



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

**MCPB**  
**Item #**  
**Date: 1/25/07**

**MEMORANDUM: SPECIAL EXCEPTION**

**DATE:** January 10, 2007

**TO:** Montgomery County Board of Appeals

**VIA:** Ralph Wilson, Acting Zoning Supervisor *RDW*  
Development Review Division

**FROM:** Carlton W. Gilbert, Planner Coordinator *CW Gilbert*  
Development Review Division (301-495-4576)

**SUBJECT:** **Board of Appeals Petition No. S.E. 07-3 (Special Exception)**  
Rhonda Charles, applicant, Child Day Care Facility for up to 12 children located at 13205 Dauphine Street, Silver Spring, R-60 Zone – 1994 Aspen Hill Master Plan

**FILING DATE:** September 29, 2006  
**PUBLIC HEARING:** February 2, 2007

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**STAFF RECOMMENDATION: APPROVAL with the following conditions:**

1. All evidence, testimony and exhibits of record are binding on the applicant.
2. The use is limited to 9 children between the ages of two and twelve, three infants (children under two years of age), and one non-resident employee.
3. Permitted hours of operation are Monday thru Friday only, 6:30 a.m. to 6:00 p.m.
4. The Hearing Examiner reduces the number of required parking spaces, by two spaces.
5. The arrival and pick-up times for children must be staggered between 6:30 a.m. and 9:00 a.m. during the morning drop-off and between 4:30 p.m. to 6:00 p.m. in the evening.
6. Must comply with Maryland State and Montgomery County standards for the operation of a child day care facility.

## **Project Summary**

The applicant, Rhonda Charles, requests a special exception to permit a child day care facility for 12 children at 13205 Dauphine Street in Silver Spring. A licensed day care business has been operating on the site for up to 8 children since November 22, 2004, for which no special exception is required. Specifically, the subject application proposes an increase from 8 to 12 children.

The child day care facility will operate in the existing split-level single-family dwelling of the applicant who is the provider and resident. The day care will be conducted in the lower level that has a large multi-purpose room dedicated to the business. The day care will have one full time employee. The property is located in the R-60 zone permitting the proposed special exception. There are no changes proposed to the exterior of the existing dwelling. The rear yard of the property is fenced and is used as a playground for the children.

## **Site Description**

The subject property is an interior lot that contains 6,000 square feet and is located at 13205 Dauphine Street in the Harmony Hills Subdivision in Silver Spring. The property, whose legal description Lot 11, Block 13, is located on the west side of Dauphine Street. The property has 60 feet of street frontage. The property is improved with a split-level frame and brick dwelling that is set back approximately 32 feet from the front property line. The 1,172 square-foot dwelling was constructed in 1967. The dwelling is setback approximately 10 feet from the left side lot line and approximately 9 feet from the right side lot line. The dwelling has rear yard of approximately 44 feet. An existing concrete driveway that measures 11 feet wide by 20 feet deep extends from the street. There is no carport or garage on the property. The property is relatively flat and is landscaped with mature trees, shrubs and flowers.

Site inspection by staff reveals that the property is properly posted with a sign notifying the neighborhood of the pending special exception application.

## **Neighborhood Description**

The Harmony Hills neighborhood surrounding the subject property is bordered by Aspen Hill Road to the north, Connecticut Avenue to the west, Georgia Avenue to the east and Matthew Henson State Park to the south. The neighborhood land is zoned R-60 for single-family residences. Single-family detached dwellings are present on both sides of Dauphine Street. The majority of the residences have driveways that can accommodate off-street parking for one vehicle.

## **Elements of Proposal**

The applicant proposes to expand an existing day care facility by increasing the number of children from 8 to 12. The daycare will be located in the lower level of the existing

home. A large multi-purpose room, approximately 437 square feet, is used for educational activities and includes a play area for older children. There is also a separate bedroom, measuring 11' x 18', that is primarily used by the infants, under two years of age. The floor plan for the lower level also includes a kitchen, a bathroom and a laundry room. The side entrance to the dwelling will be used by parents when picking up and dropping off their children. None of the daycare business will be conducted on the second floor of the dwelling.

The applicant indicated that the child day care facility would have up to 12 children with ages ranging from infants to twelve year olds. The children will be separated in two age groups. There will be a maximum of three infants (children under two years of age), and a maximum of nine children between the ages of two and twelve.

The hours of operation will be between 6:30 a.m. and 6:00 p.m., Monday through Friday. Pick-up and drop-offs will be staggered so that no more than six children are picked up in any one hour period. The applicant has indicated that contracts signed by parents will include the times when their children are watched at the center, and will also include a designated period when the children must be picked up and dropped off. According to the applicant, six children will be cared for from 6:30 a.m. to 5:00 p.m., and must be dropped off between 6:30 a.m. and 8:00 a.m., and must be picked up before 5:00 p.m. The other six children will indicate that they are being watched from 8:00 a.m. to 6:00 p.m., and must be dropped off between 8:00 a.m. and 9:00 a.m., and must be picked up between 5:00 p.m. and 6:00 p.m. This approach will insure that no more than six children are picked up or dropped off in any hour period so that the parking spaces in front of the dwelling will adequately accommodate parking of parents vehicles necessary for pick-up and drop-off of their children.

There will be one non-resident employee, who will begin working at the site as soon as the special exception is granted and a license issued to increase the number of children from eight to twelve. The employee will work between 6:30 a.m. and 6:00 p.m. and will be instructed to park her car in the driveway on the property.

### **Parking**

A total of five parking spaces (2 for the residential use and 3 for the daycare) are required. However, there are a maximum of three spaces provided. One parking space on the existing concrete driveway and two spaces on the street adjoining the property. For that reason, the applicant seeks a reduction in the maximum number of spaces required in Section 59-E-3.7 from five to three. The applicant has noted that she does not keep any cars on the site during the day. Therefore, during the hours that the daycare is in use, the driveway on the site will be available for use by the non-resident employee, and the two parking spaces in front of the site will be used for the drop-off and pick-up of children. There is adequate space (48 feet in length) in front of the dwelling. This area can easily accommodate two paralleled parked cars.

