

**BOARD OF APPEALS
for
MONTGOMERY COUNTY**

**Stella B. Werner Council Office Building
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Rockville, Maryland 20850
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<http://www.montgomerycountymd.gov/boa/index.html>

WORKSESSION MINUTES

Second Floor Davidson Memorial Hearing Room

Wednesday, January 9, 2013

ACTION ITEMS:

1. Minutes, December 19, 2012 Worksession.

Action: Approved, (SBB/CJS, 4-0).

2. **CBA-1327, Petition of Clarence Ellyson** (Care Home Facility). 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 current property owner.

Action: Revoked the special exception as abandoned, (CJS/SBB, 4-0).

3. **CBA-2402, Petition of Exxon Mobil Corporation** (Automobile filling Station). Letter from Thomas M. Terry, Southside Oil LLC, requesting a transfer of the special exception.

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

4. **CBA-2684-C, Petition of The German School** (Private Educational Institution). Letter from John Green, Facilities Manager, submitting the community liaison committee meeting minutes and the meeting schedule.

Action: Re-opened the record to include Mr. Green's letter and the community liaison committee meeting minutes and the meeting schedule, (SBB/CJS).

5. **CBA-2717, Petition of Susan Sternberg** (Home Occupation). 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 current property owner.

Action: Revoked the special exception as abandoned, (SBB/CJS, 4-0).

6. **S-593, Petition of Exxon Mobil Corporation** (Automobile filling Station). Letter from Thomas M. Terry, Southside Oil LLC, requesting a transfer of the special exception.

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

7. **S-610-B, Petition of McDonald's Corporation** (Drive-in-Restaurant). Letter from Arthur Archuleta, requesting a public hearing.

Action: (a) Granted the request for public hearing; (b) suspended resolution to modify special exception dated December 13, 2012, (CJS/SBB, 4-0).

8. **S-624, Petition of Edward F. Mouglin and William W. Cottman III** (Animal Boarding Place). 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 Petitioner.

Action: Revoked the special exception as abandoned, (DKP/SBB, 4-0).

9. **S-770, Petition of Exxon Mobil Corporation** (Automobile filling Station). Letter from Thomas M. Terry, Southside Oil LLC, requesting a transfer of the special exception.

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

10. **S-859, Petition of Exxon Mobil Corporation** (Automobile filling Station). Letter from Thomas M. Terry, Southside Oil LLC, requesting a transfer of the special exception.

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

11. **S-878, Petition of Exxon Mobil Corporation** (Automobile filling Station). Letter from Thomas M. Terry, Southside Oil LLC, requesting a transfer of the special exception.

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

12. **S-879, Petition of L. Mark Gross, M.D.** (Non-resident Medical Practitioner's Office). Letter from C. Robert Dalrymple, Esquire and Heather Dlhopsky, Esquire, requesting a transfer of the special exception.

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

13. **S-1339, Petition of Victor R. Olds** (Accessory Apartment). Memorandum from Jason White, Inspector, DHCA, notifying the Board that the special exception has been abandoned and requesting that it be revoked.

Action: Schedule show cause hearing, (SBB/CJS, 4-0).

14. **S-1396, Petition of Lois D. Forster** (Home Occupation). 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 Petitioner.

Action: Revoked the special exception as abandoned, (CJS/CGT, 4-0).

15. **S-2107, Petition of Exxon Mobil Corporation** (Automobile filling Station). Letter from Thomas M. Terry, Southside Oil LLC, requesting a transfer of the special exception.

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

16. **S-2203, Petition of Public Country Clubs, Inc. Mid-Atlantic Golf Properties by: Douglas S. Rice, Vice President** (Golf Driving Range). Memorandum from Barbara Piczak, Inspector, DPS, notifying the Board that the special exception has been abandoned and requesting that it be revoked. Also included are letters of confirmation from the Petitioner and the current property owner.

Action: Revoked the special exception as abandoned, (SBB/CJS, 4-0).

17. **S-2602, Petition of Marcelo and Shirley Montes De Oca** (Accessory Apartment). Memorandum from Bill Calloway, Inspector, DHCA, 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, (CJS/DKP, 4-0).

DECISION ITEM:

18. **S-2847, Petition of Jonathan Katz and Terri Moreland** (Accessory Apartment). Hearing Examiner's Report and Recommendation.

Action: (1) Deleted proposed condition No.3; (2) Adopted the Hearing Examiner's Report and Recommendation; (3) granted the special exception with conditions, (DKP/SBB, 4-0).

19. **S-2849, Petition of Carol A. Crawford** (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:

20. **CBA-2961, Petition of Chesapeake and Potomac Telephone Company** (telecommunications facility). Letter to the Board from Timothy Dugan, Esquire, with the status of the compliance with the notice of violation and a request for a name change. Also included is a memorandum from Heather Gottke, Inspector, DPS, with an update of the notice of violation and an extension until October 31, 2012. (1) Re-opened the record to include Mr. Dugan's letter with attachments and Ms. Gottke's memorandum; (2) item deferred until after the DPS extension deadline of October 31, 2012. [W/S 9/26/2012].
21. **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 3/10/2010].
22. **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].
23. **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].
24. **S-2792, Petition of SBA Structure, Inc. and Verizon Maryland Inc.** (telecommunications facility). Letter to the Board from Edward Donohue, Esquire, requesting Board review of information related to the special exception. (1) Re-opened the record to include Mr. Donohue's letter with attachments; (2) extend the time limit for DPS enforcement. [W/S 11/7/2012].
25. **S-2820, Petition of Fairland Animal Hospital, Inc.** (veterinary hospital). Hearing Examiner's Report and Recommendation. Also included is a letter from Jody Kline, Esquire, requesting oral argument. (1) Granted the request for oral argument. (2) deferred the Hearing Examiner's Report and Recommendation. [W/S 2/29/2012].

PENDING ITEMS (continued):

26. **CBA-2740-A, Petition of Mid-Atlantic Petroleum Properties** (Automobile Filling Station). Letter to the Board from the Stanley D. Abrams, Esquire requesting an extension of time to implement Special Exception Modification. Also included is the subject site and immediate surroundings exhibit, excerpted from M-NCPPC December Staff Report.

Action: Item deferred for additional information, (consensus). [W/S 12/5/12].

27. **S-1043, Petition of David C. Keener** (accessory apartment). Letter to the Board from Amir Pilch requesting a transfer of the special exception.

Action: Item deferred for additional information, (consensus). [W/S 11/28/12].

Board Members

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