

**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, March 7, 2007, 9:30 a.m.

ACTION ITEMS:

1. **Minutes**, February 28, 2007 Worksession.

Action: Approved as amended, (DLB/CGT, 3-0).

2. **A-6020 and A-6029, Appeal of Judith and Thomas Burruss; Alan Gaunoux** (Department of Permitting Services – Issuance of Permit No. 330255, dated 2/20/04, Issuance of Permit No. 344132, dated 6/23/04, Issuance of Permit No. 213971, dated 9/10/04). Remand Order from the Court of Special Appeals.

Action: (1) Re-opened the record to include the Remand from the Court of Special Appeals; (2) date to be determined for a public hearing, (DLB/CGT, 3-0).

3. **CBA-1646 [CBA-1646-A, CBA-2838], Petition of Chevron, U.S. A.** (automobile filling station). Letter to the Board from Brian Donnelly requesting an administrative modification. (Large exhibits: landscape and lighting plan, landscape plan , plat plan).

Action: Item deferred until the Board's 3/21/07 Worksession, consensus.

4. **S-2442, Petition of Dr. Laslo and Jane Vasarhelyi** (accessory apartment). Memorandum from Bernard Marra, Housing Code Inspector, Department of Housing and Community Affairs 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: Item deferred until the Board's 3/21/07 Worksession, consensus.

PENDING ITEMS:

5. **A-6114, Appeal of Newland Communities LLC and NNP II – Clarksburg LLC** (Department of Fire and Rescue Services – Notice of Violation dated September 20, 2005). Second Status Report from Todd Brown, Esquire. (1) Re-opened the record to include the Second Status Report from Todd Brown; (2) the Board will receive Status Reports on 1/15/07 and 4/1/07. [W/S 10/25/06]. (1) Re-opened the record to include the status report from Mr. Brown; (2) Mr. Brown to provide a status/progress report to BOA at its 5/2/07 Worksession. [2/28/07].

PENDING ITEMS (continued):

6. **CBA-470-A, Petition of Kensington Nursery School** (private educational institution). Hearing Examiner's Report and Recommendation. Item deferred for the site plan required in Condition No. 3 of the Hearing Examiner's Report and Recommendation. [W/S 5-31-06].
7. **CBA-1174-D, Petition of Holton Arms School** (private educational institution). Letter from Elsie Reid, Esquire, notifying the Board of the School's pending construction permits. (1) Re-opened the record to include Ms. Reid's letter; (2) granted the administrative modification for the revision to the emergency access drive; (3) the Board to receive a revised site plan within 45 days showing the emergency access drive. [W/S 2/28/07].
8. **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].
9. **S-2328, Petition of Judith Himmelfarb** (accessory apartment). Letter to the Board from Ariel De notifying the Board that the special exception has been abandoned and requesting that it be revoked. Item deferred until confirmation that the accessory apartment's kitchen as been removed. [W/S 7/26/06].
10. **S-2453, Petition of Academy Child Development** (child day care facility). Letter to the Board from Marilyn Fleetwood, President, requesting an administrative modification. Item deferred for additional information and what will be the impact of peak travel time. [W/S 5-31-06].
11. **S-2527, S-2528, S-2529, Petition of Twin Ponds Farm, LLC** (wholesale horticultural nursery, landscape contractor, manufacture of mulch and compost). Letter of complaint from Robert A. Thomassen, Diane M. Hogan, John and Stephanie Egly, and Sugarloaf Citizens Association by Jane Hunter with a request that the Board convene a revocation hearing. Also included are letters from Erica Leatham, Esquire, requesting that the Board defer this request until its next Worksession. (1) Re-opened the record to include letters dated 4/21/06, 5/1/06, 5/5/06, 5/9/06, (2) request inspection by the Department of Permitting Services (DPS) to determine where special exception stands in terms of its implementation. [W/S 5/10/06].

Board Members

Allison Ishihara Fultz, Chair
Donna L. Barron, Vice Chair
Wendell M. Holloway - ABSENT
Caryn L. Hines - ABSENT
Catherine G. Titus

Staff

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

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WORKSESSION ADDENDUM MINUTES

Second Floor Davidson Memorial Hearing Room

Wednesday, March 7, 2007, 9:30 a.m.

ACTION ITEM:

1. **A-6185, Appeal of Carol Ann Placek** (Department of Permitting Services – Issuance of Building Permit No. 423918). Letter from Rebecca Willens, Esquire, requesting that the Board compel the appellant to provide the exhibits identified in the pre-hearing statement to the Board and the intervener.

Action: (1) Pre-hearing packet submitted by the appellant on 3-7-07; (2) request that Ms. Placek produce requested documents, (CGT/DLB, 3-0).

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