

**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 5, 2006, 9:30 a.m.**

**ACTION ITEMS:**

1. **Minutes**, March 22, 2006 Worksession.

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

2. **A-6092, Petition of Franklin and Michelle Ennis** (one-story addition). Status Report to the Board from Stanley N. Garber, Investigator, Department of Permitting Services (DPS).

Action: Re-opened the record to include Mr. Garber's status report, (DLB/WMH, 5-0).

3. **A-6112, Petition of James T. Gordon** (one-story addition). Letter to the Board from Steven A. Robins, Esquire, and Patrick L. O'Neil, Esquire, requesting reconsideration.

Action: Denied reconsideration request, (AMC/WMH, 2-3).

4. **A-6133, Appeal of Sligo Branview Community Association by Mary Cogan, et al** (Department of Permitting Services – Issuance of letter dated February 15, 2006). Letter to the Board from Stacy Silber, Esquire, requesting to intervene.

Action: Granted the request to intervene, (DLB/AMC, 4-0/AIF/recused).

5. **CBA-143-A and S-2641, Petition of Rock Creek Kay-Cee Club, Inc. and Rock Creek Council** (private club and off-street parking). Letter to the Board from Kenneth Wire, Esquire, submitting a revised landscape plan. (Large exhibit: landscape plan).

Action: Re-opened the record to include Mr. Wire's letter with attachment, (AMC/CLH, 4-0/AIF/recused).

6. **CBA-2602, Petition of Al Golden and Simon Wolfman, t/a G. & W. Partnership** (automobile filling station). Letter to Board from John Barr, Esquire, submitting a site plan. (Large exhibit: site plan).

Action: (1) Dismissed the Show Cause Hearing; (2) granted the administrative modification, (WMH/DLB, 4-0/AIF/recused).

7. **S-485, Petition of Laurence and Ann Karpman** (antique shop). Status report to the Board from Anne Karpman.

Action: Re-opened the record to include Ms. Karpman's status report, (AMC/WMH, 5-0).

8. **S-1064, Petition of Leon Trager and Greentech Landscaping** (horticultural nursery and greenhouse). Letter to the Board from Leon Trager and Benjamin DeMouy, requesting that Mr. DeMouy's name be added to the special exception.

Action: (1) Item deferred for additional information from Technical Staff, M-NCPPC; (2) staff to investigate if the special exception is a permitted non-conforming use, consensus.

9. **S-1561, Petition of Richard A. Heald, D.D.S.** (non-resident medical practitioner). Letter to the Board from the petitioner requesting an administrative modification.

Action: Granted administrative modification, (AMC/DLB, 5-0).

10. **S-2355-A [S-2355], Petition of Smart Development/Premiere Homes, LLC** (garden apartment complex). Letter to the Board from James C. Glascock requesting an administrative modification. (Large exhibits: cover sheet, site development plan, site development plan – detail sheets, landscape and lighting plans).

Action: Granted administrative modification, (CLH/AMC, 5-0).

11. **S-2459, Petition of Hampshire Village Associates** (elderly and handicapped housing). Letter to the Board from Martin Klauber, Esquire, Office of People's Council, requesting a Show Cause Hearing.

Action: Staff to contact special exception holder for information about compliance with Condition 20 of the Board's Opinion dated 8/16/01, consensus.

#### **DECISION ITEMS:**

12. **S-2642, Petition of Taco Bell of America, Inc.** (drive-in restaurant). Hearing Examiner's Report and Recommendation.

Action: (1) Adopted the Hearing Examiner's Report and Recommendation; (2) denied special exception, (DLB/AMC, 4-0/AIF/recused.)

13. **S-2656, Petition of Baywood Hotels, Inc.** (hotel). Hearing Examiner's Supplemental Report and Recommendation.

