

**BOARD OF APPEALS
for
MONTGOMERY COUNTY**

**Stella B. Werner Council Office Building
100 Maryland Avenue, Room 217
Rockville, Maryland 20850
(240) 777-6600**

<http://www.montgomerycountymd.gov/boa/index.html>

WORKSESSION MINUTES

Second Floor Davidson Memorial Hearing Room

Wednesday, May 8, 2013

ACTION ITEMS:

1. Minutes, April 24, 2013 Worksession.

Action: Approved, (SBB/CJS, 5-0).

2. **A-6409, Appeal of Robert Eisinger** (Administrative Appeal). Letter to the Board from Jody Kline, Esquire, requesting withdrawal of the appeal.

Action: Dismissed the Administrative Appeal request as withdrawn, (DKP/CGT, 5-0).

3. **CBA-1212 [CBA-495, CBA-2961], Petition of Chesapeake & Potomac Telephone Company** (Telecommunication Facility). Letter to the Board from Paul Laplante concerning the BOA Resolution to Reaffirm Special Exception dated March 15, 2013.

Action: Re-opened the record to include Mr. Laplante's letter, (CJS/SBB, 5-0).

4. **CBA-2904, Petition of Green Acres School** (Private Educational Institution). Letter to the Board from Susan Carter, Esquire, requesting an administrative modification.

Action: Granted administrative modification, (JHP/SBB, 5-0).

5. **S-593, Petition of Southside Oil** (Automobile Filling Station). Letter to the Board from Carry Cohen, requesting a transfer of the special exception.

Action: Granted the transfer of the special exception, (CJS/SBB, 5-0).

6. **S-689-C, Petition of Kenwood Golf & Country Club** (Golf Course/Country Club). Letter to the Board from Samantha Mazo, Esquire, requesting an administrative modification.

Action: Granted the administrative modification, (DKP/CGT, 5-0).

7. **S-1591, Petition of Tung Pi Lee.** (Non-resident Medical Practitioner's Office). Letter to the Board from Joseph T. Nah, Esquire, requesting an administrative modification.

Action: Granted the administrative modification, (SBB/CJS, 5-0).

8. **S-1771, Petition of Noel and Doris Matchett** (Accessory Apartment). Letter to the Board from Kristan Gurton, current property owner, requesting the special exception be revoked.

Action: Revoked special exception as abandoned, (CJS/CGT, 5-0).

9. **S-2092, Petition of Brooke Grove Foundation, Inc.** (Life Care Facility). Letter to the Board from Susan Carter, Esquire, requesting an administrative modification.

Action: Item deferred, (consensus), (SBB/JHP, 5-0).

10. **S-2709, Petition of T-Mobile Northeast LLC and West Hillandale Swim Club** (Telecommunication Facility). Email to the Board from Doris Stelle, regarding the transfer of the special exception.

Action: Re-opened the record to received (a) Ms. Stelle's letter; (b) Ms. Gottke's email, (CJS/JHP, 5-0).

11. **S-2839, Petition of Plamondon Enterprises** (Drive-through Restaurant). Email and letter to the Board from Robert Sylwester, requesting a rehearing as per Section 59-A-4.63.

Action: (a) Suspended the Board's resolution dated April 12, 2013; (b) granted the public hearing, (DKP/SBB, 5-0).

DECISION ITEMS:

12. **S-2860, Petition of Edward A. Bubert** (Accessory Apartment). Hearing Examiner's Report and Recommendation.

Action: (1) Adopted the Hearing Examiner's Report and Recommendation; (2) granted the special exception with conditions, (CJS/SBB, 5-0).

PENDING ITEMS:

13. **S-763 [S-763-A], Petition of Silver Spring Temple and Library Association** (Service Organization). Letter to the Board from Sean Hughes, Esquire, requesting an administrative modification. [Large exhibits: title sheet, site survey, roof and equipment location plan, building elevations, equipment details]. Deferred administrative modification request until a special exception application has been approved for the telecommunications facility. [W/S 3/10/2010].

PENDING ITEMS CONTINUED:

14. **S-2145, Petition of Southwestern Bell Mobile Systems, Inc.** (Telecommunications Facility). Letter to the Board from Karmen Rajamani, Zoning Manager, requesting a transfer of the special exception. Item deferred for confirmation of the transfer from Southwestern Bell Mobil Systems, Inc. [W/S 4/30/2008].

15. **S-2759, Petition of Darnestown Development, LLC t/a Goddard School** (Child Day Care Facility). Letter to the Board from Stephen Kaufman, Esquire and Debra Borden, Esquire, requesting a transfer of the special exception and an administrative modification. [Large exhibits: cover sheet, special exception site plan, special exception landscape plan/2 sheets, preliminary subdivision plan]. (1) Granted the transfer of the special exception; (2) deferred the administrative modification request until M-NCPPC's approval of the pending request for revisions to the preliminary plan. [W/S 9/14/2011]. (1) Re-opened the record to include Ms. Martin's letter; (2) Ms. Martin's request will be deferred until the administrative modification request is taken up by BOA. [W/S 12/7/2011].

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ACTION ITEM:

- 1. S-2780 & S-570 PETITION OF T-MOBILE NORTHEAST, LLC AND THE WILDLIFE ACHIEVEMENT CLUB CHAPTER OF THE IZAAK WALTON LEAGUE OF AMERICA, INC.** (Telecommunications Facility) Letter from Sean P. Hughes, Esquire, requesting an extension of time to implement the special exception.

Action: Granted one-year extension to implement, (SBB/DKP, 5-0).