

**BOARD OF APPEALS
for
MONTGOMERY COUNTY**

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

WORKSESSION ADDENDUM MINUTES

Second Floor Davidson Memorial Hearing Room

Wednesday, April 17, 2002, 9:00 A.M.

ACTION CALENDAR:

1. **A-5684, Appeal of Robin Jasper** (Department of Permitting Services – Denial Letter dated 10/2/01). Letter to the Board from Robin-Eve Jasper requesting to withdraw her appeal and receive a refund of the filing fee.

Action: (1) Dismissed the appeal as withdrawn; (2) granted refund of 50% (\$79.00) of the filing fee, (LLM/AIF, 5-0).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 - ABSENT

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**WORKSESSION MINUTES
(CORRECTED ITEMS: 6, 14 & 15)**

Second Floor Davidson Memorial Hearing Room

Wednesday, April 17, 2002, 9:00 A.M.

ACTION CALENDAR:

1. **Minutes**, April 3 and 10, 2002 Worksessions.

Action: Approved with corrections, (LLM/DLB, 5-0).
2. **A-5684, Appeal of Robin Jasper** (Department of Permitting Services (DPS) – Denial Letter dated 10/2/01). Letters to the Board from Nathaniel Greenspun and Anja Decressin requesting to intervene.

Action: No action required by the Board.
3. **A-5700, Appeal of Arnold Fainman** (Department of Permitting Services – Notice of Violation). Letter to the Board from Helen Lynn Primo, Esquire, requesting that the appeal be dismissed without prejudice.

Action: Dismissed the appeal as withdrawn without prejudice, (AMC/DLB, 5-0).
4. **A-5720, Appeal of Robert O. and Sophia Blake and J. Gary O. and Lynne L. Van Dyke** (Department of Permitting Services – Issuance of Building Permit No. 264003). Letter to the Board from Gary VanDyke withdrawing the appeal.

Action: Dismissed the appeal as withdrawn, (LLM/DLB, 5-0).
5. **A-5723, Petition of Theodore H. and Linda P. Rosen** (a covered porch). Letter to the Board from Cathy G. Borten, Esquire, withdrawing the petition and requesting that the petition be dismissed.

Action: Dismissed the appeal as withdrawn, (AIF/DLB, 5-0).
6. **CBA-1251-A [CBA-1251, CBA-2495], Petition of United Church of Christ Home, Inc.** Letter to the Board from Steven A. Robins, requesting an administrative modification. Mr. Robins requests that if a modification is not required, that the filing fee be refunded and that the portion of the already approved modification be maintained as part of the approval. (Large exhibits: zoning vicinity map, first floor plans, elevations, subdivision plat and site plan).

Action: Item deferred until the Zoning Text Amendment (ZTA) is effective. Mr. Robins to draft the Resolution, consensus.

7. **CBA-1819 [CBA-1819-A], Petition Potomac Electric Power Company** (electric substation). Memorandum to the Board from Stanley N. Garber, Zoning Investigator, Department of Permitting Services (DPS), requesting a show cause hearing.

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

8. **CBA-2134, Petition of Forest Glen Medical Center, Inc.** (medical and dental clinic). Letter to the Board from Leila Ayoub, Property Manager, requesting an administrative modification.

Action: Administrative modification request deferred until the scheduled Show Cause Hearing, (LLM/AMC, 5-0).

9. **S-420-G, Petition of Holy Cross Hospital of Silver Spring, Inc.** (hospital). Letter to the Board from Robert G. Brewer, Jr., Esquire, requesting an expedited hearing.

Action: Granted expediting hearing request; public hearing will be held 7/17/02, (DLB/LLM, 5-0).

10. **S-918, Petition of Fereshteh Farahmand** (child day care facility). Letter to the Board from Kesuith Smith requesting a transfer of the special exception.

Action: Item deferred for a future worksession, consensus.

11. **S-1301, Petition Soo J. Yoon** (accessory apartment). Letter to the Board from Robert Dejter, Housing Code Field Supervisor, Department of Housing and Community Affairs (DHCA), requesting that the special exception be revoked. Also included is a letter from the petitioner requesting that the special exception be revoked.

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

12. **S-2253, Petition of Bell Atlantic Nynex Mobile** (public utility buildings, public utility structures and telecommunication facilities). Letter to the Board from M. Gregg Diamond, Esquire, requesting an administrative modification and a transfer of the special exception. (Large exhibits: site plan and equipment and monopole details).

Action: (1) Requested additional information from Crown Atlantic; (2) item deferred for a future worksession, consensus.

13. **S-2268, Petition of Silver Oaks Campus, LLC and Senior Campus Services, LLC** (continuing care retirement community). Letter to the Board from Robert H. Metz, Esquire, with update of the latest changes in the special exception plans. (Large exhibits: site plans (phase IB), site plans (phase II), landscape and detail plans, plant schedule and detail plans and lighting and detail plans).

Action: Item deferred until 5/1/02 worksession.

