unit is located on a recorded plat as Lot 1, Block 4. The proposed hours of operation on Wednesdays, Thursdays, and Fridays are as follows:

1. Start at 10:00 a.m., after the weekday morning peak period from 6:30 to 9:30 a.m.

2. Close at 5:00 on Wednesdays and at 6:00 p.m. on Thursdays and Fridays, within the weekday evening peak period from 4:00 to 7:00 p.m.

The beauty salon is closed on Mondays, Tuesdays, and Sundays. On Saturdays, the weekend hours of operations are from 8:30 a.m. to 2:00 p.m.

Besides the one peak-hour vehicular trip generated by this existing single-family detached unit, the petitioner is proposing to have two non-resident employees and up to 13 appointments with clients in a day. The 13 appointments would probably be scheduled throughout the day and, only in the worst-case scenario, would nine appointments be clustered within the same hour.

1. By starting at 10:00 a.m., the additional trips generated by employees and clients would not generate any peak-hour vehicular trips within the weekday morning peak period.
2. Employees and customers would generate up to 14 peak-hour vehicular trips within the weekday evening peak period in the worst-case scenario.

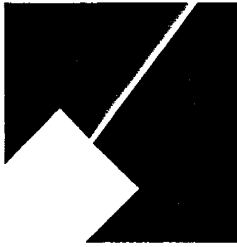
A traffic study is not required to satisfy LATR because the total peak-hour vehicular trips generated by the single-family-detached unit and major home occupation is fewer than 30 peak-hour trips within the weekday morning and evening peak periods. Under the *FY 2005 Annual Growth Policy*, Policy Area Transportation Review is no longer considered in the APF review for all policy areas including the Kensington/Wheaton Hill Policy Area.

EA:gw

cc: Tim Briscoe -DPWT  
Roger Bain – Wheeler & Korpeck

mmo to Tesfaye re S2593 Beauty Salon

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)

September 29, 2005

**MEMORANDUM**

TO: Elsabett Tesfaye, Zoning Analyst  
Development Review Division

FROM: Khalid Afzal, Team Leader, Georgia Avenue Team  
Community-Based Planning Division *YA*

SUBJECT: S-2593: Beauty Salon on 13124 Foxhall Drive

---

**Master Plan Conformance**

The proposed special exception for a beauty salon at 13124 Foxhall Drive is located in the 1989 Master Plan for the Communities of Kensington and Wheaton. The Master Plan does not have any specific comments for this location or for this use. The proposed use is generally consistent with the goals and objectives of the Master Plan.

Protection and stabilization of the current residential character of the existing residential areas is among the master plan's goals and objectives for land use and zoning for the Master Plan area as a whole. Another objective of the Plan is to preserve the identity and integrity of residential areas along major highway corridors through the Green Corridor policy. In this regard, the Master Plan states that petitions "for home occupations and non-residential medical practitioners should be reviewed with care to avoid undermining the residential fabric of the community, especially with regard to their cumulative effect." However, this statement is more specifically directed to land uses and special exceptions located directly on major highway corridors with frontage along streets, such as Georgia Avenue. Since the proposed special exception does not have direct access from Georgia Avenue, this comment is not directly applicable to this proposal. The proposed special exception would not negatively impact the Green Corridor policy of the Master Plan. If it complies with all other applicable requirements and guidelines for compatibility with the adjoining residential area, the proposed use would be consistent with the goals and objectives of the Master Plan.

KA:ha: j:\CBP1\afzal\S-2593



**MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION  
FOREST CONSERVATION RECOMMENDATIONS**

**TO:** Special Exception Reviewer, Community Based Planning Division

**SUBJECT:** Project Name Danette's Hair Care, 13124 Foxhall Drive  
Date Recd 9/30/03 NRI/FSD # 4-04065E

The above-referenced plan has been reviewed by the Environmental Planning Division to determine the requirements of Chapter 22A of the Montgomery County Code (Forest Conservation Law). A determination has been made that the plan qualifies for the following exemption:

**EXEMPTION:**

**Special Exceptions**

Special Exception applications for existing structures which will not result in clearing of existing forest or trees.

