

**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, October 15, 2003, 9:00 A.M.

ACTION ITEM:

1. **A-5859, Appeal of Lorrie Hartwell** (Department of Permitting Services – Revocation of Construction Permit No. 290613, dated 12/23/02). Letter from the appellant to the Board withdrawing the appeal and requesting a refund of the filing fee.

Action: (1) Dismissed appeal; (2) granted refund of the filing fee (\$166.00), AIF/AMC, 3-0.

Board Members

Donald H. Spence, Jr., Chairman - ABSENT
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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INFORMATION ITEM:

1. **CBA-2724, Petition of Norbeck Country Club** (country club). Letter to the Board from Robert H. Rosenbaum, First Vice President, with a Progress Report.

Action: Re-opened the record to include Progress Report, (AMC/AIF, 3-0).

Board Members

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Donna L. Barron, Vice Chairman - ABSENT
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WORKSESSION MINUTES

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Wednesday, October 15, 2003, 9:00 A.M.

ACTION CALENDAR:

1. **Minutes**, October 1 and 8, 2003 Worksessions.
Action: Approved, (LLM/AMC, 4-0).
2. **Order Extending Time for the Board's Written Opinion** for 30 days is required in the following case:
 - (a) **A-5911, Petition of Amy Woolf** (two-story addition). Hearing held 9/10/03.
Action: Granted Order Extending Time, (LLM/AIF, 4-0).
3. **A-2458, Petition of Tao K. Ming** (a carport). Letter to the Board from the petitioner requesting reconsideration.
Action: No action by the Board, consensus.
4. **A-5824, Petition of Mahin Ghadiri** (one-story addition). Remand from the Circuit Court. Also included is letter to the Board from the petitioner.
Action: Remand Hearing scheduled for 11/12/03 @ 9.30 a.m.
5. **A-5922, Petition of Stanley Smith** (existing covered porch). Board vote to close the record.
Action: Item deferred for the Chairman to read the transcript.
6. **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 dated 2/25/03 to the Board from Lois W. Kochanski, Executive Director, requesting an administrative modification and the deletion of one of the special exception holders. Also included are letters dated 8/26/03 from Barbara Rolling, President Public Health Service Club and 9/29/03 from Lois K. Kochanski, Executive Director, The Foundation for Advanced Education in the Sciences, Inc.
Action: (1) Granted administration modification; (2) deleted The Public Health Service Club, Inc. as one of the special exception holders, (AIF/LLM, 4-0).

7. **CBA-2107-B, Petition of Exxon Company USA** (automobile filling station). Letter to the Board from Susan W. Carter, Esquire, requesting an administrative modification. (Large exhibit: site plan).

Action: Granted an administrative modification and a change of name for the special exception holder, (AIF/AMC, 4-0).

8. **CBA-2428, Petition of Shell Oil Company** (automobile filling station). Letter to the Board from John R. Barr, Esquire requesting an administrative modification. (Large exhibit: site plan).

Action: Item deferred for receipt of a photometric plan and analysis.

9. **CBA-2630 [CBA-2697, CBA-3062], Petition of Paul Barman and Amoco Oil Company** (automobile filling station). Memorandum from the Stanley N. Garber, Investigator, Department of Permitting Services (DPS) notifying the Board that the special exception has been abandoned and requesting that it be revoked. The property is currently owned by the State of Maryland.

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

10. **S-302, Petition of Nazarene Glottis** (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 a letter of confirmation from the petitioner.

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

11. **S-411-D, Petition of La Fondation De L'Ecole Francaise International De Washington** (private educational institution). Letter to the Board from Jody S. Kline, Esquire, in response to a letter the Board received from Mr. and Mrs. John McCauley.

Action: Re-opened record to include Mr. and Mrs. McCauley's letter (AIF/LLM, 4-0). Special exception in compliance per DPS inspection.

12. **S-550, Petition of Shirley Sardino and China Coast, Inc.** (antique shop). Letter to the Board from the petitioner requesting an administrative modification.

Action: Schedule public hearing on administrative modification, (LLM/AMC, 4-0).

13. **S-570, Petition of Izaak Walton League** (outdoor rifle range). Field Report to the Board from Tom Ogle, Noise Program Manager, Department of Environmental Protection.

Action: Re-opened the record to include Mr. Ogle's Field Report, (AMC/AIF, 4-0).

