

**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, September 14, 2005, 9:30 a.m.**

**ACTION ITEMS:**

1. **CBA-2568, Petition of UTF-Maryland Limited Partnership** (automobile filling station). Letter to the Board from Stanley D. Abrams, Esquire. (Large exhibits: site and landscape plans). Show Cause Hearing held 6/22/05.

Action: (1) Dismissed Show Cause Hearing; (2) granted modification of the special exception, (AMC/WMH, 4-0/AIF/recused).

2. **S-707 [S-786, S-786-S], Petition of McDonald's Corporation [Joseph Montoya, Owner/Operator]** (drive-in restaurant). Letter from the petitioner requesting an administrative modification.

Action: Granted administrative modification, (LLM/WMH, 4-0/AIF/recused).

3. **S-774, Petition of Exxon Corporation** (automobile filling station). Letter to the Board from Jody S. Kline, Esquire. (Large exhibits: site development plan and construction details plan).

Action: (1) Re-opened the record to include Mr. Kline's letter with attachments; (2) granted modification of the special exception, (AMC/WMH, 4-0/AIF/recused).

4. **S-820, Petition of Arbor Landscapers, Inc.** (horticultural nursery and commercial greenhouse). Memorandum to the Board from Carlton Gilbert, M-NCPPC, complaint regarding compliance with special exception grant.

Action: Requested inspection of the special exception, (LLM/AMC, 5-0).

5. **S-850, Petition of Amoco Oil Company** (automobile filling station). Letter from Susan W. Carter, Esquire, requesting a transfer of the special exception.

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

**DECISION ITEMS:**

6. **S-289-B, Petition Little Falls Swim and Tennis Club** (community swimming pool). Supplemental Hearing Examiner's Report and Recommendation. Also included is an Inspection Report from Tom Ogle, Noise Program Manager, Department of Environmental Protection (DEP).

Action: (1) Re-opened the record to include the Hearing Examiner's Supplemental Report and Mr. Ogle's Inspection Report; (2) granted extension of time until 10/8/05 for lighting and photometric plans, (LLM/WMH, 4-0/AIF/recused).

7. **S-2631, Petition of Germantown Walter Johnson Property, LLC,** (automobile filling station). Hearing Examiner's Report and Recommendation.

Action: (1) Adopted the Hearing Examiner's Report and Recommendations; (2) granted the special exception with conditions, (LLM/AMC, 4-0/AIF/recused).

**Board Members**

Allison Ishihara Fultz, Chair  
Donna L. Barron, Vice Chair  
Louise L. Mayer  
Angelo M. Caputo  
Wendell M. Holloway

**Staff**

Barbara Jay, Associate County Attorney  
Katherine Freeman, Executive Director  
Hermene Jones, Administrative Specialist

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**WORKSESSION ADDENDUM**

**Second Floor Davidson Memorial Hearing Room**

**Wednesday, September 14, 2005, 9:30 a.m.**

**ACTION ITEMS:**

1. **A-6099, Appeal of Norman G. Knopf** (Department of Permitting Services – Issuance of Building Permit No. 382301) and **A-6100, Appeal of Peter Jeliaskov** (Department of Permitting Services – Issuance of Building Permit No. 382301). Appeals to be referred to the Office of the Hearing Examiner.

Action: Referred appeals to the Office of the Hearing Examiner, (DLB/LLM, 5-0).

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