

**BOARD OF APPEALS
for
MONTGOMERY COUNTY**

**Stella B. Werner Council Office Building
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Rockville, Maryland 20850
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<http://www.montgomerycountymd.gov/boa/index.html>

WORKSESSION MINUTES

Second Floor Davidson Memorial Hearing Room

Wednesday, February 27, 2013

ACTION ITEMS:

1. Minutes, January 30, 2013 Worksession.

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

2. Minutes, January 30, 2013 Addendum Worksession.

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

3. Minutes, February 6, 2013 Worksession.

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

4. Minutes, February 6, 2013 Addendum Worksession.

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

5. Minutes, February 13, 2013 Worksession.

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

6. **CBA-1212, Petitions of Chesapeake & Potomac Telephone Company of Maryland** (Telecommunications Facility). Email and letter from Larry Gordon, Esquire, following-up on Show Cause Hearing and informing the Board when Verizon can have the existing pole painted or removed.

Action: Re-opened the record to include Mr. Gordon's email and letter, (CJS/SBB, 4-0).

7. **CBA-1646, Petition of Exxon Mobil Corporation** (Automobile Filling Station). Letter to the Board from Thomas M. Terry, Southside Oil LLC, requesting a transfer of the special exception.

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

8. **CBA-2197-B, Petition of The Heights School** (Private Educational Institution). Letter to the Board from Soo Lee-Cho, Esquire, requesting an administrative modification. Also included is a supplemental request with attachment.

Action: Granted the modification to the special exception and the supplemental request, (JHP/SBB, 4-0).

9. **CBA-2838, Petition of Exxon Mobil Corporation** (Automobile Filling Station). Letter to the Board from Thomas M. Terry, Southside Oil LLC, requesting a transfer of the special exception.

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

10. **S-285-E, Petition of Norwood School** (Private Educational Institution). Letter to the Board from Ki H. Kim, Transportation Planner, M-NCPPC, notifying the Board of the Petitioner's submission of the peak hour period driveway counts, as per Condition 10 of the BOA Opinion.

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

11. **S-962, Petition of Andrea DiLorenzo** (Accessory Apartment). Memorandum from Stephen Morris, Inspector, Department of Housing and Community Affairs (DHCA), notifying the Board that the special exception has been abandoned, and requesting that it be revoked. Also included is a confirmation from the property owner.

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

12. **S-2535, Petition of Sprint PCS/APC Realty and Equipment Company, LLC and Melvin G. and C.M. Paisley** (Public Utility Building, Public Utility Structure and Telecommunication Facility). Letter to the Board from Gregory Rapisarda, requesting administrative modification and setback waiver. [Large exhibits: photographs of existing flagpole; RF propagation map with existing coverage; RF propagation map with proposed coverage; TGCG report; zoning drawings].

Action: Item deferred for additional information, (consensus), (CJS/SBB, 4-0).

13. **S-2668, Petition of Taiwan Culture Center, Inc. By Tai L. Huang** (Service Organization). Letter to the Board from David Brown, Esquire, requesting administrative modification. [Large exhibit: new plan after county transportation project].

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

14. **S-2839, Petition of Plamondon Enterprises, Inc.** (drive-through restaurant). Letter to the Board from Joseph Lynott, III, Esquire, requesting administrative modification.

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

DECISION ITEM:

15. **S-2852, Petition of Jan-Paul A. Kopinski** (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, (SBB/CJS, 4-0).

16. **S-2853, Petition of Emilios Dimitriadis** (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).

PENDING ITEMS:

17. **CBA-2961, Petition of Chesapeake and Potomac Telephone Company** (Telecommunications Facility). Letter to the Board from Timothy Dugan, Esquire, with the status of the compliance with the notice of violation and a request for a name change. Also included is a memorandum from Heather Gottke, Inspector, DPS, with an update of the notice of violation and an extension until October 31, 2012. (1) Re-opened the record to include Mr. Dugan's letter with attachments and Ms. Gottke's memorandum; (2) item deferred until after the DPS extension deadline of October 31, 2012. [W/S 9/26/2012].

18. **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].

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 4/30/2008].

20. **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].
21. **S-2792, Petition of SBA Structure, Inc. and Verizon Maryland Inc.** (Telecommunications Facility). Letter to the Board from Edward Donohue, Esquire, requesting Board review of information related to the special exception. (1) Re-opened the record to include Mr. Donohue's letter with attachments; (2) extend the time limit for DPS enforcement. [W/S 11/7/2012].
22. **CBA-2740-A, Petition of Mid-Atlantic Petroleum Properties** (Automobile Filling Station). Letter to the Board from the Stanley D. Abrams, Esquire requesting an extension of time to implement Special Exception Modification. Also included is the subject site and immediate surroundings exhibit, excerpted from M-NCPPC December Staff Report.

Action: Item deferred for additional information, (consensus). [W/S 12/5/12].

23. **S-1043, Petition of David C. Keener** (Accessory Apartment). Letter to the Board from Amir Pilch requesting a transfer of the special exception.

Action: Item deferred for additional information, (consensus). [W/S 11/28/12].

24. **S-2479, Petition of American Tower Corporation, AT&T Wireless Services and Carol Mullinix** (Telecommunications Facility). Letter to the Board from Gregory Mercier, Esquire, requesting administrative modification. [Large exhibits: title sheet; site plan and general information; sediment and erosion control notes and details; sediment and erosion control plan; landscape plan, panel schedules; antenna schematic and details; grounding details; one-line diagram and details; exterior ground plan and notes; construction details; detailed site plan and elevation view; stormwater management plan, notes and details].

Action: Item deferred for additional information, (consensus), [W/S 02/06/13]

25. **S-2842, Petition of Someswara Bekkam** (Accessory Apartment). Reconsideration of Board's February 5, 2013 Resolution.

Action: (1) BOA reconsidered on its own motion; (2) issue revised resolution, deleting request for DPS investigation; (3) remand in force to continue, (DKP/CJS, 4-0), [W/S Addendum 2/6/13]

Board Members

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