

**BOARD OF APPEALS
for
MONTGOMERY COUNTY**

**Stella B. Werner Council Office Building
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www.montgomerycountymd.gov/content/council/boa/index.asp

WORKSESSION MINUTES

Second Floor Davidson Memorial Hearing Room

Wednesday, June 17, 2009, 9:30 a.m.

ACTION ITEMS:

1. **Minutes**, June 10, 2009 Worksession.

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

2. **A-6117, Appeal of Mary Hemingway and Edward Purich for Cloverly Civic Association** (Department of Permitting Services (DPS) – Issuance of Building Permit No. 402806). Opinion and Order from the Circuit Court.

Action: (1) Re-opened the record to include the Opinion and Order from the Circuit Court; (2) action by the Board deferred until 7/6/09, (DKP/CJS, 5-0).

3. **A-6282, Appeal of The Goodman-Gable-Gould Co./International and Traville Office Property Venture LLC by Harvey Goodman and Neil Kahn** (Department of Permitting Services (DPS) – Letter dated November 21, 2008). Motion for Summary Disposition from Stephen Orens, Esquire, Rebecca Walker, Esquire, and Casey Moore, Esquire. BOA to discuss scheduling of Motion.

Action: Deferred action on the Motion for Summary Disposition until the 11/11/09 scheduled public hearing, (DKS/CJS, 5-0).

4. **A-6293, Appeal of William Poulos** (Department of Permitting Services – Service Request Details dated March 4, 2009). Letter to the Board from J. Lorrie Hartwell requesting to intervene.

Action: Granted the request to intervene, (CJS/WSB, 5-0).

5. **CBA-2521-I, Petition of Montgomery General Hospital, Inc.** (hospital). Letter from Lori Shirley, Planner Coordinator, M-NCPPC, notifying the Board of non-compliance by the petitioner with Condition Nos. 6 and 7 of its Opinion dated 1/18/08. Also included is letter from Jody Kline, Esquire.

Action: (1) Re-opened the record to include the letters from Ms. Shirley and Mr. Kline; (2) the Board will request DPS inspect the special exception for compliance with its conditions, (CJS/DKP, 5-0).

6. **S-1127, Petition of Mr. and Mrs. George Buchanan** (accessory apartment). Letter to the Board from Sakhoy Lay requesting a transfer of the special exception.

Action: Item deferred to determine if the accessory apartment address is the petitioner's primary residence, consensus.

7. **S-1734, Petition of Hermeet Singh** (accessory apartment). Memorandum from Ivan Eloisa, 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 property owner.

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

8. **S-1926, Petition of Jose Lorenzo Chavez** (accessory apartment). Letter to the Board from Sabriz Naduvilothe requesting a transfer of the special exception.

Action: Granted the transfer of the special exception, (DKP/WSH, 5-0).

DECISION ITEMS:

9. **CBA-864-B, Petition of Potomac Swim and Recreation Association** (community swimming pool). Hearing Examiner's Report and Recommendation.

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

10. **S-2727, Petition of Kris A. and Rheba A. Kelley** (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, (DKP/SBB, 5-0).

PENDING ITEMS:

11. **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].
12. **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].
13. **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].
14. **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].
15. **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].
16. **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].
17. **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].
18. **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].

PENDING ITEMS (continued):

19. **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].
20. **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].

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