

**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, September 7, 2016

ACTION ITEMS: 9:30 a.m.

1. Minutes of July 20, Worksession.

Action: Approved, (BG/JHP, 5-0).

2. **CBA-2643, Petition of Audubon Naturalist Society** (Eleemosynary and Philanthropic Institution). Letter to the Board from Jody Kline, Esquire, requesting an administrative modification of the special exception.

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

3. **S-274-C, Petition of Suburban Hospital** (Hospital). Letter to the Board from Leslie Ford Weber, submitting the results of the noise testing conducted to date in 2016

Action: Re-opened the record to receive Ms. Weber's letter with attachments, (JHP/ESR, 5-0).

4. **S-618, Petition of Dr. Paul M. Morrison** (Non- Resident Professional Office). Memorandum to the Board from Barbara Cox, Inspector, Department of Permitting Services, requesting that this special exception be revoked as the use is now permitted by right. Also included is a confirmation from the current property owner.

Action: Revoked special exception as use is permitted by right, (SBB/BG, 5-0).

5. **S-774, (S-774-A), Petition of Exxon Corporation** (Automobile Filling Station). Memorandum to the Board from Barbara Cox, Inspector, Department of Permitting Services, requesting that this special exception be revoked as abandoned. Also included is a confirmation from the current property owner.

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

6. **S-843, Petition of ShowBiz Pizza Time, Inc.** (Restaurant). Memorandum to the Board from Barbara Cox, Inspector, Department of Permitting Services, requesting that this special exception be revoked as abandoned. Also included is a confirmation from the current special exception operator.

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

7. **S-1552, Petition of World Child, Inc.** (Eleemosynary and Philanthropic Institution). Memorandum to the Board from Barbara Cox, Inspector, Department of Permitting Services, requesting that this special exception be revoked as abandoned. Also included is a confirmation from the current property owner.

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

8. **S-1750, Petition of Optima Learning Systems, LLC** (Child Day Care Center). Letter to the Board from Beenish Siddique requesting an administrative modification of this special exception. [Large Exhibits: floor plans]

Action: Deferred, (consensus).

9. **S-2250, S-1211, S-1211-B, Petition of KCJ Properties, LLC, and O.G. Limited Partnership** (Private Educational Institution). Letter to the Board from Joyce Saadi, requesting reconsideration of the Board's decision dated July 29, 2016, which modified S-2250 and revoked S-1211 and S-1211-B, or in the alternative, a hearing.

Action: Deferred, (consensus).

10. **S-2699, Petition of Petroleum Marketing Group** (Automobile Filling Station). Letters to the Board from Jody Kline, Esquire, requesting an extension of time from August 3, 2016 until November 7, 2016, to implement this special exception.

Action: Granted the extension of time to implement the special exception, (CJS/BG, 5-0).

11. **CU 16-07, Petition of Hannah Weiser** (Child Day Care). Letter to the Board from R. Joseph Webster, requesting oral argument regarding the OZAH Report and Decision in CU 16-07, In the Matter of Hannah Weiser. Also included is Ms. Weiser's opposition to the request for oral argument, and her request to participate if oral argument is granted.

Action: (a) Granted oral argument (limited scope) (b) Adopted the Hearing Examiner's Report and Decision, as modified; (c) Granted the Conditional Use with conditions, (SBB/JHP, 5-0).

ACTION ITEM, Continued (10:45 a.m.):

12. CBA-2521-K, Petition of Montgomery General Hospital d/b/a Medstar Montgomery Medical Center (Hospital). Letter to the Board from Soo Lee-Cho, Esquire, and Jody Kline, Esquire, requesting reconsideration of the Board's May 5, 2016, Resolution to Deny Modification of Special Exception. Also included is a letter from David W. Brown, Esquire opposing the request for reconsideration. Also included are letters from Jody Kline, Esquire, and David Brown, Esquire, presenting additional information to facilitate reconsideration of this matter by the Board. The Board voted to allow reconsideration of this matter at its June 8th Worksession, but took no substantive action with respect to the May 5, 2016, Resolution at that time, deferring that the July 13, 2016, Worksession. At the July 13, 2016 Worksession, the Board deferred final consideration until the September 7, 2016, Worksession. Also included is the supplement from Jody Kline, Esquire, and Soo Lee-Cho, Esquire, to the pending request for administrative Modification in regards to the use of the West Tower Addition [Large Exhibits: parking plans for the East and West Campuses]. Also included is a letter dated September 2, 2016, from Soo Lee-Cho, providing additional information for the Board's consideration.

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

PENDING ITEMS:

13. 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].

14. CBA-1730, Petition of Stanley Rakusin and Arthur P. Becker (Apartment Hotel). Letter to the Board from Robert R. Harris, Esquire, requesting reconsideration of the Board's revocation of special exception CBA-1730, and asking that the special exception be reinstated. Item deferred (consensus). [W/S: 4/27/16].

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