

Hearing Examiner
Office of Zoning and Administrative Hearings
Stella B. Werner Council Office Building 100 Maryland Avenue, Room
Rockville, Maryland 20850

Re: STATEMENT OF COMPLIANCE: ZONING STANDARDS

Application for Conditional Use – Day Care Facility for 13 to 30 Person Applicant: Large Family Childcare Center LLC DBA Curiosity Preschool and Childcare Center
Address: 108 East Melbourne Avenue, Silver Spring, MD 20901 (“Subject Property”)

Dear Hearing Examiner:

This Statement of Compliance with Zoning Standards is filed on behalf of Large Family Child Care Center DBA Curiosity Preschool and Childcare center. This application seeks approval of a conditional use to operate a Group Day Care for up to 13 to 30 children at 108 East Melbourne Avenue, Silver Spring, Maryland (“Subject Property” or “Property”). Exhibit 1. The subject property is described as “Highland View Sec 3 & Adj. Parcel”, Lot 8, Block B. The property is located in the Brookside Forest Subdivision within the geographic area covered by the 2000 East Silver Spring Master Plan (“Master Plan” or “Plan”). The property is zoned R-60 and the tax account number is 13-01011522. Exhibit 5. The property owners, Fauzia Iqbal and Iqbal Ahmed (“Owners” or “Owner”), submitted letters consenting to the application. Exhibits 4 and 14. The Applicant and the property owners submitted Affidavits of Compliance. Exhibits 23, 24, and 25. Applicant submitted an Affidavit of Posting. Exhibit 21. The applicable zoning standards for this conditional use application are set forth below with the corresponding explanation of compliance set forth and underlined immediately below each standard.

c. Montgomery County Zoning Code § 7.3.1.E Necessary Findings:

1. 1. To approve a conditional use application, the Hearing Examiner must find that the proposed development:

a. satisfies any applicable previous approval on the subject site or, if not, that the previous approval must be amended;

The subject property is described as “Highland View Sec 3 & Adj. Parcel”, Lot 8, Block B, complies with prior approvals and does not require any amendments thereto.

In order to approve a conditional use, a finding must be made that the application meets the development standards of the zone where the use will be located – in this case, the R-60 Zone. Development standards for the R-60 Zone are contained in §59.4.4.9.B of the Zoning

Ordinance. Staff compared the minimum development standards of the R-60 Zone to those provided by the application in a table which is reproduced below:

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Development Standard	Permitted/ Required	Existing/Proposed*
Section 59.4.4.9.B		
Minimum Lot Area	6,000 sq. ft.	8,494 sq. ft.
Minimum Lot Width at Front Building Line	60 feet	76 feet
Minimum Lot Width at Front Lot Line	25 feet	58 feet
Maximum Density	1 unit (7.26 dwelling units/acre)	1 unit
Maximum Lot Coverage	35 percent	20.5 percent
Minimum Front Setback (E. Melbourne Avenue)	25 feet	20 feet ¹
Minimum Side Street Setback (Walden Road)	15 feet	27 feet
Minimum Side Setback	8 feet	20 feet
Minimum Rear Setback	20 feet	20 feet
Maximum Height	30 feet	25 feet
Vehicle Parking Requirement (Section 59.6.2.4.B)	Day Care Center: 4 (3 per 1,000 square feet of GFA) ² Dwelling: 2 Total: 5	4 spaces in driveway Additional parking permitted and available on East Melbourne Avenue (3 spaces) Total: 7

As can be seen from the preceding table, the proposed use meets or exceeds the development standards of the R-60 Zone as provided in Zoning Ordinance §59.4.4.9.B. except with regard to the minimum front setback. Under the current Zoning Ordinance, the R-60 Zone requires a minimum front setback of 25 feet and the existing property has a 20-foot setback because the roofed brick front door vestibule extends approximately 5 feet into the front setback as shown on the site plan. The SDAT property records demonstrate that the existing one-story single-family dwelling was built in 1948. The chart (above), provides that “the lot was recorded in 1940 and is conforming under Section 59.7.7.1.A (pursuant to Section 59.B-5.3 in the Zoning Ordinance in effect prior to October 30, 2014).”