***NOTE:** Per section 22A-6(b) of the Forest Conservation Law, Tree Save Plans may be substituted for Forest Conservation Plans on properties where the proposed development is exempt from Forest Conservation except that it involves clearing of specimen or champion trees.*

**This property is not subject to a Tree Save Plan.**

- Tree protection measures are required; sediment control permit should not be released until MNCPPC staff has approved the Tree Save Plan.
- MNCPPC inspector must be contacted for pre-construction inspection of tree protection measures and authorization to begin any tree clearing.

**This property is not within a Special Protection Area\*.**

\* Properties within a Special Protection Area (SPA) must submit a Preliminary Water Quality Plan. Contact Leo Galanko at MCDEP for information regarding the requirements (240-777-6242).

Comments \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Signature:   
Cathy Conlon, Environmental Planning

Date: 9/30/03

cc: Roger Bain, for the Applicant (by hand)



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

**MEMORANDUM**

**DATE:** October 27, 2003

**TO:** John Carter, Community Based Planning Division  
Melissa Banach, Strategic Planning Division  
Tom Vanderpoel, Community Based Planning Division  
Mary Dolan, Environmental Planning Division  
Rick Hawthorne, Transportation Planning Division  
Tanya Schmieler, Park Planning and Development Division  
Gwen Wright, Historic Preservation Unit  
Taslina Alam, Development Review Division  
Khalid Afzal, Community Based Planning Team 5

*No comments*

**FROM:** Kathy Reilly  
Community Based Planning Division

*178-68*

**SUBJECT:** Board of Appeals Petition No. S-2593

*17 NW3*

**Special Exception Request:** Major Home Occupation – Beauty Salon.

**Location:** 13124 Foxhall Drive, Silver Spring

**Zone:** R-90

Please assign a person on your staff to review the case cited above. Written comments and recommendations are requested by **Monday, December 15, 2003** for the staff report on this case. Staff may sign case files out of the Development Review Division, briefly, for review.

In addition to any other observations, it would be helpful to have your input on the following:

**Community Based Planning:** 1) consistency with master plan, 2) whether the special exception will adversely affect the surrounding area, 3) any information or recommendation concerning relevant master planning studies or other government action now under way.

**Environmental Planning:** 1) environmental impact due to topographic or other factors which may cause problems, 2) conformance with tree preservation legislation of Chapter 22-A of the County Code.

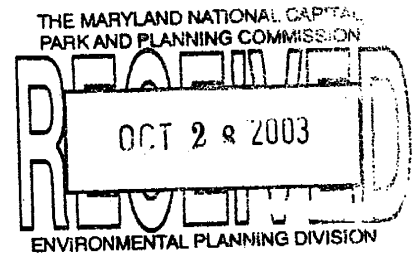
**Transportation Planning:** traffic impact and adequacy of road network affected by request.

**Park Planning & Development:** impact on existing or proposed park areas.

**Development Review:** applicable subdivision requirements.



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION



**MEMORANDUM**

**DATE:** October 27, 2003

**TO:** John Carter, Community Based Planning Division  
Melissa Banach, Strategic Planning Division  
Tom Vanderpoel, Community Based Planning Division  
Mary Dolan, Environmental Planning Division  
Rick Hawthorne, Transportation Planning Division  
Tanya Schmieler, Park Planning and Development Division  
Gwen Wright, Historic Preservation Unit  
Taslima Alam, Development Review Division  
Khalid Afzal, Community Based Planning Team 5

**FROM:** Kathy Reilly  
Community Based Planning Division

**SUBJECT:** Board of Appeals Petition No. S-2593

**Special Exception Request:** Major Home Occupation – Beauty Salon.

**Location:** 13124 Foxhall Drive, Silver Spring

**Zone:** R-90

Please assign a person on your staff to review the case cited above. Written comments and recommendations are requested by **Monday, December 15, 2003** for the staff report on this case. Staff may sign case files out of the Development Review Division, briefly, for review.

