

**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, July 1, 2009, 9:30 a.m.**

**ACTION ITEMS:**

1. **Minutes**, June 17, 2009 Worksession.

Action: Approved, (WSB/CJS, 5-0).

2. **A-6292, Appeal of Deborah Vollmer** (Department of Permitting Services (DPS) – Issuance of Building Permit No. 499274). Letter to the Board from Stephen Orens, Esquire, requesting to intervene.

Action: Granted the request to intervene, (DKP/WSB, 5-0).

3. **CBA-2708 [CBA-1479], Petition of L. Franklin and Anna G. Norwood** (public riding stable). Memorandum to the Board from Heather Gottke, Inspector, DPS, requesting a Show Cause Hearing.

Action: Schedule Show Cause Hearing, (CJS/WSB, 5-0).

4. **CBA-2904, Petition of Green Acres School, Inc.** (private educational institution). Letter to the Board from Susan Carter, Esquire, requesting that the record be re-opened to include her letter.

Action: Re-opened the record to include Ms. Carter's letter, (CJS/DKP, 5-0).

5. **S-1279, Petition of Thomas McGowan Fleming and Tobi Sandra Fleming** (accessory apartment). Letter to the Board from the petitioner requesting a name change of the special exception holders.

Action: Item deferred for additional information regarding the special exception ownership, consensus.

6. **S-1780, Petition of Rasmi Chan Ang** (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, (CJS/WSB, 5-0).

7. **S-2651, Petition of Brenneman and Pagenstecher, Inc.** (non-resident professional office). Letter to the Board from Jody Kline, Esquire, requesting a one-year extension to implement.

Action: Granted a one-year extension to implement, (DKP/CJS, 5-0).

8. **S-2695, Petition of Fabricio and Viviane Fidelis** (landscape contractor). Letter to the Board from David Gardner, Esquire, requesting an administrative modification.

Action: Granted the administrative modification, (SBB/CJS, 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]. Re-opened the record to include the status report from Mr. Brown [W/S 4/2/08].
10. **A-6117, Appeal of Mary Hemingway and Edward Purich for Cloverly Civic Association** (Department of Permitting Services (DPS) – Issuance of Building Permit No. 402806). Opinion and Order from the Circuit Court. (1) Re-opened the record to include the Opinion and Order from the Circuit Court; (2) action by BOA deferred until 7/6/09. [W/S 6/17/09].
11. **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].
12. **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. [W/S 6/25/08].

**PENDING ITEMS (continued):**

13. **S-894, Petition of Joan C. Wright** (major home occupation). Letter to the Board from the petitioner requesting an administrative modification. Item deferred for additional information regarding the number of employees, size of the workspace, renewal period. [W/S 3/11/09].
14. **S-1127, Petition of Mr. and Mrs. George Buchanan** (accessory apartment). Letter to the Board from Sakhoy Lay requesting a transfer of the special exception. Item deferred to determine if the accessory apartment address is the petitioner's primary residence. [W/S 6/17/09].
15. **S-1495, Petition of James Phillips** (accessory apartment). Letter to the Board from Tomas Dominguez requesting a transfer of the special exception. Item deferred for signed deed from the property owners. [W/S 4/22/09].
16. **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].
17. **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].
18. **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].
19. **S-2582, Petition of Sprint PCS/APC Realty and Equipment Company, LLC and Potomac Conference Corporation of Seventh Day Adventists** (telecommunications facility). Letter to the Board from Catherine Rodgers, Lease Accountant, requesting a transfer. Item deferred for the consent of the additional petitioners to the transfer of the special exception. [W/S 6/3/09].
20. **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**

Catherine G. Titus, Chair  
David K. Perdue, Vice Chair  
Walter S. Booth  
Carolyn J. Shawaker  
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**Staff**

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**WORKSESSION ADDENDUM MINUTES**

**Second Floor Davidson Memorial Hearing Room**

**Wednesday, July 1, 2009, 9:30 a.m.**

**ACTION ITEM:**

1. Letter to the Board from Jody Kline, Esquire, regarding the potential deferral of implementation dates for special exceptions and variances.

Action: Mr. Kline will provide the Board with additional information from other jurisdictions regarding changes in implementation times and procedures, consensus.

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