On several site visits in the morning, mid-afternoon, and early evening, staff also observed that adequate parking spaces were available on both sides of the street in the subject area.

Waivers, variances, and reductions for parking are allowed in accordance with the Zoning Ordinance. Based on observations noted above, staff supports the assignment of two parking spaces for drop off and pick up, and also supports the Hearing Examiner reducing the parking requirement by two spaces.

## **ANALYSIS**

### **Master Plan**

The proposed project is within the 1994 Aspen Hill Master Plan area. The property, zoned R-60, proposes to have a child day care in an existing single-family house at 13205 Dauphine Street.

The Master Plan on page 80 has the following relevant comments and recommendations about all special exceptions in the planning area:

- 1). "Avoid excessive concentration of special exception and other non-residential land use along major corridors; and
- 2). Protect major transportation corridors and residential communities from incompatible design of special exception uses.

The Master Plan has specific comments regarding child care facilities. On page 177, under Community Facility Recommendations, Child Day Care Facilities, it states: "support various types of child day care facilities within the planning area." On page 196, in the Child Day Care Facilities Chapter, it further states:

"Child day care facilities should be encouraged to meet the needs of Aspen Hill. To the extent possible, they should consistently provide the following:

- Sufficient open space to provide adequate access of sunlight and suitable play areas, taking into consideration the size of the facility.
- Location and design to protect children from excessive exposure to noise, air pollutants, and other environmental factors potentially injurious to health or welfare.
- Location and design to ensure safe and convenient access. This includes appropriate parking areas and safe and effective on-site circulation of automobiles and pedestrians.
- Location and design to avoid creation of undesirable traffic, noise and other impacts upon the surrounding community.

- Consideration should be given to locations in employment centers to provide locations convenient to work places. However, these locations should make provision for a safe and healthful environment in accord with the criteria listed above."

Based on the review of the material submitted as part of the application, Community-Based staff concludes that the proposed special exception is consistent with the goals and objectives of the 1994 Aspen Hill Master Plan.

**Environment**

There are no environmental issues or concerns associated with the subject proposal. No environmentally sensitive areas are located on the property. This special exception is exempt from forest conservation law as the proposed use will not result in clearing of existing forest or trees. Moreover, the proposal does not involve any new construction.

**Transportation**

To date, the Transportation Planning staff has not provided comments regarding this proposal. However, comments will be provided prior to the Planning Board meeting of January 25, 2007.

**Development Standards**

The subject property is located in the R-60 zone, which permits the proposed special exception. There are no other approved special exceptions in the immediate neighborhood. The proposal conforms to all applicable current development standards of the R-60 zone. The following table summarizes the relevant development standards for the R-60 zone that are applicable to the proposed special exception request:

Development Standards	Required (current)	Proposed/Existing
Minimum Lot Area	6,000 sq. ft.	6,000 sq. ft.
Minimum Lot Width		
• At front building line	60 feet	60 feet
• At street line	25 feet	60 feet

Minimum Building Setback:		
Front Yard	25 feet	32 feet
Side Yard		
• One side yard	8 feet	9
• Sum of both sides	18 feet	19 feet
Rear Yard	20 feet	Approx. 44 feet
Maximum Bldg. Height	2 ½ stories or 35 feet	1 ½ stories, approx. 25 feet
Maximum Bldg. Coverage	35 percent	18 percent

### **Environmental Analysis**

There are no environmental issues with this application. This special exception is exempt from forest conservation law as the proposed use will not result in clearing of existing forest or trees.

### **Landscaping and Lighting**

As shown on the attached landscape and lighting plan, the existing landscaping on the site consists of several large poplar trees located in the rear yard and a large maple tree located in the front yard. The property is well landscaped with shrubbery and flowers in both the front and rear yards.

The existing lighting for the single-family dwelling is adequate. The Lighting Plan shows exterior light fixtures (100 and 200 watts) mounted on the front, sides, and rear of the dwelling. There are no major visual obstructions to block the view between the drop off/pick up area and the dwelling's entrance.

### **Community Concerns**

To date, staff has not received any comments from the community. There is no evidence of concern or objection from adjoining neighbors regarding the use and operation of the subject facility.

### **Inherent and Non-inherent Effects**

The inherent and non-inherent adverse effects of a special exception must be considered on nearby properties and the surrounding neighborhood at the proposed location, regardless of the adverse effects the use might have if established elsewhere in the R-60 zone.

Section 59-G-1.2.1 of the Zoning Ordinance states in part:

*Inherent adverse effects are the physical and operational characteristics necessarily associated with the particular use, regardless of its physical size or scale of operations. Inherent adverse effects alone are not a sufficient basis for denial of a special exception. Non-inherent adverse effects are physical and operational characteristics are not necessarily associated with the particular use, or adverse effects created by unusual characteristics of the site. Non-inherent adverse effects, alone or in conjunction with the inherent effects, are a sufficient basis to deny a special exception.*

Analysis of inherent and non-inherent adverse effects considers size, scale, scope, light, noise, traffic and environment. These criteria are used to identify the physical and operational characteristics of the use. Any special exception may have some or all of these effects in varying degrees. What must be determined during the analysis is whether these effects are acceptable or will create adverse impacts sufficient to result in a denial. To that end, inherent adverse effects associated with the use must be determined.

Applying the above analysis to this case, the staff finds:

The inherent, generic physical and operational characteristics associate with a child day car use include outdoor play areas, lighting, noise generated by children and vehicular trips to and from the site. There are no significant transportation impacts that would result from the proposed special exception. There will be no changes to the existing dwelling, driveway, parking area in front of the dwelling, or play area in the rear yard. Existing lighting on the property is adequate and consistent with the residential character of the neighborhood. All of the lighting fixtures are mounted on the front, sides and rear of the dwelling. No new lighting will be added. The front and rear yards are well landscaped with mature trees. Flowers and shrubbery are located in the front, side and rear of the dwelling.

