



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

MCPB
Item #
Date: 02/14/08

MEMORANDUM:

DATE: January 28, 2008

TO: Montgomery County Board of Appeals

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

FROM: Carlton W. Gilbert, Planner Coordinator (301) 495-4576 *CWG*

SUBJECT: **Board of Appeals Petition No. SE-08-01 (Special Exception):**
Shanti and Sona G. Vaidya, applicants, request for approval of a
special exception for a Child Day Care facility for up to 12 children
located at 9201 Bardon Road, Bethesda, R-60 Zone.

MASTER PLAN 1990 Bethesda-Chevy Master Plan
FILING DATE: November 1, 2007
PUBLIC HEARING: February 22, 2008

STAFF RECOMMENDATION: APPROVAL with the following conditions:

1. All evidence, testimony and exhibits of record are binding on the applicant.
2. The child day care use must be limited to 12 children no older than two and one-half years, and two non-resident employees.
3. Permitted hours of operation are Monday thru Friday only, 7:30 a.m. to 5:30 p.m.
4. The arrival and pick-up times for children must be staggered between 7:30 a.m. and 9:00 a.m. during the morning drop-off and between 4:30 p.m. to 5:30 p.m. in the evening.

5. Must comply with Maryland State and Montgomery County standards for the operation of a child day care facility.
6. That at least 50 percent of the children using the site must be children of employees at the National Institute of Health (NIH).

In staff's view, the proposed child day care use at this location satisfies the specific special exception requirements of 59-G-2.13.1. With the conditions recommended by staff, the proposed use will not constitute a nuisance because of traffic or physical activity and will not adversely affect the residential character of the surrounding properties. Furthermore, the proposed use is consistent with the recommendations of the 1990 Bethesda-Chevy Chase Master Plan.

Project Summary

The applicants, Shanti and Sona Vaidya, request a special exception to permit a child day care home for 12 children at 9201 Bardon Road in Bethesda. A licensed child care business for up to 8 children for which a special exception is not required has been operating on the site since 2002. Specifically, the subject application proposes an increase from 8 to 12 children.

The child day care business will operate in the existing two-story single-family dwelling owned by the applicants who are the providers and residents. The day care will be conducted on the first floor, which has three rooms dedicated to the business. The day care will have two full time non-resident employees. There are no changes proposed to the exterior of the existing dwelling. All of the activities associated with the business will be conducted within the home or in the rear yard, which is enclosed with a 6-foot high wooden privacy fence and a 3.5-foot metal picket fence.

Site Description

The subject property is a corner lot located in the northeast quadrant of the intersection of Bardon Road and West Cedar Lane. The property's legal description is Lot 10, Block B in the Wisconsin Estates subdivision and contains 10,704 square feet of land. The property has approximately 72 feet of street frontage along Bardon Road and approximately 99 feet of frontage along W. Cedar Lane. The property is improved with a two-story split-level dwelling that was constructed in 1957. The dwelling is setback 25 feet from Bardon Road. The dwelling has a right side yard of approximately 26 feet, a left side yard of 8 feet and a rear yard of 20 feet.

The property is accessed via a brick paved circular driveway from Bardon Road. The circular driveway has a diameter of approximately 64 feet and measures approximately 12 feet in width. There is a one-garage attached to the dwelling. The applicants intend to use the garage and the driveway in front of the house for parking two cars associated with the residence. The applicants indicate that the circular driveway provides an off-street location for pick-up and drop-off of children at the front of the day care home as

well as providing stacking space should parents arrive simultaneously. There are two parking spaces on Bardon Road, directly in front of the home, that will be used to park up to two cars for the non-resident employees.

The property is relatively flat and is landscaped with mature trees, shrubs and flowers. The rear yard of the property is fenced and contains an existing swing set and play area for use by the children. The existing wooden privacy fence will be maintained throughout the operation of the business.

Site inspection by staff reveals that the property is properly posted.

Neighborhood Description

The Wisconsin Estates neighborhood surrounding the subject property is bordered by Acacia Avenue to the north, Rockville Pike to the east, Old Georgetown Road to the west and the National Institute of Health (NIH) to the south. The neighborhood is zoned R-60 for single-family residences. Single-family dwellings are present on both sides of Bardon Road. The applicants indicate that approximately 80 percent of the children using the daycare have been children of employees at NIH. The applicants intend to continue to provide day care services to employees of NIH.

Elements of Proposal

The applicants propose to expand the existing child care facility by increasing the number of children from 8 to 12. The daycare will be located on the first floor of the existing home. The applicants propose to limit the children to a maximum age of two and one-half years. There are three rooms (total square footage of 821 square feet) that are used for activities and play area for the children. The combined square footage of the three rooms exceeds the minimum requirement of 420 square feet for twelve children. The rooms are shown on the attached daycare floor plan that was submitted with the application. The front entrance of the dwelling will be used by parents when picking up and dropping off their children. None of the daycare business will be conducted on the second floor of the dwelling.

The hours of operation will be between 7:30 a.m. and 5:30 p.m., Monday through Friday. Child care will not be provided on weekends or overnight at any time. Pick-up and drop-offs will occur on the circular driveway in front of the home, which provides adequate room for stacking of vehicles during morning drop-off and afternoon pick-ups. The applicants indicate that they will attempt to stagger arrival times for children between 7:30 a.m. and 9:30 a.m. during the morning drop-off and between 4:30 p.m. and 5:30 p.m. during the afternoon pick-up. Staff recommends that the applicant go a step further and include the staggered arrival times in the enrollment contract to be signed by parents.

There will be two non-resident employees, who will begin working at the site when the special exception is granted and a license is issued to increase the number of children

from 8 to 12. The employees will work from 7:30 a.m. to 5:30 p.m. The employees will be instructed to park on the street in front of the home.

Parking

By definition of a child daycare facility in 59-E-3.7, a total of four parking spaces (2 for the residential use and 2 for the daycare) are required for a group day care home, which is limited to a maximum of 12 children. The required number of spaces may be provided on the street abutting the site. As previously noted, the property contains a garage and a parking space in the driveway to accommodate the resident's vehicles. There is a large circular driveway that can park at least 4 additional vehicles during off-peak periods and that will be used by the parents for morning drop-off and afternoon pick-up. Additionally, there is adequate space (40 feet in length) on the public street in front of the dwelling. This area can accommodate two parallel parked vehicles. Parking on Bardon Road is by permit only. The applicants will provide two permits to the non-resident employees. Therefore, staff finds that the subject property provides adequate parking for the proposed use.

ANALYSIS

Master Plan

Staff finds that the use is consistent with the Bethesda-Chevy Chase Master Plan (1990). The Master Plan supports special exception uses that provide neighborhood-based services such as child day care in the Master Plan area. The Plan supports the location of child care centers in private homes as they "provide accessible day care services throughout residential neighborhoods within B-CC" (p. 155). In addition, the Plan states that registered group day care provides "services for significant numbers of residents and employees in the area" (p.155).