Section 59-B-5.3 of the 2004 Zoning Code provides in pertinent part:

Any one-family dwelling in a residential zone or agricultural zone that was built on a lot legally recorded by deed or subdivision plat before June. 1, 1958 is not a nonconforming building. The dwelling may be altered, renovated, enlarged, or

replaced by a new dwelling on the single lot, under the development zoning standards in effect when the lot was recorded [.]

Section 59.7.7.1.A.1 provides:

A legal structure or site design existing on October 30, 2014 that does not meet the zoning standards on or after October 30, 2014 is conforming and may be continued, renovated, repaired, or reconstructed if the floor area, height, and footprint of the structure are not increased, except as provided for in Section 7.7.1.C for structures in Commercial/Residential, Employment, or industrial zones, or Section 7.7.1.D.5 for structures in Residential Detached zones.

b. satisfies the requirements of the zone, use standards under Article 59-3, and to the extent the Hearing Examiner finds necessary to ensure compatibility, meets applicable general requirements under Article 59-6.;

The application satisfies the requirements of Articles 59-3, 59- 4 and 59-6 with the conditions of approval in Part IV of this Report.

c. substantially conforms with the recommendations of the applicable master plan;

The subject property lies within the geographic area covered by the 2000 East Silver Spring Master Plan (“Master Plan” or “Plan”).

The Site is located within the 2000 East Silver Spring Master Plan (Master Plan) area. One of the generalized planning goals is to “preserve existing residential character, encourage neighborhood reinvestment, and enhance the quality of life throughout East Silver Spring”.

The Master Plan recommends retention of R-60 zoning for the majority of the Plan area, while recognizing that the Zone allows certain uses in addition to single family residential that may be non-residential but are considered compatible (page 26).

The existing 12 children Large Family Childcare Center has been on the Site for two years, The existing eight-child family day care has been on the Site for over ten years, and the Hearing Examiner approved an expansion of up to 12 children in August of 2020. The Subject Application is for a Day Care Center with up to 18 students The Subject Site is an appropriate location for a Day Care Center and is compatible with the neighborhood. Therefore, the proposal

is in substantial conformance with the Master Plan. The Hearing Examiner previously agreed with Technical Staff that the proposed conditional use for a group day care facility is consistent with the objectives of the Master Plan

The Plan also confirms existing land use patterns, while recommending flexibility for some change. East Silver Spring is characterized by well-established residential neighborhoods that are compactly developed and generally well maintained. The population of the neighborhoods continues to change as families with young children move into homes formerly inhabited by elderly homeowners. A variety of local services support daily community life: retail and other small businesses, religious institutions, schools, parks and recreation facilities, and gathering places for community activities. The intent of this Plan is to sustain a livable community of neighborhoods in East Silver Spring by preserving the positive attribute and guiding change so that it strengthens the function, character, and appearance of the area.

This Plan reconfirms the current zoning, which establishes the permitted density. New development, infill development, redevelopment and special exception uses should be compatible with the existing residential character. As a result, the existing land use pattern should remain essentially the same. Non-residential special exceptions are discouraged in predominantly residential areas to maintain the residential character. The proposed use is allowed by conditional use in the R-60 Zone. The proposed expansion of the existing Group Day Care (up to 12) to the Day Care Center will not alter the residential character of the neighborhood as no physical exterior alterations are proposed or required to accommodate the addition of 6 children to the existing daycare roster. Most of the children who attend the daycare are siblings and live in the neighborhood. As a result, many of the parents walk their child or children to the daycare, thus reducing the number of vehicles to the CU 20-04 Jawairia Iqbal Group Day Care site, while providing a valuable local service that supports working families with children who live in the neighborhood. Thus, the dwelling will remain a single-family, detached home consistent with the current R-60 zone. The proposed use will substantially conform to the goals and objectives of the 2000 East Silver Spring Master Plan.

d. is harmonious with and will not alter the character of the surrounding neighborhood in a manner inconsistent with the plan;

The proposal is harmonious with, and will not alter the character of the surrounding neighborhood. No physical changes are proposed on the Property. Therefore, the proposed expansion of the existing daycare will not alter the character of the Neighborhood.

