

**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 30, 2019

ACTION ITEMS:

1. (a) Minutes of October 16, 2019, Worksession.

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

- (b) Minutes of October 16, 2019, Worksession Addendum.

Action: Approved, JWC/JHP, 5-0).

2. **CBA-2197-C, Petition of Heights School** (Private Educational Institution). Letter to the Board from Eugene Feinberg, Board Member/Treasurer, Potomac Pond Homeowners Association, regarding the Petitioner's compliance with Condition No. 7(c) of the Board's May 19, 2015, Opinion.

Action: Referred the complaint to the Department of Permitting Services for inspection, (JHP/KF, 5-0).

3. **S-538-C, Petition of Aspen Hill Club** (Private Club and Service Organization). Letter to the Board from Danielle Bouchard, General Manager, submitting the Club's Annual Report.

Action: Re-opened the record to receive Ms. Bouchard's letter with attachment, (BG/JWC, 5-0).

4. **S-1376, Petition of Shawki A. Al-Attar, MD** (Medical Practitioners' Office). Letter to the Board from Peter E. Ciferri, Esquire, on behalf of Dr. Towana L. Spriggs, requesting a transfer of this special exception contingent on consummation of the sale of the property. Also included is consent from the current special exception holder.

Action: Granted the transfer of this special exception contingent on the sale of the property, (BG/JWC, 5-0).

5. **S-1750, Petition of Optima Learning Systems, L.L.C.** (Child Day Care Center). Letter to the Board from Mian and Beenish Siddique, requesting an administrative modification of this special exception.

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

6. **S-1897, Petition of Rhoda Abrams** (Accessory Apartment). Memorandum to the Board from Cece Kinna, Housing Code Inspector, DHCA, requesting that this special exception be revoked. Also included is a letter from the special exception holder requesting revocation.

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

7. **S-2350, Petition of BP Amoco and McDonald's Corporation** (Automobile Filling Station and Drive-in Restaurant). Letter to the Board from Nicholas B. Speech, P.E., Bohler Engineering VA, LLC, on behalf of McDonald's USA LLC, requesting an administrative modification of this special exception. [Large Exhibits: Site plans; elevations to scale and renderings].

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

8. **S-2498, Petition of Sonja, Herbert and Alice Prince and Pearline Williams** (Large Group Home). Letter to the Board from Alice Prince-Hall, requesting an administrative modification of this special exception.

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

9. **S-2879, Petition of Jonathan Edenbaum** (Group Home). Letter to the Board from the special exception holder requesting revocation of the special exception.

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

10. **CU 19-03, Petition of 1784 Capital Holdings, LLC** (Self Storage Facility). Letter to the Board from Erin E. Girard, Esquire, on behalf of the Petitioner, requesting oral argument before the Board on the Hearing Examiner's decision. Also included are letters of opposition to the request for oral argument received from Julie O'Malley, President of the Kensington Historical Society, Michele Rosenfeld, Esquire, on behalf of the Town of Kensington, and Deborah Chalfie.

Action: (a) Denied the request for oral argument, (JHP/MG, 5-0).
(b) Adopted the Hearing Examiner's decision denying the conditional use, (JHP/KF, 5-0).

11. **CU 19-04, Petition of FM Group Inc. d/b/a Francisco Landscaping** (Landscape Contractor). 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. Also included is a letter dated October 15, 2019, from Patricia A. Thomas, opposing the request for reconsideration. Also included is a letter from Judy Mauldin, dated October 15, 2019, opposing the request for reconsideration and request for stay. Also included is an email from Mary Hemingway objecting to the requested stay. Also included is a letter dated October 18, 2019, from Mr. Kline, submitting a Memorandum of Law in support of his client's petition for Reconsideration. Also included is a letter dated October 24, 2019, from J. Mauldin, Patricia Thomas, Quentin Remein, Michele Albornoz and Mary Hemingway, requesting denial of the reconsideration request. Also included are separate letters received October 25, 2019 from Judy L. Mauldin and Patricia Thomas, opposing the request for reconsideration.

Action: Granted the request for reconsideration and the oral argument, (JWC/KF, (4-0))(MG-abstained).

- 12 A-6642, Elizabeth Bruton:** Letter to the Board from Elizabeth Burton, requesting a waiver of the \$220 administrative appeal fee with respect to a prospective appeal of Building Permit No. 881044.

Action: Denied the request for fee waiver, (JHP/KF, 5-0).

PENDING ITEM:

- 13. 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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