In addition to any other observations, it would be helpful to have your input on the following:

**Community Based Planning:** 1) consistency with master plan, 2) whether the special exception will adversely affect the surrounding area, 3) any information or recommendation concerning relevant master planning studies or other government action now under way.

**Environmental Planning:** 1) environmental impact due to topographic or other factors which may cause problems, 2) conformance with tree preservation legislation of Chapter 22-A of the County Code.

**Transportation Planning:** traffic impact and adequacy of road network affected by request.

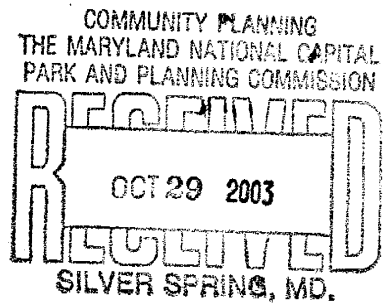
**Park Planning & Development:** impact on existing or proposed park areas.

**Development Review:** applicable subdivision requirements.

*no comments from  
Environmental Planning  
Marion Black  
11-19-03*



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION



**MEMORANDUM**

**DATE:** October 27, 2003

**TO:** John Carter, Community Based Planning Division  
Melissa Banach, Strategic Planning Division  
Tom Vanderpoel, Community Based Planning Division  
Mary Dolan, Environmental Planning Division  
Rick Hawthorne, Transportation Planning Division  
Tanya Schmieler, Park Planning and Development Division  
Gwen Wright, Historic Preservation Unit  
Taslina Alam, Development Review Division  
Khalid Afzal, Community Based Planning Team 5

**FROM:** Kathy Reilly  
Community Based Planning Division

**SUBJECT:** Board of Appeals Petition No. S-2593

**Special Exception Request:** Major Home Occupation – Beauty Salon.

**Location:** 13124 Foxhall Drive, Silver Spring

**Zone:** R-90

*no historic sites  
affected  
m. banach  
10/29/03*

Please assign a person on your staff to review the case cited above. Written comments and recommendations are requested by **Monday, December 15, 2003** for the staff report on this case. Staff may sign case files out of the Development Review Division, briefly, for review.

In addition to any other observations, it would be helpful to have your input on the following:

**Community Based Planning:** 1) consistency with master plan, 2) whether the special exception will adversely affect the surrounding area, 3) any information or recommendation concerning relevant master planning studies or other government action now under way.

**Environmental Planning:** 1) environmental impact due to topographic or other factors which may cause problems, 2) conformance with tree preservation legislation of Chapter 22-A of the County Code.

**Transportation Planning:** traffic impact and adequacy of road network affected by request.

**Park Planning & Development:** impact on existing or proposed park areas.

**Development Review:** applicable subdivision requirements.

Douglas M. Duncan  
County Executive



DEPARTMENT OF PERMITTING SERVICES

Robert C. Hubbard  
Director

HOME OCCUPATION  
CERTIFICATE

Issue Date: 9/26/2000

Expires: NONE

Certificate No.: 208259

This certifies that:


ANTHONY & DANETTE SLOAN  
13124 FOXHALL DR  
SILVER SPRING MD 20906-5362

Use: BEAUTY SALON

Lot: 1  
Block: 4

Subdivision:  
Owner's Name:

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

  
Director, Department of Permitting Services



MONTGOMERY COUNTY  
 DEPARTMENT OF PERMITTING SERVICES  
 255 Rockville Pike, 2<sup>nd</sup> Floor  
 Rockville, Maryland 20850-4166

*Hand Delivered*

# NOTICE OF VIOLATION

FOR MONTGOMERY COUNTY, MARYLAND the undersigned issuer, being duly authorized, states that:

On, 4/21/03 the recipient of this NOTICE, Ms. Danette Clean  
Date Recipient's Name

13124 Foxhall Dr. Silver Spring, MD 20906  
Street Address City, State, Zip

is notified that a violation of Montgomery County Code, Section: Ch. 59-A - 6.1(c)(3) & (c)(2)  
 exists at: 13124 Foxhall Dr. 210410  
Location Case #

The violation is described as: More than 20 client visits in a week and more than one non-resident employees within a 24 hour period.  
Apply for a major home occupation with the County Board of Appeals \*

The following corrective action(s) must be performed immediately as directed: Reduce the number of client visits to no more than 20 per week and no more than one non-resident employee in any 24 hour period, or apply for a major home occupation with the County Board of Appeals \*

An inspection fee of \$ \_\_\_\_\_ is required in addition to any application fee(s).

