

**BOARD OF APPEALS
for
MONTGOMERY COUNTY**

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

www.montgomerycountymd.gov/mc/council/board.html

SECOND WORKSESSION ADDENDUM MINUTES

Second Floor Davidson Memorial Hearing Room

Wednesday, December 4, 2002, 9:00 A.M.

ACTION CALENDAR:

1. **S-2515, Petition of Sprint PCS/APC Realty and Equipment Company, LLC and Terry H., Nerissa B., Frank H., and Eric Z. Lloyd** (public utility buildings, public utility structures and telecommunication facilities). Letter to the Board from Town of Barnesville Commissioners requesting reconsideration. Also included is a letter to the Board from James R. Michal, Esquire, and Janet A. Brown, Esquire.

Action: Denied reconsideration request, (AMC/LLM, 4-0/DHS/recused).

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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ACTION CALENDAR:

1. **S-2078 [CBA-2460, S-7, S-296], Petition of Michael V. Scott, D.V.M.** (veterinary hospital). Letter to the Board from Jody S. Kline, Esquire, requesting an administrative modification. (Large exhibit: approved landscape and lighting plan).

Action: Item referred to DPS for review of stormwater management system, (LLM/AIF, 5-0).

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Wednesday, December 4, 2002, 9:00 A.M.

ACTION CALENDAR:

1. **Minutes**, November 20, 2002 Worksession.

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

2. **A-1573, Petition of Robert H. Edmund** (carport). Letter to the Board from Judith M. Koenick notifying the Board of new construction and the enclosure of a carport.

Action: Item referred for DPS review, (AIF/AMC, 4-0).

3. **CBA-554, Petition of the Chevy Chase Club** (private club). Letter to the Board from Timothy Dugan, Esquire, requesting an administrative modification. (Large exhibit: site plan).

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

4. **CBA-842, Petition of Laszlo N. Tauber** (commercial recreational establishment). Inspection memorandum to the Board from Stanley N. Garber, Investigator, Department of Permitting Services (DPS).

Action: Re-opened the record to include inspection report, (AIF/AMC, 4-0).

5. **CBA-1439, Petition of Wall Lane, Inc.** (off-street parking). Letter to the Board from Patricia A. Harris, Esquire, requesting an administrative modification. (Large exhibit: site plan, parking and light fixture details).

Action: Item referred to DPS and M-NCPPC for review, (AMC/AIF,4-0).

6. **CBA-1692 [S-719], Petition of Karl W. Corby, Jr.** (retail sales and personal services establishment). Letter to the Board from Rafael Pulupa requesting a transfer of the special exception.

Action: (1) Granted transfer of the special exception; (2) granted administrative modification, (AMC/LLM, 5-0).

7. **CBA-2169, Petition J. W. Blaloch** (private club). Memorandum to the Board from Barbara J. Piczak, Inspector, DPS, notifying the Board that the special exception has been abandoned and requesting that it be revoked. Also included is a letter from the property owner confirming the abandonment.

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

8. **S-446, Petition of John J. Allen, Jr.** (off-street parking). Memorandum to the Board from Stanley N. Garber, Investigator, DPS, notifying the Board that the special exception use is permitted in the zone and requesting that the special exception be revoked.

Action: Revoked as special exception use permitted in the zone, (AIF/LLM, 5-0).

9. **S-986, Petition of Oglia S. and Jacobo Sirota** (accessory apartment). Memorandum to the Board from Andrew Jakob, Housing Code Inspector, Department of Housing and Community Affairs (DHCA), notifying the Board that the special exception has been abandoned and requesting that it be revoked. Also included is a letter from the petitioner confirming the abandonment.

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

10. **S-1155, Petition Lawrence J. Stark** (accessory apartment). Letter to the Board from Cece Kinna, Housing Code Inspector, DHCA, notifying the Board that the special exception has been abandoned and requesting that it be revoked.

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

11. **S-1327, Petition of Harriet Berger** (child day care facility). Letter from the petitioner notifying the Board that the special exception has been abandoned and requesting that it be revoked.

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

12. **S-1343 [S-1343-A], Petition of Crown Central Petroleum Corporation** (automobile filling station). Memorandum to the Board from Stanley N. Garber, Investigator, DPS, requesting a Show Cause Hearing.

