

**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 222

Wednesday, March 28, 2018

ACTION ITEMS:

1. Minutes of March 14, 2018, Worksession.

Action: Approved, (SBB/KF, 3-0) (BG- Abstained).

2. **CBA-1253, Petition of Saks Fifth Avenue** (Off-street Parking). Letter to the Board from Steven A. Robins, Esquire, and Elizabeth C. Rogers, Esquire, requesting an administrative modification of this special exception. [Large Exhibits: existing condition plan and site plans].

Action: Granted administrative modification of this special exception, (SBB/BG, 4-0).

3. **S-852, Petition of DAVCO Food, Inc., T/A Wendy's** (Drive-thru Restaurant). Letter to the Board from Marla Spiers, Operations Accountant, NPC International, Inc., requesting transfer of this special exception.

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

4. **S-933, Petition of McDonald's Corporation** (Drive-in Restaurant). Letter to the Board from William Francis Xavier (Billy) Becker, President, Greater Olney Civic Association, Inc., on behalf of that Association, requesting a public hearing on the administrative modification granted on February 23, 2018 in this case. Also included is a second letter from Mr. Becker, responding to the Board's request for more details regarding the concerns of the Greater Olney Civic Association.

Action: Re-opened the record to receive the above documents; suspended the administrative modification granted on February 23, 2018; and scheduled public hearing, (KF/BG, 4-0).

5. **S-1273, Petition of DAVCO Food, Inc.** (Drive-in Restaurant). Letter to the Board from Marla Spiers, Operations Accountant, NPC International, Inc., requesting transfer of this special exception.

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

6. **S-1363, Petition of S & P Partnership** (Non-Residential Professional Offices). Memorandum to the Board from Barbara Cox, Inspector, DPS, requesting that the special exception be revoked as the use is now permitted by right. Also included is confirmation from the holder of this special exception.

Action: Revoked the special exception as use is permitted in the zone, (SBB/KF, 4-0).

7. **S-2072, Petition of DAVCO Restaurants, Inc.** (Drive-in Restaurant). Letter to the Board from Marla Spiers, Operations Accountant, NPC International, Inc., requesting transfer of this special exception.

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

8. **S-2312, Petition of Nextel Communications of the Mid-Atlantic, Inc.** (Telecommunications Facility). Letter to the Board from Gregory E. Rapisarda, Esquire, on behalf of American Tower Corporation, seeking a transfer and, if necessary, an administrative modification of this special exception.

Action: Deferred (consensus).

9. **S-2450, Petition of DAVCO Restaurants, Inc.** (Drive-in Restaurant). Letter to the Board from Marla Spiers, Operations Accountant, NPC International, Inc., requesting transfer of this special exception.

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

10. **S-2664, Petition of DAVCO Restaurants,** (Drive-in Restaurant). Letter to the Board from Marla Spiers, Operation Accountant, NPC International, Inc., requesting transfer of this special exception.

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

11. S-2668, Petition of Taiwan Culture Center, Inc. (Service Organization).

Email to the Board from Cecelia English setting forth a complaint that no one from the Taiwan Culture Center was present at the scheduled Community Liaison Council meeting. Also included is a second email from Ms. English, forwarding an email from Tai Huang of the TCC. Also included is a letter to the Board from Mr. Huang, advising the Board that the Spring Open House will be held on April 14, 2018, and submitting a copy of the Transportation Management Plan.

Action: Re-opened the record to receive the above documents; referred the complaints to the Department of Permitting Services for investigation; and requested monitoring of the spring open house, (ESR/BG, 4-0).

12. S-2736, Petition of DAVCO Restaurants, Inc. (Drive-through Restaurant).

Letter to the Board from Marla Spiers, Operations Accountant, NPC International, Inc., requesting transfer of this special exception.

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

Board Members

John H. Pentecost, Chair - **ABSENT**

Edwin S. Rosado, Vice Chair

Stanley B. Boyd

Bruce Goldensohn

Katherine Freeman

Staff

Barbara Jay, Executive Director

Kathryn Lloyd, Associate County Attorney