

**BOARD OF APPEALS  
for  
MONTGOMERY COUNTY**

**Stella B. Werner Council Office Building  
100 Maryland Avenue  
Rockville, Maryland 20850  
(240) 777-6600**

**WORSESSION MINUTES**

**Second Floor Davidson Memorial Hearing Room**

**Wednesday, September 22, 2004, 1:30 p.m.**

**ACTION ITEMS:**

1. **Minutes**, September 1, 2004 Worksession.

Action: Approved, (DLB/LLM, 4-0).

2. **CBA-15 [CBA-739], Petition of Parkwood Homes/William E. Cross** (trailer park). Memorandum to the Board from Stanley N. Garber, Investigator, (Department of Permitting Services (DPS), notifying the Board that the special exceptions have been abandoned and requesting that they be revoked.

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

3. **CBA-932 [CBA-933], Petition of Fred C. Ihrer t/a Comus Inn, Inc.** (restaurant and antique shop). Letter to the Board from David D. Freishtat, Esquire, notifying the Board that the special exceptions are a permitted use and requesting that they be revoked.

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

4. **CBA-1454, Petition of Drumeldra, Inc.** (parking lot). Memorandum from Stanley N. Garber, Investigator, DPS, notifying the Board that the special exception is a permitted use and requesting that it be revoked.

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

5. **CBA-2198 [CBA1736], Petition of Dr. Wilhelmina Camina** (non-resident medical practitioner). Letter to the Board from Jane L. Przygocki, AICP, requesting an administrative modification. (Large exhibits: site plan and elevations and floor plan).

Action: (1) Denied administrative modification; (2) granted a 60-day extension to permit the filing of a major modification, (DLB/AMC, 4-0).

6. **CBA-2334, Petition Columbia Union College** (private educational Institution). Letter from Patrick Farley, Vice President for Financial Administration, notifying the Board that the special exception has been abandoned and requesting that it be revoked.

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

7. **CBA-2620-A, Garden Gate Landscaping, Inc.** (retail horticultural nursery). M-NCPPC Technical Staff Report from Joel A. Gallihue.

Action: Item deferred until the next Worksession, consensus.

8. **CBA-1577 [S-233], Petition of Stanley J. Nadonley, Trustee** (golf course and country club). M-NCPPC Technical Staff Report from Joel A. Gallihue.

Action: (1) DPS to re-inspect the special exception; (2) BOA Staff to transmit the M-NCPPC staff report to special exception holder.

9. **CBA-1595, Petition of Woodmoor Service Center, Inc.** (off-street parking). Letter from Emily J. Vaias, Esquire, notifying the Board that the special exception is a permitted use and requesting that it be revoked.

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

10. **CBA-2709, Petition of Leonard Tempchin, et al t/a Silver Spring Associates** (off-street parking in connection with a commercial use). Letter to the Board from Avi Halpert, Property Manager.

Action: Granted continuance, (LLM/DLB, 4-0). New hearing date: 10/20/04 @1:30 p.m.

11. **S-123 [S-462, S-1353], Petition of Sandra J. Littlejohn** (home occupation). Letter from the petitioner notifying the Board that the special exception has been abandoned and requesting that it be revoked.

Action: Item deferred for inspection by DPS, consensus.

12. **S-290, Petition of Robert T. Foley Company**(community swimming pool). Letter from Joseph A. Colombo, Quail Valley Community Manager and Patrick Gloyd, Operations Director, requesting an administrative modification. (Large exhibits: site plan and elevations).

Action: Denied administrative modification, (LLM/DLB, 4-0).

13. **S-595, Petition of Mario Ortega, M.D.** (non-resident medical practitioner). 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, (DLB/LLM, 4-0).

14. **S-727, Petition of Robert M. Mueller, D.V.M.** (non-resident professional office). Letter to the Board from Kinley R. Dumas, Esquire, requesting an administrative modification.

Action: Denied administrative modification, (DLB/LLM, 4-0).

15. **S-882, Rene Monserrat and Emilo A. Brouwer** (horticultural nursery and commercial greenhouse/garden center). Status update.

Action: Schedule continuance of Show Cause Hearing with the Board.

16. **S-898-A [S898], Petition of Joseph J. Johnson, D.V.M.** (veterinary hospital). Letter to the Board from Patricia A. Harris, Esquire, requesting an administrative modification. (Large exhibit: site plan).

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

17. **S-1129, Petition of Margaret Lee Weil** (accessory apartment). Memorandum to the Board from John Whitt, Housing Code Field Supervisor, Department of Housing and Community Affairs [DHCA] correcting the record.

