

**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, January 11, 2012, 9:30 a.m.

ACTION ITEMS:

1. Minutes, December 14, 2011 Worksession.

Action: Approved as corrected, (CJS/WSB, 5-0).

2. **Order Extending Time for the Board's Written Opinion** for 30 days is required in the following cases:
 - (a) **A-6350, Petition of Ralph J. Duffie, Inc.** (new three-story building).
 - (b) **A-6352, Petition of Richard J. and Louise E. Freedman** (accessory structure/detached garage).

Action: (a) Granted order extending time for A-6350, (DKP/SBB, 5-0); (b) granted order extending time for A-6352, (WSB/SBB, 5-0).

3. **A-6346, Petition of Fairland Animal Hospital** (lot exceeds minimum lot size). Letter to the Board from Jody Kline, Esquire, withdrawing the variance request.

Action: Dismissed variance request as withdrawn, (DKP/CJS, 5-0).

4. **CBA-864-B, Petition of Potomac Swim and Recreation Association** (community swimming pool). Letter to the Board from Bruce Hurd, President, with information regarding community liaison council and on-going landscape plan. Also included is an inspection report from Barbara Piczak, Inspector, Department of Permitting Services (DPS).

Action: Re-opened the record to include Mr. Hurd's letter with attachments and Ms. Piczak's inspection report, (DKP/SBB, 5-0).

5. **CBA-2164, Petition of United Therapeutics Corporation** (off-street parking). Letter to the Board from William Moore requesting a public hearing. Also included is a letter from Susan Reutershan, Esquire, in opposition to the request for a public hearing.

Action: (1) Re-opened the record to include Mr. Moore's and Ms. Reutershan's letters; (2) denied request for a public hearing as premature, (CJS/SBB, 4-0/DKP/abstained).

6. **CBA-2684-C, Petition of The German School** (private educational institution). Letter from John Green, Facilities Manager, submitting the minutes of the community liaison council for 2011.

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

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

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

8. **S-285-E, Petition of The Norwood School, Inc.** (private educational institution). Letter from Richard Ewing submitting information required by the Board's Resolution dated 12/16/2010.

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

9. **S-717-B, Petition of Our House, Inc.** (domiciliary care home). Letter to the Board from Stuart Barr, Esquire, requesting an extension of time.

Action: Granted one-year extension of time, (DKP/WSB, 5-0).

10. **S-1421, Petition of Philip Thorson** (accessory apartment). Memorandum from Lynn McCreary, Inspector, Department of Housing and Community Affairs (DHCA) notifying the Board that the special exception has been abandoned and requesting that it be revoked.

Action: Schedule Show Cause Hearing, (CJS/WSB, 5-0).

11. **S-2800, Petition of T-Mobile Northeast, LLC and J. Maurice Carlisle, Jr.** (telecommunications facility). Letter to the Board from Sean Hughes, Esquire, requesting reconsideration.

Action: Denied request for reconsideration, (DKP/CJS, 5-0).

12. **S-2818, Petition of T-Mobile Northeast, LLC and Twin Farms Club** (telecommunications facility). Letter to the Board from Edward Donohue, Esquire, requesting that the Board accept an August 25, 2011 letter from Edward Donohue to Leslie Saville into the record.

Action: Denied request to reopen the record to include Ms. Saville's letter dated 8/25/2011, (DKP/CJS, 4-1/SBB).

DECISION ITEM:

13. **S-2819, Petition of Olney Assisted Living Partners, LLC** (domiciliary care facility). Report and Recommendation from the Hearing Examiner.

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

PENDING ITEMS:

14. **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].
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 4/30/2008].
16. **S-2759, Petition of Darnestown Development, LLC t/a Goddard School** (child day care facility). Letter to the Board from Stephen Kaufman, Esquire and Debra Borden, Esquire, requesting a transfer of the special exception and an administrative modification. [Large exhibits: cover sheet, special exception site plan, special exception landscape plan/2 sheets, preliminary subdivision plan]. (1) Granted the transfer of the special exception; (2) deferred the administrative modification request until M-NCPPC's approval of the pending request for revisions to the preliminary plan. [W/S 9/14/2011]. (1) Re-opened the record to include Ms. Martin's letter; (2) Ms. Martin's request will be deferred until the administrative modification request is taken up by BOA. [W/S 12/7/2011].

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