

**BOARD OF APPEALS  
for  
MONTGOMERY COUNTY**

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

**WORKSESSION ADDENDUM MINUTES**

**Second Floor Davidson Memorial Hearing Room**

**Wednesday, May 29, 2002, 11:00 A.M.**

**ACTION CALENDAR:**

1. **A-5735, Appeal of David Efron** (Department of Permitting Services - Building Permit No. 257942). Letter to the Board from the appellant withdrawing the administrative appeal and requesting a refund of the filing fee.

Action: (1) Dismissed the appeal as withdrawn; (2) granted 100% (\$158.00) refund of the filing fee in accordance with the Board's Rules of Procedure, (LLM/AIF, 5-0).

2. **A-5749, Appeal of Barbara Siegel** (Department of Permitting Services – Building Permit No. 262232). Letter to the Board from the appellant requesting to amend the initial appeal petition and assistance with questions to the Department of Permitting Services (DPS).

Action: (1) Board granted request for discovery as to DPS by 6/14/02; (2) denied appellant's request as to Mr. Pollak, (AIF/AMC, 5-0).

3. **CBA-1201-A, Petition of Good Hope Garden, Inc.** (retail horticultural nursery). Letter from Bill Barron, Eastern County Team, M-NCPPC, and Candy Bunnag, County-wide Planning Division, M-NCPPC, requesting that the Board to defer and reschedule the special exception modification hearing.

Action: (1) Granted continuance request; (2) record to be referred to the Office of the Hearing Examiner, (LLM/AMC, 5-0).

**DECISION ITEM:**

4. **S-180-B, Petition of George Meany Center for Labor Studies** (private educational institution). Hearing Examiner's Report and Recommendation.

Action: Item deferred until 6/5/02.

**Board Members**

Donald H. Spence, Jr., Chairman  
Donna L. Barron, Vice Chairman  
Louise L. Mayer  
Angelo M. Caputo  
Allison Ishihara Fultz

**Staff**

Sherry Glazer, Assistant County Attorney  
Katherine Freeman, Executive Secretary to the Board  
Hermene Jones, Administrative Specialist

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**Wednesday, May 29, 2002, 11:00 A.M.**

**ACTION CALENDAR:**

1. **Minutes**, May 15 and May 22, 2002 Worksession.  
  
Action: Approved, (LLM/DLB, 5-0).
  
2. **Order Extending Time for the Board's Written Opinion** for 30-days is required in the following cases:
  - (a) **A-5738, Petition of Donna Yesner** (a one-story addition). Hearing held 4/17/02.
  - (b) **A-5740, Petition of Collin Cullen and Brenda Cullen** (a covered porch). Hearing held 4/17/02.
  - (c) **A-5741, Petition of Mark and Deanne Giarraputo** (a second story addition and a covered porch). Hearing held 4/17/02.  
Action: Granted Order Extending Time, (AIF/AMC, 5-0).
  
3. **A-5743, Petition of John M. Ratino** (a carport and a one-story addition). Letter to the Board from the petitioner withdrawing the variance request.  
  
Action: Dismissed the petition as withdrawn, (AMC/DLB, 5-0).
  
4. **A-5761, Appeal of Carol Lynn Green** (Building Permit No. 269736 – Department of Permitting Services). A Request for Discovery from the appellant appeals. Also included is a letter to the Board regarding the Request for Discovery from Susan W. Carter, Esquire.  
  
Action: (1) Grant request for Discovery re: DPS by 6/14/02; (2) Denied request re: Mr. Pollak; (3) granted the appellants' request to amend the appeal, AIF/AMC, 5-0).
  
5. **CBA-560, [CBA-560-A, CBA-2418, CBA-2417], Petition of National 4-H Foundation of America, Inc.** (private educational institution). Letter to the Board from Dennis Wood, Mayor, Town of Chevy Chase, and Donald T. Floyd, Jr., President/CEO, National 4-H Council, requesting an administrative modification. (Large exhibits: elevations and floor plans).  
  
Action: Granted administrative modification request, (AMC/DLB, 5-0).

6. **CBA-1251-A [CBA-1251, CBA-2495], Petition of United Church of Christ Home, Inc.** (care home). Receipt of a Draft Resolution to Grant Administrative Modification and Extend the Time to Implement from Steven A. Robins, Esquire.

