

**BOARD OF APPEALS  
for  
MONTGOMERY COUNTY**

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[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, May 25, 2011, 9:30 a.m.**

**ACTION ITEMS:**

1. Minutes, May 4, 2011 Worksession.

Action: Approved, (SBB/WSB, 4-0).

2. **A-6337, Appeal of David M. Gibbons** (Department of Permitting Services – Issuance of Building Permit No. 553652). Letter to the Board from the appellant withdrawing the administrative appeal and requesting a refund of the filing fee.

Action: (1) Dismissed the administrative appeal as withdrawn; (2) granted 50% (\$110.) refund of the filing fee, (CJS/SBB, 4-0).

3. **A-6341, Petition of George B. and Lynne N. Mitchell** (accessory structure). Letter from the petitioner requesting an expedited hearing.

Action: Granted the request for an expedited hearing, (SBB/CJS, 4-0). New hearing date: 6/15/2011.

4. **CBA-461, Petition of Edgemoor Club** (private club). Letter to the Board from Patricia Harris, Esquire, submitting an up-to-date site plan for the special exception. [Large exhibits: site plan, existing and proposed elevations/2 sheets].

Action: (1) Re-opened the record to include Ms. Harris' letter with attachments; (2) granted the administrative modification, (CJS/WSB, 4-0).

5. **CBA-2568, Petition of UTF Maryland Limited Partnership** (automobile filling station). Memorandum from Heather Gottke, Inspector, DPS, notifying the Board that the special exception has been abandoned and requesting that it be revoked.

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

6. **S-862-A, Petition of the Federation of American Societies for Experimental Biology (FASEB)** (private educational institution). Letter to the Board from Richard Dunn, Chairman, submitting the FASEB's annual report.

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

7. **S-956, Petition of John M. and Roberta S. Burdick** (accessory apartment). Letter to the Board from Jann and Ryan Elliott requesting a transfer of the special exception.

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

8. **S-1459, Petition of Katherine N. Hughes** (private riding stable). 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 property owner.

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

9. Returning Item. **S-1713, Petition of Deda's Farm, LLC** (landscape contractor). Letter from Heather Dlhopsky, Esquire, submitting the additional information requested by the Board at its Worksession held on April 6, 2011.

Action: Re-opened the record to include Ms. Dlhopsky's letter, (CJS/WSB, 4-0).

10. **S-1727, Petition of Bonneville Satellite Communications** (radio and television broadcasting stations and towers). Memorandum from Heather Gottke, Inspector, DPS, notifying the Board that the special exception has been abandoned and requesting a Show Cause Hearing.

Action: Schedule Show Cause Hearing, (SBB/WSB, 4-0).

11. **S-2290, Petition of Kuhn Tree Service** (horticultural nursery or related use). Letter to the Board from the petitioner submitting a revised site plan. [Large exhibit: special exception site plan as revised on 5/15/2011].

Action: Re-opened the record to include the petitioner's letter with attachment, (CJS/WSB, 4-0).

12. **S-2385, Petition of Olney Boys and Girls Club** (private club and service organization). Letter to the Board from Dan Dionisio, Chairman, requesting an administrative modification. [Large exhibits: overall plan/site grading plan/2 sheets].

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

13. **S-2759, Petition of Darnestown Development, LLC t/a Goddard School** (child day care facility). Approved Preliminary/Final Water Quality Plan Resolution from Montgomery County Planning Board.

Action: Re-opened the record to include the approved preliminary/final water quality plan resolution, (WSB/SBB, 4-0).

#### **DECISION ITEM:**

14. **S-2792, Petition of Jaime and Angela Enriquez** (accessory apartment). Hearing Examiner's Report and Recommendation. Also included are requests for oral argument from the Petitioners and Geoff Patton.

Action: (1) Granted the request for oral argument, (SBB/WSB, 4-0); (2) oral argument scheduled for 7/13/2011 at 10 a.m.

#### **PENDING ITEMS:**

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].
17. **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].
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-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].
20. **S-2784, Petition of Pervaiz Syed** (accessory apartment). Item deferred pending notification that Condition No. 2 of the Hearing Examiner's Report and Recommendation has been met. [W/S 5/4/2011].

**Board Members**

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