

**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, July 13, 2011, 9:30 a.m.

ACTION ITEMS:

1. Minutes, June 15 and June 22, 2011 Worksessions.

Action: Approved 6/15/2011 minutes as corrected, (SBB/CJS, 4-0); approved 6/22/2011 minutes, (DKP/SBB, 4-0).

2. **CBA-2986, Petition of Victory Forest, L.P.** (care home). Letter from Soo-Lee Cho, Esquire, submitting information required by the Board's Opinion dated 12/9/2010.

Action: Re-opened the record to include Ms. Cho's letter with attachments, (CJS/SBB, 4-0).

3. **S-285-E, Petition of The Norwood School, Inc.** (private educational institution). Letter from Ki Kim, Transportation Planner, M-NCPPC, with notification that the petitioner has complied with Conditions No. 10 and 11 of the Board's Opinion dated 12/16/2010.

Action: Re-opened the record to include Mr. Kim's letter, (SBB/CJS, 4-0).

4. **S-1196, Petition of Exxon Corporation** (automobile filling station). Letter to the Board from Eugene Mark, Esquire, requesting an administrative modification.

Action: Item deferred for additional information, consensus.

5. **S-2339, Petition of Marian Assisted Living Inc.** (domiciliary care home). Letter to the Board from Jody Kline, Esquire, requesting an administrative modification. [Large exhibits: site plan and elevations].

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

6. **S-2699, Petition of Exxon Mobile Corporation** (automobile filling station). Letter to the Board from Susan Carter, Esquire, requesting a transfer of the special exception and a 12-month extension to implement.

Action: (1) Granted the transfer of the special exception effective contingent upon BOA notification of title transfer; (2) granted 12-month extension of time, (CJS/SBB, 4-0).

7. **S-2795, Petition of T-Mobile Northeast, LLC and Montgomery County Board of Education** (telecommunications facility). Memorandum from Lynn Robeson, Hearing Examiner, notifying the Board that the special exception has been withdrawn.

Action: Dismissed the special exception as withdrawn without prejudice, (CJS/DKP, 4-0).

8. **S-2818, Petition of T-Mobile Northeast LLC and S-390 [CBA-605, CBA-1280], Petition of Twin Farms Club, Inc.** (telecommunications facility). Letter to the Board from Edward Donohue, Esquire, requesting to consolidate the new special exception and the administrative modification and to pay the higher of the two filing fees.

Action: (1) Granted the request to consolidate the special exception and the administrative modification hearings; (2) granted the request to pay the higher of the two filing fees, (DKP/SBB, 4-0).

DECISION ITEMS:

9. **CBA-1383-A, Petition of Tilden Woods Recreation Association** (community swimming pool). Hearing Examiner's Report and Recommendation. Also included are requests for Oral Argument from Suzanne Keller and Soo-Lee Cho, Esquire.

Action: (1) Denied the request for oral argument; (CJS/SBB, 4-0); (2) adopted the Hearing Examiner's Report and Recommendation; (3) granted the special exception with conditions as amended, (DKP/SBB, 4-0).

10. **S-2351-A [A-5787, A-5794, A5832, A-5886, A-5917], Petition of Mid-Atlantic Petroleum Properties, LLC** (automobile filling station). Hearing Examiner's Report and Recommendation. Also included is are requests for oral argument and/or a remand to the Hearing Examiner from Stanley Abrams, Esquire and a request for oral argument from Norman Knopf, Esquire.

Action: (1) Denied request for remand, (DKP/CJS, 3-1(CGT)); (2) granted the requests of oral argument, (CGT/SBB, 3-1(DKP)).

DECISION ITEMS (continued):

11. **S-2803, Petition of T-Mobile Northeast LLC and Travillah-WHM Limited Partnership** (telecommunications facility). 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, 4-0).

PENDING ITEMS:

12. **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].
13. **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].
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-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].
16. **S-2792, Petition of Jaime and Angela Enriquez** (accessory apartment). Hearing Examiner's Report and Recommendation. Also included are requests for oral argument from the Petitioners and Geoff Patton. (1) Granted the request for oral argument. (2) Oral argument scheduled for 7/13/2011 at 10 a.m. [W/S 5/25/2011].

Board Members

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

Staff

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