

**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, September 29, 2004, 9:30 a.m.**

**ACTION ITEMS:**

1. **Minutes**, September 22, 2004 Worksession.

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

2. **A-5990, Appeal of Laura Hultz** (Department of Permitting Services – Notice of Violation). Letter to the Board from Norman G. Knopf requesting a refund of the filing fee.

Action: Granted 100% (\$200.00) refund of the filing fee, (DLB/AMC, 5-0).

3. **A-6020, Appeal of Judith and Thomas Burrus; Alan Gallnoux** (Department of Permitting Services – Issuance of Permit No. 330255). Letter to the Board from Steven VanGrack, Esquire, and Ilana Cohen, Esquire, requesting to intervene.

Action: (1) Granted request to intervene; (2) deferred Motion to Dismiss until the public hearing, (DLB/AMC, 5-0).

4. **CBA-1174, Petition of Holton Arms School, Inc.** (private educational institution). Letter to the Board from Diana Coulton Beebe, Head of School, submitting the school's Annual Report.

Action: Re-opened the record to include Ms. Beebe's letter with attachments, (AMC/AIF, 5-0).

5. **CBA-2620-A, Garden Gate Landscaping, Inc.** (retail horticultural nursery). M-NCPPC Technical Staff Report from Joel A. Gallihue.

Action: (1) Re-opened the record to include M-NCPPC's report; (AIF/DLB, 5-0); (2) Dismissed the petition as the special exception is now a conforming use, (LLM/DLB, 5-0).

6. **CBA-3057, Petition Chevron USA** (automobile filling station). Letter to the Board from John Hutchinson requesting a transfer of the special exception.

Action: Deferred request until the Show Cause Hearing, consensus.

7. **S-420-G, Petition of Holy Cross Hospital of Silver Spring, Inc.** (hospital). Letter to the Board from Cornelius P. McKelvey, Senior Vice President, submitting a progress report.

Action: Re-opened the record to include Mr. McKelvey's report, (DLB/AMC, 4-0/AIF/recused).

8. **S-485, Petition of Laurence and Anne Karpman** (antique shop). Letter to the Board from the petitioners with additional information requested by the Board for the administrative modification.

Action: (1) Granted modification for lighting only; (2) petitioner must obtain all other required permits prior to approval of any other modification, (AMC/AIF, 5-0).

9. **S-493, Petition of Maryland School of Art and Design** (private educational institution). Letter to the Board from Donald J. Smith notifying the Board that the special exception will become a part of Montgomery College and requesting that it be revoked.

Action: Revoked special exception as the school is now a part of Montgomery College, (LLM/AIF, 5-0).

10. **S-629, Petition St. Luke's House, Inc.** (group residential facility). Memorandum to the Board from Stanley N. Garber, Investigator, Department of Permitting Services (DPS) notifying the Board that the special exception is now a permitted use and requesting that it be revoked.

Action: Revoked special exception as the use is now permitted in the zone, (LLM/DLB, 4-0).

11. **S-644, Petition of Potomac Academy House, LLC** (antique shop). Letter to the Board from the petitioner requesting an administrative modification.

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

12. **S-945, Petition of Bruce W. Nash** (accessory apartment). Memorandum from Kevin M. Martell, Housing Code Field Supervisor, 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 of confirmation from the property owner.

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

13. **S-1078, Petition of Sugarloaf Service Center** (automobile filling station). Letter to the Board from John R. Barr, Esquire, requesting an administrative modification. (Large exhibit: site plan).

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

14. **S-1431, Petition of R. J. Landscape Contractor, Inc.** (landscape contractor). Inspection Report from Barbara J. Piczak, Inspector, DPS.

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

15. **S-1881, Petition of David M. Weitz and Regina V. Dobra** (accessory apartment). Memorandum from Therese L. Pelicano, Housing Code Inspector, DHCA, notifying the Board that the special exception has been abandoned and requesting that it be revoked. Also included is a letter of confirmation from the petitioner.

