

**BOARD OF APPEALS
for
MONTGOMERY COUNTY**

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

WORKSESSION ADDENDUM MINUTES

Second Floor Davidson Memorial Hearing Room

Wednesday, October 30, 2002, 9:00 A.M.

ACTION CALENDAR:

1. **A-5790, Appeal of Edna Larson** (Department of Permitting Services (DPS) – Violation Letter dated June 11, 2002). Letter to the Board from the appellant withdrawing the appeal.

Action: Dismissed appeal as withdrawn, (LLM/AMC, 5-0).

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
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WORKSESSION MINUTES

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Wednesday, October 30, 2002, 9:00 A.M.

ACTION CALENDAR:

1. **Minutes**, October 16 and 23, 2002 Worksessions.

Action: Approved, (AIF/LLM, 4-0).

2. **A-5604, Appeal of Battery Park Citizens Association** (Department of Permitting Services (DPS) – Letter dated February 26, 2001). Letter to the Board from Norman G. Knopf, Esquire, requesting reconsideration.

Action: Denied reconsideration, (AMC/LLM, 4-0).

3. **A-5784, Petition of Dung A. Phan** (single-family dwelling). Letter to the Board from the petitioner requesting reconsideration.

Action: (1) Re-opened the record to include Mr. Phan's letter; (2) request not within the Board's jurisdiction, no action required by the Board, consensus.

4. **A-5803, Appeal of Westwood Mews Homeowners Association, Westbard Mews Condominium Association, Citizens Coordinating Committee of Friendship Heights, Inc., Joint Committee on the Westbard Plan, and Springfield Civic Association** (Department of Permitting Services – Use and Occupancy Certificate No. 212655). Letter to the Board from Martin J. Hutt, Esquire, requesting to intervene.

Action: Granted request to intervene, (LLM/AIF, 4-0).

5. **CBA-2402-A [CBA-2402], Petition of Exxon Corporation** (automobile filling station). Letter to the Board from C. Robert Dalrymple, Esquire, and Erin E. Girard, Esquire, requesting an administrative modification. (Large exhibit: site plan).

Action: Item deferred.

6. **CBA-2830-A, Petition of Graciano P. Gancayo** (non-resident medical practitioner). Letter to the Board from Helen Lynn Primo, Esquire, submitting a revised Statement in Support of Application and requesting that the public hearing be re-scheduled. Also included is a letter from Alec Lichtman, President, Grand Bel Manor Condominium.

Action: (1) Granted continuance request; (2) hearing to be scheduled for the next available date by the Office of the Hearing Examiner, consensus.

7. **S-205, Petition of Robert L. Suskie and Fern T. Taylor** (riding stable). Letter to the Board from Stanley N. Garber, Investigator, DPS, notifying the Board that the special exception has been abandoned and requesting that it be revoked. Also included is a letter from Sami E. Totah, President, The Oxbridge Group, confirming the abandonment.

Action: Revoked special exception as abandoned, (LLM/AMC, 4-0).

8. **S-322, Petition of Landcon Associates** (retail sales and consumer services). Letter to the Board from George Rigopoulos requesting a transfer and an administrative modification.

Action: Item deferred.

9. **S-689-B, Petition of Kenwood Golf and Country Club** (golf and country club). Letter to the Board from Martin J. Hutt, Esquire, requesting a 12-month extension of time.

Action: Granted 12-month extension of time, DLB/LLM, 5-0).

10. **S-763 [S-763-A], Petition of Silver Spring Temple and Library Association, Inc.** (service organization). Letter to the Board from C. Robert Dalrymple, Esquire, and Yum Yu Cheng, Esquire, requesting an administrative modification.

Action: Denied administrative modification, item to be refused to Hearing examiner for public hearing, (DLB/LLM, 5-0).

11. **S-849, Petition of D. H. Associates** (automobile filling station). Letter to the Board from Bill Landfair, Zoning Analyst, MNCPPC, submitting an approved landscape and lighting plan. (Large exhibit: approved landscape and lighting plan).

