

**BOARD OF APPEALS  
for  
MONTGOMERY COUNTY**

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

**WORKSESSION MINUTES**

**Second Floor Davidson Memorial Hearing Room**

**Wednesday, September 19, 2001, 9:00 A.M.**

**ACTION CALENDAR:**

1. **Minutes**, July 31 and September 4, 2001 Worksessions.

Action: Approved, with corrections (DLB/LLM, 5-0).

2. **A-5211, Petition of Kristin M. Dunn** (existing two-story addition, covered porch and eaves, and accessory structure). Letters to the Board from Pete Hrycak, Department of Permitting Services (DPS) and Arlene P. Bruhn, an adjoining neighbor.

Action: Record re-opened to include 7/18/01 letter from Mrs. Bruhn, consensus.

3. **A-5572, Petition of Scott R. Stiger and Anita M. Stiger** (an existing shed). Request from the petitioner for reconsideration or rehearing and to stay the time for the appeal to the Circuit Court. Also included is a letter from Angelo and Carol Anne Puglise, adjoining neighbors.

Action: Granted request for reconsideration and rehearing and to stay the time for the appeal to the Circuit Court. Hearing to be limited to testimony concerning the septic system, (LLM/AIF, 5-0).

4. **A-5660, Appeal of Roger Friedman, M. D.** (Department of Permitting Services (DPS) – Revocation of Building Permit 992090078). Letter to the Board from Stanley D. Abrams, appellant's attorney, requesting a refund of the filing fee.

Action: **Granted 100% refund of the filing fee, (LLM/AMC, 5-0).**

5. **A-5670, Appeal of Gaithersburg Recycling Center** (Department of Permitting Services – Denial of a Nonconforming Use Application). Letter to the Board from Scott C. Wallace, appellant's attorney, requesting an expedited hearing and an immediate stay of enforcement by DPS.

Action: Denied expedited hearing request, (LLM/DLB, 5-0). Board does not have authority to stay enforcement.

6. **CBA-2814 [CBA-2814-A], Petition of John Michael** (automobile sales, outdoor). Letter to the Board from Stanley N. Garber, Zoning Investigator, DPS, requesting a Show Cause Hearing.

Action: Schedule Show Cause Hearing, (AMC/AIF, 5-0).

7. **CBA-3028-A [CBA-3028], Petition of Leo L. and Eva M. Hanrahan** (landscape contractor). Letter to the Board from the Susan W. Carter, petitioner's attorney, withdrawing the special exception modification.

Action: (1) Board to proceed with Show Cause Hearing; (2) Notice of Show Cause Hearing to be issued, (AMC/LLM, 5-0).

8. **S-481 [CBA-1303] Petition of Hazel Allan Mumford** (antique shop). Letter to the Board from Stanley N. Garber, Zoning Investigator, DPS, requesting revocation of the special exception.

Action: Schedule Show Cause Hearing, (LLM/DLB, 5-0).

9. **S-824-A [S-824], Petition of Albert J. Battista and American Plant Food, Inc.** (horticultural nursery and garden center). Letter to the Board from Jody S. Kline, the petitioner's attorney, requesting an administrative modification. (Large exhibits: site plan and elevations).

Action: (1) Denied administrative modification request; (2) petitioner has the option of applying for a public hearing, (AMC/LLM, 5-0).

10. **S-920, Petition of Ellen Kleinknecht** (accessory apartment). Letter to the Board from Robert J. Dejter, Housing Code Field Supervisor, Department of Housing and Community Affairs (DHCA), requesting that the special exception be revoked. Also included is a letter from the special exception holder confirming that the special exception has been abandoned.

Action: Revoked special exception as abandoned, (AMC/DLB, 5-0).

11. **S-1269 [S-1269-A], Petition of KFC National Management Company** (drive-in restaurant). Letter to the Board from Stanley N. Garber, DPS, request for a Show Cause Hearing.

Action: No action required, Board scheduled Show Cause Hearing at worksession held 9/4/01.

