

**BOARD OF APPEALS  
for  
MONTGOMERY COUNTY**

**Stella B. Werner Council Office Building  
100 Maryland Avenue  
Rockville, Maryland 20850  
(240) 777-6600**

[www.montgomerycountymd.gov/content/council/boa/index.asp](http://www.montgomerycountymd.gov/content/council/boa/index.asp)

**WORKSESSION MINUTES**

**Second Floor Davidson Memorial Hearing Room**

**Wednesday, September 24, 2008, 9:30 a.m.**

**ACTION ITEMS:**

1. **Minutes**, September 3 and 10, 2008 Worksessions.

Action: Approved, (WMH/CGT, 3-0).

2. **Order Extending Time for the Board's Written Opinion** for 30 days is required in the following cases:

(a) **A-6117, Appeal of Mary Hemingway and Edward Purich for Cloverly Civic Association** (Letter dated September 27, 2007 - Department of Permitting Services (DPS). Hearing held 7/23/08.

Action: Granted Order Extending Time, (CGT/WMH, 3-0).

3. **A-6197, Appeal of CR-RSC Tower 1, LLC by Charles A. Camalier, III and CR-RSC Tower 1, by Floyd E. Davis, III** (Issuance of Building Permit No. 377897 – Department of Permitting Services). Stipulation of Dismissal to the Board from William Chen, Esquire.

Action: Dismissed the administrative appeal as withdrawn, (CGT/WMH, 3-0).

4. **A-6265, Appeal of Anneliese Simmons and Jill Heemsker** (Issuance of Retaining Wall permit No. 480035). Letter to the Board from Ryan Lahuti, Esquire, requesting to intervene.

Action: Granted the request to intervene, (WMH/CGT, 3-0).

5. **CBA-630, Petition of Storage-USA, Inc.** (off-street parking). Memorandum from Heather Gottke, Inspector, DPS, notifying the Board that the special exception has been abandoned and requesting that it be revoked.

Action: Schedule Show Cause Hearing, (CGT/WMH, 3-0).

6. **CBA-1174-D, The Holton-Arms School, Inc.** (private educational institution). Letter to the Board from Susanna Jones, Head of School, submitting its annual report.

Action: Re-opened the record to include Ms. Jones' letter with attachment, (WMH/CGT, 3-0).

7. **CBA-1680, Petition of Chillingworth Corporation** (apartment hotel). Letter to the Board from Patrick Via, Esquire, requesting a transfer of the special exception.

Action: Item deferred until the Board's next Worksession, consensus.

8. **CBA-2643, Petition of Audubon Naturalist Society** (charitable and philanthropic institution). Letter to the Board from Neal Fitzpatrick, Executive Director, requesting an administrative modification [Large exhibit: site plan].

Action: Item deferred until the Board's next Worksession, consensus.

9. **CBA-2986, Petition of Leafy House, Inc.** (care home). Letter from Donna McBride, Esquire, notifying the Board of the consummation of sale as conditioned in the Board's approval at its Worksession on 1/23/08.

Action: (1) Re-opened the record to include Ms. McBride's letter; (2) the 1/23/08 transfer of the special exception is conditional upon the receipt of a deed, WMH/CGT, 3-0).

10. **S-550-A [S-550, CBA-2998], Petition of Shirley Sardino and China Coast, Inc.** (antique shop). Letter to the Board from Moussa Moadel submitting a recorded subdivision plat as conditioned in its Resolution dated 11/14/05.

Action: Item deferred until the Board's next Worksession, consensus.

11. **S-555, Petition of Bryan Corsini, Phil Waters and Joe Van Houten t/a North Potomac Nurseries, Inc.** (horticultural nursery). Memorandum to the Board from Heather Gottke, 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 property owner.

Action: Item deferred until the Board's next Worksession, consensus.

12. **S-772, Petition of Dr. Edward Salins** (non-resident medical practitioner). Memorandum from Heather Gottke, Inspector, DPS, notifying the Board that the special exception is a permitted use and requesting that it be revoked.

Action: Item deferred until the Board's next Worksession, consensus.

13. **S-858 [S-858-A], Petition of The Treatment and Learning Centers, Inc. and Surjeet K. Singh** (child day care facility). Letter from Stephen Orens, Esquire, regarding the administrative modification granted by the Board at its 9/10/08 Worksession.

Action: Re-opened the record to include Mr. Orens' letter, (CGT/WMH, 3-0).

14. **S-889, Petition of Goldenrod Limited Partnership** (hotel/motel). Letter to the Board from Mark Murphy, Vice President, requesting a transfer of the special exception.

Action: Item deferred for additional information of the prior transfer from the original entity, consensus.

15. **S-924, Petition of Thomas E. and Patricia M. Doss** (major home occupation). Letter to the Board from David Brown, Esquire, submitting a special exception site plan. Also included is a letter from the Korean Baptist Church [Large exhibit: site plan].

Action: (1) Re-opened the record to include the letter from Mr. Brown; (2) applicants to supply information as requested by the Board at the Show Cause Hearing, (WMH/CGT, 3-0).

