

**BOARD OF APPEALS
for
MONTGOMERY COUNTY**

**Stella B. Werner Council Office Building
100 Maryland Avenue, Room 217
Rockville, Maryland 20850
(240) 777-6600**

<http://www.montgomerycountymd.gov/boa/>

WORKSESSION MINUTES

Second Floor Davidson Memorial Hearing Room

Wednesday, March 30, 2016

ACTION ITEMS:

1. Minutes of March 16, 2016, Worksession.

Action: Approved, [(JHP/ESR, 4-0) BG-Abstained].

2. **A-6479, Appeal of Robert J. Englehart** (Administrative Appeal). Letter to the Board from the Appellant requesting reconsideration of the BOA decision dated March 11, 2016.

Action: Denied the reconsideration, [(JHP/ESR, 4-0) BG-Abstained].

3. **CBA-697, Petition of Martin C. and Batya Weissman** (Private Educational Institution). Memorandum to the Board from Barbara Piczak, Inspector, Department of Permitting Services, notifying the Board that the special exception has been abandoned and requesting that it be revoked. Also included is a confirmation letter from the property owner. The Board voted to revoke as abandoned on April 16, 2003 (LLM/AIF, 5-0).

Action: Reaffirmed revocation, (SBB/BG, 5-0).

4. **CBA-1735, CBA-1735-A, Petition of Earl L. and Bette J. Marshall** (Antique Shop). Memorandum to the Board from Barbara Cox, Inspector, Department of Permitting Services, notifying the Board that the special exception has been abandoned. Also included is confirmation from the special exception holder.

Action: Revoked the special exception as abandoned, ESR/JHP, 5-0).

5. **CBA-2260, Petition of Stephen W. Dejter, M.D.** (Non-resident Medical Practitioner's Office). Memorandum to the Board from Stanley Garber, Inspector, Department of Permitting Services, notifying the Board that the special exception has been abandoned. Also included confirmation from the current property owner. The Board voted to revoke on June 6, 2000 (LLM/AMC, 4-0).

Action: Reaffirmed revocation, (JHP/ESR, 5-0).

6. **CBA-2435, S-310, S-310-A, S-310-B, Petition of American College of Cardiology** (Scientific Society Headquarters and Private Educational Institution). Memorandum to the Board from Barbara Cox, Inspector, Department of Permitting Services, notifying the Board that the special exception CBA-2435 should be revoked for failure to implement, as reflected in subsequent special exception S-310, and further requesting that special exception S-310 (including modifications S-310-A and S-310-B) be revoked as abandoned. Ms. Cox notes that the special exception property has been sold and subdivided, and that the construction of single family homes is underway.

Action: Revoked special exception CBA-2435 for failure to implement; and also revoked special exception S-310, S-310-A and S-310-B as abandoned, (SBB/BG, 5-0).

7. **CBA-2565, CBA-2566, Petition of Carl M. Freeman; CBA-2929 and S-402, Petition of Gabe Mirkin** (Non-resident Medical Practitioners). Memorandum to the Board from Barbara Cox, Inspector, Department of Permitting Services, notifying the Board that special exceptions CBA-2565, CBA-2566, and CBA-2929 (as modified by S-402) were abandoned in 1999, at which time a new special exception for a private educational institution was granted for the subject properties. Confirmation from the current special exception holder/property owner is included.

Action: Revoked special exceptions CBA-2565, CBA-2566, and CBA-2929 (as modified by S-402) as abandoned, (ESR/SBB, 4-0).

8. **CBA-2684-C, Petition of The German School** (Private Educational Institution). Letter to the Board from John Green, Facilities Manager, submitting minutes of the Community Liaison Committee meeting minutes. Also included is Mr. Green's response to the Board's inquiry about the current functioning of the CLC.

Action: Re-opened the record to receive Mr. Green's letter with attachments, (ESR/JHP, 4-0).

9. **S-289-B, Petition of Little Falls Swim and Tennis Club** (Community Swimming Pool). Letter to the Board from Catherine Stocker, Board Member, requesting an administrative modification. [Large Exhibits: site plans and survey plats].

Action: Granted the administrative modification, (JHP/ESR, 5-0).

