

**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 2, 2010, 9:30 a.m.

ACTION ITEMS:

1. **Minutes**, May 19, 2010 Worksession.

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

2. **A-5714, Petition of Robin Carruthers** (existing deck). Letter to the Board from Susan Roth regarding the enforcement of the variance conditions.

Action: Referred Ms. Roth's complaint and the Board's Opinion to DPS, consensus.

3. **A-6320, Petition of Shih M. Pun** (Department of Permitting Services (DPS) – Notice of Violation). Letter to the Board from the appellant requesting a refund of the filing fee.

Action: Granted 100% refund of the filing fee, (CJS/WSB, 5-0).

4. **CBA-2986, Petition of Victory Forest, LP** (care home). Letter to the Board from Soo Lee-Cho, Esquire, requesting an administrative modification. [Large exhibit: as-built site, landscape and lighting plan].

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

5. **S-411-D, Petition of La Fondation De L'Ecole Francaise Internationale De Washington** (private educational institution). Letter to the Board from Jody Kline, Esquire, requesting an administrative modification.

Action: Item deferred for future Worksession, consensus.

6. **S-1607, Petition of Matthew Pendergrass, D.D.S.** (dental clinic). Letter to the Board from the petitioner requesting an administrative modification. [Large exhibits: revised site plan, photo reference plan, photos].

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

7. Returning Item. **S-1703-A [S-1703], Petition of 16121 Batson Road, LLC** (landscape contractor). Letter to the Board from Kevin McLaren submitting a revised site plan. [Large exhibit: revised site plan].

Action: Re-opened the record to include Mr. McLaren's letter with the revised site plan, (DKP/CJS, 5-0).

8. **S-2504, Petition of Sunrise Development, Inc.** (housing for the elderly and handicapped). Letter to the Board from Don Shulman, General Manager, requesting an extension of time.

Action: Granted extension of time, (SBB/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].
10. **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].
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-763 [S-763-A], Petition of Silver Spring Temple and Library Association** (service organization). Letter to the Board from Sean Hughes, Esquire, requesting an administrative modification. [Large exhibits: title sheet, site survey, roof and equipment location plan, building elevations, equipment details). Deferred administrative modification request until a special exception application has been approved for the telecommunications facility. [W/S 3/10/10].

PENDING ITEMS:

13. **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].
14. **S-1713, Petition of Deda's Farm, LLC** (landscape contractor). Letter to the Board from the petitioner requesting an administrative modification. Item deferred for site plan with the new and old barn locations. [W/S 3/31/2010].
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].

Board Members

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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 - ABSENT

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WORKSESSION ADDENDUM MINUTES

Second Floor Davidson Memorial Hearing Room

Wednesday, June 2, 2010, 9:30 a.m.

ACTION ITEM:

1. **Appeal of Jonathan C. and Marcia C. Javitt** (Department of Permitting Services – Issuance of Building Permit No. 530118). Request to the Board from Anthony Cantalupo, Jr., Esquire, on behalf of the Appellants, for subpoenas. Also included is a Motion to Quash the request for subpoenas from Timothy Dugan, Esquire and Marc Pasekoff, Esquire, on behalf of Paxton and Rachel Baker.

Action: (1) Granted the request for subpoenas, (WSB/CJS, 5-0); (2) granted the request for a continuance, (DKP/WSB, 5-0).

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