

**BOARD OF APPEALS  
for  
MONTGOMERY COUNTY**

**Stella B. Werner Council Office Building  
100 Maryland Avenue  
Rockville, Maryland 20850  
(240) 777-6600**

[www.montgomerycountymd.gov/mc/council/board.html](http://www.montgomerycountymd.gov/mc/council/board.html)

**WORKSESSION MINUTES**

**Second Floor Davidson Memorial Hearing Room**

**Wednesday, October 17, 2007, 9:30 a.m.**

**ACTION ITEMS:**

1. **Minutes**, October 3, 2007 Worksession.

Action: Approved as amended, (DLB/CLH, 5-0).

2. **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). Status Report from Todd Brown, Esquire.

Action: Re-opened the record to include Mr. Brown's letter, (DLB/CGT, 5-0).

3. **A-6117, Appeal of Mary Hemingway and Edward Purich for Cloverly Civic Association** (Department of Permitting Services – Issuance of Building Permit No402806). Inspection Report from George Muste, Manager, Department of Permitting Services (DPS).

Action: (1) Re-opened the record to include Mr. Muste's inspection report with attachment; (2) Board requested a revised letter from John Schneider which refers to the correct Code; (3) date to be determined for the scheduling of a public hearing, (CLH/CGT, 5-0).

4. **A-6156, Petition of Mohmoud Abulhawa** (one-story addition). Order from the Circuit Court.

Action: Re-opened the record to include the Order from the Circuit Court, (WMH/DLH, 5-0).

5. **A-6185, Appeal of Carol Ann Placek** (Department of Permitting Services – Issuance of Building Permit No. 423918). Motion to Dismiss from Malcolm Spicer, Associate County Attorney.

Action: Denied motion to dismiss, (CLH/CGT, 5-0).

6. **A-6226, Appeal of Michael Carey** (Department of Permitting Services – Issuance of Building Permit No. 446728). Letter to the Board from Keith Rosa, Esquire, requesting subpoenas.

Action: (1) Opened the record to include Mr. Rosa's letter; (2) declined the request to issue the subpoenas, (CGT/WMH, 5-0); (3) parties to be subpoenaed will be present at the public hearing.

7. Pending Item **CBA-470-A, Petition of Kensington Nursery School** (private educational institution). Letter from Douglas Smith, Esquire, submitting a revised site plan as required by the Board and requesting modification of Condition No. 7 of the Hearing Examiner's Report and Recommendation [Large exhibit: revised site plan].

Action: (1) Re-opened the record to accept the revised site plan (CGT/DLB, 5-0); (2) the record to remain open for 30 days; (3) BOA will issue a Resolution accepting the revised site plan and requesting additional information from the special exception holder regarding the staggering of the arrival times.

8. **S-692, Petition of Potomac Conference Corporation of Seventh Day Adventists** (charitable and philanthropic institution). Letter to the Board from Anthony Bruce, Assistant to the Director, requesting an administrative modification [Large exhibits: location plan, site plan, plan details, elevations].

Action: Item deferred for detailed information regarding the requested administrative modification and whether the special exception complies with its terms and conditions and with all the development standards, consensus.

9. **S-1257, Petition of John J. Serio** (horticultural nursery). Notice from DPS that the special exception holder is deceased.

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

10. **S-1394, Petition of Albert and Patricia Young** (major home occupation). Memorandum from Heather Gottke, Inspector, DPS, notifying the Board that special exception has been abandoned and requesting that it be revoked. Also included is a letter of confirmation from the property owner.

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

11. **S-1573, Petition of H. M. and C. R. Bills** (antique shop). Letter from the property owner notifying the Board that the special exception has been abandoned and requesting that it be revoked.

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

12. **S-1694, Petition of /Donald S. Waters** (major home occupation). Letter from the property owner notifying the Board that the special exception has been abandoned and requesting that it be revoked.

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

13. **S-1859, Petition of Albert and Patricia Young** (private riding stable). Memorandum from Heather Gottke, Inspector, DPS, 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 the special exception as abandoned, (DLB/CGT, 5-0).

14. **S-1957, Petition of Pamela J. Solomon** (accessory apartment). Letter from Shelley Reback requesting a transfer of the special exception.

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

15. **S-1999, Petition of S. C. Sanday** (accessory apartment). Memorandum from Unray Peters, 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. Also included is a letter of confirmation from the property owner.

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

16. **S-2217, Petition of Shell Oil Company** (automobile filling station). Inspection report from Heather Gottke, Inspector, DPS. Also included are letters from George Rudy, Program Manager [Large exhibits: site plan/landscape layout; site plan/fence layout; site plan/physical layout; canopy plan and elevations; stormwater management].

Action: (1) Re-opened the record to include the correspondence from Ms. Gottke and Mr. Rudy, (WMH/CGT, 5-0); (2) DPS has given the special exception holder 60 days to come into compliance; (3) item deferred until after the compliance period ends on 11/24/07.

17. **S-2588, Petition of Onkar N. Sharma** (non-resident professional office). Letter to the Board from Richard Lutz, Forest Estates Community Association.

Action: (1) Re-opened the record to include Mr. Lutz's letter; (2) BOA to request DPS to inspect the special exception, (DLB/CGT, 5-0).

18. **S-2627, Petition of Eden Crane** (accessory apartment). Letter to the Board from Garland Stillwell, Esquire, requesting an administrative modification.

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

#### **DECISION ITEM:**

19. **S-2705, Petition of Saurabh Gupta** (accessory apartment). Hearing Examiner's Report and Recommendation.

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

#### **PENDING ITEMS:**

20. **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 [W/S 2/28/07].
21. **A-6190, Appeal of Amanda Enterprises, LLC** (Department of Permitting Services – Notice of Violation dated November 13, 2006 and Use and Occupancy Certificate No. 250849). BOA to receive a status report from the appellant by 6/15/07 [Pre-hearing Conference held on 3/14/07].
22. **CBA-470-A, Petition of Kensington Nursery School** (private educational institution). Item deferred for the site plan required in Condition No. 3 of the Hearing Examiner's Report and Recommendation [W/S 5-31-06]. (1) Re-opened the record to include Mr. Smith's letter; (2) record will remain open until 5/15/07 to receive the required site plan; (3) administrative modification will be dismissed upon non-receipt of the required site plan after 5/17/07 [W/S 4/18/07].
23. **S-232, Petition of R. P. Patton & Sons, Inc.** (horticultural nursery and commercial greenhouse). Letter to the Board from Melvin Laney requesting an inspection of the special exception and a public hearing (1) Re-opened the record to include the letter from Mr. Laney; (2) Board to request DPS to inspect the special exception and provide the Board with an inspection report [W/S 4/18/07].
24. **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 has been removed [W/S 7/26/06].

Board Members

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

Staff

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