

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

**MCPB**  
**Item #**  
**Date: 02/08/07**

**MEMORANDUM:**

**DATE:** January 26, 2007

**TO:** Montgomery County Board of Appeals

**VIA:** Rose Krasnow, Chief, Development Review Division *RAK*  
Ralph Wilson, Acting Zoning Supervisor, Development Review Division *RW*

**FROM:** Elsabett Tesfaye, Development Review Division (301) 495-1301 *ET*

**SUBJECT:** Special Exception S-2689: Community Ministry of Montgomery County – Request for approval of a special exception for establishment of a service organization located on Part of lot 1, Block 2, Woodmoor Subdivision, Silver Spring.

13, 109 square feet (0.30 ac.)

**Zone:** R-60  
**Address:** 7 Timberwood Avenue, Silver Spring, Maryland  
**Applicants:** Community Ministry of Montgomery County

**MASTER PLAN:** 1996 Four Corners Master Plan  
**FILING DATE:** October 3, 2006  
**PLANNING BOARD HEARING:** February 8, 2007  
**PUBLIC HEARING:** February 16, 2007

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**RECOMMENDATION:** Denial of the proposed special exception for the following reasons:

Staff Recommendation: Denial of the special exception application filed by Community Ministry of Montgomery County to operate a service organization at 7 Timberwood Avenue, Silver Spring.

Rationale:

Although the application complies with the development standards (Section 59-G-1.23 (a)), the number of parking spaces required under Section 59-G2.42 and several of the

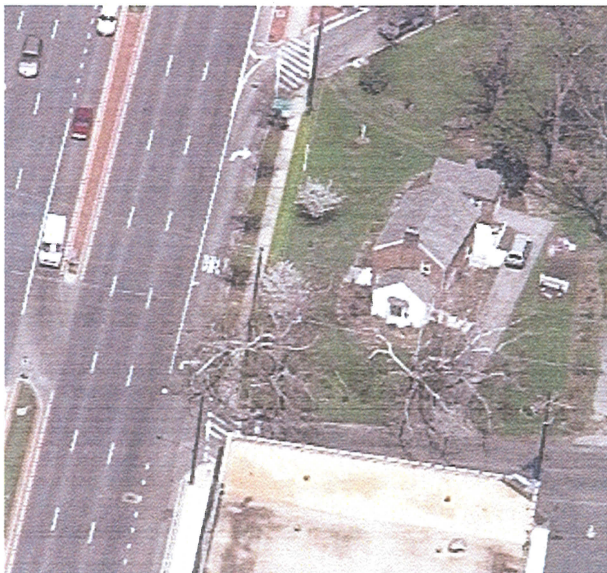
general conditions required of all special exceptions, it fails to satisfy other important standards.

Operation of a special exception at the proposed location is inconsistent with the land use objectives of the approved and adopted 1996 Four Corners Master Plan. The plan specifically discourages any non-residential special exception in a residential area adjacent to the Four Corners commercial district. The zoning code requires that if granting a special exception at a particular location would be inconsistent with the land use objectives of the applicable master plan, a recommendation to grant the special exception must include specific findings as to master plan consistency. Staff is not able to make a finding of master plan consistency in this case.

The proposed level of activity, number of parking spaces, expanded parking surface, driveway modifications, and modifications to the residential structure, potentially alter the residential character of the property and are more representative of the non-residential uses south and southwest of the property. The master plan specifically discourages any use that could be a threat to the overall integrity and residential character of the neighborhood.

The construction of a parking facility with six stacked and two parallel spaces is not a suitable design for a residential neighborhood. It creates potentially unsafe parking and circulation conditions. Stacked parking is more typical in a commercially zoned area.

#### **A. Location and Field Inspection**



The property is located on the northeast corner of the intersection of US 29 (Colesville Road) and Timberwood Avenue. The property, which is identified as Part of Lot 1, Block 2, in the Woodmoor Subdivision, is generally rectangular in shape. It consists of approximately 13,109 square feet of land and is improved with a 2-story, brick and siding structure with a cellar. The building was originally constructed in 1937 and currently consists of 1,334 square feet of floor area. The rear, side and front yards are landscaped with bushes, ornamental trees, and grass.

The property has approximately 140 feet of frontage on Colesville Road, approximately 104 feet of frontage on Timberwood Avenue and approximately 20 feet of frontage on Woodmoor Circle. It is accessed from Timberwood Ave. via a driveway.

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

## **B. Elements of Proposal**

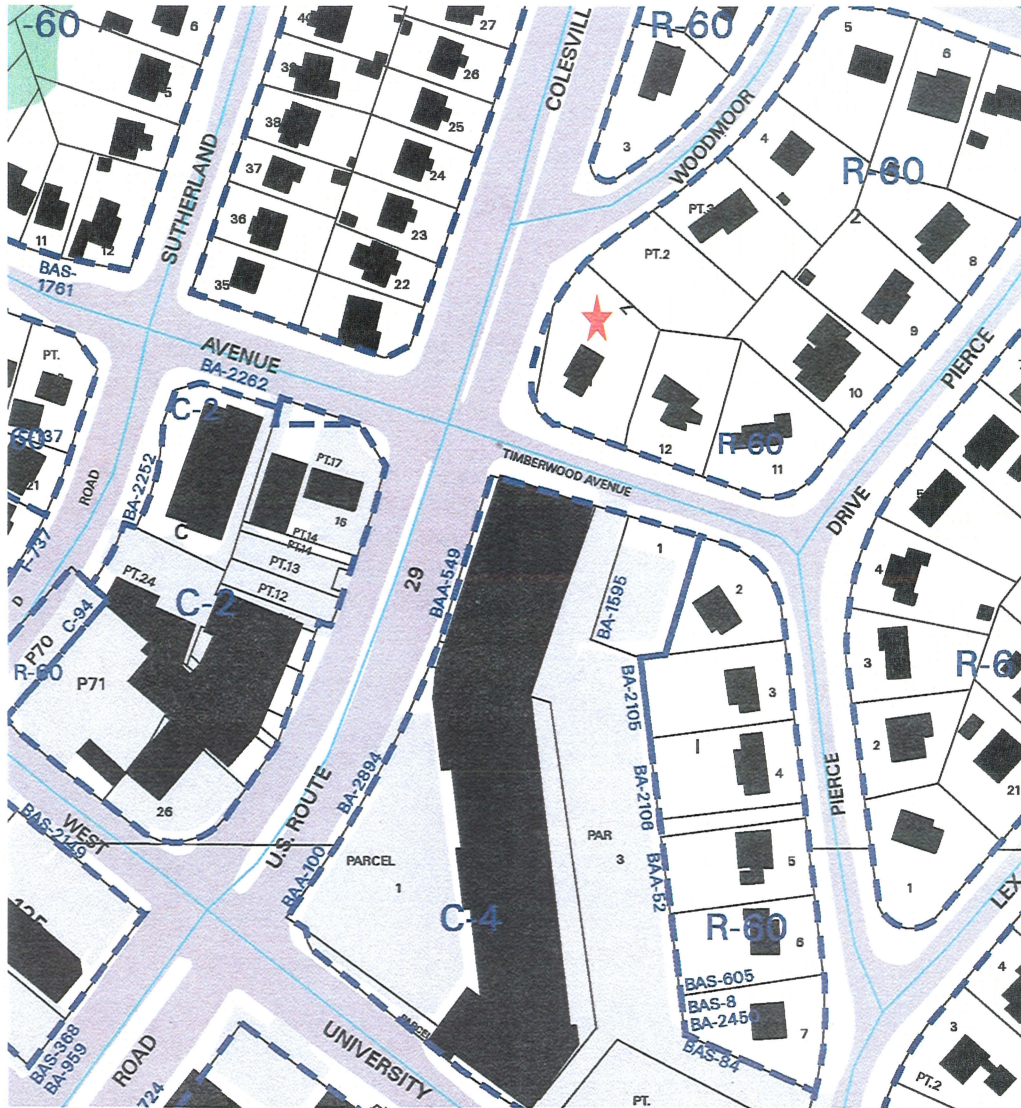
The applicant, Community Ministry Of Montgomery County (CMMC), is requesting approval of a special exception to establish and operate a service organization in the existing two-story single-family dwelling. The applicant's proposal includes modifications to the existing house, driveway and parking area. The subject property is located in the R-60 Zone, which permits the proposed special exception. The existing structure currently comprises 1,334 square feet of area and is being leased as a residential dwelling. With the proposed modifications the square footage of the house will increase to 1,965 square feet.

The applicant is proposing a phased addition (two-story) to the existing residential structure. The addition replaces the existing sunroom on the south side of the building. The existing concrete slab patio, a detached shed, a detached one-car garage and attached sunroom will be removed to make room for the two-story addition and the proposed parking facility. A total of eight parking spaces will be provided on-site. Six of the spaces will be in a stack arrangement and will be located at the end of the driveway on the rear portion of the property. Two parallel parking spaces, one of which is a handicap space, will be provided along the driveway. Parking is not permitted on Timberwood Avenue or Colesville Road. The applicant also proposed to widen the existing driveway from the current 9 feet to 16 feet, however, the revised plan, submitted January 17, 2007, shows a 14-foot wide driveway. In addition, the revised plan shows that the driveway apron will be widened from the current 9 feet to 20 feet. The applicant's landscape plan proposes retention of existing vegetation as well as new planting and board on board fences. The applicant is also requesting a waiver of the 20-foot driveway width requirement.

## **C. Neighborhood Description**

The neighborhood in which the subject site is located is generally defined by Colesville Road (US 29) and Northwest Branch Park to the north and northeast, Northwest Branch Park to the east, the Capital Beltway (I-495) to the south, and Colesville Road and University Boulevard (MD 193) to the west. Staff used Federal, state, and local roads and local parks to define the neighborhood boundaries. These boundaries are consistent with the area identified as Woodmoor—Pinecrest in the Four Corners Master Plan.

The neighborhood consists of a mixture of uses including single-family residential (all in the R-60 Zone), institutional (St. Bernadette's Catholic Church and Pine Crest Elementary School), and commercial (Woodmoor Shopping Center in the C-4 Zone). The neighborhood contains a local playground (Pinecrest Park) and a major stream valley (Northwest Branch).



The subject property abuts a vacant parcel of land to the north, a single-family dwelling to the east, US 29 to the north and Timberwood Avenue to the south. To the west, across US 29 opposite the subject site along Timberwood Avenue are located residential uses in the R-60 Zone (north) and commercial uses in the C-2 Zone (south).

**D. Land Use and Zoning History:**

The property was placed in the R-60 Zone with the enactment of the 1954 comprehensive zoning. On January 1, 1951, the Board of Appeals denied a special exception application Case No. 990 for a dancing school on the subject site. On June 22, 1954 the Board of appeals again denied a special exception application (case No. 169) to establish a private educational institution (dancing school) on the property. The 1996 Approved Master Plan for Four Corners retained the property in the R-60 Zone.

## E. Analysis

### 1. Master Plan

The Community Based Planning Division Staff in its review of the application found the proposal to be inconsistent with the approved and adopted 1996 **Four Corners Master Plan**. Therefore, the Division does not support the application.

The Community Based Planning Division Memorandum of January 11, 2007 was revised to incorporate new information and issues raised in the applicant's revised statement of January 17, 2007. By Memorandum dated January 25, 2007, Community Based Planning has offered the following comments.

The land use objective for the approved and adopted, **1996 Four Corners Master Plan** states that the residential neighborhoods in the Plan area must be preserved and maintained as the foundation of the community by reassuring that new development, infill development, and special exception uses are compatible with the existing residential character (Page 25). Staff believes that the submitted application is inconsistent with the intent of the Plan and should be relocated to an area that is more appropriate.

The following Plan recommendations were used to analyze the consistency and compatibility of the proposed special exception use with the master plan.

1. *"This Plan discourages special exceptions in residential areas immediately adjacent to the commercial district. Residential neighborhoods immediately adjacent to the Four Corners commercial district are particularly vulnerable to encroachment of non-residential uses, as are single-family homes along the major highways. Several single-family homes along the west side of Colesville Road between the Beltway and University Boulevard have been converted to office use by special exception. This location is suitable for special exception office use; however, residences or other special exception uses are not precluded. Special exception review should continue to pay particular attention to the number, type and intensity of existing special exceptions as currently provided in the Zoning Ordinance." (Page 26)*

a. The Board of Appeals has the primary responsibility for reviewing and approving special exception petitions, however the community-based planning staff supports the Plan recommendation that

specifically discourages special exception uses in residential areas immediately adjacent to commercially zoned areas. As indicated in the illustration on the next page, the subject site is zoned R-60 and immediately adjacent to the commercially zoned (C-4) shopping area, which is located south of the site on Timberwood Avenue.

As indicated in the 1996 Plan excerpt above, special exception uses are appropriate in the area on the west side of Colesville Road and south of University Boulevard. This area consists of existing conversions of single-family dwelling units to offices and is appropriate for special exception uses.

- b. The proposed use would be an encroachment of a non-residential use into the Woodmoor-Pinecrest neighborhood.

Although the proposed use is permissible within the R-60 Zone and the submitted application does meet the standards and requirements as stated in 59-C-1.32 of the Ordinance, the Master Plan language should be given great weight as it clearly discourages the encroachment of non-residential uses within a residential neighborhood.

- 2. *"The Plan recommends reuse of existing structures for special exception uses, where feasible. If a use requires a new building, the Plan encourages designs that are residential in character and scale." (Page 26)*

- a. Staff finds the types of improvements recommended in the submitted application are not appropriate for the neighborhood for the following reasons:
  - o The proposed improvements to the existing driveway require the development of a minimum of five (5) parking spaces based on the parking standards calculation for a Service Organization in the Ordinance (Section 59-G-2.42-e). The applicant is proposing three (3) additional parking spaces, for a total of eight (8) parking spaces to accommodate the proposed daily activities of the use. In the submitted application, the configuration of the proposed parking spaces were shown as stacked and located in the northeast rear of the property.

Staff finds that stacked parking is not a suitable design within a residential neighborhood. Staff further finds that in the rare instance that additional staff and or visitors exceed the expected twelve (12) persons on-site, the proposed parking situation could prove to be problematic. On-street parking is prohibited on Timberwood Avenue. The adjacent Woodmoor Shopping Center is currently underparked and would not be a suitable location for off-site parking for this use. Other arrangements might be made for off-site parking, but they are uncertain and would likely be less convenient.

- Based on field observations, staff finds that the width of the proposed 20-foot driveway, to enable two-way traffic flow, is not consistent with the existing residential driveways in the community, which are approximately 8-10 feet in width. The applicants are requesting a wider driveway apron to accommodate two-way traffic. Staff would not agree with this request, as it would not be considered suitable when compared to the existing driveways of other residences nor would it be compatible with the character of the neighborhood.
- Based on the submitted application, as many as twelve (12) employees are anticipated on site. Additionally, a varied amount of visitors are expected to come to the site. Staff finds that based on the proposed amount of employees and visitors, the allowable eight (8) on-site stacked, parking spaces could be insufficient. The applicant proposes to accommodate the parking needs of its employees by proposing a transportation incentive program. The program would entitle employees to \$80.00 a month to carpool, bike or use transit to arrive at work. Staff believes that although this is a good incentive for employees, parking could continue to be an issue for both employees and visitors.

The submitted 2006, monthly visitor log for three months, suggests that at least one visitor per day could be expected on site during the weekday. The applicant has identified alternative measures to address normal business activity; however, concerns are raised in the instance when business activities exceed the norm. Although the applicant identifies these instances as rare, it is with these rare instances that could prove to place an undue burden on the proposed site and its adjacent properties.

3. *This Plan encourages the continued requirement for landscape plans for all special exception uses except accessory apartments. Landscape plans enhance the integration of a special exception use into a community by retaining grassed and landscaped front, side, and rear yards. (Page 26)*
  - a. The applicant's proposal to provide additional landscaping and screening around the perimeter of the proposed parking area is in compliance with the Plan.

## **2. Transportation**

The proposal meets the transportation related requirements of Local Area Transportation Review Test (LATR). The Transportation Planning Staff has offered the following comments:

### Vehicular Site Access and On-Site Parking

Vehicular access and on-site parking to this existing single-family detached unit is via the driveway from Timberwood Avenue.

### Pedestrian Facilities

A sidewalk exists on Colesville Road (US29) fronting the existing house. Access to the home is proposed via a walk-up sidewalk from Colesville Road. A segment of sidewalk exists on the south side of Timberwood Avenue, but not along the frontage of the existing house on the north side of Timberwood Avenue. The Four Corners master plan calls for improved pedestrian access along roads that lead to the commercial district, including Timberwood Avenue (Table 2, p. 49). Staff recommends that the applicant construct a five-foot sidewalk along the frontage and make every effort to reduce impact to the two trees also in the ROW.

