

**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, September 23, 2009, 9:30 a.m.

ACTION ITEMS:

1. **Minutes**, September 9 and 16, 2009 Worksessions.

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

2. **CBA-461, The Edgemoor Club** (private club). Letter to the Board from Patricia Harris, Esquire, requesting an administrative modification. [Large exhibits: site plan and elevations/2 sheets].

Action: Granted the administrative modification, (CJS/SBB, 5-0).

3. **CBA-1055, Petition of Abraham And Ellene B. Dabela** (non-resident medical practitioner). Letter to the Board from Clifford Ferguson, M.D., requesting a transfer of the special exception. Also included is a letter from Abraham Dabela.

Action: Re-opened the record to include the letters from Drs. Ferguson and Dabela, (DKP/CJS, 5-0).

4. **CBA-1174, Petition of The Holton-Arms School** (private educational institution). Letter to the Board from Susanna Jones, Head of School, submitting the school's master calendar.

Action: Re-opened the record to include the school's master calendar and the annual report, (WSB/SBB, 5-0).

5. **CBA-2378, Petition of Robert B. and Shelly L. Suddith** (private riding stable). Memorandum from Heather Gottke, Inspector, Department of Permitting Services (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 petitioner.

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

6. **CBA-2501, Petition of Julian Venezky** (major home occupation). Letter from Melchita Bayas notifying the Board that the special exception has been abandoned and requesting that it be revoked.

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

7. **S-501, Petition of Betty A. Wolfe** (major home occupation). Memorandum to the Board 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 petitioner.

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

8. **S-1355, Petition of SNH CHS Properties Trust** (housing for the elderly). Letters from David Freishtat, Esquire, requesting a transfer of the special exception.

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

9. **S-1870, Petition of Margaret M. Gilliam** (private riding stable). Memorandum from Barbara Piczak, Inspector, DPS, notifying the Board that the special exception is now permitted in the zone and requesting that it be revoked. Also included is a letter of confirmation from the petitioner.

Action: Revoked the special exception as use now permitted in the zone, (CJS/SBB, 5-0).

10. **S-2066, Petition of Exxon Corporation** (automobile filling station). Memorandum from Barbara Piczak, 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.

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

11. **S-2266-A [S-2266], Petition of Kevin P. Clair** (landscape contractor). Letter to the Board from Rebecca Walker, Esquire, requesting a transfer of the special exception.

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

12. **S-2383, Petition of Robert Bruce Scrimgouer** (domiciliary care home). Memorandum from Barbara Piczak, Inspector, DPS, notify the Board that the special exception was never implemented and requesting that it be revoked.

Action: Revoked the special exception as never implemented, (CJS/SBB, 5-0).

13. **S-2584, Petition of David Cruz** (accessory apartment). Memorandum from Ivey Quarles, 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 petitioner.

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

PENDING ITEMS:

14. **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].
15. **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].
16. **CBA-1456-A [CBA-1456], Petition of Lindsay Management Company** (off-street parking). Status report from David Freishtat, Esquire, and Anne Marie Vassallo, Esquire. (1) Re-opened the record to include status report from Mr. Freishtat and Ms. Vassallo; (2) Board to be provided with a status report in 60 days. [W/S 7/15/09]. Approximately September 15, 2009.
17. **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].
18. **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].
19. **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].

PENDING ITEMS (continued):

20. **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].

21. **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].

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