

**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, October 30, 2001, 9:30 A.M.

ACTION CALENDAR:

1. **Minutes**, October 16, 2001 Worksession.

Action: Approved, (LLM/DLB, 5-0).

2. **A-5467, Appeal of Fayez B. Hanna** (Department of Permitting Services (DPS) – Issuance of a Letter dated June 10, 1998). Letter to the Board from the appellant requesting a refund of the filing fee. Also included are letters from William H. Schladt, Esquire, and Malcolm F. Spicer, Jr., Assistant County Attorney.

Action: Granted 100% (150.00) refund of the filing fee, in accordance with the Board's Rules of Procedure, (LLM/AIF, 5-0).

3. **A-5632, Petition of Margaret Brodnick** (a covered porch). Letter to the Board from the petitioner requesting a refund of the filing fee.

Action: Denied refund of the filing fee, in accordance with the Board's Rules of Procedure, (AMC/LLM, 5-0).

4. **A-5644, Appeal of Germantown-Seneca Joint Venture** (Department of Housing and Community Affairs (DHCA) – Issuance of Citation). Letter to the Board from Bradshaw Rost, Esquire, notifying the Board that the citation has been abated and that the Appeal is now moot. Also included is letter to Germantown-Seneca Joint Venture from Robert A. Bell, Jr., Housing Code Inspector, DHCA.

Action: Dismissed the appeal as moot, (AMC/LLM, 5-0).

5. **A-5653, Petition of Mark and Michelle Monteferrante** (an accessory structure/garage). Letter from Greg Wiedemann, the petitioners' architect, requesting a continuance.

Action: (1) Granted continuance request; (2) date to be determined with receipt of additional information, (AMC/LLM, 5-0).

6. **A-5675, Petition of Ellen F. Costello** (two-car garage). Letter to the Board from the petitioner withdrawing the variance request and requesting a partial refund of the filing fee.

 Action: (1) Dismissed variance request as withdrawn; (2) granted 50% (105.00) refund of the filing fee, in accordance with the Board's Rules of Procedure, (LLM/AIF, 5-0).

7. **CBA-2792, Petition of John L. Currin** (private riding stable). Memorandum 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, (AMC/LLM, 5-0).

8. **CBA-2876, Petition of Great Hope, Inc.** (community redevelopment project). Letter to the Board from William J. Chen, Jr., Esquire, requesting a transfer of the special exception.

 Action: (1) Item deferred until the next worksession; (2) staff to contact Mr. Chen regarding petitioner's ownership interest, consensus.

9. **S-382-D [A-5689], Petition of Amoco Oil Company** (automobile filling station). Letter to the Board from Jody S. Kline, Esquire, requesting the consolidation of the special exception modification and the variance hearings and to pay the higher of the two filing fees.

 Action: (1) Granted request to the consolidate the public hearings; and (2) the request to pay the higher of the two filing fees, (AMC/LLM, 5-0).

10. **S-727, Petition of Dr. Raymond C. Mackey** (non-resident professional offices/veterinarians). Letter to the Board from Robert M. Mueller, D.V.M., requesting an administrative modification. Also included is an approved landscape plan.

 Action: (1) Denied administrative modification request; (2) applicant has the option of requesting a public hearing, (LLM/AMC, 5-0).

11. **S-857, Petition of James B. D'Albora** (medical clinic). Memorandum 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 copy of a residential contract of sale and correspondence from the current property owner, James Dalbora, stating that the special exception has been abandoned.

 Action: Schedule Show Cause Hearing, (LLM/AMC, 5-0).

12. **S-1461, Petition of Dr. Alfred H. and Halina Greenberg** (antique shop). Memorandum Board from Stanley N. Garber, Zoning Investigator, DPS, notifying the Board that the special exception has been abandoned. Also included is a letter to Mr. Garber from Jonnie Hobbs, current property owner, regarding the special exception use.

 Action: Schedule Show Cause Hearing, (LLM/AIF, 5-0).

13. **S-1621, Petition of Manders Associates** (off-street parking in connection with commercial use). Memorandum to the Board from Stanley N. Garber, Zoning Investigator, DPS, notifying the Board that the special exception use is permitted per the Zoning Ordinance and requesting that the special exception be revoked.

 Action: Revoked special exception as a permitted use per the Zoning Ordinance, (LLM/DLB, 5-0).

14. **S-1693, Petition of David K. Myers** (home occupation). Memorandum to the Board from Stanley N. Garber, Zoning Investigator, DPS, notifying the Board that the special exception as been abandoned and requesting that the special exception be revoked.

Action: Schedule Show Cause Hearing, (AMC/LLM, 5-0).

15. **S-1836 [S-1836-A], Petition of Haeng K. Choi** (private educational institution). Memorandum to the Board from Stanley N. Garber, Zoning Investigator, DPS, notifying the Board of an active and ongoing violation of the special exception. The Board has received a major modification application. The public hearing for the special exception modification is scheduled for 2/13/02.

Action: (1) Record re-opened to include Mr. Garber's memorandum; (2) no action required by the Board, (DLB/AIF, 5-0).

16. **S-2143, Petition of Bell Atlantic Mobile Systems, Inc.** (public utility buildings, public utility structures and telecommunication facilities). Letter to the Board from Cathy G. Borten, Esquire, requesting an administrative modification. (Large exhibits: Cloverly, Fairland, Sandy Spring, and Ashton Master Plan and zoning vicinity Map).

Action: Granted administrative modification request, (LLM/AMC, 5-0).

17. **S-1857, Petition of KMC Corporation of America** (golf driving range). Memorandum to the Board from Stanley N. Garber, Zoning Investigator, DPS, notifying the Board that the hearing for the special exception was never completed and requesting that the special exception be dismissed.

Action: Dismissed special exception as never implemented, (LLM/AIF, 5-0).

18. **S-2169, Petition of Frank Associates Child Assistance International, Inc.** (assist in humanitarian aid programs and assist with adoptions). Memorandum 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/AIF, 5-0)

19. **S-2457, Petition of The Harbor School** (private educational institution). Letter to the Board from Todd D. Brown, Esquire, submitting into the record a site plan and landscape plan, the school enrollment contract, the traffic management plan and the carpool ratio maintenance plan. (Large exhibits: site and landscape plans).

Action: (1) Record re-opened to include Mr. Brown and Mr. Knopf's letters; (2) record open to receive amended transportation management plan, (AIF/DLB, 5-0).

PENDING ITEMS:

20. **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. Item deferred to a future worksession pending clarification from DPS.

21. **S-2473, Petition of Adnan Haider** (accessory apartment). Letters to the Board from L. Morgan Bates (Marguerite) and Suzanne McLaughlin, neighbors, regarding the special exception. Board to request Department of Housing and Community Affairs (DHCA) inspection of the special exception.

Board Members

Donald H. Spence, Jr., Chairman
Donna L. Barron, Vice Chairman
Louise L. Mayer
Angelo M. Caputo
Allison Ishihara Fultz

Staff

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

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WORKSESSION ADDENDUM MINUTES

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Tuesday, October 30, 2001, 9:30 A.M.

ACTION CALENDAR:

1. **A-5661, Petition of Harold Snider** (a carport). Letter to the Board from the petitioner requesting that the Board's Opinion be expedited. Hearing held 10/24/01.

Action: Granted expedited request to issue the Board's Opinion, consensus.

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