### Master-Planned Roadways and Bikeway



Timberwood Avenue is not classified in the master plan. This segment of Timberwood Avenue is built to secondary roadway standards in a 60-foot right-of-way that tapers to 50-feet wide at the intersection with Pierce Drive. Colesville Road (US 29) is classified as a Major Highway, M-10, with 120-foot ROW, six lanes divided by a median. It is built with sidewalks on both sides. Timberwood Avenue connects to Pierce Drive and Lexington Drive between Colesville Road and University Boulevard. Pierce Drive is also designated as a signed shared roadway (Class III bikeway).

### **Local Area Transportation Review**

A traffic statement dated September 18, 2006 states that the service organization will have between 9 and 12 employees. Staff reviewed the subject Special Exception use with the less conservative number of 12 staff members and per the Local Area Transportation Review (LATR) guidelines determined that the use would not require a traffic study since it will not generate 30 or more peak-hour trips during the weekday morning (6:30 to 9:30 a.m.) and evening (4:00 to 7:00 p.m.) peak periods. The Special Exception use, therefore, satisfies the LATR requirements.

Staff recognizes that the Woodmoor-Pinecrest neighborhood experiences a degree of non-local traffic avoiding the intersection of Colesville Road (US 29) and University Boulevard (MD 193). Page 38 of The Four Corners Master Plan states:

“Heavy Traffic is inappropriate in residential neighborhoods. Large volumes of vehicular traffic can be disruptive to the peace and serenity of residential areas. Commuters often cut through Four Corners neighborhoods to avoid the congested intersection of Coleville Road and University Boulevard. Such intrusion disrupts one of the most appealing characteristics of this community of neighborhoods – walking to retail and services.”

DPWT is currently studying the Woodmoor-Pinecrest area as part of a through-volume restriction program. A recommendation on page 40 of the Master Plan calls for working with DPWT to review the network of interconnected streets with traffic control measures that are coordinated accordingly. Currently DPWT is in the preliminary stages of that through volume restriction program. They will gather multi-day traffic data and provide options to the community and receive comments on what steps to take to reduce volumes and speeds through the neighborhood. One potential improvement, for example, could be AM peak period turning restrictions from Colesville Road to Timberwood Avenue.

Transportation Planning staff recommends the following conditions as part of the transportation-related requirements to grant this special exception:

1. Limit the proposed use to 12 staff members at any given time.

2. Construct a five-foot sidewalk on the Timberwood Avenue frontage.

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.

#### 4. Environment

There are no environmental issues or concerns associated with the subject proposal. No environmentally sensitive areas are located on the property.

#### 5. General Development Standards

1. **Development Standards-59-G-1.23 (a): Special exceptions are subject to the development standards of the applicable zone where the special exception is located, except when the standard is specified in Section G-1.23 or in Section G-2.**

The following table summarizes the relevant development standards for the R-60 Zone that are applicable to the proposed special exception request.

Development Standard	Required (current)	Proposed/Existing
<b>Minimum Lot Area</b>	6,000	13,109
<b>Minimum Lot width:</b>		
▪ at front building line	60 ft	100ft
▪ at street line	25 ft	104 ft
<b>Minimum Building Setback:</b>		
<b>Front Yards:</b>		
▪ Colesville Rd	25	38
▪ Timberwood Ave.	25ft	26
▪ Woodmoor Circle	25	52 <sub>+</sub>
<b>Side Yards</b>		
▪ One side	8ft	42 ft
▪ Sum of both sides	18	60 ft (8 + 52)
▪ Rear	20 ft	52
<b>Maximum Building Height</b>	2½ stories or 35 ft	2 stories Approx. 25 ft
<b>Maximum Building Coverage</b>		
<b>Sec. 59-C-1.328</b>	35%	7.4%
<b>Sec. 59-G-2.42 (b)</b>	15%	7.4%

2. **Parking Requirements—59-G-1.23 (b): Special exceptions are subject to all relevant requirements of Article 59-E.**

- **Section 59-G-42 (Private clubs and service organization) requires 2.5 parking spaces per each 1,000 square feet of floor area.**

The proposal satisfies this requirement. Five parking spaces are required for the proposed 1,965-square-foot facility. A total of 8 parking spaces (six stacked and 2 parallel) are proposed. One of the two parallel parking spaces is a handicap space. If the proposal is approved, the handicap parking space must be van accessible.

- **Section E-2.21 requires that all off street parking areas shall be arranged and marked so as to provide for orderly and safe loading, unloading, parking and storage of vehicles. Individual parking spaces shall be clearly defined, and directional arrows and traffic signs shall be provided as necessary for traffic control.**

With the proposed stack parking and driveway width, the proposed parking facility cannot provide for orderly and safe on-site parking and circulation.

- **Section 59-E-2.83(b), the Parking and Loading facilities for special exception uses in residential zones states the following:**

***Setbacks: Each parking and loading facility, including each entrance and exit driveway, must be set back a distance not less than the applicable building front and rear yard and twice the building side yard required in the zone...***

The applicant proposes a 16-foot-wide driveway, four feet short of the required driveway width of 20 feet for a two-way driveway and requests a waiver from the driveway width requirement. If the applicant provides the required 20-foot width, the side yard setback of Section 59-E-2.83 (b) cannot be met. Although significant existing and proposed vegetation provides screening for the parking facility, it would not offset the inadequacy of the on-site circulation plan and potential spillover traffic to the adjoining street.

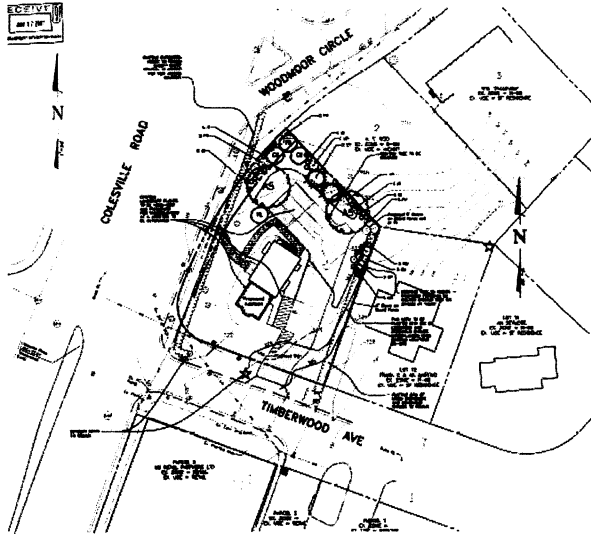
- **Section 59-E-2.4. Access and circulation**  
*Each parking space shall have access to a street or alley open to use by the public via adequate interior aisles and entrance and exit driveways; provided, however, that where cars will be parked by attendants, at least 50 percent of all parking spaces shall have direct access to interior aisles, and entrance and exit driveways.*

**Section 59-E-2.41. Driveways.**

- (a) *Interior aisles are vehicular travelways with parking stalls along the sides.*
- (b) *Entrance and exit driveways are vehicular travelways, without parking stalls along the sides. Driveways for one-way movements shall be at least 10 feet in width to allow safe and expeditious movement of vehicles. Entrance and exit driveways shall be separately provided wherever possible. If entrance and exit driveways are combined, the combined driveway shall be not less than 20 feet in width. Aisles designed to accommodate one-way movements shall have the following minimum widths based on the configuration of the adjacent parking spaces: Perpendicular, 20 feet; 60 to 75 degrees, 18 feet; 45 to 59 degrees, 16 feet; parallel, 10 feet. Aisles designed to accommodate 2-way movements shall have a minimum width of 20 feet*

The driveway in the interior of the property is 16 feet wide, falling short of the required 20 feet of width to accommodate 2-way traffic. As noted, the applicant is requesting a waiver to reduce the width of the driveway from 20 feet to 16 feet. The proposed six stacked parking spaces are located at the rear (north) yard (Timberwood Avenue frontage being the front of the property) and are accessed by an approximately 80-foot long driveway that traverses the eastern side yard. The two parallel parking spaces are located along the western edge of the driveway. A revised plan provides for a 20 feet apron (widened from originally proposed 16.5 feet per DPWT recommendation).

- **Section 59-E-2.7—Sets the minimum landscape requirements intended to alleviate adverse visual and environmental effects.**



With retention of existing vegetation, proposed additional planting and proposed board on board fences, adequate landscaping is provided.

- **Section 59-E-4.5**—of the Zoning Ordinance provides in pertinent part that “[t]he Director, Planning Board, or Board of Appeals may waive any requirement in this article not necessary to accomplish the objectives in Section 59-E-4.2 and in conjunction with reductions may adopt reasonable requirements above the minimum standards.” The objectives of Section 59-E-4.2 include:
  - (a) The protection of the health, safety and welfare of those who use any adjoining land or public road that abuts a parking facility. Such protection shall include, but shall not be limited to, the reasonable control of noise, glare or reflection from automobiles, automobile lights, parking lot lighting and automobile fumes by use of perimeter landscaping, planting, walls, fences or other natural features or improvements.
  - (b) The safety of pedestrians and motorists within a parking facility.
  - (c) The optimum safe circulation of traffic within the parking facility and the proper location of entrances and exists to public roads so as to reduce or prevent traffic congestion.
  - (d) The provision of appropriate lighting, if the parking is to be used after dark.

By a letter dated January 17, 2007, the applicant indicated "per Mr. Dave Niblock of the Department of Permitting Services (DPS), DPS supports the waiver request because it preserves the setbacks from the adjoining residences, permits significant landscaping and retention of the residential character. Further, DPS has indicated that the stacked parking is sufficient to accommodate the anticipated visitors and staff of the site." No written comments were received from DPS staff at the time of this writing and therefore, staff does not have the benefit of DPS's analysis of the proposed parking area and on-site parking circulation pattern. However, in a telephone conversation, Mr. Niblock indicated that based on the information provided to him that only three to five employees would be on the site on a typical day, the waiver could be supported.

Based on the proposed site plan and site visits to the property, staff has made the following observations regarding the proposed lay out of the parking area and driveway as well as internal circulation pattern:

1. The proposed lay out of a parking facility with six on-site stacked parking spaces, two parallel spaces and a driveway that does not meet the required width for two way circulation is not a suitable design for a residential neighborhood. Stacked parking is more typical in a commercially zoned area. Given the maximum number (12) of staff (even though not all are expected to be on site at any given time) and the occasional visitors to the site, continuous employee movement to and from the site could create disorderly on site circulation with a potential for spill over into the adjoining 24-foot wide, two-way street.
2. The proposed parking and driveway modifications represent the expansion of the existing 9-foot wide driveway to a 16-foot wide driveway, a demolition of the existing one-car brick garage that is connected to the main building by a brick wall with a wooden gate, the creation of a parking lot for eight cars, and expansion of impervious surface on the property by approximately 65 percent. Moreover, the demolition of the existing accessory garage structure and the brick wall eliminates an effective screening of the side yard from Colesville Road. Although the proposal offers generous landscaping consisting of a combination of

shade trees, ornamental trees, shrubs, grass and fences, the construction of a 3,026 square-foot parking facility, alters the existing residential character of the property and would render it incompatible with the residential neighborhood.

3. As noted in the Community Based Planning memo, the proposal is inconsistent with the 1996 Four Corners Master Plan recommendation. In page 26, the Master Plan states:

*“This Plan discourages special exceptions in residential areas immediately adjacent to the commercial district. Residential neighborhoods immediately adjacent to the Four Corners commercial district are particularly vulnerable to encroachment of non-residential uses, as are single-family homes along the major highways....”*

The subject property which is located along US 29 and across the street from the Woodmoor shopping center is among the properties identified in the above statement. As such, the establishment of a special exception use on the property and allowing a new nonconformity on the property by granting a waiver that runs with the land would seriously contradict the intent of the master plan.

Based on the above analysis, staff does not support the applicant’s request for the waiver from the driveway-width requirement.

3. **Forest Conservation-59-G-23 (d): If a special exception is subject to Chapter 22A, the Board must consider the preliminary forest conservation plan required by that Chapter when approving the special exception application and must not approve a special exception that conflicts with the preliminary forest conservation plan.**

The property, which is less than 40,000 square feet, is not subject to the forest conservation law, under 22A-4.

4. **Signs—59-G-23 (f): The display of a sign must comply with Article 59-F.**

Sufficient information was not provided for a determination of compliance with this requirement. The site and landscape plans show a free standing sign in the front yard of the property, five feet from the ultimate right-of-way of Timberwood Avenue. No sign

detail is provided. All signs placed on the property shall meet the requirements of Section 59-F-4.2 (a) in terms of number, location and area and Section 59-F-4.1 (e) regarding illumination. Furthermore, the location and dimension of the sign shall be included in the site plan.

5. **Building compatibility in residential zones —59-G-23 (g): Any structure that is constructed, reconstructed or altered under a special exception in a residential zone must be well related to the surrounding area in its sitting, landscaping, scale, bulk, height, materials, and textures, and must have a residential appearance where appropriate. Large building elevations must be divided into distinct planes by wall offsets or architectural articulation to achieve compatible scale and massing.**

Neither the two-story addition nor the removal of the accessory garage alone would result in incompatibility with the residential character of the neighborhood in terms of scale and massing. But coupling with the proposed construction of a parking facility and expansion of the existing driveway has the potential to alter the residential character of the property to become more like the nonresidential character of the uses to the south and southwest of the subject site. The proposed use and modification of the parking facility would render the subject property incompatible with the residential neighborhood

6. **Lighting in residential zones —59-G-23(h): All outdoor lighting must be located, shielded, landscaped, or otherwise buffered so that no direct light intrudes into an adjacent residential property. The following lighting standards must be met unless the Board requires different standards for a recreational facility or to improve public safety:**

- (1) **Luminaires must incorporate a glare and spill light control device to minimize glare and light trespass.**
- (2) **Lighting levels along the side and rear lot lines must not exceed 0.1 foot candles.**

Although the applicant Lighting/Photometric plan does not show detailed measurement of filtration, staff agrees with the applicant that the proposed lighting would meet the requirements. The applicant proposes two wall mounted “porch lights” fixture located at each exterior door of the structure. The applicant’s lighting/photometric plan identifies the location of the two fixtures. The plan also provides the type and specifications of the fixtures. The



fixtures are identified as "Brass Guard Lanterns" and will utilize (1) 100 Watts (the applicant statement indicates (1) 60 watts) light. The applicant's revised statement indicates that the proposed lighting is well below the 0.1 foot candle standard required in Section 59-G-23(h)(2) of the Zoning Ordinance.

**E Community Concerns:** There have been a meeting and on-going communications between the applicant and the Woodmoore-Pinecrest Citizens Association. However, the two parties have not been able to reach an agreement concerning the proposed development. Several members of the community have voiced support for the proposal and a petition signed by 44 people in support of the application has been submitted into the record of the case. In a letter dated January 16, 2007, Mrs Sharon O'Brien, who submitted the petition, has, provided the following comments:

...We know there are issues but we would prefer that they be worked out in satisfactory manner. Looking solely at CMMC petition, these 44 people and myself, think it is a good use of that residence, it will have minimal impact on the neighborhood, and it will serve an important need.

Mrs Vicki Yoo, the former owner who sold the property to the applicant, has also written a letter in support of the proposed use. She is the current owner of the abutting unimproved property to the north and believes the proposed use is both suitable and appropriate for the neighborhood.

By a letter dated January 9, 2007 the Woodmoor-Pinecrest Citizens Association (WPCA) indicted "...while we have a favorable view of the organization and its mission, we do not support the proposed special exception use. In consideration of the factors outlined below, WPCA approved a motion to oppose this application and recommends that the Board of appeals deny this application." The Citizens Association identified the following major issues and concerns regarding the proposed use:

WPCA approved a motion to oppose this application and recommends that the Board of Appeals deny this special exception.

- The organization's petition as a "service organization" is a miscategorization and is inappropriate in this instance.
- The proposed zoning change, which would be a significant and destabilizing change for this neighborhood, is inconsistent with the Four Corners Master Plan (the Plan). One of the objectives of the Plan is to "...strengthen the distinction between commercial and residential land uses" (30).<sup>1</sup> Additionally, "This Plan reconfirms the

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<sup>1</sup> Four Corners Master Plan, December 1996, p.30

existing R-60 (residential, one-family) zoning for the residential neighborhoods in the Four Corners Master Plan area.”<sup>2</sup> With regard to special exception use, the Plan specifically states, "This Plan discourages special exceptions in residential areas immediately adjacent to the commercial district. Residential neighborhoods immediately adjacent to the Four Corners commercial district are particularly vulnerable to encroachment of non-residential uses, as are single-family homes along the major highways.”<sup>3</sup> The location of this property is immediately adjacent to the Woodmoor Shopping Center commercial area.

