

**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

WORKSESSION ADDENDUM MINUTES

Second Floor Davidson Memorial Hearing Room

Wednesday, October 1, 2003, 9:00 A.M.

ACTION CALENDAR:

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

- (a) **A-5892, Petition of Paul and Deborah Vergara** (second-story addition). Hearing held 7/9/03.
- (b) **A-5895, Petition of Ellis Theodorakos** (new single-family dwelling and a detached garage). Hearing held 7/23/03.
- (c) **A-5900, Petition of Patrick J. and Deborah D. Logsdon** (second-story addition). Hearing held 7/23/03.
- (d) **A-5901, Petition of Darlene Cowell** (one-story addition). Hearing held 7/23/03.
- (e) **A-5902, Petition of Charlotte Coffield (one-story addition). Hearing held 7/23/03.**
- (f) **A-5907, Petition of Lamont and Traci Hoffman** (an accessory structure/pool). Hearing held 7/23/03.

Action: Granted Order Extending Time, (LLM/AMC, 4-0).

Board Members

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

Staff

Katherine Freeman, Executive Secretary to the Board
Hermene Jones, Administrative Specialist

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Wednesday, October 1, 2003, 9:00 A.M.

ACTION CALENDAR:

1. **Minutes**, September 17 and 24, 2003 Worksessions.

Action: Approved as amended, (AIF/LLM, 4-0).

2. **A-5823, Appeal of Laurie E. Burch** (Department of Permitting Services (DPS) – Letter dated August 26, 2002). Letter to the Board from Sheldon P. Schuman, Esquire, withdrawing the appeal.

Action: Dismissed the appeal as withdrawn (LLM/AMC, 4-0)

3. **A-5890, Petition of Stephen Kern** (existing single-family dwelling, second-story addition, covered porch). Letter to the Board from Ben Van Dusen, AIA, requesting reconsideration.

Action: Denied request for reconsideration, (AMC/AIF, 4-0).

4. **CBA-1261 [CBA-1261-A], Petition of Barrie School** (private educational institution). Letter to the Board from Susan W. Carter, Esquire, requesting a clarification or an administrative modification.

Action: Granted administrative modification, (AIF/LLM, 4-0).

5. **CBA-2256, Petition of Danac Real Estate Investment Corporation** (automobile filling station). Memorandum to the Board from Barbara J. Piczak, Inspector, DPS, notifying the Board that the special exception has been abandoned and requesting that it be revoked. Also included is a letter of confirmation from the property owner.

Action: Revoked special exception as abandoned, (AMC/LLM, 4-0).

6. **CBA-2602, Petition of Al Golden & Simon Wolfman** (automobile filling station). Memorandum to the Board from Stanley N. Garber, Investigator, DPS, requesting a Show Cause Hearing.

Action: Schedule Show Cause Hearing, (AMC/AIF, 4-0).

7. **CBA-2740, Petition of American Oil Company** (automobile filling station). Memorandum to the Board from the Stanley N. Garber, Investigator, DPR, requesting a Show Cause Hearing.

Action: Schedule Show Cause Hearing, (LLM/AIF, 4-0).

8. **CBA-175, Petition of Francis P. Noonan** (commercial riding stable and boarding). Letter to the Board John F. Whittemore, requesting a transfer of the special exception. Also included is a memorandum from Barbara J. Piczak, Inspector, DPS.

Action: (1) Refer the MNCPPC Technical Staff for review; (2) schedule Show Cause Hearing, (AMC/LLM, 4-0).

9. **S-416, Petition of Helen Brown** (home occupation). Memorandum to the Board from Barbara J. Piczak, DPS, notifying the Board that the special exception has been abandoned and requesting that it be revoked. Also included is letter of confirmation from the property owner.

Action: Revoked special exception as abandoned, (LLM/AIF, 4-0).

10. **S-456, Petition of Suburban Hospital Association, Inc.** (medical clinic). Letter to the Board from Scott C. Wallace, Esquire, requesting a transfer of the special exception and an administrative modification. (Large exhibit: landscape and lighting plan).

Action: (1) Granted transfer of the special exception; (2) granted administrative modification, (LLM/AIF, 4-0).

11. **S-518-B, Petition of American Speech-Language-Hearing Association (ASHA)** (private educational institution). Letter to the Board from Jody L. Kline, Esquire, withdrawing the special exception modification and requesting a 50% refund of the filing fee.

