

**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 18, 2007, 9:30 a.m.**

**ACTION ITEMS:**

1. **Minutes**, April 4, 2007 Worksession.

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

2. **A-6195, Appeal of Lee R. Epstein, et al** (Department of Permitting Services – Issuance of Fence Permit No. 439598). Letter to the Board from the appellant requesting that the administrative appeal be withdrawn without prejudice.

Action: Dismissed the administrative appeal as withdrawn, (CLH/DLB 5-0).

3. Pending Item. **CBA-470-A, Petition of Kensington Nursery School** (private educational institution). Letter to the Board from Douglas Smith. Item deferred for the site plan required in Condition No. 3 of the Hearing Examiner's Report and Recommendation.

Action: (1) Re-opened the record to include Mr. Smith's letter; (2) record will remain open until 5/15/07 to receive site plan required in Condition No. 3; (3) administrative modification request will be dismissed after 5/17/07 for failure to satisfy Condition No. 3, (CGT/CLH 5-0).

4. **CBA-1439, Petition of Wall Lane, Inc.** (off-street parking). Letter to the Board from Patricia Harris, Esquire, requesting a transfer of the special exception and an administrative modification. (Large exhibits: striping plan and lighting plan).

Action: (1) Item deferred for a copy of the December M-NCPPC memo; (2) lights height to be shown on the striping/lighting plan as 24 feet, consensus.

5. **CBA-2740-A, Petition of Mid Atlantic Petroleum Properties, LLC by Carlos Horcasitas, LLC** (automobile filling station). Letter to the Board from Harriet Kuhn.

Action: Opened the record to include Ms. Kuhn's letter, (DLB/CLH 5-0).

6. **S-180-B, Petition of the George Meany Center for Labor Studies** (private educational institution). Letter to the Board from Todd Brown, Esquire, requesting an administrative modification. (Large exhibit: special exception amended plan).

Action: (1) Granted the administrative modification; (2) adopted the revised site plan as the special exception site plan, (DLB/CLH 5-0).

7. **S-232, Petition of R. P. Patton & Sons, Inc.** (horticultural nursery and commercial greenhouse). Letter to the Board from Melvin Laney requesting an inspection of the special exception and a public hearing.

Action: (1) Re-opened the record to include the letter from Mr. Laney; (2) Board to request DPS to inspect of the special exception and provide the Board with an inspection report, (CLH/CGT 5-0).

8. **S-671, Petition of Randolph Associates** (off-street parking). Letter from Ronald Bolt, Esquire, notifying the Board of the change in zoning for the special exception and requesting a transfer of the special exception.

Action: (1) Granted the transfer of the special exception; (2) Board to be notified by the petitioner by 6/10/07 that all violations have been abated; (3) DPS to inspect to determine if a Show Cause Hearing will be required, (CLH/WMH 5-0).

9. **S-1827, Petition of Otis Gus Triantis** (hotel). Memorandum from Heather Gottke, Inspector, Department of Permitting Services (DPS) notifying the Board that the special exception was never implemented and requesting that it be revoked. Also included is a letter of confirmation from the property owner.

Action: Revoked the special exception for failure to implement, (CLH/WMH 5-0).

10. **S-1995, Petition of Ira C. and Fern D. Ward** (accessory apartment). Letter to the Board from Bruce Wiley requesting a transfer of the special exception.

Action: Granted the transfer of the special exception, (WMH/CGT 5-0).

#### **PENDING ITEMS:**

11. **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].

12. **CBA-470-A, Petition of Kensington Nursery School** (private educational institution). Item deferred for the site plan required in Condition No. 3 of the Hearing Examiner's Report and Recommendation. Hearing Examiner's Report and Recommendation. [W/S 5-31-06].

**PENDING ITEMS (continued):**

13. **CBA-748 [S-612, S-612-A, S-749, S-2238], Petition of Stephen Benedek** (commercial riding stable and summer day camp). Letter to the Board from Stanley Abrams, Esquire, requesting an administrative modification. (Large exhibits: partial zoning vicinity map, site plan, survey plat). Item deferred for a revised site plan. [W/S 4/4/07].
14. **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].
15. **S-2184, Petition of Charles R. Gilbert** (indoor rifle and pistol range). Letters to the Board from petitioner regarding entities operating at the special exception site. Item deferred for additional information regarding: (1) whether internet sales conducted at the special exception site; (2) whether the internet sales limited to club members; (3) the nature of the relationship of the special exception holder with the operating entities; (4) what control does the special exception holder have over the internet sales. [W/S 3/21/07].
16. **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].

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