Provided that the recommended conditions are complied with, there will be no unacceptable inherent impacts associate with the subject proposal that warrant denial.

## **CONCLUSION**

Staff recommends approval of the child day care facility for up to 12 children, subject to the conditions noted on the first page of the technical staff report.

### **Montgomery County Zoning Ordinance**

#### **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.

*The subject property is zoned R-60. A child day care facility is an allowed special exception 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.

*With the proposed conditions, the proposal complies with the standards and specific requirements of Section 59.G-2.13.1 for a child day care facility.*

(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.

*The special exception will be in conformance with the recommendations of the 1994 Aspen Hill 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.

*The use will be in harmony with the general character of the neighborhood when considering this criteria. No changes are being proposed for the exterior of the building.*

(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.

*The use will not have a detrimental effect for any of these reasons. The impacts of the use are inherent.*

- (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.

*The use will not have a detrimental effect for any of these reasons.*

- (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.

*The use will not adversely effect or alter the surrounding single-family neighborhood. Currently, there are no special exception uses in the immediate area.*

- (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.

*The use will not adversely effect the safety of area residents.*

- (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.

- (i) If the special exception use requires approval of a preliminary plan of subdivision the adequacy of public facilities must be determined by the Planning Board at the time of subdivision review. In that case, a subdivision approval must be included as a condition of the special exception. If the special exception does not require approval of a preliminary plan of subdivision, the adequacy of public facilities must be determined by the Board of Appeals when the special exception is considered. The adequacy of public facilities review must include the Local Area Transportation Review

and the Policy Area Transportation Review as required in the Annual Growth Policy.

- (ii) With regard to findings relating to public roads, the Board, the Hearing Examiner, or the District Council, as the case may be, must further determine that the proposal will not reduce the safety of vehicular or pedestrian traffic.

*The proposed use will be adequately served by existing public facilities. The use as proposed is not likely to reduce the safety of vehicular or pedestrian traffic.*

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

*The applicant must so note.*

- (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.

*The applicant must so note.*

**Sec. 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;

*The applicant has submitted such a plan. There will be no changes to the existing building driveway, parking area in front of the home, or play area in the rear yard. There will be no deliveries to the site, since the applicant will purchase all of the supplies on the weekends.*

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

The number of parking spaces may be reduced by the Hearing Examiner if the applicant demonstrates that the full number of spaces required in Section 59-E-3.7 is not necessary because:

- (A) existing parking spaces are available on adjacent property or on the street abutting the site that will satisfy the number of spaces required; or
- (B) a reduced number of spaces would be sufficient to accommodate the proposed use without adversely affecting the surrounding area or creating safety problems;

*Because the daycare center is in a residential dwelling, the number of spaces required by Section 59-E-3.7 is five, (2 for the home, 2 for the pick-up and drop-off of the 12 children, and 1 for the non-resident employee). However, staff finds that there are a maximum of three spaces for use by the existing dwelling/daycare business. The applicant is seeking a reduction in the maximum number of spaces required by the ordinance from five to three. Staff believes that a reduced number will be sufficient to accommodate the proposed use without adversely affecting the surrounding area or creating safety problems.*

*The applicant has noted that she does not keep any cars on the site during the day. Therefore, during the hours that the daycare is in use, the driveway on the site will be available for use by the non-resident employee, and the two parking spaces in front of the site will be used for the drop-off and pick-up of children. There is adequate space (48 feet in length) in front of the dwelling. This area can easily accommodate two paralleled parked cars. Several site visits in the morning, mid-afternoon, and early evening, staff also observed that parking spaces were available on both sides of the street in the subject area.*

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

*Two designated parking spaces are proposed for the drop off and pick up of children. The 48-foot of street frontage in front of the property adequately meets this requirement.*

- (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

*This is a condition of approval.*

- (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.

*The special exception use will be compatible with the surrounding uses and will not result in a nuisance due to traffic, noise or types of physical activity. No changes are being proposed to the exterior of the property, which currently consists of a one and one-half story dwelling with a fenced rear yard. According to the applicant, there have been no complaints from the neighbors in the three years that the dwelling has been used as a day care center. The only outside activity associated with the center will be the children playing in the rear yard. The rear yard is fenced with a 4-foot high chain link fence preventing the children from leaving the property.*

## **LIST OF ATTACHMENTS**

- 1. Vicinity Map**
- 2. Neighborhood Map**
- 3. Site Plan**
- 4. Landscape and Lighting Plan**
- 5. Floor Plan**
- 6. Zoning Map**
- 7. Photographs of Site**
- 8. Affidavit of Compliance**
- 9. Environmental Planning Comments**
- 10. Community-Based Planning Comments**

SE-07-3



Map compiled on January 11, 2007 at 4:19 PM | Site located on base sheet no - 217NW04

**NOTICE**

The planimetric, property, and topographic information shown on this map is based on copyrighted Map Products from the Montgomery County Department of Park and Planning of the Maryland-National Capital Park and Planning Commission, and may not be copied or reproduced without written permission from M-NCPPC.

Property lines are compiled by adjusting the property lines to topography created from aerial photography and should not be interpreted as actual field surveys. Planimetric features were compiled from 1:14400 scale aerial photography using stereo photogrammetric methods.