14. **S-807, Petition of Washington Adventist Hospital** (hospital). Long-Range Plan for Development from C. Robert Dalrymple, Esquire. Also included is are letters from Martin Klauber, People's Counsel, requesting an opportunity to provide a status report to the Board and Suzanne Ludlow, Community and Government Liaison, City of Takoma Park.

Action: Re-opened record to include Long-Range Plan from Mr. Dalrymple and letters from Mr. Klauber and Ms. Ludlow, AIF/AMC, 4-0).

15. **S-826 [S-826-A], Petition of Margery A. Elsbert t/a R.M.K. Associates** (private educational institution). Letter to the Board from Harry W. Lerch, Esquire, requesting a transfer and administrative modification.

Action: (1) granted transfer and administrative modification, (AIF/AMC, 4-0).

16. **S-1436, Petition of Amoco Oil Company** (automobile filling station). Memorandum to the Board from Stanley N. Garber, Investigator, DPS, requesting that the special exception be modified.

Action: (1) Rescinded revocation of the special exception; (2) Schedule Show Cause Hearing, (LLM/AMC, 4-0).

17. **S-1718, Petition of SSPC Housing Corporation** (a boarding house). Letter from the petitioner notifying the Board that the special exception has been abandoned and requesting that it be revoked.

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

18. **S-1743, Petition of Kentucky Fried Chicken** (drive-in restaurant). Submission of an approved landscape plan from Bill Landfair, MNCPPC. (Large exhibit: approved landscape plan).

Action: Re-opened the record to include approved landscape plan, AMC/AIF, 4-0).

19. **S-2054, Petition of Miguel Vigil-Hernandez** (accessory apartment). Letter to the Board from Michelle Weaver, requesting reconsideration.

Action: Item deferred for issuance of the Board Resolution transferring the special exception, (LLM/AIF, 4-0).

20. **S-2376, Petition of Gregory Eisenstadt, Trustee for Edgewood Hill Associates** (child day care facility) and **S-2377, Petition of Gregory Eisenstadt, Trustee for Edgewood Hill Associates** (housing and related facility for the elderly or handicapped persons). Letters to the Board from Steven A. Robins, Esquire, requesting an extension of time.

Action: (1) Granted extension to implement until 4/14/04; (2) petitioner to submit a status report on 4/14/04, (LLM/AIF, 4-0).

21. **S-2453, Petition of Academy Child Development, Inc.** (child day care facility). Letter to the Board from Mark Thomas Schaefer, PE, CCM, requesting an administrative modification. (Large exhibits: as-built lighting plan and as-built landscape plan).

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

21. **S-2517, Petition of Damascus Sports Authority, Inc. (DSA)** (service organization). Letter to the Board from Jody S. Kline, Esquire, requesting Oral Argument. Also included is a letter from Ronald Smith with a request to deny Oral Argument.

Action: Item deferred for future Worksession.

INFORMATION ITEMS:

23. **CBA-1174, Petition of Holton Arms School** (private educational institution). Quarterly Report from Diana Coulton Beebe, Head of School.

Action: Re-opened the record to include Quarterly Report, (AMC/AIF, 3-0/DHS/absent).

24. **S-420, Petition of Holy Cross Hospital, Inc.** (hospital). Fourth Progress Report from Cornelius P. McKelvey, Senior Vice President.

Action: Re-opened the record to include Quarterly Report, (AMC/AIF, 3-0/DHS/absent).

DECISION ITEMS:

25. **S-1095, Petition of Amoco Oil Company** (automobile filling station). Show Cause Hearing held 9/24/03.

Action: Reaffirmed and modified the special exception, (AIF/AMC, 3-0/DHS/DLB/absent).

26. **S-2581, Petition of Enterprise Leasing Company** (outdoor storage of rental vehicles). Hearing Examiner's Report and Recommendation.

Action: Adopted the Hearing Examiner's Report and Recommendation as amended and granted the special exception, (LLM/AMC, 4-0/DLB/absent).

PENDING ITEMS:

27. **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.

28. **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.

29. **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.

30. **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.

31. **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.

PENDING ITEMS (continued):

32. **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.
33. **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.
34. **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.
35. **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.
36. **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.
37. **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. Item deferred for a future Worksession.
38. **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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