

**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, January 13, 2010, 9:30 a.m.

ACTION ITEMS:

1. **Minutes**, December 9, 2009 Worksession.

Action: Approved (SBB/CJS, 4-1(WSB/abstain).

2. **CBA-1383, Petition of Tilden Woods Recreation Association** (community swimming pool). Letter to the Board from Soo Lee-Cho, Esquire, requesting an administrative modification. [Large exhibits: site plan/existing conditions, lighting plan/existing conditions, landscape plan/proposed]. Also included: is a letter from Suzanne Keller requesting a public hearing; a letter and an addendum from B. J. Sadoff requesting a public hearing, [large exhibits: site plans and bathhouse interior repairs and remodeling]; and a letter from Donald Evans in response to the administrative modification request.

Action: (1) Re-opened the record to include the letters from Ms. Lee-Cho, Ms. Keller, Mr. Sadoff and Mr. Evans; (2) granted an administrative modification of Item No. 2 (a)&(b) of Ms. Lee-Cho's letter which addresses Violation No. 5 of the NOV dated 6/29/2009; (3) suspended the modification, based upon the public hearing requests; (4) referred the administrative modification request to the Hearing Examiner for a hearing limited to determining whether the requested modifications can be approved under Section 59-G-1.3(c)(1) of the Zoning Ordinance, and to determine whether, under Section 59-G-1.3(c)(4)(A), the proposed modification expands the total floor area of all structures or buildings by more than 25% or 7,500 square feet, whichever is less, and if so, whether the Board should require that the special exception be brought into compliance with the general landscape, streetscape, pedestrian circulation, noise, and screening requirements of Section 59-G-1.26. (DKP/CJS, 5-0).

3. **CBA-2041, Petition of Rebecca Limited Partnership** (telecommunications facility). Letter to the Board from Sean Hughes, Esquire, requesting an administrative modification. [Large exhibits: cover sheet, site plan, roof and equipment location plan, building elevations, structural notes and sections details; equipment platform plans and elevations, sections and details, electrical notes and plan details, grounding diagrams and details, cable details and schematics].

Action: Granted the administrative modification, (DKP/CJS, 5-0).

4. **CBA-2091, Petition of Montgomery Square Copenhaver Swim Club** (community swimming pool). Letter from Richard Meyer requesting reconsideration of the Board's Resolution dated 12/3/09.

Action: (1) Granted reconsideration; (2) granted the administrative modification, (SBB/CJS, 4-1(WSB/abstained).

5. **S-213 and S-214, Petitions of Potomac Electric Power Company** (electric substation and electric power and energy transmission lines). Letter to the Board from D. F. Hall, Manager, submitting the annual ten and twenty year plans for the County's electric service.

Action: Re-opened the record to include Mr. Hall's letter with attachments, CJS/WSB, 5-0).

6. **S-570, Petition of Wildlife Achievement Chapter of Izaak Walton League of America, Inc.** (private club). Letter to the Board from Guy Wright, President, submitting the club's annual report.

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

7. **S-1258 and S-1259, Petitions of Park Hotel Associates Limited Partnership** (hotel and free-standing restaurant). Memorandum from Barbara Piczak, Inspector, Department of Permitting Services (DPS), notifying the Board that the special exceptions were never implemented and requesting that they be revoked.

Action: Revoked the special exceptions as never implemented, (SBB/WSB, 5-0).

8. **S-1283, Petition of Jin Tai and Ok Soon Kim** (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.

Action: Schedule Show Cause Hearing, (DKP/SBB, 5-0).

9. **S-1317, Petition of Joseph F. Chambers** (medical practitioner's office). Memorandum from Barbara Piczak, 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: Revoked the special exception as abandoned, (WSB/DKP, 5-0).

10. **S-1449 and S-1450, Petitions of Naum P. Eisenstadt, Trustee for Edgewood Hill Associates** (housing for the elderly and handicapped and child day care facility). Memorandum from Barbara Piczak, Inspector, DPS, notifying the Board that the special exceptions were never implemented and requesting that they be revoked.