Transportation

Staff does not recommend any transportation conditions to support approval of the Special Exception petition, since the application meets the transportation-related requirements of the applicable Growth Policy.

Local Area Transportation Review

The Petitioner proposes to increase the number of children from the currently approved eight (8) to twelve (12) in the existing child day care facility. Based on information contained in the traffic statement submitted by the applicant, the site with the increased number of children would be expected to generate a maximum of sixteen (16) peak-hour trips during the weekday morning (6:30 a.m. to 9:30 a.m.) and evening (4:00 p.m. to 7:00 p.m.) peak periods. Since the site generates less than thirty (30) peak-hour

trips, no traffic study is required to satisfy the Local Area Transportation Review (LATR) test.

Policy Area Mobility Review

The site with the additional four (4) children would generate a maximum of four (4) new peak-hour trips. The site is located near the National Institute of Health (NIH) and a majority of the site generated trips are pass-by trips, and include trips by individuals that use the day care on their way to the NIH. The applicant proposed a condition of approval for this special exception that at least 50% of the children using the site be children of employees at NIH. Staff finds that 50% pass-by is reasonable and accepts 50% pass-by as a reduction from the new site generated trips. Therefore, since the site would generate fewer than three new peak- hour trips, the petitioner does not need to take any action to satisfy the Policy Area Mobility Review (PAMR) test.

Access and Vehicular/Pedestrian Circulation

Access to the site is provided from Bardon Road. Bardon Road is built as a secondary residential street with a 60-foot wide right-of-way and it connects to West Cedar Lane. The site has six (6) parking spaces on site, five (5) in the circular driveway and one (1) in the garage. Also, two (2) parking spaces on Bardon Road will be used for non-resident staff members. The large circular driveway provides safe drop-off and pick-up without any conflict with the street traffic. The site is located in a residential neighborhood with modest pedestrian activity in the vicinity of the site, and this situation will not change with the proposed use. Staff finds site access to be safe and adequate and the number of available parking spaces adequate to accommodate the proposed child daycare facility.

Transportation staff concludes that the approval of the subject special exception petition will not adversely affect the surrounding roadway system.

Environment

Environmental Planning staff recommends approval of the proposed special exception. No forest conservation issues are associated with the site.

Forest Conservation

There is no forest on-site. Because the property is under 40,000 square feet, the Montgomery County Forest Conservation Law is not applicable. There are no forest conservation issues associated with this request. A copy of the attached memo should be included in the future submittal of all permits relating to SE-08-1 to address the site's forest conservation requirements. There are no environmental issues or concerns associated with the subject proposal. No environmentally sensitive areas are located on the property.

Development Standards

The subject property is located in the R-60 zone, which permits the proposed use by special exception. The proposal conforms to all applicable development standards of the R-60 zone. The following table summarizes the development standards for the R-60 Zone that are applicable to the proposed special exception request:

Development Standard	Required	Proposed/Existing
Minimum Lot Area	6,000	9,655
Minimum Lot width: <ul style="list-style-type: none">at front building lineat street line	60 ft. 25 ft	72.5 ft. 72.5 ft.
Minimum Building Setback: Front Yards Side Yards <ul style="list-style-type: none">One sideSum of both sides Rear Yard	25 ft 8 ft 18 ft 20 ft	25 ft. 8 ft. 34 ft. Approx. 20 ft
Maximum Building Height	2 ½ stories or 35 ft	Approx. 25 ft.
Maximum Building Coverage	30%	18% Approx.

Landscape and Lighting

The attached Landscape and Lighting Plan show a total of ten lights mounted on the front, side, and rear of the dwelling. According to the plan, the light fixtures have a low wattage (60W), thus minimizing the glare onto adjoining properties. The existing landscaping on the site consists of several trees including dogwoods, maples, crepe myrtles, pine, and magnolia. The property is well landscaped with shrubbery and flowers in both the front and rear yards.

Sign: The display of a sign must comply with Article 59-F.

There is one sign located on the property. The size of the sign is 2 square feet and is shown on the Landscape and Lighting Plan. The display of the sign complies with the requirements of Section 59-F-4.2 (a) in terms of number, location and size.

Community Concerns

A letter in support of the proposed child care facility is attached. There is no evidence of concern or objection from adjoining neighbors regarding the use and operation of the subject facility.

Inherent and Non-Inherent Adverse Effects

The Zoning Ordinance specifies a standard of review for evaluating compliance with general and specific conditions that requires an analysis of inherent and non-inherent adverse effects.

The first step in analyzing the inherent and non-inherent adverse effects of a special exception or modification is to define the boundaries of the surrounding neighborhood.

Analysis of inherent and non-inherent adverse effects considers size, scale, scope, light, noise, traffic and environment. Every special exception has some or all of these effects in varying degrees. What must be determined during the course of review is whether these effects are acceptable or would create adverse impacts sufficient to result in denial. To that end, inherent adverse effects associated with the use must be determined. In addition, non-inherent effects must be determined as these effects may, by themselves, or in conjunction with inherent effects, form a sufficient basis to deny a special exception.

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

The inherent, generic physical and operational characteristics necessarily associated with a child day care include: (1) vehicular trips to and from the site; (2) outdoor play areas; (3) noise generated by children; (4) drop-off and pick-up areas; and (5) lighting.

The child care use in this application is approximately 821 square feet and is located in the first floor of the existing two-story single-family dwelling. There are no significant traffic impacts that would result from the proposed special exception. The plan provides adequate parking to serve the use. The circular driveway serves as drop-off and pick-up area for children. Existing lighting on the property is adequate and consistent with the residential character of the neighborhood. No new lighting will be added. There will be no changes to the existing dwelling, driveway, parking area in front of the dwelling, or play area in the rear yard. The front and rear yards are well landscaped with mature trees. Flowers and shrubbery are located in the front, side and rear of the dwelling.

Provided that the applicant complies with the recommended conditions, there will be no unacceptable inherent or non-inherent adverse impacts associated with the subject proposal that warrant denial. Staff did not find any non-inherent adverse effects.

General and Specific Special Exception Provisions

As noted in the following pages, all of the general and specific requirements for an accessory apartment found in Sections 59-G-1.21 and 59-G-2.00 of the Zoning Ordinance are satisfied.

59-G-1.21. General conditions.

- (a) A special exception may be granted when the Board, the Hearing Examiner, or the District Council, as the case may be, finds from a preponderance of the evidence of record that the proposed use:

- (1) Is a permissible special exception in the zone.

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

- (2) Complies with the standards and requirements set forth for the use in Division 59-G-2. The fact that a proposed use complies with all specific standards and requirements to grant a special exception does not create a presumption that the use is compatible with nearby properties and, in itself, is not sufficient to require a special exception to be granted.

Staff finds that the requested use satisfies the standards and requirements prescribed in Section 59-G-2.13.1 of the Zoning Ordinance.

- (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.

