

**BOARD OF APPEALS
for
MONTGOMERY COUNTY**

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

WORKSESSION MINUTES

Second Floor Davidson Memorial Hearing Room

Wednesday, June 25, 2003, 9:00 A.M.

ACTION CALENDAR:

1. **Minutes**, June 11, 2003 Worksession.
Action: Approved as amended, (DLB/AIF, 4-0).
2. **A-5885, Petition of Crawford Ellerbe** (one-story addition). Letter to the Board from the petitioner requesting reconsideration.
Action: Denied reconsideration, (AMC/AIF, 4-0).
3. **CBA-1174-C, Petition of Holton-Arms School, Inc.** (private educational institution). Letter to the Board from Mary Jane Puckett, Acting Head of School, with school's quarterly report.
Action: Re-opened the record to include the school's quarterly report, (DLB/AMC, 4-0).
4. **CBA-2134 [CBA-1838, CBA-1849], Petition of Forest Glen Medical Center, Inc.** (medical and dental clinic). Letter to the Board from Leila Ayoub, Property Manager, requesting an administrative modification.
Action: Granted administrative modification, (AIF/DLB, 4-0).
5. **CBA-2737, Petition of Daisy B. and Moses W. Jackson and Southern Management Corporation** (beauty shop within a multi-family structure). Memorandum to the Board 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 Claudia Umana, Assistant Property Manager.
Action: Revoked special exception as abandoned, (DLB/AMC, 4-0).
6. **CBA-2830-A, Petition of Graciano P. Gancayco** (medical practitioner's office). Letter to the Board from Martin Klauber, People's Counsel.
Action: Request final parking report from David Niblock, DPS, and his appearance at the public hearing, consensus.

7. **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).

Action: Granted administrative modification, (AMC/AIF, 4-0).

8. **CBA-2893, Petition of First Chateau Associates, Second Chateau Associates, and Greenwich Woods Associates, and Houshang Shadanbaz** (valet shop in a multi-family structure). Memorandum to the Board 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 the petitioner.

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

9. **S-1 [S-457], Petition of Robert J. and Sandra O. Karn** (animal hospital). Memorandum to the Board 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, (AMC/AIF, 4-0).

10. **S-14, Petition of First Chateau Associates, Second Chateau Associates, Greenwich Woods Associates and Dr. Frank P. Maglio** (non-resident medical practitioner). Memorandum to the Board 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 the petitioner.

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

11. **S-499, Petition of Demetrius and Vernell Chittams** (retail convenience grocery and delicatessen in a multi-family structure). Memorandum to the Board notifying the Board that the special exception has been abandoned and requesting that it be revoked. Also included is a confirmation from the Claudia Umana, Assistant Property Manager.

Action: Revoked special exception as abandoned, (DLB/AIF, 4-0).

12. **S-759, Petition of Fraternal Order of Eagles, Aerie #3509** (service organization). 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 Donald S. Whittam, Regional Property Manager.

Action: Revoked special exception as abandoned, (DLB/AIF, 4-0).

13. **S-788, Petition of R. L. Parker** (child day care center). 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 the property owner.

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

14. **S-1175, Petition of Evelyn L. DeLong** (accessory apartment). Memorandum from Stephen M. Morris, Housing Code Inspection, 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 confirmation from the property owner.

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

15. **S-2342, Petition of Dr. Sandra O. Karn** (veterinary hospital). Memorandum to the Board 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 the property owner.

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

16. **S-2347, Petition of Washington, D.C. SMSA, L.P., by Bell Atlantic Mobile, Inc.** (public utility buildings, public utility structures and telecommunication facilities). Letter to the Board from Susan K. Smith, Field Specialist, requesting an administrative modification. (Large exhibit: as-built site plan).

Action: Item referred to M-NCPCC Technical Staff for review, consensus.

17. **S-2561, Petition of Robert B. Minai** (accessory apartment). M-NCPCC Supplemental Staff Report from Sandra Youla, AICP, HKIP.

Action: Item referred to the Office of the County Attorney for advice, consensus.

18. **S-2562, Petition of Betty J. Wells** (accessory apartment). Letter from the petitioner withdrawing the special exception.

Action: (1) Dismissed the special exception as withdrawn; (2) refunded 50% (\$83.00) of the filing fee, (DLB/AMC, 4-0).

DECISION ITEM:

19. **S-1400-B, Petition of Allentuck Landscaping, Inc.** (horticultural nursery and commercial greenhouse). Hearing Examiner's Report and Recommendation. Also included is a request for oral argument from Norman G. Knopf, Esquire. (Large exhibit: site plan).

Action: (1) Re-opened the record to include Mr. Knopf's letter with attachments; (2) adopted the Hearing Examiner's Report and Recommendation with amendments and granted the special exception with conditions, (AIF/DLB, 4-0).

PENDING ITEMS:

20. **CBA-916 [S-615], Petition of The Public Health Service Club, Inc. and The Foundation for Advanced Education in the Sciences, Inc.** (private club). Letter to the Board from Lois W. Kochanski, Executive Director, requesting an administrative modification and the deletion of one of the special exception holders. Item deferred for confirmation of the deletion of Public Health Service Club as a special exception holder.

21. **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.

22. **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.

PENDING ITEMS (continued):

23. **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.

24. **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.

25. **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.

Board Members

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

Staff

Katherine Freeman, Executive Secretary to the Board
Hermene Jones, Administrative Specialist