

**BOARD OF APPEALS
for
MONTGOMERY COUNTY**

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

WORKSESSION ADDENDUM MINUTES

Second Floor Davidson Memorial Hearing Room

Wednesday, May 4, 2005, 9:30 a.m.

ACTION ITEMS:

1. **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 requested DPS inspection of the special exception property on 4/12/02.

Action: Dismissed requested inspection by DPS, (WMH/LLM, 4-0).

2. **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 on 11/12/03.

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

DECISION ITEM:

3. **S-2626, Petition of Community Services for Autistic Adults and Children (CSAAC).** Hearing Examiner's Supplemental Report and Recommendation.

Action: (1) Adopted Hearing Examiner's report and recommendation and supplemental report and recommendation; (2) granted special exception, (LLM/AMC, 4-0).

Board Members

Allison Ishihara Fultz, Chair
Donna L. Barron, Vice Chair - ABSENT
Louise L. Mayer
Angelo M. Caputo
Wendell M. Holloway

Staff

Barbara Jay, Associate County Attorney
Katherine Freeman, Executive Secretary to the Board
Hermene Jones, Administrative Specialist

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Wednesday, May 4, 2005, 9:30 a.m.

ACTION ITEMS:

1. **Minutes**, April 20 and 27, 2005 Worksessions.

Action: Approved as amended, (LLM/WMH, 4-0).

2. **A-6054, Appeal of Timothy D. Serchinger** (Historic Preservation Commission (HPC) – Historic Area Work Permit). Letter from Charles W. Thompson, Jr., County Attorney, consenting to the withdrawal of the appeal and remanding it to the Historic Preservation Commission. Motion from Tim Serchinger to withdraw the appeal and remand to the HPC.

Action: Dismissed the appeal as withdrawn for remand to the Historic Preservation Commission, (AMC/WMH, 4-0).

3. **A-6060, Appeal of David A. Mantel** (Department of Housing and Community Affairs – Notice of Violation dated 2/3/05). Letter to the Board from H. Jeffrey Ziegler, Esquire, withdrawing the appeal.

Action: Dismissed the appeal as withdrawn, (LLM/WMH, 4-0).

4. **CBA-379, Petition of Oakview Recreation Corporation** (community swimming pool). Letter to the Board from Stuart Barr, Esquire, requesting an administrative modification. (Large exhibits: site plan, overall site plan, site plan dated 11/19/05).

Action: Item deferred for a revised site plan that would show the configuration of the parking in the general parking area, consensus.

5. **CBA-1202-A, Petition of Bar T Ranch, Inc.** (child day care facility). Annual Report to the Board from Nancy Richardson, President.

Action: Re-opened the record to include the Annual Report, (LLM/AMC, 4-0).

6. **CBA-2055 [CBA-2055-A], Petition of Steuart Petroleum Company** (automobile filling station). Memorandum to the Board from Stanley N. Garber, Investigator, Department of Permitting Service (DPS), requesting a Show Cause Hearing and that a memorandum dated 7/13/2004 be withdrawn from the record.

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

7. **CBA-2114-A [CBA-2114], Petition of International Monetary Fund** (golf course and country club). Letter to the Board from Jacqueline M. Karp, Esquire, requesting an administrative modification. (Large exhibits: location map, golf course site plans, elevations).

Action: Item deferred for future Worksession, consensus.

8. **CBA-2234, Petition of Seven Locks Broadcasting Company** (radio broadcasting towers and transmitter). Letters to the Board from Joseph P. Blocher, Esquire, requesting an administrative modification and transfer of the special exception. (Large exhibits: zoning vicinity map, topo map, tax map, as-built site plan).

Action: (1) Transferred the special exception; (2) granted administrative modification, (AMC/LLM, 4-0).

9. **CBA-2851 [CBA-2851-A], Petition of ManorCare Inc.** (nursing home). Memorandum to the Board from Stanley N. Garber, Investigator, DPS, requesting a Show Cause Hearing.

Action: Schedule Show Cause Hearing, (AMC/WMH, 3-0/AIF/recused).

10. **CBA-2986, Petition of Leafy House, Inc.** (care home). Memorandum to the Board from Stanley N. Garber, Investigator, DPS, requesting a Show Cause Hearing.

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

11. **S-485, Petition of Laurance and Anne Karpman** (antique shop). Memorandum to the Board from Stanley N. Garber, Investigator, DPS, requesting a Show Cause Hearing.

Action: (1) Granted administrative modification conditioned upon special exception holder obtaining the required building permits within 30 days; (2) special exception holder to submit for the record the required permits, (AMC/AIF, 4-0).