This map is created from a variety of data sources, and may not reflect the most current conditions in any one location and may not be completely accurate or up to date. All map features are approximately within five feet of their true location. This map may not be the same as a map of the same area plotted at an earlier time as the data is continuously updated. Use of this map, other than for general planning purposes is not recommended. - Copyright 1998

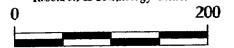
Key Map



N



Research & Technology Center

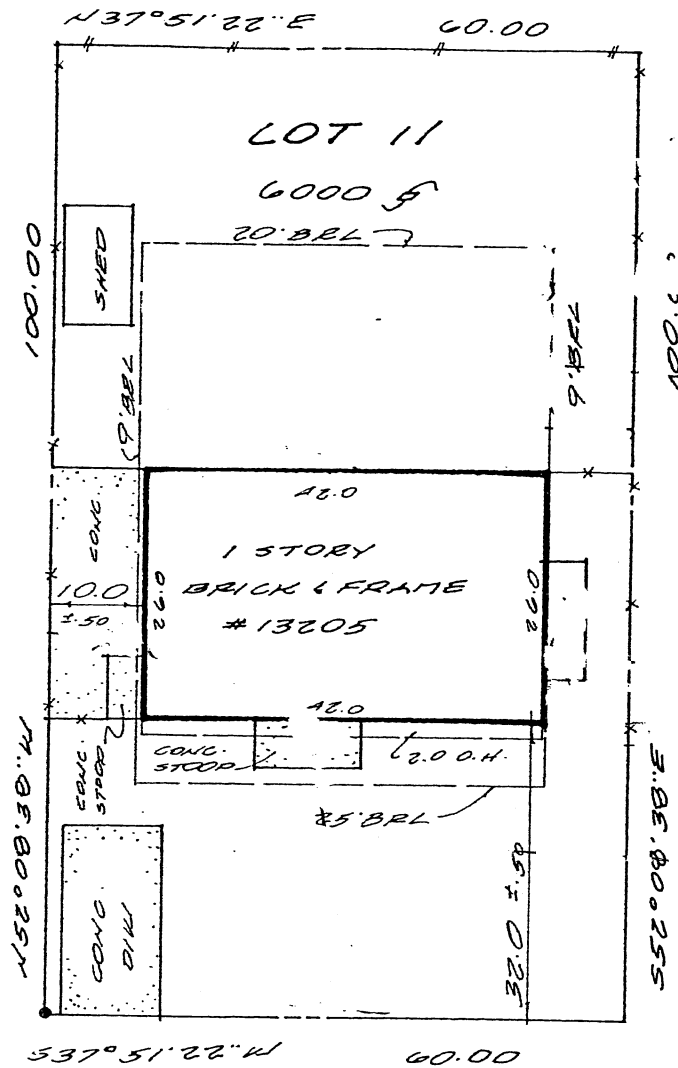
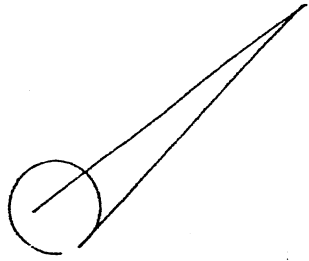


1 inch = 200 feet  
1 : 2400

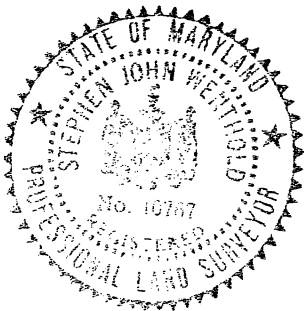


# SITE PLAN

ATTACHMENT 3



DAUPHINE STREET



Date: 12-17-98  
 Plat Book: 80  
 Plat No.: 8144  
 Fork Order: 98-5399  
 Address: 13205 DAUPHINE STREET  
 District: 13  
 Jurisdiction: MONTGOMERY COUNTY, MARYLAND

Scale: 1" = 20' Dm: 8.0

### Surveyor's Certification

I hereby certify that the survey shown hereon is correct to the best of my knowledge and that, unless noted otherwise, it has been prepared utilizing description of record. This survey is not a boundary survey and the location or existence of property corners is neither guaranteed nor implied. Fence lines, if shown, are approximate in location. This property does not lie within a 100-year flood plain according to FEMA insurance maps as interpreted by the originator unless otherwise shown hereon. Building restriction lines shown are as per available information and are subject to the interpretation of the originator.