As previously stated, staff finds the use will be consistent with recommendations of the 1990 Approved and Adopted Bethesda-Chevy Chase Master Plan. The Master Plan supports the existing R-60 Zone for the subject property. Child day care facilities are allowed by special exception in that zone.

- (4) Will be in harmony with the general character of the neighborhood considering population density, design, scale and bulk of any proposed new structures, intensity and character of activity, traffic and parking conditions and number of similar uses.

The use will be in harmony with the general character of the surrounding residential neighborhood. The use will be located on the first floor of the existing dwelling and will not require construction of an addition to provide additional floor space. There is adequate parking. Traffic conditions will

not be affected adversely. Staff does not find an excess of similar uses in the defined neighborhood.

- (5) Will not be detrimental to the use, peaceful enjoyment, economic value or development of surrounding properties or the general neighborhood at the subject site, irrespective of any adverse effects the use might have if established elsewhere in the zone.

There is no evidence to support a finding that the use will be detrimental to the use, peaceful enjoyment, economic value or development of surrounding properties or the general neighborhood.

- (6) Will cause no objectionable noise, vibrations, fumes, odors, dust, illumination, glare, or physical activity at the subject site, irrespective of any adverse effects the use might have if established elsewhere in the zone.

Due to the nature of the proposed use, it is not expected to cause any objectionable noise, vibrations, fumes, odors, dust, illumination, glare, or physical or activity at the 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.

Staff finds the special exception will not increase the number, intensity or scope of special exception uses sufficiently to affect the area adversely, nor to alter the predominantly single-family residential character of the area. Since no new construction is proposed, the residential character of the neighborhood will not be altered.

- (8) Will not adversely affect the health, safety, security, morals or general welfare of residents, visitors or workers in the area at the subject site, irrespective of any adverse effects the use might have if established elsewhere in the zone.

There is no evidence to support a finding that the child care use would have an adverse effect on residents, visitors, or workers in the area.

- (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.

The subject site is already subdivided and will continue to be adequately served by public facilities. As previously indicated, staff also finds that the requested use satisfies the transportation-related requirements of the APF test.

- (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.

Staff finds that the application satisfies transportation related requirements and will not reduce the safety of vehicular or pedestrian traffic.

Sec. 59-G-2.13.1. Child day care facility.

- (a) The Hearing Examiner may approve a child day care facility for a maximum of 30 children if:

- (1) a plan is submitted showing the location of all buildings and structures, parking spaces, driveways, loading and unloading areas, play areas and other uses on the site.

The applicant has submitted site and landscape plans that satisfy these requirements.

- (2) parking is provided in accordance with the Parking Regulations of Article 59-E. The number of parking spaces may be reduced by the Hearing Examiner if the applicant demonstrates that the full number of spaces required in Section 59-E-3.7 is not necessary because:

(A) Existing parking spaces are available on adjacent property or on the street abutting the site that will satisfy the number of spaces required; or

(B) A reduced number of spaces would be sufficient to accommodate the proposed use without adversely affecting the surrounding area or creating safety problems;

Because the proposed daycare use is in a residential dwelling, the number of spaces required by Section 59-E-3.7 is four (2 for the home and 2 for the non-resident employees. The property contains a one-car garage and a parking space in the driveway to accommodate the resident's vehicles. There is a large circular driveway that can park at least 4 additional vehicles during off-peak periods and that will be used by the parents for morning drop-off and afternoon pick-up. Additionally, there is adequate space (40 feet in length) in front of the dwelling. This area can accommodate two parallel parked vehicles. Therefore, staff finds that the subject property provides adequate parking for the proposed use.

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

The existing circular driveway provides adequate area for the discharge and pick-up of children.

(4) the petitioner submits an affidavit that the petitioner will:

(A) comply with all applicable State and County requirements;

(B) a reduced number of spaces would be sufficient to accommodate the proposed use without adversely affecting the surrounding area or creating safety problems;

(C) be bound by the affidavit as a condition of approval for this special exception.

This is a condition of approval.

(5) The use is compatible with surrounding uses and will not result in a nuisance because of traffic, parking, noise or type of physical activity. The hearing examiner may require landscaping and screening and the submission of a plan showing the location, height, caliper, species, and other characteristics, in order to provide a physical and aesthetic barrier to protect surrounding properties from any adverse impacts resulting from the use.

With the recommended conditions, the use will be compatible with surrounding uses and will not result in nuisances due to traffic, parking, noise or any type of physical activity.

Conclusion

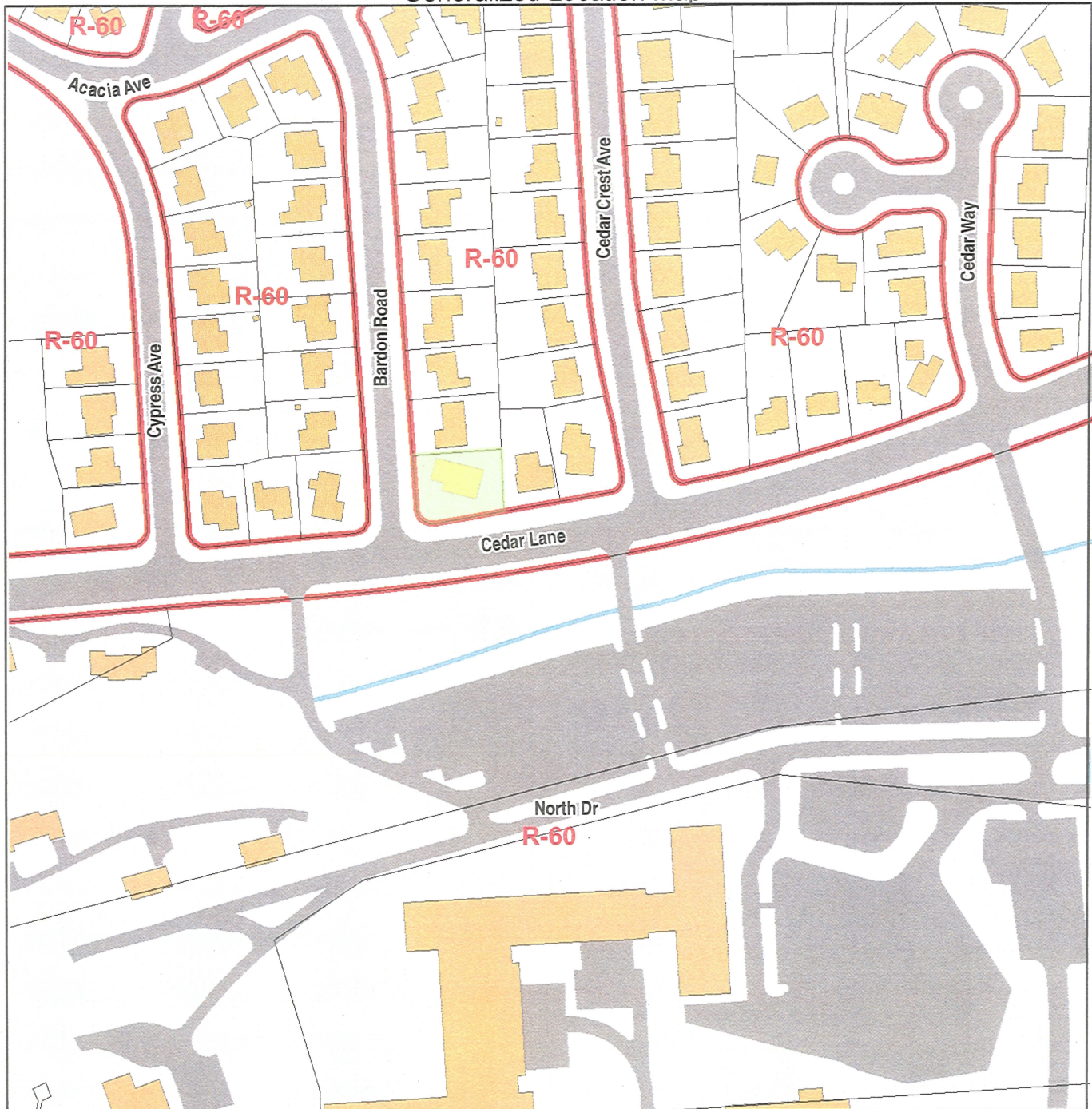
Based on the foregoing analysis, staff recommends approval of the application subject to the conditions found at the beginning of the technical staff report.