Compliance Time: 30 days

Failure to comply with this notice will result in the issuance of one or more \$500.00 civil citations.

This Notice of Violation may be appealed to the Montgomery County Board of Appeals within 30 days of the issue date. The Board of Appeals is located in the Council Office Building, 100 Maryland Avenue, Room 217, Rockville, Maryland 20850, telephone 240-777-6600.

ISSUED BY: Frank DeLange Frank DeLange  
Printed Name Signature Date

Phone No. 301-370-3655

RECEIVED BY: \_\_\_\_\_  
Printed Name Signature Date

Phone No. \_\_\_\_\_ Sent by Registered Mail/Return Receipt On: 4/24/03  
Hand Delivered

RECIPIENT'S SIGNATURE ACKNOWLEDGES RECEIPT OF A COPY OF THIS NOTICE OF VIOLATION

\* This notice replaces a previous Notice of Violation issued  
 4/16/03

## SUMMARY

Petitioner has been operating a Beauty Salon under Home Occupation Certificate No. 208259 issued by the Department of Permitting Services. As her business has increased, it has become necessary to file for a Major Home Occupation.

Petitioner intends to continue the operation of a Beauty Salon in her home under the following conditions:

a. Petitioner is open four days per week and services 37 to 50 clients per week or 8 to 13 clients on each of the four days, all by appointment only.

b. Hours of operation:   Wednesday           10:00AM – 5PM  
                                  Thursday and Friday 10:00AM – 6PM  
                                  Saturday             8:30AM – 2:00PM

c. The Beauty Salon is operated by the Petitioner and two non-resident employees, a manicurist and a shampoo person.

d. Parking is accommodated by Petitioner's driveway, which is 20 feet x 52 feet and on Kayson Street and Foxhall Drive. Parking will not have an adverse impact on neighboring residences.

e. The amount of floor area used for the Major Home Occupation is approximately 500 square feet and does not exceed 33% of the total floor area of the dwelling unit.

Testimony will be provided by Petitioner and the estimated time for presentation of Petitioner's case is 45 minutes.

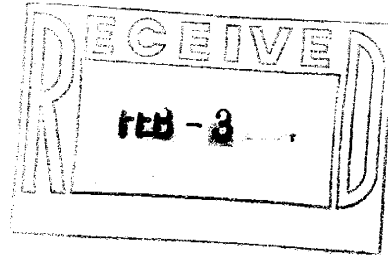
POOLE & POOLE, P.A.  
ATTORNEYS AT LAW  
29 WEST FRANKLIN STREET  
HAGERSTOWN, MARYLAND 21740

TELEPHONE (301) 790-3600  
FAX (301) 714-0082

D. BRUCE POOLE  
BRIAN A. KANE

DAVID K. POOLE, JR.  
OF COUNSEL

ROGER K. BAIN  
OF COUNSEL



February 2, 2004

Francoise Carrier, Director  
Office of Zoning and Administrative Hearings  
County Office Building, 2<sup>nd</sup> Floor  
100 Maryland Avenue  
Rockville, MD 20850

Re: Danette D. Sloan  
Special Exception No. S-2593

Dear Ms. Carrier:

As a follow up to my letter of January 6, 2004 I am requesting an indefinite continuance in the above referenced Special Exception while we work out certain screening issues raised by Park and Planning Staff.

I am also requesting that you withdraw my appearance as attorney for the applicant with Wheeler & Korpeck, LLC and reinstate same as attorney for the applicant, of counsel with Poole & Poole, P.A.

Thank you in advance for your assistance in this matter.

Sincerely,

Roger K. Bain

RKB:lek

cc: Danette Sloan  
Kathleen A. Reilly  
Martin Klauber, Esq.