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

**PENDING ITEMS:**

14. **CBA-1203, Petition of Mariner Health of Maryland, Inc.** (nursing home). Letter to the Board from Stuart Barr, Esquire, requesting a transfer of the special exception and an administrative modification. (Large exhibits: lighting and photometric plan, survey, site plan). Item deferred for additional information, information should include a schedule of the generator operations. [W/S 2-22-06].
15. **CBA-1801, Petition of Shell Oil Company** (automobile filling station). Letter to the Board from Ramesh C. Bhalla requesting an administrative modification. Item deferred to a future Worksession. [W/S 6-8-05].
16. **CBA-2114-A [CBA-2114], Petition of International Monetary Fund** (golf course and country club). Letter to the Board from Jacqueline M. Karp, Esquire, requesting an administrative modification. (Large exhibits: location map, golf course site plans, elevations). Item deferred for a future Worksession. [W/S 5-4-05].
17. **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). (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. [W/S 9/14/05].
18. **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 for review of administrative modification request. [W/S 2-18-04].
19. **S-684, Petition of Burkland Condominium Association, Inc.** (dental/medical clinic). Memorandum from Stanley N. Garber, Investigator, DPS, regarding the conditions of the Board's Resolution. (1) Re-opened the record to include Mr. Garber's memorandum; (2) Board to issue corrected Resolution; (3) an additional inspection of the special exception will be required. [W/S 7-13-05].
20. **S-961, Petition of William E. Wallace, Jr.** (accessory apartment). Memorandum to the Board from Jerri Burgess, Housing Code Inspector, Department of Housing and Community Affairs (DHCA), notifying the Board that the special exception has been abandoned and requesting that it be revoked. Item deferred for confirmation from DHCA that the accessory apartment has been abandoned. [W/S 2-8-06].
21. **S-1239, Petition of Ernestine and Jewel Johnson** (accessory apartment). Memorandum from John Whitt, Program Manager, 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 from the petitioner requesting that the special exception be suspended and not revoked. Item deferred for confirmation that special exception holder resides in the house. [W/S 2-22-06].
22. **S-1365, Petition of Association for Women's Recovery Residence, Inc.** (group residential facility for exceptional persons). Letter to the Board from Tahira Azziz requesting a transfer of the special exception and an administrative modification. Item deferred for additional information. [W/S 2-22-06].

**PENDING ITEMS (continued):**

23. **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].
24. **S-2423 [S-2423-A], Petition of Meadow Ridge Seniors' Villas, LLC** (elderly or handicapped housing). Letter to the Board from Randy Frey, President, and Robert H. Holman, Managing Member, requesting an administrative modification. [Large exhibits: landscaping and lighting plans]. (1) Deferred administrative modification request for 60 days; (2) administrative modification request reviewed by M-NCPPC Technical Staff. [W/S 12/7/05].
25. **S-2474, Petition of North Potomac Seniors' Housing, LLC** (housing and related facilities for the elderly and handicapped). Letter to the Board from Barbara Sears, Esquire, and Erin Girard, Esquire. Also included is a letter to the Board from Gopal Janardanan, President and Chief Executive Officer of the North Potomac Village Condominium Association. (1) Item deferred for future Worksession; (2) status report from Ms. Sears and Girard in 60 days. [W/S 3/22/06].
26. **S-2487, Petition of Orchard Development Corporation** (housing and related facilities for the elderly or handicapped). Letters to the Board from Scott Armiger, Vice President, requesting an administrative modification. (Large exhibits: landscape and lighting plan, as-built site plan and elevations). Item deferred for additional information. [W/S 12/7/05].
27. **S-2635, Petition of New Covenant Village, LLC** (housing and related facilities for senior adults). Letter to the Board from David Freishtat, Esquire, requesting an administrative modification. (Large exhibits: overall site plan, site plan, landscape plan). (1) Granted the administrative modification as revised; (2) Board to receive the revised plans from the petitioner. [W/S 3/8/06].

**Board Members**

Allison Ishihara Fultz, Chair  
Donna L. Barron, Vice Chair  
Angelo M. Caputo  
Wendell M. Holloway  
Caryn L. Hines

**Staff**

Barbara Jay, Associate County Attorney  
Katherine Freeman, Executive Director  
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**WORKSESSION ADDENDUM MINUTES**

**Second Floor Davidson Memorial Hearing Room**

**Wednesday, April 5, 2006, 9:30 a.m.**

**ACTION ITEM:**

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

(a) **A-6098, Petition of Marc C. and Marianne H. Duffy** (new single-family dwelling and covered porch).

Action: Granted Order Extending Time, (AMC/WMH, 5-0).

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