LIST OF ATTACHMENTS

1. Location Map
2. Surrounding Area Map
3. Zoning Map
4. House Location Survey
5. Landscape and Lighting Plan
6. Floor Plan
7. Elevations
8. Photographs
9. Community-Based Planning Memo
10. Transportation Planning Memo
11. Environmental Planning Memo
12. Letter of Support

ATTACHMENT 1

Generalized Location Map



LEGEND

- | | |
|---|--|
|  SE-08-01 Site |  Paved Area |
|  Parcel |  Lake and Pond |
|  Building |  Stream and River |

NOTICE:

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

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

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

1 inch = 200 feet
Address: 9201 Barton Road, Bethesda

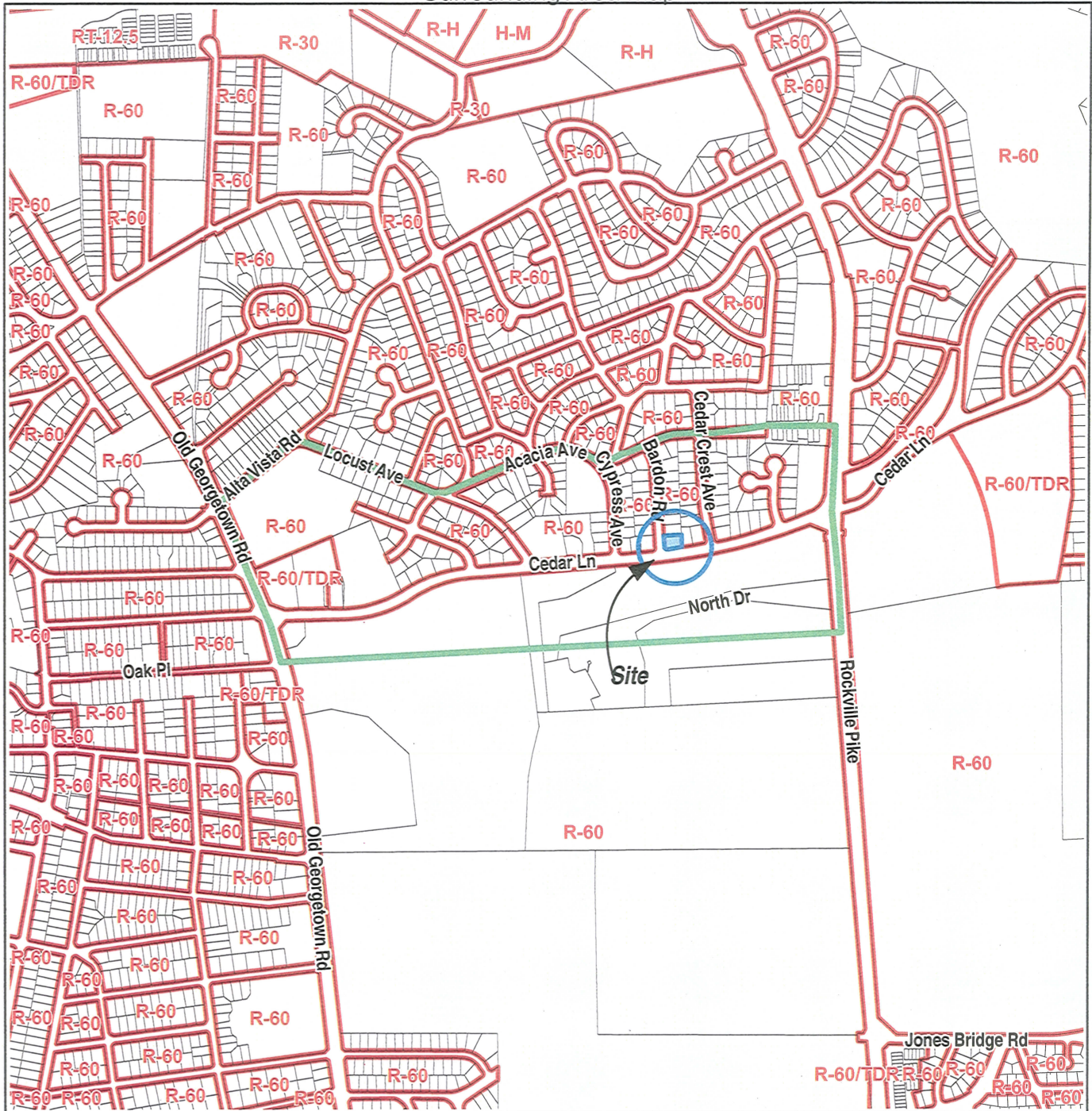
Key Map

NTS



ATTACHMENT 2

Surrounding Area Map



LEGEND

- | | |
|---|--|
|  SE-08-01 Site |  Paved Area |
|  Parcel |  Lake and Pond |
|  Building |  Stream and River |

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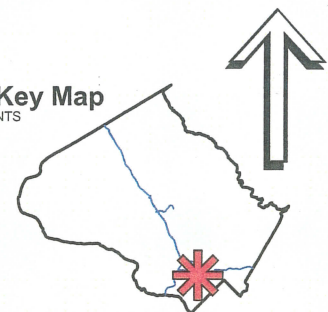
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1 inch = 1,000 feet
Address: 9201 Bardon Road, Bethesda

Key Map

NTS





NOTE:

THIS IS A TRUE COPY FROM THE FILES OF
THE MARYLAND - NATIONAL CAPITAL PARK &
PLANNING COMMISSION.

