

**BOARD OF APPEALS
for
MONTGOMERY COUNTY**

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

CORRECTED WORKSESSION MINUTES

Second Floor Davidson Memorial Hearing Room

Wednesday, March 23, 2005, 9:30 a.m.

ACTION ITEMS:

1. **Minutes**, March 9 and 16, 2005 Worksession.

Action: Approved as amended, (LLM/WMH, 5-0).

2. **A-6043, Appeal of Mildred Walders** (Department of Permitting Services – Letter dated November 2, 2004). Letter to the Board from the appellant requesting a refund of the filing fee.

Action: Denied refund request, (AMC/LLM, 5-0).

3. **CBA-1577 [S-233], Petition of Stanley J. Nadonley, Trustee** (golf course and country club). Memorandum to the Board from Stanley N. Garber, Investigator, Department of Permitting Services (DPS) requesting a Show Cause Hearing.

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

4. **CBA-1220 [CBA-2103], Petition of the Governor's House Motor Hotel, Inc.** (off-street parking in connection with a commercial use). Memorandum to the Board from Stanley N. Garber, Investigator, DPS, notifying the Board that the special exception is now a permitted use in the zone and requesting that it be revoked. Also included is a letter from C. Robert Dalrymple, Esquire and Anne C. Martin, Esquire.

Action: Revoked as abandoned, (LLL/WMH, 4-0/AIF/recused).

5. **CBA-2749, Petition of Texaco, Inc.** (automobile filling station). 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/AIF/recused).

6. **S-187 [S-382/S-382-D, S-451], Petition of BP Amoco Corporation** (automobile filling station). Memorandum to the Board from Stanley N. Garber, Investigator, DPS, requesting a Show Cause Hearing.

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

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

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

8. **S-999, Petition of Barbara C. Sweeny** (accessory apartment). Memorandum to the Board from J. Kwame Edusei, 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 confirmation from the property owner.

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

9. **S-1140, Petition of William N. Poindexter** (accessory apartment). Memorandum to the Board from Alvin Clarkson, Jr., 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, (DLB/LLM, 5-0).

10. **S-1265, Petition of Eugenia Clark** (accessory apartment). Memorandum to the Board from Unray Peters, 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, (DLB/WMH, 5-0).

11. **S-1321, Petition of John Luipersbeck** (accessory apartment). Memorandum to the Board from Travis Aldous, 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, (LLM/WMH, 5-0).

12. **S-1356, Petition of Carole and Carl Harshbarger, Jr.** (accessory apartment). Memorandum to the Board from Unray Peters, 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/WMH, 5-0).

13. **S-1489, Petition of Eduardo J. Krawiec** (accessory apartment). Letter to the Board from Kimthanh Phung and Peter Yen requesting a transfer of the special exception.

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

14. **S-1522, Petition of Margaret M. Finn and David H. Michener** (accessory apartment). Memorandum to the Board from Daniel McHugh, Housing 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 property owner.

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

15. **S-1593, Petition of SMC Learning Centers Limited Partnership** (child day care center). Memorandum to the Board from Stanley N. Garber, Investigator, DPS, requesting a Show Cause Hearing.

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

16. **S-1609, Petition of Marcia R. Mindlin** (accessory apartment). Memorandum to the Board from Travis Aldous, 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/WMH, 5-0).

17. **S-1650, Petition of Tony Khoury.** (accessory apartment). Memorandum to the Board from Stephen M. Morris, 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, (LLM/AMC, 5-0)

18. **S-1730, Petition of David and Sylvia Spong** (accessory apartment). Memorandum to the Board from Christopher Dabrowski, 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, (DLB/WMH, 5-0).

19. **S-2141, Petition of Bannockburn Swimming Club, Ins.** (community swimming pool). Memorandum to the Board from Stanley N. Garber, Investigator, DPS, requesting a Show Cause Hearing.

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

20. **S-2187, Petition of Olney Golf Learning Center, LLC** (golf driving range). Letter to the Board from Scott C. Wallace, Esquire, and Joseph P. Lapan, Esquire, requesting an administrative modification. (Large exhibits: forest conservation and site landscape plans).

Action: (1) Special exception holder to amend forest conservation plan; (2) granted administrative modification, (AMC/LLM, 5-0).

21. **S-2395, Petition of Patria Bayron** (accessory apartment). Memorandum to the Board from Lynn McCreary, Housing 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 property owner.

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

PENDING ITEMS:

22. **CBA-123 [S-462, S-1353], Petition of Sondra J. Littlejohn** (home occupation). Inspection report to the Board from Stanley N. Garber, Investigator, Department of Permitting Services (DPS). Re-opened the record to include Mr. Garber's memorandum. [W/S 10-20-04].
23. **CBA-3057, Petition Chevron USA** (automobile filling station). Letter to the Board from John Hutchinson requesting a transfer of the special exception. Deferred request until the Show Cause Hearing. [W/S 9-29-04].
24. **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. W/S 2-18-04].
25. **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. [W/S 5-22-02].
26. **S-727, Petition of Robert M. Mueller, D.V.M.** (non-resident professional office). Inspection report from Stanley N. Garber, Investigator, DPS. (1) Re-opened the record to include Mr. Garber's inspection report; (2) special exception holder has 40 days to comply with special exception conditions; (3) item will return to the Board's to Worksession agenda after compliance period (1/5/05). [W/S 11-10-04].
27. **S-1437, Petition of John D. Hyman** (wholesale nursery and landscape contractor). Letter to the Board from Timothy Dugan, Esquire. Granted extension to resolve Notice of Violation until 4/1/05. [W/S 1/5/05].
28. **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].
29. **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].
30. **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].
31. **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].

PENDING ITEMS continued:

32. **S-2580, Petition of Margaret Walker-Bruce** (accessory apartment). Letter to the Board from the petitioner modifying the floor plan of the accessory apartment. Referred new plans for DHCA review. [W/S 10-20-04].

Board Members

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