Action: Re-opened the record to include the approved landscape and lighting plan, (AIF/AMC, 5-0).

12. **S-931, Petition of Shirley D. Martin** (accessory apartment). Letter to the Board from Robert Dejter, Housing Code Field Supervisor, Department of 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 letter from Rudy Alvarez, current property owner, requesting that the special exception be revoked.

Action: Revoked special exception as abandoned, (LLM/DLB, 5-0).

13. **S-1268, Petition of Dr. Wilma E. Phillips** (accessory apartment). Letter to the Board from Wright A. Jolly, Jr., Housing Code Inspector, DHCA, notifying the Board that the special exception has been abandoned and requesting that it be revoked. Also included is a letter from Ann Reifman, current property owner, requesting that the special exception be revoked.

Action: Revoked special exception as abandoned, (AIF/DLB, 5-0).

14. **S-1299, Petition of Vincent A. Simmel** (antique shop). Letter to the Board from Susan and Peter Kopperman requesting a transfer of the special exception.

Action: Granted transfer of the special exception, (LLM/AMC, 5-0).

15. **S-1561-B, Petition of Richard A. Heald, D.D.S.** (non-resident medical practitioner). Letter of complaint to the Board from David Foster.

Action: Board to request DPS inspection of the special exception, (AMC/AIF, 5-0).

16. **S-1702, Petition of Octavio Valderrama** (home occupation). Letter to the Board from Stanley N. Garber, Investigator, DPS, notifying the Board that the special exception has been abandoned and requesting that it be revoked. Also included is a letter from Aneta Georgievska-Shine, current property owner, confirming that the special exception has been abandoned.

Action: Revoked as abandoned, (AMC/DLB, 5-0).

17. **S-1745, Petition of David M. Henry** (home occupation). Letter to the Board from Stanley N. Garber, Investigator, DPS, notifying the Board that the special exception has been abandoned and requesting that it be revoked.

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

18. **S-1963 [S-193-A], Petition of Norman's Farm Markets, Inc.** (country market). Letter to the Board from Stanley N. Garber, Investigator, DPS, requesting a Show Cause Hearing.

Action: (a) Schedule Show Cause Hearing; (2) Show Cause Hearing will be heard by the Board, (DLD/LLM, 5-0).

19. **S-2015, Petition of Thomas D. Flanagan** (accessory apartment). Letter to the Board from Robert Dejter, Housing Code Field Supervisor, DHCA, notifying the Board that the special exception has been abandoned and requesting that it be revoked. Also included is letter from the petitioner requesting the special exception be revoked.

Action: Revoked special exception as abandoned, (AMC/AIF, 5-0).

20. **S-2161, Petition of Caroline S. Hadley** (accessory apartment). Letter to the Board from Laura S. Welch, requesting a transfer of the special exception.

Action: Granted transfer of the special exception, (LLM/AMC, 5-0).

21. **S-2171, Petition of Maurice H. Berk** (non-resident professional office). Letter to the Board from Erica A. Leatham, Esquire, submitting an As-Built Landscape Plan. (Large exhibit: As-built landscape plan).

Action: Re-opened the record to include As-Built Landscape Plan; (2) As-Built Landscape Plan adopted as special exception site plan, (AIF/AMC, 5-0).

22. **S-2330, Petition of Surinder R. Joshi** (accessory apartment). Letter to the Board from Robert Dejter, Housing Code Field Supervisor, DHCA, notifying the Board that the special exception was never implemented and requesting that it be revoked.

Action: Revoked special exception as abandoned, (LLM/AMC, 5-0).

23. **S-2337, Petition of Hayes Manor/Columbia Foundation** (private club). Letter to the Board from Jody S. Kline, Esquire, notifying the Board that the special exception holder does not plan to implement the special exception.

Action: Dismissed special exception as never implemented, (DLB/LLM, 5-0).