Action: Re-opened the record to include Mr. Whitt's letter, (LLM/AMC, 4-0).

18. **S-1513, Petition of Nelson D. Hermilla** (accessory apartment). Memorandum to the Board from Robert Dejter, Housing Code Field Supervisor, Department of Housing and Community Development [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 petitioner.

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

19. **S-1775, Petition of Edward Dudley** (accessory apartment). Memorandum from J. Kwame Edusei, Housing Code Inspector, DHCA, notifying the Board that 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).

20. **S-1862, Petition of Benjamin and Beate Beck** (accessory apartment). Memorandum 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 of confirmation from property owner.

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

21. **S-1950, Petition of Parvinder Heir** (child day care center). Memorandum from Stanley N. Garber, Investigator, DPS, notifying the Board that the special exception has been revoked by the Hearing Examiner.

Action: No action required by the Board.

22. **S-2115, Petition of White Flint Golf Park, Inc.** (golf driving range). Letter to the Board from Martin J. Hutt, Esquire, and Steven A. Robins, Esquire, requesting an administrative modification. (Large exhibits: landscape and lighting plan, soil erosion and sediment control plan, overall site plan and site development plan).

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

23. **S-2180, Petition of Lucy A. Srabstein** (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 include is a letter of confirmation from the property owner.

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

24. **S-2399, Petition of Mo Kyung Kwun and Julie Kwun** (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 of confirmation from the petitioner.

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

25. **S-2524, Petition of Two Goshen Oaks Center, LLC and Seven-Eleven, Inc.** (automobile filling station). Memorandum to the Board from Stanley N. Garber, Investigator, DPS, requesting a Show Cause Hearing.

Action: Deferred for DPS review of the record, consensus.

26. **S-2533, Petition of Phyllis L. Childers** (major home occupation). 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, (LLM/AMC, 4-0).

27. **S-2580, Petition of Margaret Walker-Bruce** (accessory apartment). Letter to the Board from the petitioner requesting a waiver of the administrative fees.

Action: Denied request for waiver, (DLB/LLM, 4-0).

#### **PENDING ITEMS:**

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-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. [W/S 11/12/03].

30. **S-68 [CBA-2255], Petition of Scott Shuck d/b/a Grosvenor Market, Inc.** (delicatessen within a multiple family structure). Letter of complaint to the Board from Jude Wikramanayake, Esquire. Referred to DPS for inspection of the special exception. [W/S 9/1/04].

31. **S-390, Petition of Twin Farms Club, Inc.** (community swimming pool). Letter to the Board from Teresa A. McKenna, President, requesting an administrative modification. (Large exhibit: site and grading plan). (1) Item deferred for receipt of a site plan with the existing conditions; (2) item referred to M-NCPPC Technical Staff of review of administrative modification\_request.

32. **S-485, Petition of Laurence and Anne Karpman** (antique shop). Letter to the Board from the petitioners requesting an administrative modification. Item deferred for additional information regarding: (1) detailed site plan; (2) updated exterior lighting plan; (3) detailed statement of operations. [W/S 7/14/04].

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-882, Petition of Rene Monserrat and Emilio A. Brouwer** (horticultural nursery and commercial greenhouse/garden center). Inspection report from Stanley N. Garber, Investigator, DPS. Also included is a memorandum from Andrew Thompson, Associate County Attorney. (1) Re-opened the record to include Mr. Garber's and Mr. Thompson's letter; (2) Show Cause Hearing deferred to a future Worksession. [W/S 6/16/04].

**PENDING ITEMS (continued):**

35. **S-1573, Petition of Robert H. Edmund** (side lot line setback). Letter to the Board from Judith M. Koenick requesting an explanation of a building permit issued by DPS. Item referred to DPS for inquiry.
36. **S-1747, Petition of Thompson R. and Nancy S. Buchanan** (accessory apartment). Memorandum to the Board from John Whitt, 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 petitioner. Item deferred for future Worksession. [W/S 5/5/04].
37. **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. [W/S 11/12/03].
38. **S-2145, Petition of Southwestern Bell Mobile Systems, Inc.** (public utility buildings, public utility structures and telecommunications facilities). Letter to the Board from Brian Hurley, Regional Real Estate Manager, requesting a transfer of the special exception. Item deferred for future Worksession. [W/S 6/9/04].
39. **S-2184, Petition of Charles R. Gilbert** (indoor rifle and pistol range). Letters to the Board from Anthony R. Shore, Esquire, requesting an administrative modification. Item deferred for additional information from the petitioner. [W/S 3/17/04].

**Board Members**

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

**Staff**

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