WHEELER & KORPECK, LLC

WILLIAM T. WHEELER  
ROBERT L. BROWNELL  
ROGER K. BAIN  
PATRICK F. GREANEY (MD AND DC)

ATTORNEYS AT LAW  
LEE PLAZA  
8601 GEORGIA AVENUE  
SUITE 908  
SILVER SPRING, MD 20910-3439

JEROME E. KORPECK  
(1924-2001)  
MAIN PHONE: (301) 587-6200  
TELEFAX: LEGAL (301) 608-3847  
TITLE (301) 589-6324

WRITERS E-MAIL:  
rbain@wandk.com  
WRITERS DIRECT DIAL:

(301) 562-7285

January 6, 2004

Francoise Carrier, Director  
Office of Zoning and Administrative Hearings  
County Office Building, 2<sup>nd</sup> Floor  
100 Maryland Avenue  
Rockville, MD 20850

Re: Danette D. Sloan  
Special Exception No. S-2593

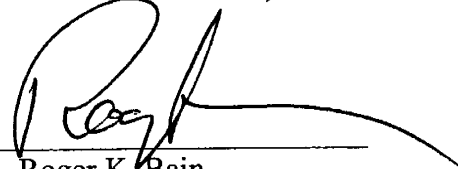
Dear Ms. Carrier:

Pursuant to our recent telephone conversation, I am requesting a continuance in the above referenced Special Exception hearing from February 2, 2004 until March 1, 2004. The hearing before the Planning Board will be rescheduled from January 15, 2004 until February 12, 2004. There has been opposition recently raised which the applicant would like to review and address.

Thank you for your consideration in this matter.

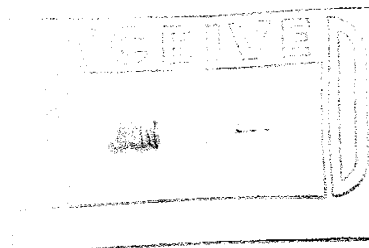
Sincerely,

WHEELER & KORPECK, LLC

By:   
Roger K. Bain

RKB:lek

cc: Danette Sloan  
Kathleen A. Reilly  
Martin Klauber, Esq.



POOLE & KANE, P.A.  
ATTORNEYS AT LAW  
29 WEST FRANKLIN STREET  
HAGERSTOWN, MARYLAND 21740

GOP

D. BRUCE POOLE  
BRIAN A. KANE

TELEPHONE (301) 790-3600  
FAX (301) 714-0082

ROGER K. BAIN  
OF COUNSEL

January 26, 2005

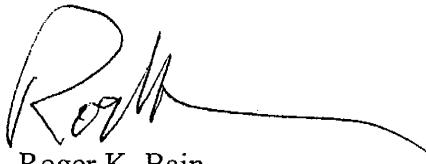
Martin L. Grossman  
Hearing Examiner  
Office of Zoning and Administrative Hearings  
100 Maryland Avenue  
Rockville, Maryland 20850

RE: S-2593, Petition of Danette D. Sloan

Dear Examiner Grossman:

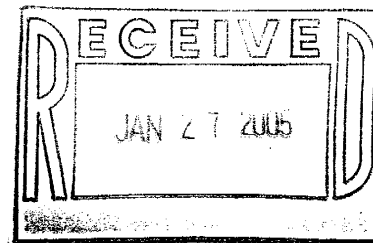
I am writing in response to your letter of January 13, 2005 as regards the above referenced matter. Please be advised that we met with Park and Planning staff on December 17, 2004 to finalize our exhibits which are being prepared now. Accordingly we will be proceeding with this case and need to set a date for the hearing.

