

**BOARD OF APPEALS
for
MONTGOMERY COUNTY**

**Stella B. Werner Council Office Building
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Rockville, Maryland 20850
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www.montgomerycountymd.gov/content/council/boa/index.asp

WORKSESSION MINUTES

Second Floor Davidson Memorial Hearing Room

Wednesday, February 9, 2011, 9:30 a.m.

ACTION ITEMS:

1. Minutes, January 19, 2011 Worksession.

Action: Approved as corrected, (DKP/CJS, 4-0).

2. **S-155, Petition of Rebecca Mancuso** (child day care facility). Letter to the Board from Richard Parker, Treasurer, requesting a transfer of the special exception.

Action: Granted the request to add an additional holder of the special exception, (DKP/CJS, 4-0).

3. Pending Item. **S-179, David H. Shin** (coffee shop). Letter to the Board from Deanna Wells, Executive Assistant, requesting a transfer of the special exception.

Action: Granted the transfer of the special exception, (DKP/SBB, 4-0).

4. **S-289-B, Petition of Little Falls Swim and Tennis Club** (community swimming pool). Letter to the Board from the petitioner submitting the Community Liaison Council minutes and letters regarding the club's environmental planning.

Action: Re-opened the record to include the petitioner's letter and attachments, SBB/CJS, 4-0).

5. **S-420-H, Petition of Holy Cross Hospital** (hospital). Letter from C. Robert Dalrymple, Esquire, submitting a Transportation Management Plan as required by the Board's Opinion dated 9/18/09.

Action: (1) Re-opened the record to include Mr. Dalrymple's letter with attachments, (SBB/DKP, 4-0); (2) approved the Transportation Management Plan, (SBB/CJS, 4-0).

6. **S-1673, Petition of Steven Webb** (accessory apartment). Letter to the Board from Ariel and Lynn Abramson requesting a transfer of the special exception.

Action: Granted the transfer of the special exception, (SBB/CJS, 4-0).

7. **S-1819, Petition of Gerald A. McGarvey** (accessory apartment). Memorandum from Elba Benitez, Inspector, Department of Housing and Community Affairs (DHCA), requesting a Show Cause Hearing.

Action: Schedule the Show Cause Hearing, (CJS/SBB, 4-0).

8. **S-2092, Petition of Brooke Grove Foundation, Inc.** (life care facility). Letter to the Board from Susan Carter, Esquire, requesting an administrative modification.

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

9. **S-2153, Petition of American PCS, L.P. (by Margaret C. Ruggieri)** (public utility buildings and public utility structure). Letter to the Board from Donna Frescatore requesting an administrative modification.

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

10. **S-2629, Petition of Alan and Susan Dechter LLC** (non-resident medical practitioner). Letter to the Board William Landfair, AICP, submitting clarifying information. [Large exhibits: site plan and landscape plan].

Action: (1) Re-opened the record to include Mr. Landfair's letter with attachments; (2) the Board requested a copy of the site plan and the preliminary plan for the special exception record, (SBB/DKP, 4-0).

DECISION ITEM:

11. **S-2773, Petition of Jenna Ross Smith and Alan Minor** (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, (SBB/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-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].
16. **S-1821, Petition of Catherine Ellis Peterson and Brian Sickora** (accessory apartment). Letter to the Board from Marianna Butler, Inspector, DHCA, requesting a Show Cause Hearing. Item deferred for additional information regarding the current the property owner. [W/S 7/21/2010].
17. **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].
18. **S-2313, Petition of McDonald's Corporation** (drive-in restaurant). Letter to the Board from Christopher Ruhlen, Esquire, requesting an administrative modification. [Large exhibits: special exception plat and elevations/2 sheets]. (1) Granted the administrative modification; (2) the Board will request an inspection report within a year of the issuance of a building permit for the new construction. [W/S 11/17/10].
19. **S-2480, Petition of Connie Lucas** (group home). Letter to the Board from the petitioner requesting an extension of time. Item deferred for additional information from the petitioner regarding the progress made for the implementation of the special exception. [W/S 9/8/2010].

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