10. **S-420-H, Petition of Holy Cross Hospital** (Hospital). Letter to the Board from C. Robert Dalrymple, Esquire, and Heather Dlhopsky, Esquire, requesting an administrative modification.

Action: Granted the administrative modification, (SBB/JHP, 5-0).

11. **S-724, Petition of Washington Ear**, (Charitable and Philanthropic Institution). Memorandum to the Board from Heather Gottke, Inspector, Department of Permitting Services, notifying the Board that the special exception has been abandoned. Also included is the confirmation from the Petitioner's representative. The Board voted to revoke the special exception as abandoned on June 10, 2009 (DKP/CJS, 5-0).

Action: Reaffirmed revocation, (SBB/ESR, 5-0).

12. **S-755, Petition of Henry, Jr., and Carolyn Ridenour** (Private Riding Stable). Memorandum to the Board from Barbara Cox, Inspector, Department of Permitting Services, notifying the Board that the special exception has been abandoned. Also included is the confirmation from the Petitioner. The Board voted to revoke the special exception as abandoned on October 20, 2004 (AMC/LLM, 5-0).

Action: Reaffirmed revocation, (JHP/ESR, 5-0).

13. **S-876 and SE-84-1, Petition of Marita A. Buscher** (Home Occupation). Memorandum to the Board from Jennyffer Vargas, Inspector, Department of Permitting Services, transmitting a 2002, memorandum from Barbara Cox, notifying the Board that the special exception has been abandoned. Also included is a confirmation from the Petitioner.

Action: Revoked the special exception as abandoned, (JHP/ESR, 5-0).

14. **S-894, Petition of Joan C. Wright** (Home Occupation). Letters to the Board from the Petitioner requesting an administrative modification.

Action: Granted the administrative modification, (ESR/BG, 5-0).

15. **S-1308, Petition of Kinder-Care Learning Center, Inc.** (Child Day Care Center). Memorandum to the Board from Stanley Garber, Inspector, Department of Permitting Services, notifying the Board that the special exception was never implemented and requesting that it be revoked. The Board voted to revoke the special exception for failure to implement on November 12, 2003 (DLB/LLM, 5-0).

Action: The special exception was revoked as failure to implement by BOA resolution dated March 1, 2004.

16. **S-1589, Petition of Park Hotel Associates Limited Partnership** (Hotel). Memorandum to the Board from Barbara Cox, Inspector, Department of Permitting Services, notifying the Board that the special exception was never implemented and requesting that it be revoked. The Board voted to revoke the special exception as never implemented on January 13, 2010 (SBB/WSB, 5-0).

Action: Revoked the special exception as never implemented, (SBB/JHP, 5-0).

17. **S-1879, Petition of Dibex, Inc.** (Golf Course). Memorandum to the Board from Barbara Cox, Inspector, Department of Permitting Services, notifying the Board that the special exception was never implemented and requesting that it be revoked. Also included are letters from M-NCPPC and Robert H, Metz, Esquire, confirming the abandonment. The Board voted to revoke the special exception for failure to implement on March 5, 2003 (DLB/LLM, 5-0).

Action: Reaffirmed revocation, (ESR/JHP, 5-0).

PENDING ITEM:

18. **CBA-2047, Petition of Potomac Place Limited Partnership** (Off-street Parking). Memorandum to the Board from Barbara Cox, Inspector, Department of Permitting Services, in response to BOA Resolution of November 19, 2015. Item deferred for additional information, (consensus). [W/S 1/6/16].

Board Members

Carolyn J. Shawaker, Chair
John H. Pentecost, Vice Chair
Stanley B. Boyd
Edwin S. Rosado
Bruce Goldensohn

Staff

Barbara Jay, Executive Director
Kathryn Lloyd, Associate County Attorney

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WORKSESSION ADDENDUM MINUTES

Second Floor Davidson Memorial Hearing Room

Wednesday, March 30, 2016

ACTION ITEMS:

- 1. A-6479, Appeal of Robert J. Englehart** (Administrative Appeal).
Intervenors' Opposition to the Appellant's Request for Reconsideration,
submitted by David W. Brown, Esquire.

Action: Re-opened the record to receive Mr. Brown's letter, (JHP/ESR, 5-0).

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