

**BOARD OF APPEALS  
for  
MONTGOMERY COUNTY**

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[www.montgomerycountymd.gov/mc/council/board.html](http://www.montgomerycountymd.gov/mc/council/board.html)

**WORKSESSION MINUTES**

**Second Floor Davidson Memorial Hearing Room**

**Wednesday, July 9, 2003, 9:00 A.M.**

**ACTION CALENDAR:**

1. **Minutes**, June 18 and 25, 2003 Worksessions.

Action: Approved as amended, (AMC/DLB, 4-0).

2. **Order Extending Time for the Board's Written Opinion** for 30 days is required in the following case:

(a) **A-5885, Petition of Crawford Ellerbe** (one-story addition). Hearing held 6/4/03.

(b) **A-5888, Petition of Gustavo L. Bessalel** (garage addition). Hearing held 6/4/03.

Action: Granted Order Extending Time, (DLB/LLM, 4-0).

3. **A-5824, Petition of Mahin Ghadiri** (one-story addition/garage). Remand from the Circuit Court of Montgomery County, Maryland, for reconsideration.

Action: Schedule Reconsideration Hearing, (LLM/DLB, 4-0).

4. **A-5837, Appeal of Dr. Allen Hanenbaum** (Department of Permitting Services – Sign Review Board). Letter to the Board from David D. Freishtat, Esquire, withdrawing the appeal.

Action: Dismissed appeal as withdrawn, (AMC/DLB, 4-0).

5. **A-5883, Appeal of Twin Ponds Farms, LLC** (Department of Environmental Protection – Notice of Violation, Order to Correct and Site Observation). Letter to the Board from Erica A. Leatham, Esquire, withdrawing the appeal.

Action: Dismissed appeal as withdrawn, (LLM/DLB, 4-0).

6. **A-5917, Appeal of Stephen R. Grayson** (Department of Permitting Services (DPS) - Issuance of Certificate of Use and Occupancy). Request from Norman G. Knopf, Esquire, requesting the appeal be heard with Case Nos. A-5787, A-5794, A-5832, A-5886 and S-2351-A.

Action: Granted consolidation of the public hearings, (LLM/AMC, 4-0).

7. **CBA-1174-C, Petition of Holton-Arms School, Inc.** (private educational institution). Letter to the Board from Elsie L. Reid, Esquire, requesting that the record be re-opened to include the 1968 courtyard plan and a planting plan. (Large exhibits: 1968 courtyard and planting plans).

Action: Re-opened the record to include Ms. Reid's letter with attachments, (AMC/DLB, 4-0).

8. **CBA-1620, Petition of Jack Coopersmith** (automobile filling station). Letter to the Board from John R. Barr, Esquire, requesting a transfer and an administrative modification. Also included is a letter of support from the Darnestown Civic Association. (Large exhibits: site and construction details plans).

Action: Referred to the M-NCPPC Technical Staff for review, (DLB/LLM, 4-0).

9. **CBA-2505, Petition of Dennis N. Dalton, D.D.S.** (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 are confirmations from the petitioner and the current property owner.

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

10. **CBA-2709, Petition of Leonard Tempchin, et al** (off-street parking). Memorandum to the Board from Stanley N. Garber, Investigator, DPS, requesting a Show Cause Hearing.

Action: Schedule Show Cause Hearing, (AMC/LLM, 4-0).

11. **CBA-2884, Petition of Edward M. Crough** (private riding stable). 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 property owner.

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

12. **S-74, Petition of George R. and Stella C. Sullivan** (riding stable). 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, (LLM/AMC, 4-0).

13. **S-96, Petition of G. Ray and Mary S. Barber** (riding stable). 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, (DLB/LLM, 4-0).

14. **S-178, Petition of Macc, Inc.** (dancing in an existing restaurant). 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, (DLB/LLM, 4-0).

15. **S-283, Petition of Eleanora Remington** (rooming house). 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/LLM, 4-0).

16. **S-550, Petition of Moussa Moadel** (antique shop). Letter to the Board from Shirley Sardino requesting a transfer of the special exception.

Action: Item deferred to the Board's next Worksession to permit staff to contact Ms. Sardino, consensus.

17. **S-657-B, Petition of Sunoco, Inc.** (automobile filling station). Letter to the Board from Stanley D. Abrams, Esquire, requesting a transfer and an administrative modification. (Large exhibit: as-built site plan).

Action: Granted administrative modification, (DLB/LLM, 4-0).

18. **S-689, Petition of Kenwood Golf and Country Club** (golf and country club). Letter to the Board from Harry W. Lerch, Esquire, requesting an administrative modification.

Action: Granted administrative modification, (LLM/DLB, 4-0).

19. **S-844, Petition of Johnny E. Braddy, D.V.M.** (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, (DLB/AIF, 4-0).

20. **S-1277, Petition of Davco Food, Inc.** (drive-in restaurant). Letter to the Board from Todd D. Brown, Esquire, requesting an administrative modification. (Large exhibits: rendered site plan, as-built landscape, lighting and site plan, landscape, lighting and site plan details and exterior elevations).

Action: (1) Re-opened the record to include Mr. Brown's letter with attachments; (2) granted administrative modification, (DLB/LLM, 5-0).

21. **S-1548, Petition of Grace L. McCauley** (home occupation). Letter from the petitioner withdrawing the special exception 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, 5-0).

22. **S-1565-A, Petition of Howard Hughes Medical Institute** (charitable and philanthropic institution). Letter to the Board from Roger W. Titus, Esquire, amending the special exception modification request.

Action: Granted amendment of the special exception modification request, (AIF/DLB, 5-0).

23. **S-1578 [S-1578-A], Petition of Hampden Lane, LLC** (non-resident profession office). Letter to the Board from Kinley R. Dumas, Esquire, and Stephen J. Orens, Esquire requesting an administrative modification. Also include is the M-NCPPC Technical Staff Analysis.

Action: (1) Rescinded Show Cause Hearing; (2) re-opened the record to include Ms. Dumas and Mr. Orens' letter and the Technical Staff Analysis; (3) granted the administrative modification, (LLM/AIF, 5-0).

24. **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.

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

25. **S-2552, Petition of Marriott International** (hotels and motels). Letter to the Board from Patricia A. Harris, Esquire, requesting a transfer of the special exception.

Action: Granted the transfer of the special exception to be conditional upon the acquisition of the property by RDD SS, (DLB/AMC, 5-0).

#### **DECISION ITEM:**

26. **S-2533, Petition of Phyllis L. Childers** (major home occupation). Hearing Examiner's Report and Recommendation. Also included the MNCPPC Technical Staff Analysis of the parking waivers.

Action: (1) Adopted the Hearing Examiner's Report and Recommendation as amended; (2) granted the special exception with conditions, (AIF/LLM, 5-0).

#### **PENDING ITEMS:**

27. **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.

28. **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.

29. **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.

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.

#### **PENDING ITEMS (continued):**

31. **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.

#### **Board Members**

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

#### **Staff**

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