DATE 20 Aug 07 BY Lawrence A. Rorie

HOUSE LOCATION SURVEY
LOT 10 BLOCK B**WISCONSIN ESTATES**

Montgomery County, Maryland

Scale 1" = 30'

July 30, 1957

THOMAS G. OYSTER AND ASSOCIATES, INC.

Engineers and Surveyors

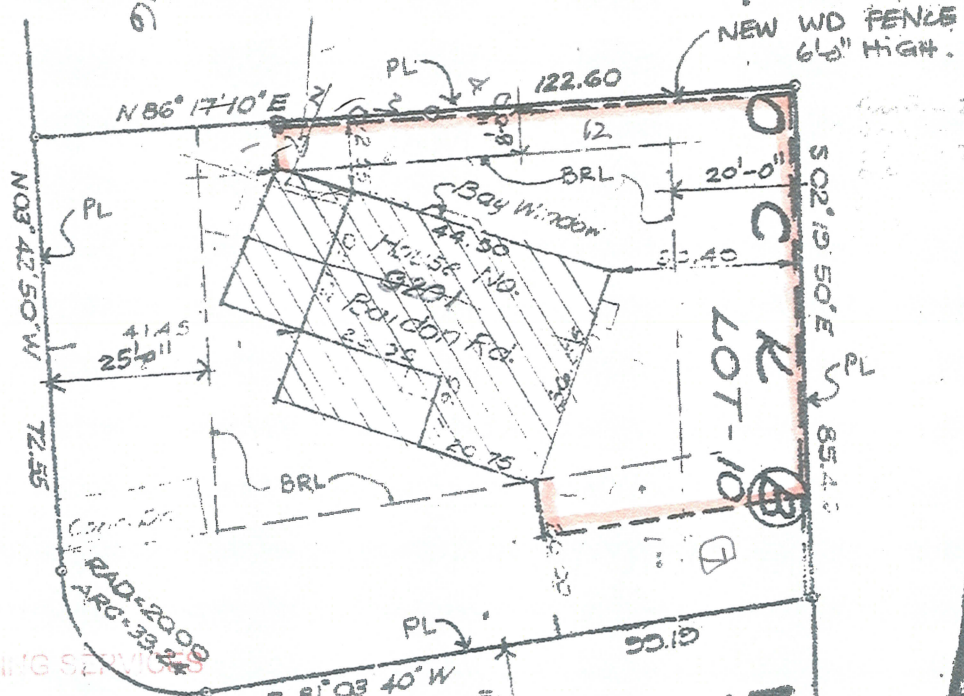
2419 Reenie Drive, Wheaton Triangle, Silver Spring, Md.

I hereby certify that the plot shown hereon is a correct plot of Lot 10 Block B WISCONSIN ESTATES as recorded among the Land Records of Montgomery County, Maryland in Plot Book 55 on Plot 4419. The location of improvements as shown hereon is correct and that they were located by a transit-tape survey made July 30, 1957 and there are no encroachments either way across property lines.

Certified correct as of NOV 27 1957

Wayne C. Greathouse

Wayne C. Greathouse
WAYNE C. GREATHOUSE
REGISTERED LAND SURVEYOR, MD. No. 2338

BARDON ROAD**LANE****CEDAR**

PREVIOUSLY DEDICATED

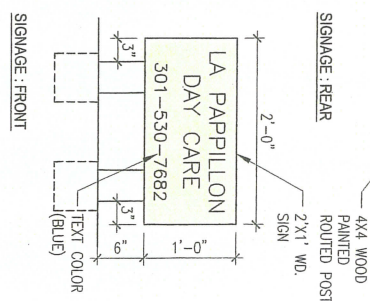
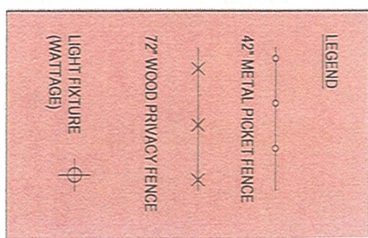
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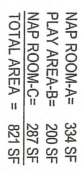
ZONE - R-60
FRONT 25'-0"
REAR 2'-0"
SIDE 8'-0"

Lot 10, Block B
Dist. of
Plot Book 55
Plot No. 4419

NOTE: EXISTENCE OF PROPERTY CORNER MARKERS
NOT GUARANTEED BY THIS SURVEY.

E-1525-A-1

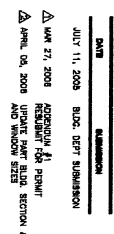




NAP ROOM-A=	334 SF
PLAY AREA-B=	200 SF
NAP ROOM-C=	287 SF
<u>TOTAL AREA =</u>	<u>821 SF</u>

DAYCARE FLOOR PLAN SCALE 1/8" = 1'-0"

VAIDYA RESIDENCE
9201 Bardon Road Bethesda Maryland 20814
Montgomery County - August 29, 2007



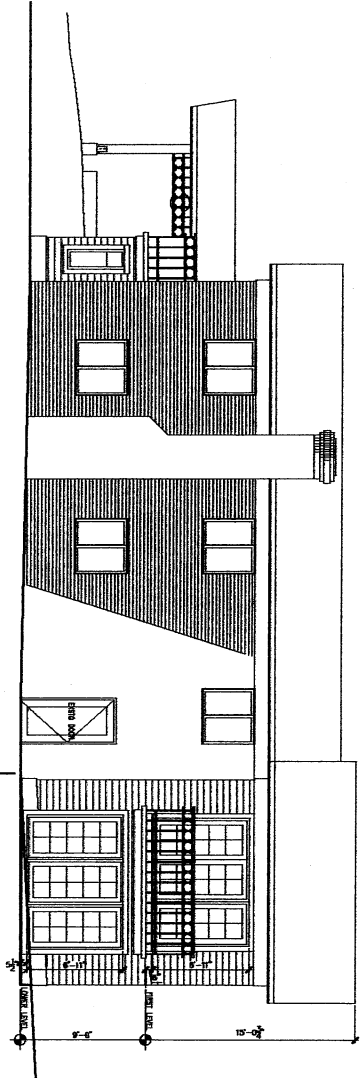


DATE: JULY 09, 2008
DRAWING: A4
CADD FILE:

