

**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, December 10, 2003, 9:00 A.M.

ACTION ITEM:

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

- (a) **A-5922, Petition of Stanley Smith** (existing covered porch). Hearing held 10/8/03 and Worksession held 11/12/03.
- (b) **A-5930, Petition of Lenford C. Carey** (one-story addition). Hearing held 11/5/03.
- (c) **A-5938, Petition of David Shaool** (new single-family dwelling). Hearing held 11/5/03.

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

Board Members

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

Staff

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

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ACTION CALENDAR:

1. **A-5952, Petition of Philip and Jodi Arlen** (the existing single-family dwelling and a two-story addition). Letter to the Board from the petitioners requesting an expedited hearing.

Action: Granted expedited hearing, (DLB/AMC, 4-0).

2. **CBA-969-A [CBA-969, CBA-2634], Petition of Millennium Health Services, LLC and Millennium Holdings V, LLC** (nursing home). Memorandum to the Board from Stanley N. Garber, Investigator, Department of Permitting Services (DPS), requesting additional information for the Hearing Examiner. Also included is letter to Mr. Garber from David D. Frieshtat, Esquire, and Cara A. Frye, Esquire.

Action: No action required by the Board.

3. **CBA-1174-C, Petition of Holton-Arms School, Inc.** (private educational institution). Letter submitting the school's quarterly report from Diane Coulton Beebe, Head of School.

Action: Re-opened the record to include the quarterly report, (DLB/AMC, 4-0).

4. **CBA-2443, Petition of Valerie Jean Raba Bruch** (private riding stable). 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.

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

5. **CBA-2640, The National Capital Area Council Boy Scouts of America** (outdoor automobile sales). Letter to the Board from Patricia A. Harris, Esquire, requesting an administrative modification. Also included is a Technical Staff Report from Kristin O'Connor, Planner, M-NCPPC. (Large exhibits: photometric and concept plans).

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

6. **S-1239, Petition of Ruby Johnson** (accessory apartment). Letter to the Board from Ernestine and Jewel Johnson, requesting a transfer of the special exception.

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

7. **S-1462, Petition of Lawrence J. Giebel, D.V.M.** (veterinary hospital). Letter to the Board from Susan W. Carter, Esquire, submitting additional information. (Large exhibits: landscape and lighting plans).

Action: Item deferred for additional information from Ms. Carter, consensus.

8. **S-1821, Petition of Don L. Frederick** (accessory apartment). Letter to the Board from Catherine Ellis Peterson and Brian Sickora requesting a transfer of the special exception.

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

DECISION ITEMS:

9. Resolution to Refer Case Nos. S-2593, S-2597, and S-2598 to the Office of the Hearing Examiner.

Action: Referred cases to the Office of the Hearing Examiner, (DLB/AIF, 4-0).

10. **S-2584, Petition of David A. Cruz** (accessory apartment). Hearing Examiner's Report and Recommendation.

Action: Adopted the Hearing Examiner's Report and Recommendation and granted the special exception, (AIF/DLB, 4-0).

PENDING ITEMS:

11. **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.

12. **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.

13. **CBA-1220 [CBA-2103], Petition of Briggs, Wamsley and Samperton [Governor's House Motel]**. Memorandum from Stanley N. Garber clarifying his memorandum and request dated July 18, 2003 (item returning from October 8, 2003 WS). Item deferred for receipt of a site plan.

14. **CBA-2180 and S-254, Petition of 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.

15. **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):

16. **CBA-2372 [CBA-2372-A], Petition of Mobil Oil Corporation** (automobile filling station). Letter to the Board from Jody S. Kline, Esquire, requesting an administrative modification. (Large exhibits: site development and landscape plans). Item deferred for site and photometric plans.
17. **CBA-2460, 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. Referred to MNCPPC Technical Staff for review and analysis.
18. **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). Item deferred for receipt of a photometric plan and analysis.
19. **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.
20. **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.
21. **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.
22. **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 MNCPPC Technical Staff.
23. **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.
24. **S-1903, Petition of Exxon Company, U.S.A.** (automobile filling station). Letter to the Board from Jody S. Kline, Esquire, requesting an administrative modification. Item deferred for an approved landscape and lighting plan.
25. **S-2054, Petition of Miguel Vigil-Hernandez** (accessory apartment). Letter to the Board from Michelle Weaver, requesting reconsideration. Item deferred for issuance of the Board Resolution transferring the special exception.
26. **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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