

**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 21, 2007, 9:30 a.m.**

**ACTION ITEMS:**

1. **Minutes**, March 7 and 14, 2007 Worksession.  
Action: Approved, (WMH/CLH, 4-0).
2. **Order Extending Time for the Board's Written Opinion** for 30 days is required in the following cases:
  - (a) **A-6157, Appeal of Soraya Karmand** (administrative appeal). Hearing held 1/31/07.  
Action: Granted the Order Extending Time, (DLB/CLH, 4-0).
3. **A-6197, Appeal of CR-RSC Tower I, LLC, by Charles A. Camalier, III; and CR-RSC Tower I, LLC, by Floyd E. Davis, III** (Department of Permitting Services – Issuance of Permit No. 377897, dated 12/9/06). Consent Motion To Intervene As Respondent from Brendan Delany, Esquire, for RSC Tower I.  
Action: Granted the Motion To Intervene, (DLB/WMH, 4-0).
4. **A-6200, Appeal of Grace and Brian Myhr** (Department of Permitting Services – Issuance of Building Permit No. 433827, dated 12/19/06). Letter to the Board from David and Gretchen Koitz, the property owners, dated 2/26/07; letter to the Board from David Brown, Esquire, dated 3/8/07; letter to the Board from Mr. and Mrs. Koitz, dated 3/10/07.  
Action: (1) Opened the record to include the letters from Mr. Brown dated 3/8/07, and Mr. and Mrs. Koitz dated 3/10/07; (2) letter dated 2/26/07 from Mr. and Mrs. Koitz will be included in the public hearing record, (DLB/WMH, 4-0).
5. **CBA-864, [CBA-864-A, CBA-1233, CBA-2397, S-380], Petition of Potomac Swim and Recreation Association** (community swimming pool). Letter to the Board from Soo Lee-Cho, Esquire, requesting an administrative modification of the previously granted modifications dated 9/14/06 and 10/19/06. [Large exhibit: site plan].  
Action: Granted the administrative modification, (DLB/CLH, 4-0).

6. **CBA-1646, Petition of Germantown Gulf Service** (automobile filling station). Letter from Brian Donnelly notifying the Board of the grading and restoration of the existing row of white pines at the special exception site. [Large exhibits: landscape and lighting plan, landscape plan, plat plan].

Action: (1) Re-opened the record to include the letter from Mr. Donnelly; (2) adopted the landscape and lighting plan, (CLH/WMH, 4-0).

7. **CBA-2212, Petition of Flower Valley Bath and Racquet Club, Inc.** (community swimming pool). Letter to the Board from Barbara Brower, President, submitting the club's annual report.

Action: Item deferred until receipt of the number of club members, consensus.

8. **S-634, Petition of J. Allan Offen** (medical clinic). Memorandum from Heather Gottke, Inspector, Department of Permitting Services (DPS), notifying the Board that the special exception is now a permitted use and requesting that it be revoked. Also included is a letter of confirmation from the property owner.

Action: Revoked the special exception for lack of jurisdiction, (DLB/WMH, 4-0).

9. **S-1239, Petition of Ernestine and Jewel Johnson** (accessory apartment). Letter to the Board from the petitioner requesting reconsideration.

Action: Schedule Public Hearing on Reconsideration, (CLH/WMH, 4-0).

10. **S-1565-A, Petition of Howard Hughes Medical Institute** (charitable and philanthropic institution). Letter to the Board from Robert Brewer, Esquire, requesting an administrative modification. [Large exhibits: special exception plan, special exception plan-enlargement, landscape plan, stormwater management concept plan/drainage area map; stormwater management concept plan-enlargement, exterior elevations, site section key plan, site sections C and D, enlarged site section].

Action: (1) Granted the administrative modification; (2) adopted the large exhibits into the record, (WMH/DLB, 4-0).

11. **S-2184, Petition of Charles R. Gilbert** (indoor rifle and pistol range). Letters to the Board from petitioner regarding entities operating at the special exception site.

Action: Item deferred for additional information regarding: (1) whether internet sales conducted at the special exception site; (2) whether the internet sales limited to club members; (3) the nature of the relationship of the special exception holder with the operating entities; (4) what control does the special exception holder have over the internet sales, consensus.

12. **S-2442, Petition of Dr. Laslo and Jane Vasarhelyi** (accessory apartment). Memorandum from Bernard Marra, Housing Code Inspector, Department of Housing and Community Affairs (DHCA), requesting that the special exception be revoked.

Action: Schedule Show Cause Hearing, (CLH/WMH, 4-0).

**DECISION ITEMS:**

13. **S-1904-A, Petition of Norman Roskin, DVM, and the Olney-Sandy Spring Veterinary Hospital** (animal hospital). Hearing Examiner's Report and Recommendation.

Action: (1) Denied request for Oral Argument, (DLB/CLH, 4-0); (2) adopted the Hearing Examiner's Report and Recommendation as amended, (3) granted the special exception with conditions, (DLB/CLH, 4-0); (4) BOA to receive a revised site plan within 60 days; (5) BOA to receive parking area plans in 180 days.

14. **S-2673, Petition of Leizer Z. Goldsmith, Esquire** (non-resident professional office). Hearing Examiner's Report and Recommendation.

Action: (1) Adopted the Hearing Examiner's Report and Recommendation; (2) granted the special exception with conditions, (CLH/WMH, 4-0).

**PENDING ITEMS:**

15. **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]. (1) Re-opened the record to include the status report from Mr. Brown; (2) Mr. Brown to provide a status/progress report to BOA at its 5/2/07 Worksession. [2/28/07].

16. **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].

17. **CBA-1174-D, Petition of Holton Arms School** (private educational institution). Letter from Elsie Reid, Esquire, notifying the Board of the School's pending construction permits. (1) Re-opened the record to include Ms. Reid's letter; (2) granted the administrative modification for the revision to the emergency access drive; (3) the Board to receive a revised site plan within 45 days showing the emergency access drive. [W/S 2/28/07].

18. **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].

19. **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].

**PENDING ITEMS (continued):**

20. **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].

21. **S-2527, S-2528, 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].

**Board Members**

Allison Ishihara Fultz, Chair  
Donna L. Barron, Vice Chair  
Wendell M. Holloway  
Caryn L. Hines  
Catherine G. Titus - ABSENT

**Staff**

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