

**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

WORKSESSION MINUTES

Second Floor Davidson Memorial Hearing Room

Wednesday, June 10, 2009, 9:30 a.m.

ACTION ITEMS:

1. **Minutes**, June 3, 2009 Worksession.

Action: Approved, (WSB/SBB, 5-0).

2. Pending Item. **CBA-2824, Petition of McIntire Hardware, Inc. Profit Sharing Trust** (off-street parking). Letters to the Board from Joan Curtis, Trustee, submitting photographs of the newly installed chains at the parking lot entrances, a deed, and a request for an administrative modification.

Action: (1) Re-opened the record to include Ms. Curtis' letters; (2) granted the administrative modification, (DKP/CJS, 5-0).

3. **S-274-C, Petition of Suburban Hospital** (hospital). Letter to the Board from Leslie Webber, Senior Vice President, Government and Community Relations, submitting the minutes from the Community Liaison Committee meeting of 4/14/2009.

Action: Re-opened the record to include Ms. Webber's letter with attachment, (CGT/CJS, 5-0).

4. **S-687-F & S-687-G, Petitions of the Bullis School** (private educational institution). Letter to the Board from Soo Lee-Cho, Esquire, submitting a status report.

Action: Re-opened the record to include Ms. Lee-Cho's letter, (SBB/WSB, 5-0).

5. **S-724, Petition of Washington Ear, Inc.** (charitable and philanthropic institution). Memorandum from Barbara Piczak, Inspector, Department of Permitting Services (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's representative.

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

6. **S-862-A [S-862], Petition of Federation of American Societies for Experimental Biology** (private educational institution). Letter to the Board from Richard Dunn, Director, submitting the annual report.

Action: Re-opened the record to include Mr. Dunn's letter with attachment, (CJS/DKP, 5-0).

7. **S-2668, Petition of Taiwan Culture Center** (service organization). Letter to the Board from Tai Huang, President, submitting minutes from the Community Liaison Council meeting.

Action: Re-opened the record to include Mr. Huang's letter with attachment, (WSB/SBB, 5-0).

PENDING ITEMS:

8. **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].
9. **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].
10. **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].

11. **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. [W/S 6/25/08].
12. **S-894, Petition of Joan C. Wright** (major home occupation). Letter to the Board from the petitioner requesting an administrative modification. Item deferred for additional information regarding the number of employees, size of the workspace, renewal period. [W/S 3/11/09].
13. **S-1495, Petition of James Phillips** (accessory apartment). Letter to the Board from Tomas Dominguez requesting a transfer of the special exception. Item deferred for signed deed from the property owners. [W/S 4/22/09].
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-2582, Petition of Sprint PCS/APC Realty and Equipment Company, LLC and Potomac Conference Corporation of Seventh Day Adventists** (telecommunications facility). Letter to the Board from Catherine Rodgers, Lease Accountant, requesting a transfer. Item deferred for the consent of the additional petitioners to the transfer of the special exception. [W/S 6/3/09].
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

Catherine G. Titus, Chair
David K. Perdue, Vice Chair
Walter S. Booth
Carolyn J. Shawaker
Stanley B. Boyd

Staff

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

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WORKSESSION ADDENDUM MINUTES

Second Floor Davidson Memorial Hearing Room

Wednesday, June 10, 2009, 9:30 a.m.

ACTION ITEM:

1. Board of Appeals' comments on proposed Montgomery County Council legislation.

Action: BOA comments will be forward to the Montgomery County Council, (DKP/CJS, 5-0).

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