

**BOARD OF APPEALS
for
MONTGOMERY COUNTY**

**Stella B. Werner Council Office Building
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www.montgomerycountymd.gov/content/council/boa/index.asp

WORKSESSION MINUTES

Second Floor Davidson Memorial Hearing Room

Wednesday, December 17, 2008, 9:30 a.m.

ACTION ITEMS:

1. **Minutes**, December 3, 2008 Worksession.

Action: Approved as amended, (WSB/CGT, 3-0/DKP/abstained).

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

(a) **A-6266, Petition of Mark S. and Gretchen H. Riddle** (accessory structure/detached garage). Hearing held 11/12/08.

Action: Granted order extending time, (AIF/DKP, 4-0).

3. **A-6256, Petition of Ed Lazarus** (half-story addition). Letter to the Board from Christopher Snowber, AIA, requesting a refund of the filing fee. Also included is an email from Malcolm Spicer, Associate County Attorney.

Action: (1) Re-opened the record to include Mr. Snowber's letter and Mr. Spicer's email; (2) granted 100% (\$400.00) refund of the filing fee, (DKP/WSB, 4-0).

4. **CBA-722 [CBA-722-A, CBA-722-B, CBA-554, CBA-554-A, CBA-652, CBA-1113, S-245, S-245-A, S-245-B], Petition of Chevy Chase Club, Inc.** (private country club). Letters to the Board from Timothy Dugan, Esquire, requesting an administrative modification [Large exhibits: exterior elevation, site plan/proposed conditions/approved features].

Action: Granted the administrative modification, (DKP/AIF, 4-0).

5. **CBA-1174-D, Petition of The Holton Arms School, Inc.** (private educational institution). Letter to the Board from Elsie Reid, Esquire, to permit the special exception holder host a championship event.

Action: Granted one-time use to the special exception holder to host track and field championship, (DKP/AIF, 4-0)

6. **S-733, Petition of F. E. Erdle and Elizabeth A. Erdle** (commercial riding stable). Memorandum from Barbara Piczak, 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 petitioner.

Action: Revoked the special exception as use is now permitted in the zone by right, (DKP/CGT, 4-0).

7. **S-933, Petition of Marc and Garzina Narkus-Kramer** (accessory apartment). Memorandum from Robert Goff, Inspector, Department of Housing and Community Affairs (DHCA) 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, (AIF/CGT, 4-0).

8. **S-1135, Petition of John T. Riely** (accessory apartment). Letter to the Board from Greg and Erica Thomas requesting a transfer of the special exception.

Action: Granted the transfer of the special exception, (AIF/DKP, 4-0).

9. **S-1141, Petition of Kevin P. and Bridget A. Giblin** (accessory apartment). Letter from the petitioner notifying the Board that special exception has been abandoned and requesting that it be revoked.

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

10. **S-1874, Petition of Westchester West Apartments** (child day care facility). Memorandum to the Board from Barbara Piczak, Inspector, DPS, notifying the Board the special exception has been abandoned and requesting that it be revoked. Also included are letters of confirmation from the petitioners.

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

11. **S-2453-A and S-2726, Petitions of Academy Child Development Center, Inc.** (child day care facility and private educational institution). Letter to the Hearing Examiner from Schain Lolatchy and the Hearing Examiner's letter to Mr. Lolatchy. Also included is a letter from Emily Vaias, Esquire, and Debra Borden, Esquire, requesting that the record not be re-opened to include these letters.

Action: No action required by the Board, consensus.

12. **S-2668, Petition of the Taiwan Culture Center** (service organization). Letter submitting its annual report to the Board from the petitioner.

Action: Re-opened the record to include the special exception's annual report, (CGT/AIF, 4-0).

DECISION ITEMS:

13. **A-6270, Petition of Mary M. Casco** (accessory structure/swimming pool). Hearing held 11/19/08.

Action: (1) Closed record; (2) denied the variance, (CGT/AIF, 4-0).

14. **S-2674, Petition of Reynaldo and Zorayda Lee-Llacer** (accessory apartment). Hearing Examiner's Report and Recommendation. Also included is a letter from the County Council.

Action: (1) Adopted the Hearing Examiner's Report and Recommendation as amended; (2) granted the special exception with conditions, (DKP/CGT, 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 [W/S 2/28/07]. Status report from Todd Brown, Esquire [W/S 10/17/07]. Re-opened the record to include the status report from Mr. Brown [W/S 4/2/08].
16. **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].
17. **CBA-2521-I, Petition of Montgomery General Hospital** (hospital). Letter to the Board from Jody Kline, Esquire, requesting an administrative modification [Large exhibits: existing conditions plan and zoning vicinity map]. Item deferred for Mr. Kline to contact homeowner's association regarding its concerns [W/S 10/8/08].
18. **S-179, David H. Shin (coffee shop)**. Letter to the Board from Sook Kim requesting a transfer of the special exception (Item deferred for additional information regarding ownership of special exception property, consensus [W/S 6/25/08].

PENDING ITEMS (continued):

19. **S-366, Petition of Earl Taisey** (animal boarding place for up to 50 animals). Letter to the Board from Linda Self, requesting a transfer of the special exception. Item deferred for receipt of case file [W/S 12/3/08].
20. **S-1791, Petition of Melissa Martell Taylor** (private educational institution). Letter to the Board from Terry Lewis requesting a transfer of the special exception. Item deferred for (1) statement of operations; (2) confirmation the special exception will be operated in conformance with the Board's Opinion; (3) confirmation of the special exception holder [W/S 9/10/08].
21. **S-2141, Petition of Bannockburn Swim Club, Inc.** (community swimming pool). Letter from John Chadwick, Pool Board Representative-Improvements, submitting the additional information requested by the Board for an administrative modification [Large exhibit: site plan]. Item deferred to determine if administrative modification is subject to a forest conservation requirement [W/S 4/2/08].
22. **S-2145, Petition of Southwestern Bell Mobile Systems, Inc.** (telecommunications facility). Letter to the Board from Karmen Rajamani, Zoning Manager, requesting a transfer of the special exception. Item deferred for confirmation of the transfer from Southwestern Bell Mobil Systems, Inc [W/S 4/30/08].
23. **S-2699 and CBA-1660 [CBA-1660], Petitions of ExxonMobil Corporation** (automobile filling station). Hearing Examiner's Report and Recommendation. Also included is a letter to the Board from Jody Kline, Esquire, requesting oral argument or a rewording of Condition No. 16 in the Hearing Examiner's Report and Recommendation for Case No. S-2699 and requesting that special exception CBA-1660 be revoked as never implemented. (1) Granted request for oral argument; (2) deferred the Hearing Examiner's Report and Recommendation [W/S 9/24/08].

Board Members

Allison Ishihara Fultz, Chair
Catherine G. Titus, Vice Chair
David K. Perdue
Walter S. Booth
Carolyn J. Shawaker - ABSENT

Staff

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