

**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, November 26, 2003, 1:30 P.M.

ACTION ITEM:

1. **S-2561, Petition of Robert B. Minai** (accessory apartment). Hearing held 4/30/03.

Action: (1) Granted 6-month continuance; (2) item will return to Worksession on 6/2/04, (AMC/AIF, 4-0).

Board Members

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

Staff

Thomas Carbo, Assistant County Attorney
Katherine Freeman, Executive Secretary to the Board
Hermene Jones, Administrative Specialist

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WORKSESSION ADDENDUM MINUTES

Second Floor Davidson Memorial Hearing Room

Wednesday, November 26, 2003, 9:00 A.M.

ACTION ITEM:

1. **S-2217, Petition of Shell Oil Company** (automobile filling station). Letter to the Board from George C. Rudy, Project Manager, Draper Properties, Inc., requesting reconsideration and vacating the decision.

Action: Granted reconsideration request, (, 5-0). Proceedings currently scheduled for action by the Circuit.

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WORKSESSION MINUTES

Second Floor Davidson Memorial Hearing Room

Wednesday, November 26, 2003, 9:00 A.M.

ACTION CALENDAR:

1. **Minutes**, November 12, 2003 Worksession.

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

2. **A-5639, Petition of Germantown Station Limited Partnership** (parking lot). Letter to the Board from William Fisher, General Partner, requesting an extension of time to implement.

Action: Granted extension of time to implement until 9/30/04, (LLM/DLB, 5-0).

3. **CBA-1196, Petition of Joseph F. Fernebok** (off-street parking). Memorandum to the Board from Stanley N. Garber, Investigator, Department of Permitting Services (DPS) requesting a Show Cause Hearing.

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

4. **CBA-1206, Congressional Country Club, Inc.** (golf course and country club). Letter from William B. Dockser requesting that the Board consider a public hearing on the administrative modification.

Action: Schedule hearing on reconsideration, (LLM/AMC, 5-0).

5. **CBA-1472, Petition of Farrugut St. Venture and Theo. R. Cructchfield** (off-street parking). Memorandum to the Board from Stanley N. Garber, Investigator, DPS, requesting a Show Cause Hearing.

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

6. **CBA-2814 [CBA-2814-A], Petition of John Michael** (outdoor automobile sales). Letter to the Board from Alan Youhana, Guarantor, Center Group, LLC, requesting a transfer and an administrative modification of the special exception. (Large exhibit: site and parking plan).

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

7. **S-862-A, Petition of The Federation of American Societies for Experimental Biology** (private educational institution). Letter to the Board from Robert H. Metz, Esquire, and Anne C. Martin, Esquire, requesting an administrative modification. (Large exhibit: revised elevations and site plan).

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

8. **S-1052, Petition of Mignon I. F. Winter** (accessory apartment). Memorandum 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 a letter of confirmation from the property owner.

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

9. **S-1126, Petition of Mary G. Mussman and John Andrew Sumner** (accessory apartment). Memorandum from Robert J. 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 a letter of confirmation from the petitioner.

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

10. **S-1242, Petition of Home Café, Inc.** (drive-in restaurant). Letters from the Board from Tom Louie, Jr., Vice President, Operations/Market Development. (Large exhibits: landscape plan).

Action: Item deferred to combine with other administrative modification request and for an inspection report by DPS.

11. **S-1446, Petition of Spruce Tree and Old Georgetown Associates Ltd. Partnership** (non-resident professional office). Letter to the Board from William Kominers, Esquire.

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

12. **S-1718, Petition of SSPC Housing Corporation** (a boarding house). Memorandum 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 are letters of confirmation from the petitioner and the property owner.

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

13. **S-2289, Petition of Apache Inc. Lawn and Landscape** (landscape contractor). Memorandum 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 of confirmation from the petitioner.

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

14. **S-2398, Petition of Carlos D'Arruda** (drive-in restaurant). Letter to the Board from Christopher L. Allen, Esquire, requesting a transfer of the special exception.

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

15. **S-2518, Petition of Paul R. Scribner** (accessory apartment). Letter to the Board from the petitioner requesting an administrative modification.

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

16. **S-2533, Petition of Phyllis L. Childers** (major home occupation). Letter to the Board from the petitioner.

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

INFORMATION ITEMS:

17. **S-420-G, Petition of Holy Cross Hospital of Silver Spring, Inc.** (hospital). Letters to the Board from Cheryl A. Gustitus.

Action: Item deferred for inspection by DPS, (AMC/AIF, 5-0).

