

**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, December 7, 2005, 9:30 a.m.**

**ACTION ITEMS:**

1. **Minutes**, November 16 and 30, 2005 Worksessions.

Action: Approved, (AMC/CLH 5-0).

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

Action: Issue revised Resolution reversing Board's Opinion, (AMC/WMH, 5-0).

3. **A-6062, Petition Stephen J. McGarry** (accessory structure/garage). Letter from Andrew M. Strongin, Esquire.

Action: (1) Re-open the record to include Mr. Strongin's letter, (2) Hearing on reconsideration scheduled for 2/1/06 @ 9:30 a.m.; (3) Board to receive pre-hearing summaries from Mr. Becker and Mr. Strongin 20 days prior to scheduled hearing, (DLB/CLH, 5-0).

4. **A-6105, Petition of Magomed Veliev** (a new single-family dwelling). Letter to the Board from Donald and Adrienne Lees requesting a continuance.

Action: (1) Granted continuance of the public hearing; (2) hearing continued to 2/8/06 @ 9:30 a.m., (WMH/CLH, 5-0).

5. **CBA-235 [CBA-236, CBA-1336], Petition of Rogers and Baker, Inc. t/a Olney Antique Shop** (antique shop). Letter to the Board from Norman G. Knopf, Esquire, requesting that the special exception be revoked as a permitted non-conforming use.

Action: Revoked special exception as use is now a permitted non-conforming use, (CLH/DLB, 5-0).

6. **CBA-2377, Petition of Concord Joint Venture** (off-street parking in connection with an office building). Letter to the Board from Robert H. Metz, Esquire, requesting a transfer of the special exception.

Action: Item deferred for site plan review by M-NCPPC Technical Staff, consensus.

7. **CBA-2602, Petition of Al Golden and Simon Wolfman t/a G&W Partnership** (automobile filling station). Letter to the Board from John R. Barr, Esquire, requesting an administrative modification. (Large exhibit: site plan).

Action: Deferred administrative modification request until scheduled Show Cause Hearing, (CLH/WMH, 4-0/AIF/recused).

8. **CBA-2740, Petition of American Oil Company** (automobile filling station). Letter to the Board from Stanley D. Abrams, Esquire, requesting an administrative modification and a cancellation of the Show Cause Hearing. (Large exhibits: sewer line elevations and partial site plan).

Action: Deferred administrative modification request until scheduled Show Cause Hearing, (AMC/?, 4-0/AIF/recused).

9. **S-226-B [S-226, S-226-A], Petition of Westleigh Recreation Club, Inc.** (private club). Letters to the Board from Jim Nagel, President and Colleen Swisher, Advanced Deck Design, requesting an administrative modification. (Large exhibits: gazebo and deck footprint and site plan).

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

10. **S-290, Petition of Robert T. Foley Company** (community swimming pool). Letter to the Board from Susan W. Carter, Esquire, requesting a transfer of the special exception and an administrative modification. (Existing conditions and proposed planting plan and photometric plan).

Action: Item deferred for DPS request for Show Cause Hearing, consensus.

11. **S-918, Petition of Kesuith and Fay E. Smith** (child day care facility). Letter to the Board from the petitioner of proposed new construction on the special exception site.

Action: Item deferred for site plan with new construction, consensus.

12. **S-1011, Petition of Steven Gibson and Warren Hanks** (accessory apartment). Letter to the Board from Michael and Johanna Leshner requesting a transfer of the special exception.

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

13. **S-1442, Petition of Henry Paul Ruff** (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 property owner.

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

14. **S-1481, Petition of Vijai K. Tuli** (medical clinic). Letter to the Board from the petitioner requesting a cancellation of the Show Cause Hearing. (Large exhibit: site plan).

Action: Deferred administrative modification request until scheduled Show Cause Hearing, consensus.

15. **S-1977, Petition of Joëlle Tavalat** (accessory apartment). Letter from the petitioner notifying the Board of a name change.

Action: (1) Re-opened the record to include the letter from the petitioner; (2) Board to issue Resolution with the name change, (DLB/CLH, 5-0)

16. **S-1990, Petition of Ruth Dettloff** (accessory apartment). Memorandum from Wright A. Jolly, Housing Code Inspector, 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, (WMH/AMC, 5-0).

17. **S-2184, Petition of Charles R. Gilbert** (indoor rifle and pistol range). Remand Order from the Circuit Court.