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

13. **S-1400-B, Petition Allentuck Landscaping, Inc.** (retail horticultural nursery). Letter to the Board from Dianne A. and Jeffrey W. Harab requesting to be parties of record.

Action: Referred to the Office of Zoning and Administrative Hearing for consideration, (DLB/LLM, 5-0).

14. **S-1575, Petition of Dan Robinson, Sally Reiger and Gerry Seedyke** (accessory apartment). Memorandum from Wright A. Jolly, Jr., Housing Code Inspector, DHCA, notifying the Board that special exception has been abandoned and requesting that it be revoked.

Action: (1) Refer to DPS for inspection; (2) Schedule Show Cause Hearing, (AMC/AIF, 5-0).

15. **S-1653, Petition of Frederick Horn, Jr.** (home occupation). Memorandum to the Board from Stanley N. Garber, Investigator, DPS, notifying the Board that the special exception is a permitted use and requesting that it be revoked.

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

16. **S-2070, Petition of Johnson Enterprises** (wholesale/retail nursery and garden center). Letter to the Board from Kevin P. Fay, Esquire, requesting an administrative modification.

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

17. **S-2172, Petition of Southwestern Bell Mobile Systems, Inc.** (public utility buildings, public utility structures and telecommunication facilities). Letter to the Board from M. Gregg Diamond, Esquire, and Cathy G. Borten, Esquire, requesting an administrative modification. (Large exhibit: site, fence, antenna and shelter detail plan).

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

18. **S-2204, Petition of Atlantic Homestead Village Incorporated** (hotel). Letter to the Board from Emily J. Vaias, Esquire, and Yum Yu Cheng, Esquire, requesting an administrative modification.

Action: (1) Re-opened the record to include Ms. Vaias and Ms. Cheng's letter; (2) granted administrative modification, (AMC/AIF, 4-0).

19. **S-2403, Petition of Stanley and Joann T. Shapiro** (accessory apartment). Request for waiver of the annual administrative fee.

Action: Denied waiver of annual administrative fee, (AMC/LLM, 5-0).

20. **S-2413, Petition of Florica and Dumitru Cazacu and peter Nicolae Nicholson** (accessory apartment). Letter from Stasia Zedzilko requesting transfer of the special exception.

Action: Granted transfer of the special exception, (DLB/LLM, 5-0).

21. **S-2424, Petition of William J. and Ethel I. Valois** (accessory apartment). Memorandum to the Board from Daniel McHugh, Housing Code Inspector, DHCA, notifying the Board that the special exception has been abandoned and requesting that it be revoked.

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

22. **S-2435, Petition of Saiful and Jannatul B. Islam** (accessory apartment). Inspection report to the Board from Kevin M. Martell, Housing Code Field Supervisor, DHCA.

Action: Item deferred to Worksession of 12/18/02.

DECISION ITEMS:

23. **S-1734, Petition of Subhas Boveja and Veen Boveja** (accessory apartment). Hearing Examiner's Report and Recommendation.

Action: Adopted Hearing Examiner's Report and Recommendation and granted the special exception, (LLM/AIF, 5-0).

24. **S-1954, Petition of Edward F. Mayne, Sr. and Josephine L. Mayne and Joseph O Hills** (golf course). Letter to the Board from C. Robert Dalrymple, Esquire, submitting additional lighting information.

Action: Re-opened the record to include Mr. Dalrymple's letter; (2) approved amended landscape and lighting plan; (3) granted administrative modification, (AMC/AIF, 5-0).

DECISION ITEMS (continued):

25. **S-2533, Petition of Phyllis L. and William Childers** (major home occupation). Hearing Examiner's Report and Recommendation. Also included is a request for oral argument from Ben Wisler, a request from Phyllis L. and William L. Childers from the parking standards, and a letter of support from Kevin and Deborah Seraile.

Action: Record remanded to the Hearing Examiner, (AIF/AMC, 4-0).

