

**BOARD OF APPEALS
for
MONTGOMERY COUNTY**

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

www.montgomerycountymd.gov/mc/council/board.html

SECOND WORKSESSION ADDENDUM MINUTES

Second Floor Davidson Memorial Hearing Room

Wednesday, March 19, 2003, 9:00 A.M.

ACTION CALENDAR:

1. **S-2544, Petition of Sprint PCS/APC Realty and Equipment Company, LLC and Dal S. and Myeong S. Hong** (public utility buildings, public utility structures and telecommunications facilities). Motion for Discovery from William J. Chen, Jr., Esquire. Also included is a Response to the Motion for Discovery from Janet A. Brown, Esquire and staff comments from Kathleen A. Reilly, M-NCPPC.

Action: Items deferred until the public hearing scheduled for 3/26/03, consensus.

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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ACTION CALENDAR:

1. **A-5857, Appeal of Wesley Dick** (Department of Permitting Services (DPS) – Notice of Violation). Letter to the Board from A. Shane Kamkari, Esquire, withdrawing the administrative appeal.

Action: Dismissed appeal as withdrawn, (LLM/AMC, 5-0).

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WORKSESSION MINUTES

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ACTION CALENDAR:

1. **Minutes**, March 5, 2003 Worksession.

Action: Approved, (DLB/LLM, 5-0).

2. **A-5191, Petition of Alexandra Lansky and Robert MacDonald** (a covered porch). Request from staff to dismiss the variance.

Action: Dismissed the petition for failure to implement, (AMC/AIF, 5-0).

3. **A-5873, Appeal of Habib and Tahereh Safari Ahmadizadeh** (Department of Permitting Services (DPS) – Revocation of Building Permit No. 284827). Letter to the Board from Stephen J. Orens, Esquire and Kinley R. Dumas, Esquire, requesting an expedited hearing.

Action: Granted request to expedite the public hearing, (LLM/AIF, 5-0). Hearing scheduled for 5/21/03 @ 9:00 a.m.

4. **CBA-379, Petition of Oakview Recreation Corporation** (community swimming pool). Memorandum from Stanley N. Garber, Investigator, DPS, requesting a Show Cause Hearing.

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

5. **CBA-1174-C, Petition of Holton-Arms School** (private educational institution). Holton-Arms School Quarterly Report from Mary Jane Puckett, Acting Head of School.

Action: Re-opened the record to include Quarterly Report, (DLB/LLM, 5-0).

6. **CBA-2808 [CBA-2849, S-295], Petition of Clarence Gosnell and River Falls Community Center Association, Inc.** (community swimming). Memorandum from Stanley N. Garber, Investigator, DPS, requesting a Show Cause Hearing.

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

7. **S-403, Petition of Carol R. Freeman** (home occupation). Memorandum from Barbara J. Piczak, Inspector, DPS, notifying the Board that the special exception has been abandoned and requesting that it be revoked. Also included is a confirmation from John Kendall, current property owner.

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

8. **S-420-E, Petition of Holy Cross Hospital of Silver Spring, Inc.** (hospital). Progress Report from Cornelius P. McKelvey, Senior Vice President.

Action: Re-opened the record to include Progress Report, (AMC/AIF, 5-0).

9. **S-518, Petition of American Speech-Language-Hearing Association** (private educational institution and charitable and philanthropic institution). Letter from Jody S. Kline, Esquire, requesting an administrative modification.

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

10. **S-1288, Petition of Howard J. Lerner** (accessory apartment). Memorandum to the Board from Andrew Jakab, Housing Code Inspector, 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 letter from Lisa Blighton, current property owner, confirming the abandonment.

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

11. **S-1358, Petition of Diane Jacobson and Doris Leach** (child day care facility). Memorandum to the Board from Stanley N. Garber, Investigator, DPS, requesting a Show Cause Hearing.

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

12. **S-1415, Petition of Norman A. and Sherry L. Bell** (child day care facility). Memorandum from Barbara J. Piczak, Inspector, DPS, notifying the Board that the special exception has been abandoned and requesting that it be revoked.

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

13. **S-1569, Petition of Robert W. and L. Christine Stoddard** (home occupation). Memorandum from Stanley N. Garber, Investigator, DPS, requesting a Show Cause Hearing.

Action: Request for Show Cause Hearing withdrawn at the Worksession.

14. **S-1632 [S-2273, AT&T Wireless Services], Petition of River Road Development, Inc.** (private club). Memorandum to the Board from Stanley N. Garber, Investigator, DPS, requesting a Show Cause Hearing.

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

15. **S-1698, Petition of Barbara Walker** (accessory apartment). Memorandum from Robert Dejter, Housing Code Field Supervisor, DHCA, notifying the Board that the special exception has been abandoned and requesting that it be revoked.