- There already are dedicated areas for office use in the Four Corners Master Plan Area and there is currently office space available in those designated areas. There is no need to create additional office space in the Four Corners Area.
- The proposed zoning change and use of a home as an office building is not in harmony with the general character of the neighborhood and the designation and level of activity would have a negative effect on the surrounding properties and the neighborhood in general.
- The intersection where this property is located is not operating at an acceptable level of service. A recent traffic study showed that the CLV values at the intersection of Timberwood and Colesville Road exceed the congestion standard of 1,600 and is the most congested intersection in the Four Corners area.<sup>4</sup> Converting the home to an office building and the proposed use would exacerbate the existing infrastructure problems.
- Parking is insufficient for the level of activity that is expected from this non-residential use. When considering the number of employees, volunteers, employees from other subsidiaries, client visits, board meetings and other special events that are typical for such a large organization, it is apparent that the parking plan is insufficient to accommodate this use. Parking is prohibited on Timberwood Avenue and Colesville Road and while the applicant requested capacity from the adjacent shopping center, there are no additional spaces available. The shopping center parking lot capacity is already below what is typically required for a shopping center of its size.<sup>5</sup>

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<sup>2</sup> Four Corners Master Plan, December 1996, p.25

<sup>3</sup> Four Corners Master Plan, December 1996, p.26

<sup>4</sup> Montgomery County Planning Board Opinion, Bank of America – Woodmoor Preliminary Plan

<sup>5</sup> Montgomery County Planning Board Opinion, Bank of America – Woodmoor Preliminary Plan

A number of individuals from the community have submitted letters of oppositions and support to the application. On January 26, 2007, petitions opposing the Special exception request. And signed by 61 residents of the area were submitted.

**NOTE:**

**Definition (Zoning Ordinance)**

**Private club:** *An incorporated or unincorporated association for civic, social, cultural, religious, literary, political, recreational, or like activities, operated for the benefit of its members and not open to the general public. A private club is not a commercial recreational establishment.*

**Service organization:** *Any nonprofit organization the services of which are devoted entirely to the betterment or improvement of the community in which it is located, including Lions, Kiwanis, Rotary, Optimists, Civitans and like organizations.*

**Charitable or philanthropic institution:** *(Formerly "eleemosynary or philanthropic institutions.") A private, tax-exempt organization whose primary function is to provide either health, social, recreational, religious, or benevolent services, or research or educational activities in areas of benefit to the public such as health, medicine or conservation of natural resources. An organization for the purpose of operating a trade or business or whose primary purpose or function is promoting the economic advancement of its members, such as a professional or trade association or a labor union, is not a charitable or philanthropic institution for zoning purposes. This definition also does not include other uses specifically defined or regulated in this ordinance such as a: place of worship, public or private educational institution, library, museum, community building, private club or service organization, hospice care facility, hospital, nursing home, domiciliary care home, group home, or housing and related facilities for senior adults or persons with disabilities.*

*Based on the above definitions, the applicant can choose to request the proposed special exception under either Section 59-G-2.21: Charitable or Philanthropic Institution or Section 59-2-42: Private Club and Service Organization. However staff does not agree with the applicant's contention (December 11, 2006 e-mail to Byrne Peak & Woodmoor/Pinecrest Community) that the proposal, as depicted on the site plan, would meet the requirement of Section 59-G-2.21 (vi).*

**F. Inherent and Non-Inherent Adverse Effects**

**Standard for Evaluation:** Section 59-G-1.2.1 of the Zoning Ordinance specifies that a special exception must not be granted without the findings required by this Article. In making these findings, the Board of Appeals, Hearing Examiner, or District Council, as the case may be, must consider the inherent and non-inherent adverse effects of the use on nearby properties and the general neighborhood at the proposed location, irrespective of adverse effects the use might have if established elsewhere

**in the zone. 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 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 inherent adverse effects, are a sufficient basis to deny a special exception.**

As established in previous special exception cases, seven criteria are used to identify the physical and operational characteristics of a use. Those criteria are size, scale, scope, lighting, noise, traffic, and the environment.

The primary characteristics necessarily associated with a *Private Club and Service Organization* include the building housing the offices of the organization and an exterior parking area. The primary operational characteristics associated with that use are the presence of employees in the building and the traffic generated by the employees and visitors. Staff finds that the proposed number of employees and visitors present in the building during a given day does not relate to the number of parking spaces. Moreover, the level of traffic that would be generated by employees and visitors is excessive and beyond the scope of the generic characteristics of the use. The effect of these adverse inherent impacts on adjoining and nearby properties as well as the neighborhood will be notable.

Staff also finds that as will be discussed below, the location of the proposed use adjacent to a shopping center, and the existing traffic and parking problems at the intersection where the proposed use is to be located, are non-inherent adverse effects and sufficient basis for the denial of the proposed special exception.

**G. Specific Special Exception Requirements: A special exception may be granted for a Private clubs and service organization. Section 59-G-2.42 sets forth the specific requirements:**

**A private club or service organization, including a community building, must meet the following standards:**

- (a) Lot size: Twice the minimum required in the zone, up to a maximum of 3 acres.**

The subject proposal complies with this requirement. The property comprises 13,109 square feet, slightly over twice the minimum 6,000 square feet required in the R-60 Zone.

- (b) **Maximum building coverage: 15% up to a maximum building coverage, including accessory buildings, of 20,000 square feet.**

With the proposed 980 square-foot footprint (including proposed addition and the demolition of the one-car accessory garage) of the subject building, the proposal is well within the 15 percent (1,966 square feet) maximum building coverage requirement.

- (c) **Green area: 50%**

The proposed site plan proposes 66.9 percent (8,776 square feet) of green area.

- (d) **Frontage: Twice the minimum required in the zone.**

The proposal meets this requirement.

- (e) **Parking: 2.5 spaces per each 1,000 square feet of floor area**

The proposal meets this requirement.

#### H. **Section 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 located in the R-60 Zone, which permits the proposed special exception.

- (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.**

The proposal is in compliance with the specific special exception requirements of **Section 59.G-2.42** for Service Organizations. However, the proposal is not consistent with the recommendation of the Master Plan and does not meet a number of requirements of the parking provision under Article 59-E. As discussed in the findings below, the proposal also fails to meet a number of the general conditions under **Section 59-G-1.21**.

- (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 establishment of the proposed special exception use at the subject location would be inconsistent with the land use objectives of the 1996 Four Corners Master Plan. Moreover, staff is not able to make a finding of Master Plan consistency in this case.

The Community Based Planning Division staff who reviewed the proposal for Master Plan consistency recommended that the application be denied for the following reasons.

1. The proposed special exception is not consistent with the recommendations of the approved and adopted 1996 Four Corners Master Plan.
2. The potential intensity of the use is not harmonious with the general character of the existing residential neighborhood based on the limited availability of parking for visitors and employees.
3. The proposed parking design and driveway are not compatible with the existing residential character of the neighborhood.

- (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.**







denial of Case Number 990 included nuisance because of traffic, number of students, and noise. The reasons cited for the denial in Case No. 169 included a detrimental effect upon one or more adjacent properties.

- (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.**

Due to its nature, it is unlikely that the use would cause objectionable noise, vibrations, fumes, odors, dust, illumination, glare, or physical activity at the subject site.

- (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 proposed Service Organization will introduce a nonresidential use that is incompatible with the residential character of the neighborhood. Currently, there are no special exception uses in the immediate neighborhood. As noted, the Master Plan specifically identifies the residential area in which the subject property is located and discourages special exception uses. The master plan emphasizes the intent to maintain the residential character and integrity of the neighborhood by preventing the encroachment of non-residential uses. The proposed use and modifications to the property would promote the encroachment of non-residential uses into the immediate residential 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**

The Planning Staff recognizes and is appreciative of the valuable service that Community Ministry of Montgomery County provides to poor and other disadvantaged populations in Montgomery County. But, we believe that the proposed residential site is not suitable for the intense administrative office use and associated parking facility proposed by CMMC. In addition to the finding that the proposed special exception use is inconsistent with the approved master

plan, the proposed site circulation and parking do not conform to the county's parking standards in parking area design and configuration. This creates potential safety hazards for both vehicles and pedestrians on and near the subject property. Moreover, the proposed 65 percent increase in impervious surface area presents the potential to alter the residential nature of the property.

- (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, 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 applicable 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 Local Area Transportation Review (LATR) Guidelines require a traffic study be performed if the petitioner's action generates 30 or more peak hour trips. The proposed use is expected to generate less than 30 weekday morning and evening peak-hour trips; therefore, a traffic study is not needed to satisfy LATR requirements. However, as noted, the subject area is already experiencing a degree of non-local traffic avoiding the intersection of Colesville Road and University Boulevard by cutting through the neighborhood via Timberwood Avenue. As noted, in page 38 of the Four Corners Master Plan, "Such intrusion disrupts one of the most appealing characteristics of this community of neighborhoods — walking to retail and services." The Department of Public Works and Transportation (DPWT) is currently studying the Woodmoor –Pinecrest area as part of

a through-volume restriction Program. Whether such a program would bring about lasting relief by reducing volumes and speed in the neighborhood cannot be determined until the study is completed and implemented. But adding the proposed special exception use into the problematic area would only aggravate the already precarious traffic and parking conditions in the neighborhood.

- (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 applicants will 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 has met the burden of proof under Sections 59-G-2.42 (specific requirements). However, the application fails to meet the burden of proof under the various requirements of Section 59-G-1.21 (General conditions) of the Zoning Ordinance, including consistency with the Master Plan's recommendations. Moreover, the proposal fails to meet some of the applicable requirements of the parking provisions.

## **Conclusion**

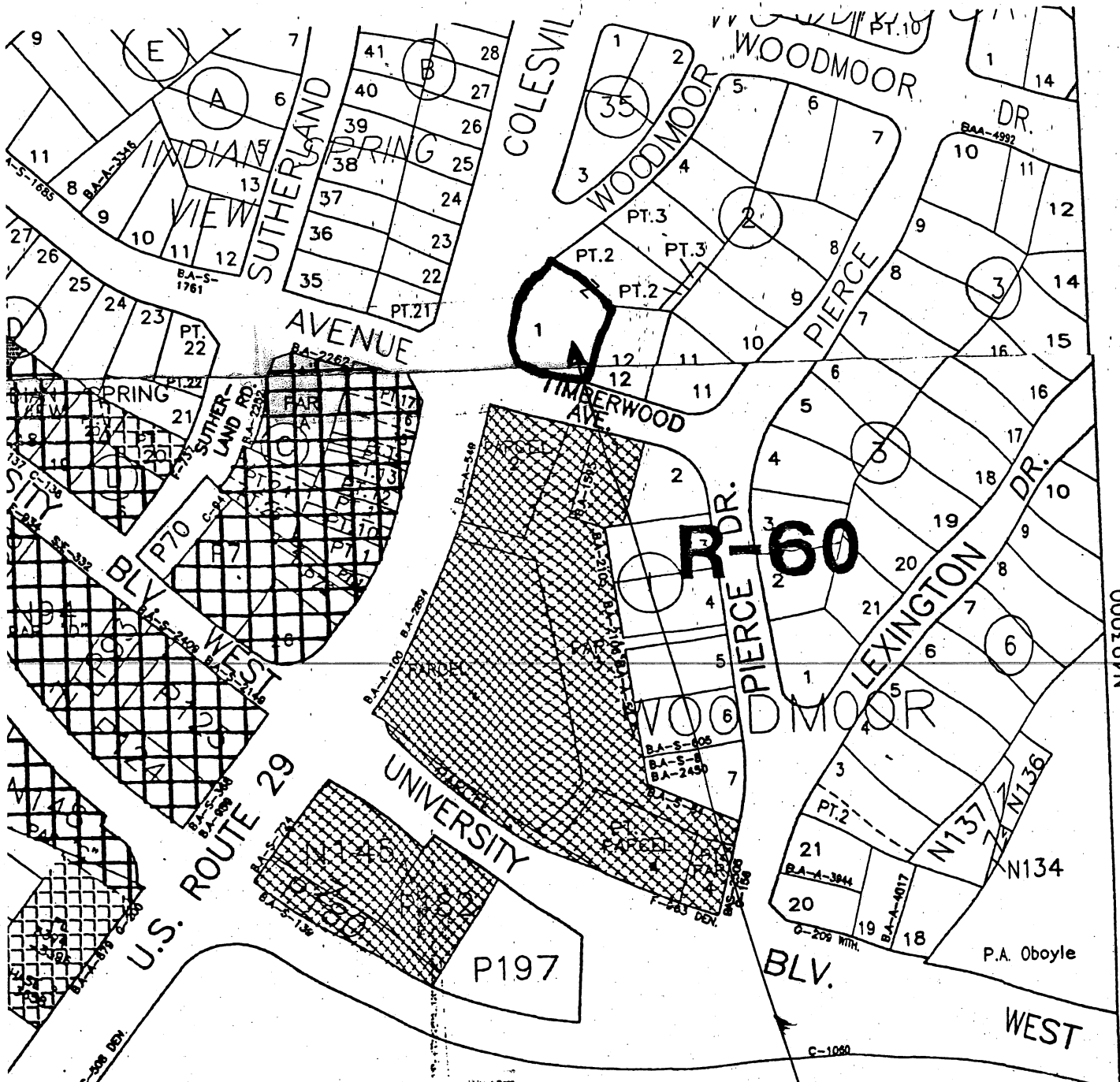
Based on the preceding analysis, staff recommends DENIAL of Special Exception No. 2689.

# **ATTACHMENT I**

- **NEIGHBORHOOD MAP**
  - **ZONING MAP**
  - **SITE, LANDSCAPE AND LIGHTING PLANS**
-



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 Commission.



N493000

N492000

H. & S. Greenberg et al

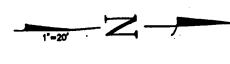
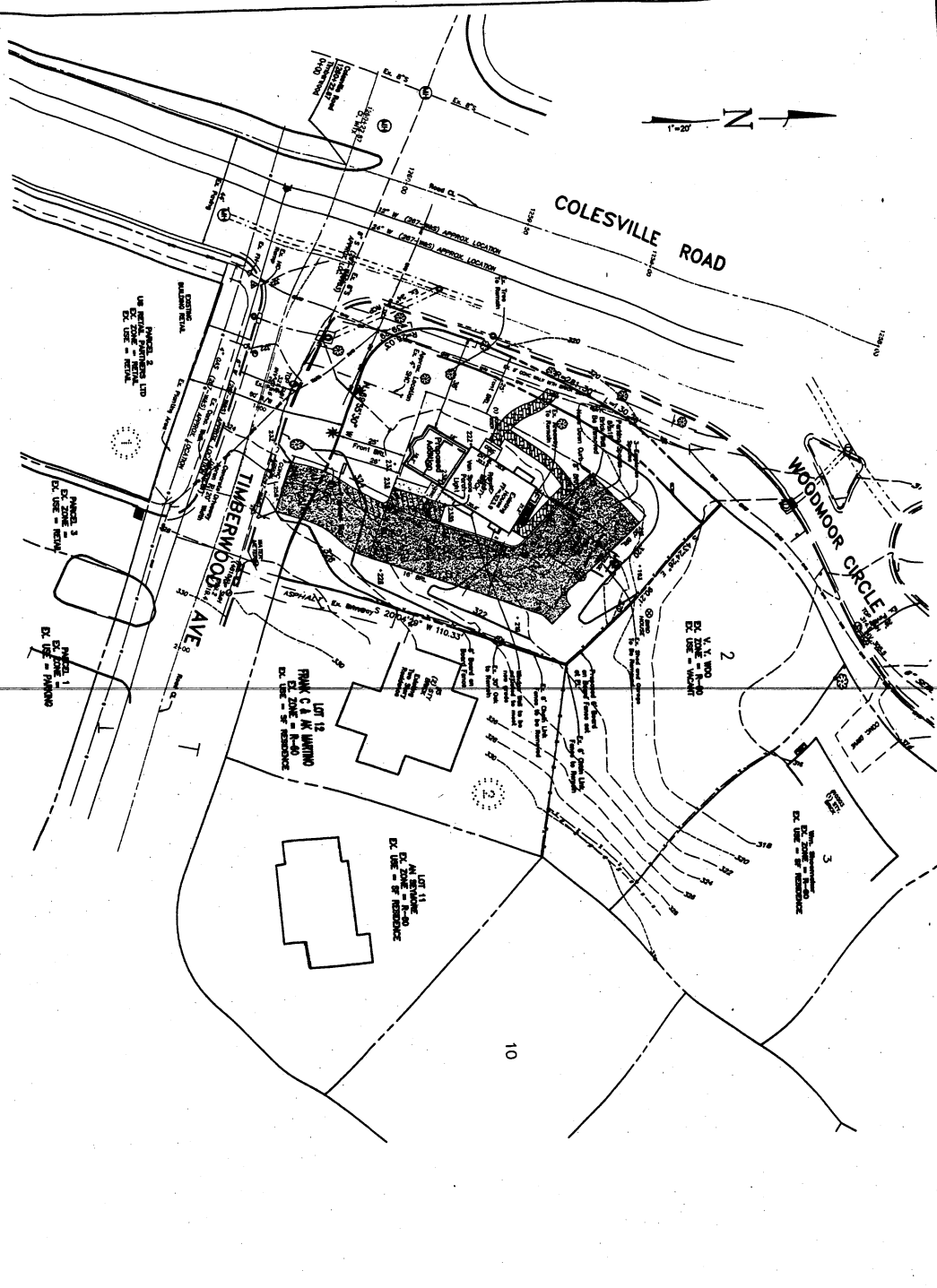
**R-60** 5624/849  
 2688/250  
 42.58 Ac.



