

**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 MINUTES

Second Floor Davidson Memorial Hearing Room

Wednesday, December 17, 2003, 9:00 A.M.

ACTION ITEMS:

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

- (a) **A-5927, Petition of Cristin C. Fair** (an existing single-family dwelling and a one-story addition). Hearing held 11/12/03.
- (b) **A-5932, Petition of Crowin and Virginia Atwood** (an existing screened porch). Hearing held 11/12/03.
- (c) **A-5934, Petition of Stephen Mergenhagen and Donna Kerr** (a new single-family dwelling). Hearing held 11/12/03.
- (d) **A-5935, Petition of Beck Sisson and John R. Sisson** (an accessory structure/garage). Hearing held 11/12/03).

Action: Granted Order Extending Time, (AIF/AMC, 3-0).

2. **A-5933, Appeal of Michelle and Gary Belski** (Department of Permitting Services (DPS) – Issuance of Permit No. 310890). Letter to the Board from William J. Chen, Jr., Esquire, requesting a continuance.

Action: Granted continuance, (AMC/AIF, 3-0).

Board Members

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

Staff

Thomas Carbo, Assistant County Attorney
Katherine Freeman, Executive Secretary to the Board
Hermene Jones, Administrative Specialist

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ACTION CALENDAR:

1. **A-5929, Appeal of Darin R. Bartram and Clifford J. Scharman** (Department of Permitting Services – Issuance of Building Permit Not. 311892). Letter to the Board from the appellants requesting a continuance and subpoenas.

Action: (1) Re-opened the record to include letters from Ms. Carter, Messrs. Bartram and Scharman; (2) granted discovery; (3) granted continuance, (AIF/AMC, 3-0).

2. **CBA-1743, Petition of Calverton Swim Club, Inc.** (community swimming pool). Letter from Patrick J. Byrne, Board Member, requesting an administrative modification. (Large exhibits: site and stormwater management plans).

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

3. **S-180-B, Petition of The George Meany Center for Labor Studies – The National Labor College, Inc.** (private educational institution). Letter to the Board from Todd D. Brown, Esquire, requesting an administrative modification. (Large exhibits: rendered elevations, elevations, floor plans, site plans, special exception amendment plans and landscape and lighting plan).

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

4. **S-914-B, Petition of PGA Tour, Inc.** (private golf course). Letter to the Board from Stephen Z. Kaufman, Esquire, and Anne C. Martin, Esquire, requesting an administrative modification. (Large exhibit: site and natural resource inventory and forest stand delineation plan).

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

5. **S-1078, Petition of Sugarloaf Service Center** (automobile filling station). Letter to the Board from James L. Parsons, Jr., Esquire, requesting an administrative modification.

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

6. **S-2587, Petition of Quarles Petroleum, Ins.** (automobile filling station). Letter from Jody S. Kline, Esquire, requesting that the special exception be heard by the Board.

Action: Denied request for the Board hold the special exception hearing, (, 4-0).

PREHEARING CONFERENCE:

7. **A-5824, Appeal of James J. Levin** (Department of Permitting Services – Rejection of Objectives to Location Certificate and Foundation Wall Setback).

Action: _____

PENDING ITEMS:

8. **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.

9. **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.

10. **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.

11. **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.

12. **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.

13. **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.

14. **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.

15. **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.

PENDING ITEMS (continued):

16. **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.

17. **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.

18. **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.

19. **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.

20. **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.

21. **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.

22. **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.

23. **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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