

**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, June 13, 2007, 9:30 a.m.

ACTION ITEMS:

1. **Minutes**, May 30, 2007 Worksession.

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

2. **A-6199, Appeal of Rudolph Geist** (Department of Permitting Service – Issuance of Building Permit No. 438435). Board to take final action on the administrative appeal. Hearing held on 5/16/07.

Action: Item deferred until receipt of the final arguments, consensus.

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

Action: (1) Transferred the special exception; (2) granted the administrative modification, (DLB/WMH, 5-0).

4. **S-1079, Petition of Everett M. and Arlyne Raffel** (accessory apartment). Memorandum from Dan McHugh, Housing Code Field Supervisor, 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 letter of confirmation from the property owner.

Action: Revoked the special exception as abandoned, (DLB/CGT, 5-0).

5. **S-1353, Petition of Sondra J. Littlejohn** (major home occupation). Memorandum to the Board from Barbara Piczak, Inspector, DPS, 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 special exception holder.

Action: Revoked the special exception as abandoned, (CLH/WMH, 5-0).

6. **S-1580, Petition of Jeff L. Miskin** (landscape contractor). Memorandum to the Board from Barbara Piczak, Inspector, DPS, 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 special exception holder.

Action: Revoked the special exception as abandoned, (WMH/CLHH/WMH, 5-0).

7. **S-1904-A, Petition of Norman Roskin D.V.M.** (veterinary hospital). Motion for Reconsideration from Joseph Lynott, Esquire.

Action: Item deferred until the 6/27/07 Worksession, consensus.

8. **S-2423-A, Petition of Meadow Ridge Senior Villas, LLC** (housing for the elderly and handicapped). Letter to the Board from Barbara Sears, Esquire, and Erin Girard, Esquire, requesting reconsideration.

Action: (1) Granted reconsideration of Items 3 and 4; (2) granted modification of the rails on top of the retaining walls provided they are in compliance with all building code regulations; (3) granted modification of the entrance sign and gates; (4) denied the non-construction of the bus shelter; (5) denied the non-construction of the grandchildren's play area, (CGT/DLB, 5-0).

9. **S-2459, Petition of Hampshire Village Associates** (housing for the elderly and handicapped). Letter to the Board from Casey Moore, Esquire, requesting an administrative modification. (Large exhibit: site plan).

Action: Granted the administrative modification, (WMH/CGT, 5-0).

10. **S-2471, Petition of Kids n Care Learning Center, LLC** (child day care facility). Remand Order from the Court of Special Appeals.

Action: Applicant to submit the additional information requested within 60 days of the issuance of the Board's Resolution, (DLB/CLH, 5-0).

DECISION ITEMS:

11. **CBA-1206-G, Petition of Congressional Country Club, Inc.** (golf and country club). Hearing Examiner's Report and Recommendation.

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

DECISION ITEMS (continued):

12. **S-2651, Petition of Brenneman and Pagenstecher, Inc.** (non-resident professional office). Hearing Examiner's Report and Recommendation. Also included is a request for oral argument from Norman Knopf, Esquire, and a letter from Jody Kline, Esquire, requesting that if oral argument is granted that it be limited to Condition No. 12 in the Hearing Examiner's Report and Recommendation.

Action: (1) Denied requests for Oral Argument; (2) adopted the Hearing Examiner's Report and Recommendation; (3) granted the special exception with additional conditions, (DLB/CGT, 5-0).

13. **S-2692, Petition of Karen Maury** (accessory apartment). Hearing Examiner's Report and Recommendation.

Action: (1) Adopted the Hearing Examiner's Report and Recommendation; (2) granted the special exception with conditions, (CLH/WMH, 5-0).

PENDING ITEMS:

14. **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. [W/S 2/28/07].
15. **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 held on 3/14/07].
16. **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].
17. **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].

PENDING ITEMS (continued):

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-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].
20. **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
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 – ABSENT`

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WORKSESSION ADDENDUM MINUTES

Second Floor Davidson Memorial Hearing Room

Wednesday, June 13, 2007, 9:30 a.m.

ACTION ITEM:

1. **A-6214, Petition of Jeffrey Marks** (accessory structure/swimming pool). Letter to the Board from Soo Lee-Cho, Esquire.

Action: (1) Granted the request for an additional and expedited hearing; (2) public hearing scheduled for 7/11/07, (CGT/CLH, 5-0.

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