

**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, May 16, 2007, 9:30 a.m.

ACTION ITEMS:

1. **Minutes**, May 2, and May 9, 2007 Worksessions.

Action: Approved, (CLH/WMH, 4-0).

2. **A-6114, Appeal of Newland Communities LLC and NNP Clarksburg LLC** (administrative appeal). Letter from Todd D. Brown, Esquire, giving status report concerning Clarksburg Town Center.

Action: (1) Re-opened the record to include the letter from Mr. Brown; (2) next status report due 10/1/07, (CGT/CLH, 4-0).

3. **A-6117, Petition of Mary Hemingway and Edward Purich for Cloverly Civic Association** (administrative appeal). Order from Montgomery County Circuit Court.

Action: (1) Board will execute the Order from the Circuit Court; (2) remand the appeal to the Department of Permitting Services (DPS) to consider the evidence regarding the age, condition and flooring of the structure, (CGT/CLH, 4-0).

4. **A-6196, Petition of Joy M. Leong** (administrative appeal Building Permit #429156). Letter to the Board from Joy Leong withdrawing the appeal.

Action: Dismissed the administrative appeal as withdrawn, (CLH/DLB, 4-0).

5. **A-6209, Petition of Laura S. Gajardo** (administrative appeal). Letter from Laura S. Gajardo withdrawing the appeal and requesting a refund of the filing fee.

Action: (1) Dismissed the administrative appeal as withdrawn; (2) refund 100% (\$200.00) of the filing fee, (DLB/CGT, 4-0).

6. **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, submitting revised site plan in support of administrative modification request. (Large Exhibit: Site Plan). [W/S 4/4/07]

Action: (1) Re-opened the record to include the letter from Mr. Abrams; (2) adopted the revised special exception site plan; (3) granted the administrative modification, (CLH/CGT, 4-0).

7. **CBA-1174-D, [S-2503-A, S-2467-A], Petition of Holton Arms School** (special exception modification to allow extension of hours of operation). Letter from Elsie Reid, Esquire, requesting additional time to submit traffic study.

Action: Granted the extension of time for submission of the traffic study until 9/15/07, (CGT/CLH, 4-0).

8. **S-274-C, Petition of Suburban Hospital, Inc,** (hospital). Letters to the Board from Barbara Sears, Esquire, and Erin Girard, Esquire, requesting administrative modification. (Large Exhibits: Elevation, Floor Plan, Roof Plan).

Action: Re-opened the record to include the letter from Ms. Sears and Ms. Girard. Item deferred for future Worksession, consensus.

9. **S-525, Petition of Allegheny Power** (public utility structure). Letter from Mathew Szekely, Project Engineer, requesting an administrative modification. (Large Exhibit: Proposed Substation Drawing).

Action: (1) Re-opened the record to include the letter from Mr. Szekely; (2) adopted the substation drawing; (3) granted the administrative modification, (CLH/DLB, 4-0).

10. **S-700, Petition of Fyock** (home occupation – dog grooming). Memorandum to the Board from Heather Gottke, Zoning Inspector, requesting a Show Cause Hearing for abandonment.

Action: Schedule Show Cause Hearing, (DLB/CGT, 4-0).

11. **S-2184, Petition of Charles R. Gilbert** (indoor shooting range). Board has received additional information from Mr. Gilbert regarding co-holders of the special exception.

Action: (1) Re-opened the record to include the letter from Mr. Gilbert; (2) granted the transfer of the special exception; (3) sales at special exception site are limited to members only; (4) no internet sales are permitted, (WMH/CLH, 4-0).

12. **S-2480, Petition of Connie Lucas** (construction and operation of group home). Letter from Connie Lucas requesting an extension of time to implement special exception.

Action: Granted extension of time until 4/18/08, (CGT/CLH, 4-0).

13. **S-2668, Petition of Taiwan Culture Center** (service organization). Letter from Tai L. Huang, President, with information on membership of the Community Liaison Council.

Action: Re-opened the record to include the letter from Mr. Huang with attachments (DLB/WMH, 4-0).

DECISION ITEMS:

14. **A-6203, Petition of Albert Pearce** (variance - one-story addition). Board has received additional information from Department of Permitting Services (DPS).

Action: (1) Opened record to include the information from DPS; (2) granted the variance request, (CGT/WMH, 4-0).

15. **S-2690, Petition of Katco Investments RLLLP** (non-residential professional office). Hearing Examiner's Report and Recommendation.

Action: (1) Adopted the Hearing Examiner's Report and Recommendation; (2) granted the special exception with all conditions as recommended by the Hearing Examiner, (DLB/WMH, 4-0).

PENDING ITEMS:

16. **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].

17. **A-6190, Appeal of Amanda Enterprises, LLC** (Department of Permitting Services – Notice of Violation dated November 13, 2006 and Use and Occupancy Certificate No. 250849). BOA to receive a status report from the appellant by 6/15/07. [Pre-hearing Conference on 3/14/07].

18. **A-6193, Petition of Roy Glixon** (accessory structure/swimming pool). Record will be open for 30 days to provide a corrected notice. Hearing held 4/27/07.

PENDING ITEMS (continued):

19. **A-6203, Petition of Albert J. Pearce** (one-story addition). Record closed at the public hearing. Decision at Worksession. Hearing held. 4/27/07.

20. **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. [W/S 5-31-06]. (1) Re-opened the record to include Mr. Smith's letter; (2) record will remain open until 5/15/07 to receive the required site plan; (3) administrative modification will be dismissed upon non-receipt of the required site plan after 5/17/07. [W/S 4/18/07].
21. **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].
22. **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. (1) Re-opened the record to include the letter from Mr. Laney; (2) Board to request DPS to inspect the special exception and provide the Board with an inspection report. [W/S 4/18/07].
23. **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].
24. **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. (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. [W/S 4/18/07].
25. **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 has been removed. [W/S 7/26/06].

Board Members

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

Staff

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