

**BOARD OF APPEALS
for
MONTGOMERY COUNTY**

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

SECOND WORKSESSION ADDENDUM MINUTES

Second Floor Davidson Memorial Hearing Room

Wednesday, December 19, 2001, 9:00 A.M.

ACTION CALENDAR:

1. **S-1887, Petition of Poindexter Joint Venture** (medical and dental clinic), **A-5678, Appeal of Luxmanor Citizen's Association, Inc. and Jerry Black, Mark M. Spradley and Tim D. Andreadis and, A-5679, Appeal of Luxmanor Citizen's Association, Inc. and Jerry Black, Mark M. Spradley and Tim D. Andreadis** (Department of Permitting Services – Issuance of Building Permit No. 257394 and Ruling Letter dated 8/31/01). Letter to the Board from William J. Chen, Jr., Esquire, requesting that the Board not obtain legal advice from the County Attorney's Office with regard to the above-referenced proceedings and the Board is further requested that its attorney not consult with the assistant county attorney who gave advice to the Department of Permitting Services.

Also included is a letter to the Board from Cathy G. Borden, Esquire, requesting that the Board deny the appellants' request set forth in the 12/7/01 letter.

Action: Denied Mr. Chen's request in letter dated 12/7/01, (AMC/AIF, 5-0).

2. **S-2476, Petition of Safeway, Inc.** (automobile filling station). Letter to the Board from C. Robert Dalrymple, Esquire, requesting a continuance.

Action: (1) Continuance granted; (2) new hearing date of 3/27/01 @ 9:30 a.m., (AMC/AIF, 5-0).

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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1. **S-2503, Petition of the Holton-Arms School, Inc.** (private educational institution). Letter to the Board from Harry W. Lerch, Esquire, and Jody S. Kline, Esquire, requesting an expedited hearing.

Action: Hearing to be scheduled for 1/16/02 @ 10:30 a.m., (LLM/AIF, 5-0).

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WORKSESSION MINUTES

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ACTION CALENDAR:

1. **Minutes**, December 5 and 12, 2001 Worksession.

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

2. **Order Extending Time for the Board's Written Opinion** for 30-days is required in the following cases:

(a) **A-5673, Petition of Karen M. and Roland Schumann** (one-story addition/shed and covered porch). Hearing held 11/14/01.

(b) **A-5677, Petition of David Welna and Kathleen Wheaton** (one-story addition and a covered porch). Hearing held 11/14/01.

Action: Granted Order Extending Time, (DLB/LLM, 5-0).

3. **A-5540, Appeal of Chester Stello** (Department of Permitting Services (DPS) – Notice of Violation). Letter to the Board from the appellant requesting that the hearing be rescheduled.

Action: Denied continuance request, (AIF/AMC, 5-0).

4. **ZAS-591, Petition of Austin C. Schlick** (riding stable). Letter to the Board from the petitioner requesting that the special exception be revoked.

Action: Revoked special exception as abandoned, (LLM/DLB, 5-0).

5. **CBA-2830, Petition of Graciano P. Gancayco** (non-resident medical practitioner's office). Letter to the Board from Helen Lynn Primo, Esquire, requesting an administrative modification.

Action: (1) Denied administrative modification; (2) Board to schedule public hearing on special exception modification, (AIF/AMC, 5-0).

6. **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: Granted transfer of the special exception, (LLM/AIF, 5-0).

7. **S-382-D, Petition of BP Amoco Corporation** (Department of Permitting Services – Violation Letter). Letter to the Board from Jody S. Kline, Esquire, requesting a continuance.

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

WORKSESSION MINUTES, WEDNESDAY, DECEMBER 19, 2001 Page 2.

8. **S-411, Petition of The French International School** (private educational institution). Letter of complaint regarding the special exception to the Board from Ken Honicker, adjacent neighbor.

Action: Record re-opened to include Mr. Honicker's letter, consensus.

9. **S-1547, Petition of Precision Tune** (automobile tune-up and service shop). Letter to the Board from Sa Kwon, Owner, requesting a transfer of the special exception.

Action: (1) Granted transfer of the special exception; (2) Board to request DPS inspection of the special exception for compliance with landscape and lighting plan, (LLM/AIF, 5-0).

10. **S-2082, Petition Bernard P. Klein** (accessory apartment). Letter to the Board from the petitioner requesting that the special exception be revoked.

Action: Revoked special exception as abandoned, (LLM/AMC, 5-0).

11. **S-2435, Petition of Saiful and Jannatul B. Islam** (accessory apartment). Order from the Circuit Court reversing the Board's Opinion.

Action: (1) Board to request DHCA inspection of the special exception; (2) item will return to worksession agenda to determine if a public hearing is required, consensus.

12. **S-2490, Petition of Colonial Landscape & Design, Inc.** (landscape contractor). Letter to the Board from Stacey P. Silber, Esquire, requesting a continuance until March.

Action: Hearing will be scheduled for the next available date, (DLB/LLM, 5-0).

PENDING ITEMS:

13. **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.

14. **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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