

**BOARD OF APPEALS  
for  
MONTGOMERY COUNTY**

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[www.montgomerycountymd.gov/content/council/boa/index.asp](http://www.montgomerycountymd.gov/content/council/boa/index.asp)

**WORKSESSION MINUTES**

**Second Floor Davidson Memorial Hearing Room**

**Wednesday, February 6, 2008, 9:30 a.m.**

**ACTION ITEMS:**

1. **Minutes**, February 6, 2008 Worksession.

Action: Approved, (CLH/WMH, 4-0).

2. **A-5950, Appeal of Renata M. Gould** (Historic Preservation Commission – Denial of Historic Area Work Permit). Letter to the Board from the appellant requesting rehearing or reconsideration.

Action: (1) Re-opened the record to include the appellant's letter; (2) granted the request for rehearing or reconsideration, (DKP/CLH, 4-0).

3. **CBA-3068, Petition of Friends Non-Profit Housing, Inc.** (child day care facility). Letter from Joseph Rector, Vice President, notifying the Board that the special exception has been abandoned and requesting that it be revoked.

Action: Revoked the special exception as abandoned, (WMH/DKP, 4-0).

4. **S-1277, Petition of Davco Food, Inc.** (drive-in restaurant). Letter from Bertha Thompson, Executive Assistant, notifying the Board that the special exception has been abandoned and requesting that it be revoked.

Action: Revoked the special exception as abandoned, (CLH/WMH, 4-0).

5. **S-1620, Petition of G & G Airpark Associates** (general office building). Letter from Christopher Ruhlen, Esquire, submitting the additional information requested by the Board and requesting the transfer of the special exception.

Action: (1) Re-opened the record to include Mr. Ruhlen's letter; (2) rescinded the Show Cause Hearing; (3) granted the transfer of the special exception, (CLH/CGT, 5-0).

6. **S-1896, Petition of Gladhill Properties Limited Partnership** (farm machinery: sales, storage or service). Letter from Susan Carter, Esquire, requesting an administrative modification [Large exhibit: special exception plat].

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

7. **S-2635, Petition of Covenant Village, L.P.** (housing for the elderly and handicapped). Inspection report and the additional information requested by the Board from Heather Gottke, Inspector, Department of Permitting Services (DPS).

Action: Re-opened the record to include Ms. Gottke's inspection report with attachments, (CLH/WMH, 5-0).

### **DECISION ITEMS:**

8. **S-2714, Petition of Sherease Pratt Louis** (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/CGT, 5-0).

### **PENDING ITEMS:**

9. **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]. Status Report from Todd Brown, Esquire [W/S 10/17/07].
10. **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].
11. **CBA-1174-D [S-2467, S-2503-A], Petition of Holton Arms School** (private educational institution, child day care facility, summer camp). Comments and analysis from Martin Klauber, People's Counsel, regarding Condition No. 5 of the Board's Opinion dated 1/5/07. Re-opened the record to include Mr. Klauber's comments and analysis; (2) **Board to schedule a hearing on a.m. and p.m. queuing and the trip generation rates.** [W/S 1/23/08].

**PENDING ITEMS (continued):**

12. **CBA-1196, Petition of Joseph F. Fernebok, CBA-1472, Petition of Farragut St. Venture and Theo R. Crutchfield, S-35, Petition of G. A. Schlesinger** (off-street parking). Letter to the Board from Stanley Abrams, Esquire, requesting an extension of time to permit the submission of a revised site plan and a forthcoming administrative modification request in connection with Case No. S-35. (1) Re-opened the record to include Mr. Abrams' letter; (2) granted a 45-day extension of time [W/S 1/23/08].
13. **CBA-2924, Petition of RMC Partnership** (medical and dental clinic). Letters to the Board from Jane Ho, Esquire, and Benjamin Akintan, Rph, requesting a transfer and an administrative modification (Large exhibits: cover sheet, existing and demolition plan, modification elevations, construction details, survey). Item deferred for additional information [W/S 7/18/07].
14. **S-569 [CBA-3051, S-95], Petition of C. O. and M. E. Bland** (horticultural nursery and retail sales). Letter to the Board from Rebecca Walker, Esquire, requesting an administrative modification [Large exhibit: existing conditions plan]. Also included on behalf of the Orchard Knolls Homeowners Association is a letter from David Gardner, Esquire. Re-opened the record to include the letter from Ms. Walker and the memorandum from Ms. Piczak; (2) schedule Show Cause Hearing; (3) administrative modification request deferred [W/S 1/23/08].
15. **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]. (1) Re-opened the record to include Mr. Bruce's letter with attachments; (2) the Board requested additional information regarding the special exception meeting the parking requirements after the administrative modification [W/S 1/23/08].
16. **S-738-B, Petition of McDonald's Corporation** (drive-in restaurant). Letters to the Board from Marla Blair, Counsel, McDonald's Corporation and Lorraine Vismara, requesting an administrative modification. (1) Granted the request to add Lorraine Vismara as a co-holder of the special exception; (2) request DPS inspection of the special exception. Request for 24-hour operations deferred for additional information [W/S 1/9/08].
17. **S-2359, Petition of Potomac Foods Company III, Inc.** (drive-in restaurant). Letter to the Board from Clara Willis, District Manager, requesting an administrative modification. Item deferred for additional information about the number of trips during the current hours of operation and anticipated trips during the expanded hours [W/S 1/9/08].

**PENDING ITEMS (continued):**

18. **S-2471, Petition of Kids 'N Care Learning Center** (child day care facility). Letter from Casey Moore, Esquire, submitting the additional information requested by the Board on the special exception staff parking. Item deferred until 1/9/08 Worksession [W/S 12/12/07].

**Board Members**

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