12. **S-1466, Petition of Michael S. and Regina A. Mason** (landscape/retail operation). Letter to the Board from Carolyn A. Laney, the adjoining neighbor, requesting reconsideration and rehearing.

Action: (1) Granted reconsideration and rehearing request; (2) Board to schedule public hearing, (DLB/LLM, 5-0).

13. **S-1744, Petition of Jon and Freda Hur** (accessory apartment). Letter to the Board from Jerri M. Burgess, DHCA, requesting revocation of the special exception.

Action: Schedule Show Cause Hearing, (AMC/DLB, 5-0).

14. **S-1943 [S-1943-A], Petition of Kevin Son and New Press for Success** (recreational or entertainment establishment). Letter to the Board from **Martin Hutt**, petitioner's attorney, requesting an administrative modification.

Action: (1) Denied administrative modification request; (2) petitioner has the option of requesting a public hearing, (AMC/LLM, 5-0).

15. **S-2078 [CBA-2640, S-7, S-296], Petition of Michael V. Scott** (veterinary hospital). Letter to the Board from Stanley N. Garber, Zoning Investigator, DPS, requesting that the Board make a determination regarding compliance with the terms of the special exception.

Action: (1) No action required by the Board; (2) applicant may have the opportunity to file an administrative appeal using letter dated 8/27/01, (LLM/DLB, 5-0).

16. **S-2308, Petition of Constellation Heartlands-White Oak, Inc.** (nursing and domiciliary care home). Letter to the Board from Jody S. Kline, petitioner's attorney, requesting an administrative modification. (Large exhibits: landscape and site plans and construction materials).

Action: Granted administrative modification request, (AMC/AIF, 5-0).

17. **S-2362, Petition of Raja G. Sayegh** (accessory apartment). Letter to the Board from Wright A. Jolly, Jr., Housing Code Inspector, DHCA, requesting a revocation of the special exception. Also included is a letter from Monica A. Svinicki, current property owner, requesting that the special exception be revoked.

Action: Revoked special exception as abandoned, (DLB/AMC, 5-0).

18. **S-2393, Petition of New England Development and The May Department Stores Company** (hotel). Letter to the Board from Steven A. Robins, petitioners' attorney, requesting a one-year extension of time.

Action: Granted one year extension of time, (LLM/AIF, 5-0).

19. **S-2457, Petition of The Harbor School** (private educational institution). Record re-opened to include the landscape and lighting plan and the kindergarten enrollment at the worksession held on 9/4/01. Record remained opened for two weeks for comments. Also included is a letter from Norman G. Knopf, Esquire.

Action: (1) Traffic management plan to do testing two calendar days every week; traffic liaison committee to submit report to the Board in the Fall and Spring; (DLB/AMC, 5-0).

20. **S-2459, Petition of Norbeck Village Associates** (independent senior living residence). Letter to the Board from Cary Lamari, requesting a public hearing.

Action: No action required, the Board no longer has jurisdiction, case has been appealed to the Circuit Court, consensus.

21. **S-2473, Petition of Adnan Haider** (accessory apartment). Letter to the Board from David C. Gardner, petitioner's attorney, with supplemental information to be included in the record.

Action: (1) Re-opened record to accept Mr. Gardner's letter, (AMC/LLM, 5-0).

**DECISIONS:**

22. **S-1811-A, Petition of David C. McKeown, D.V.M.** (veterinary hospital). Hearing Examiner's Report and Recommendation.

Action: (1) Accepted Hearing Examiner's Report and Recommendation; (2) approved modification, (LLM/DLB, 5-0).

**PENDING ITEMS:**

23. **CBA-1692 [S-719, S-720, S-721], Petition of Karl W. Corby, Jr. , et al** (medical practitioner's office). Letter to the Board from Stanley N. Garber, Zoning Investigator, notifying the Board of the special exceptions outstanding Notices of Violation. Item deferred to a future worksession pending clarification from DPS.

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