NOTE:  
 THIS IS A TRUE COPY FROM THE FILES OF  
 NATIONAL CAPITAL PARK &

zoning. Where zoning differs on each side of a right-of-way, the more restrictive zone. Where there is no dedicated right-of-way is in the more restrictive zone. Where boundaries are indicated, right-of-way, but a prescriptive easement exists, zoning boundaries are indicated.

1-580 DISMISS

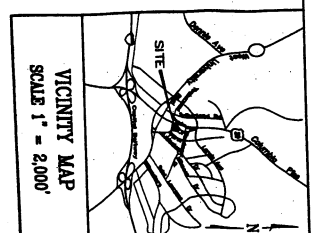


**ARCHITECT:**  
 Nelson A. Rockefeller, AIA  
 1825 S. Woodfield Drive  
 Montgomery Village MD 20886  
 PHONE: (301) 417-2388  
 CONTACT: Mr. Nelson Rockefeller

**ATTORNEY:**  
 Dufour & Green, Chd.  
 4920 Elm Street, #200  
 Bethesda, MD 20814  
 PHONE: (301) 928-1142  
 CONTACT: Mr. Federico Villares

**OWNER / APPLICANT:**  
 Community Ministry of Montgomery County  
 7 Timberwood Avenue  
 Silver Spring, Maryland 20901

NO.	DATE	DESCRIPTION	BY
1	10-15-07	REVISED PER COMMENTS	
2	11-15-07	REVISED PER COMMENTS	
3	12-15-07	REVISED PER COMMENTS	
4	01-15-08	REVISED PER COMMENTS	
5	02-15-08	REVISED PER COMMENTS	
6	03-15-08	REVISED PER COMMENTS	
7	04-15-08	REVISED PER COMMENTS	
8	05-15-08	REVISED PER COMMENTS	
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14	11-15-08	REVISED PER COMMENTS	
15	12-15-08	REVISED PER COMMENTS	
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17	02-15-09	REVISED PER COMMENTS	
18	03-15-09	REVISED PER COMMENTS	
19	04-15-09	REVISED PER COMMENTS	
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98	11-15-15	REVISED PER COMMENTS	
99	12-15-15	REVISED PER COMMENTS	
100	01-15-16	REVISED PER COMMENTS	



VICINITY MAP  
 SCALE 1" = 2,000'

**NOTE DATA**

1. THIS SITE IS PART OF LOT 1, BLOCK 2, WOODMOOR COMMUNITY MINISTRIES, MONTGOMERY COUNTY, MARYLAND. THE SITE IS BOUNDARY ADJACENT TO COLESVILLE ROAD TO THE NORTH, WOODMOR CIRCLE TO THE EAST, AND TIMBERWOOD AVENUE TO THE WEST. THE SITE IS BOUNDARY ADJACENT TO THE WOODMOR CIRCLE RIGHT-OF-WAY (R.O.W.) TO THE EAST.

2. THE PROPOSED ADDITION IS A 12,000 S.F. LOT FRONTING WOODMOR CIRCLE. THE PROPOSED ADDITION IS A 12,000 S.F. LOT FRONTING WOODMOR CIRCLE. THE PROPOSED ADDITION IS A 12,000 S.F. LOT FRONTING WOODMOR CIRCLE. THE PROPOSED ADDITION IS A 12,000 S.F. LOT FRONTING WOODMOR CIRCLE.

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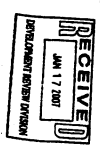
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SX-1

**TAX MAPS 2004 & 2005**

**SPECIAL EXCEPTION-SITE PLAN**

**WOODMOOR COMMUNITY MINISTRIES**

Part of Lot 1, Block 2 L31534 F:100

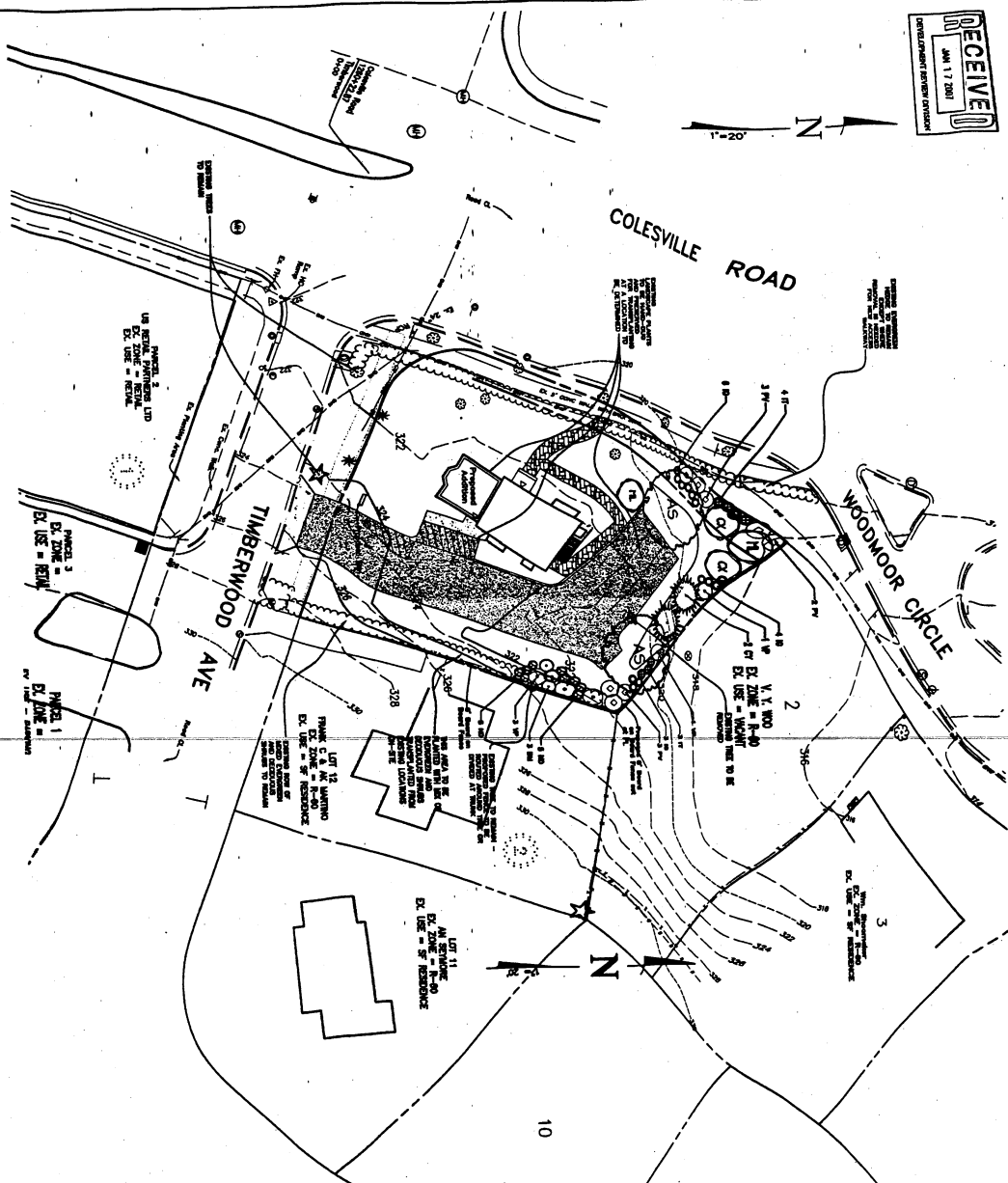
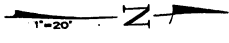
15TH ELECTION DISTRICT - MONTGOMERY COUNTY - MARYLAND

**MHG** Menzies, Hendricks & Glascock, P.A.  
 Engineers & Planners  
 20000 Old Columbia Road, Suite 100  
 Columbia, MD 21046  
 Phone: 301.271.1000  
 Fax: 301.271.1001  
 Email: info@mhgpa.com

Prep. By: SLD  
 Date: 3/9/06  
 Scale: 1"=200'  
 Project No.: 06111111

NO. 2129901 & 2129901

RECEIVED  
 JAN 17 2001  
 DEVELOPMENT REVIEW DIVISION



LANDSCAPE PLANT LIST

SY. QTY.	SYMBOL	COMMON NAME	CULT.	HGT.	SPR.	ROOT	NOTES
10	(Symbol)	Large Deciduous Tree	100'	10"	10"	10"	As shown
10	(Symbol)	Small Deciduous Tree	100'	10"	10"	10"	As shown
10	(Symbol)	Large Evergreen Tree	100'	10"	10"	10"	As shown
10	(Symbol)	Small Evergreen Tree	100'	10"	10"	10"	As shown
10	(Symbol)	Large Ornamental Tree	100'	10"	10"	10"	As shown
10	(Symbol)	Small Ornamental Tree	100'	10"	10"	10"	As shown
10	(Symbol)	Large Deciduous Shrub	100'	10"	10"	10"	As shown
10	(Symbol)	Small Deciduous Shrub	100'	10"	10"	10"	As shown
10	(Symbol)	Large Evergreen Shrub	100'	10"	10"	10"	As shown
10	(Symbol)	Small Evergreen Shrub	100'	10"	10"	10"	As shown
10	(Symbol)	Large Ornamental Shrub	100'	10"	10"	10"	As shown
10	(Symbol)	Small Ornamental Shrub	100'	10"	10"	10"	As shown
10	(Symbol)	Large Deciduous Grass	100'	10"	10"	10"	As shown
10	(Symbol)	Small Deciduous Grass	100'	10"	10"	10"	As shown
10	(Symbol)	Large Evergreen Grass	100'	10"	10"	10"	As shown
10	(Symbol)	Small Evergreen Grass	100'	10"	10"	10"	As shown
10	(Symbol)	Large Ornamental Grass	100'	10"	10"	10"	As shown
10	(Symbol)	Small Ornamental Grass	100'	10"	10"	10"	As shown

AGRICULTURE  
 18224 Sherrill Drive  
 Montgomery, MD 20856  
 PHONE: (301) 988-4142  
 CONTACT: Mr. Nelson Cornwell

ATTORNEY:  
 Butler & Green, CHA  
 4220 Elm Street, #200  
 Silver Spring, Maryland 20901  
 CONTACT: Mr. Rebecca Wilkins

ENGINEER / ARCHITECT:  
 Community Ministry of Montgomery County  
 131H Election District - MONTGOMERY COUNTY - MARYLAND  
 4820 Highway 286, Suite 110  
 Montgomery, Maryland 20856  
 PHONE: (301) 988-1119  
 CONTACT: Mr. Nelson Cornwell

Call "Miss Utility" at 1-800-257-7777, 48 hours prior to the start of work. This notice is to be posted on the site and the utility companies shall be notified of the location of all underground utilities. The utility companies shall be responsible for any damage to the property of the County of Montgomery.

NO.	DATE	DESCRIPTION	BY
1	10-28-00	Per per ARCHITECT/ENGINEER	
2	10-10-07	Per per ARCHITECT/ENGINEER	

THE JAMES EARL RAY  
 SPECIAL EXCEPTION - LANDSCAPE PLAN  
 WOODMOOR  
 COMMUNITY MINISTRIES  
 Part of Lot 1, Block 2 L.31534 F.100  
 131H ELECTION DISTRICT - MONTGOMERY COUNTY - MARYLAND

MHC  
 MHC, HERRICK & GILKROCK, P.A.  
 4820 Highway 286, Suite 110  
 Montgomery, Maryland 20856  
 PHONE: (301) 988-1119  
 CONTACT: Mr. Nelson Cornwell

Prep. By: [Name]  
 Date: 07/25/00  
 Project No.: 3000  
 Scale: 1" = 20'  
 Sheet: 1 of 1

LEGEND

- (Symbol) Proposed Shade Trees
- (Symbol) Proposed Evergreen Trees
- (Symbol) Proposed Ornamental Trees
- (Symbol) Proposed Deciduous Shrubs
- (Symbol) Proposed Evergreen Shrubs
- (Symbol) Proposed Ornamental Grass

VICINITY MAP  
 SCALE 1" = 2,000'

1. The landscape plan shall be prepared in accordance with the following standards and specifications:

- The landscape plan shall be prepared in accordance with the standards and specifications of the Montgomery County Department of Public Works, Planning and Zoning Department.
- The landscape plan shall be prepared in accordance with the standards and specifications of the Montgomery County Department of Public Works, Planning and Zoning Department.
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# **ATTACHMENTS II**

- Referral Comments
-



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

January 25, 2007

MEMORANDUM

TO: Elsabett Tesfaye, Zoning Analyst  
Development Review Division

VIA: Glenn Kreger, Silver Spring/Takoma Park Team Leader *GK*  
Community-Based Planning Division

FROM: Malaika Abernathy, Senior Planner *Ma*  
Community-Based Planning Division

SUBJECT: Special Exception S-2689: Community Ministry of Montgomery County -  
Requesting the Approval of a Service Organization

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**STAFF RECOMMENDATION: DENIAL of special exception application S-2689  
for the following reasons:**

1. The proposed special exception is not consistent with the recommendations of the approved and adopted 1996 Four Corners Master Plan.
2. The potential intensity of the use is not harmonious with the general character of the existing residential neighborhood based on the limited availability of parking for visitors and employees.
3. The proposed parking design and driveway expansion are not compatible with the existing residential character of the neighborhood.

**SUMMARY**

The applicant, Community Ministry of Montgomery County (CMMC), is requesting a special exception to operate a Service Organization, as defined by the Zoning Ordinance in Section 59-A 2.1. The subject site is located at 7 Timberwood Avenue in the Woodmoor-Pinecrest Neighborhood, within the Four Corners Master Plan area.

The approved and adopted, 1996 Four Corners Master Plan recommendations specifically discourage special exception uses within residential areas that are immediately adjacent to commercial uses. The Plan further emphasizes an overall intent to maintain the residential character and integrity of the neighborhoods by preventing the encroachment of non-residential uses. As a result, the submitted application is not consistent with the Plan and we suggest that the applicant consider alternative sites within the County.

## SITE DESCRIPTION

The subject site is located on 7 Timberwood Avenue within the Woodmoor-Pinecrest Neighborhood, Silver Spring. The site is 13,109 square feet and in the R-60 Zone. The recorded lot is further described as Part of Lot 1, Block 2 Woodmoor Subdivision, on tax map JP43.

The subject site is located immediately north of the Woodmoor Commercial Shopping Center, with access from Timberwood Avenue. The property is bounded by Colesville Road to the west, Timberwood Avenue to the south and Woodmoor Circle to the north. Single-family houses on similarly sized lots surround the subject site on the north and west. As described in the Four Corners Master Plan and evident from site visits, the Woodmoor-Pinecrest neighborhood has a strong neighborhood identity. Single-family detached homes are the predominant land use and contribute to the stability of the neighborhood. The Woodmoor Shopping Center serves as a major focal point and unofficial front door to the neighborhood.

## PROPOSAL

CMMC is a non-profit, social service provider and advocate for the poor in the County. It is comprised of various faith communities who work together for the purpose of serving the poor and disadvantaged in the County. The subject site was acquired in 2005 to house the executive and financial component for CMMC program activities and staff. The proposed use as described by the applicant is defined in the Zoning Ordinance Sec. 59-A-2.1 as a Service Organization.

Proposed improvements to the existing 2-story residence would replace the currently existing concrete patio, shed, sunroom and detached one car garage, with a two-story 631 square-foot addition. The applicant proposes to mitigate the impact on the surrounding area by phasing the demolition and construction of the proposed addition. The applicant also proposes to use architecturally compatible materials to reflect the existing residential character of the neighborhood. A proposed landscaped and screened parking area located northeast on the subject site will accommodate eight stacked parking spaces (7 standard and 1 handicap).

### Employees and Visitors

The day-to-day operations of the proposed use as explained in the revised submitted application (dated January 17, 2007) state that no more than twelve (12) full and part-time employees would be on site. Due to part-time schedules, however, approximately six to nine (6-9) employees are likely to be the normal amount expected on site at any given time.

In addition to the regularly expected six to nine (6-9) employees, the applicant states that additional visitors and other employees from CMMC satellite locations may visit the site, but will not exceed twelve (12) persons at any one time. The chart below depicts the maximum amount of visitors expected on site. These visitors are not considered part of the previously mentioned twelve (12) full and part time employees.

Expected Visitors to the site (not including full and part time employees)

Visitors Expected	Maximum Number of Visitors Expected	Schedule
Five (5) Committees of the Board	8	**1 time a month and some only 2 times a year (before or after business hours)
CMMC Employee orientation	2	1 time a month (weekday)
CMMC Payroll Employees	4	Every other Monday (weekday)
Staff of satellite location (Interfaith Housing Coalition)	Not available	1 time a week (weekday)
Potential donors and volunteers	3	1 time a week (weekday)
Congressional care client	1	***1 time a week (weekday)
Professional visitor	1	***1 time a week (weekday)
Donors for holiday food baskets	varies	1 time a year (weekend)

\*\*May also occasionally meet at member facilities

\*\*\* May also occasionally meet at clients' homes

Although CMMC clientele are not generally invited or encouraged to come to the offices, some client meetings may also occur on site. These meetings will be scheduled by appointment only. Client visits to the site are not encouraged since emergency assistance or services will not be offered at the site.

