

**BOARD OF APPEALS  
for  
MONTGOMERY COUNTY**

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

[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 20, 2008, 9:30 a.m.**

**ACTION ITEMS:**

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

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

2. **A-6020 and A-6029, Appeal of Judith Burruss, Thomas Burruss & Alan Gaunoux** (Department of Permitting Services – Sediment Control Permit). Order from the Court of Special Appeals.

Action: Re-opened the record to include the Order from the Court of Special Appeals, (CGT/DKP, 5-0).

3. **CBA-867 [CBA-2048, S-717, S-717-A, S-1187], Petition of Our House, Inc.** (hospital, sanitarium, nursing or care home). Letter to the Board from Stuart Barr, Esquire, and April Birnbaum, Esquire, requesting clarification of the appropriate special exception use category.

Action: (1) Re-opened the record to include Mr. Barr's and Ms. Birnbaum's letter; (2) item deferred for additional information regarding how the current special exception use conforms to the current special exception criteria, (DKP/WMH, 5-0).

4. Pending Item. **CBA-2827, Petition KMD Group, Inc.** (automobile filling station). Letters to the Board from James Parsons, Esquire, requesting a transfer of the special exception [Large exhibit: as-built site plan].

Action: (1) Re-opened the record to include Mr. Parsons' letter with attachments; (2) granted the transfer of the special exception, (CLH/CGT, 5-0).

5. **S-274-C, Petition of Suburban Hospital** (hospital). Letter to the Board from Barbara Sears, Esquire, and Erin Girard, Esquire, submitting a long-range development plan in accordance with Condition No. 9 of the Board's Resolution dated 12/13/07.

Action: (1) Re-opened the record to include letters from Ms. Sears and Ms. Girard and Mr. Knopf; (2) Applicant to supplement the record with additional details about 5-year, 10-year and 15-year staging, (DKP/CLH, 5-0).

6. **S-748, Petition of Dr. Leonard L. Dietz** (non-resident medical practitioner). Letter from Vanessa Fenner, Holy Cross Anesthesiology Associates 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).

7. **S-1447, Petition of Michael J. and Mary E. Seville** (accessory apartment). Letter notifying the Board that the special exception has been abandoned and requesting that it be revoked.

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

8. **S-2390 and S-2391, Petitions of Farm and Home Services, Inc.** (retail horticultural nursery, wholesale horticultural nursery, and farm supply). Letter to the Board from Susan Carter, Esquire, requesting an administrative modification. [Large exhibit: special exception plan].

Action: (1) Re-opened the record to include Ms. Carter's letter with attachments; (2) adopted the as-built plan as the special exception site plan; (3) granted the administrative modification; (4) applicant to submit the proposed sign for sign review approval, (DKG/CGT, 5-0).

**DECISION ITEM:**

9. **S-2668, Petition of Taiwan Cultural Club** (service organization). The Hearing Examiner's First Supplemental Report and Recommendation.

Action: (1) Adopted the Hearing Examiner's First Supplemental Report and Recommendation; (2) amended with condition No. 20; (3) opened the record to receive letter from Ms Tapscott and Ms. Smith, (CGT/UMH, 5-0).

**PENDING ITEMS:**

10. **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].
11. **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].
12. **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].
13. **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].
14. **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].
15. **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].

**PENDING ITEMS (continued):**

16. **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].
17. **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].
18. **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].
19. **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**

Allison Ishihara Fultz, Chair  
Catherine G. Titus, Vice Chair  
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**Staff**

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**WORKSESSION ADDENDUM**

**Second Floor Davidson Memorial Hearing Room**

**Wednesday, February 20, 2008, 9:30 a.m.**

**ACTION ITEM:**

1. **Order Extending Time for the Board's Written Opinion** for 30 days is required in the following case:

- (a) **A-6224, Appeal of Carol Ann Placek** (administrative appeal). Hearing held 12/5/07.

Action: Granted Order Extending Time, (WMH/DKP, 5-0).

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