Sincerely,

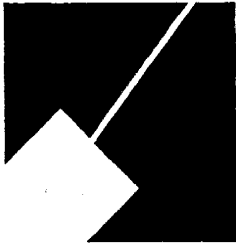
  
Roger K. Bain

BAK/jln

cc: Kathleen Reilly  
Martin Klauber  
Danette Sloan



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)

August 10, 2005

Roger K. Bain, Esq.  
Poole & Kane, P.A.  
29 West Franklin Street  
Hagerstown, Maryland 21740

**RE: Special Exception No. S-2593 (Petition of Danette D. Sloan)**

Dear Mr. Bain:

As you know, Planning Board hearing on the above referenced application is scheduled for October 6, 2005 and a public hearing with the Hearing Examiner is scheduled for October 21, 2005. As we discussed at our meeting of May 6, 2005, a revised site/landscape plan is needed in order to proceed with the review and recommendation process. The plan(s) should be drawn to scale showing all existing and proposed improvements and landscaping, and containing all applicable information (including a parking schedule, setbacks, measurements of all buildings, gross floor area for all uses, fences, driveways, easements, center lines, etc.). In addition to the revised plan (s), a justification statement, demonstrating compliance with the requirements of Section 59-2-29 (a-o), should also be provided. The technical staff report on this application will be released on September 30, 2005, therefore, the plans and the additional materials must be submitted as soon as possible to allow time for the review process.

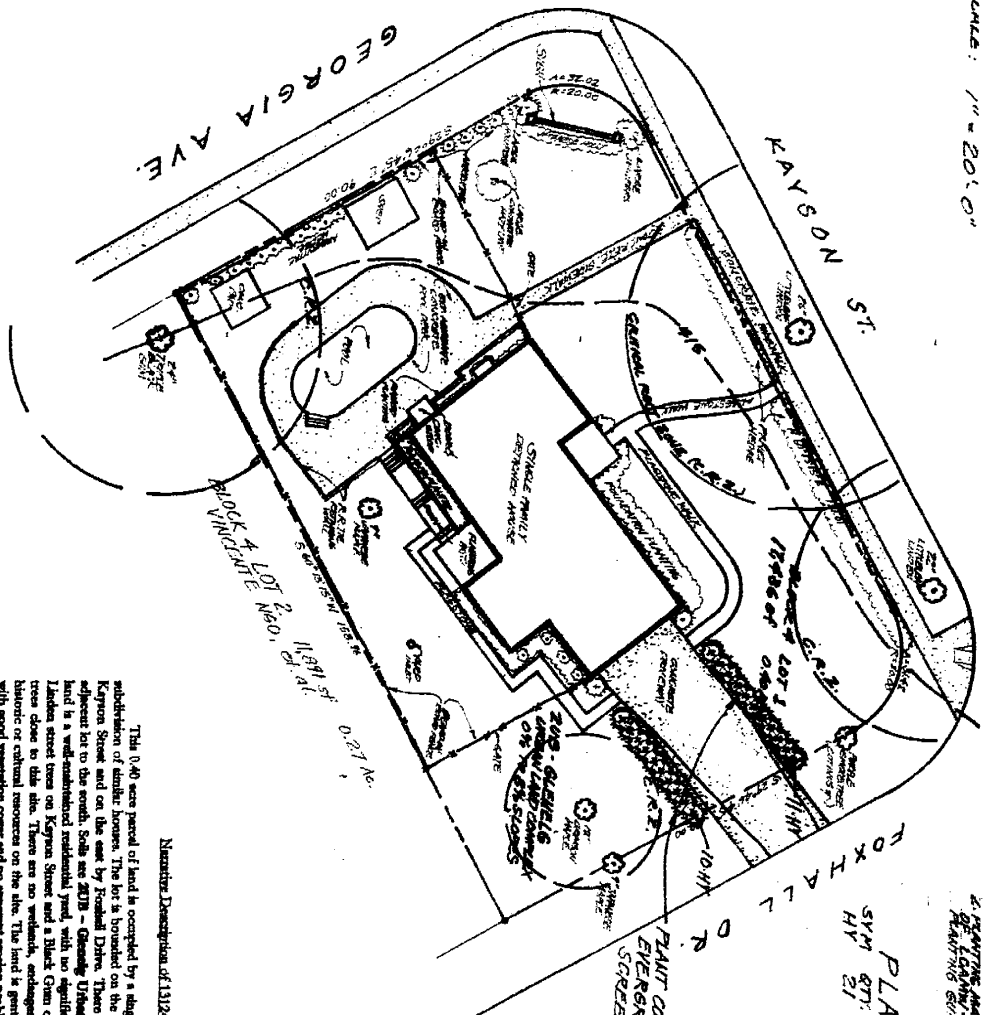
If you have any questions, please contact me at 301-495-1301 or Mr. Carlton Gilbert, the supervisor of the Zoning Section, at 301-495-4576.