Visitors are expected to park onsite, utilizing any of the eight (8) proposed parking spaces indicated on the submitted site plan dated (3/8/06).

### MASTER PLAN ANALYSIS

The land use objective for the approved and adopted, 1996 Four Corners Master Plan states that the residential neighborhoods in the Plan area must be preserved and maintained as the foundation of the community by assuring that new development, infill development, and special exception uses are compatible with the existing residential character (Page 25). Staff believes that the submitted application is inconsistent with the intent of the Plan and the use should be relocated to an area that is more appropriate.

The following Plan recommendations were used to analyze the consistency and compatibility of the proposed special exception use with the master plan.

1. *This Plan discourages special exceptions in residential areas immediately adjacent to the commercial district. Residential neighborhoods immediately adjacent to the Four Corners commercial district are particularly vulnerable to encroachment of non-residential uses, as are single-family homes along the*

*major highways. Several single-family homes along the west side of Colesville Road between the Beltway and University Boulevard have been converted to office use by special exception; This location is suitable for special exception office use; however, residences or other special exception uses are not precluded. Special exception review should continue to pay particular attention to the number, type and intensity of existing special exceptions as currently provided in the Zoning Ordinance.” (Page 26)*

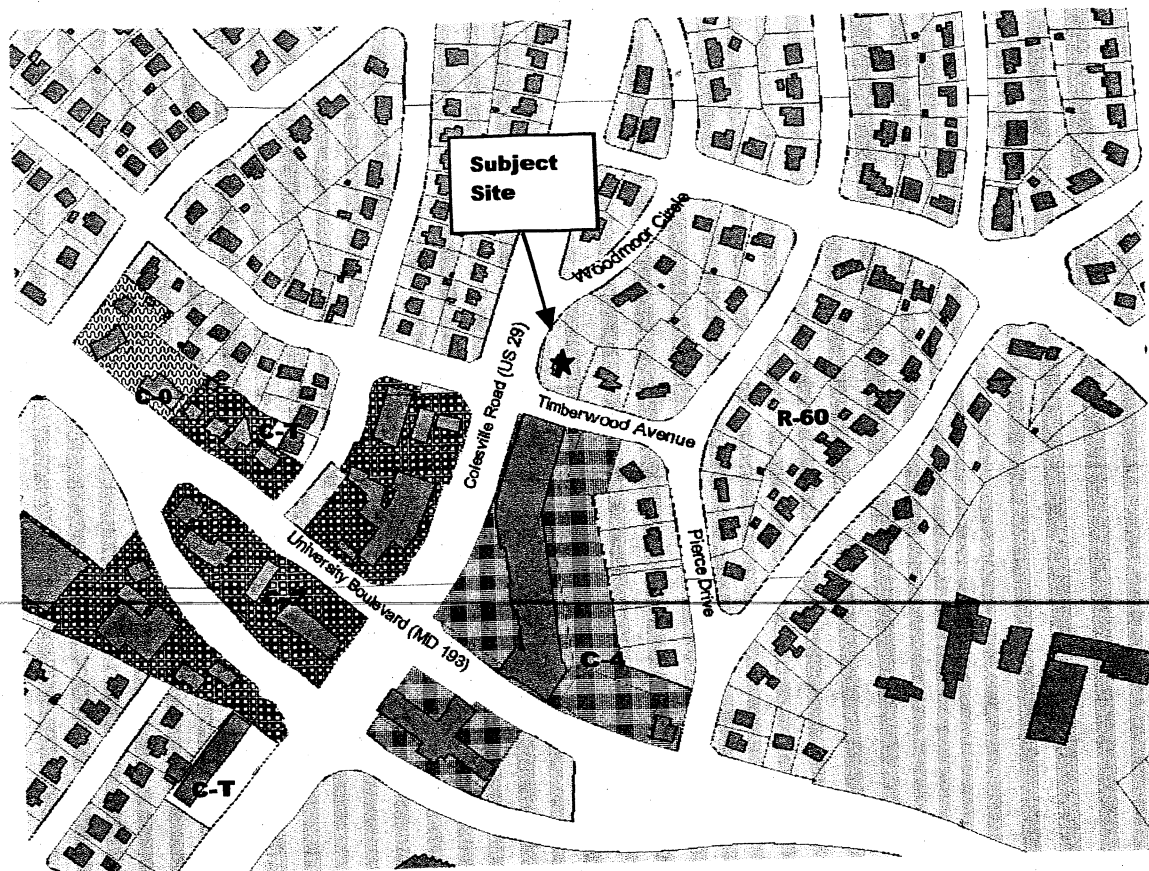
- a. The Board of Appeals has the primary responsibility for reviewing and approving special exception petitions, however the community-based planning staff supports the Plan recommendation that specifically discourages special exception uses in residential areas immediately adjacent commercially zoned areas. As indicated in the illustration on the next page, the subject site is zoned R-60 and immediately adjacent to the commercially zoned (C-4) shopping area, which is located south of the site on Timberwood Avenue.

As indicated in the 1996 Plan excerpt above, special exception uses are appropriate in the area on the west side of Colesville Road and south of University Boulevard. This area consists of existing conversions of single-family dwelling units to offices and is appropriate for special exception uses.

- b. The proposed use would be an encroachment of a non-residential use into the Woodmoor-Pinecrest neighborhood.

Although the proposed use is permissible within the R-60 Zone and the submitted application does meet the standards and requirements as stated in 59-C-1.32 of the Ordinance, the Master Plan language should be given great weight as it clearly discourages the encroachment of non-residential uses within a residential neighborhood.

## Subject Site and Surrounding Zoning



2. *"The Plan recommends reuse of existing structures for special exception uses, where feasible. If a use requires a new building, the Plan encourages designs that are residential in character and scale."* (Page 26)

- a. Staff finds the types of improvements recommended in the submitted application are not appropriate for the neighborhood for the following reasons:
  - o The proposed improvements to the existing driveway require the development of a minimum of five (5) parking spaces based on the parking standards calculation for a Service Organization in the Ordinance (Section 59-G-2.42-e). The applicant is proposing three (3) additional parking spaces, for a total of eight (8) parking spaces to accommodate the proposed daily activities of the use. In the submitted application, the configuration of the proposed parking spaces were shown as stacked and located in the northeast rear of the property.

Staff finds that stacked parking is not a suitable design within a residential neighborhood. Staff further finds that in the rare instance that additional staff and or visitors exceed the expected twelve (12) persons on-site, the proposed parking situation could prove to be problematic. On-street parking is prohibited on Timberwood Avenue. The adjacent Woodmoor Shopping Center is currently underparked and would not be a suitable location for off-site parking for this use. Other arrangements might be made for off-site parking, but they are uncertain and would likely be less convenient.

- o Based on field observations, staff finds that the width of the proposed 20-foot driveway, to enable two-way traffic flow, is not consistent with the existing residential driveways in the community, which are approximately 8-10 feet in width. The applicants are requesting a wider driveway apron to accommodate two-way traffic. Staff would not agree with this request, as it would not be considered suitable when compared to the existing driveways of other residences nor would it be compatible with the character of the neighborhood.
- o Based on the submitted application, as many as twelve (12) employees are anticipated on site. Additionally, a varied amount of visitors are expected to come to the site. Staff finds that based on the proposed amount of employees and visitors, the allowable eight (8) on-site stacked, parking spaces could be insufficient. The applicant proposes to accommodate the parking needs of its employees by proposing a transportation incentive program. The program would entitle employees to \$80.00 a month to carpool, bike or use transit to arrive at work. Staff believes that although this is a good incentive for employees, parking could continue to be an issue for both employees and visitors.

The submitted 2006, monthly visitor log for three months, suggests that at least one visitor per day could be expected on site during the weekday. The applicant has identified alternative measures to address normal business activity; however,



concerns are raised in the instance when business activities exceed the norm. Although the applicant identifies these instances as rare, it is with these rare instances that could prove to place an undue burden on the proposed site and its adjacent properties.

3. *This Plan encourages the continued requirement for landscape plans for all special exception uses except accessory apartments. Landscape plans enhance the integration of a special exception use into a community by retaining grassed and landscaped front, side, and rear yards. (Page 26)*

a. The applicant's proposal to provide additional landscaping and screening around the perimeter of the proposed parking area is in compliance with the Plan.

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## Community Concerns

During the review of this application, community residents from the Woodmoor-Pinecrest Citizens Association contacted community-based planning staff to discuss their concerns about the proposed intensity of the subject use. A letter from the President and the Vice President, Byrne Peake and Mike Pfetsch, respectively, dated January 9, 2007 was submitted to the file, indicating the following concerns:

- The residents strongly support the recommendations in the Master Plan that discourage non-residential uses adjacent to commercial zoning.
- Additional comments regarding the applicant's proposed parking design were also of concern, as stacked parking is not typical in a residential neighborhood nor does it currently exist elsewhere in the neighborhood.
- The residents also questioned whether the applicants correctly defined the proposed use as a service organization or whether another use better defines the anticipated day-to-day operations of CMMC.

Commission staff met with members of the Woodmoor-Pinecrest Citizens Association on Tuesday, January 16, 2007 to discuss further the previously mentioned issues of the submitted application.

A resident of Woodmoor-Pinecrest neighborhood, Dr. Sharon O'Brien, submitted a letter dated January 14, 2006 to the file. The letter supported this application at the subject site and included the signatures of forty-six (46) additional residents of the neighborhood who also indicated their support of the application.

Additionally, an adjacent neighbor and past property owner of the subject site, Vicki Yoo, submitted a letter dated January 17, 2007 indicating support for this application. The letter stated that the proposed use is suitable for the neighborhood and would be an asset to the community.

**Community Concerns**

CMMC provides a valuable and highly respected service to the County, however, Community-Based Planning believes that the location of this use is not consistent with the approved and adopted 1996 Four Corners Master Plan. Additionally, the proposed special exception does not maintain the residential character of the community (based on the parking design) and is not appropriate for this location (based on the potential intensity of employees and visitors accessing the site).

We therefore recommend the denial of this special exception application.

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

January 12, 2007

**MEMORANDUM**

TO: Elsabett Tesfaye, Zoning Analyst  
Development Review Division

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

FROM: David Paine, Planner/Coordinator *DP*  
Transportation Planning

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SUBJECT: Board of Appeals Petition No. S.E. 2689  
Service Organization – Community Ministry of Montgomery County  
Four Corners Master Plan

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This memorandum is Transportation Planning staff's Adequate Public Facilities review of the above petition to operate a service organization named Community Ministry of Montgomery County at 7 Timberwood Avenue, within the Four Corners Master Plan.

**RECOMMENDATIONS**

Transportation Planning staff recommends the following conditions as part of the transportation-related requirements to grant this special exception:

1. Limit the proposed use to 12 staff members at any given time.
2. Construct a five-foot sidewalk on the Timberwood Avenue frontage.

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 where the subject Service Organization is proposed is located on the east side of Colesville Road (US 29) at its intersection with Timberwood Avenue in Silver Spring.

### Vehicular Site Access and On-Site Parking

Vehicular access and on-site parking to this existing single-family detached unit is via the driveway from Timberwood Avenue.

### Pedestrian Facilities

A sidewalk exists on Colesville Road (US29) fronting the existing house. Access to the home is proposed via a walk-up sidewalk from Colesville Road. A segment of sidewalk exists on the south side of Timberwood Avenue, but not along the frontage of the existing house on the north side of Timberwood Avenue. The Four Corners master plan calls for improved pedestrian access along roads that lead to the commercial district, including Timberwood Avenue (Table 2, p. 49). Staff recommends that the applicant construct a five-foot sidewalk along the frontage and make every effort to reduce impact to the two trees also in the ROW.

### Master-Planned Roadways and Bikeway

Timberwood Avenue is not classified in the master plan. This segment of Timberwood Avenue is built to secondary roadway standards in a 60-foot right-of-way that tapers to 50-feet wide at the intersection with Pierce Drive. Colesville Road (US 29) is classified as a Major Highway, M-10, with 120-foot ROW, six lanes divided by a median. It is built with sidewalks on both sides. Timberwood Avenue connects to Pierce Drive and Lexington Drive between Colesville Road and University Boulevard. Pierce Drive is also designated as a signed shared roadway (Class III bikeway).

### Local Area Transportation Review

A traffic statement dated September 18, 2006 states that the service organization will have between 9 and 12 employees. Staff reviewed the subject Special Exception use with the more conservative number of 12 staff members and per the Local Area Transportation Review (LATR) guidelines determined that the use would not require a traffic study since it will not generate 30 or more peak-hour trips during the weekday morning (6:30 to 9:30 a.m.) and evening (4:00 to 7:00 p.m.) peak periods. The Special Exception use, therefore, satisfies the LATR requirements.

Staff recognizes that the Woodmoor-Pinecrest neighborhood experiences a degree of non-local traffic avoiding the intersection of Colesville Road (US 29) and University Boulevard (MD 193). Page 38 of The Four Corners Master Plan states:

“Heavy Traffic is inappropriate in residential neighborhoods. Large volumes of vehicular traffic can be disruptive to the peace and serenity of residential areas. Commuters often cut through Four Corners neighborhoods to avoid the congested intersection of Coleville Road and University Boulevard. Such intrusion disrupts one of the most appealing characteristics of this community of neighborhoods – walking to retail and services.”

DPWT is currently studying the Woodmoor-Pinecrest area as part of a through-volume restriction program. A recommendation on page 40 of the Master Plan calls for working with DPWT to review the network of interconnected streets with traffic control measures that are coordinated accordingly. Currently DPWT is in the preliminary stages of that through volume restriction program. They will gather multi-day traffic data and provide options to the community and receive comments on what steps to take to reduce volumes and speeds through the neighborhood. One potential improvement, for example, could be AM peak period turning restrictions from Colesville Road to Timberwood Avenue.

DP:cl

C:\Tree\0512 DevRev\S2689 mmo to tesfaye.DOC

## **ATTACHMENTS III**

- Letters and Petitions from Community
  - Opinion-Case No. 169
-

FROM : OZAH

FAX NO. : 2407776665

Jan. 04 2007 05:36PM P2

RECEIVED

JAN - 4 2007

OFFICE OF ZONING AND ADMINISTRATIVE HEARINGS

January 2, 2007  
8 Woodmoor Drive  
Silver Spring, MD 20901

Board of Appeals for Montgomery County  
Office of Zoning and Administrative Hearings  
Stella B. Werner Council Office Building  
100 Maryland Avenue, Room 200  
Rockville, MD 20850

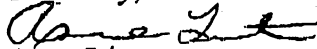
Re: Case No. S-2689

To Whom It May Concern:

I am writing to protest the petition of Community Ministry of Montgomery County to convert an existing single-family residence into its permanent administrative offices. I feel very strongly that our community cannot support the additional vehicular traffic that this conversion will create. Per the petition, anywhere from 8 to 12 additional cars can be expected to enter the neighborhood on a regular basis and from 20 to 30 on a more irregular basis.

The home to be converted stands on the corner of a busy intersection. Cars traveling south on Colesville Road that wish to travel east on University Boulevard turn left onto Timberwood throughout the day to avoid the intersection at University Boulevard and Route 29 (Colesville Road). These cars cut through a residential neighborhood to gain access to University Boulevard East at the light on Lexington Drive. When I leave my home at 7am most mornings, traffic is usually backed up two blocks from the intersection of Lexington Drive and University Boulevard East toward Timberwood Drive. Many mornings, I see drivers in a hurry run the stop sign at Pierce and Timberwood Drives. The many students walking to Blair High School each school day have to dodge a steady stream of dangerous traffic to exit our neighborhood. The situation remains treacherous with heavy cut-through traffic throughout the day. I won't let my youngest child (aged 12) walk the 2 1/2 blocks from my home to the Woodmoor Shopping Center without an adult escort after school due to the amount of cut-through traffic and many individuals who run the aforementioned stop sign. Under these conditions, I cannot support any proposal which might increase traffic in my neighborhood. I thank you for your kind consideration.

Sincerely,



Anne Linton

EXHIBIT NO. 17  
DECEDDAI NO S-2689

# Woodmoor-Pinecrest Citizens Association

204 Williamsburg Drive, Silver Spring MD 20901

January 9, 2007

Ms. Elsabett Tesfaye  
Development Review Division  
Maryland-National Capital Park & Planning Commission  
8787 Georgia Avenue  
Silver Spring, MD 20910

**RE: Petition for Special Exception for Service Organization at 7 Timberwood Avenue Docket No S-2689**

Dear Ms. Tesfaye:

The Woodmoor-Pinecrest Citizens Association (WPCA) appreciates the opportunity to provide our recommendation to the Planning Staff regarding the Special Exception Petition for 7 Timberwood Avenue.