LOCATION DRAWING  
 LOT 11 BLOCK 13  
 LAT 5  
 ARMONY HILLS

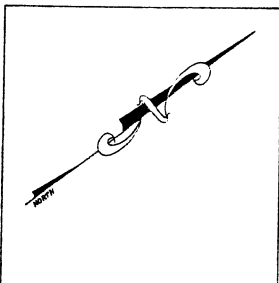
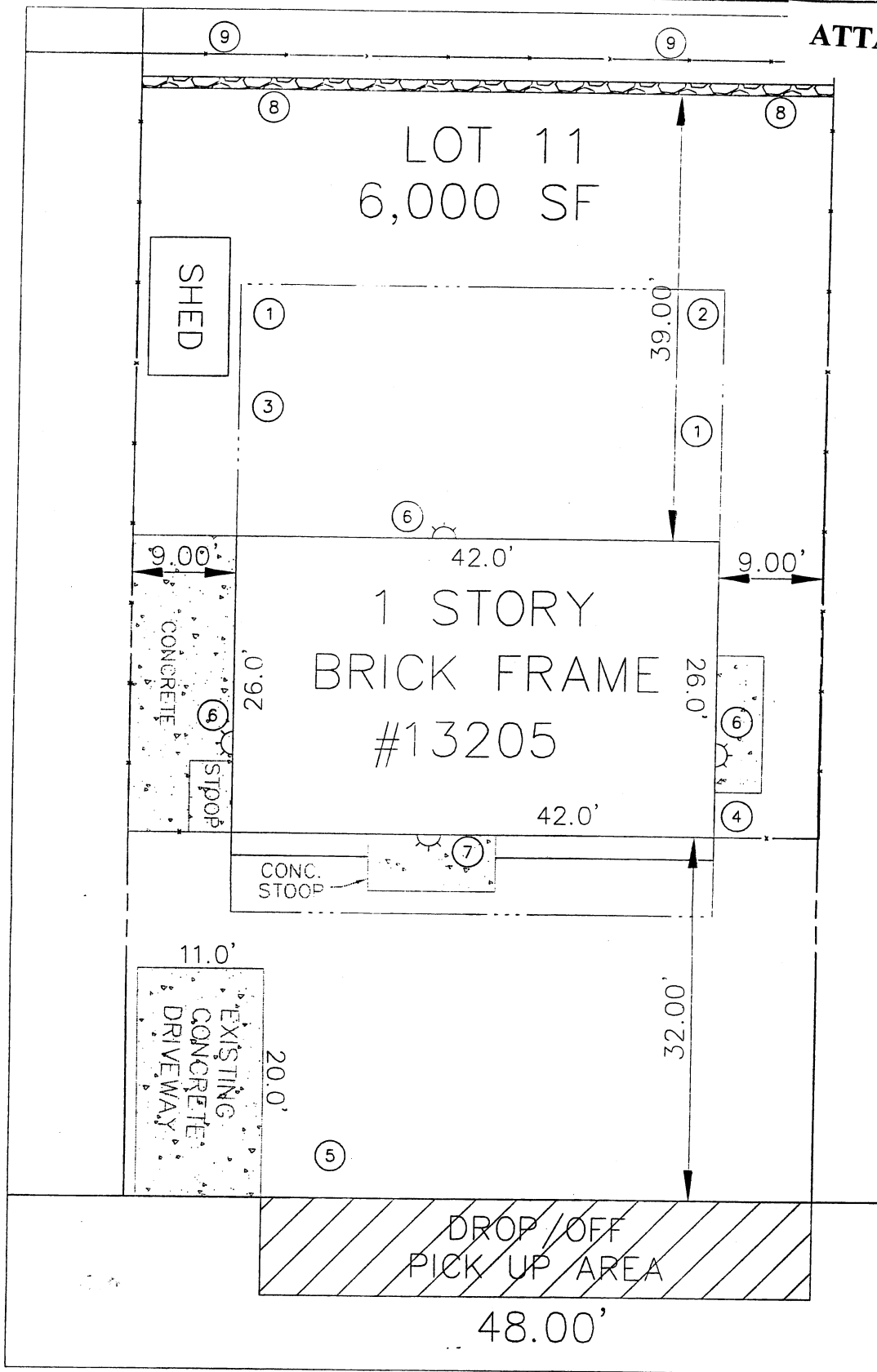
*Stephen Werthold*

NOTE: This plat is of benefit to a consumer only insofar as it is required by a lender or a title insurance company or its agent in connection with contemplated transfer, financing or refinancing. This plat is not to be relied upon for the establishment or location of fences, garages, buildings, or other existing or future improvements. This plat does not provide for the accurate identification of property boundary lines, but such identification may not be required for the transfer of title or securing financing or refinancing.



Meridian Surveys, Inc.  
 811 Russell Avenue  
 Suite #303  
 Gaithersburg, MD 20879  
 (301) 721-9400



