

**BOARD OF APPEALS
for
MONTGOMERY COUNTY**

**Stella B. Werner Council Office Building
100 Maryland Avenue
Rockville, Maryland 20850
(240) 777-6600
(www.montgomerycountymd.gov/mc/council/board.html)**

SECOND WORKSESSION ADDENDUM MINUTES

Second Floor Davidson Memorial Hearing Room

Wednesday, February 26, 2003, 1:30 A.M.

ACTION ITEMS:

1. **A-5806, Appeal of Joanne O. Goldstein** (Department of Permitting Services – Issuance of Building Permit No. 281527). Letter to the Board from David W. Brown, Esquire, withdrawing the appeal and requesting a refund of the filing fee.

Action: (1) Dismissed the appeal as moot; (2) granted 100% (\$166.00) refund of the filing fee, (DLB/AIF, 5-0).

2. **S-2546, Petition of Susan and Jeremy Symington** (accessory apartment). Hearing Examiner's Report and Recommendation.

Action: Item deferred until the Board's worksession to be held on 3/5/03.

Board Members

Donald H. Spence, Jr., Chairman
Donna L. Barron, Vice Chairman
Louise L. Mayer
Angelo M. Caputo
Allison Ishihara Fultz

Staff

Sherry Glazer, Assistant County Attorney
Katherine Freeman, Executive Secretary to the Board
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ACTION ITEM:

1. **Order Extending Time for the Board's Written Opinion** for 30 days is required in the following case:

A-5749, Appeal of Barbara Siegel (Department of Permitting Services – Issuance of Building Permit No. 262232, dated February 21, 2002). **A-5761, Appeal of Carol Lynn Green** (Department of Permitting Services – Issuance of Building Permit No. 269736, dated March 13, 2002).

Action: Granted Order Extending Time for 30 days, (DLB/LLM, 5-0).

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WORKSESSION MINUTES

Second Floor Davidson Memorial Hearing Room

Wednesday, February 26, 2003, 1:30 P.M.

ACTION CALENDAR:

1. **Minutes**, February 5 and 12, 2003 Worksessions.

Action: Adopted as amended, AIF/AMC, 5-0.

2. **A-5848, Appeal of Battery Park Citizens Association, Inc.** (Department of Permitting Services (DPS) – Issuance of Building Permit No. 284827). Letter from Kinley R. Dumas, Esquire, requesting to intervene.

Action: Granted request to intervene, (AMC/AIF, 5-0).

3. **A-5857, Appeal of Wesley Dick** (Department of Permitting Services – Notice of Violation). Letter from Fran Hayward, President, Bentley Road Civic Association, requesting to intervene.

Action: (1) Granted request to intervene; (2) pre-hearing statements are required by the appellant and the intervener, (LLM/DLB, 5-0).

4. **A-5867, Appeal of Harald R. Leuba** (Department of Housing and Community Affairs (DHCA) – Letter dated January 31, 2003). Letter from the appellant requesting relief from the filing fee.

Action: Denied request for relief from the filing fee, (AMC/LLM, 5-0).

5. **CBA-1847, Petition of Phillip and Dawn S. Crafton** (Department of Permitting Services – Issuance of Building Permit No. 291437). Letter to the Board from Barbara J. Piczak, Permitting Services Inspector, DPS, notifying the Board that the special exception has been abandoned and requesting that it be revoked. Also included is a letter confirmation from the property owner.

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

6. **CBA-2557, Petition of Lydia L. Goolkasian** (home occupation/beauty shop). Memorandum to the Board from Barbara J. Piczak, Permitting Services Inspector, DPS, notifying the Board that the special exception has been abandoned and requesting that it be abandoned. Also included is a letter from the special exception holder confirming the abandonment.

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

7. **CBA-2620-A, Petition Garden Gate Landscaping, Inc.** (landscape contractor and retail horticultural nursery). Letter to the Board from Rolf Nieman requesting review of the special exception record by the M-NCPPC staff. Also include is a response from Roger K. Bain, Esquire.

Action: Item deferred until the Board's worksession of 3/5/03.

8. **CBA-2903-B, Petition of Verizon Maryland, Inc.** (public utility buildings, public utility structures, and telecommunication facilities). Letter to the Board from Timothy Dugan, Esquire, **requesting approval of a sign. (Large exhibits: subdivision plat and zoning vicinity map).**

Action: Item deferred until approval by the Sign Review Board, consensus.