The existing daycare is located in a single-family dwelling that will not be expanded and no alterations to the exterior of the property are proposed or required to accommodate the expansion of the existing Group Day Care to a Daycare Center. The dwelling will remain a single-family detached home with no changes to the existing lighting which is residential in character with no excessive illumination onto neighboring properties. “[t]he existing rear yard fencing provides sufficient screening between the proposed use and the adjacent homes.” Moreover, it is noted that the unenclosed deck on the west side of the house “also provides screening of the backyard play area from view from East Melbourne Avenue.” Id., p. 3. Outdoor playtime will be limited to one hour in the morning and one hour in the afternoon with a maximum of eight (8) children outside at any time. There is adequate on-site and on-street parking to accommodate the parking needs for the proposed use. Drop-off and pickup times will be assigned and staggered by contract with the parents so that a maximum of two vehicles will enter/exit the site at 15-minute intervals. The only operational change from the activities associated with the existing daycare is the addition of 6 children. Please note that there are three employees who are residents and two are non-resident employees. There are also bus stops very close by (located on Flower Avenue and University Blvd), and we also have space to store bikes for bike riders. The proposed use is harmonious with and will not alter the residential character of the surrounding area in a manner inconsistent with the Master Plan.

e. will not, when evaluated in conjunction with existing and approved conditional uses in any neighboring Residential Detached zone, increase the number, intensity, or scope of conditional uses sufficiently to affect the area adversely or alter the predominantly residential nature of the area; A conditional use application that substantially conforms with the recommendations of a master plan does not alter the nature of an area;

There are two approved conditional uses/special exceptions in the neighborhood. They include a Home Occupation located at 9 Stockton Road (CBA-3037) and an accessory apartment located at 9320 Walden Road (S1190).

Although approval of this Application will increase the number of conditional uses in the Staff-defined Neighborhood, the proposed daycare expansion will not affect the area adversely or alter the area’s predominantly residential nature. The existing daycare has been operating on the Site since 2008, the increase in the number of children being served is modest, and the Applicant is not proposing any physical changes to the Property.

The existing daycare has been operating on the main level of an existing single-family dwelling for over 10 years and no physical changes are proposed or necessary to accommodate the

proposed use. Thus, the existing dwelling will remain a single-family detached dwelling. As discussed in the previous sections (above), the proposed use substantially conforms with the recommendations of the Master Plan.

f. 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. If an approved adequate public facilities test is currently valid and the impact of the conditional use is equal to or less than what was approved, a new adequate public facilities test is not required. If an adequate public facilities test is required and:

i. if a preliminary subdivision plan is not filed concurrently or required subsequently, the Hearing Examiner must find that the proposed development will be served by adequate public services and facilities, including schools, police and fire protection, water, sanitary sewer, public roads, and storm drainage; or

ii. if a preliminary subdivision plan is filed concurrently or required subsequently, the Planning Board must find that the proposed development will be served by adequate public services and facilities, including schools, police and fire protection, water, sanitary sewer, public roads, and storm drainage; and

The conditional use application does not require approval of a preliminary plan of subdivision. By its nature, a small child care facility operating within an existing single-family residence will not ordinarily create significant additional burdens for schools, police and fire protection, water, sanitary sewer and storm drainage.

Parking and Drop-Off/Pick-up

The Site contains four off-street parking spaces, and three on-street parking is available on East Melbourne Avenue and one on-street parking is available on Walden Road.

Local Area Transportation Review

A proposed schedule of drop-off/pick-up and staff arrivals during the weekday morning peak period (7:30 a.m. to 9:00 a.m.) and evening peak period (4:00 p.m. to 5:30 p.m.) is included in the Application for Conditional Use. The morning arrival schedule shows up to 18 children dropped off between 7:30 a.m. and 9:00 a.m., and the evening schedule shows up to twelve children picked up between 4:00 [p.m.] and 5:30 [p.m.] Sibling groups will likely reduce the total number of projected vehicle trips.

g. will not cause undue harm to the neighborhood because of a non-inherent adverse effect alone or the combination of an inherent and a non-inherent adverse effect in any of the following Categories:

