

**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, February 22, 2006, 9:30 a.m.

ACTION ITEMS:

1. **Minutes**, February 8, 2006 Worksession.

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

2. **A-6044, Petition of Aviva Mordehai** (one-story addition). Letter to the Board from Patrick L. O'Neil, Esquire, requesting a 12-month extension of time.

Action: Granted 12-month extension of time, (DLB/AMC, 5-0).

3. **No. A-6117, Appeal of Mary Hemingway and Edward Purich for Cloverly Civic Association** (Department of Permitting Services (DPS) – Issuance of Building Permit No. 402806). Letter to the Board from the appellant requesting additional information from DPS regarding the issuance of building permit no. 402806 and information on the residential building permit.

Action: (1) Re-opened the record to include the appellant's letter; (2) denied the request for additional information from DPS regarding the issuance of building permit no. 402806 and information on the residential building permit; (3) staff to contact appellant to answer any questions and explain the appeal process, (AMC/CLH, 5-0).

4. **A-6121, Appeal of Elizabeth P. and Frederick J. Brody** (Department of Permitting Services – Issuance of Building Permit No. 394679). Intervenors' Motion to Compel Discovery. Also included is the Petitioners' Response to Intervenors' Request for Discovery.

Action: Denied Intervenors' Motion to Compel Discovery, (AMC/CLH, 5-0).

5. **CBA-1203, Petition of Mariner Health of Maryland, Inc.** (nursing home). Letter to the Board from Stuart Barr, Esquire, requesting a transfer of the special exception and an administrative modification. (Large exhibits: lighting and photometric plan, survey, site plan).

Action: Item deferred for additional information, information should include a schedule of the generator operations, consensus.

6. **CBA-2180-A [CBA-2180], Petition of Johnson Family Enterprises Ltd. Partnership** (horticultural nursery and commercial greenhouse). Letter to the Board from Stanley Abrams, Esquire, requesting a 12-month extension of time. (Large exhibits: site development plan and landscape and lighting plan).

Action: Granted 12-month extension of time, (DLB/WMH, 5-0).

7. **S-570 [CBA-2973], Petition of Wild Life Achievement Club Chapter of Izaak Walton League of America, Inc.** (outdoor shooting range and private club). Annual Report to the Board from Richard Fried, President.

Action: Re-opened the record to include the annual report, (DLB/CLH, 5-0).

8. **S-995, Petition of Hazel E. and Frank R. Hussong** (accessory apartment). Letter to the Board from the property owner requesting that the special exception be revoked.

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

9. **S-1095, Petition of Amoco Oil Company** (automobile filling station). Letter to the Board from Stuart Barr, Esquire, requesting a transfer of the special exception.

Action: Granted transfer of the special exception, (AMC/CLH, 4-0/AIF/recused).

10. **S-1239, Petition of Ernestine and Jewel Johnson** (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 a letter from the petitioner requesting that the special exception be suspended and not revoked.

Action: Item deferred for confirmation that special exception holder resides in the house, consensus.

11. **S-1365, Petition of Association for Women's Recovery Residence, Inc.** (group residential facility for exceptional persons). Letter to the Board from Tahira Azziz requesting a transfer of the special exception and an administrative modification.

Action: Item deferred for additional information, consensus.

12. **S-1565-A, Petition of Howard Hughes Medical Institute** (charitable and philanthropic institution). Letter to the Board from Robert Brewer, Jr., Esquire, regarding a 24-month extension of time.

Action: (1) Re-opened the record to include Mr. Brewer's letter; (2) issuance of a Resolution granting a 24-month extension of time, (AMC/CLH, 4-0/AIF/recused).

13. **S-2474, Petition of North Potomac Seniors' Housing, LLC** (housing and related facilities for the elderly and handicapped). Inspection report from Barbara Piczak, Inspector, DPS.

Action: (1) Item deferred to determine if the special exception is in compliance; (2) for a confirmation that the real estate sign has been eliminated; and (3) confirmation that the vacant position has been filled, consensus.