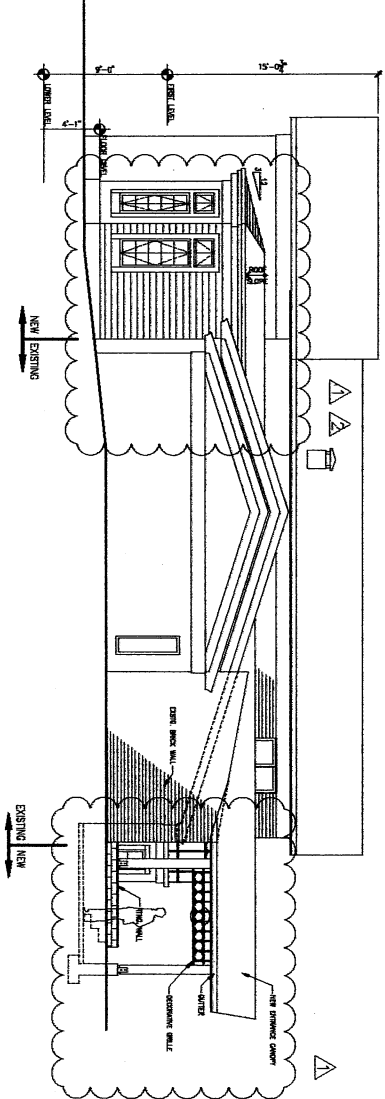
EXHIBIT NO. 16
REFERRAL NO. SE 08-1



GENERAL NOTE:
ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE BUILDING CODES AND SPECIFICATIONS.
DATE: JULY 11, 2008
SUBMISSION: JULY 11, 2008
APPROVAL: JULY 21, 2008
REVISION: JULY 21, 2008
APPROVAL: APRIL 08, 2008
REVISION: APRIL 08, 2008
AND WINDOW SIZES

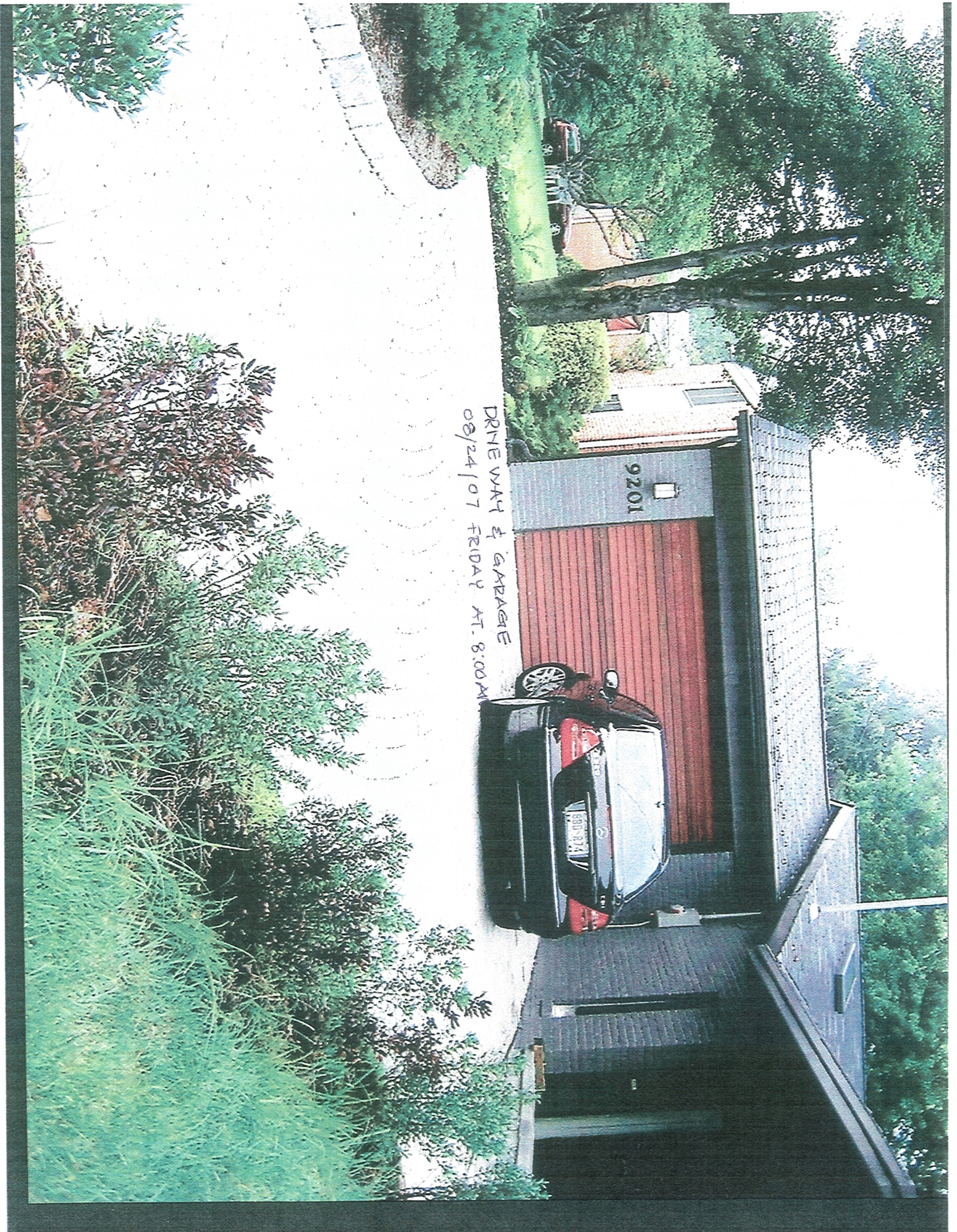


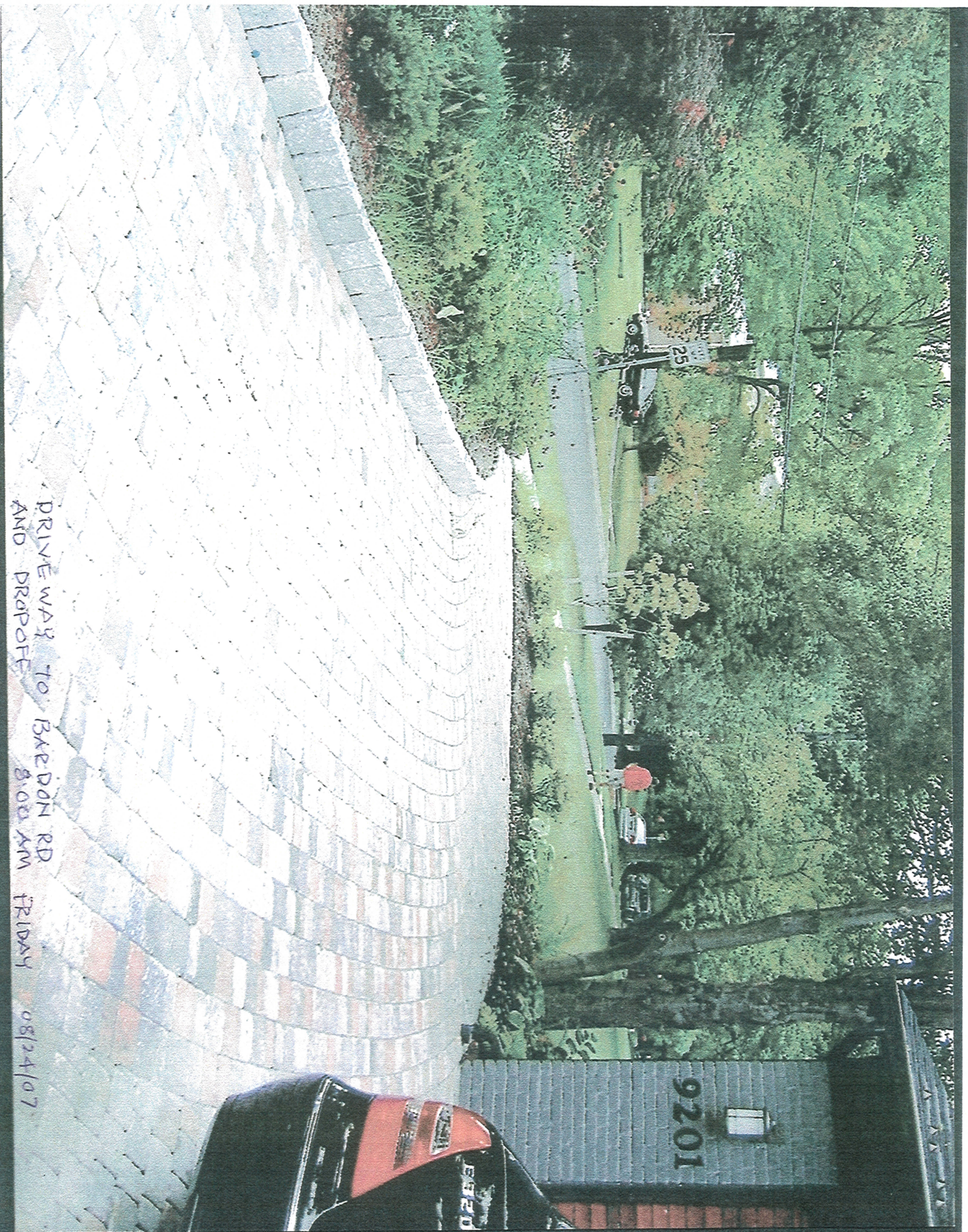
1
PROPOSED RIGHT SIDE ELEVATION
SCALE 1/4\"/>