Action: Item deferred to a future Worksession.

12. **S-597, Petition of H. Steven Steinberg, V.M.D. and Kenneth R. Cowell, D.V.M.** (charitable and philanthropic institution). Letter to Board from Nicole M. Lacoste, Esquire, requesting a transfer of the special exception and administrative modification. (Large exhibit: site plan).

Action: (1) Denied administrative modification; (2) schedule Show Cause Hearing, (LLM/AIF, 4-0).

13. **S-682 [S-682-A, S-682-B, S-682-C, S-682-D], Petition of Bethesda Air Rights Company (t/a Bethesda Sport and Health Club).** Letter to the Board from Jody S. Kline, Esquire, notifying the Board the special exception is a permitted use in the zone and requesting that it be revoked. Also included is a letter from Pamela Browning.

Action: Revoked special exception as abandoned, the use is now permitted in the zone, (LLM/AIF, 4-0).

14. **S-688, Petition of The Barnesville School, Inc.** (private educational institution). Letter to the Board from Jaralyn L. Hough, Head of School, requesting an administrative modification.

Action: Item deferred for staff to request additional information.

15. **S-689 [S689-A, S-689-B], Petition of Kenwood Golf and Country Club** (golf and country club). Letters to the Board from James I. and Rukmini Seevaratnam and Sherwin Gardner, requesting a public hearing. Also included is a letter from Harry W. Lerch, Esquire.

Action: (1) Referred to the Office of the Hearing Examiner for a public hearing; (1) public hearing is scheduled for 1/26/04 @ 9:30 a.m., (LLM/AMC, 4-0).

16. **S-831-A [S-831], Petition of Exxon Corporation** (automobile filling station). Memorandum to the Board from Stanley N. Garber, Investigator, DPS, requesting a Show Cause Hearing.

Action: Schedule Show Cause Hearing, (AIF/LLM, 4-0).

17. **S-1346, Petition of Lucile B. Rowe** (home occupation). Memorandum to the Board from Barbara J. Piczak, Inspector, DPS, notifying the Board that the special exception has been abandoned and requesting that it be revoked. Also included is letter of confirmation from the property owner.

Action: Revoked special exception as abandoned, (AMC/AIF, 4-0).

18. **S-1380, Petition of Cary W. Greene** (non-resident medical practitioner's office). Letter to the Board from Jim and Stephen Lee requesting transfer of the special exception.

Action: Granted transfer of the special exception, (LLM/AIF, 4-0).

19. **S-1412, Petition of James W. Adcook** (accessory apartment). Memorandum to the Board from Lynn McCreary, Housing Code Inspector, Department of Housing and Community Affairs (DHCA), notifying the Board that the special exception has been abandoned and requesting that it be revoked.

Action: Item deferred for confirmation from the petitioner or property owner.

20. **S-1436, Petition of Amoco Oil Company** (automobile filling station). Memorandum to the Board from Stanley N. Garber requesting revocation of the special exception.

Action: Revoked special exception, (???/???, 4-0).

21. **S-1727, Petition of Bonneville Satellite Communications** (radio and television broadcasting stations and towers). Report and recommendation from Joel A. Gallihue, Zoning Analyst, M-NCPPC.

Action: (1) Re-opened the record to include M-NCPPC's Report and Recommendation (AIF/AMC, 4-0).

22. **S-1785, Petition of Mardirossian Family Enterprises** (automobile filling station and convenience and beverage store). Letter from Susan W. Carter, Esquire, requesting an administrative modification and that the Board dismiss or postpone the Show Cause Hearing. (Large exhibits: approved plans: site, landscape, signage, and elevations/construction details plans; proposed plans: landscape, lighting, signage and elevation plans).

Action: (1) Re-opened the record to include Ms. Carter's letter, (2) dismissed Show Cause Hearing; (3) granted administrative modification, (LLM/AMC, 4-0).

23. **S-1901, Petition of David Carrier and Monica Lander** (accessory apartment). Memorandum from Kevin Martell, Housing Code Field Supervisor, DHCA, notifying the Board that the special exception has been abandoned and requesting that it be revoked. Also included is a letter of confirmation from the property owner.

Action: Revoked special exception as abandoned, (AMC/AIF, 4-0).

