

**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

Wednesday, May 23, 2018

ACTION ITEMS:

1. (a) Minutes of May 9, 2018, Worksession.

Action: Approved, (ESR/KF, 4-0; BG- abstained).

- (b) Minutes of May 16, 2018, Worksession.

Action: Approved, (SBB/ESR, 4-0; BG- abstained).

2. **A-6559, Appeal of Christopher Carter** (Administrative Appeal). Request from the Appellant for a refund of the filing fee.

Action: Denied the request for filing fee refund, (JHP/ESR, 5-0).

3. **A-6566, Petition of Malcolm Burke** (Administrative Appeal). Motion to Conduct a Detailed Survey of the Land at Issue in this Proceeding and for the Board of Appeals to Take Official Notice of the Findings Thereof, and Motion to Compel the Production of Documents from the Montgomery County Department of Permitting Services, submitted by Appellant Malcom Burke. Also included are - The County's Opposition to Appellant's Motion to Compel the Production of Documents from the Montgomery County Department of Permitting Services; The County's Opposition to Appellant's Motion to Conduct a Detailed Property Survey of the Land at Issue in this Proceeding and for the Board of Appeals to take Official Notice of the Findings Thereof.

Action: Denied Appellant's Motion to Conduct a Detailed Survey of the Land at Issue in this Proceeding and for the Board of Appeals to Take Official Notice of the Findings (ESR/SBB, 5-0). Also denied Motion to Compel the Production of Documents from the Montgomery County Department of Permitting Services, submitted by Appellant, (JHP/KF, 5-0).

4. **A-6569, Petition of St. Anne's Episcopal Community Development Corporation** (Variance). Letter to the Board from Jody S. Kline, Esquire, requesting that this variance application be consolidated for hearing with a related conditional use application, and that both be heard by the Hearing Examiner, in accordance with Board Rule 1.6.b.1. In addition, Mr. Kline requests that the variance fee be waived, in accordance with Board Rule 1.6.b.2.

Action: Granted request that variance application be consolidated for hearing with a related conditional use application, and that both be heard by the Hearing Examiner, in accordance with Board Rule 1.6.b.1. Also granted the request for the variance fee be waived in accordance with Board Rule 1.6.b.2. (KF/BG, 5-0).

5. **CBA-1079-A, Petition of Northwest Branch Recreation Association, Inc.** (Community Swimming Pool). Letter to the Board from Jody S. Kline, Esquire, requesting an administrative modification. [Large Exhibits: existing building; playground location].

Action: Granted the administrative modification of this special exception, (SBB/KF, 5-0).

6. **CBA-1174-D, S-2467-A, S-2503, Petition of Holton-Arms School** (Private Educational Institution). Letter to the Board from Soo Lee-Cho, Esquire, advising the Board of issues pertaining to the school's enrollment for the upcoming school year.

Action: Re-opened the record to receive Ms. Lee-Cho's letter. The Board recognizes the School's temporary enrollment issue and that the School is taking actions to normalize its enrollment, (BG/ESR, 5-0).

7. **CBA-1707, Petition of Regency Estates Swim Club** (Community Swimming Pool). Letter to the Board from Mara V. J. Senn, President, Regency Estates Swim Club, requesting an administrative modification.

Action: Granted the administrative modification of this special exception, (KF/ESR, 5-0).

8. **S-274-C, Petition of Suburban Hospital** (Hospital). Letter to the Board from Leslie Ford Weber, Director, Campus, Government & Community Affairs, submitting noise testing results conducted in April 2018.

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

9. **S-570, Petition of Wildlife Achievement Club Chapter of Izaak Walton League of America, Inc.** (Private Club and Outdoor Rifle and Skeet Shooting Range). Letter to the Board from Cherie Aker, President, and Carl Holland, Community Liaison Council Representative, transmitting the annual report and the results of internal noise inspections.

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

10. **S-2312, Petition of Nextel Communications of the Mid-Atlantic, Inc.** (Telecommunications Facility). Letter to the Board from Shane Hickey, requesting a public hearing on the administrative modification granted April 27, 2018.

Action: Granted the request for public hearing and suspended the administrative modification granted April 27, 2018, (JHP/KF, 5-0).

Board Members

John H. Pentecost, Chair
Edwin S. Rosado, Vice Chair
Stanley B. Boyd
Bruce Goldensohn
Katherine Freeman

Staff

Barbara Jay, Executive Director
Kathryn Lloyd, Associate County Attorney