

**BOARD OF APPEALS
for
MONTGOMERY COUNTY**

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

WORSESSION ADDENDUM MINUTES

Second Floor Davidson Memorial Hearing Room

Wednesday, May 5, 2004, 9:00 A.M.

ACTION ITEM:

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

(a) A-5969, Petition of Nancy J. Avitabile and Richard B. Edelman Glenn Thomas (one-story addition). Hearing held 4/7/04.

(b) A-5972, Petition of Chester L. Coates (carport). Hearing held 4/7/04.

Action: Granted Order Extending Time, (DLB/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, Associate County Attorney
Katherine Freeman, Executive Secretary to the Board - ABSENT
Hermene Jones, Administrative Specialist

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

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Wednesday, May 5, 2004, 9:00 A.M.

ACTION ITEMS:

1. **Minutes**, April 14 and 21, 2004 Worksessions.

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

2. **A-5852, Appeal of David Remes** (Department of Permitting Services (DPS) - Issuance of Building Permit No. 291437). Order from the Circuit Court.

Action: No action required by the Board.

3. **A-5964, Appeal of MFS Silo LLC** (Department of Permitting Services – Written Decision dated 12/18/03). Letter to the Board from Anne C. Martin, Esquire, requesting a continuance.

Action: Granted continuance request, (AMC/AIF, 4-0).

4. **A-5982, Appeal of Donald McGee** (Department of Permitting Services – Notice of Violation), **A-5983, Appeal of Donald McGee** (Department of Permitting Services – Notice of Violation), **A-5984, Appeal of Arnold Fainman** (Department of Permitting Services – Notice of Violation). Letter to the Board from Lorraine Driscoll, President, Huntington Terrace Citizens' Association requesting to intervene.

Action: Item deferred for pre-hearing conference.

5. **CBA-1202-A, Petition of Bar T Ranch, Inc.** (day camp). Annual Report from Joseph Richardson, Vice-President.

Action: Re-opened the record to include Mr. Richardson's letter, (AMC/AIF, 4-0).

6. **CBA-1414, Petition of Martin and Sue Seldeen, Trustee and Dr. Martin J. Goldberg** (non-resident medical practitioner). Memorandum to the Board from Stanley N. Garber, Investigator, DPS, requesting a Show Cause Hearing. Also included is a letter from Richard S. O'Connor, Esquire, requesting a transfer of the special exception.

Action: (1) Schedule Show Cause Hearing; (2) transfer request will be considered at the Show Cause Hearing, (AIF/DLB, 4-0).

7. **CBA-1036 [CBA-2648], Petition of Nicholas J. Chaconas** (radio station and transmitter towers). Letter to Board from Lon Hamann, President, Montgomery Village Foundation, requesting a public hearing.

Action: Item deferred for future Worksession.

8. **S-285-D, The Norwood School, Inc.** (private educational institution). Letter to Board from George A. Barnes, President, West Montgomery County Citizens Association. Also included are letters from Norman G. Knopf, Esquire and Joyce C. Doria, President, Potomac Citizens Association requesting a public hearing.

Action: (1) Schedule public hearing, (2) record referred to the Office of the Hearing Examiner; (AIF/AMC, 4-0).

9. **S-548, Petition of Kids First Learning Center** (child day center). Letter to the Board from the petitioner requesting an administrative modification.

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

10. **S-807-A, Petition of Washington Adventist Hospital** (hospital). Letter to the Board from Andrew M. Strongin, Esquire.

Action: Re-opened the record to include Mr. Strongin's letter, (AIF/AMC, 4-0).

11. **S-858 [S-858-A], Petition of Surjeet K. Singh** (child day care center). Memorandum to the Board from Stanley N. Garber, Investigator, DPS, requesting a Show Cause Hearing.

Action: (1) Schedule expedited Show Cause Hearing; (2) DPS to inspect special exception site, (AIF/AMC, 4-0).

12. **S-1010, Petition of Gale S. Appleton** (accessory apartment). Memorandum to the Board from John Whitt, 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.

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

13. **S-1041, Petition of Gulf Oil Products** (automobile filling station). Letter to the Board from Jody S. Kline, Esquire, requesting a transfer of the special exception.

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

14. **S-1073, Petition of John T. Poulos** (landscape lawn maintenance service). Letters to the Board from the petitioner requesting an administrative modification.

Action: (1) Denied administrative modification; (2) public hearing required; (3) record referred to the Office of the Hearing Examiner, (AMC/AIF, 4-0).

15. **S-1747, Petition of Thompson R. and Nancy S. Buchanan** (accessory apartment). Memorandum to the Board from John Whitt, 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: Item deferred for future Worksession.

16. **S-1930, Petition of Exxon Corporation** (automobile filling station). Letter to the Board from Jody S. Kline, Esquire, requesting an administrative modification.

Action: Item deferred for: (1) current landscape and lighting plan; (2) approved sign permits; (3) current site plan, consensus.

17. **S-2199, Petition of VGA Limited Partnership** (automobile filling station). Letter to the Board from Robert L. Cope, Chair, Joint Committee on Westbard, requesting re-hearing and reconsideration. Also included is a letter of opposition to the request for re-hearing and reconsideration from Stanley D. Abrams, Esquire.

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

18. **S-2290, Petition of Kuhn Tree Service** (horticultural nursery). Memorandum to the Board from Stanley N. Garber, Investigator, DPS, requesting a Show Cause Hearing. Also included is a letter from Norman G. Knopf, Esquire, requesting that a Show Cause Hearing not be held.

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

DECISION ITEMS:

19. **S-2594, Petition of Ronald L. McMichael** (major home occupation). Hearing Examiner's Report and Recommendation.

Action: Item deferred for future Worksession.

PENDING ITEMS:

20. **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.

21. **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.

22. **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. [W/S 11-12-03].

23. **S-390, Petition of Twin Farms Club, Inc.** (community swimming pool). Letter to the Board from Teresa A. McKenna, President, requesting an administrative modification. (Large exhibit: site and grading plan). (1) Item deferred for receipt of a site plan with the existing conditions; (2) item referred to M-NCPPC Technical Staff of review of administrative modification request.

24. **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):

25. **S-684, Petition of Chung K. Park** (dental/medical clinic). Letter of complaint to the Board Steven Blanken, President, Burkland Condominium. Referred to DPS for inspection, W/S 4/21/04.
26. **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. Item referred to M-NCPPC Technical Staff for review. [W/S 2-18-04].
27. **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. [Resolution 2-23-04].
28. **S-1573, Petition of Robert H. Edmund** (side lot line setback). Letter to the Board from Judith M. Koenick requesting an explanation of a building permit issued by DPS. Item referred to DPS for inquiry.
29. **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. [Letter to S/E holder 6-18-03].
30. **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. [W/S 11-12-03].
31. **S-2184, Petition of Charles R. Gilbert** (indoor rifle and pistol range). Letters to the Board from Anthony R. Shore, Esquire, requesting an administrative modification. Item deferred for additional information from the petitioner. [W/S 3-17-04].

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