

**BOARD OF APPEALS
for
MONTGOMERY COUNTY**

**Stella B. Werner Council Office Building
100 Maryland Avenue
Rockville, Maryland 20850
(240) 777-6600
(www.mcgov.org/council/board/html)**

WORKSESSION MINUTES

Second Floor Davidson Memorial Hearing Room

Wednesday, July 24, 2002, 9:00 A.M.

ACTION CALENDAR:

1. **Order Extending Time for the Board's Written Opinion** for 30-days is required in the following cases:

- (a) **A-5773, Petition of Douglas R. McAdoo** (garage addition). Hearing held 6/19/02.
- (b) **A-5774, Petition of Patricia H. Buhl** (accessory structure/garage). Hearing held 6/19/02.
- (c) **S-2511, Petition of Douglas A. Harbit and Robert F. Patenaude** (bed and breakfast). Hearing held 6/11/02.

Action: Granted Order Extending Time, (LLM/AIF, 5-0).

2. **A-5755, Petition of Richard J. Deigan** (two-story addition). Letter from the petitioner requesting reconsideration.

Action: Denied reconsideration, (AMC/LLM, 5-0).

3. **A-5787, Appeal of Steven Grayson** (Department of Permitting Services (DPS) – Issuance of Building Permit No. 265089). and **A-5794, Appeal of Carlos Horcasitas** (Department of Permitting Services (DPS) – Stop Work Order for Building Permit No. 265089). Letter to the Board from Stanley D. Abrams, Esquire, requesting to intervene in Case No. A-5787 and notice of a future request to consolidate the administrative appeals. Also included in a letter from Norman G. Knopf, Esquire, requesting to intervene in Case No. A-5794 and opposition to the request to consolidate the administrative appeals.

Action: (1) Granted Mr. Abrams' request to intervene; (2) granted Mr. Knopf's request to intervene; (3) granted request to consolidate the appeal hearings, (AMC/IAIF 5-0).

4. **CBA-1174-C, Petition of Holton-Arms School, Inc.** (private educational institution). Letter to the Board from Jody S. Kline, Esquire, requesting an administrative modification.

Action: Item deferred until 7/31/01 worksession.

5. **CBA-2212 [CBA-2212-A], Petition of Flower Valley Bath & Racquet Club, Inc.** (community swimming pool). Memorandum to the Board from Stanley N. Garber, Investigator, DPS, requesting a Show Cause Hearing. Also included is a letter from William J. Sault, an adjoining neighbor.

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

6. **CBA-2876-A, Petition of Great Hope Homes 2001, L.P.** (community redevelopment area). Letter to the Board from William J. Chen, Jr., requesting an administrative modification. (Large exhibits: site plans and planting plans).

Action: Denied administrative modification, (AMC/LLM, 4-1/AIF).

7. **S-342, Petition of Montgomery Square Swim Club** (community swimming pool). Memorandum to the Board from Stanley N. Garber, Investigator, DPS, requesting a Show Cause Hearing. Also included are letters from Robert T. Consroe, President, Montgomery Square-Copenhaver Swim Club.

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

8. **S-687 [CBA-1344], Petition of Bullis School, Inc.** (private educational institution). Letter to the Board Jody S. Kline, Esquire, requesting an administrative modification.

Action: Grant administrative modification, (LLM/AMC, 5-0).

9. **S-703 [S-703-A], Petition of McDonald's Corporation** (drive-in restaurant). Memorandum to the Board from Stanley N. Garber, Investigator, DPS, requesting a Show Cause Hearing. Also included is a letter from Joseph Montoya.

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

10. **S-874, Petition of Pete J., Nicholas, James and Athena Strates** (horticultural nursery and commercial greenhouse). Inspection report from Stanley N. Garber, Investigator, DPS.

Action: Re-opened record to include Mr. Garber's report, (DLB/LLM, 5-0).

11. **S-1363, Petition of S & P Partnership** (non-resident professional offices). Letter to the Board from Suzanne M. Snedegar, Esquire, requesting an administrative modification.