PENDING ITEMS:

26. **CBA-802, Petition of Donald E. and Evelyn C. Golladay** (animal boarding), **CBA-1211, Petition of Donald E. Golladay** (animal boarding), **CBA-1496, Petition of Evelyn C. Golladay** (animal boarding and breeding kennel), **CBA-2447, Petition of Evelyn C. Golladay** (animal boarding), **CBA-2917, Petition of Evelyn C. Golladay** (animal boarding), **S-224, Petition of Evelyn C. Golladay** (animal boarding), **S-425, Petition Evelyn Golladay** (animal boarding). Letter to the Board from Stanley N. Garber, Investigator, requesting that the special exceptions have been abandoned and requesting that they be revoked. Item deferred for additional information from petitioner.

27. **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.

28. **CBA-2094, Petition of Abdollah Malekzadeh** (trailer park). Hearing Examiner's Report and Recommendation. Item deferred until the Board action on request for oral argument.

29. **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.

30. **S-325 [S-438], Petition of Ben A. Williamowsky, D.D.S. and Dr. Mark L. Taff, D.D.D.** (non-resident medical practitioner). Letter to the Board from Drs. Brad Levine, D.D.S. and Mark L. Taff, D.D.S., requesting a transfer and an administrative modification of the special exception. Item deferred for DPS recommendation on effectiveness of the terms and conditions of the original special exception approval.

31. **S-333, Petition of Dr. Edward H. Weiss and Dr. Richard L. Gross** (non-resident medical practitioner). Letter to the Board from Douglas A. Tebor, M.D. and Linda Blackman, LCSW-C, requesting a transfer and an administrative modification of the special exception. Item deferred for recommendation from DPS on original special exception site conditions and impact on parking approved special exception site.

32. **S-384, Petition of Dr. Bernard H. Ostrow, Dr. Morton W. Shapiro and Dr. John A. Galotta** (non-resident medical practitioner). Letter to the Board from John A. Galotto, M.D. and Irene Feldman, M.D., requesting a transfer and an administrative modification of the special exception. Item deferred for DPS recommendation on: (1) marked special exception parking spaces; (2) review of special exception holders' sublease; and (3) special exception impact.

PENDING ITEMS (continued):

33. **S-507, Petition of Carolina Hopkins** (travel agency). Letter to the Board from Susan Novinsky, of Novins Travel Service, requesting a transfer of the special exception. Item deferred of for corrected lease from petitioner.
34. **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.
35. **S-1057, Petition of Andrew Weiss** (framing and variety store). Letter to the Board from Mary Jean and Joe Campanellie, of Campanellie's Signature Portraits, requesting a transfer of the special exception. Item deferred for copy of petitioner's lease.
36. **S-1578, [S-1578-A], Petition of Paul Meyers and Judy L. Feinberg** (non-resident professional office). Letter to the Board from Stephen J. Orens, Esquire, requesting a transfer and an administrative modification. Item deferred for review by M-NCPPC Technical Staff.
37. **S-1590, Petition of Marriott Corporation** (hotel). Letter to the Board from Stanley N. Garber, Investigator, DPS, notifying the Board that the special exception has been abandoned and requesting that it be revoked. Item deferred to permit DPS to re-send the abandonment notice.
38. **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.
39. **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.
40. **S-1887, Petition of Old Georgetown Medical Building, LLC** (medical and dental clinic). Letter to the Board from Thomas D. Flanagan, architect for the project, requesting that the record be re-opened to included the approved revised landscape plans. Action: Item deferred to November Worksession for confirmation of notice to parties of record.
41. **S-1944-B [S-1944], Petition of Four Streams Limited Partnership** (golf course in the RDT zone). Letter to the Board dated 5/15/02, from C. Robert Dalrymple, Esquire, with an update of the timetable for the proposed text amendment.
42. **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.
43. **S-2179, Petition of Lynn Walter Shaulis** (golf driving range). Letter to the Board from Mike Davis, President, MDGolf Pro, LLC, notify the Board that the special exception has been abandoned and requesting that it be revoked. Board to contact Mr. Davis regarding ownership.

PENDING ITEMS (continued):

44. **S-2515, Petition of SPRINT PCS/APC Realty and Equipment Company, LLC and Terry H. Nerissa B., Frank H. and Eric Z. Lloyd** (public utility buildings, public utility structures and telecommunications facilities). Letter to the Board from Peter T. Menke/Mayor, Town of Barnesville Commissioners, requesting reconsideration. Item deferred until issuance of the Board's Opinion.

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