Action: Revoked as special exceptions were never implemented, (CJS/DKP, 5-0).

11. **S-1456 [S-1456-A, S1456-B], Petition of Concord Hill School** (private educational institution). Letter from Denise Gershowitz, Director, notifying the Board of a fence replacement change.

Action: Re-opened the record to include Ms. Gershowitz's letter with attachments, (CJS/DKP, 5-0).

12. **S-1478, Petition of Country Club Lawns, Inc.** (landscape contractor). Letter to the Board from Erica Leatham, Esquire, requesting a transfer of the special exception.

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

13. **S-1479, Petition of Stephanie L. Hecht** (major home occupation). Memorandum from Heather Gottke, 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: Revoked the special exception as abandoned, (WSB/SBB, 5-0).

14. **S-1575, Petition of Dan Robinson, Sally Rieger and Gerry Seedyke** (accessory apartment). Petitioner's update in accordance with the Board's Resolution dated 11/19/09.

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

15. **S-1589, Petition of Park Hotel Associates Limited Partnership** (hotel). Memorandum from Barbara Piczak, Inspector, DPS, that the special exception was never implemented and requesting that it be revoked.

Action: Revoked the special exceptions as never implemented, (SBB/WSB, 5-0).

16. **S-2285, Petition of Victor Olds** (country market). Letter to the Board from Erica Leatham, Esquire, requesting a transfer of the special exception.

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

17. **S-2376, Petition of Gregory Eisenstadt, Trustee for Edgewood Hill Associates** (child day care facility). Memorandum to the Board from Barbara Piczak, Inspector, DPS, notifying the Board that the special exception was never

Action: Revoked the special exception as never implemented, (SBB/CJS, 5-0).

18. **S-2377, Petition of Gregory Eisenstadt, Trustee for Edgewood Hill Associates** (housing for the elderly and the handicapped). Memorandum to the Board from Barbara Piczak, Inspector, DPS, notifying the Board that the special exception was never implemented and requesting that it be revoked.

Action: Revoked the special exception as never implemented, (DKP/SBB, 5-0).

19. **S-2500, Petition of Primary Montessori Day School** (private educational institution). Letter to the Board from Donna Anthony, Head of School, requesting an administrative modification.

Action: Granted the administrative modification, (SBB/WSB, 5-0).

DECISION ITEM:

20. **S-2757, Petition of Jane Fenton.** (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/CJS, 5-0).

PENDING ITEMS:

21. **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):

22. **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. (1) Re-opened the record to include the Opinion and Order from the Circuit Court; (2) action by BOA deferred until 7/6/09. [W/S 6/17/09].
23. **CBA-1456-A [CBA-1456], Petition of Lindsay Management Company** (off-street parking). Status report from David Freishtat, Esquire, and Anne Marie Vassallo, Esquire. (1) Re-opened the record to include status report from Mr. Freishtat and Ms. Vassallo; (2) Board to be provided with a status report in 60 days. [W/S 7/15/09]. Approximately September 15, 2009.
24. **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].
25. **S-289-B [S-289, S-289-A], Petition of the Little Falls Swim and Tennis Club** (community swimming pool). Letter to the Board from Susan Valenstein, President, requesting an administrative modification. (Large exhibits: revised landscape plan/5 sheets and a lighting plan). (1) Granted temporary approval of the administrative modification; (2) Board will review the administrative modification request with the Club's submission of its annual report in December 2009. [W/S 10/7/09].
26. **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].
27. **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].
28. **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].
29. **S-2504, Petition of Sunrise Development, Inc.** (housing for the elderly and handicapped). Letter to the Board from Victoria Khomutetsy requesting an administrative modification. Item deferred for Sign Review Board approval. [W/S 10/28/09].

PENDING ITEMS (continued):

30. **S-2651, Petition of Brenneman and Pagenstecher, Inc.** (telecommunications facility). Letter to the Board from Norman Knopf, Esquire, requesting reconsideration of the Board's Resolution dated 9/15/09. Granted the reconsideration request. [W/W 10/7/09].

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
Hermene Jones, Administrative Specialist