- i. the use, peaceful enjoyment, economic value or development potential of abutting and confronting properties or the general neighborhood.**
- ii. traffic, noise, odors, dust, illumination, or a lack of parking; or**
- iii. the health, safety, or welfare of neighboring residents, visitors, or employees.**

This standard requires consideration of the inherent and non-inherent adverse effects of the proposed use at the proposed location on nearby properties and the general neighborhood. Inherent adverse effects are “adverse effects created by physical or operational characteristics of a conditional use necessarily associated with a particular use, regardless of its physical size or scale of operations.” Zoning Ordinance, §59.1.4.2. Non-inherent adverse effects are “adverse effects created by physical or operational characteristics of a conditional use not necessarily associated with the particular use or created by an unusual characteristic of the site.”

Analysis of inherent and non-inherent adverse effects must establish what physical and operational characteristics are necessarily associated with a Daycare Center facility. Characteristics of the proposed use that are consistent with the characteristics thus identified will be considered inherent adverse effects. Physical and operational characteristics of the proposed use that are not consistent with the characteristics identified or adverse effects created by unusual site conditions will be considered non-inherent adverse effects. The inherent and non-inherent effects then must be analyzed in the context of the subject property and the general neighborhood to determine whether these effects are acceptable or would create adverse impacts sufficient to result in denial.

Moreover, the following physical and operational characteristics are necessarily associated with (i.e., are inherent in) a Day Care Center facility: (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 conditional use as proposed will have no non-inherent adverse impacts. To summarize:

Adequate parking and drop-off/pick-up areas are available on-site and adjacent to the Property. The drop-offs and pick-ups will be limited by the conditions of approval of the proposed use to minimize impacts to the neighborhood.

The play area is adequate, and the number of children outside at one time will be limited to no more than eight, with outside play time prohibited prior to 9:00 a.m.

The existing lighting and landscaping on the Site are adequate for the proposal. The existing lighting fixtures are residential in nature and will not intrude on neighboring properties.

Therefore, the proposal will not have any non-inherent effects at this location.

2. Any structure to be constructed, reconstructed, or altered under a conditional use in a Residential Detached zone must be compatible with the character of the residential neighborhood.

We do not propose any alteration or expansion of the existing structure.

3. The fact that a proposed use satisfies all specific requirements to approve a conditional use does not create a presumption that the use is compatible with nearby properties and is not sufficient to require conditional use approval.

The application satisfies all specific requirements for the conditional use and as discussed above, the proposed use will be compatible with the neighborhood.

4. In evaluating the compatibility of an agricultural conditional use with surrounding Agricultural or Rural Residential zoned land, the Hearing Examiner must consider that the impact does not necessarily need to be controlled as stringently as if it were abutting a Residential zone.

d. Zoning Code Section 59-3.4.4.E.2. Day Care Center (13-30 Persons)

The application satisfies all specific requirements for the conditional use and as discussed above, the proposed use will be compatible with the neighborhood.

2. Where a Daycare Center (13-30 Persons) is allowed as a conditional use, it may be permitted by the Hearing Examiner under Section 7.3.1, Conditional Use, and the following Standards:

a. The facility must not be located in a townhouse or duplex building type.

b. An adequate area for the discharge and pick up of children is provided.

c. The number of parking spaces under Division 6.2 may be reduced if the applicant demonstrates that the full number of spaces is not necessary because:

i. existing parking spaces are available on abutting property or on the street abutting the site that will satisfy the number of spaces required; or

ii. a reduced number of spaces would be sufficient to accommodate the proposed use without adversely affecting the surrounding area or creating safety problems.

d. For a Family Day Care where the provider is not a resident and cannot meet the non-resident provider requirement, screening under Division 6.5 is not required.

e. In the AR zone, this use may be prohibited under Section 3.1.5, Transferable Development Rights.

All of the limited use standards listed in the preceding paragraph are satisfied in this case, in that:

i) The facility is not located in a townhouse or duplex; it is in a detached, single-family home;

ii) The Applicant is the provider and a resident;

iii) No more than two non-resident staff members will be on-site at any time; and

iv) The subject site is not located in the AR Zone.

Furthermore, as discussed in Part III.A., above, the application meets the “necessary findings” required by Zoning Ordinance, §59.7.3.1. D.