14. **S-2629, Petition of Alan and Susan Dechter LLC** (non-resident medical practitioner). Letter to the Board from Stanley Abrams, Esquire, requesting reconsideration and a remand to the Hearing Examiner.

Action: Item deferred until 3/1/06 Worksession.

DECISION ITEM:

15. **S-597-A, Petition of VCA Veterinary Referral Associates Animal Hospital, Inc.** (veterinary hospital). Hearing Examiner's Report and Recommendation.

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

PENDING ITEMS:

16. **CBA-1801, Petition of Shell Oil Company** (automobile filling station). Letter to the Board from Ramesh C. Bhalla requesting an administrative modification. Item deferred to a future Worksession. [W/S 6-8-05].

17. **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].

18. **S-289-B, Petition Little Falls Swim and Tennis Club** (community swimming pool). Supplemental Hearing Examiner's Report and Recommendation. Also included is an Inspection Report from Tom Ogle, Noise Program Manager, Department of Environmental Protection (DEP). (1) Re-opened the record to include the Hearing Examiner's Supplemental Report and Mr. Ogle's Inspection Report; (2) granted extension of time until 10/8/05 for lighting and photometric plans. [W/S 9/14/05].

19. **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 for review of administrative modification request. [W/S 2-18-04].

20. **S-684, Petition of Burkland Condominium Association, Inc.** (dental/medical clinic). Memorandum from Stanley N. Garber, Investigator, DPS, regarding the conditions of the Board's Resolution. (1) Re-opened the record to include Mr. Garber's memorandum; (2) Board to issue corrected Resolution; (3) an additional inspection of the special exception will be required. [W/S 7-13-05].

21. **S-961, Petition of William E. Wallace, Jr.** (accessory apartment). Memorandum to the Board from Jerri Burgess, 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. Item deferred for confirmation from DHCA that the accessory apartment has been abandoned. [W/S 2-8-06].

22. **S-1437, Petition of John D. Hyman** (wholesale nursery and landscape contractor). Letter to the Board from Timothy Dugan, Esquire. Show Cause Hearing continued to 3/29/06 @ 10:30 a.m. [Show Cause Hrg 1/18/06].

PENDING ITEMS (continued):

23. **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].
24. **S-2423 [S-2423-A], Petition of Meadow Ridge Seniors' Villas, LLC** (elderly or handicapped housing). Letter to the Board from Randy Frey, President, and Robert H. Holman, Managing Member, requesting an administrative modification. [Large exhibits: landscaping and lighting plans]. (1) Deferred administrative modification request for 60 days; (2) administrative modification request reviewed by M-NCPPC Technical Staff. [W/S 12-7/05].
25. **S-2487, Petition of Orchard Development Corporation** (housing and related facilities for the elderly or handicapped). Letters to the Board from Scott Armiger, Vice President, requesting an administrative modification. (Large exhibits: landscape and lighting plan, as-built site plan and elevations). Item deferred for additional information. [W/S 12/7/05].
26. **S-2629, Petition of Alan and Susan Dechter LLC** (non-resident medical practitioner). Request from the petitioners for remand to the Hearing Examiner. Request to be considered after issuance of the Board's Opinion. [W/S 12/7/05].
27. **S-2644, Petition of Greencastle Lakes Community Association, Inc.** (community swimming pool). Hearing Examiner's Report and Recommendation. Deferred item for additional information from the Hearing Examiner on the special exception's sound amplification system. [W/S 1/18/06].
28. **S-2652, Petition of Inwood House Development Corporation and Omnipoint Communication CAP Operations, LLC, a Subsidiary of T-Mobile, USA** (telecommunication facility). Hearing Examiner's Report and Recommendation. **S-567, Petition of Centers for the Handicapped Development Corporation** (charitable and philanthropic institution). Also included is a letter from Thomas Carroll, Esquire, requesting an administrative modification. Deferred items for additional information regarding Conditions 3, 4, and 5. [W/S 1/25/06].

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