

**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, June 3, 2009, 9:30 a.m.

ACTION ITEMS:

1. **Minutes**, May 20, 2009 Worksession.

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

2. **CBA-719-A [CBA-719], Petition of Betty B. Sweet** (group picnic, catering and recreation facility). Letter from Anne Martin, Esquire, submitting a preliminary plan of subdivision as required by Condition No. 2 of the Board's Opinion dated 2/20/2003.

Action: Re-opened the record to include Ms. Martin's letter, (DKP/WSB, 5-0).

3. **CBA-722 [CBA-722-A, CBA-722-B, CBA-554, CBA-554-A, CBA-652, CBA-1113, S-245, S-245-A, S-245-B], Petition of Chevy Chase Club, Inc.** (private country club). Letter from Timothy Dugan, Esquire, requesting an extension of time to 6/30/09 to comply with Condition No. 2 of the Board's Resolution dated 12/20/07.

Action: Granted extension of time to 6/30/09, (CJS/SBB, 5-0).

4. **S-2460, Petition of Grace House** (assisted living facility). Letter to the Board from Jody Kline, Esquire, requesting an administrative modification. [Large exhibits: site and signage plan and exterior elevations].

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

5. **S-2480, Petition of Connie Lucas** (group home). Letter to the Board from the petitioner requesting an extension of time.

Action: Granted one-year extension of time, if the use is not implemented within the extension period, the Board will consider a plenary review of the implementation status of the special exception and the conditions contained in the original special exception grant, (DKP/CJS, 5-0).

6. **S-2518, Petition of Paul R. Scribner** (accessory apartment). Letter to the Board from Christina and Martin FitzPatrick requesting a transfer.

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

7. **S-2582, Petition of Sprint PCS/APC Realty and Equipment Company, LLC and Potomac Conference Corporation of Seventh Day Adventists** (telecommunications facility). Letter to the Board from Catherine Rodgers, Lease Accountant, requesting a transfer.

Action: Item deferred for consent of the additional petitioners to the transfer of the special exception, consensus.

DECISION ITEM:

8. **CBA-2684-C, Petition of Federal Republic of Germany (German School – Washington, D.C.)** Hearing Examiner's Report and Recommendation.

Action: (1) Granted request for oral argument; (2) deferred decision on the Hearing Examiner's Report and Recommendation, (SBB/WSB/CGT, 3-2/DKP/CJS).

PENDING ITEMS:

9. **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].
10. **A-6190, Appeal of Amanda Enterprises, LLC** (Department of Permitting Services – Notice of Violation dated November 13, 2006 and Use and Occupancy Certificate No. 250849). BOA to receive a status report from the appellant by 6/15/07. [Pre-hearing Conference held on 3/14/07].
11. **CBA-2521-I, Petition of Montgomery General Hospital** (hospital). Letter to the Board from Jody Kline, Esquire, requesting an administrative modification. [Large exhibits: existing conditions plan and zoning vicinity map]. Item deferred for Mr. Kline to contact homeowner's association regarding its concerns [W/S 10/8/08].
12. **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].

PENDING ITEMS (continued):

13. **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].
14. **S-1495, Petition of James Phillips** (accessory apartment). Letter to the Board from Tomas Dominguez requesting a transfer of the special exception. Item deferred for signed deed from the property owners. [W/S 4/22/09].
15. **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].
16. **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].
17. **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].
18. **S-2699 and CBA-1660 [CBA-1660], Petitions of ExxonMobil Corporation** (automobile filling station). Hearing Examiner's Report and Recommendation. Also included is a letter to the Board from Jody Kline, Esquire, requesting oral argument or a rewording of Condition No. 16 in the Hearing Examiner's Report and Recommendation for Case No. S-2699 and requesting that special exception CBA-1660 be revoked as never implemented. (1) Granted request for oral argument; (2) deferred the Hearing Examiner's Report and Recommendation [W/S 9/24/08].

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, June 3, 2009, 9:30 a.m.

ACTION ITEM:

1. **CBA-630, Petition of Storage-USA, Inc.** (off-street parking). Letter to the Board from John Galluccio, Esquire, requesting a continuance of the Show Cause Hearing.

Action: Granted a continuance of the Show Cause Hearing, (DKP/WSB, 5-0).

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