

**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

WORKSESSION MINUTES

Second Floor Davidson Memorial Hearing Room

Wednesday, February 24, 2010, 9:30 a.m.

ACTION ITEMS:

1. **Minutes**, February 17, 2010 Worksession.

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

2. **CBA-656, Petition of Wheaton-Haven Association, Inc.** (community swimming pool). Memorandum from Barbara Piczak, Inspector, Department of Permitting Services (DPS), notifying the Board that the special exception has abandoned and requesting that the special exception be revoked.

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

3. **S-274-C, Petition of Suburban Hospital** (hospital). Letter to the Board from Leslie Ford, Senior Vice President, submitting the Minutes of the meeting of the Community Liaison Committee meeting held 1/25/2010.

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

4. Returning Item. **S-1926, Petition of Sabriz Naduvilothe** (accessory apartment). Letter to the Board from Patrick O'Neil, Esquire, requesting a transfer of the special exception.

Action: (1) Granted the administrative modification; (2) reinstated the Board's Resolution transferring the special exception, (CJS/DKP, 5-0).

5. **S-2235, Petition of Elderhome** (care home). Memorandum to the Board from Barbara Piczak, Inspector, DPS, notifying 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).

DECISION ITEM:

6. **S-2752, Petition of Dr. Meredith A. Miklozek, DVM d/b/a Diamond Veterinary Hospital.** Hearing Examiner's Report and Recommendation.

Action: (1) Adopted the Hearing Examiner's Report and Recommendation as amended; (2) granted the special exception with conditions, (CJS/WSB, 5-0).

PENDING ITEMS:

7. **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].
8. **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].
9. **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].
10. **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].
11. **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].
12. **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].

13. **S-2153, Petition of American PCS, L.P. (by Margaret Ruggieri)** (telecommunication facility) Item returning from December 8, 2009 Worksession. Additional information submitted in response to Board request. Request for administrative modification to allow replacement of an existing tower damaged by fire. (1) Applicant to supply the Board with official documentation of the company's name change; (2) granted approval of the relocation of the tower as depicted in drawings submitted on 1/27/2010. [W/S 2/17/10].

14. **S-2651, Petition of Brenneman and Pagenstecher, Inc.** (telecommunications facility). Letter to the Board from Norman Knopf, Esquire, requesting reconsideration of the Board's Resolution dated 9/15/09. Granted the reconsideration request. [W/W 10/7/09].

Board Members

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David K. Perdue, Vice Chair
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Staff

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WORKSESSION ADDENDUM MINUTES

Second Floor Davidson Memorial Hearing Room

Wednesday, February 24, 2010, 9:30 a.m.

ACTION ITEM:

1. **A-6311, Appeal of Gary P. Young** (Department of Permitting Services – Notice of Violation dated December 2, 2009). Letter from Malcolm Spicer, Esquire, notifying the appellant that the Notice of Violation has been withdrawn and to request a refund of the administrative appeal filing fee. Also included is a letter to the Board from the appellant requesting a refund of the filing fee.

Action: (1) Dismissed the administrative appeal as withdrawn; (2) granted 100% (\$200.) refund of the filing fee, (CJS/SBB, 5-0).

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