

**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

Wednesday, November 28, 2001, 9:00 A.M.

ACTION CALENDAR:

1. **S-180-B, Petition of AFL-CIO Labor Studies Center** (private educational institution). Record to be referred to the Office of the Hearing Examiner.

Action: Case referred to the Hearing Examiner, (AIF/DLB, 4-0).

2. **S-2488, Petition of Kwan Sook Yi** (retail establishments in an office building). Record to be referred to the Office of the Hearing Examiner.

Action: Case referred to the Hearing Examiner, (AIF/DLB, 4-0).

Board Members

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

Staff

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

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ACTION CALENDAR:

1. **Minutes**, November 14, 2001 Worksession.

Action: Approved with corrections, (LLM/DLB, 4-0).

2. **A-5557, Appeal of Jean Daniel Tchatchoua** (Department of Housing and Community Affairs (DHCA) – Condemnation Notice). Letter to the Board from the appellant withdrawing the appeal and requesting a refund of the filing fee. Also included is a letter to the Board from J. Kwame Edusei, Housing Code Inspector, DHCA.

Action: (1) Dismissed the appeal as withdrawn; (2) granted 50% (\$75.00) refund of filing fee, in accordance with the Board's Rules of Procedure, (LLM/AIF, 4-0).

3. **A-5615, Appeal of Chris and Andrea Murtha** (Historic Preservation Commission – Historic Area Work Permit). Joint Motion of the Town of Kensington and the Montgomery County Historic Preservation Commission To Postpone Hearing and Motion To Shorten Time For Response from Rachel T. McGuckian, Esquire, and Eileen T. Basaman, Assistant County Attorney. Also included is a Response To Motion To Circumvent Current HPC Procedures and Shorten Response Time and a letter to Rachel T. McGuckian from the appellants.

Action: (1) Denied Joint Motion of the Town of Kensington and the Montgomery County HPC To Postpone Hearing and Motion To Shorten Time For Response; (2) Board to issue requested subpoenas, (DLB/LLM, 4-0).

4. **A-5639, Petition of Germantown Station Limited Partnership** (parking lot). Transmittal from William Cleek, Loiederman Soltesz Associates, with revised landscape plan, revised landscape details and catalog specifications of proposed plant material. (Large exhibits: revised landscape plan and revised landscape details).

Action: Re-opened record to accept revised plan, (AIF/LLM, 4-0).

5. **A-5653, Petition of Mark and Michelle Monteferrante** (accessory structure/garage). Letter to the Board from the petitioners concerning the driveway easement. Also included is a letter from Richard C. Stern, Democracy Title Corporation. (Large exhibit: partial subdivision plat).

Action: Denied variance request, (AIF,LLM, 4-0).

WORKSESSION MINUTES, WEDNESDAY, NOVEMBER 28, 2001 Page 2.

6. **A-5694, Petition of Pat and Sheila Williams** (covered porch). Letter to the Board from Paul Gaiser, petitioners' architect, withdrawing the variance and requesting a refund of the filing fee.

Action: Dismissed variance request as withdrawn, (2) granted 50% (105.00) of the filing fee, in accordance with the Board's Rules of Procedure, (LLM/AIF, 4-0).

7. **CBA-969, Petition of Drs. Kogan, Sherer and Rosenfeld, and CBA-2634, Petition of Bel Pre Industries, Inc., Morton A. Rosen, Selma Rosen and Sanford I. Rosen** (nursing home). Letter to the Board from David D. Freishtat, Esquire, requesting a transfer and a administrative modification of the special exception.

Action: (1) Granted transfer of the special exception; (2) denied administrative modification request; (3) Board to request inspection of the special exception by DPS; and (4) set date for a public hearing, (DLB/LLM, 4-0).

8. **CBA-1635, Petition of Frank S. Ketcham** (private riding stable). Memorandum to the Board from Stanley N. Garber, Zoning Investigator, Department of Permitting Services (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).

9. **CBA-1658, Petition of Manor Country Club, Inc.** (golf course and country club). Letter the Board from Ralph Hurst, architect, requesting an administrative modification of the special exception.

Action: (1) Denied administrative modification request; (2) applicant has the option of applying for a public hearing, (AIF/LLM, 4-0).

10. **CBA-1975, Petition of William H. and Jeannette S. Moyer** (day camp for not more than 20 children). 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: Revoked special exception as abandoned, (AIF/LLM, 4-0).

11. **CBA-2470, Petition Potomac Methodist Church and The German School** (private educational institution). 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, (LLM/DLB, 4-0).

12. **CBA-2483, Petition of B. B. Blemker** (private riding stable). 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: Revoked special exception as abandoned, (AIF/LLM, 4-0).

13. **S-90 and S-1281, Petition of Medical Park Associates** (medical and dental clinic). Memorandum to the Board from Stanley N. Garber, Zoning Investigator, DPS, notifying the Board of an outstanding notice of violation and requesting that the Board take action per the Montgomery County Zoning Ordinance. (Large exhibits: lighting and landscape plans).

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

14. **S-481, Petition of Hazel Allan Mumford** (antique shop). 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 Board revoke the special exception.

Action: No action required by the Board.

15. **S-560, Petition of Robert A. Barnett, M.D.** (non-resident medical practitioner's office). 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 letter from Dr. Barnett, confirming that the special exception has been abandoned.

Action: Revoked special exception as abandoned, (LLM/DLB, 4-0).

16. **S-1674, Petition of James A. and Mary Loreto** (accessory apartment). Letter to the Board from Susan Silberberg, current property owner, requesting a transfer of the special exception.

Action: Schedule hearing of the request for transfer, (LLM/DLB, 4-0).

17. **S-1944, Petition of Four Streams Limited Partnership** (golf course). Letter to the Board from William J. Roberts, Esquire, for Sugarloaf Citizens Association, Inc. and The Conservation Federation of Maryland, requesting a public hearing on behalf of his clients in connection with the Board's approval of a minor modification to the special exception.

Action: (1) Denied the request for a public hearing; (2) granted denial of the request as not timely; (3) re-opened the record to include letters from William J. Roberts, Esquire and C. Robert Dalrymple, Esquire, (LLM/AIF, 4-0).

18. **S-2251, Petition of Kiddie Academy Child Care Learning Center, Inc. and Holland Properties** (drive-in restaurant). Letter to the Board from Mark M. Viani, Esquire, requesting to reopen the record to include the revised landscape and lighting plan.

Action: Re-opened the record to accept the revised plans, (LLM/AIF, 4-0).

DECISION:

19. **S-2479, Petition of American Tower Corporation and AT&T Wireless Services** (public utility buildings, public utility structures and telecommunications facilities). Hearing Examiner's Report and Recommendation.

Action: Case to be returned to the Hearing Examiner (HE) for determination of whether the letter submitted by Mr. Donohue's satisfies the HE's requirements, (LLM/AIF, 4-0).

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. **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. Item deferred until the next worksession. Staff to contact Mr. Chen regarding petitioner's ownership interest.
22. **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.

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