General Development Standards (Article 59.6)

Article 59.6 sets the general requirements for site access, parking, screening, landscaping, lighting, and signs. Most of these requirements are not applicable to the subject application.

Site Access Standards

Zoning Ordinance Division 59.6.1 governs “Site Access.” Section 59.6.1.2 states that access requirements do not apply to development in single-family residential zones, such as the R60 Zone.

2. Parking Spaces Required, Parking Facility Design and Parking Lot Screening

The standards for the number of parking spaces required, parking lot design and parking lot screening are governed by Division 6.2 of the Zoning Ordinance. These standards govern the minimum number of spaces, design of on-site parking spaces, parking setbacks, and screening of parking areas. See, Zoning Ordinance §§6.2.4, 6.2.5, 6.2.9. The primary parking requirement applicable to this application is the minimum number of spaces required for the use. The Zoning Ordinance requires a minimum of four parking spaces—one three per 1,000 square feet of day care use on the Site. Id., 59-6.2.4.B. On-street parking may be counted toward meeting that requirement if parking is permitted on the street and the spaces about the property. Id., §59-3.4.4.2.c.i. The required number of vehicle and bicycle parking spaces is established by Zoning Ordinance §59.6.2.4The required number of parking spaces for the residence is a minimum of two.

In conclusion, there are three on-street parking on East Melbourne Avenue, and one on-street parking space on Walden St. There are four parking spaces on site on the driveway. There is only one family car on the property and four resident family members will staff the group daycare full-time. The applicant proposes to hire two non-resident full-time employees. “[t]he existing street section provides ample parking capacity for parents dropping off or picking up children attending the daycare as well as on-site parking for the non-resident staff and the members of the household.”

Traffic Study

Introduction: Large Family Childcare Center LLC DBA Curiosity Preschool and Childcare Center is applying for a conditional use application for the childcare center, which is located at 108 East Melbourne Avenue, Silver Spring, MD 20901. Curiosity Preschool and Childcare Center is a boutique childcare center located at the heart of the Silver Spring suburban area, and 95% of our current children are from our neighborhood, and they walk here every day. The center currently serves 12 children. This application is to expand the center to serve 18 children.

Site Characteristics: Curiosity Preschool and Childcare Center property is a single-family detached house at 108 East Melbourne Avenue, Silver Spring, MD 20901. Currently, the center is licensed to serve 12 children, and it is a residential living quarter for three of its staff members. The 4th staff member lives on Sligo Creek Ave, which is a 5-minute walking distance from this property. All of the staff members are full-time employees. The owner proposes to expand the operations to include up to 18 children. The property has (2) spaces in the existing driveway, and (3) spaces on East Melbourne Avenue. There are a total of 5 spaces. The owner has proposed that the driveway can be expanded, and which can accommodate (2) more cars. This proposal has been discussed with the Department of Permitting Services in Montgomery County, and they are open to this driveway expansion proposal. After the driveway expansion, this site can accommodate 7 parking spots. Please note that 95% of the children do not commute by car.

Proposed Operations: The childcare center operates Monday to Friday between the hours of 7:30 AM to 5:30 PM. Staff is anticipated to be 4 full-time employees. The staffing hours for the 4 employees are as follows.