Action: Item deferred for additional information from the applicant, consensus.

12. **S-1620, Petition of G & G Airpark Associates** (general office building). Memorandum to the Board from Stanley N. Garber, Investigator, DPS, requesting a Show Cause Hearing.

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

13. **S-1734, Petition of Subhash and Veena Boveja** (accessory apartment). Letter to the Board from Cindy S. and Robert W. Quinn, requesting a public hearing.

Action: Supplemental information to be requested from Mr. and Ms. Quinn, consensus.

14. **S-1748, Petition of James A. Ford** (private riding stable). Inspection report from Stanley N. Garber, Investigator, DPS.

Action: (1) Item deferred; (2) additional information to be requested from DPS, consensus.

15. **S-1828, Petition of Exxon Company, USA and Cracked Claw Limited Partnership** (automobile filling station). Memorandum to the Board from Stanley N. Garber, Investigator, DPS, requesting a Show Cause Hearing.

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

16. **S-2107, Petition of Exxon Corporation** (automobile filling station). Memorandum to the Board from Stanley N. Garber, Investigator, DPS, requesting a Show Cause Hearing.

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

17. **S-2187, Petition of Olney Golf Learning Center, LLC and Westland Golf, Inc.** (golf driving range). Memorandum to the Board from Stanley N. Garber, Investigator, DPS, requesting a Show Cause Hearing.

Action: Schedule Show Cause Hearing, (AMC/AIF, 5-0).

18. **S-2235, Petition of Elderhome, Inc.** (care home). Letter to the Board from Stanley D. Abrams, Esquire, requesting an extension of time to implement.

Action: Granted extension to implement for 12 months, (LLM/DLB, 5-0).

19. **S-2258, Petition of Sandra S. Lukens** (accessory apartment). Letter to the Board from the current homeowner, Graciela Gutierrez, requesting a transfer of the special exception.

Action: Granted request to transfer the special exception, (AIF/AMC, 5-0).

20. **S-2266, Petition of Kevin P. Clair** (landscape contractor). Memorandum to the Board from Stanley N. Garber, Investigator, DPS, requesting a Show Cause Hearing.

Action: Schedule Show Cause Hearing, (AMC/AIF, 5-0).

21. **S-2437, Petition of Elgin C. and Madeleine M. Cowart** (accessory apartment). Letter to the Board from the petitioners requesting reconsideration.

Action: Denied request for reconsideration, (LLM/DLB, 5-0).

22. **S-2466, Petition of IDK Properties, LLC** (automobile filling station). Letter to the Board from Jody S. Kline, Esquire, requesting an administrative modification. (Large exhibits: elevations and site plan).

Action: (1) Denied administrative modification; (2) applicant has the option of applying for a public hearing, (AMC/LLM, 5-0).

23. **S-2477, Petition of American Tower Corporation and AT&T Wireless Services** (public utility buildings, public utility structures and telecommunications facilities). Letter to the Board from John R. D. Copley, requesting a continuance. Also included is a letter from Edward L. Donohue, Esquire, in opposition to the continuance request.

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

24. **S-2478, Petition of American Tower Corporation and AT&T Wireless Services** (public utility buildings, public utility structures and telecommunications facilities). Letter to the Board from Edward L. Donohue, Esquire, withdrawing the special exception and requesting a refund of the filing fee.

Action: (1) Dismissed special exception as withdrawn; (2) granted 50% (\$3,500.00) refund of the filing fee, (AIF/DLB, 5-0).

DECISION ITEM:

25. **S-2488, Petition of Winston Alexander** (major home occupation). Hearing Examiner's Report and Recommendation.

Action: Approved Hearing Examiner's Report and Recommendation, (DLB/LLM, 5-0).

PENDING ITEMS:

26. **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.

27. **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.

28. **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.

29. **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.

30. **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.

31. **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.

32. **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.

PENDING ITEMS (continued):

33. **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.

34. **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.

35. **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.

36. **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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