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

16. **S-1982, Petition of Ralph J. White, Jr.** (accessory apartment). Memorandum from Therese L. Pelicano, Housing Code Inspector, DHCA, notifying the Board that the special exception has been abandoned and requesting that it be revoked. Also included is a letter of confirmation from the property owner.

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

17. **S-2177, Petition of Elise Forbes Pachter and Gordon Tripp** (accessory apartment). Memorandum from Kevin Martell, Housing Code Field Supervisor, DHCA, notifying the Board that the special exception has been abandoned and requesting that it be revoked. Also included is a letter of confirmation from the petitioner.

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

#### **INFORMATION ITEM:**

18. **S-1064, Petition of Leon Trager and Greentech Landscaping** (horticultural nursery and greenhouse). Status report to the Board from the petitioner.

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

#### **PENDING ITEMS:**

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

20. **CBA-2372 [CBA-2372-A], Petition of Mobil Oil Corporation** (automobile filling station). Letter to the Board from Jody S. Kline, Esquire, requesting an administrative modification. (Large exhibits: site development and landscape plans). Item deferred for site and photometric plans. [W/S 11/12/03].

21. **S-68 [CBA-2255], Petition of Scott Shuck d/b/a Grosvenor Market, Inc.** (delicatessen within a multiple family structure). Letter of complaint to the Board from Jude Wikramanayake, Esquire. Referred to DPS for inspection of the special exception. [W/S 9/1/04].

22. **S-123 [S-462, S-1353], Petition of Sandra J. Littlejohn** (home occupation). Letter from the petitioner notifying the Board that the special exception has been abandoned and requesting that it be revoked. Item deferred for inspection by DPS. [W/S 9/22/04].

**PENDING ITEMS (continued):**

23. **S-390, Petition of Twin Farms Club, Inc.** (community swimming pool). Letter to the Board from Teresa A. McKenna, President, requesting an administrative modification. (Large exhibit: site and grading plan). (1) Item deferred for receipt of a site plan with the existing conditions; (2) item referred to M-NCPPC Technical Staff of review of administrative modification request.

24. **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.

25. **S-1573, Petition of Robert H. Edmund** (side lot line setback). Letter to the Board from Judith M. Koenick requesting an explanation of a building permit issued by DPS. Item referred to DPS for inquiry.

26. **S-1747, Petition of Thompson R. and Nancy S. Buchanan** (accessory apartment). Memorandum to the Board from John Whitt, Housing Code Field Supervisor, DHCA, notifying the Board that the special exception has been abandoned and requesting that it be revoked. Also included is a letter of confirmation from the petitioner. Item deferred for future Worksession. [W/S 5/5/04].

27. **S-1903, Petition of Exxon Company, U.S.A.** (automobile filling station). Letter to the Board from Jody S. Kline, Esquire, requesting an administrative modification. Item deferred for an approved landscape and lighting plan. [W/S 11/12/03].

28. **S-2145, Petition of Southwestern Bell Mobile Systems, Inc.** (public utility buildings, public utility structures and telecommunications facilities). Letter to the Board from Brian Hurley, Regional Real Estate Manager, requesting a transfer of the special exception. Item deferred for future Worksession. [W/S 6/9/04].

29. **S-2184, Petition of Charles R. Gilbert** (indoor rifle and pistol range). Letters to the Board from Anthony R. Shore, Esquire, requesting an administrative modification. Item deferred for additional information from the petitioner. [W/S 3/17/04].

40. **S-2524, Petition of Two Goshen Oaks Center, LLC and Seven-Eleven, Inc.** (automobile filling station). Memorandum to the Board from Stanley N. Garber, Investigator, DPS, requesting a Show Cause Hearing. Deferred for DPS review of the record. [W/S 9-22-04].

**Board Members**

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Angelo M. Caputo  
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