At our monthly meeting on November 29, 2006, the Community Ministry of Montgomery County (CMMC) presented a proposal to re-locate their headquarters from their current Rockville location (on Church property in an R-90 zone) to the single family dwelling at 7 Timberwood Avenue. This residential structure is located at the gateway entrance to the Woodmoor subdivision neighborhood designated R-60 for single-family dwellings. While we have a favorable view of the organization and its mission, we do not support the proposed special exception use. In consideration of the factors outlined below, WPCA approved a motion to oppose this application and recommends that the Board of Appeals deny this special exception.

- The organization's petition as a "service organization" is a miscategorization and is inappropriate in this instance.
- The proposed zoning change, which would be a significant and destabilizing change for this neighborhood, is inconsistent with the Four Corners Master Plan (the Plan). One of the objectives of the Plan is to "...strengthen the distinction between commercial and residential land uses".<sup>1</sup> Additionally, "This Plan reconfirms the existing R-60 (residential, one-family) zoning for the residential neighborhoods in the Four Corners Master Plan area."<sup>2</sup> With regard to special exception use, the Plan specifically states, "This Plan discourages special exceptions in residential areas immediately adjacent to the commercial district. Residential neighborhoods immediately adjacent to the Four Corners commercial district are particularly vulnerable to encroachment of non-residential uses, as are single-family homes along the major highways."<sup>3</sup> The location of this property is immediately adjacent to the Woodmoor Shopping Center commercial area.

<sup>1</sup> Four Corners Master Plan, December 1996, p.30

<sup>2</sup> Four Corners Master Plan, December 1996, p.25

<sup>3</sup> Four Corners Master Plan, December 1996, p.26



- There already are dedicated areas for office use in the Four Corners Master Plan Area and there is currently office space available in those designated areas. There is no need to create additional office space in the Four Corners Area.
- The proposed zoning change and use of a home as an office building is not in harmony with the general character of the neighborhood and the designation and level of activity would have a negative effect on the surrounding properties and the neighborhood in general.
- The intersection where this property is located is not operating at an acceptable level of service. A recent traffic study showed that the CLV values at the intersection of Timberwood and Colesville Road exceed the congestion standard of 1,600 and is the most congested intersection in the Four Corners area.<sup>4</sup> Converting the home to an office building and the proposed use would exacerbate the existing infrastructure problems.
- Parking is insufficient for the level of activity that is expected from this non-residential use. When considering the number of employees, volunteers, employees from other subsidiaries, client visits, board meetings and other special events that would be typical for such a large organization, it is apparent that the parking plan is insufficient to accommodate this use. Parking is prohibited on Timberwood Avenue and Colesville Road and while the applicant requested capacity from the adjacent shopping center, there are no additional spaces available. The shopping center parking lot capacity is already below what is typically required for a shopping center of its size.<sup>5</sup>

We would like to meet with you this week to discuss our recommendation. Please let me know when you are available to meet with members of our community.

Sincerely,

  
(Mike Pfetsch, Vice-President) for

Byrne Peake  
President  
Woodmoor-Pinecrest Citizens Association

Copy Furnished:

Malaika Abernathy, Community Based Planning  
David Paine, Transportation Planning

Hearing Examiner  
Board of Appeals  
100 Maryland Avenue Room 200  
Rockville, MD 20850

<sup>4</sup> Montgomery County Planning Board Opinion, Bank of America – Woodmoor Preliminary Plan

<sup>5</sup> Montgomery County Planning Board Opinion, Bank of America – Woodmoor Preliminary Plan

302 St. Lawrence Drive  
Silver Spring, MD 20901  
January 14, 2007

Ms. Elizabeth Tesfaye  
Development Review Division  
Maryland-National Capital Park and Planning Commission  
8787 Georgia Avenue  
Silver Spring, MD 20910  
Fax: 301.495.1306  
**RE: Special Exception for Community Ministry of Montgomery County (S-2689)**

Dear Ms. Tesfaye:

I live in the Woodmoor/Pinecrest neighborhood, a development of about 1160 houses. I support the Special Exception petition by Community Ministry of Montgomery County (CMMC) to use 7 Timberwood Avenue as their headquarters. Currently, CMMC has about 7 staff working in about 800 square feet of office space. They need more space at a reasonable cost in a convenient location. This property, which they own, would address all three needs.

I understand that CMMC made a presentation at my Woodmoor/Pinecrest Community Association meeting on November 29, 2006. A motion to oppose the special exception was based on the majority vote of about 30 people. Due to a family health situation, I was not able to attend that meeting, so I'd like to make three points:

- 1. Impact on traffic?** This is a crucial issue. However, CMMC has about 7 staff now, will have at most 12. Oftentimes, most of the staff is not at headquarters because much of their work is done off-site. Their programs are conducted off-site so there will be limited traffic to this address. A transportation incentive policy will reduce further the few number of cars accessing the property. The office will be used during regular workday hours.
- 2. What if other service organizations ask for a special exception?** This is an excellent point. In response to WPCA's request, CMMC's attorney provided a letter dated December 11, 2006 stating that none of the 31 lots in the immediate vicinity of the Commercial Center, except 7 Timberwood, meet the criteria of sufficient square footage to apply as a service organization for a Special Exception. Please see attachment.
- 3. Will it change the residential appearance of our neighborhood?** CMMC will retain the residential appearance even with the modest addition requested in the Special Exception. They like the current landscaping on the site and will enhance it.

The County needs CMMC, CMMC needs more space at a reasonable cost in a convenient location; and I would welcome them as a neighbor. I realize there are points of concern, especially the traffic, which I ask be resolved in the most reasonable manner. Please see the attached petition signed by 44 additional residents who support the petition of Special Exception.

Sincerely,

  
Sharon A. O'Brien

cc: Hearing Examiner's Office Fax: 240.777.6665  
R.D. Willens, Esq. Fax: 301.762.0363  
B. Peake, WPCA President

FROM : FAX NO. : Jan. 16 2007 07:25AM P7

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I hope that the expanded explanations on some of these matters will assist you and the community in understanding the special exception process and various categories. Again, I thank you for the opportunity to meet with yourself and the community.

We are hopeful that the community will give Community Ministry of Montgomery County the chance to be a good neighbor and active member of the Woodmoor Pinecrest community.

Should you have any questions, please do not hesitate to call me at 301-517-4830.

cc: Community Ministry of Montgomery County

---

FROM :

FAX NO. :

Jan. 16 2007 07:23AM P3

RE: Special Exception (S-2689)

I am a Woodmoor resident and I support the special exception request by Community Ministry of Montgomery County (CMMC) to use 7 Timberwood Avenue, Silver Spring, MD 20901 as their administrative office.

Name	Signature	Street Address	Date
WAnn Goedert	<i>WAnn Goedert</i>	214 St. Lawrence Dr.	1/14/07
James J. Goedert	<i>James J. Goedert</i>	214 St. Lawrence Dr.	1/14/07
Richard Kowalewski	<i>R. Kowalewski</i>	206 St. Lawrence Dr.	1/14/07
DERALD EIERMAN	<i>Derald Eierman</i>	106 ROCKDAZE DR	01/14/07
Marilyn Hall	<i>Marilyn Hall</i>	108 WOODMOOR Dr.	1/14/07
Amy Curtis	<i>Amy Curtis</i>	10206 Pierce Dr	1/14/07
Suzanne Bell	<i>Suzanne Bell</i>	10204 Pierce Dr	1/14/07
Jill McDougall	<i>Jill McDougall</i>	216 Saint Lawrence	1/14/07
Stanley Yoder	<i>Stanley Yoder</i>	" " " Dr.	1/14/07
Susan Meadows	<i>Susan Meadows</i>	300 Saint Lawrence Dr	1/14/07
Albert J. Kloven	<i>Albert J. Kloven</i>	<del>300 Saint Lawrence Dr</del>	1/14/07
CHARLES GARLOW	<i>Charles Garlow</i>	9929 Woodburn Rd, SS	1/14/07
Joan Flaherty	<i>Joan Flaherty</i>	9929 Woodburn Rd, SS	1/14/07
Carlin Garlow	<i>Carlin Garlow</i>	" "	" "
Marianne Shoemaker	<i>Marianne Shoemaker</i>	10203 Woodmoor Cr.	1/14/07
Wm. B. Shoemaker	<i>Wm. B. Shoemaker</i>	10203 Woodmoor Cr.	1/14/07
Mary Shu	<i>Mary Shu</i>	5 TIMBERWOOD	1/14/07
Jordan Shu	<i>Jordan Shu</i>	5 Timberwood Ave	1/14/07
CINDA SHU	<i>Cinda Shu</i>	5 Timberwood Ave	1/14/07
Alice Marie Gardner <sup>58 MD</sup>	<i>Alice Marie Gardner</i>	416 Branch Dr	1/14/07
Lisa Kowalewski	<i>Lisa Kowalewski</i>	206 St. Lawrence Dr.	1/15/07
Patricia Meyer Esposito	<i>Patricia Meyer Esposito</i>	414 W. Williamsburg Dr	1/15/07
Deborah Briceford-Betts	<i>Deborah Briceford-Betts</i>	10106 Big Rock Rd	1/15/07

FROM :

FAX NO. :

Jan. 16 2007 07:23AM P4

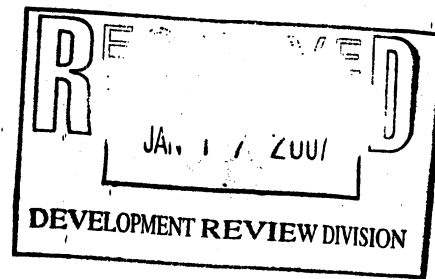
RE: Special Exception for Community Ministry of Montgomery County (S-2689)

I am a Woodmoor resident and I support the special exception request by Community Ministry of Montgomery County (CMMC) to use 7 Timberwood Avenue, Silver Spring, MD 20901 as their administrative office.

Name	Signature	Street Address	Date
Tim BRICLAND-BENJ	<i>Tim Briland</i>	10105 BIG ROCK RD	1/15/07
Sara Collins	<i>Sara Collins</i>	9912 Woodburn Rd.	1/15/07
Nelly Branson	<i>Nelly O. Branson</i>	4925 Woodburn Rd.	1/15/07
Christopher Lewis	<i>Chris Lewis</i>	108 Woodmoor Dr.	1/15/07
LAWRENCE G. PARSLEY	<i>Lamar Parsley</i>	319 ST. LAWRENCE DR.	1/15/07
JEAN R. PARSLEY	<i>Jean R. Parsley</i>	319 ST. LAWRENCE DR.	1/15/07
Jesse V. Glassford	<i>Jesse V. Glassford</i>	300 St. Lawrence Dr.	1/15/07
Kevin Glassford	<i>Kevin Glassford</i>	300 St. Lawrence Dr.	1/15/07
BRETT HEIMOV	<i>Brett Heimov</i>	10203 BIEBER PL	1/15/07
Susan H. McElroy	<i>Susan H. McElroy</i>	10207 Bieber Pl.	1/15/07
Maura McElroy	<i>Maura McElroy</i>	10207 Bieber Pl.	1/15/07
<i>Jessie Duda</i>	<i>TERESA DUDA</i>	<del>10207</del> 327 Brand Dr.	1/15/07
<i>Elizabeth Myhill</i>	<i>Liz Myhill</i>	10204 Brookmoor	1/15/07
<i>Marguerite St. Clair</i>	<i>Marguerite St. Clair</i>	320 St. Lawrence	1/15/07
<i>Ed Weber</i>	<i>Ed Weber</i>	323 St. Lawrence	1/15/07
Patricia Barrera	<i>Kathy Barrera</i>	323 St. Lawrence	1-15-07
Susan G. Henry	<i>Susan G. Henry</i>	322 St. Lawrence Dr.	1/15/07
David R. Williams	<i>David R. Williams</i>	10204 Brookmoor Dr.	1/15/07
Donna Beausoleil	<i>Donna Beausoleil</i>	325 Brauch Dr.	1-15-07
Ingrid Davitt	<i>Ingrid P. Davitt</i>	316 St. Lawrence Dr.	1-15-07
Jane Osburn	<i>Jane G. Osburn</i>	10204 Big Rock Rd	1-15-07
Marius Henry	<i>Marius Henry</i>	327 St. Lawrence	1/15/07
Carla West	<i>Carla West</i>	9915 Big Rock Rd	1/15/07

January 15, 2006

Hearing Examiner's Office  
Office of Zoning & Administrative Hearings  
100 Maryland Avenue  
Rockville, Maryland 20850




Re: Special Exception for Community Ministry of Montgomery County (S-2689)

Community Ministry of Montgomery County (CMMC) has requested a special exception for the use of their property at 7 Timberwood Avenue. As a resident of Woodmoor and a member of the Woodmoor-Pinecrest Homeowners Association I am writing to support this application.

I support the application because:

1. CMMC's request for a special exception proposes a very good (and benign) use for this property. It is a permitted use under the special exception criteria. I am confident that CMMC will comply with the special exception requirements because the organization has a long history of in the County and a trusted reputation.
2. Under the proposal, the property will retain its residential appearance, including the modest addition requested in the special exception.
3. CMMC's use of the property is only for a standard workday, meaning the building will be unused in the evenings and on weekends, thereby reducing any concerns of traffic in the neighborhood at its busiest hours.
4. CMMC's commitment to being a good neighbor encourages us that this corner of the property will not be further degraded by commercial encroachment.
5. Research of 31 properties in Woodmoor of appropriate size indicates that none of the lots qualify to receive a special exemption if sold to a service organization, so we are not concerned that many properties will be turned from residential into some other use.
6. I believe the special exception can be granted to the benefit of our community and not a detriment.

Sincerely,

  
Sara Collins  
9912 Woodburn Rd.  
Silver Spring, MD 20901

cc:  
Maryland-National Capital Park and Planning Commission  
Attn: Elsabett Tesfaye, Community Based Planning Division

Rebecca D. Willens, Esquire  
Miles & Stockbridge, P.C.

January 15, 2006

Hearing Examiner's Office  
Office of Zoning & Administrative Hearings  
100 Maryland Avenue  
Rockville, Maryland 20850

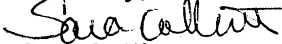
Re: Special Exception for Community Ministry of Montgomery County (S-2689)

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6. I believe the special exception can be granted to the benefit of our community and not a detriment.

Sincerely,

  
Sara Collins  
9912 Woodburn Rd.  
Silver Spring, MD 20901

cc:

Maryland-National Capital Park and Planning Commission  
Attn: Elsabett Tesfaye, Community Based Planning Division

Rebecca D. Willens, Esquire  
Miles & Stockbridge, P.C.

FROM :

FAX NO. :

Jan. 16 2007 07:22AM P1

DATE: January 16, 2007

TO: Ms. Elizabeth Tesfaye  
Development Review Division  
Maryland-National Capital Park and Planning Commission  
8787 Georgia Avenue  
Silver Spring, MD 20910  
Fax: 301.495.1306

*7 pages total*

FROM: Sharon A. O'Brien  
302 St. Lawrence Drive  
Silver Spring, MD 20901  
phone and fax: 301.681.7333

*Sharon A. O'Brien***RE: Special Exception for Community Ministry of Montgomery County (S-2689)**

Ms. Tesfaye:

Please find "attached" my letter of support and 2 pages consisting of 44 names of additional residents who do support the Special Exception for Community Ministry of Montgomery County (S-2689).

Since I was not able to attend the Association meeting when the vote was taken, I appreciate that my WPCA officers have been most respectful and considerate about discussing this issue with me. I understand that they and a member of our Traffic Committee are meeting with you this morning. I asked if I could attend but was told, politely, no, that you were discussing procedural matters as to what to do next and it would not be appropriate for other community members to attend. I look forward to hearing the results of your meeting.

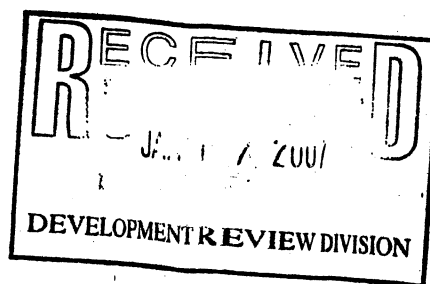
I do want you to have these initial names of support. We know there are issues but we would prefer that they be worked out in a satisfactory manner. Looking solely at the CMMC petition, these 44 people and myself, think it is a good use of that residence, it will have minimal impact on the neighborhood, and it will serve an important need.

Two questions:

1. Since additional residents want to sign, what is the deadline to present their names?
2. I want to present 3-minute testimony at the Hearings on Feb. 9 and Feb. 16<sup>th</sup>. Others have expressed interest, depending upon the time of your hearing. We understand the one on Feb. 16<sup>th</sup> is at 9:30 a.m. Would you please inform me of the process, time, place and room, deadlines, and whether I or others need to provide written testimony beforehand or can copies of remarks be presented at the hearing?

Thank you for your consideration and assistance.