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

16. **S-1954-A, Petition of Edward F. Mayne, Sr. and Josephine L. Mayne and Joseph Q. Hills** (golf course in the RDT zone). Letter submitting an updated landscape and lighting plan from Joseph Q. Hills. (Large exhibit: landscape and lighting plan).

Action: Deferred item until the issuance of the Board's opinion, consensus.

17. **S-2078 [CBA-2460, S-7, S-296], Petition of Michael V. Scott, D.V.M.** (veterinary hospital and animal boarding). Letter to the Board from Jody S. Kline, Esquire, requesting a transfer of the special exception.

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

18. **S-2416, Petition of BP Amoco Corporation** (automobile filling station). Letter to the Board from C. Robert Dalrymple, Esquire and Anne C. Martin, Esquire, requesting an administrative modification. (Large exhibits: site plan, landscape plan, elevations and lighting plan).

Action: Granted administrative modification, (AIF/LLM, 5-0).

19. **S-2544, Petition of Sprint PCS/APC Realty and Equipment Company, LLC and Dal S. and Myeong S. Hong** (public utility buildings, public utility structures and telecommunications facilities). Letter to the Board from James R. Michal, Esquire and Janet A. Brown, Esquire, amending the special exception petition.

Action: Item deferred until the public hearing scheduled for 3/26/03.

20. **S-2554, Petition of J. Kirby Development, LLC** (housing and related facilities for the elderly or handicapped). Letter from Scott C. Wallace, Esquire, with requested rental rates.

Action: Re-opened the record to include letter from Mr. Wallace's letter with attachment, (AIF/LLM, 4-0/DHS/recused).

DECISION ITEMS:

21. **S-2545, Petition of Franceis Xavier McGuigan** (accessory apartment). Hearing Examiner's Report and Recommendation.

Action: Amended and adopted the Hearing Examiner's Recommendation and granted the special exception with conditions, (AIF/DLB, 5-0).

22. **S-2548, Petition of Fredis Mendez Diaz and Noemi Mendez** (accessory apartment). Hearing Examiner's Report and Recommendation.

Action: Adopted Hearing Examiner's Report and Recommendation and granted the special exception with conditions, (LLM/AMC, 5-0).

23. **S-2552, Petition of Marriott International, Inc. (hotel).** Hearing Examiner's Report and Recommendation. Also included is a letter of clarification from William Kominers, Esquire.

Action: (1) Re-opened the record to include Mr. Kominers' letter; (2) Amended and adopted the Hearing Examiner's Report and Recommendation and granted the special exception with conditions, (AIF/LLM, 5-0).

PENDING ITEMS:

24. **CBA-802, Petition of Donald E. and Evelyn C. Golladay** (animal boarding), **CBA-1211, Petition of Donald E. Golladay** (animal boarding), **CBA-1496, Petition of Evelyn C. Golladay** (animal boarding and breeding kennel), **CBA-2447, Petition of Evelyn C. Golladay** (animal boarding), **CBA-2917, Petition of Evelyn C. Golladay** (animal boarding), **S-224, Petition of Evelyn C. Golladay** (animal boarding), **S-425, Petition Evelyn Golladay** (animal boarding). Letter to the Board from Stanley N. Garber, Investigator, requesting that the special exceptions have been abandoned and requesting that they be revoked. Item deferred for additional information from petitioner.
25. **CBA-2180 and S-254, Petition J. H. Burton and Sons, of Hyattsville, Inc.** (horticultural nursery and commercial greenhouse). Letter to the Board from Kevin P. Fay, Esquire, requesting the record to be re-opened to admit a June 11, 1999 site plan. Item deferred to allow Board time to review file.
26. **CBA-2196, Petition Chevron U.S.A.** (automobile filling station). Letter to the Board from C. Robert Dalrymple, Esquire, and Yum Yu Cheng, Esquire, requesting a transfer and an administrative modification. (Large exhibits: concept plan, survey and plot plan). Request referred to staff for comment.
27. **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.
28. **S-569, [CBA-3051, S95], 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.
29. **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.
30. **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.
31. **S-1743, Petition of Kentucky Fried Chicken** (drive-in restaurant). Memorandum to the Board from Stanley N. Garber, Investigator, DPS, requesting a Show Cause Hearing. Board requested M-NCPPC recommendation.
32. **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.
33. **S-1785, Petition of Mardirossian Family Enterprises** (automobile filling station). Memorandum to the Board from Stanley N. Garber, Investigator, DPS, requesting a Show Cause Hearing. Item deferred to provide notice to prior and current owners of the property.

PENDING ITEMS (continued):

34. **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.

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