

**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, September 12, 2012, 9:30 a.m.

ACTION ITEMS:

1. Minutes, July 25, 2012 Worksession.

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

2. **A-6390, Appeal of Toren Finkel, et al** (Department of Permitting Services (DPS) – Issuance of Building Permit No. 601114). Motion to intervene from Jody Kline, Esquire, and Soo Lee-Cho, Esquire.

Action: Granted the motion to intervene, (DKP/CJS, 4-0).

3. **CBA-722 [CBA-722-A, CBA-722-B], Petition of Chevy Chase Club** (country club). Letter to the Board from Timothy Dugan, Esquire, requesting an administrative modification. **See separate packet.**

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

4. **CBA-1707, Petition of Regency Estates Swim Club, Inc.** (community swimming pool). Letter to the Board from Patrick O'Connor, Vice President, requesting an administrative modification.

Action: Granted the administrative modification, (DKP/CGT, 4-0).

5. **CBA-2117-A, Petition of Francis J. Collins Funeral Home, Inc.** (funeral home). Letter to the Board from John McHugh, President, with the status of compliance with the special exception conditions.

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

6. **CBA-2961 [CBA-1212, CBA-495], Petitions of Chesapeake and Potomac Telephone Company** (telecommunications facility). Letter to the Board from Paul Laplante regarding the petitioner's response to taking the appropriate corrective action in response to DPS' inspection report. Also included is an email from Lev Palie.

Action: Re-opened the record to include Mr. Laplante and Mr. Palie's emails, (DKP/CJS, 4-0). Timothy Dugan, Esquire, stated that the petitioner is making progress to comply with the DPS inspection report.

7. **S-274-C, Petition of Suburban Hospital** (hospital). Letter from Leslie Weber, Senior Vice President, with results of the noise testing conducted July 2012.

Action: Re-opened the record to include Ms. Weber's letter with attachments, (CJS/DKP, 4-0).

8. Returning Item. **S-285-E, Petition of The Norwood School** (private educational institution). Letter to the Board is a letter Ki Kim, M-NCPPC, required by Condition No. 10 of the special exception. Also included is a letter to the Board from Richard Ewing, Head of School, submitting the School's activity report and the community liaison committee minutes.

Action: Re-opened the record to include Mr. Kim's and Mr. Ewing's letter with attachments, (SBB/CJS, 4-0).

9. **S-570, Petition of Wildlife Achievement Chapter of Izaak Walton League of America, Inc.** (private club with outdoor rifle range). Letter to the Board from Jeff Deschamps, President, submitting the community liaison committee minutes, range sound test results, and the range approval certificate.

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

10. **S-851, Petition of Bernadette V. Armani** (child day care facility). Letter from Rubina Wadhwa requesting a transfer of the special exception.

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

11. **S-889, Petition of Germantown Hospitality LLC** (hotel/motel). Letter to the Board from Stacy Silber, Esquire, submitting a letter from the petitioner.

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

12. **S-1419, Petition of Ken Shigemitsu** (accessory apartment). Memorandum from Ivan Eloisa, Inspector, Department of Housing and Community Affairs (DHCA), notifying the Board of a change in size of the accessory apartment.

Action: Re-opened the record to include Mr. Eloisa's memorandum with attachment, (DKP/CJS 4-0).

13. **S-1987, Petition of Dena Rose Yver** (accessory apartment). Letter from Pryor and Ruth Brenner requesting a transfer of the special exception.

Action: (1) Re-opened the record to include the letter from Mr. & Mrs. Brenner; (2) granted the transfer of the special exception, (SBB/CJS, 4-0).

14. **S-2320, Petition of Creative Learning Center** (child day care center). Letter from the former special exception holder affirming the transfer of the special exception.

Action: Re-opened the record to include the letter from the former special exception holder, (SBB/CJS, 4-0).

15. **S-2471, Petition of Kid N Care Learning Center, LLC** (child day care facility). Letter from Clayton Townsend requesting reconsideration. Also included is letter in response to the request for reconsideration from Stephen Orens, Esquire.

Action: Denied the request for reconsideration, (DKP/CJS, 4-0).

16. **S-2545, Petition of Francis Xavier McGuigan** (accessory apartment). Letter from the petitioner notifying the Board that the special exception has been abandoned.

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

17. **S-2781, Petition of Gilmore-Brunett, LLC** (child day care facility). Letter from Robert Dalrymple, Esquire, and Anne Mead, Esquire, requesting reconsideration and a remand to the Hearing Examiner.

Action: (1) Granted the request for reconsideration; (2) remanded the record to the Hearing Examiner, (SBB/DKP, 4-0).

DECISION ITEMS:

18. **S-2824, Petition of Brian and Ellen Kadow** (accessory apartment). Hearing Examiner's Report and Recommendation.

Action: (1) Adopted the Hearing Examiner's report and recommendation; (2) granted the special exception with conditions, (CJS/SBB, 4-0).

DECISION ITEMS (continued):

19. **S-2839, Petition of Plamondon Enterprises, Inc.** (drive-in restaurant). Hearing Examiner's Report and Recommendation.

Action: (1)Adopted the Hearing Examiner's report and recommendation; (2) granted the special exception with conditions, (CJS/SBB, 4-0).

PENDING ITEMS:

20. **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 3/10/2010].
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 4/30/2008].
22. **S-2759, Petition of Darnestown Development, LLC t/a Goddard School** (child day care facility). Letter to the Board from Stephen Kaufman, Esquire and Debra Borden, Esquire, requesting a transfer of the special exception and an administrative modification. [Large exhibits: cover sheet, special exception site plan, special exception landscape plan/2 sheets, preliminary subdivision plan]. (1) Granted the transfer of the special exception; (2) deferred the administrative modification request until M-NCPPC's approval of the pending request for revisions to the preliminary plan. [W/S 9/14/2011]. (1) Re-opened the record to include Ms. Martin's letter; (2) Ms. Martin's request will be deferred until the administrative modification request is taken up by BOA. [W/S 12/7/2011].
23. **S-2820, Petition of Fairland Animal Hospital, Inc.** (veterinary hospital). Hearing Examiner's Report and Recommendation. Also included is a letter from Jody Kline, Esquire, requesting oral argument. (1) Granted the request for oral argument. (2) deferred the Hearing Examiner's Report and Recommendation. [W/S 2/29/2012].

Board Members

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

Staff:

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