Sincerely,

Elsabett Tesfaye  
Senior Planner  
Development Review Division

c: Mrs. Danette Sloan

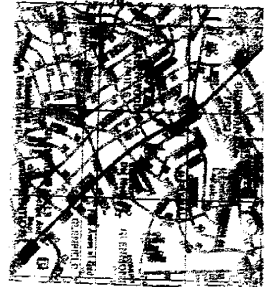
SCALE: 1" = 20' 0"



REPLANTING MATERIALS AND OTHERS SHALL BE PROVIDED BY THE CLIENT. THE CLIENT SHALL BE RESPONSIBLE FOR THE DELIVERY OF MATERIALS TO THE SITE. THE CLIENT SHALL BE RESPONSIBLE FOR THE DELIVERY OF MATERIALS TO THE SITE.

**PLANT LIST**

SYM	QTY	COMMON NAME	SCIENTIFIC NAME	SIZE	TYPE
HY	21	MIRACLES TREES	TAKUS MEDIA HIKESII	3'-5 1/2' HT	CONTAINER OR ADS



VICINITY MAP  
SCALE: 1" = 500'  
2002 ADO MAP 30 GOOD P. 9

- General Notes:**
1. Boundary and house location from Location Drawing dated 7/11/00 by Methlan Steery, Inc.
  2. Topography based upon WSSR Transit GIS.
  3. Location of all improvements is informational only, and is not intended for layout construction purposes.
  4. Property is zoned R-30.
  5. Property lies within Lower Rock Creek Watershed, Use F-3.

**Owner / Applicant:**  
Anthony W. and D.D. Sloan  
13124 Foxball Drive  
Silver Spring, MD 20906  
(301) 933-9125, (301) 942-8424

**Narrative Description of 13124 Foxball Drive**

This 0.40 acre parcel of land is occupied by a single family detached house and lies within a subdivision of similar houses. The lot is bounded on the west by Georgia Avenue, on the north by Kayson Street and on the east by Foxball Drive. There is a single story detached house on the adjacent lot to the south. Sells are ZEDS - General Urban Land Company, 0% 90 8% slopes. The land is a well-maintained residential yard with no significant trees or fence on site. Two Umbelard Jordan street trees on Kayson Street and a Black Gum on the adjacent lot are the only significant trees close to this site. There are no wetlands, endangered species, critical habitats, or significant historic or cultural resources on the site. The land is gently to moderately sloping and well-drained, with good vegetation cover on the site. The land is generally to moderately sloping and well-drained, with good vegetation cover on the site.

This NRI/PSD is part of the subdivision requirement for a Special Exception to operate a beauty salon on the premises. With an entrance off of Kayson Street near the intersection with Georgia Avenue the use is environmentally compatible with the location. The salon itself is reached from the pool area, which is surrounded by a board-on-board fence. Therefore, activity within the salon is well screened from adjacent residences.



