

**BOARD OF APPEALS
for
MONTGOMERY COUNTY**

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

WORKSESSION MINUTES

Second Floor Davidson Memorial Hearing Room

Wednesday, April 20, 2005, 9:30 a.m.

ACTION ITEMS:

1. **Minutes**, April 6 and 13, 2005 Worksessions.

Action: Approved as amended, (LLM/WMH, 5-0).

2. **A-5810, Petition of Burkey and Donna Belser** (two-story addition). Pending variance request.

Action: Dismissed variance request, (WMH/DLB, 5-0).

3. **A-6058, Petition of Nadim Ahmed** (a one-story and a two story addition). Department of Permitting Services (DPS) memorandum with additional information.

Action: Denied variance, (AMC/LLM, 5-0).

4. **CBA-2013, Petition of Fairchild Hiller Corporation** (private airfield). Memorandum to the Board from Stanley N. Garber, Investigator, 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 Edward Dosik, Advantis Real Estate Services.

Action: Revoked special exception as abandoned, (WMH/DLB, 5-0).

5. **CBA-2261, Norman M. Miller, D.D.S.** (non-resident dental office). Memorandum from Stanley N. Garber, Investigator, DPS, notifying the Board that the special exception has been abandoned and requesting that it be revoked. Also included in a letter of confirmation from the property owner.

Action: Revoked special exception as abandoned, (AMC/LLM, 5-0).

6. **CBA-2470, Petition of Potomac Methodist Church and the German School** (private educational institution). Memorandum from Stanley N. Garber, Investigator, DPS, notifying the Board that the special exception has been abandoned and that requirements for special exception do not apply to the church.

Action: Revoked special exception as special exception requirements to do not apply to the church, (LLM/DLB, 5-0).

7. **CBA-3021, Petition of Germantown Country Club, Inc.** (private club). Memorandum from Stanley N. Garber, Investigator, 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 Edward Dosik, Advantis Real Estate Services.

Action: Revoked special exception as abandoned, (LLM/AMC, 5-0).

8. **S-51, Petition of Nellie M. Craver** (care home). Memorandum from Stanley N. Garber, Investigator, DPS, notifying the Board that the special exception has been abandoned and requesting that it be revoked.

Action: Schedule Show Cause Hearing, (AMC/WMH, 5-0).

9. **S-711, Petition of David H. Semmes** (private riding stable). Memorandum from Stanley N. Garber, Investigator, DPS, notifying the Board that the special exception has been abandoned and requesting that it be revoked. Also included is a confirmation from the special exception holder.

Action: Revoked special exception as abandoned, (LLM/WMH, 5-0).

10. **S-1357, Petition of Larry V. Butterfield** (home occupation). Memorandum from Stanley N. Garber, Investigator, DPS, notifying the Board that the special exception has been abandoned and requesting that it be revoked.

Action: Schedule Show Cause Hearing, (AMC/LLM, 5-0).

11. **S-1363, Petition of S & P Partnership** (non-resident professional office). Memorandum from Stanley N. Garber, Investigator, DPS, requesting a Show Cause Hearing.

Action: Schedule Show Cause Hearing, (WMH/LLM, 5-0).

12. **S-1444, Petition of Dr. Fred R. T. and Carlene C. Nelson** (non-resident medical practitioner). Memorandum from Stanley N. Garber, Investigator, 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 William J. Chen, Jr., Esquire.

Action: Revoked special exception as abandoned, (DLB/AMC, 5-0).

13. **S-1467, Petition of Dr. Edwin N. Friedman** (non-resident professional office). Memorandum from Stanley N. Garber, Investigator, DPS, notifying the Board that the special exception has been abandoned and requesting that it be revoked.

Action: Schedule Show Cause Hearing for revocation of the special exception, (AMC/WMH, 5-0).

14. **S-1484, Petition of Frank J. Martell and K. Melisa Martell** (private riding stable). Memorandum from Stanley N. Garber, Investigator, DPS, notifying the Board that the special exception has been abandoned and requesting that it be revoked.