12. **S-1057, Petition of Campanellie's Signature Portraits** (retail establishment in a multi-family dwelling). Letter to the Board from the petitioners requesting an administrative modification.

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

13. **S-1436, Petition of Amoco Oil Company** (automobile filling station). Memorandum to the Board from Stanley N. Garber, Investigator, DPS, requesting a Show Cause Hearing.

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

14. **S-2024, Petition of Neal H. and Terri L. King** (accessory apartment). Memorandum from John Whitt, Program Manager, 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 current property owner.

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

15. **S-2195, Petition of S. Ronald Furman t/a The Framer's Vise** (antique shop). Letter from the petitioner notifying the Board that the property has been sold and that new owner is not interested in retaining the special exception.

Action: Item deferred for future Worksession, consensus.

16. **S-2467-A, Petition Holton Arms School** (private educational institution). Letter to the Board from Elsie L. Reid, Esquire, requesting that record be re-opened to include her letter regarding enrollment of faculty grandchildren in the child care program. Also included is letter from the Bradley Boulevard Citizens Association.

Action: Re-opened the record to include Ms. Reid's letter, (WMH/LLM, 4-0).

INFORMATION ITEM:

17. **S-597, Petition of H. Steven Steinberg, VMD and Kenneth R. Cowell, DVM** (veterinary hospital). Letter of update from Stuart Barr, Esquire.

Action: Re-opened the record to include Mr. Barr's letter, (LLM/WMH, 4-0).

DECISION ITEM:

18. **S-289-A, Petition of Little Falls Swim Club** (community swimming pool). Hearing Examiner's Report and Recommendation.

Action: Item deferred for future Worksession, consensus.

PENDING ITEMS:

19. **CBA-123 [S-462, S-1353], Petition of Sondra J. Littlejohn** (home occupation). Inspection report to the Board from Stanley N. Garber, Investigator, Department of Permitting Services (DPS). Re-opened the record to include Mr. Garber's memorandum. [W/S 10-20-04].

20. **CBA-3057, Petition Chevron USA** (automobile filling station). Letter to the Board from John Hutchinson requesting a transfer of the special exception. Deferred request until the Show Cause Hearing. [W/S 9-29-04].

21. **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. W/S 2-18-04].

22. **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. [W/S 5-22-02].

23. **S-684, Petition of Chung K. Park** (dental/medical clinic). Letter of complaint to the Board from Steven Blanken, President, Burkland Condominium. Referred to DPS for inspection of the special exception. [W/S 4/21/04].

PENDING ITEMS continued:

24. **S-727, Petition of Robert M. Mueller, D.V.M.** (non-resident professional office). Inspection report from Stanley N. Garber, Investigator, DPS. (1) Re-opened the record to include Mr. Garber's inspection report; (2) special exception holder has 40 days to comply with special exception conditions; (3) item will return to the Board's to Worksession agenda after compliance period (1/5/05). [W/S 11-10-04].

25. **S-1424, Petition of Korean Community Senior Housing Corporation of Maryland, Inc.** (housing for the elderly). Letter to the Board from Thomas J. Carroll, Esquire, requesting an administrative modification. Item deferred until Board action on related special exception Case No. S-2639. [W/S 4-6-05].

26. **S-1437, Petition of John D. Hyman** (wholesale nursery and landscape contractor). Letter to the Board from Timothy Dugan, Esquire. Granted extension to resolve Notice of Violation until 4/1/05. [W/S 1/5/05].

27. **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. Item deferred for future Worksession. [W/S 5/5/04].

28. **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].

29. **S-2145, Petition of Southwestern Bell Mobile Systems, Inc.** (public utility buildings, public utility structures and telecommunications facilities). Letter to the Board from Brian Hurley, Regional Real Estate Manager, requesting a transfer of the special exception. Item deferred for future Worksession. [W/S 6/9/04].

30. **S-2487, Petition of Orchard Development Corporation** (housing and related facilities for the elderly or handicapped). Letter to the Board from Scott Armiger, Vice President, requesting an administrative modification. (Large exhibits: landscape and lighting plan and as-built site plan). Item deferred for additional information from the petitioner. [W/S 4-20-05].

31. **S-2524, Petition of Two Goshen Oaks Center, LLC and Seven-Eleven, Inc.** (automobile filling station). Memorandum to the Board from Stanley N. Garber, Investigator, DPS, requesting a Show Cause Hearing. Deferred for DPS review of the record. [W/S 9-22-04].

32. **S-2580, Petition of Margaret Walker-Bruce** (accessory apartment). Letter to the Board from the petitioner modifying the floor plan of the accessory apartment. Referred new plans for DHCA review. [W/S 10-20-04].

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