Working Hours	Number of Staff
7:30am to 4:45pm	2
8:30am to 5:30pm	2

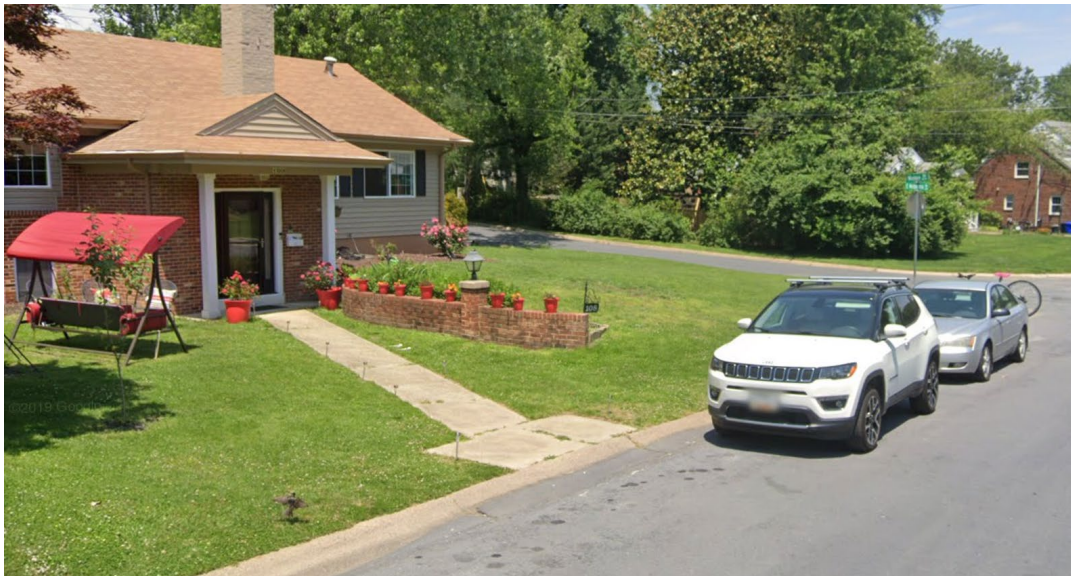
The two tables below shows 18 current and anticipated children's arrival and departure times:

Arrival			
Time	Estimated Number of Children	Currently Enrolled/Anticipated	Mode of Transportation
7:30am to 7:45am	2 (Siblings)	Currently Enrolled	Walking
7:45am to 8:00am	2 (Siblings) 2 children	Currently Enrolled Anticipated	Walking Walking
8:00am to 8:15am	2 (Siblings)	Currently Enrolled	Walking
8:15am to 8:30am	2 (Siblings)	Currently Enrolled	Car
8:15am to 8:30am	1 2	Anticipated Anticipated	Car Walking
8:30am to 8:45am	1 2	Anticipated Currently Enrolled	Walking Walking
8:45am to 9:00am	2 (Siblings)	Currently Enrolled	Car
Total Anticipated Students	18		

Departure			
Time	Estimated Number of Children	Currently Enrolled/Anticipated	Mode of Transportation
4:00pm to 4:15pm	2 Children	Anticipated	Walking
4:15pm to 4:30pm	2 (Siblings) 2 (Siblings)	Currently Enrolled Currently Enrolled	Walking Walking
4:30pm to 4:45pm	2 (Siblings) 1 Child 1 Child	Currently Enrolled Currently Enrolled Anticipated	Walking Car Car
4:45pm to 5:00pm	2 (Siblings) 1 Child 1 Child	Currently Enrolled Anticipated Anticipated	Walking Walking Walking
5:15pm to 5:30pm	2 (Siblings) 2 Children	Currently Enrolled Anticipated	Car Walking
Total Anticipated Students	18		

Property Entrance Information: The student pick-up/drop-off will be off the back entrance on Walden Road. The staggered arrival and departure of students is anticipated to cause no queuing as described below. The staff will also monitor the pick-up/drop-off operations to ensure no queuing occurs on the public street. Our current pick-up/drop-off schedules are staggered, and parents have signed a contract that is enforced. As noted above, the majority of our students walk to our school which causes does not cause vehicle traffic buildup. Ingress/egress to the site will be safe and efficient.

Property photos:





Quick Note: The area for the entry which includes the driveway is opposite to all the neighbor house. There are rarely any cars parked there and is very convenient for parents to park the cars. We had many cases where we hosted parties for family events with 10+ cars and it never causes a problem. So, parking should not be an issue. The driveway and the daycare entrance are very convenient.

Arrival/Departure Patterns: The vehicular and pedestrian arrival and departure patterns at the existing daycare site were observed on June 19, 2022. The arrival and departures including the time taken to drop off or pick up (dwell time) a student is noted for the 7:30 am to 9:00 am, and 4:00 PM to 5:30 PM in the table below. The drop-off dwell time varied from a low of 1:55 (one minute fifty-five seconds) to a high of 4:08 (four minutes eight seconds). Similarly, the pick-up dwell time varied from a low of 2:12 (two minutes twelve seconds) to a high of 4:20 (four minutes twenty seconds). Do note that most of the children currently enrolled are siblings, and they leave together. In our center, we prioritize siblings to be enrolled together. Because children are leaving together, there is minimal traffic buildup on the driveway. Taking the dwell time into account, the average dwell time is approximately 3:24 minutes. It should be noted that at no time during the AM and/or the PM period, there was any queue formed on site. Moreover, since COVID-19, we encourage parents to pick up/drop off children at the door. In order to implement an open-door policy, the parents can stop by any time between 10:00 am to 3:30 PM. These hours minimize queuing during pickup and drop-off time.