Action: (1) Granted administrative modification subject to the date of the approval of the text amendment; (2) petitioner's original filing fee to be applied to cover administrative modification fees; (3) draft resolution adopted as amended, (AMC/AIF, 5-0).

7. **CBA-1389-D, Petition of St. Andrews Episcopal School, Inc.** (private educational institution). Letter from Robert G. Brewer, Jr., Esquire, with the additional information requested by the Board.

Action: (1) Re-opened the record to include Mr. Brewer's letter; granted continuance request, (LLM/AIF, 5-0).

8. **CBA-1961, Petition of The Chesapeake and Potomac Telephone Company** (public utility structures, public utility buildings and telecommunications facilities). Memorandum to the Board from Stanley N. Garber, Zoning Investigator, Department of Permitting Services (DPS), requesting a Show Cause Hearing.

Action: Schedule Show Cause Hearing, (DLB/LLM, 5-0).

9. **CBA-2117-A, Petition of Francis J. Collins Funeral Home, Inc.** (funeral parlors or undertaking establishments). Letter to the Board from John J. Delaney, Esquire, with a revised lighting plan (materials will be received on 5/28/02).

Action: (1) Re-opened record to include Mr. Delaney's letter, (2) revised lighting plan will replace Exhibit No. 36(c) in the administrative record; (3) granted administrative modification request, (DLB/LLM, 5-0).

10. **CBA-2164, Petition of Olivier E. Ragonnet and A. Phillip Brodsky** (off-street parking). Letter to the Board from Christopher R. Weir, General Partner, requesting a transfer of the special exception and an administrative modification. (Large exhibits: photographs and survey).

Action: (1) Board requested additional ownership information; (2) item deferred for receipt of additional information, (AIF/AMC, 5-0).

11. **CBA-2724-C, Petition of Norbeck Country Club** (golf course and country club). Letter to the Board from David D. Freishtat, Esquire, requesting an extension of time to implement.

Action: Granted extension of time to implement, (AMC/AIF, 5-0).

12. **CBA-2830-A, Petition of Graciano P. Gancayo** (non-resident medical practitioner). Letter from Helen Lynn Primo, Esquire, requesting a continuance.

Action: Granted continuance request, (AIF/LLM, 5-0).

13. **S-382-D, Petition of BP Amoco Corporation** (automobile filling station). Letter from Jody S. Kline, Esquire, with the additional information requested by the Board. Also included are a Memorandum in Support of Ahmad Iftikhar's Opposition to Petition from Harry C. Storm, Esquire, and Cathy G. Borten, Esquire, and a memorandum from Stanley N. Garber, Investigator, DPS.

Action: (1) Re-opened the record to include letters from Mr. Kline, Mr. Storm, Ms. Borten and Mr. Garber; (2) Board to schedule an additional hearing on special exception modification request, (LLM/DLB, 5-0).

14. **S-610-B, Petition of McDonald Corporation** (drive-in restaurant). Letter to the Board from Erica A. Leatham, Esquire, requesting an administrative modification. (Large exhibits: elevations).

Action: (1) Denied administrative modification request; (2) Board to schedule a public hearing for review of the special exception, (LLM/AIF, 5-0).

15. **S-689, Petition of Kenwood Golf and Country Club** (golf and country club). Inspection report to the Board from Edward J. Calloway, Investigator, DPS.

Action: Re-opened record to include report from Mr. Calloway, (AIF/AMC, 5-0).

16. **S-1292 Petition of William, Catherine and Vanessa Holden** (private educational institution and commercial riding stable). Letter to the Board from the petitioners requesting an administrative modification. (Large exhibits: partial site plans and photographs).

Action: (1) Item deferred; (2) Applicant to submit a revised site plan.

17. **S-2070, Petition of Johnson Enterprises** (wholesale/retail nursery and garden center). Letter to the Board from Kevin P. Fay, Esquire, requesting a minor modification.

Action: (1) Granted administrative modification request; (2) Staff to request clarification from applicant, (AIF/AMC, 5-0).

18. **S-2487, Petition of Orchard Development Corporation** (housing and related facilities for elderly and handicapped persons). Letter to the Board from Erica A. Leatham, Esquire, requesting an administrative modification.

Action: Granted administrative modification as amended, (DLB/LLM, 5-0).

19. **S-2495, Petition of Spring PCS/APC Realty and Equipment Company, LLC** (public utility buildings, public utility structures and telecommunications facilities). Letter to the Board from James R. Michal, Esquire, requesting a continuance.

