

**BOARD OF APPEALS  
for  
MONTGOMERY COUNTY**

**751 Twinbrook Parkway  
(Next to Meadow Hall Elementary School)  
Rockville, MD 20851**

**(240) 777-6600**

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

**WORKSESSION AND ADDENDUM MINUTES**

**Wednesday, December 18, 2019**

**ACTION ITEMS:**

1. Minutes of December 4, 2019, Worksession.

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

2. **A-6628, Petition of Margery Lear & Brian Andrews** (Variance). Letter to the Board from the Petitioners, requesting that the Board reconsider its November 22, 2019, Opinion dismissing their case, and instead reopen the matter. The Petitioners have included the documentation previously missing from their variance application with their submission. [Large Exhibits: Site plan, elevations, zoning vicinity map, SDAT aerial view and structural details.]

Action: Re-open and reschedule the variance hearing, (JHP/JWC, 5-0).

3. **S-830, Petition of Midas Realty Corporation** (Automobile Repair and Service Facility). Letter to the Board from Christopher J. Mohns, Sr., requesting a transfer and administrative modification of this special exception.

Action: Granted the transfer and the administrative modification of this special exception, (JHP/BG, 5-0).

4. **S-2290, Petition of Pampas Garden Landscaping LLC** (Landscape Contractor). Letter to the Board from the Petitioner requesting an administrative modification of this special exception. [Large Exhibits: Site plan, elevations, floor plan, structural details.]

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

5. **S-2316, Petition of West \*Group** (Drive-in Restaurant). Letter to the Board from Christopher M. Ruhlen, Esquire, and Christopher S. Cohen, Esquire, on behalf of McDonald's Corporation, seeking a transfer and administrative modification of this special exception.

Action: Granted the transfer and the administrative modification of this special exception, (JHP/BG, 5-0).

**PENDING ITEM:**

6. **S-1632-B and S-2273, Petition of River Road Development, Inc. d/b/a Gymkhana Club International and AT&T Wireless Services** (Telecommunications Facility). Memorandum to the Board from Barbara Cox, Inspector, Department of Permitting Services, setting forth the results of her inspection undertaken pursuant to a complaint filed by William Chen, Esquire, on behalf of abutting property owners David Hilbert and Jan Casadei. Ms. Cox concludes that the special exception holder is in violation of Condition #4 of the Board's September 19, 1997 Opinion, and attaches a Notice of Violation with a compliance date of June 17, 2019. Item deferred (consensus) [WS: 5/8/19]. Compliance date was extended to August 19, 2019 [WS: 7/10/19].

**Board Members**

John H. Pentecost, Chair  
Bruce Goldensohn, Vice Chair  
Katherine Freeman  
Jon W. Cook  
Mary Gonzales

**Staff**

Barbara Jay, Executive Director  
Kathryn Lloyd, Associate County Attorney

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**WORKSESSION ADDENDUM MINUTES**

**Second Floor Davidson Memorial Hearing Room**

**Wednesday, December 18, 2019**

**ACTION ITEM:**

1. **A-6644, Appeal of Linda Powers** (*Administrative Appeal*). Letter to the Board from David W. Brown, Esquire, on behalf of Appellant Linda Powers, withdrawing this appeal and requesting a refund of the filing fee.

Action: Dismissed the withdrawal and granted 90% of the filing fee, (JHPKF, 5-0).

**DECISION ITEM:**

2. **A-6624, Appeal of Johannes, Kerstin, and Elena Staguhn, Tovi and Noa Livni Lehman, Harry and Emily Volz, and Lynn J. Bush** (*Administrative Appeal*). The Appellants charge administrative error on the part of the Historic Preservation Commission in its April 24, 2019, approval with conditions of an application for a Historic Area Work Permit for building on 10201 Menlo Avenue in Silver Spring. A public hearing regarding this matter was held on December 11, 2019.

Action: Denied the administrative appeal, [KF/BG, 3-2 (JHP/MG)].

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