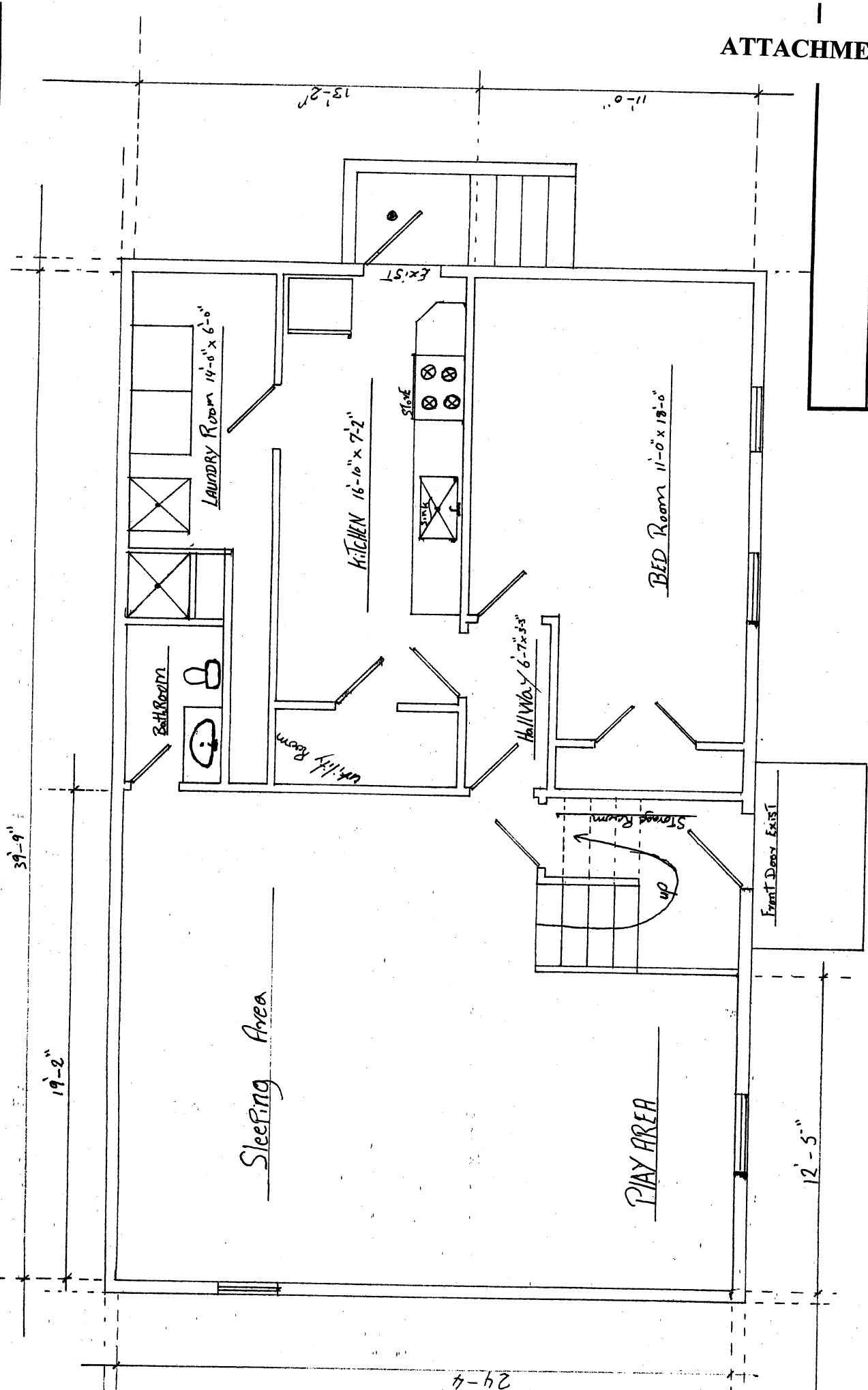


**LEGEND**

FENCE	— x —
EXT. LIGHT	⊙
RET. WALL	—
DROP OFF / PICK UP AREA	▨

- ① 34" CIRCULAR POPLAR
- ② 36" CIRCULAR POPLAR
- ③ 30" CIRCULAR POPLAR
- ④ 15" CIRCULAR POPLAR
- ⑤ 55" CIRCULAR RED MAPLE
- ⑥ EXTERIOR LIGHT 200 WATTS
- ⑦ EXTERIOR LIGHT 100 WATTS

ATTACHMENT 5

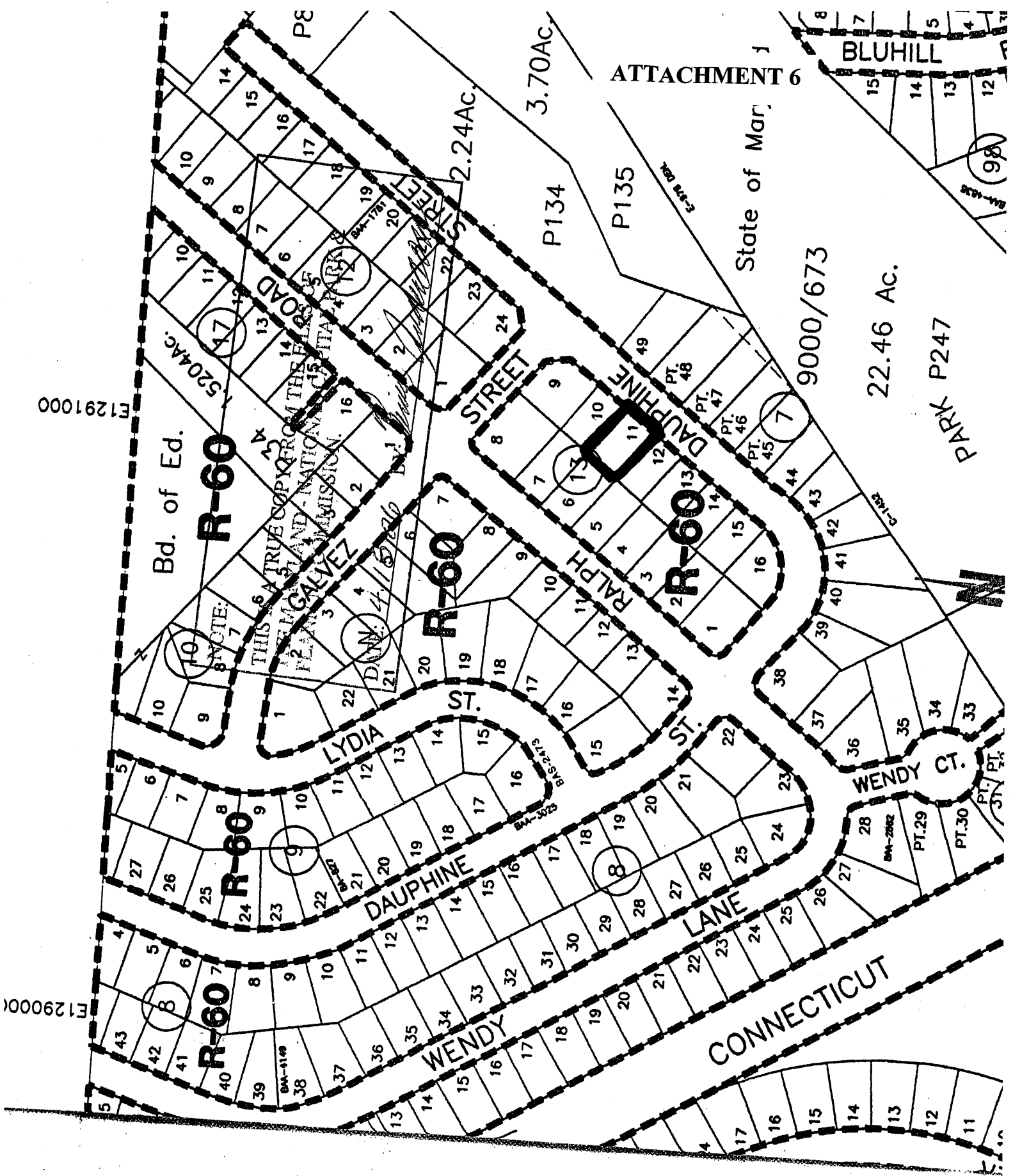


APPROVED BY:

SCALE: 1/4" = 1'

DATE:

24-4



E1291000

Bd. of Ed.

R-60

1.5204AC.

THIS IS A TRUE COPY FROM THE FILES OF  
 THE HAWAII LAND-NATIONAL CAPITAL PARK  
 PLANNING COMMISSION.  
 DAN GALVEZ

R-60

2.24AC.

3.70AC.

ATTACHMENT 6

State of Mar.

