

**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 8, 2005, 9:30 a.m.

ACTION ITEMS:

1. **Minutes**, May 18, 25 and June 1, 2005 Worksessions.

Action: Approved as amended, (LLM/AMC, 5-0).

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

(a) **A-6065, Petition of Francis G. and Lisa N. Thompson** (one-story addition).
Hearing held 4/27/05.

(b) **A-6066, Petition of Randy A. and Michele Levenson** (under-construction carport). Hearing held 4/27/05.

Action: Granted Order Extending Time, (DLB/AMC, 5-0).

3. **A-6021, Petition of Ada and Livio Dimichele** (one-story addition). Anonymous letter to the Board regarding the variance.

Action: (1) Re-opened the record to accept letter; (2) referred the matter to the Department of Permitting Services (DPS) for conformance with BOA Opinion, (AMC/LLM, 5-0).

4. **A-6058, Petition of Nadim Ahmed** (a one-story and a two-story addition). Reconsideration request to the Board from Rebecca D. Willens, Esquire.

Action: Denied reconsideration request, (LLM/AMC, 5-0).

5. **CBA-1456, Petition of Hills and Sanders, Inc.** (off-street parking). Letter to the Board from David D. Freishtat, Esquire, requesting a transfer of the special exception.

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

6. **CBA-1801, Petition of Shell Oil Company** (automobile filling station). Letter to the Board from Ramesh C. Bhalla requesting an administrative modification.

Action: Item deferred to a future Worksession, consensus.

7. **CBA-2814 [CBA-2814-A], Petition of Center Group, LLC** (outdoor automobile sales). BOA ordered a Show Cause Hearing at its Worksession on 3/9/05. Letter to the Board from Soo-Lee Cho, Esquire, requesting an administrative modification. (Large exhibit: site plan).

Action: (1) Denied administrative modification; (2) Schedule Show Cause Hearing, (AMC/LLM, 5-0).

8. **S-610-A [S-610, S-610-B], Petition of McDonald's Corporation** (drive-in restaurant). Letter to the Board from Erica A. Leatham, Esquire, requesting an administrative modification. (Large exhibit: site plan).

Action: Denied administrative modification; (2) Schedule Show Cause Hearing, (LLM/AMC, 4-0/AIF/recused).

9. **S-1177, Petition of John Choporis** (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 letter of confirmation from the property owner.

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

10. **S-1458, Petition of Dominic M. Palmer** (accessory apartment). Letter to the Board from Jose Perfecto requesting a transfer of the special exception.

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

11. **S-1593, Petition of SMC Learning Centers Limited Partnership** (child day care center). Letter to the Board from Timothy Dugan, Esquire, requesting an amendment to the administrative modification approved by the Board on 5/18/05.

Action: (1) Re-opened the record to include Mr. Dugan's letter; (2) amended administrative modification granted on 5/18/05, (DLB/AMC, 5-0).

12. **S-2453, Petition of Academy Child Development** (child day care facility). Letter to the Board from Marilyn Fleetwood, President/Administrator, requesting an administrative modification.

Action: Granted administrative modification, (AMC/WMH, 5-0).

13. **S-2620, Petition of David G. Srour** (non-resident medical practitioner). Letter to the Board from Jody S. Kline, Esquire, requesting reinstatement of the final processing for the special exception application.

Action: Denied request for reconsideration, (LLM/DLB, 5-0).

INFORMATION ITEM:

14. **S-2598, Petition of Eliezer Trybuch** (non-residential medical practitioner). Letter to the Board from the special exception holder.

Action: Re-opened the record to accept letter from special exception holder, (AMC/WMH, 5-0).

PENDING ITEMS:

15. **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].

16. **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). Item deferred for a future Worksession. [W/S 5-4-05].

17. **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].

18. **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].

19. **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].

20. **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].

21. **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].

22. **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].

23. **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].

24. **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].

PENDING ITEMS continued:

25. **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].

26. **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. Item deferred for future Worksession. [W/S 5-4-05].

27. **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].

28. **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].

29. **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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