

**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, May 18, 2005, 9:30 a.m.

ACTION ITEMS:

1. **Minutes**, May 4 and 11, 2005 Worksessions.

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

2. **A-6018, Appeal of Karen Day** (Department of Permitting Services (DPS) – Notice of Violation). Letter from Malcolm F. Spicer, Jr., notifying the appellant that the Notice of Violation has been withdrawn and that this action moots the action of the County.

Action: (1) Re-opened the record to include Mr. Spicer's letter; (2) appellant to be contacted about withdrawing the appeal, (LLM/WMH, 5-0).

3. **A-6067, Petition of Robert and Judith R. Van Namen** (second-story addition). Letter to the Board from petitioners requesting an additional variance.

Action: (1) Re-opened the record to include the petitioners' letter; (2) granted expedited hearing request, (DLB/WMH, 5-0).

4. **A-6072, Appeal of David Efron and Chanpen Puckahtikom** (Department of Permitting Services – Letter dated March 28, 2005). Letter to the Board from Leslie Miles and Jayson Schwam, property owners, requesting to intervene.

Action: Granted request to intervene, (LLM/AMC, 5-0).

5. **CBA-143-A (private club and service organization) and S-2641 (off-street parking), Petitions of Rock Creek Kay-Cee Club, Inc and Rock Creek Council.** Letter to the Board from Mark M. Viani, Esquire, requesting to pay the higher of the two special exception filing fees.

Action: Granted request to pay the higher of the two special exception filing fees, (AMC/LLM, 5-0).

6. **CBA-379, Petition of Oakview Recreation Corporation** (community swimming pool). Letter to the Board from Stuart Barr, Esquire, requesting an administrative modification. (Large exhibit: overall site plan).

Action: Granted administrative modification with conditions, (AMC/WMH, 5-0).

7. **S-331, Petition of Harry P. Frank, D.D.S.** (non-resident medical practitioner). Letter to the Board from Karen N. Shapiro, Esquire, requesting a transfer of the special exception.

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

8. **S-684, Petition of Georgia-Dennis Associates** (dental/medical clinic). Letter to the Board from Stuart Barr, Esquire, requesting a transfer and an administrative modification. (Large exhibit: approved landscape plan).

Action: (1) Rescinded the Show Cause Hearing; (2) granted transfer of the special exception, (3) granted administrative modification; (4) planting to occur within 60 days of the issuance of the Board's Resolution, (LLM/DLB, 5-0).

9. **S-1445, Petition of Milos K. Achin** (accessory apartment). Memorandum from John Whitt, Program Manager, 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 letter of confirmation from the property owner.

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

10. **S-1549, Petition of Trung Hieu Nguyen** (home occupation). Memorandum to the Board from Françoise M. Carrier, Director, Office of Zoning and Administrative Hearings.

Action: (1) Schedule Show Cause Hearing; (2) Board to have an interpreter at the public hearing, (??????????, 5-0).

11. **S-1593, Petition of SMC Learning Centers Limited Partnership** (child day care center). Letter to the Board from Timothy Dugan, Esquire, requesting an administrative modification. (Large exhibit: approved landscape plan).

Action: (1) Rescind Show Cause Hearing; (2) transfer special exception; (3) grant administrative modification; (4) plantings to be installed within 45 days of the issuance of the Board's Resolution, (AMC/LLM, 5-0).

12. **S-1789, Petition of Susanne and Mark Brown** (accessory apartment). Memorandum from John Whitt, Program Manager, 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, (WMH/AMC, 5-0).

13. **S-2405, Petition of The Chelsea School** (private educational institution). Letter to the Board from Elizabeth C. Conklin, President, Seven Oaks Evanswood Citizens Association.

Action: (1) Re-opened the record to include Ms. Conklin and Mr. Elmendorf's letters; (2) request DPS inspection of the special exception, AMC/LLM, 5-0).

14. **S-2617, Petition of Victor I. Emeli, Jr.** (residential group home.). Letter to the Board from Rebecca D. Willens, Esquire, withdrawing the special exception and requesting a 50% refund of the filing fee. Also included is a memorandum from Françoise M. Carrier, Director, Office of Zoning and Administrative Hearings.

Action: (1) Dismissed the special exception as withdrawn; (2) refund 50% (\$200.00) of the filing fee, (WMH/AMC, 5-0).

15. **S-2620, Petition of David G. Srour** (non-resident medical practitioner). Letter to the Board from Jody S. Kline, Esquire, requesting reinstatement of the final processing for the special exception application.

Action: Item deferred for the next Worksession, consensus.

DECISION ITEMS:

16. **CBA-2198-A, Petition of Dr. Whilhelmina G. Camina** (non-resident medical practitioner). Hearing Examiner's Report and Recommendation.

Action: (1) Adopt the Hearing Examiner's Report and Recommendation; (2) granted the special exception with conditions, (AMC/LLM, 5-0).

17. **S-289-A, Petition of Little Falls Swim Club** (community swimming pool). Hearing Examiner's Report and Recommendation. Also included is a letter from Elizabeth A. Edmonds requesting Oral Argument.

Action: (1) Adopt the Hearing Examiner's Report and Recommendation as amended; (2) granted special exception with conditions, (LLM/AMC, 4-0/AIF/recused).

PENDING ITEMS:

18. **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].

19. **CBA-2114-A [CBA-2114], Petition of International Monetary Fund** (golf course and country club). Letter to the Board from Jacqueline M. Karp, Esquire, requesting an administrative modification. (Large exhibits: location map, golf course site plans, elevations). Item deferred for a future Worksession. [W/S 5-4-05].

20. **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].

21. **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].

PENDING ITEMS continued:

22. **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].

23. **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].

24. **S-1424, Petition of Korean Community Senior Housing Corporation of Maryland, Inc.** (housing for the elderly). Letter to the Board from Thomas J. Carroll, Esquire, requesting an administrative modification. Item deferred until Board action on related special exception Case No. S-2639. [W/S 4-6-05].

25. **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].

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-2195, Petition of S. Ronald Furman t/a The Framer's Vise** (antique shop). Letter from the petitioner notifying the Board that the property has been sold and that new owner is not interested in retaining the special exception. Item deferred for future Worksession. [W/S 5-4-05].

30. **S-2487, Petition of Orchard Development Corporation** (housing and related facilities for the elderly or handicapped). Letter to the Board from Scott Armiger, Vice President, requesting an administrative modification. (Large exhibits: landscape and lighting plan and as-built site plan). Item deferred for additional information from the petitioner. [W/S 4-20-05].

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].

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