Mr. John Carter, Chief  
Community Based Planning  
Maryland-National Capital Park and Planning Commission  
8787 Georgia Avenue  
Silver Spring, Maryland 20910

Re: Special Exception for 7 Timberwood Avenue, Silver Spring, Maryland.

Dear Mr. Carter:

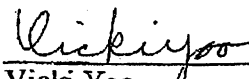
My name is Vicki Yoo and I am the former owner of 7 Timberwood Avenue, Silver Spring, Maryland, which is the subject of a special exception application by Community Ministries of Montgomery County. I write to express my support for the proposed special exception use and to set forth my support on the record.

Despite being the former owner of 7 Timberwood Avenue, I am also the current owner of the adjoining Lot, which is Part of Lot 2, located on Timberwood Avenue. It is my intent to retain this adjoining lot and construct a new home for my family and myself. When I made the decision to sell the adjoining lot to Community Ministries, I did so with a full understanding of their intended use for the site, as well as the fact that they may expand the existing structure in order to accommodate their needs.

I support the use of the site, which adjoins the Woodmoor Commercial Shopping Center, as a special exception to operate the administrative offices associated with Community Ministries' charitable endeavors in the Montgomery County community. I think their use is both suitable and appropriate for the neighborhood. I feel that they will be an asset to the community.

Again, I urge you to support the special exception application for Community Ministries to be located at 7 Timberwood Avenue, Silver Spring, Maryland.

Sincerely,

  
Vicki Yoo

George B. Baily, Jr.  
411 Lexington Drive  
Silver Spring, Maryland 20901

January 22, 2007

Elsabett Tesfaye  
Development Review Division  
Maryland National Capital Park and Planning Commission  
8787 Georgia Avenue  
Silver Spring, Maryland 20910

Re: Specil Exception for CMMC Offices at 7 Timberwood Drive

Dear Ms. Tesfaye:

---

I am writing to express strong opposition to the request from the Community Ministry of Montgomery County (CMMC) for an exemption under current zoning ordinances to convert the home at 7 Timberwood Drive to office space. While I support the CMMC ministry, I am dismayed that CMMC would propose to convert an existing home to office space, construct a two-story addition on the property, demolish the existing garage and create an eight-space parking facility. I believe that applicati on County ordinances would require some other modifications to the existing home structure in order to make it safe for workers and accessible to those with disabilities.

I believe that approving this request for an exemption will only be a first step in allowing more commercial development within the Woodmoor community. I am a life-long resident of Woodmoor, having lived in my current home since 1949. I am very concerned at the increased traffic flow around the Four Corners Shopping Center. Despite pledges from the Montgomery County police for an increased presence in this area, I do not see much evidence of increased police activity in this area despite the tremendous increase in traffic using Timberwood Drive and Pierce Drive as a cut-through from southbound traffic on U.S. 29 to eastbound traffic on University Boulevard. Further, I continue to be dismayed at the number of illegal left turns being made from north-bound U.S. 29 traffic at the Timberwood intersection and the number of people who cut across U.S. 29 at the Timberwood intersection. Despite expressing my concerns, police surveillance in this area is limited at best. I walk through the neighborhood very frequently, and am always concerned at the intersection of Timberwood Drive and Pierce Drive at both the volume of traffic and number of people who run the stop sign at Timberwood Drive making the right turn onto Pierce Drive.

In my view, approving this request for an exemption will only increase the likelihood of more traffic, more pressure for future requests for exemptions and a deterioration in the residential property values around this location. I know that the Park and Planning Commission faces a difficult decision in this area, but I do not believe that granting this exemption is in the long-term

best interests of the Woodmoor residential community because it will increase the business use of this property. In my view, businesses really are not good neighbors to residences, and approving this request will in my view make the residential areas surrounding 7 Timberwood Drive less desirable residences, which will only create more pressure to convert the surrounding property into commercial property.

What saddens me most about the CMMC is my belief that CMMC intended to request this exemption at the time that the property was purchased over a year ago. I do not believe that the CMMC ever purchased this property with the desire to use it as a residence or to rent the property. To approve this request for an exemption is, in my view, to reward the CMMC for what I believe to be its duplicitous behavior.

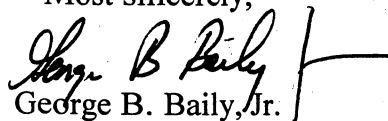
I am concerned about the increasing pressures for compromises to the zoning laws in Montgomery County. I believe that inappropriate compromises have been approved recently, and I am concerned that the Montgomery County Park and Planning Commission is no longer committed to maintaining the beauty of our community. I believe that it is essential that the CMMC request for a special exemption be denied because the planned use of the property at 7 Timberwood Drive is not consistent with the stated and intended use of this property.

---

It is important to note, in my view, that the Four Corners Master Plan reconfirms the existing R-60 (residential, one-family) zoning for the residential neighborhoods in the Four Corners Master Plan area. With regard to special exception use, the Plan specifically states, "This plan discourages special exceptions in residential areas immediately adjacent to the commercial district. Residential neighborhoods immediately adjacent to the Four Corners commercial district are particularly vulnerable to encroachment of non-residential uses, as are single family homes along the major highways."

I can see no justification for the Montgomery County Park and Planning Commission to grant this exception, unless there is a commitment by the Commission to the increased commercialization of the down-county area, which in my view would be a travesty. I hope that you will register my strong disagreement with the CMMC request for a special exception. I hope that you will support the preservation of the Woodmoor residential community. This CMMC intrusion is not welcome on my part. As a life-long resident of Woodmoor, I would view it as a breach of faith if the Montgomery County Park and Planning Commission would grant the CMMC request.

Most sincerely,

  
George B. Baily, Jr.

Christine G. Webb  
10305 Pierce Drive  
Silver Spring, MD 20901

January 24, 2007

Ms. Elsabett Tesfaye  
Development Review Division  
Maryland-National Capital Park & Planning Commission  
8787 Georgia Avenue  
Silver Spring, MD 20910

**RE: Petition for Special Exception for Service Organization at 7 Timberwood Ave.  
Docket No. S-2689**

Dear Ms. Tesfaye –

---

I **oppose** the petition for Special Exception for 7 Timberwood Avenue, which intersects my own street Pierce Drive, for the following reasons:

1. We have lived in Woodmoor for twenty-three years now, and very much love our neighborhood with its warm community flavor. By allowing any Special Exception we open ourselves up to potential regret in the future, with additional special exceptions to follow. This has nothing to do with the merits and integrity of the current applicant. It is purely the precedent that it would set.
2. This significant and permanent zoning change is inconsistent with the Four Corners Master Plan which includes the objective of strengthening the distinction between commercial and residential land uses. The proposed use would weaken this distinction. The Master Plan also specifically discourages special exceptions in this area and our neighborhood has consistently opposed such a zoning change. The area is zoned R-60 for residential single-family use. We have specific areas in Four Corners that are already zoned for commercial and office use, including an already existing office park that has ample parking. There is vacant office space available in the area and there is no need to convert a single family house to an office building.
3. The level of activity would have a negative impact on the neighborhood. According to a recent traffic study, the intersection of Timberwood Avenue and Colesville Road exceeds the congestion standard and is the most congested intersection in the Four Corners area. Converting the home at this intersection to an office building and the proposed use would add to the existing infrastructure and pedestrian safety problems.

4. The proposed changes to the property and the expected level of activity from the headquarters of a large organization are not compatible with the character of the existing neighborhood. Converting the house to permanent offices for 13 employees and the construction of a 3,000 square foot asphalt parking facility for 8 cars is not compatible with the residential character of surrounding properties. In addition, the applicant's parking plan is insufficient for the level of activity that is expected from this non-residential use. When considering the number of employees (13), volunteers, employees from other subsidiaries, client visits, committee meetings and other special events that would be typical for such a large organization, it is apparent that the parking plan is insufficient to accommodate this use. Parking is prohibited on Timberwood Avenue and Colesville Road. And while the applicant requested capacity from the adjacent shopping center, there are no additional spaces available there. The shopping center parking deficit has been the topic of discussion at our community meetings for years, and may now worsen with the loss of an additional 26 spaces when the new Bank of America is built.

The proposed special exception is not suitable for this location and I (and my husband Howard) ask that you deny this proposal. For the good of the Woodmoor community, please deny this proposal.

---

Thank you.

Sincerely,



Christine Webb

Cc:  
Office of Zoning and Administrative Hearings  
Stella B. Werner Council Office Building  
100 Maryland Avenue, Room 200  
Rockville, MD 20850

Byrne Peake, President WPCA

January 25, 2007

Ms. Elsabett Tesfaye  
Development Review Board Division  
Maryland- National Capital Park & Planning Commission  
8787 Georgia Ave  
Silver Spring, Maryland 20910

**Re: Petition for Special Exception for Service Organization at 7 Timberwood Ave  
Docket No S-2689**

Dear Ms. Tesfaye,

I am writing to you in reference of case number S-2689. I object and oppose this petition. The Development Review Division must consider the Four Corners Master plan which is zoned R-60 for residential single-family homes. The plan specifically states, "This Plan discourages special exceptions in residential areas immediately adjacent to the commercial district. Residential neighborhoods immediately adjacent to the Four Corners commercial district are particularly vulnerable to encroachment of non-residential uses, as are single-family homes along major highways." My additional concerns are parking and traffic circulation at the already over taxed intersections of Pierce Drive, Timberwood, Lexington and University Blvd and the impact of the increased level of activity on the surrounding neighborhood. Lastly, I object and oppose to this petition since it is very important to keep and maintain the community as a single-family home community in Woodmoor. Keeping and attracting families to our community should be an important consideration of the review board.

I have been a Woodmoor home owner and community member since 1985. My daughter has grown up in the Woodmoor community. My family is very much apart of the Woodmoor community. We enjoy our neighbors, taking walks, gardening, neighborhood cookouts, participating in the 4<sup>th</sup> of July parade, tree lighting ceremony, arts festival, and Oktoberfest. Our yard has been featured several times on the annual Woodmoor Garden Walk. We have chosen to stay in the Woodmoor community because we are a "community" of families, children, pets and especially neighbors.

In closing, please keep the Four Corners Master Plan zoned R-60 for residential single-family homes as it was originally intended and oppose the Special Exception.

Sincerely,

Marianne Keffer-Zweig  
10306 Pierce Drive  
Silver Spring, MD 20901  
301-681-3650

FACSIMILE TRANSMITTAL SHEET

TO: Elsabett 'lesfaye

FROM: H. Quinn

COMPANY: M-NCPPC

DATE: 1/26/2007

FAX NUMBER: 301-495-1306

TOTAL NO. OF PAGES INCLUDING COVER: 6

PHONE NUMBER: 301-495-1301

SENDER'S REFERENCE NUMBER:

RE: Petitions - Opposition to Special Exception

YOUR REFERENCE NUMBER:

- URGENT
- FOR REVIEW
- PLEASE COMMENT
- PLEASE REPLY
- PLEASE RECYCLE

NOTES/COMMENTS:

Attached please find Petitions signed by 62 residents opposed to the Special Exception at 7 Timberwod. These began circulating following our Association meeting this past Wednesday, January 24. We did not have a meeting in December and the Association was first presented with the plan at our November 29, 2006 meeting. The Association voted to oppose the Special Exception at the November meeting. This vote was further reinforced at our meeting on January 24. Hard Copy has been mailed.

The following Woodmoor residents are opposed to the Special Exception Application (S- 2689) for 7 Timberwood Avenue because the proposed use does not conform with the Four Corners Master Plan and is not compatible with the existing neighborhood.

PRINT NAME	PRINT ADDRESS	SIGNATURE	DATE
David G. Dixon	429 S. Lawrence Dr. <sup>SS.</sup> Woodstock	David G. Dixon	1-24-07
David L. Williams	307 Hilltop Dr	David L. Williams	1/25/07
See mtg.	322 Grand rd	See Photos	1/22/07
Janette Marino	303 Lexington Drive	Janette Marino	1/24/07
Sue Hildebrandt	10413 Brookman Dr	Sue Hildebrandt	1/24/07
Marie Kree	124 Lyman Ave Dr	Margaret Kree	1/24/07
Elizabeth H. Cannon	2 Woodmoor Dr	Elizabeth Cannon	1/24/07
Hurret Quinn	10419 Brookmar Dr	Hurret Quinn	1/24/07
James Williamson	9910 Edgehill Lane	James Williamson	1/24/07
Karon Durand	218 Whitmore Ter.	Karon Durand	1/24/07
Scott Brown	218 Whitmore Ter.	Scott Brown	1/24/07
Mary Ellen Spue	218 Whitmore Ter.	Mary Ellen Spue	1/24/07
Donald E. Stover	228 Whitmore Terrace	Donald E. Stover	1/25/07
Alamy Landrum	219 Whitmore Ter	Alamy Landrum	1/25/07
Elizabeth Koontz	219 Whitmore Ter	Elizabeth Koontz	1/25/07
Fran Sadoff-108a	219 Whitmore Terrace	Fran Sadoff-108a	1/25/07



The following Woodmoor residents are opposed to the Special Exception Application (S-2689) for 7 Timberwood Avenue because the proposed use does not conform with the Four Corners Master Plan and is not compatible with the existing neighborhood.

PRINT NAME	PRINT ADDRESS	SIGNATURE	DATE
DEBORA WINTER	10309 CHERYL TERE	Debra Winter	1/24/07
Emma Weaver	10813 Pierce Dr.	Emma Weaver	1/26/07
MARLA ZIMMERS	10509 Joyce Dr.	Marla Zimmer	1/24/07
Mirabella Lewelink	109 Williamsburg Dr	Mirabella Lewelink	1/24/07
Kevin Rame	10415 Rockwood Dr	Kevin Rame	1/24/2007
STERLING NEWELL	130 WILDMOR TER	Stewart	1/25/07
Beverly Newell	130 Wildmor Ter	Beverly & Stewart	1/25/07
DAVID BOSS	215 WILDMOR TER	David	1/25/07
CARE BOSS	215 WILDMOR TER	Care	1/25/07
LIDA VALEGA	203 WILDMOR TER	Lida	1/21/07
THOMAS VALEGA	203 WILDMOR TER	Tom	1/25/07
Rachel Backhurst	204 WILDMOR TER	Rachel Backhurst	1/25/07
Stuart Backhurst	204 WILDMOR TER	Stuart	1/25/07
Kay Vincent	204 WILDMOR TER	Kay	1/25/07
Paula Mitchell	204 WILDMOR TER	Paula Mitchell	1/25/07
Michelle Mitchell	204 WILDMOR TER	Michelle Mitchell	1/25/07

The following Woodmoor residents are opposed to the Special Exception Application (S-2689) for 7 Timberwood Avenue because the proposed use does not conform with the Four Corners Master Plan and is not compatible with the existing neighborhood.

PRINT NAME	PRINT ADDRESS	SIGNATURE	DATE
RICHARD CLAYBORN	9907 Edgehill Ln.	<i>Richard Clayborn</i>	1/24/07
WILLIAM BEARDS	404 ST LAWRENCE DR	<i>William Beards</i>	1/24/07
Christine Webb	10305 Pierce Dr.	<i>Christine Webb</i>	1/24/07
Mrsula Luffman	307 Hillman Dr.	<i>Mrsula Luffman</i>	1-24-07
William L. Gray	10205 Pierce Dr	<i>William L. Gray</i>	1-24-07
Molly O. Sanders Smith	10305 Woodmoor Circle W.	<i>Molly O. Sanders Smith</i>	1-24-07
<del>James L. Jones</del>	<del>224 Williams Blvd</del>	<del><i>James L. Jones</i></del>	1-24-07
BRYAN FRANK	204 Williams Blvd	<i>Bryan Frank</i>	1-24-07
<del>Walter T. Jones</del>	<del>233 Whitman Terrace</del>	<del><i>Walter T. Jones</i></del>	1-25-07
Jennifer Keilly	229 Whitman Terr.	<i>Jennifer Keilly</i>	1-25-07
Larry DeBauer	120 Estman Dr.	<i>Larry DeBauer</i>	1/25/07
Richard Berglund	123 Lymanwood Dr.	<i>Richard Berglund</i>	1/25/07
Donna Alexander	130 Lymanwood Dr.	<i>Donna Alexander</i>	1/25/07
Julia P. Jones	114 Lymanwood Dr.	<i>Julia P. Jones</i>	1/25/07
Arlyn Phelan	16 Lymanwood Dr.	<i>Arlyn Phelan</i>	1/25/07
Mary DeMunard	16 Lymanwood Dr.	<i>Mary DeMunard</i>	1/25/07

The following Woodmoor residents are opposed to the Special Exception Application (S-2689) for 7 Timberwood Avenue because the proposed use does not conform with the Four Corners Master Plan and is not compatible with the existing neighborhood.

