

**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, March 8, 2006, 9:30 a.m.

ACTION ITEMS:

1. **Minutes**, February 22 and March 1, 2006 Worksessions.

Action: Approved as amended, (WMH/AMC, 4-0).

2. **CBA-609, Petition Mohican Swimming Pool Association, Inc.** (community swimming pool). Letter to the Board from Thomas Barrett, Director, MSPA, requesting an administrative modification. (Large exhibits: site plan, deck and foundation plan, pavilion plan and elevations, railing elevation and grill station, framing and foundation plan and deck details, deck details).

Action: (1) Re-opened the record to include Mr. Barrett's letter with attachments; (2) granted the administrative modification, (AMC/CLH, 4-0).

3. **S-397, Petition of Sugarloaf Mountain Landscape and Nursery, LLC** (horticultural nursery and commercial greenhouse). Letter to the Board from William Chen, Jr., requesting a transfer of the special exception.

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

4. **S-610-A [S-610, S-610-B], Petition of McDonald's Corporation** (drive-in restaurant). Letter to the Board from Erica Leatham, Esquire, requesting an administrative modification. (Large exhibits: south, north, east, west elevations).

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

5. **S-862-B [S862, S-862-A], Petition of Federation of American Societies for Experimental Biology** (private educational institution). Letter to the Board from Jeff Yocum, FASEB Facilities Manager, submitting the Annual Report.

Action: Item deferred until 3/15/06 Worksession, consensus.

6. **S-1734, Petition of Subhash Boveja and Veena Boveja** (accessory apartment). Letter to the Board from Hermeet Singh requesting a transfer of the special exception.

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

7. **S-1836, Petition of Haeng K. Choi** (private educational institution). Letter from Sunny Choi notifying the Board that the special exception holder is deceased and requesting that the special exception be revoked.

Action: Item deferred until a future Worksession, consensus.

8. **S-2318, Petition of Elle Ringwalt** (accessory apartment). Letter to the Board from John D. and Lisa M. Bartusek requesting a transfer of the special exception.

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

9. **S-2467-A [S-2467], Petition of Holton Arm School** (child day care facility). Letter to the Board Elsie Reid, Esquire, requesting an administrative modification.

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

10. **S-2631, Petition of Germantown Walter Johnson Property, LLC** (automobile filling station and a convenience store). Letter to the Board from Stanley Abrams, Esquire, with the required approvals from the Montgomery County Department of Transportation and Public Works and the Department of Permitting Services per the Board's written Opinion.

Action: Re-opened the record to include Mr. Abrams' letter with attachments, (AMC/WMH, 4-0).

11. **S-2635, Petition of New Covenant Village, LLC** (housing and related facilities for senior adults). Letter to the Board from David Freishtat, Esquire, requesting an administrative modification. (Large exhibits: overall site plan, site plan, landscape plan).

Action: (1) Granted the administrative modification as revised; (2) Board to receive the revised plans from the petitioner, (CLH/AMC, 4-0).

DECISION ITEM:

12. **S-1471-A, Petition of Power Fuel, and Transport Real Estate Holding Company (MD), LLC** (automobile filling station). Hearing Examiner's Report and Recommendation.

Action: Item deferred until a future Worksession, consensus.

PENDING ITEMS:

13. **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). Item deferred for additional information, information should include a schedule of the generator operations. [W/S 2-22-06].

14. **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].

PENDING ITEMS (continued):

15. **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].
16. **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].
17. **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].
18. **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].
19. **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].
20. **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. Item deferred for confirmation that special exception holder resides in the house. [W/S 2-22-06].
21. **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. Item deferred for additional information. [W/S 2-22-06].
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].
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].

PENDING ITEMS (continued):

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-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].
27. **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].

Board Members

Allison Ishihara Fultz, Chair - ABSENT
Donna L. Barron, Vice Chair
Angelo M. Caputo
Wendell M. Holloway
Caryn L. Hines

Staff

Barbara Jay, Associate County Attorney
Katherine Freeman, Executive Director
Hermene Jones, Administrative Specialist

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www.montgomerycountymd.gov/mc/council/board.html

WORKSESSION ADDENDUM MINUTES

Second Floor Davidson Memorial Hearing Room

Wednesday, March 8, 2006, 9:30 a.m.

ACTION ITEM:

1. **A-6122, Appeal of Cornerstone, Inc. by Ronald Magaha** (Department of Permitting Services – Notice of Violation, dated December 12, 2005). Letter to the Board from Todd Brown, Esquire, requesting a continuance for 120 days to allow the zoning text amendment process to be completed.

Action: Granted a 120 day continuance, (AMC/WMH, 4-0).

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