9. **CBA-3014, Petition of Steuart Petroleum Company** (automobile filling station). Letter to the Board from Stacy P. Silber, Esquire, submitting a revised site plan and a general warranty deed. (Large exhibit: site plan with existing conditions).

Action: (1) Record re-opened to include Ms. Silber's letter with attachments; (2) granted administrative modification, (AIF/LLM, 5-0).

10. **S-121, Petition of Robert J. and Marietta H. Boswell** (summer day camp). Memorandum to the Board from Barbara J. Piczak, Permitting Services Inspection, DPS, notifying the Board that the special exception has been abandoned and requesting that it be revoked. Also included is a letter from the special exception holder confirming the abandonment.

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

11. **S-334, Petition of Dr. David S. Irwin and Dr. Eric J. Hanson** (non-resident medical practitioner). Letter from Steven Rebarber, M.D. and Maureen Donnelly, M.D., submitting a lease and a statement of operations with request to transfer the special exception.

Action: (1) Re-opened the record to include the letter from Dr. Rebarber and Dr. Donnelly; (2) granted the transfer of the special exception, (DLB/LLM, 5-0).

12. **S-388, Petition of Elwick Homes Association** (community swimming pool). Memorandum to the Board from Stanley N. Garber, Investigator, DPS, requesting a Show Cause Hearing.

Action: (1) Schedule Show Cause Hearing; (2) hearing to be scheduled to be held within 30 days, (AIF/DLB, 5-0).

13. **S-538-C, Petition of Aspen Hill Racquet Club** (private club and service organization). Letter to the Board from Robert H. Metz, Esquire, and Anne C. Martin, Esquire, with a request for a site visit and to use the old standards.

Action: (1) Re-opened the record to include Mr. Metz and Ms. Martin's letter with attachments; (2) pursuant to the letter's request and in accordance Section 59-G-1.27 of the Montgomery Ordinance, standards in effect as of 5/6/02 to be applied, (3) denied request for site visit; and (4) granted administrative modification, (AIF/LLM, 5-0).

14. **S-791, Petition of Milton O. Johnson** (off-street parking). Memorandum to the Board from Stanley N. Garber, Investigator, DPS, requesting a Show Cause Hearing. Also included is a response from William J. Chen, Jr., Esquire

Action: (1) Schedule Show Cause Hearing; hearing to be scheduled to be held within 30 days, (LLM/AIF, 5-0).

15. **S-965, Petition of Elaine Lim** (accessory apartment). Memorandum to the Board from Daniel McHugh, Housing Code Inspector, DHCA, notifying the Board that the special exception has been abandoned and requesting that it be revoked. Also included is a letter from the property owner confirming the abandonment.

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

16. **S-1059, Petition of Katheryn R. Heltzel** (accessory apartment). Memorandum to the Board from Lynn McCreary, Housing Code Inspector, DHCA, notifying the Board that the special exception has been abandoned and requesting that it be revoked. Also included is a letter from the property owner confirming the abandonment.

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

17. **S-1104, Petition of Lamberus J. and Elizabeth K. Fijn** (accessory apartment). Inspection report to the Board from Daniel McHugh, Housing Code Inspector, DHCA.

Action: Re-opened the record to include the report from Mr. McHugh, (LLM/DLB, 5-0).

18. **S-1155, Petition of Lawrence J. Stark** (accessory apartment). Memorandum from Cece Kinna, Housing Code Inspector, DHCA, notifying the Board that the special exception has been abandoned and requesting that it be revoked. Also included is a letter from the property owner confirming that abandonment.

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

19. **S-1363, Petition of S & P Partnership** (non-resident professional office). Letter to the Board from Suzanne M. Snedegar requesting an administrative modification. (Large exhibit: site plan).

Action: Item deferred until the Board's worksession of 4/2/03. Record to be supplemented with additional detailed documents to include: a site plan with property lines, a scale and an indication of the north on the plan; relevant dimensions; and the paving materials, consensus.

20. **S-2568, Petition of IO Limited Partnership, LLLP** (automobile filling station). Letter to the Board from Stanley D. Abrams, Esquire, requesting an expedited hearing.

Action: Granted request to reduce the notice period, (LLM/AIF, 5-0). Hearing to be scheduled for 4/30/03 @ 9a.m.

DECISION ITEM:

21. **S-411-D, Petition of La Fondation De L'Ecole-Francaise Internationale (French International School)** (private educational institution). Hearing Examiner's Report and Recommendation. Also included is a letter from Jody S. Kline, Esquire, addressing the Hearing Examiner's recommendation and submitting revised plans. (Large exhibits: site plan, landscape and lighting plans, photometric plan, forest conservation plan, preliminary engineering plan, stormwater management plan, photo key and ground plan and elevations).