PRINT NAME	PRINT ADDRESS	SIGNATURE	DATE
Michelle Harrison	10311 Ridgemoor Dr	Michelle R Harrison	01-24-07
Richard Lebow	217 WHITMOOR TER	Richard Lebow	1/25/07
Larry Morales	226 WHITMOOR TER	Larry Morales	1/25/07
Nicholas Clements	226 WHITMOOR TER	Nicholas Clements	1-25-07
Michelle Becker	225 WHITMOOR TER	Michelle Becker	1/25/07
C. Soabe	225 Whitmoor Ter	C. Soabe	1/25/07
SUSAN MATHEWS	331 WHITMOOR TER	Susan Mathews	1/25/07
JUDE STECK	321 WHITMOOR TER	Jude Steck	
JOE EYJEN	10311 RIDGEMOOR DR	Joe EYJEN	24 JAN 07
PAUL MORAWSKI	234 WHITMOOR TER	Paul Morawski	25 JAN 07
KATHARINE MORAWSKI	234 WHITMOOR TER	Katharine Morawski	25 JAN 07



RDW DRAFT (1/24/)

Staff Recommendation: Denial of the special exception application filed by Community Ministry of Montgomery County to operate a service organization at 7 Timberwood Avenue, Silver Spring.

Rationale:

Although the application complies with the lot size, building coverage, green area, frontage, and parking standards of 59-G2.42 and several of the general conditions required of all special exceptions, it fails to satisfy other important standards.

Operation of a special exception at the proposed location is inconsistent with the land use objectives of the approved and adopted 1996 Four Corners Master Plan. The plan specifically discourages any non-residential special exception in a residential area adjacent to the Four Corners commercial district. The zoning code requires that if granting a special exception at a particular location would be inconsistent with the land use objectives of the applicable master plan, a recommendation to grant the special exception must include specific findings as to master plan consistency. Staff is not able to make a finding of master plan consistency in this case.

The proposed level of activity, number of parking spaces, expanded parking surface, driveway modifications, and modifications to the residential structure, potentially alter the residential character of the property and are more representative of the non-residential uses south and southwest of the property. The master plan specifically discourages any use that could be a threat to the overall integrity and residential character of the neighborhood.

The development of eight on-site stacked parking spaces is not a suitable design for a residential neighborhood. Unsafe parking and circulation conditions are potentially created. Stacked parking is more typical in a commercially zoned area.

## MEMORANDUM

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**TO:** Byrne Peake & The Woodmoor/Pinecrest Community  
**FROM:** Rebecca D. Willens/Miles & Stockbridge, P.C.  
**RE:** Special Exception for Community Ministry (7 Timberwood Ave)  
**DATE:** December 11, 2006

---

Byrne: You have asked, on behalf of the Woodmoor-Pinecrest Neighborhood, that we provide you with some additional information regarding the Service Organization category and Special Exception sought by Community Ministry of Montgomery County for the property located at 7 Timberwood Avenue.

Per 59-A-2.1 of the Zoning Ordinance, a Service Organization is "Any nonprofit organization the services of which are devoted entirely to the betterment or improvement of the community in which it is located, including Lions, Kiwanis, Rotary, Optimists, Civitans and like organizations." (emphasis added)

As you know, Community Ministry is a non-profit organization that devotes its time, attention, charity, and services to the betterment of the Montgomery County community as a whole.

Pursuant to 59-C-1.31 of the Zoning Ordinance a Service Organization requires a special exception in the R-60 Zone.

Sec. 59-G-2.42 of the Zoning Ordinance provides the requirements for a lot to be considered as a viable special exception for Private clubs and Service Organizations.

"A private club or service organization, including a community building, must meet the following standards:

- (a) Lot size: Twice the minimum required in the zone, up to a maximum of 3 acres.
- (b) Maximum building coverage: 15% up to a maximum building coverage, including accessory buildings, of 20,000 square feet.
- (c) Green area: 50%
- (d) Frontage: Twice the minimum required in the zone.
- (e) Parking: 2.5 spaces per each 1,000 square feet of floor area."

Here, the minimum lot size for the R-60 zone is 6,000 square feet. Therefore, for a property to be sufficient to seek a service organization special exception the property must, at a minimum, contain 12,000 square feet on one lot. The Timberwood Property contains 13,109 sf.

Per your request I have analyzed many of the lots in the vicinity of the 7 Timberwood Avenue Property in an attempt to ascertain which properties might be suitable for such a special exception. I have attempted to analyze lots that are similarly situated to the Timberwood Property in that they are corner lots, typically larger than the surrounding lots, and are located within walking distance to the Woodmoor Commercial Center.

Enclosed please find a copy of the applicable tax map for this area. The Community Ministry Property is highlighted in Pink. I have analyzed the lot size, based upon the tax records, of each of the lots highlighted in yellow (31 lots) within the immediate vicinity of the Timberwood Property and located immediately adjacent to the Woodmoor Commercial Center. Other than the property located at 7 Timberwood, there were no properties on the enclosed map that are able to meet the criteria set forth in Section 59-G-2.24 for a Service Organization because none of these 31 lots had sufficient square footage to meet the "twice the minimum required in the zone" requirement.

Per 59-C-1.31 (Land Uses), a Service Organization is a Special Exception use in the R-60 zone. Private Clubs and Service Organizations are within the subcategory of "Cultural, entertainment and recreational". There are only two other special exception uses within this subcategory that are permitted in the R-60 zone: Golf courses and country clubs and community swimming pools.

~~A Special Exception is a use that has been legislatively predetermined to be compatible with other uses that are permitted of right in a particular zone. *Eastern Outdoor Advertising Co. v. City Council of Baltimore*, 128 Md. App. 294, 739 A.2d 854 (1999). It is presumed that every Special Exception results in some adverse impact to other uses in the same zone; however it is a permissible use in that zone as long as the general and specific standards of the Zoning Ordinance that apply to the Special Exception use are satisfied.~~

Here, we are requesting a Service Organization Special Exception. The use of the Timberwood Property by Community Ministry will be limited primarily to operating hours of 9am-5pm Monday through Friday. There will be no work conducted at the site on weekends. These limitations, as well as the limitation on the number of employees and other individuals that can be on the property at one time will serve to appropriately limit the impact of the use on the surrounding neighborhood.

As we briefly discussed during the community meeting, we may have been able to apply for a special exception as a Charitable Philanthropic Institution. The applicable standards for a Charitable Philanthropic Institution are found in 59-G-2.21 of the County Code. The applicable standards for such a special exception in a residential one-family zone are found in subsection (2). The applicable standards are as follows:

- (i) Minimum side yard setback: Twice the minimum required for the zone (we meet this requirement)
- (ii) Minimum frontage: twice the minimum required for the zone. (we meet this requirement)
- (iii) Minimum green area: 50% in the R-60 Zone (we meet this standard and are providing 66.9% green area)
- (iv) Maximum FAR: .25 or 100,000 square feet (we meet this standard)
- (v) Maximum building height: 35 feet. (we are less than 25 feet in height)
- (vi) The Property must front on and have direct access to a public street or roadway having more than one through travel lane in each direction of travel. Access to a

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corner lot may be from an adjoining primary street, constructed to primary standards, if the Board finds this access to be appropriate and not detrimental to existing residential uses on that primary street. Here, there is a curb cut to Route 29 on the property; however we did not want to use this access for safety reasons and concerns regarding pulling out onto Route 29 at Woodmoor Circle.

Parking for the Charitable Philanthropic Institution is dictated by 59-E-3.7 of the ordinance. Section 59-E-3.7 dictates the parking requirements for this special exception is in accordance with the general office parking standard. We meet this standard as well.

I hope that this additional information will put to rest any community concerns regarding Community Ministry's decision to apply as a Service Organization, rather than a Charitable Philanthropic Institution. This decision was in no way an attempt to skirt any of the requirements of the Ordinance, as we meet the requisite development standards.

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I hope that the expanded explanations on some of these matters will assist you and the community in understanding the special exception process and various categories. Again, I thank you for the opportunity to meet with yourself and the community.

We are hopeful that the community will give Community Ministry of Montgomery County the chance to be a good neighbor and active member of the Woodmoor Pinecrest community.

Should you have any questions, please do not hesitate to call me at 301-517-4830.

cc: Community Ministry of Montgomery County



To: CMMC Staff Working at our Administrative Headquarters

From: Becky Wagner

Re: Car Pool Incentives

Effective February 1, 2007 CMMC employees working at our headquarters will receive incentives for using carpools or public transportation.

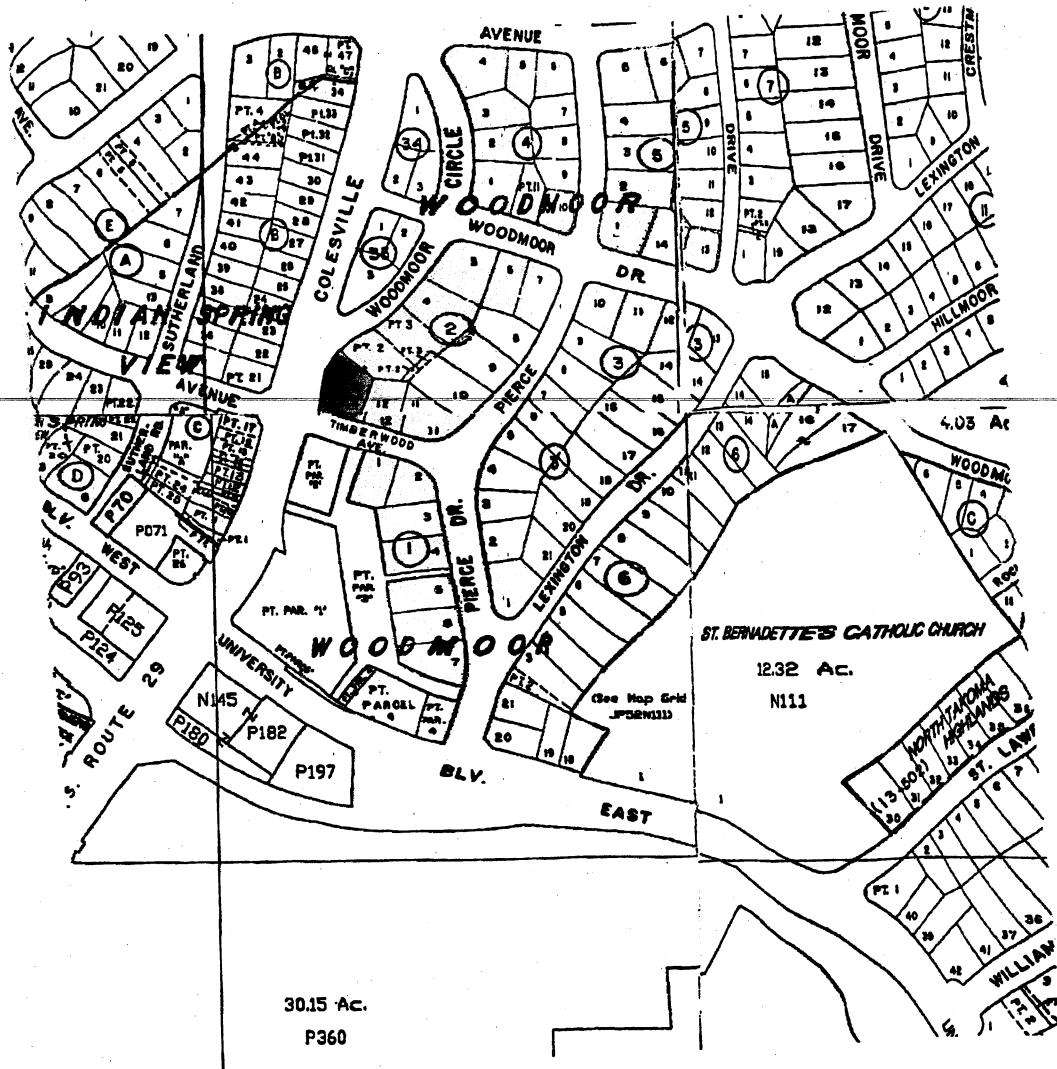
The purpose of this benefit is:

1. To reduce the need for parking. Our current space in Rockville is limited, and employees parking in the lot across the street are challenged with heavy traffic and an unsafe pedestrian area. Our new location in Silver Spring will have six stacked parking spaces, and we want to maximize the usage of those spaces, without needing additional space.
2. To lower the cost of getting to work. You can save hundreds of dollars a year in auto expenses (gas, insurance, maintenance, etc). In addition, you can work or relax during your commute and reduce the stress created by driving in our congested county!
3. To enhance community relations. We can help reduce environmental pollution and overcrowded roads, and assure that our neighbors recognize our partnership in keeping the neighborhood a desirable place to work and play.

If you carpool or take a bus to work, you will receive \$2 per day toward the cost of your commute, and a maximum of \$80 a month. How do you access this benefit?

Use your monthly expense report to record the days you came to work by carpool or took the bus. If you have a Metro bus, Ride-On or MARC train fare card, copy the card and attach it to your report as a receipt. If you are part of a carpool, sign the attached form indicating the days you came in the carpool, the person with whom you shared the ride and sign the form, attaching it to the expense report.

I hope you will take advantage of this opportunity on a regular basis.



■ = subject property

□ = properties reviewed

Case No. 169

PETITION OF MRS. RITA F. PETERSON

(Hearing held April 2<sup>2</sup>, 1954; case decided June 4, 1954)

OPINION

This is a petition by Mrs. Rita F. Peterson, requesting permission under provisions of Section 176-28k(1)c(1) of the Zoning Ordinance (Chap. 176, Mont. Co. Code, 1950, as amended) to use as a private educational institution (dancing school) for not more than 20 students at any one time, a dwelling already erected on Lot 1, Block 2, Woodmoor Subdivision, Silver Spring, Maryland, the same also being known as 7 Timberwood Avenue.

The same petitioner was denied a similar special exception for a dancing school at the same location in Case No. 990, rehearing denied January 11, 1951, and the Board was sustained by the Circuit Court for Montgomery County on October 31, 1952, in No. 1800 Misc. Petitions. The reasons for that denial included the statement that the operation of the dancing school constituted a nuisance because of traffic, number of students and noise incident to the type of physical activity at said school.

In this case petitioner filed under Section 176-28k(1)c(1) which is somewhat less restrictive than the prior Ordinance as to the number of students defined under the term "maximum attendance" in the present Ordinance. Now petitioner may presumably have any number of classes provided not more than 20 students are physically present on the premises at any one time. This provision, however, does not eliminate compliance with Sections 176-26 and 176-27, nor does it eliminate compliance with Section 176-28k(1).

Petitioner testified that she has been conducting dancing classes in a commercial area near her home, that she now has a total enrollment of 264, but that she has lost one teacher and if permitted to conduct dancing classes in the basement of her home she expected a maximum attendance of 150 students, but not more than 20 at any one time and expected to do all the teaching herself.

While it is true that petitioner lives only one block from a commercial area it is likewise true that the family next door oppose this petition on the grounds that when students came to petitioner's home in earlier years for dancing lessons they parked their cars on their lawn, blocked their driveway, gathered in front of their home in groups and engaged in loud talking which was very annoying; that what happened in 1950, 1951, and 1952 will happen all over again. Under the principle announced in the Malaskey Case No. 108, a detrimental effect upon one or more adjacent properties is sufficient reason for denying a petition for a special exception.

Petitioner came to the hearing without any plan for off-street parking

and disclosed her plan for having cars parked on the space between her lot line and Colesville Road. This Board is in no position to decide whether the impromptu arrangements suggested by petitioner on the spur of the moment are in compliance with the zoning regulations. The fact that the building inspector has responsibilities with respect to the off-street parking requirements does not remove from this Board its own responsibilities with respect to that problem.

Another witness who appeared as a member of Executive Board of the Woodmoor Citizens Association, as well as an individual citizen, testified that the Association was opposed to this petition on numerous grounds, including the problems of parking, traffic, and the fact that this enterprise could lead to further commercialization of the area.

In these circumstances petitioner has not satisfied the requirements of Section 176-26 or Section 176-28k(1) and the petition must therefore be denied.

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The Board adopted the following Resolution:

"Be it Resolved by the County Board of Appeals for Montgomery County, Maryland, that the opinion stated above be adopted as the Resolution required by law, as its decision on the above-entitled application."

The foregoing Resolution was proposed by Mr. James J. Hayden, Chairman, and was concurred in by Mr. William A. Quinlan, Vice Chairman; and Mr. Milton A. Smith, constituting all the members of the Board.

Edw. B. Barber  
Secretary to the Board

I do hereby certify that the foregoing Minutes were officially entered on the Minute Book of the County Board of Appeals this 7th day of June, 1954.

Edw. B. Barber  
Secretary

## ORDER EXTENDING TIME FOR FINAL DECISION

Case No. 169, Mrs. Rita F. Peterson -  
Case No. 170, Albert Walker, et al -  
Case No. 175, Waitman Allen

Be it Resolved by the County Board of Appeals for Montgomery County, Maryland, that pursuant to Rule 6.1 of the Rules of Procedure of this Board that the time for final decision on these applications (Cases No. 169, 170, 175,) be, and it hereby is, extended for 30 days, to June 22, 1954."

*Edward B. Barber*  
Secretary to the Board

Entered on the Minute Book  
of the County Board of Appeals  
this 21st day of May, 1954.