

**BOARD OF APPEALS  
for  
MONTGOERY COUNTY**

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[www.montgomerycountymd.gov/mc/council/board.html](http://www.montgomerycountymd.gov/mc/council/board.html)

**WORKSESSION MINUTES**

**Second Floor Davidson Memorial Hearing Room**

**Wednesday, September 17, 2003, 9:00 A.M.**

**ACTION CALENDAR:**

1. **Minutes**, August 27 and September 10, 2003 Worksessions.  
Action: Adopted as amended, (AIF/LLM, 4-0).
2. **A-4816, Appeal of Vincent Renzi** (Department of Permitting Services (DPS) – Parking Waiver). Mandate from Court of Special Appeals.  
Action: Denial administrative appeal, (LLM/AMC, 4-0).
3. **A-5483, Petition of Piyush and Archana Sodha** (accessory structures – swimming pool and 12-foot fence). Letter to the Board from the petitioner requesting an extension of time.  
Action: Granted extension of time, (LLM/AMC, 4-0).
4. **A-5769, Appeal of Robert Zarnetske** (Department of Permitting Services – Findings of Letter dated April 1, 2002). Letter to the Board from Susan W. Carter, Esquire. (Large exhibit: post office parking plan).  
Action: No action required by the Board.
5. **A-5899, Appeal of M. Steven Jones** (Department of Permitting Services – Letter dated May 13, 2003). Letter to the Board from Harry L. Stone, Esquire, withdrawing the appeal and requesting a refund of the filing fee.  
Action: (1) Dismissed the appeal as withdrawn; (2) refund 50% (\$276.00) of the filing fee, (LLM/AIF, 4-0).
6. **A-5920, Petition of Renee Asher** (the existing single-family dwelling, a second-story addition, a one-story addition and a bay window). Letter to the Board from the petitioner requesting a continuance.  
Action: Granted continuance, (AIF/LLM, 4-0).

7. **CBA-1332, Petition of Huggins and Harrison, Inc.** (outdoor automobile sales lot). Letter to the Board from the petitioner requesting an administrative modification.

Action: Item deferred for additional information. Board requests a site plan with dimensions that shows the location of the trailer in relation to the property's boundary lines.

8. **CBA-1342 [CBA-1342-A, CBA-2621, CBA-2919], Petition of Fox Chase Rehabilitation and Nursing Center** (nursing home). Letter to the Board from Scott C. Wallace, Esquire, requesting a transfer of the special exception. (Large exhibit: site plan).

Action: (1) Re-opened the record to include Mr. Wallace's letter of 7/28/03 and 8/7/03; (2) transfer the special exception; (3) grant administrative modification, (AMC/AIF, 4-0).

9. **CBA-2513, Petition of Nathan Brisker, et al** (housing for the elderly and handicapped). Letter to the Board from James A. Brown, Jr., General Partner, Takoma Tower, Inc., requesting a transfer and an administrative modification.

Action: (1) Transferred special exception; (2) granted administrative modification, (AIF/LLM, 4-0).

10. **CBA-2709, Petition of Leonard Tempchin, et al t/a Silver Spring Associates** (off-street parking). Letter to the Board from Avi Halpert, Property Manager, requesting an administrative modification. Also included is a memorandum from Stanley N. Garber, Investigator, DPS, requesting a Show Cause Hearing.

Action: Item deferred to next available Worksession.

11. **S-137, Petition of Dr. Jon Deitchman** (veterinary hospital). Memorandum from Stanley N. Garber, Investigator, DPS, notifying the Board that the special exception has been abandoned and requesting that it be revoked.

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

12. **S-257, Petition of Renewable Natural Resources Foundation and RNR Title holding Corporation** (charitable and philanthropic institution). Letter to the Board from Robert H. Metz, Esquire, requesting an administrative modification.

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

13. **S-411-D, Petition of La Fondation De L'Ecole Francaise International De Washington** (private educational institution). Letter to the Board from John and Joy McCauley.

Action: Board to refer to the DPS for inspection of the special exception, (AIF/LLM, 4-0).

14. **S-420-E, Petition of Holy Cross Hospital of Silver Spring, Inc.** (hospital). Letter to the Board from Cornelius P. McKelvey, Senior Vice President, requesting an administrative modification.

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

15. **S-550, Petition of Moussa Moadel** (antique shop). Letter to the Board from Shirley Sardino requesting a transfer of the special exception.

Action: Transferred the special exception to Shirley Sardino and China Coast, Inc, (AIF/AMC, 4-0).

16. **S-689-B, Petition of Kenwood Golf and Country Club** (golf and country club). Letter to the Board from Martin J. Hutt, Esquire, requesting an extension of time.

Action: Granted extension of time with stipulation that it is last extension of time; extension will be until 12/18/04, (AIF/AMC, 4-0).