2
PROPOSED LEFT SIDE ELEVATION
SCALE 1/4\"/>

VADYA HOUSE
VADYA HOUSE ARCHITECTS
1000 10TH AVENUE
SUITE 100
DENVER, CO 80202
TEL: 303.733.1000
WWW.VADYAHOUSE.COM
PROJECT NO. 08-001
DATE: JULY 11, 2008
DRAWING: 08-001-01
A5





DRIVEWAY TO BAEDON RD
AND DROP OFF 8:00 AM FRIDAY 08/24/07



BARDON ROAD

BARDON ROAD FROM CEDAR LANE
AT 8:00 AM, FRIDAY

NAP ROOM - (A)



RECEIVED
11/11/2011

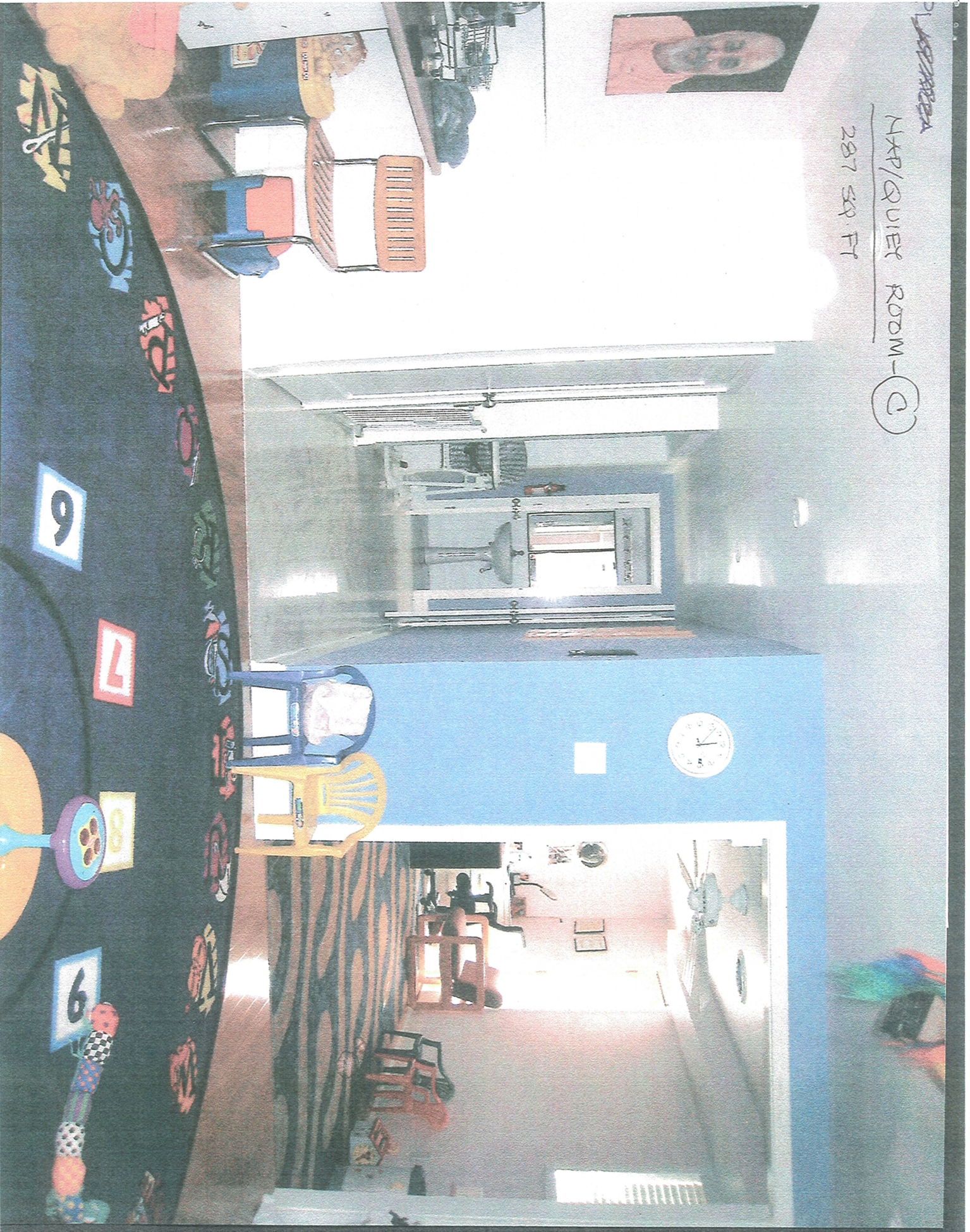
PLAY AREA - (B)
200 SQ. FT.



21. ~~APP AREA~~

APP/QUIET ROOM - (C)

287 SQ. FT





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

MEMORANDUM

DATE: January 15, 2008
TO: Carlton Gilbert, Development Review Division
VIA: Judy Daniel, Team Leader, B-CC/North Bethesda Team
FROM: Kristin O'Connor, Community-Based Planning Division
REVIEW TYPE: Special Exception Group Day Care
CASE NUMBER: Board of Appeals Petition No. S.E. 08-1
ZONE: R-60
LOCATION: 9201 Bardon Road, Bethesda
MASTER PLAN: 1990 Bethesda-Chevy Chase Master Plan

Master Plan Conformance

The subject property is located at 9201 Bardon Road in Bethesda and is zoned R-60. The property is located on lot 10, Block B, of the Maplewood Subdivision and is located directly north of the NIH campus, off Cedar Lane.

