

**BOARD OF APPEALS
for
MONTGOMERY COUNTY**

**Stella B. Werner Council Office Building
100 Maryland Avenue
Rockville, Maryland 20850
(240) 777-6600**

WORKSESSION MINUTES

Second Floor Davidson Memorial Hearing Room

Tuesday, May 29, 2001, 9:30 A.M.

ACTION CALENDAR:

1. **Minutes**, May 15, 2001 Worksession.

Action: Approved, (LLM/AMC, 4-0).

2. **A-5570, Petition of Joe Gitchell** (Department of Permitting Services - Building Permit No. 237610). Letter to the Board from the appellant withdrawing the appeal.

Action: Appeal dismissed as withdrawn, (LLM/DLB, 4-0).

3. **A-5594, Appeal of Gaithersburg Recycling Center, LLC (by Mark Goldstein)** (Department of Permitting Services – Notice of Violation). Letter to the Board from Richard N. Wright, President, Montgomery Village Foundation Board of Directors, requesting to intervene.

Action: Granted intervenor status, (LLM/DLB, 4-0).

4. **A-5606, Appeal of Robert Zarnetske** (Department of Permitting Services – Letter dated 3/2/01). Letter to the Board from Susan W. Carter, property owner's attorney, in response to Mr. Zarnetske's opposition to the motion to intervene and to amend the motion to intervene.

Action: Granted motion to intervene, (LLM/DLB, 4-0).

5. **A-5625, Appeal of L. Carl Jacobsen** (Department of Permitting Services – Notice of Violation). Letter to the Board from Susan L. Lane, adjoining neighbor, requesting to intervene.

Action: Granted intervenor status, (DLB/LLM, 4-0).

6. **CBA-662, Petition of In Town Motor Hotels** (billboard). Letter to the Board from Stanley N. Garber, Zoning Investigator, DPS, notifying the Board that the special exception has been abandoned and requesting that the special exception be revoked.

Action: Schedule Show Cause Hearing, (LLM/AMC, 4-0).

7. **CBA-1692 [S-719, S-720, S-721], Petition of Karl W. Corby, Jr. , et al** (medical practitioner's office). Letter to the Board from Stanley N. Garber, Zoning Investigator, notifying the Board of the special exceptions' outstanding Notices of Violation.

Action: Item deferred for a future worksession, consensus.

8. **CBA-1732, Petition of Dr. Herbert H. Rust** (medical practitioner's office). Letter to the Board from Stanley N. Garber, Zoning Investigator, DPS, notifying the Board that the special exception has been abandoned and requesting that the special exception be revoked. Also included is a letter from the current occupant confirming the abandonment.

Action: Special exception revoked as abandoned, (LLM/DLB, 4-0).

9. **CBA-2012, Petition of Dr. & Mrs. John H. King, Jr.** (medical practitioner's office). Letter to the Board from Stanley N. Garber, Zoning Investigator, DPS, notifying the Board that the special exception has been abandoned and requesting that the special exception be revoked.

Action: Schedule Show Cause Hearing, (LLM/DLB, 4-0).

10. **CBA-2965, Petition of Robert W. and Francine P. Draper** (home occupation). Letter to the Board from Stanley N. Garber, Zoning Investigator, DPS, notifying the Board that the special exception has been abandoned and requesting that the special exception be revoked.

Action: Schedule Show Cause Hearing, (DLB/LLM, 4-0).

11. **S-890, Petition of Ruth Speigel** (home occupation). Letter to the Board from Stanley N. Garber, Zoning Investigator, DPS, notifying the Board that the special exception has been abandoned and requesting that the special exception be revoked.

Action: Schedule Show Cause Hearing, (LLM/AMC, 4-0).

12. **S-1373, Petition of Francis Speich** (home occupation). Letter to the Board from Stanley N. Garber, Zoning Investigator, DPS, notifying the Board that the special exception has been abandoned and requesting that the special exception be revoked. Also included is a letter from the special exception holder confirming that the special exception has been abandoned.

Action: Special exception revoked as abandoned, (AMC/DLB, 4-0).

13. **S-1510, Petition of Clarence E. and Nancy J. Varney** (home occupation). Letter to the Board from Stanley N. Garber, Zoning Investigator, DPS, notifying the Board that the special exception has been abandoned and requesting that the special exception be revoked. Also included is a letter from the special exception holder confirming that the special exception has been abandoned.

Action: Special exception revoked as abandoned, (AMC/LLM, 4-0).

14. **S-1751, Petition of Hanna D. Saah** (boardinghouse). Letter to the Board from special exception holder requesting that the Board revoke the special exception as of January, 2002.

Action: Item deferred until inspection of the special exception by DPS and also a DPS determination if a special exception would be required for 2 tenants, consensus.

15. **S-1840, Petition of Christian R. Zimmer** (pet shop). Letter to the Board from Stanley N. Garber, Zoning Investigator, DPS, notifying the Board that the special exception has been abandoned and requesting that the special exception be revoked.

Action: Special exception revoked as abandoned, (LLM/AMC, 4-0).

16. **S-1895, Petition of Champion Landscape, Inc.** (landscape contractor and retail nursery). Letter to the Board from the petitioners requesting a transfer and modification of the special exception.

Action: (1) Granted transfer of the special exception; (2) Denied administrative modification request, (AMC/LLM, 4-0). Petitioner has the option of applying for a public hearing.

17. **S-2150, Petition of Dr. Douglas G. Drewyer and Darwin R. Drewyer, Jr.** (nonresident practitioner's office). Letter to the Board from Dr. Barbra Faires Burkett requesting that the special exception be transferred.

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

18. **S-2203-A, Petition of Public County Clubs, Inc., Mid-Atlantic Golf Properties** (golf driving range). M-NCPPC Technical Staff to discuss their review of the approved landscape and lighting plan. Letter to the Board from the Greater Olney Civic Association requesting a DPS inspection of the special exception.

Action: BOA to request DPS inspect special exception for compliance with approved lighting plan, (LLM/DLB, 4-0).

19. **S-2370, Petition of Tara Lynn Corporation (BurgerKing)** (drive-in restaurant). Letter to the Board from C. Robert Dalrymple, petitioner's attorney, requesting an administrative modification.

Action: Granted administrative modification request, (DLB/AMC, 4-0).

20. **S-2472, Petition of Maoqi He** (accessory apartment). Letter to the Board from the petitioner withdrawing the special exception application.

Action: Special exception dismissed as withdrawn, (LLM/DLB, 4-0).

DECISION:

21. **S-2470, Petition of Lalthangliana and Lalnunmawii Sailo** (accessory apartment). Hearing held 5/9/01.

Action: Granted special exception, (DLB/LLM, 4-0).

Board Members

Donald H. Spence, Jr., Chairman
Donna L. Barron, Vice Chairman
Louise L. Mayer
Angelo M. Caputo
Mindy Pittell Hurwitz - ABSENT

Staff

Sherry Glazer, Assistant County Attorney
Katherine Freeman, Executive Secretary to the Board
Hermene Jones, Administrative Specialist