Action: Item deferred until the Board's worksession to be held on 3/5/03, consensus.

PENDING ITEMS:

22. **CBA-802, Petition of Donald E. and Evelyn C. Golladay** (animal boarding), **CBA-1211, Petition of Donald E. Golladay** (animal boarding), **CBA-1496, Petition of Evelyn C. Golladay** (animal boarding and breeding kennel), **CBA-2447, Petition of Evelyn C. Golladay** (animal boarding), **CBA-2917, Petition of Evelyn C. Golladay** (animal boarding), **S-224, Petition of Evelyn C. Golladay** (animal boarding), **S-425, Petition Evelyn Golladay** (animal boarding). Letter to the Board from Stanley N. Garber, Investigator, requesting that the special exceptions have been abandoned and requesting that they be revoked. Item deferred for additional information from petitioner.

23. **CBA-2180 and S-254, Petition J. H. Burton and Sons, of Hyattsville, Inc.** (horticultural nursery and commercial greenhouse). Letter to the Board from Kevin P. Fay, Esquire, requesting the record to be re-opened to admit a June 11, 1999 site plan.

24. **CBA-2196, Petition Chevron U.S.A.** (automobile filling station). Letter to the Board from C. Robert Dalrymple, Esquire, and Yum Yu Cheng, Esquire, requesting a transfer and an administrative modification. (Large exhibits: concept plan, survey and plot plan).

25. **CBA-2640, Petition of The National Capital Area Council – Boy Scouts of America** (eleemosynary and philanthropic institution). Letter to the Board from Patricia A. Harris, Esquire, requesting an administrative modification. Board requested a review and recommendation from M-NCPPC.

26. **CBA-2094, Petition of Abdollah Malekzadeh** (trailer park). Hearing Examiner's Report and Recommendation. Item deferred until the Board action on request for oral argument.

28. **CBA-2986, Petition of Leafy House, Inc.** (housing for the elderly). Letter to the Board from Chris A. Fremuth, R.L.A., requesting an administrative modification. (Large exhibit: site, landscape and lighting plan). Item deferred for review of the landscape/lighting plan and the parking plan by M-NCPPC.

29. **S-569, [CBA-3051, S95], Petition of C. O. and M. E. Bland** (horticultural nursery). Letter of complaint to the Board from David C. Gardner, Esquire, regarding the special exception use. Board requests DPS inspection of the special exception property.

PENDING ITEMS (continued):

30. **S-862-A, Federation of American Societies for Experimental Biology** (private education institution. Annual update to the Board. (1) Re-opened the record to include the annual update; (2) Board to request supplemental information from the Federation; (3) item to return to worksession once supplemental information received.
31. **S-1578, [S-1578-A], Petition of Paul Meyers and Judy L. Feinberg** (non-resident professional office). Letter to the Board from Stephen J. Orens, Esquire, requesting a transfer and an administrative modification. Item deferred for review by M-NCPPC Technical Staff.
32. **S-1716, Petition of Sports Fun, Inc.** (commercial recreational or entertainment establishment). Letter to the Board from David and Nancy Ris, current property owners, notifying the Board that the special exception has been abandoned and requesting that the special exception be revoked. Item deferred. Board to request DPS correction of special exception address.
33. **S-1743, Petition of Kentucky Fried Chicken** (drive-in restaurant). Memorandum to the Board from Stanley N. Garber, Investigator, DPS, requesting a Show Cause Hearing. Board requested M-NCPPC recommendation.
34. **S-1751, Petition of Hanna D. Saah** (boardinghouse). Memorandum to the Board from Stanley N. Garber, Zoning Investigator, DPS, regarding the inspection of the special exception. Letter will be sent to the petitioner to determine what future action he proposes for the special exception property.
35. **S-1785, Petition of Mardirossian Family Enterprises** (automobile filling station). Memorandum to the Board from Stanley N. Garber, Investigator, DPS, requesting a Show Cause Hearing. Item deferred to provide notice to prior and current owners of the property.
36. **S-2093, Petition of Bell Atlantic Mobile Systems, Inc.** (public utility structure). Letter to the Board from Sue Swett, Real Estate Department, Pinnacle Towers Inc., requesting a transfer of the special exception. Board requests additional information.

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