Action: (1) Granted continuance; (2) record to be referred to the Office of the Hearing Examiner, (DLB/LLM, 5-0).

**DECISION ITEM:**

20. **S-2471, Petition of Kids N Care Learning Center, LLC** (child day care center). Hearing Examiner's Report and Recommendation.

Action: Request withdrawn.

**PENDING ITEMS:**

21. **CBA-1251-A [CBA-1251, CBA-2495], Petition of United Church of Christ Home, Inc.** Letter to the Board from Steven A. Robins, requesting an administrative modification. Mr. Robins requests that if a modification is not required, that the filing fee be refunded and that the portion of the already approved modification be maintained as part of the approval. (Large exhibits: zoning vicinity map, first floor plans, elevations, subdivision plat and site plan). Item deferred until the Zoning Text Amendment (ZTA) is effective. Mr. Robbins to draft the Resolution.
22. **CBA-1577, Petition of Stanley J. Nadonley, Trustee** (golf course and country club). Letter to the Board from Dino C. La Fiandra, Esquire, requesting an extension of time for the submission of the special exception modification request. Deferred item until 7/24/02 worksession.
23. **CBA-1692 [S-719, S-720, S-721], Petition of Karl W. Corby, Jr., et al** (medical practitioner's office). Letter to the Board from Stanley N. Garber, Zoning Investigator, DPS, notifying the Board of the special exceptions' outstanding Notices of Violation. Item deferred to a future worksession pending clarification from DPS.
24. **CBA-2117-A, Francis J. Collins Funeral Home, Inc.** (funeral parlors or undertaking establishments). Letter to the Board from John J. Delaney, Esquire, with a revised lighting plan. Board requests details regarding the lighting levels from Mr. Delaney.
25. **CBA-2640, Petition of The National Capital Area Council – Boy Scouts of America** (eleemosynary and philanthropic institution). Letter to the Board from Patricia A. Harris, Esquire, requesting an administrative modification. Board requested a review and recommendation from M-NCPPC.
26. **CBA-2986, Petition of Leafy House, Inc.** (housing for the elderly). Letter to the Board from Chris A. Fremuth, R.L.A., requesting an administrative modification. (Large exhibit: site, landscape and lighting plan). Item deferred for review of the landscape/lighting plan and the parking plan by M-NCPPC.
27. **S-569, [CBA-3051, S-95], Petition of C. O. and M. E. Bland** (horticultural nursery). Letter of complaint to the Board from David C. Gardner, Esquire, regarding the special exception use. Board requests DPS inspection of the special exception property.
28. **S-1547, Petition of Precision Tune** (automobile tune-up and service shop). Letter to the Board from Sa Kwon, owner, requesting a transfer of the special exception. Board granted the transfer of the special exception and requested DPS to inspect the special exception for compliance with landscape and lighting plan.
29. **S-1716, Petition of Sports Fun, Inc.** (commercial recreational or entertainment establishment). Letter to the Board from David and Nancy Ris, current property owners, notifying the Board that the special exception has been abandoned and requesting that the special exception be revoked. Item deferred. Board to request DPS correction of special exception address.
30. **S-1751, Petition of Hanna D. Saah** (boardinghouse). Memorandum to the Board from Stanley N. Garber, Zoning Investigator, DPS, regarding the inspection of the special exception. Letter will be sent to the petitioner to determine what future action he proposes for the special exception property.

**PENDING ITEMS (continued):**

31. **S-1944-B [S-1944], Petition of Four Streams Limited Partnership** (golf course in the RDT zone). Letter to the Board dated 5/15/02, from C. Robert Dalrymple, Esquire, with an update of the timetable for the proposed text amendment.
32. **S-2093, Petition of Bell Atlantic Mobile Systems, Inc.** (public utility structure). Letter to the Board from Sue Swett, Real Estate Department, Pinnacle Towers Inc., requesting a transfer of the special exception. Board requests additional information.
33. **S-2171, Petition of Maurice H. Berk** (non-resident professional office). Letter of clarification and confirmation to the Board from William Kominers, Esquire, regarding the activities occurring at the special exception property. Item deferred for DPS inspection of the special exception property.
34. **S-2435, Petition of Saiful and Jannatul B. Islam** (accessory apartment). Order from the Circuit Court reversing the Board's Opinion. Board requested DHCA inspection of the special exception and the item will return to a future worksession to determine if a public hearing is required.

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