24. **S-2440, Petition of Charles and Joan Clement** (accessory apartment). Letter to the Board from Robert Dejter, Housing Code Field Supervisor, DHCA, notifying the Board that the special exception has not been implemented and requesting that it be revoked.

Action: Dismissed special exception as never implemented, (AIF/AMC, 5-0).

25. **S-2486, Petition of Green Acres, LLC** (riding stable). Letter to the Board from Stephen J. Orens, Esquire, requesting a refund of the filing fee.

Action: Refunded 100% (\$2,100.00) of the filing fee in accordance with the Board's Rules of Procedure, (DHS/AMC, 5-0).

26. **S-2520, Petition of Ceyhan and Erdogan Kotan** (accessory apartment). Letter to the Board from the petitioner withdrawing the special exception.

Action: Dismissed the special exception as withdrawn, (DLB/LLM, 5-0).

27. **S-2525, Petition of Louis Tyler** (major home occupation). Letter to the Board from David C. Gardner, Esquire, withdrawing the special exception and requesting a refund of the filing fee.

Action: (1) Dismissed the special exception as withdrawn; (2) denied request for refund of the filing fee in accordance with the Board's Rules of Procedure, (DLB/LLM, 5-0).

28. **S-2539, Petition of Mohan Jayaraman** (group home). Letter to the Board from petitioner withdrawing the special exception and requesting a refund of the filing fee.

Action: (1) Dismissed special exception as withdrawn; (2) granted 50% (\$110.50) refund of the filing fee in accordance with the Board's Rules of Procedure, (AIF/LLM, 5-0).

INFORMATION ITEM:

29. **CBA-2563, Petition of Burn Brae Dinner Theatre and Burn Theatre Club** (private club). Letter to the Board from Scott C. Wallace, Esquire.

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

DECISION ITEMS:

30. **S-2522, Petition of Rodolfo Morales** (accessory apartment). Hearing held 10/2/02.

Action: Granted special exception with conditions, (AIF/LLM, 5-0).

31. Resolution to Refer Case Nos. CBA-1792-A, Petition of Verizon Maryland, Inc.; S-715-A, Petition of Dr. Wendy J. Walker and Dr. Sara-Ann T. Moran; S-1400-B, Petition of Allentuck Landscaping, Inc., S-1734, Petition of Subhash and Venna Boveja; S-2519, Petition of Peggy Sue Zabriskie; S-2551, Petition of Daniel Albert, Jr.; S-2552, Petition of Marriott International; S-2553, Petition of Edward L. and Frances L. Garfinkle; S-2554, Petition of J. Kirby Development, LLC; and S-2555, Petition of Elsa M. Friedman.

Action: Referred the cases listed above to the Office of the Hearing Examiner, (AMC/LLM, 5-0).

PENDING ITEMS:

32. **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.

33. **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.

34. **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.

35. **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.

36. **S-1578, [S-1578-A], Petition of Paul Meyers and Judy L. Feinberg** (non-resident professional office). Letter to the Board from Stephen J. Orens, Esquire, requesting a transfer and an administrative modification. Item deferred for review by M-NCPPC Technical Staff.

37. **S-1590, Petition of Marriott Corporation** (hotel). Letter to the Board from Stanley N. Garber, Investigator, DPS, notifying the Board that the special exception has been abandoned and requesting that it be revoked. Item deferred to permit DPS to re-send the abandonment notice.

38. **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.

39. **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.

40. **S-1887, Petition of Old Georgetown Medical Building, LLC** (medical and dental clinic). Letter to the Board from Thomas D. Flanagan, architect for the project, requesting that the record be re-opened to include the approved revised landscape plans. Action: Item deferred to November Worksession for confirmation of notice to parties of record.

41. **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.

42. **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.

PENDING ITEMS (continued):

43. **S-2179, Petition of Lynn Walter Shaulis** (golf driving range). Letter to the Board from Mike Davis, President, MDGolf Pro, LLC, notify the Board that the special exception has been abandoned and requesting that it be revoked. Board to contact Mr. Davis regarding ownership.

44. **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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