DECISION ITEMS:

18. **A-5824, Petition of Mahin Ghadiri** (one-story addition/garage). Remand Hearing held 11/12/03. (Large exhibits: foundation plan, first floor framing plan and wall section plan).

Action: Granted variance request, (AIF/LLM, 5-0).

19. **A-5918, Petition of Helen and Alan Lore** (existing two-story garage). Hearing held 9/17/03.

Action: Item deferred until the afternoon.

20. Resolution to Refer Case Nos. S-2589, S-2594, S-2595 and S-2596 to the Office of the Hearing Examiner.

Action: Granted the referral of the cases to the Office of the Hearing Examiner, (DLB/LLM, 5-0).

21. **S-2423-A, Petition of Meadow Ridge Seniors' Villas, LLC**, (housing and related facilities for senior adults and persons with disabilities). Hearing Examiner's Report and Recommendation. Also included are requests for Oral Argument from the Greater Goshen Civic Association, Barry Bosher and M. David Lynch.

Action: (1) Denied request for Oral Argument, (2) adopted the Hearing Examiner's Report and Recommendation and granted the special exception modification, (AIF/AMC, 4-1/DLB).

22. **S-2527, Petition of Twin Ponds Farm, LLC (wholesale horticultural nursery), S-2528, Petition of Twin Ponds Farm, LLC (landscape contractor), S-2529, Twin Ponds Farm, LLC (manufacture of mulch).** Hearing Examiner's Report and Recommendation. Also included are requests for Oral Argument from Stephanie and John Egly, Poplar Spring Animal Sanctuary, the Audubon Naturalist Society, and the Sugarloaf Citizens Association, Inc. Martin Klauber, People's Counsel, requests participation if the Board grants Oral Argument in the cases.

Action: Cases remanded to the Office of the Hearing Examiner for additional information, (AIF/DLB, 5-0).

PENDING ITEMS:

23. **CBA-1332, Petition of Huggins and Harrison, Inc.** (outdoor automobile sales lot). Letter to the Board from the petitioner requesting an administrative modification. Item deferred for additional information. Board requests a site plan with dimensions that shows the location of the trailer in relation to the property's boundary lines.
24. **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). Referred to the M-NCPPC Technical Staff for review.
25. **CBA-1220 [CBA-2103], Petition of Briggs, Wamsley and Samperton [Governor's House Motel]**. Memorandum from Stanley N. Garber clarifying his memorandum and request dated July 18, 2003 (item returning from October 8, 2003 WS). Item deferred for receipt of a site plan.
26. **CBA-2180 and S-254, Petition of 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.
27. **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.
28. **CBA-2372 [CBA-2372-A], Petition of Mobil Oil Corporation** (automobile filling station). Letter to the Board from Jody S. Kline, Esquire, requesting an administrative modification. (Large exhibits: site development and landscape plans). Item deferred for site and photometric plans.
29. **CBA-2460, 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. Referred to MNCPPC Technical Staff for review and analysis.
30. **CBA-2428, Petition of Shell Oil Company** (automobile filling station). Letter to the Board from John R. Barr, Esquire requesting an administrative modification. (Large exhibit: site plan). Item deferred for receipt of a photometric plan and analysis.
31. **CBA-2709, Petition of Leonard Tempchin, et al t/a Silver Spring Associates** (off-street parking). Letter to the Board from Avi Halpert, Property Manager, requesting an administrative modification. Also included is a memorandum from Stanley N. Garber, Investigator, DPS, requesting a Show Cause Hearing. Item deferred to next available Worksession.
32. **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.

PENDING ITEMS (continued):

33. **S-858, Petition of Surjeet K. Singh** (child day care facility). Letter to the Board from the petitioner requesting an administrative modification. Also included is a memorandum to the Board from Stanley N. Garber, Investigator, DPS, requesting a Show Cause Hearing. Item deferred for review by DPS of trash enclosure, stockade fence, existing and proposed landscaping and use of pool.
34. **S-1064, Petition of Greentech Landscaping, Inc.** (horticultural nursery and greenhouse). Letter to the Board from Leon Trager and Andrew Sebastian, requesting a transfer and an administrative modification. Deferred for review by M-NCPPC Technical Staff.
35. **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.
36. **S-1903, Petition of Exxon Company, U.S.A.** (automobile filling station). Letter to the Board from Jody S. Kline, Esquire, requesting an administrative modification. Item deferred for an approved landscape and lighting plan.
37. **S-2054, Petition of Miguel Vigil-Hernandez** (accessory apartment). Letter to the Board from Michelle Weaver, requesting reconsideration. Item deferred for issuance of the Board Resolution transferring the special exception.
38. **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. Referred to DPS for review.

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