24. **S-2032, Petition of Claude Nicholson** (accessory apartment). Memorandum from Robert Dejter, Housing Code Field Supervisor, DHCA, notifying the Board that the special exception has been abandoned and requesting that it be revoked.

Action: Schedule Show Cause Hearing, (AMC/LLM, 4-0).

25. **S-2054, Petition of Rita Abdulkader** (accessory apartment). Letter to the Board from Michelle Weaver requesting reconsideration.

Action: Denied request for reconsideration, (AMC/LLM, 4-0).

26. **S-2235, Petition of Elderhome, Inc.** (care home). Letter to the Board from Stanley D. Abrams, Esquire, requesting an extension of time. Also included is Memorandum from Piera Weiss, Planner, M-NCPPC.

Action: Denied request for extension of time, (LLMAMC, 4-0).

27. **S-2515, Petition of Sprint PCS/APC Realty and Equipment Company, LLC and Terry H., Nerissa B. Frank H. and Eric Z. Lloyd** (public utility buildings, public utility structures and telecommunications facilities). Letter to the Board from James R. Michal, Esquire, Michael R. Smith, and Peter Menke, Mayor, Town of Barnesville, requesting an administrative modification. (Large exhibit: monopole elevation).

Action: Granted administrative modification, (LLM/AIF, 4-0).

28. **S-2235, Petition of Mohammed A. Motalib** (accessory apartment). Letter to the Board from the petitioner withdrawing the special exception.

Action: Dismissed the special exception as withdrawn, (LLM/AMC, 4-0).

DECISION ITEMS:

29. **S-2079, Petition of Alberto F. Reluzco** (landscape contractor). Hearing Examiner's Report and Recommendation.

Action: Adopted the Hearing Examiner's report and recommendation and granted the special exception, (AIF/AMC, 4-0).

30. **S-2476, Petition of Safeway, Inc.** (automobile filling station). Hearing Examiner's Report and Recommendation. Also included is a letter from C. Robert Dalrymple, Esquire, and Anne C. Martin, Esquire.

Action: Item deferred for a future Worksession.

PENDING ITEMS:

31. **CBA-916 [S-615], Petition of The Public Health Service Club, Inc. and The Foundation for Advanced Education in the Sciences, Inc.** (private club). Letter to the Board from Lois W. Kochanski, Executive Director, requesting an administrative modification and the deletion of one of the special exception holders. Item deferred for confirmation of the deletion of Public Health Service Club as a special exception holder.
32. **CBA-1332, Petition of Huggins and Harrison, Inc.** (outdoor automobile sales lot). Letter to the Board from the petitioner requesting an administrative modification. Item deferred for additional information. Board requests a site plan with dimensions that shows the location of the trailer in relation to the property's boundary lines.
33. **CBA-1620, Petition of Jack Coopersmith** (automobile filling station). Letter to the Board from John R. Barr, Esquire, requesting a transfer and an administrative modification. Also included is a letter of support from the Darnestown Civic Association. (Large exhibits: site and construction details plans). Referred to the M-NCPPC Technical Staff for review.
34. **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. Item deferred to allow Board time to review file.
35. **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). Request referred to staff for comment.
36. **CBA-2709, Petition of Leonard Tempchin, et al t/a Silver Spring Associates** (off-street parking). Letter to the Board from Avi Halpert, Property Manager, requesting an administrative modification. Also included is a memorandum from Stanley N. Garber, Investigator, DPS, requesting a Show Cause Hearing. Item deferred to next available Worksession.
37. **S-569, [CBA-3051, S-95], 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.
38. **S-858, Petition of Surjeet K. Singh** (child day care facility). Letter to the Board from the petitioner requesting an administrative modification. Also included is a memorandum to the Board from Stanley N. Garber, Investigator, DPS, requesting a Show Cause Hearing. Item deferred for review by DPS of trash enclosure, stockade fence, existing and proposed landscaping and use of pool.
39. **S-1064, Petition of Greentech Landscaping, Inc.** (horticultural nursery and greenhouse). Letter to the Board from Leon Trager and Andrew Sebastian, requesting a transfer and an administrative modification. Deferred for review by M-NCPPC Technical Staff.
40. **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.

PENDING ITEMS (continued):

41. **S-2477, Petition of American Tower Corporation and AT&T Wireless Services** (public utility buildings, public utility structures and telecommunications facilities). Letter to the Board from John R. D. Copley. Referred to DPS for review.

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