

**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, November 19, 2008, 9:30 a.m.**

**ACTION ITEMS:**

1. **Minutes**, November 5 and 12, 2008 Worksession.

Action: Approved, (CJS/DKP, 5-0).

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

(a) **A-6261, Petition of Nurula A. and Asma P. Chowdhury** (existing covered porch). Hearing held 10/1/08.

Action: Granted Order Extending Time, (CGT/DKP, 5-0).

3. **A-5714, Petition of Robin C. Carruthers** (an existing deck). Letters from Susan Roth regarding Condition No. 4 of the Board's Opinion dated 3/21/02. Also included is an email from Peter Hrycak, Inspector, DPS.

Action: (1) Re-opened the record to include Ms. Roth's letter and Mr. Hrycak's email; (2) refer Ms. Roth's letters to DPS; (3) issue new Resolution requesting re-inspection of the property with verification of the location of the trees, (DKP/CJS, 5-0).

4. **A-6258, Petition of Joseph Lutch** (one-story addition/garage). Letter from the petitioner concerning Condition No. 3 of the Board's Opinion dated 10/10/08.

Action: (1) Re-opened the record to include Mr. Lutch's letter; (2) denied request for reconsideration, (DKP/CGT, 5-0).

5. **CBA-1206-G, Petition of Congressional Country Club, Inc.** (golf course and country club). Letter to the Board from Jody Kline, Esquire and Soo Lee-Cho, Esquire, requesting an administrative modification. [Large exhibits: exterior elevations and clubhouse previously approved, exterior elevations and pool structures dated 12/21/07, clubhouse/pool south previously approved, exterior elevations and pool structures updated 10/21/08, site plan, clubhouse/pool south, site plan with parking, plans and elevations].

Action: Granted the administrative modification, (DKP/CJS, 4-0/CGT/recused).

6. **CBA-2117-A [CBA-2117], Petition of Collins Funeral Home** (funeral home). Board review of the conditions of modification of the special exception.

Action: Re-opened the record and amended the conditions of the special exception modification , (DKP/CGT, 5-0).

7. **CBA-2924, Petition of RMC Partnership** (medical and dental clinic). Letter from April Birnbaum, Esquire, submitting clarification of the chain of title of the special exception.

Action: (1) Re-opened the record to include Ms. Birnbaum's letter; (2) granted the transfer of the special exception, (CGT/DKP, 5-0).

#### **DECISION ITEM:**

8. **S-2733, Petition of Barbara Beelar** (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, (CJS/WSB, 5-0).

#### **PENDING ITEMS:**

9. **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].

**PENDING ITEMS (continued):**

10. **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].
11. **CBA-2521-I, Petition of Montgomery General Hospital** (hospital). Letter to the Board from Jody Kline, Esquire, requesting an administrative modification [Large exhibits: existing conditions plan and zoning vicinity map]. Item deferred for Mr. Kline to contact homeowner's association regarding its concerns [W/S 10/8/08].
12. **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]).
13. **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]. (1) Re-opened the record to include the letters from Mr. Brown and the Korean Baptist Church; (2) petitioner to supply information requested by the Board at the Show Cause Hearing [W/S 9/24/08].
14. **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].
15. **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].
16. **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].
17. **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.

**PENDING ITEMS (continued):**

18. **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. (1) Granted request for oral argument; (2) deferred the Hearing Examiner's Report and Recommendation [W/S 9/24/08].

**Board Members**

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