JULY 2003

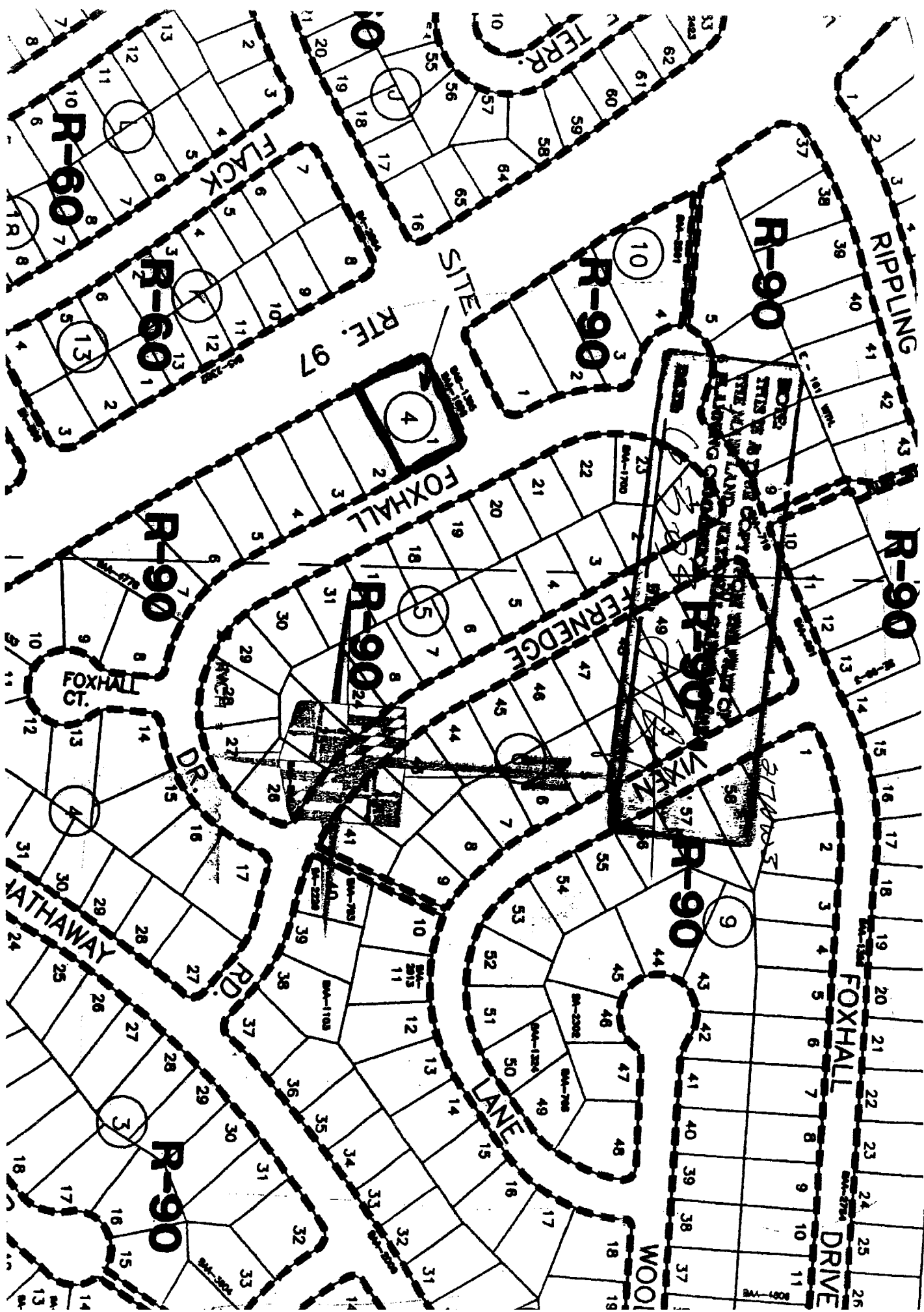
**Osband & Associates**  
Landscape Architecture Environmental Planning  
14815 Brookmead Lane Germantown, MD 20874 (301) 788-6573  
(301) 788-6573 (301) 788-6573 (301) 788-6573

**PLANTING PLAN**  
FCP EXEMPTION # 4-04065 E

Lot 1 Block 4  
**DANETTE'S HAIR CARE**

Plan Book 08 Plat 8312  
Election District 13, Montgomery County, MD

*Handwritten signature and date: Anthony W. Sloan 7/11/03*



**R-90**

**R-90**

RIPLING

**R-90**

FERNEDGE

**R-90**

FOXHALL

**R-90**

**R-90**

LANE

WOO

DRIVE

**R-60**

**R-60**

FLACK

FOXHALL

FOXHALL CT.

WAY

DR.

RTE. 97

**R-90**

217005

NOTED:  
THIS IS AN OCCUPY (SINGLE UNIT)  
WITH NO LAND, WATER, OR AIR  
RIGHTS RESERVED TO THE  
PLANNING COMMISSION

4

10

5

9

3