

**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/index.html>

**WORKSESSION MINUTES**

**Second Floor Davidson Memorial Hearing Room**

**Wednesday, May 22, 2013**

**ACTION ITEMS:**

1. Minutes, May 8, 2013 Worksession.

Action: Approved, (CJS/JHP, 4-0).

2. Minutes, May 8, 2013 Worksession Addendum.

Action: Approved, (SBB/JHP, 4-0).

3. Minutes, May 15, 2013 Worksession.

Action: Approved, (JHP/CJS, 3-0).

4. **A-6361, Petition of Pamela Curran, David and Joni McGuinness, and Andrew Zettler** (Administrative Appeal). Circuit Court Memorandum Opinion and Order to the Judicial Review of Matthew J. Waksmunski's petition.

Action: Reopened the record to include Circuit Court Memorandum Opinion and Order to the Judicial Review of Mr. Waksmunski's petition.

5. **CBA-2077 and CBA-2077-A, Petition of Aircraft Drive 19911 LLC** (Construction and Operation of the Automobile Filling Station). Letters to the Board from Stuart Barr, Esquire, and from PMG Mid Atlantic, LLC, requesting the revocation of the special exception

Action: Revoked special exception as abandoned, (CJS/SBB, 4-0).

6. **S-1232, Petition of Franklin Montessori School, Inc. and Franklin Country Day, Inc.** (Private Educational Institution). Letter to the Board from Susan Gaus and Lynn Oboler, requesting an administrative modification.

Action: Item deferred, (consensus).

7. **S-1492, Petition of Karen Czapanskiy.** (Accessory Apartment). Memorandum from Ivan Eloisa, Inspector, Department Housing and Community Affairs (DHCA), notifying the Board that the special exception has been abandoned, and requesting that it be revoked. Also included is a confirmation from the property owner. .

Action: Revoked special exception as abandoned, (CJS/SBB, 4-0).

8. **S-2250, Petition of O.G. Limited Partnership** (Private Educational Institution with Accessory Child Care Services including before and after school care). Letter to the Board from Lynn Oboler requesting an administrative modification.

Action: Item deferred, (consensus).

9. **S-2641, Petition of Rock Creek Kay-Cee Club, Inc. and Rock Creek Council.** (Eleemosynary or Philanthropic Institution, or Private Club, or both). Letter to the Board from Harold Bernadzikowski/Verizon Zoning Manager and Burt Murray, President, Rock Creek Kay-Cee Club, Inc. requesting an administrative modification for installation of an equipment shelter.

Action: Granted the administrative modification, (CJS/JHP, 4-0).

10. **S-2732, Petition of TM. Wajeed Khan, M.D.** (a nonresident professional office). Letter to the Board from Dr. Khan requesting an extension of time to implement.

Action: Granted extension of time, (CJS/SBB, 4-0).

11. **S-2819, Petition of Olney Assisted Living Partners, LLC** (Assisted Living Facility). Letter to the Board from Erin Girard, Esquire, submitting plans in compliance with Conditions 5 and 12 of the Board's Opinion dated January 11, 2012. [Large exhibits: certified preliminary plan, landscape plan and approved final forest conservation plan].

Action: Reopened the record to include Ms. Girard's letter with exhibits, (JHP/SBB, 4-0).

#### **DECISION ITEM:**

12. **S-2857, Petition of Layhill Learning Center Monika Mahabare, Petitioner, Child Day Care Center** (Child Day Care Facility). Hearing Examiner's Report and Recommendation. Also included is a letter to the Board from Rebecca Walker, Esquire, requesting oral argument.

Action: (a) Request for oral argument withdrawn; (b) Adopted the Hearing Examiner's Report and Recommendation; (c) granted the special exception with conditions, (SBB/JHP, 4-0).

**PENDING ITEMS:**

13. **S-763 [S-763-A], Petition of Silver Spring Temple and Library Association** (Service Organization). Letter to the Board from Sean Hughes, Esquire, requesting an administrative modification. [Large exhibits: title sheet, site survey, roof and equipment location plan, building elevations, equipment details). Deferred administrative modification request until a special exception application has been approved for the telecommunications facility. [W/S 3/10/2010].
14. **S-2145, Petition of Southwestern Bell Mobile Systems, Inc.** (Telecommunications Facility). Letter to the Board from Karmen Rajamani, Zoning Manager, requesting a transfer of the special exception. Item deferred for confirmation of the transfer from Southwestern Bell Mobil Systems, Inc. [W/S 4/30/2008].
15. **S-2759, Petition of Darnestown Development, LLC t/a Goddard School** (Child Day Care Facility). Letter to the Board from Stephen Kaufman, Esquire and Debra Borden, Esquire, requesting a transfer of the special exception and an administrative modification. [Large exhibits: cover sheet, special exception site plan, special exception landscape plan/2 sheets, preliminary subdivision plan]. (1) Granted the transfer of the special exception; (2) deferred the administrative modification request until M-NCPPC's approval of the pending request for revisions to the preliminary plan. [W/S 9/14/2011]. (1) Re-opened the record to include Ms. Martin's letter; (2) Ms. Martin's request will be deferred until the administrative modification request is taken up by BOA. [W/S 12/7/2011].
16. **S-2092, Petition of Brooke Grove Foundation, Inc.** (Life Care Facility). Letter to the Board from Susan Carter, Esquire, requesting an administrative modification. Item deferred by consensus. [W/S 5/8/13].

**Board Members**

Catherine G. Titus, Chair (Absent)  
David K. Perdue, Vice Chair  
Carolyn J. Shawaker  
Stanley B. Boyd  
John H. Pentecost

**Staff**

Barbara Jay, Associate County Attorney  
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