

**BOARD OF APPEALS
for
MONTGOMERY COUNTY**

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WORKSESSION MINUTES

Second Floor Davidson Memorial Hearing Room

Wednesday, January 14, 2009, 9:30 a.m.

ACTION ITEMS:

1. **Minutes**, December 17, 2008 Worksession.

Action: Approved, (WSB/DKP, 4-0).

2. **A-6272, Appeal of Jacquelyn Wheeler** (Notice of Violation – Department of Permitting Services (DPS). Letter to the Board from Gabriele Gandal, President, Rollingwood Citizens Association requesting to intervene.

Action: (1) Granted the request to intervene; (2) intervenors will be advised of the need to obtain legal representation, (DKP/CJS, 4-0).

3. **CBA-2114-B, Petition of the International Monetary Fund** (private club/golf course) and **S-2745, Petition of New Cingular Wireless PCS, LLC, d/b/a AT&T Mobility** (telecommunications facility). Letter to the Board from Nelson Fegueroa-Velez requesting the consolidation of the special exception hearings and to pay the higher of the two filing fees.

Action: (1) Granted the request to consolidate the special exception public hearings; (2) petitioner to pay the higher of the two filing fees; (3) correction required in the record of the property's legal description, (DKP/CJS, 4-0).

4. **CBA-2422 [CBA-2653, CBA-2719, S-112, S-112-A], Petition of Palisades Swimming Pool Association, Inc.** (community swimming pool). Letter to the Board from Heidi Bumpers, President, requesting an administrative modification (Large exhibits: subdivision plat, pools and decks plans/2 sheets, construction plan, partial topo plan).

Action: (1) Granted the administrative modification; (2) applicant to submit a new site plan for the record, (DKP/WSB, 4-0).

5. **S-180-B [S-180, S-180-A], Petition of George Meany Center for Labor Studies** (private educational institution). Letter to the Board from Todd Brown, Esquire, requesting an administrative modification (Large exhibits: cover sheet, overall site plan, overall hardscape plan, layout plan, control/expansion joint layout plan, tree protection and demolition plan, hardscape details/6 sheets, product information, lighting plan, overall landscape plan, landscape details).

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

6. **S-213 and S-214, Petition of Potomac Electric Power Company** (electric substation and over-head electric power and energy transmission lines). Letter to the Board from B. B. Allison, Manager, submitting the petitioner's 10 and 20 year electric service plans.

Action: Re-opened the record to include Mr. Allison's letter with attachments, (CJS/WSB, 4-0).

7. **S-366, Petition of Earl Taisey** (animal boarding place for up to 50 animals). Pending Item. Letter to the Board from Linda Self, requesting a transfer of the special exception.

Action: Granted the transfer of the special exception, (DKP/CJS, 4-0).

8. **S-980, Petition of John W. and Beverly Quattlebaum** (accessory apartment). Memorandum from Lynn McCreary, Inspector, Department of Housing and Community Affairs (DHCA), notifying the Board that special exception has been abandoned and requesting that it be revoked. Also included is a letter of confirmation from the property owner.

Action: Revoked the special exception as abandoned, (CJS/WSB, 4-0).

9. **S-1147, Petition of Blanche M. Hurley** (accessory apartment). Memorandum from Unray Peters, Inspector, 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: Revoked the special exception as abandoned, (DKP/WSB, 4-0).

10. **S-1695, Petition of Hill and Sanders Ford** (off-street parking in connection with a commercial use). Letter to the Board from David Freishtat, Esquire, and Anne Marie Vassallo, Esquire, requesting a transfer of the special exception.

Action: Item deferred until the Show Cause Hearing scheduled for 1/28/09, consensus.

11. **S-2299, Petition of APC Realty and Equipment** (telecommunications facilities). Letter to the Board from William O'Brien, Zoning Manager, requesting to collocate on an existing telecommunications facility (Large exhibits: cover sheet, site plan/2 sheets, plot plan, north elevation).

Action: Item deferred for applicant to correct the submitted information, consensus.

12. **S-2636, Petition of Fall Creek, LLC** (landscape contractor). Letter to the Board from Anne Martin, Esquire, requesting an administrative modification. (Large exhibits: site plan, modified landscape plans/2 sheets, main office elevations/2 sheets, main office and Allnut House elevations/2 sheets, office barn elevations/3 sheets, shop building elevation).

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

13. **S-2741, Petition of Jeremy Busse** (accessory apartment). Memorandum from the Françoise Carrier, Director, Office of Zoning and Administrative Hearings notifying the Board that the special exception has been withdrawn. Also included is a letter of confirmation from the petitioner.

Action: Dismissed the special exception as withdrawn, (DKP/CJS, 4-0).

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]. 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].
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-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].

PENDING ITEMS (continued):

17. **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].
18. **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].
19. **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].
20. **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].
21. **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].
22. **S-2737, Petition of Marvin Heseok and He Sung Suo** (accessory apartment). Hearing Examiner's Report and Recommendation. Item deferred until the Board's next Worksession. [W/S 1-21-09].

Board Members

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