

**BOARD OF APPEALS  
for  
MONTGOMERY COUNTY**

**Stella B. Werner Council Office Building  
100 Maryland Avenue, Room 217  
Rockville, Maryland 20850  
(240) 777-6600**

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

**WORKSESSION MINUTES**

**Second Floor Davidson Memorial Hearing Room**

**Wednesday, September 4, 2019**

**ACTION ITEMS:**

1. Minutes of July 31, 2019, Worksession.

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

2. **S-274-C, Petition of Suburban Hospital** (Hospital). Letter to the Board from Leslie Ford Weber, Director, Campus, Government & Community Affairs, Montgomery County, Johns Hopkins, submitting the results of the noise testing conducted in July 2019.

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

3. **S-540, Petition of Dr. William E. Vaughan and Gregory I. Hill, D.D.S.** (Non-Residential Medical Office). Letter to the Board from Edwin Eta, Southern Management Corporation, requesting a transfer of this special exception.

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

4. **S-1277, Petition of Fox Chapel, LLC & Plamondon Enterprises, Inc.** (Drive-in Restaurant). Letter to the Board from Judy Shin, requesting a transfer of this special exception.

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

5. **S-1148, Petition of Nancy Wallace and Dr. Clifton Poodry** (Accessory Apartment). Letter to the Board from John and Susan Burger, requesting a transfer of this special exception.

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

6. **S-1545, Petition of Cecilia L. Ebrahimi** (Commercial Riding Stable). Memorandum to the Board from Barbara Cox, Inspector, Department of Permitting Services, requesting that the Board hold a show cause hearing to confirm the abandonment of this special exception.

Action: Schedule show cause hearing (JHP/KF, 5-0).

7. **S-2045, Petition of Montgomery Hospice Society, Inc.** (Care Facility). Letter to the Board from Stuart R. Barr, Esquire, on behalf of the special exception holder seeking an administrative modification and parking waiver. [Large Exhibits: Special Exception Plan, Parking Facility Plan].

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

8. **S-2324, Petition of Rafiq and Jagwati Inayat** (Group Home). Letter to the Board from Leah Berhane, requesting a transfer of this special exception.

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

9. **S-2509, Petition of Garden of Remembrance Memorial Park, Inc.** (Funeral Parlor). Memorandum to the Board from Barbara Cox, Inspector, Department of Permitting Services, seeking revocation of this special exception for failure to implement.

Action: Revoked this special exception as it was never implemented, (BG/SBB, 5-0).

10. **S-2610, S-2611, Petition of PetSmart Inc.** (Animal Boarding Place and a Veterinary Hospital). Memorandum to the Board from Barbara Cox, Inspector, Department of Permitting Services, seeking revocation of these special exceptions because the uses are allowed as and meet the standards for limited uses in the zone. Also included is consent to the revocations from Diana Rinck, Senior Development Manager of PetSmart.

Action: Revoked this special exception as the use is now permitted in the zone, (KF/SBB, 5-0).

11. **S-2668, Petition of Taiwan Culture Center, Inc.** (Service Organization). Letter to the Board from Tai L. Huang, President, TCC, stating that the Center will hold its Autumn Open House on September 28, 2019, between 10 am to 6 pm.

Action: Re-opened the record to receive Dr. Huang's letter with attachment, (SBB/KF, 5-0).

12. **CU 19-4, A-6575, Petition of FM Group Inc. d/b/a Francisco Landscaping** (Landscape Contractor & Variance). Report and Decision issued July 18, 2019, by the Office of Zoning and Administrative Hearings, denying the conditional use application and recommending denial of the related variance application. Also included is a request for oral argument regarding the conditional use and for deferral of a decision on the variance application pending Board action on the conditional use from Sean Hughes, Esquire, and Jody Kline, Esquire, on behalf of the Petitioner. Also included are letters of opposition to the request for oral argument and requests to participate in oral argument if it is granted from Patricia Thomas (2), Judy Mauldin (2), Mary Hemingway (2), and Quentin Remein (1).

Action: Denied the request for oral argument and denied the conditional use and related variance for the reason set forth in the Hearing Examiner's July 18, 2019, Report and Decision on Conditional Use and Report and Recommendation on Variance, [JHP/KF, 4-1(BG-approved)].

**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].

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