17. **S-1462, Petition of Lawrence J. Giebel, D.V.M.** (veterinary hospital). Letter to the Board from **Susan W. Carter, Esquire**, requesting an administrative modification. **S-1463, Petition of Lawrence J. Giebel, D.V.M.** (medical-dental clinic). Letter to the Board from **Susan W. Carter, Esquire**, requesting a transfer to the special exception. (Large exhibit: landscape and lighting plans).

Action: (1) Transferred special exception; (2) adopted as-built site plan, (LLM/AIF, 4-0).

18. **S-1508, Petition of Retirement Village Associates** (housing for the elderly and handicapped). Memorandum to the Board from Barbara Piczak, Inspector, DPS, notifying the Board that special exception has been abandoned and requesting that it be revoked. Also included is a letter of confirmation from Russell K. Snyder, Board of Trustees Liberty Grove United Methodist Church

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

19. **S-1743, Petition of Kentucky Fried Chicken** (drive-in restaurant). Letter to the Board from Gregory L. Elliott, RLA, requesting an administrative modification. (Large exhibit: planting plan).

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

20. **S-2054, Petition of Rita Abdulkader** (accessory apartment). Letter to the Board Miquel Vigil-Hernandez requesting a transfer of the special exception.

Action: Transferred special exception, (LLM/AMC, 4-0).

21. **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. (Large exhibit: location of lighting poles and gravel covered area).

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

22. **S-2207, Petition of Mid-Atlantic Petroleum Properties, Inc.** (automobile filling station and convenience and beverage store). Memorandum to the Board from Stanley N. Garber, Investigator, DPS, requesting a Show Cause Hearing.

Action: Schedule Show Cause Hearing, (AMC/AIF, 3-0/DHS/recused).

23. **S-2477, Petition of American Tower Corporation and AT&T Wireless Services** (public utility buildings, public utility structures and telecommunications facilities). Letter to the Board from John R. D. Copley.

Action: Referred to DPS for review, (AMC/AIF, 4-0).

24. **S-2483, Petition of Winston Alexander** (major home occupation/martial arts training school). Memorandum 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.

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

25. **S-2519, Petition of Peggy Sue Zabriskie** (accessory apartment). Letter requesting reconsideration from Grantland Shipp, Stephanie Rubin, Paul and Thelma Fricks, Gloria Coe and Barbara Thorn.

Action: Denied reconsideration, (LLM/AIF, 4-0).

26. **S-2543, Petition of Gail Transeau** (riding stable). Amended site plan in compliance with Condition No. 3 of the Board's Opinion dated June 26, 2003. (Large exhibit: site plan).

Action: Re-opened the record to include amended site plan, (AIF/AMC, 4-0).

#### **INFORMATION ITEM:**

27. **CBA-1587-A, Petition of Georgetown Park Associates LP** (medical clinic). Submission of a building permit and a wall check for the storage shed plan.

Action: Re-opened the record to include building permit and wall check, (AMC/AIF, 4-0).

#### **PENDING ITEMS:**

28. **CBA-916 [S-615], Petition of The Public Health Service Club, Inc. and The Foundation for Advanced Education in the Sciences, Inc.** (private club). Letter to the Board from Lois W. Kochanski, Executive Director, requesting an administrative modification and the deletion of one of the special exception holders. Item deferred for confirmation of the deletion of Public Health Service Club as a special exception holder.

29. **CBA-1620, Petition of Jack Coopersmith** (automobile filling station). Letter to the Board from John R. Barr, Esquire, requesting a transfer and an administrative modification. Also included is a letter of support from the Darnestown Civic Association. (Large exhibits: site and construction details plans). Referred to the M-NCPPC Technical Staff for review.

30. **CBA-2180 and S-254, Petition J. H. Burton and Sons, of Hyattsville, Inc.** (horticultural nursery and commercial greenhouse). Letter to the Board from Kevin P. Fay, Esquire, requesting the record to be re-opened to admit a June 11, 1999 site plan. Item deferred to allow Board time to review file.

31. **CBA-2196, Petition Chevron U.S.A.** (automobile filling station). Letter to the Board from C. Robert Dalrymple, Esquire, and Yum Yu Cheng, Esquire, requesting a transfer and an administrative modification. (Large exhibits: concept plan, survey and plot plan). Request referred to staff for comment.

**PENDING ITEMS (continued):**

32. **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.

34. **S-858, Petition of Surjeet K. Singh** (child day care facility). Letter to the Board from the petitioner requesting an administrative modification. Also included is a memorandum to the Board from Stanley N. Garber, Investigator, DPS, requesting a Show Cause Hearing. Item deferred for review by DPS of trash enclosure, stockade fence, existing and proposed landscaping and use of pool.

35. **S-1064, Petition of Greentech Landscaping, Inc.** (horticultural nursery and greenhouse). Letter to the Board from Leon Trager and Andrew Sebastian, requesting a transfer and an administrative modification. Deferred for review by M-NCPPC Technical Staff.

36. **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.

**Board Members**

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

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Katherine Freeman, Executive Secretary to the Board  
Hermene Jones, Administrative Specialist