Action: Schedule Show Cause Hearing for revocation of the special exception, (LLM/DLB, 5-0).

15. **S-1747, Petition of Thompson R. and Nancy S. Buchanan** (accessory apartment). Memorandum to the Board from John Whitt, Housing Code Field

Supervisor, Department of Housing and Community Affairs [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/LLM, 5-0).

16. **S-1812, Petition of Suchat and Chamchoi Suthisasanakul** (horticultural nursery and landscape contractor). Memorandum from Stanley N. Garber, Investigator, DPS, notifying the Board that the special exception has been abandoned and requesting that it be revoked.

Action: Schedule Show Cause Hearing for revocation of the special exception, (LLM/AMC, 5-0).

17. **S-2487, Petition of Orchard Development Corporation** (housing and related facilities for the elderly or handicapped). Letter to the Board from Scott Armiger, Vice President, requesting an administrative modification. (Large exhibits: landscape and lighting plan and as-built site plan).

Action: Item deferred for additional information from the petitioner, consensus/AIF/recused.

18. **S-2527, S-2528, S-2529, Petitions of Twin Ponds, LLC** (wholesale horticultural nursery, landscape contractor, manufacture of mulch). Letter to the Board Erica A. Leatham, Esquire, requesting a clarification of the conditions of approval. Also included are letters from William J. Chen, Jr., Esquire.

Action: (1) Re-opened the record to include the letters from Ms. Leatham and Mr. Chen; (2) the Board will take letters under consideration, (LLM/DLB, 5-0).

DECISION ITEM:

19. **S-2627, Petition of Eden Crane** (accessory apartment). Hearing Examiner's Report and Recommendation.

Action: (1) Adopted the Hearing Examiner's report and recommendation; (2) granted the special exception, (LLM/DLB, 5-0).

PENDING ITEMS:

20. **CBA-123 [S-462, S-1353], Petition of Sondra J. Littlejohn** (home occupation). Inspection report to the Board from Stanley N. Garber, Investigator, Department of Permitting Services (DPS). Re-opened the record to include Mr. Garber's memorandum. [W/S 10-20-04].

21. **CBA-3057, Petition Chevron USA** (automobile filling station). Letter to the Board from John Hutchinson requesting a transfer of the special exception. Deferred request until the Show Cause Hearing. [W/S 9-29-04].

PENDING ITEMS continued:

22. **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. [W/S 2-18-04].
23. **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. [W/S 5-22-02].
24. **S-684, Petition of Chung K. Park** (dental/medical clinic). Letter of complaint to the Board from Steven Blanken, President, Burkland Condominium. Referred to DPS for inspection of the special exception. [W/S 4/21/04].
24. **S-727, Petition of Robert M. Mueller, D.V.M.** (non-resident professional office). Inspection report from Stanley N. Garber, Investigator, DPS. (1) Re-opened the record to include Mr. Garber's inspection report; (2) special exception holder has 40 days to comply with special exception conditions; (3) item will return to the Board's to Worksession agenda after compliance period (1/5/05). [W/S 11-10-04].
25. **S-1424, Petition of Korean Community Senior Housing Corporation of Maryland, Inc.** (housing for the elderly). Letter to the Board from Thomas J. Carroll, Esquire, requesting an administrative modification. Item deferred until Board action on related special exception Case No. S-2639. [W/S 4-6-05].
26. **S-1437, Petition of John D. Hyman** (wholesale nursery and landscape contractor). Letter to the Board from Timothy Dugan, Esquire. Granted extension to resolve Notice of Violation until 4/1/05. [W/S 1/5/05].
27. **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].
28. **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].
29. **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].
30. **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. Deferred for DPS review of the record. [W/S 9-22-04].
31. **S-2580, Petition of Margaret Walker-Bruce** (accessory apartment). Letter to the Board from the petitioner modifying the floor plan of the accessory apartment. Referred new plans for DHCA review. [W/S 10-20-04].

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