16. **S-1630-A [S-1630], Petition of Freestate Petroleum Corporation** (automobile filling station). Inspection Report to the Board from Heather Gottke, Inspector, DPS.

Action: Item deferred until the Board's next Worksession, consensus.

17. **S-1722, Petition of AMFM Operating, Inc.** (radio broadcasting towers). Letter to the Board from Adam Zissman, Esquire, requesting a transfer of the special exception.

Action: Item deferred until the Board's next Worksession, consensus.

18. **S-1763, Petition of Delbert G. and Barbara A. Liphart** (major home occupation). Memorandum from Heather Gottke, 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 petitioner.

Action: Item deferred until the Board's next Worksession, consensus.

19. **S-2286, Petition of David A. and Carmen T. Doheny** (accessory apartment). Memorandum from Lynn McCreary, Inspector, 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 of confirmation from the petitioner.

Action: Item deferred until the Board's next Worksession, consensus.

20. **S-2356, Petition of David J. Biss** (major home occupation). Memorandum to the Board from Barbara Piczak, Inspector, DPS, notifying the Board that the special exception is a permitted use and requesting that it be revoked. Also included is a letter of confirmation from the petitioner.

Action: Item deferred until the Board's next Worksession, consensus.

21. **S-2670, Petition of Eldon Charles** (accessory apartment). Letter to the Board from Anil and Milagros Chatterjee requesting a transfer of the special exception.

Action: Item deferred until the Board's next Worksession, consensus.

#### **DECISION ITEM:**

22. **S-2699 and CBA-1660 [CBA-1660], Petitions of ExxonMobil Corporation** (automobile filling station). Hearing Examiner's Report and Recommendation. Also included is a letter to the Board from Jody Kline, Esquire, requesting oral argument or a rewording of Condition No. 16 in the Hearing Examiner's Report and Recommendation for Case No. S-2699 and requesting that special exception CBA-1660 be revoked as never implemented.

Action: (1) Granted the request for oral argument; (2) deferred the Hearing Examiner's Report and Recommendation, (CGT/WMH, 3-0).

#### **PENDING ITEMS:**

23. **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]. Status report from Todd Brown, Esquire [W/S 10/17/07]. Re-opened the record to include the status report from Mr. Brown [W/S 4/2/08].

24. **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].
25. **CBA-2924, Petition of RMC Partnership** (medical and dental clinic). Letter from April Birnbaum, Esquire, submitting the additional information requested by the Board. Item deferred for additional information regarding the chain of corporate transfers [W/S 9/10/08].
26. **S-179, David H. Shin (coffee shop)**. Letter to the Board from Sook Kim requesting a transfer of the special exception (Item deferred for additional information regarding ownership of special exception property, consensus [W/S 6/25/08]).
27. **S-924, Petition of Thomas E. and Patricia M. Doss** (major home occupation). Show Cause Hearing held open to receive revised site plan and written agreement re: use of church parking lot. Hearing held 6/11/08.
28. **S-1073, Petition of Phyllis Smith-Larkins** (accessory apartment). Check received from Rita Larkins requesting the transfer of the special exception. Letter sent to Ms. Larkins notifying her of the required posting for the transfer of a special exception. Letter dated 3/31/08.
29. **S-1791, Petition of Melissa Martell Taylor** (private educational institution). Letter to the Board from Terry Lewis requesting a transfer of the special exception. Item deferred for (1) statement of operations; (2) confirmation the special exception will be operated in conformance with the Board's Opinion; (3) confirmation of the special exception holder [W/S 9/10/08].
30. **S-2141, Petition of Bannockburn Swim Club, Inc.** (community swimming pool). Letter from John Chadwick, Pool Board Representative-Improvements, submitting the additional information requested by the Board for an administrative modification [Large exhibit: site plan]. Item deferred to determine if administrative modification is subject to a forest conservation requirement [W/S 4/2/08].
31. **S-2145, Petition of Southwestern Bell Mobile Systems, Inc.** (telecommunications facility). Letter to the Board from Karmen Rajamani, Zoning Manager, requesting a transfer of the special exception. Item deferred for confirmation of the transfer from Southwestern Bell Mobil Systems, Inc [W/S 4/30/08].
32. **S-2674, Petition of Reynaldo and Zorayda Lee-Llacer** (accessory apartment). Hearing Examiner's Report and Recommendation. Also included is a letter from John Jassin, M.D., requesting Oral Argument and a letter from Norman Knopf, Esquire, on behalf of Linda and Gregory Locraft. Item deferred pending resolution of the sewer connection issue. BOA to advise County Council.

**Board Members**

Allison Ishihara Fultz, Chair  
Catherine G. Titus, Vice Chair  
Wendell M. Holloway  
David K. Perdue - ABSENT

**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, September 24, 2008, 9:30 a.m.**

**ACTION ITEM:**

1. **S-1437, Petition of John D. Hyman** (landscape contractor). Letter to the Board from Stephen Elmendorf, Esquire, and Justin Hayes, Esquire, requesting a continuation of the public hearing scheduled for 10/1/08.

Action: Denied continuance request, (CGT/WMH, 3-0).

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