

**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 MINUTES

Second Floor Davidson Memorial Hearing Room

Wednesday, October 16, 2019

ACTION ITEMS:

1. Minutes of September 25, 2019, Worksession.

Action: Approved, (BG/JWC, 4-0) (MG-abstained).

2. **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). Letter to the Board from Christopher C. Burns, Esquire, on behalf of American Tower Corporation, regarding the September 9, 2019, correspondence to M-NCPPC from William J. Chen, Jr., Esquire. Also included are correspondence from to M-NCPPC from William J. Chen, Jr., Esquire dated October 10, 2019 and response from Mark Pfefferle, M-NCPPC, dated October 14, 2019.

Action: Re-opened the record to receive correspondence from Mr. Burns, Mr. Chen, and Mr. Pfefferle, (JHP/KF, 5-0).

3. **S-1807, Petition of Ruth Weiss** (Accessory Apartment). Memorandum to the Board from Cece Kinna, Housing Code Inspector, DHCA, requesting that this special exception be revoked. Also included is a written request for revocation from the current owner.

Action: Revoked this special exception as abandoned, (BG/KF, 5-0).

4. **S-2045, Petition of Montgomery Hospice Society, Inc.** (Care Facility). Letter to the Board dated September 17, 2019, from eight homeowners at the "Preserve at Rock Creek Community Association," objecting to the special exception holder's request for additional parking. The Board had considered this requested modification at its September 4, 2019, Worksession, and had issued a Resolution granting the requested modification on September 19, 2019. Also included is a letter from Sean Hall, Community Manager, Preserve at Rock Creek Community Association, requesting a public hearing on the modification.

Action: Suspended the resolution dated September 19, 2019, and voted to hold a public hearing, (KF/JHP, 5-0).

5. **S-2370, Petition of Tara Lynn Corporation** (Eating and Drinking Establishment, including Drive-in). Memorandum to the Board from Barbara Cox, Inspector, DPS, requesting revocation of this special exception as abandoned. Ms. Cox attaches documentation supporting this finding, and notes that an AutoZone store will be subletting the space formerly occupied by this special exception.

Action: Revoked this special exception as abandoned, (KF/JWC, 5-0).

6. **S-2382, Petition of Joseph W. and Eva L. Haak Hess** (Accessory Apartment). Memorandum to the Board from Cece Kinna, Housing Code Inspector, DHCA, requesting that this special exception be revoked. Also included is a written request for revocation from the current owner.

Action: Revoked this special exception as abandoned, (BG/JWC, 5-0).

7. **S-2499, Petition of KMC Telecom and Oakmont LLC** (Public Utility Structure/Telecommunications Facility). Memorandum to the Board from Jennyffer Vargas, Inspector, DPS, requesting that the Board revoke this special exception as abandoned. Also included is a letter from Joyce C. Whitten, President, Oakmont LLC, indicating that the public utility building/structure has been dismantled, and requesting that the special exception be revoked.

Action: Revoked this special exception abandoned, (KF/JWC, 5-0).

8. **S-2668, Petition of Taiwan Cultural Center** (Service Organization). Memorandum to the Board from Jennyffer Vargas, Inspector, DPS, stating that she did not observe any violations during the Center's fall open house, which was held on September 28, 2019, from 10 a.m. until 3 p.m.

Action: Reopened the record to receive Ms. Vargas' Memorandum, (JHP/BG, 5-0).

9. **H.E. 99-3, Petition of Catholic Cemeteries of the Archdioceses of Washington** (Cemetery). Letter to the Board from Scott C. Wallace, Esquire, and Laura M. Tallerico, Esquire, requesting an administrative modification.

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

PENDING ITEM:

10. **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

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Staff

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WORKSESSION ADDENDUM MINUTES

Wednesday, October 16, 2019,

ACTION ITEM:

1. CU 19-4, A-6575, Petition of FM Group Inc. d/b/a Francisco Landscaping (Landscape Contractor & Variance). Letter to the Board dated October 10, 2019, from Sean Hughes, Esquire, and Jody Kline, Esquire, requesting that the Board reconsider its September 25, 2019, decision, and also requesting that the Board stay the time for appeal pursuant to Board Rule 10.6 until the Board can act on their reconsideration request.

Action: Granted the stay, (KF/JWC, 5-0).

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