

**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, January 24, 2007, 9:30 a.m.

ACTION ITEMS:

1. **Minutes**, January 10 and 17, 2007 Worksessions.

Action: Approved, (CLH/WMH, 5-0).

2. **A-6093, Petition of Christopher T. Rogers** (accessory structure/swimming pool, accessory structure/she, accessory structure/tennis court, accessory structure/gatehouse, one-story addition/ accessory structure/10-foot fence). Letter to the Board from Susan Reutershan, Esquire, requesting a one-year extension of time.

Action: Granted one-year extension of time, (DLB/CGT, 5-0).

3. **A-6187, Appeal of Mark P. Johnson** (Department of Permitting Services – Letter dated November 2, 2006). Letter to the Board from Donald Spence, Esquire, withdrawing the request for intervention by Michael and Ann McCartin.

Action: No action required by the Board.

4. **A-6195, Appeal of Lee R. Epstein, et al** (Department of Permitting Services – Issuance of Fence Permit No. 439598). Letter to the Board from Stephen O'Neill, property owner, requesting to intervene.

Action: Granted request to intervene, (WMH/CLH, 5-0).

5. **CBA-381 [CBA-1270, CBA-2235], Petition of Home Depot** (off-street parking). Letter from Ryan Shrimplin, Development Manager, notifying the Board of a proposed expansion. (Large exhibit: site plan).

Action: Re-opened the record to include Mr. Shrimplin's letter with attachment, (CGT/WMH, 4-0/AIF/recused).

6. **S-24-D, Petition of the National Center for Children and Families** (charitable and philanthropic institution). Letter to the Board from Ann Martin,

Esquire, requesting an administrative modification. (Large exhibits: site plan, lower level plan, middle level plan, upper level plan, roof plan, elevations).

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

7. **S-289-B, Petition of Little Falls Swim and Tennis Club** (community swimming pool). Returning Item. Letter to the Board from Thomas Corwin, President, Little Falls Swimming Club, submitting a revised landscape plan. (Large exhibit: revised landscape plans).

Action: (1) Re-opened the record to include Mr. Corwin's letter with attachment; (2) approved the revised landscape plan, (CGT/WMH, 4-0/AIF/recused).

8. **S-1602, Petition of Girl Scout Council of the Nation's Capital** (covered lodge). Letter to the Board from Susan Reutershan, Esquire, requesting an administrative modification. (Large exhibits: site plan and natural resource inventory/forest stand delineation plan).

Action: Granted the administrative modification subject to approval by M-NCPPC Technical Staff of the special exception site plan (DLB/CGT, 5-0).

9. **S-2217, Petition of Shell Oil Company** (automobile filling station). Order from the Circuit Court.

Action: Schedule pre-hearing conference with parties of record at a date to be determined, consensus.

10. **S-2409, Petition of McDonald's Corporation** (drive-in restaurant). Returning Item: Letter to the Board from Ronald Gantt, Owner/Operator, requesting an administrative modification.

Action: Granted the administrative modification, (DLB/CLH, 4-0/AIF/recused).

11. **S-2635, Petition of Covenant Village, L.P.** (housing for the handicapped and elderly). Letter to the Board from Anne Vassallo, Esquire, requesting an administrative modification. (Large exhibits: site plans and landscape plans).

Action: Granted the administrative modification, (CGT/WMH, 5-0).

12. **S-2527, S-2528, S-2529, Petition of Twin Ponds Farms, LLC** (wholesale horticultural nursery, landscape contractor, manufacture of mulch and compost). Pending Item. Letter from Erica Leatham, Esquire, submitting the minutes from the Community Liaison Committee.

Action: Re-opened the record to include Ms. Leatham's letter with attachment, (CLH/DLB, 5-0).

13. **S-2666, Petition of Orlando Martinez and Martha Gaitan** (accessory apartment). Pending Item. Letter from the petitioner submitting a revised landscape plan as requested by the Board.

Action: (1) Re-opened the record to include the petitioner's letter with attachment; (2) adopted the Hearing Examiner's Report and Recommendation; (3) granted the special exception with conditions, (DLB/WMH, 5-0).

PENDING ITEMS:

14. **A-6114, Appeal of Newland Communities LLC and NNP II – Clarksburg LLC** (Department of Fire and Rescue Services – Notice of Violation dated September 20, 2005). Second Status Report from Todd Brown, Esquire. (1) Re-opened the record to include the Second Status Report from Todd Brown; (2) the Board will receive Status Reports on 1/15/07 and 4/1/07. [W/S 10/25/06].

15. **CBA-470-A, Petition of Kensington Nursery School** (private educational institution). Hearing Examiner's Report and Recommendation. Item deferred for the site plan required in Condition No. 3 of the Hearing Examiner's Report and Recommendation. [W/S 5-31-06].

16. **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].

17. **S-2328, Petition of Judith Himmelfarb** (accessory apartment). Letter to the Board from Ariel De notifying the Board that the special exception has been abandoned and requesting that it be revoked. Item deferred until confirmation that the accessory apartment's kitchen as been removed. [W/S 7/26/06].

18. **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].

19. **S-2453, Petition of Academy Child Development** (child day care facility). Letter to the Board from Marilyn Fleetwood, President, requesting an administrative modification. Item deferred for additional information and what will be the impact of peak travel time. [W/S 5-31-06].

20. **S-2527, S2528, S-2529, Petition of Twin Ponds Farm, LLC** (wholesale horticultural nursery, landscape contractor, manufacture of mulch and compost). Letter of complaint from Robert A. Thomassen, Diane M. Hogan, John and Stephanie Egly, and Sugarloaf Citizens Association by Jane Hunter with a request that the Board convene a revocation hearing. Also included are letters from Erica Leatham, Esquire, requesting that the Board defer this request until its next Worksession. (1) Re-opened the record to include letters dated 4/21/06, 5/1/06, 5/5/06, 5/9/06, (2) request inspection by the Department of Permitting Services (DPS) to determine where special exception stands in terms of its implementation. [W/S 5/10/06].

PENDING ITEMS (continued):

21. **S-2686, Petition of Jeanette Benjamin** (retail establishments in a multiple-family dwelling). Memorandum from Carlton Gilbert, Planner Coordinator, M-NCPPC, submitting additional information as requested by the Board regarding the proposed special exception use. Re-opened the record to include Mr. Gilbert's memorandum. [W/S 1-10-07].

Board Members

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Donna L. Barron, Vice Chair
Wendell M. Holloway
Caryn L. Hines
Catherine G. Titus

Staff

Barbara Jay, Associate County Attorney
Katherine Freeman, Executive Director
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WORKSESSION ADDENDUM MINUTES

Second Floor Davidson Memorial Hearing Room

Wednesday, January 24, 2007, 9:30 a.m.

ACTION ITEM:

1. **A-6201, Petition of James DeMattio** (new single-family dwelling). Letter to the Board from the petitioner.

Action: (1) Opened the record to include a letter from the petitioner; (2) expedited hearing scheduled for 2/14/07 @ 9:30 a.m., (CLH/CGT, 5-0).

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