9000/673

22.46 AC.

PARK P247

BLUHILL

N

E1290000

R-60

DAUPHINE

WENDY

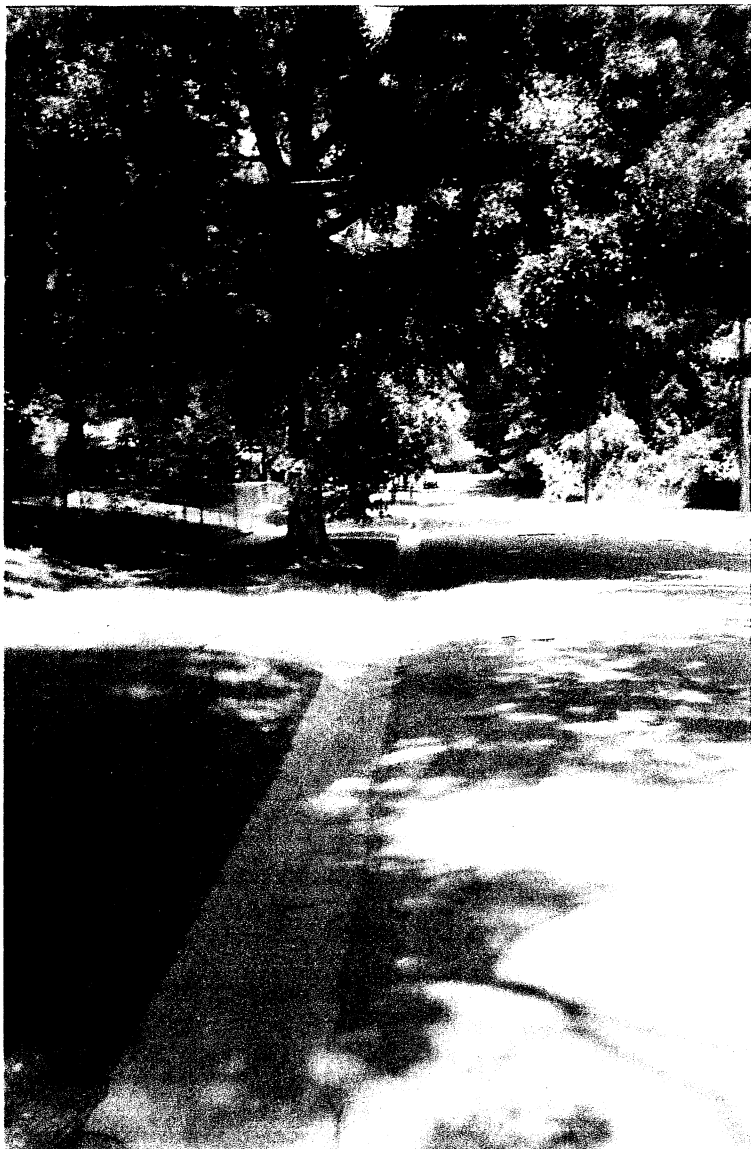
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SE 07-3

