

**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 23, 2011, 9:30 a.m.

ACTION ITEMS:

1. Minutes, February 9, 2011 Worksession.

Action: Approved, (CJS/SBB, 3-0/WSB/abstained).

2. **CBA-2684-C, Petition of The German School** (private educational institution). Letter to the Board from John Green, Facilities Manager, submitting the minutes of meeting of the Community Liaison Council for calendar year 2010.

Action: Re-opened the record to include Mr. Green's letter with attachments, (SBB/WSB, 4-0).

3. **S-274-D, Petition of Suburban Hospital** (hospital). Letter to the Board from Norman Knopf, Esquire, notifying the Board of an incomplete exhibit list. Also included is a letter from Barbara Sears, Esquire, and Erin Girard, Esquire, responding to the letter regarding the exhibit list.

Action: BOA has no jurisdiction as the case has been appealed to the Circuit Court.

4. Returning Item. **S-1192, Petition of Gayah and Semera Fahnbulleh** (child day care facility). Letter from the petitioner submitting the statement of operations presented to the State.

Action: Re-opened the record to include the statement of operations, (CJS/SBB, 4-0).

5. **S-1405, Petition of Democracy Associates Limited partnership d/b/a Wall Street Deli** (delicatessen-style restaurant). Letter to the Board Kent Rosenberger, Associate Vice President, requesting an administrative modification. [Large exhibit: floor plan].

Action: Granted the administrative modification, (SBB/WSB, 4-0).

6. **S-1424-A, Petition of Korean Community Senior Housing Corporation of Maryland, Inc. and Korean Community Senior Housing Corporation of Maryland, Inc. II** (senior housing). Letter from Stephen Orens, Esquire, to the Board providing clarifying information for the record. [Large exhibits: first floor plan, east and west elevations, side by side comparison/3 sheets].

Action: Re-opened the record to include Mr. Orens' letter with attachments, (CJS/WBS, 4-0).

7. **S-2751, Petition of Victory Oaks, Inc.** (senior housing). Letter to the Board from Jody Kline, Esquire, requesting an administrative modification. [Large exhibits: special exception plan, construction landscape plan/2 sheets, building elevations].

Action: (1) Granted the administrative modification; (2) re-opened the record to include numbered exhibits from Mr. Kline, (CJS/SBB, 4-0).

PENDING ITEMS:

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-763 [S-763-A], Petition of Silver Spring Temple and Library Association** (service organization). Letter to the Board from Sean Hughes, Esquire, requesting an administrative modification. [Large exhibits: title sheet, site survey, roof and equipment location plan, building elevations, equipment details). Deferred administrative modification request until a special exception application has been approved for the telecommunications facility. [W/S 3/10/10].
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].

PENDING ITEMS (continued):

11. **S-1713, Petition of Deda's Farm, LLC** (landscape contractor). Letter to the Board from the petitioner requesting an administrative modification. Item deferred for site plan with the new and old barn locations. [W/S 3/31/2010].
12. **S-1821, Petition of Catherine Ellis Peterson and Brian Sickora** (accessory apartment). Letter to the Board from Marianna Butler, Inspector, DHCA, requesting a Show Cause Hearing. Item deferred for additional information regarding the current the property owner. [W/S 7/21/2010].
13. **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].
14. **S-2313, Petition of McDonald's Corporation** (drive-in restaurant). Letter to the Board from Christopher Ruhlen, Esquire, requesting an administrative modification. [Large exhibits: special exception plat and elevations/2 sheets]. (1) Granted the administrative modification; (2) the Board will request an inspection report within a year of the issuance of a building permit for the new construction. [W/S 11/17/10].
15. **S-2480, Petition of Connie Lucas** (group home). Letter to the Board from the petitioner requesting an extension of time. Item deferred for additional information from the petitioner regarding the progress made for the implementation of the special exception. [W/S 9/8/2010].

Board Members

Catherine G. Titus, Chair - ABSENT
David K. Perdue, Vice Chair
Walter S. Booth
Carolyn J. Shawaker
Stanley B. Boyd

Staff

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