Queuing: The staggered arrival and departure of students is anticipated to minimize queuing and ensure that the queue does not extend onto Walden Road. In the existing conditions, a maximum number of four students arrived and departed in a 15-minute interval during the AM peak hour. Taking existing conditions into account, a maximum of two students came in a 15-minutes interval during the AM peak hour in one vehicle. Similarly, in the existing conditions, a minimum number of two students departed in a 15-minute interval during the PM peak hour in one vehicle, respectively. There was no queue observed. In a hypothetical scenario with 18 children, a vehicle would wait along the driveway to allow another vehicle to pull out of the parking space. There would be always adequate parking. At no time, a vehicle has to wait for a parking spot to become vacant. The proposed expansion will have a staggered arrival and departure pattern resulting in a maximum number of four students arriving and departing in a 15-minute interval. No queues were formed or observed in the existing conditions and no queues are expected in the future. It should be noted that the current driveway has a queuing capacity of two vehicles, while the East Melbourne Avenue curb parking has a capacity of three vehicles. This capacity was never used during the survey period. The modification to the existing driveway would have a queuing capacity of four vehicles.

The staggered arrival and departure will ensure that the parking demand is met at all times during the AM and PM period and therefore no queuing is expected for any of the peak 15-minute periods.



Development Applications and Regulatory Coordination Division

Attachment D
Effective 6/29/2015

M-NCPPC

8787 Georgia Avenue, Silver Spring, MD 20910

301-495-4550, fax: 301-495-1306

APPLICATION

Forest Conservation Law Applicability for Conditional Uses/Special Exceptions

Property Information

108 East Melbourne Ave, Silver Spring, MD, 20901
Address City

0010
Subdivision Name Plot(s) Lot(s) Block(s) Tax Map Parcel(s)

0101522
Property Tax ID 1 Property Tax ID 2 Property Tax ID 3 Property Tax ID 4

Applicant (Owner, Contract Purchaser, or Owner's Representative)

Jawaria Iqbal
Name Company

108 East Melbourne Avenue, Silver Spring, MD 20901
Street Address

City State Zip Code
301-328-6688 Jawaria.iqbal@gmail.com /curiositypreschool@gmail.com
Phone Number Email Address

Total Area of Property: 8494~~88~~ acres square feet

Applicant attests that the following statements apply to the subject property conditional use/special exception application:

- ☒ The application does not propose any clearing or grading activities on or near the conditional use/special exception site. (Requires plan number and M-NCPPC signature below)

OR, all of the following:

- ☒ {
 The application applies to a property of less than 40,000 square feet.
 The property is not subject to a previously approved Forest Conservation Plan.
 The conditional use/special exception proposal will not impact any champion tree as defined by the Montgomery County Forestry Board.
 (Not subject to Forest Conservation Law; requires M-NCPPC signature below)

PLEASE NOTE: If regulated activities occur on the property other than what is being attested to, the exemption immediately terminates without action by the Planning Board. The Planning Director may require the submission and approval of a Natural Resources Inventory/Forest Stand Delineation and a Forest Conservation Plan, and may also issue a fine of up to \$1,000 per day.

Applicant's Signature

Date

Printed Name

For Staff Use Only

M-NCPPC acknowledges that the conditional use/special exception for the above property:

- ☒ Is not subject to the Forest Conservation Law as defined in Chapter 22A of the Montgomery County Code.
☐ Is exempt from the Forest Conservation Plan requirements under Section 22A-5(q)(1) of the Forest Conservation Law.

Plan Name: 108 East Melbourne Ave
Plan Number: 4

M-NCPPC Signature

Date

Mariah Clayborne
Printed Name

7/29/2022