ATTACHMENT 7

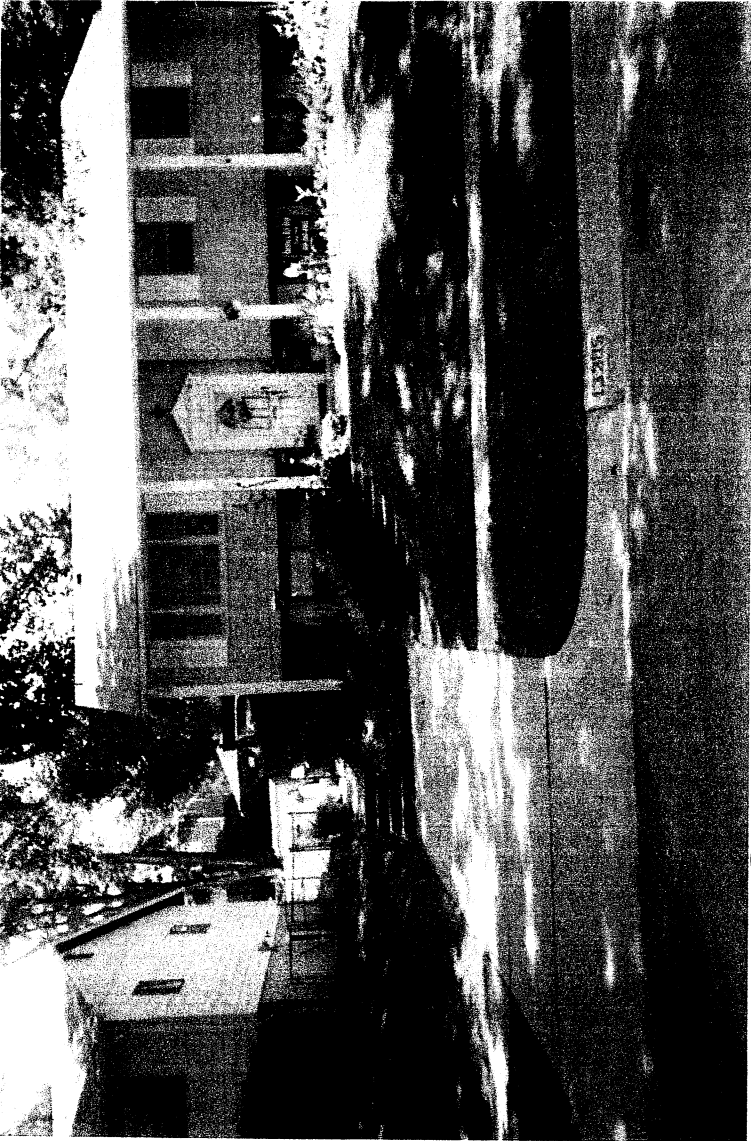


Front + Street Side parking  
LOOKING UP DAUPHNE STREET

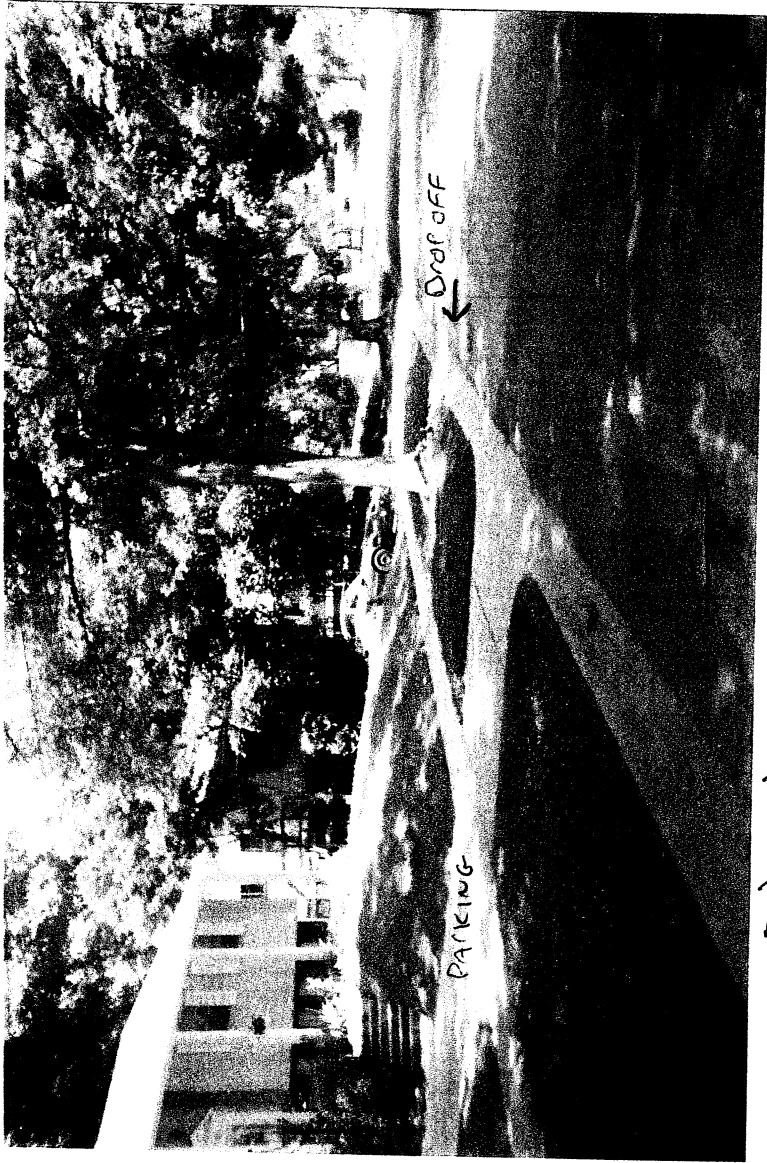


Front

Street side parking



Drive way



Street side parking + drop off area



REAR YARD



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.

*R. Chubb*

Petitioner

Subscribed and sworn to me, a Notary Public for Montgomery County, Maryland, this 18<sup>th</sup> day of July, 2006.

*Patricia McNamee*

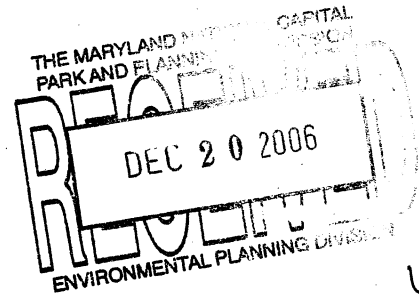
Notary Public

My Commission Expires:

PATRICIA MCNAMEE  
Notary Public-Maryland  
Montgomery County  
My Commission Expires  
February 13, 2010



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

**MEMORANDUM**

**DATE:** December 19, 2006

**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  
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  
Community Based Planning Division

**SUBJECT:** Board of Appeals Petition No. S.E. 07-3 (Resending to change the referral date.)

**Special Exception Request:** For a child day care facility for up to 12 children.

**Location:** 13205 Dauphine Street, Silver Spring

**Zone:** R-60

Please assign a person on your staff to review the case cited above. Written comments and recommendations are requested by Wednesday, January 3, 2007 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.

*Forest Conservation Law  
does not apply to properties  
under 10,000 sq. ft.  
marion feilcke  
January 5, 2007*

**Afzal, Khalid**

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**To:** Gilbert, Carlton  
**Subject:** Comments SE 07-03

Hi Carlton,

Here are the master plan comments for SE-07-03, a child day care facility of up to 12 children at 13205 Dauphine Street.

Khalid

The proposed project is within the 1994 Aspen Hill Master Plan area. The property, zoned R-60, is proposed to have a child day care in an existing single-family house at 13205 Dauphine Street.

The Master Plan on page 80 has the following relevant comments and recommendations about all special exceptions in the planning area:

- 1). "Avoid excessive concentration of special exception and other nonresidential land use along major corridors; and
- 2). Protect major transportation corridors and residential communities from incompatible design of special exception uses.

The Master Plan has specific comments regarding child care facilities. On page 177, under Community Facility Recommendations, Child Day Care Facilities, it states: " support various types of child day care facilities within the planning area." On page 196, in the Child Day Care Facilities Chapter, it further states:

"Child day care facilities should be encouraged to meet the needs of Aspen Hill. To the extent possible, they should consistently provide the following:

- Sufficient open space to provide adequate access of sunlight and suitable play areas, taking into consideration the size of the facility.
- Location and design to protect children from excessive exposure to noise, air pollutants, and other environmental factors potentially injurious to health or welfare.
- Location and design to ensure safe and convenient access. This includes appropriate parking areas and safe and effective on-site circulation of automobiles and pedestrians.
- Location and design to avoid creation of undesirable traffic, noise and other impacts upon the surrounding community.
- Consideration should be given to locations in employment centers to provide locations convenient to work places. However, these locations should make provision for a safe and healthful environment in accord with the criteria listed above."

Based on the review of the material submitted as part of the application, Community-Based staff concludes that the propose special exception is consistent with the goals and objectives of the 1994 Aspen Hill Master Plan.