Action: (1) Re-opened the record to include the Order from the Circuit Court; (2) schedule public hearing, (AMC/WMH, 5-0).

18. **S-2423 [S-2423-A], Petition of Meadow Ridge Seniors' Villas, LLC** (elderly or handicapped housing). Letter to the Board from Randy Frey, President, and Robert H. Holman, Managing Member, requesting an administrative modification. [Large exhibits: landscaping and lighting plans].

Action: (1) Deferred administrative modification request for 60 days; (2) petitioner to have administrative modification request reviewed by M-NCPPC Technical Staff, and submit revised site plan showing replacement amenities (AMC/?, 5-0).

19. **S-2487, Petition of Orchard Development Corporation** (housing and related facilities for the elderly or handicapped). Letters to the Board from Scott Armiger, Vice President, requesting an administrative modification. (Large exhibits: landscape and lighting plan, as-built site plan and elevations).

Action: Item deferred until 1/30/06 for additional information (AMC/WMH, 4-0/AIF/recused).

20. **S-2629, Petition of Alan and Susan Dechter LLC** (non-resident medical practitioner). Request from the petitioners for remand to the Hearing Examiner.

Action: Request to be considered after issuance of the Board's Opinion.

21. **S-2631, Petition of Germantown Walter Johnson Property, LLC** (automobile filling station). Letter of update to the Board from Stanley D. Abrams, Esquire.

Action: Re-opened the record to include Mr. Abrams' letter, (WMH/CLH, 5-0).

**DECISION ITEM:**

22. **A-6095, Petition of Brenda and William Boykins** (rear and front lot line setbacks).

Action: Granted variance request, (AMC/WMH, 3-2).

**PENDING ITEMS:**

23. **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].

24. **CBA-1801, Petition of Shell Oil Company** (automobile filling station). Letter to the Board from Ramesh C. Bhalla requesting an administrative modification. Item deferred to a future Worksession. [W/S 6-8-05].

25. **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].

26. **CBA-2115, Petition of Dr. Elliott Shapiro** (non-resident medical practitioner). Letter to the Board from the petitioner requesting a transfer of the special exception. Item deferred for revised site plan from petitioner. [W/S 11-2-05].

27. **S-289-B, Petition Little Falls Swim and Tennis Club** (community swimming pool). Supplemental Hearing Examiner's Report and Recommendation. Also included is an Inspection Report from Tom Ogle, Noise Program Manager, Department of Environmental Protection (DEP). (1) Re-opened the record to include the Hearing Examiner's Supplemental Report and Mr. Ogle's Inspection Report; (2) granted extension of time until 10/8/05 for lighting and photometric plans. [W/S 9/14/05].

28. **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 for review of administrative modification request. W/S 2-18-04].

29. **S-684, Petition of Burkland Condominium Association, Inc.** (dental/medical clinic). Memorandum from Stanley N. Garber, Investigator, DPS, regarding the conditions of the Board's Resolution. (1) Re-opened the record to include Mr. Garber's memorandum; (2) Board to issue corrected Resolution; (3) an additional inspection of the special exception will be required. [W/S 7-13-05].

30. **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].

**PENDING ITEMS (continued):**

31. **S-1835, Petition of Patricia Haseman and Richard Mason** (private riding stable). Letter from Christine Reilly Lombardo notifying the Board that the special exception has been abandoned and requesting that it be revoked. Item deferred for future Worksession for staff to contact Mr. Lombardo. [W/S 7/27/05].
32. **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].
33. **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].

**Board Members**

Allison Ishihara Fultz, Chair  
Donna L. Barron, Vice Chair  
Angelo M. Caputo  
Wendell M. Holloway  
Caryn L. Hines

**Staff**

Barbara Jay, Associate County Attorney  
Katherine Freeman, Executive Director  
Hermene Jones, Administrative Specialist

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**WORKSESSION ADDENDUM MINUTES**

**Second Floor Davidson Memorial Hearing Room**

**Wednesday, December 7, 2005, 9:30 a.m.**

**ACTION ITEM:**

1. **A-6115, Appeal of Sally D. Rand and Richard Hall** (Department of Permitting Services – Issuance of Building Permit No. 396835). Letter to the Board from Rebecca D. Willens, Esquire, requesting an expedited hearing.

Action: Request granted, calendar permitting. (WMH/AMC, 5-0).

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