14. **S-2467, Petition of Holton-Arms School, Inc.** (child day care facility). Letter to the Board from Jody S. Kline, Esquire, requesting that the case be retained by the Board and that the public hearing proceed as scheduled.

Action: (1) Re-opened record to include Mr. Kline's letter; (2) special exception retained by the Board for the scheduled public hearing on 6/12/02, (DLB/LLM, 5-0).

15. **S-2517, Petition of Damascus Sports Association, Inc.** (Service Organization). Letter to the Board from Jody S. Kline, Esquire, requesting that the case be referred to the Office of the Hearing Examiner.

Action: Record referred to the Office of the Hearing Examiner, (LLM/AMC, 4-0(DHS/recused)).

DECISION:

16. **S-1289-B, Petition of Manor Care Health Services** (nursing home or domiciliary care home). Hearing held 4/10/02.

Action: Granted special exception modification request with M-NCPPC Staff conditions, (AIF/AMC, 5-0).

17. **S-2499, Petition of KMC Telecom, Inc.** (public utility buildings, public utility structures and telecommunication facilities). Letter to the Board from Mark M. Viani, Esquire, with additional information requested by the Board.

Action: Granted special exception with M-NCPPC Staff conditions, (DLB/AMC, 5-0).

INFORMATION ITEMS:

18. **S-2184, Petition of Charles R. Gilbert** (indoor rifle and pistol range). Letter from the petitioner notifying the Board of the installation of the required plantings.

Action: Dismissed Show Cause Hearing, (DLB/AMC, 5-0).

PENDING ITEMS:

19. **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, DPS, notifying the Board of the special exceptions' outstanding Notices of Violation. Item deferred to a future worksession pending clarification from DPS.

20. **CBA-2117-A, Francis J. Collins Funeral Home, Inc.** (funeral parlors or undertaking establishments). Letter to the Board from John J. Delaney, Esquire, with a revised lighting plan. Board requests details regarding the lighting levels from Mr. Delaney.

21. **CBA-2640, Petition of The National Capital Area Council – Boy Scouts of America** (eleemosynary and philanthropic institution). Letter to the Board from Patricia A. Harris, Esquire, requesting an administrative modification. Board requested a review and recommendation from M-NCPPC.

22. **CBA-2986, Petition of Leafy House, Inc.** (housing for the elderly). Letter to the Board from Chris A. Fremuth, R.L.A., requesting an administrative modification. (Large exhibit: site, landscape and lighting plan). Item deferred for review of the landscape/lighting plan and the parking plan by M-NCPPC.
23. **S-569, [CBA-3051, S-95], Petition of C. O. and M. E. Bland** (horticultural nursery). Letter of complaint to the Board from David C. Gardner, Esquire, regarding the special exception use. Board requests DPS inspection of the special exception property.
24. **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. Board granted the transfer of the special exception and requested DPS to inspect the special exception for compliance with landscape and lighting plan.
25. **S-1716, Petition of Sports Fun, Inc.** (commercial recreational or entertainment establishment). Letter to the Board from David and Nancy Ris, current property owners, notifying the Board that the special exception has been abandoned and requesting that the special exception be revoked. Item deferred. Board to request DPS correction of special exception address.
26. **S-1751, Petition of Hanna D. Saah** (boardinghouse). Memorandum to the Board from Stanley N. Garber, Zoning Investigator, DPS, regarding the inspection of the special exception. Letter will be sent to the petitioner to determine what future action he proposes for the special exception property.
27. **S-1944-B [S-1944], Petition of Four Streams Limited Partnership** (golf course in the RDT zone). Letter to the Board from C. Robert Dalrymple, Esquire, with a progress report on the text amendment. Also included is a letter from William J. Roberts, Esquire, requesting a public hearing. Item to return to the worksession on 4/17/02. Board will suspend its Resolution dated 2/20/02. Board requests a timetable for the text amendment from the Mr. Dalrymple.
28. **S-2093, Petition of Bell Atlantic Mobile Systems, Inc.** (public utility structure). Letter to the Board from Sue Swett, Real Estate Department, Pinnacle Towers Inc., requesting a transfer of the special exception. Board requests additional information.
29. **S-2171, Petition of Maurice H. Berk** (non-resident professional office). Letter to the Board from William Kominers, Esquire, as a clarification and confirmation of the activities occurring at the special exception property. Item deferred for DPS inspection of the special exception property.
30. **S-2389 [S-24-B], Petition of AT&T Wireless Service, Inc.** (telecommunications facility). Letter to the Board from James R. Michal, Esquire, requesting an administrative modification. Board requests additional information.
31. **S-2435, Petition of Saiful and Jannatul B. Islam** (accessory apartment). Order from the Circuit Court reversing the Board's Opinion. Board requested DHCA inspection of the special exception and the item will return to a future worksession to determine if a public hearing is required.
32. **S-2473, Petition of Adnan Haider** (accessory apartment). Memorandum to the Board from Robert Dejter, Housing Code Field Supervisor, Department of Housing and Community Affairs. Board to request inspection of the special exception property by DPS.

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