A private day care facility is a supported land use in the *Bethesda-Chevy Chase Master Plan* (1990). The Plan supports the location of child care centers in private homes as they "provide accessible day care services throughout residential neighborhoods within B-CC" (p.155). In addition, the Plan states that registered group day care provides "services for significant numbers of residents and employees in the area" (p. 155). Community-Based Planning staff defers to Development Review to define the neighborhood and to establish if there are too many existing special exceptions concentrated in this area.

Staff finds that the use is consistent with the *Bethesda-Chevy Chase Master Plan* (1990) which supports special exception uses that provide neighborhood-based services such as providing child day care in the Master Plan area.



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

January 29, 2008

MEMORANDUM:

TO: Carlton Gilbert
Development Review Division

VIA: Shahriar Etemadi, Supervisor *for KHK*
Transportation Planning

FROM: Ki H. Kim, Planner/Coordinator *KHK*
Transportation Planning

SUBJECT: Special Exception Application No. S.E. 08-1
Child Day Center at 9201 Bardon Road
Bethesda

This memorandum is Transportation Planning staff's Adequate Public Facilities (APF) review of the subject special exception petition. The subject special exception is for a child day center at the existing single-family detached dwelling unit located at 9201 Bardon Road, Bethesda.

RECOMMEDATION

Staff recommends no conditions required to support approval of the referenced Special Exception petition since the application meets the transportation-related requirements of the APF test.

DISCUSSION

Local Area Transportation Review

The Petitioner proposes increase of a number of children from the currently approved eight (8) to twelve (12) in the existing child day care facility. Based on information contained in the traffic statement submitted by the applicant, the site with an increase number of children would be expected to generate a maximum of sixteen (16) peak-hour trips during the weekday morning (6:30 a.m. to 9:30 a.m.) and evening (4:00 p.m. to 7:00 p.m.) peak periods. Since the site generates less than thirty (30) peak-hour trips, no traffic study is required to satisfy the Local Area Transportation Review (LATR) test.

Policy Area Mobility Review

The site with an additional four (4) children would generate a maximum of four (4) new peak-hour trips. The site is located near the National Institute of Health (NIH) and a majority of the site generated trips are pass-by trips and trips by the individuals using the site on their way to the NIH. The applicant proposed a condition of the approval of this special exception, that at least 50% of the children using the site will be children of employees at NIH. Staff finds 50% pass-by trips is reasonable and accepts 50% pass-by reduction of the new site generated trips, therefore, the site would generate fewer than three new peak- hour trips the petitioner does not need to take any action to satisfy the Policy Area Mobility Review (PAMR) test.

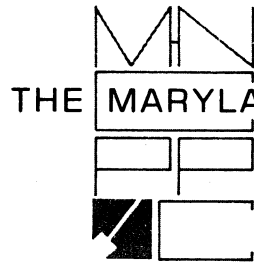
Access and vehicular/Pedestrian Circulation

Access to the site is provided from Bardon Road. Bardon Road in the vicinity of the site is built as a secondary residential street with a 60-foot wide right-of-way and it connects to West Cedar Lane. The site has six (6) parking spaces on site, five (5) in the circular driveway and one (1) in the garage. Also, two (2) parking spaces on Bardon Road will be used for non-resident staff members. The large circular driveway provides safe drop off and pick up activities without any conflict with street traffic. The site is located in the residential neighborhood with modest pedestrian activity in the vicinity of the site and this situation will not change with the proposed use under the subject special exception. Staff finds the existing access is safe and adequate and the number of available parking spaces is adequate to accommodate the proposed increase of a number of children from the currently approved eight (8) to twelve (12) in the existing child day care facility.

CONCLUSION

Transportation staff concludes that the approval of the subject special exception petition will not adversely affect the surrounding roadway system.

KK:tc



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
8787 Georgia Avenue • Silver Spring, Maryland 20910-3760

MEMORANDUM

DATE: January 3, 2008
TO: Carlton Gilbert, Development Review
VIA: Stephen Federline, Supervisor, Environmental Planning *by JH*
FROM: Lori Shirley, Environmental Planning *JH*
SUBJECT: 9201 Bardon Road, Bethesda
Special Exception No. SE-08-1; child day care facility

Recommendation

Environmental Planning staff recommends **approval** of SE-08-1 at 9201 Bardon Road, Bethesda. No forest conservation issues are associated with the site. The Montgomery County Forest Conservation Law is not applicable based on the size of the lot.

Background/Proposal

The property is known as Lot 10, Block B of the Wisconsin Estates subdivision as shown on the house location survey submitted with the application materials. There is an existing single-family detached dwelling on-site from which a proposed child care facility is proposed. The site is zoned R-60 and contains a total of 10,704 square feet.

Forest Conservation

The lot at 9201 Bardon Road, Bethesda, totals 10,704 square feet in area. There is no forest on-site. Because of the lot size at this location, the Montgomery County Forest Conservation Law is not applicable. There are no forest conservation issues associated with this request. A copy of this memo should be included in the future submittal of all permits relating to SE-08-1 to address the site's forest conservation requirements.

If you have any questions regarding these comments, please contact me at either extension 4551 or electronically at lori.shirley@mncppc-mc.org.

LS:ls

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29 Dudley Court
Bethesda, MD 20814
(202) 607-6817

January 21, 2008

David C. Gardner
Jefferson Plaza Building
600 Jefferson Plaza
Suit 308
Rockville, Maryland 20852

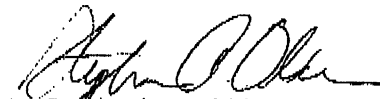
Dear Mr. Gardner:

I am writing to express my support for the licensing of Sona Vaidya's infant care center in Bethesda, Maryland.

The Bethesda area is in dire need of infant care options. When my husband and I were searching for child care, we found that the day-care facilities that currently exist have few spots allotted for infants. The wait-lists for these spots are lengthy, and we were informed it could take years to get our son into some centers (at which point he would no longer need infant care). As soon as I became pregnant, we paid hundreds of dollars in non-refundable deposits to be placed on several waiting lists; however no spots became available by the time Owen was three months old and I had to return to work. Our options then included relenting to a near-impossible commute or paying more than we could afford for a nanny. We chose the second option, with the hope that within a few months our son can switch to Ms. Vaidya's center.

Ms. Vaidya's center remains our first choice option for child care. We observed Ms. Vaidya and her staff to be exceptionally warm and nurturing, and the center to be pleasant and clean. Moreover, the center is convenient to our home and would provide an affordable child care option for our family. I hope this letter helps to justify the need for opening Ms. Vaidya's infant care center. We are hopeful that our son will soon be under her care.

Very truly yours,


Stephanie A. Older, Esq.
Chad Older