

**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, November 2, 2005, 9:30 a.m.**

**ACTION ITEMS:**

1. **Minutes**, October 19, and 26, 2005 Worksessions.  
Action: Approved as amended, (AMC/WMH, 5-0).
2. **A-6029, Appeal of Judith and Thomas Burruss; Alan Gaunoux** (Department of Permitting Services (DPS) - Issuance of Building Permits Nos. 330255 and 344132). Remand Order from the Circuit Court.  
Action: Schedule public hearing, (DLB/CLH, 5-0).
3. **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.  
Action: Item deferred for a revised site plan from the petitioner, consensus.
4. **S-322, Petition of Panteli Firippis and Ioanna Firippis t/a Marlene, LLC, d/b/a Café Promenade** (retail sales and personal services establishment in a multi-family dwelling). Letter to the Board from Miguel A. Vigil requesting a transfer of the special exception.  
Action: Granted transfer of the special exception, (AMC/WMH, 5-0).
5. **S-593, Petition of ExxonMobil Corporation** (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/AIF/recused).
6. **S-1332, Petition of American Satellite Company, Government Services** (radio transmission tower). Letter to the Board from **Susan W. Carter**, Esquire, requesting a transfer of the special exception.  
Action: Granted transfer of the special exception, (DLB/CLH, 5-0).
7. **S-1611, Petition of Ronald A. Bethke, II**, (wholesale nursery/greenhouse and a landscape contractor). Memorandum to the Board from Stanley N. Garber, Investigator, DPS, requesting a Show Cause Hearing.

Action: Schedule Show Cause Hearing in 90 days, (AMC/CLH, 5-0).

8. **S-2089, Petition of Dennis Coleman and Julie Knowles** (accessory apartment). Memorandum from Alvin Clarkson, Jr., 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 petitioners.

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

9. **S-2092, Petition of Brooke Grove Foundation** (life care facility). Letter to the Board from Susan W. Carter, Esquire, requesting an administrative modification. (Large exhibits: layout of villas as originally approved, approved site plan, elevations and preliminary plan).

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

10. **S-2509, Petition of Garden of Remembrance Memorial Park, Inc.** (cemetery). Letter to the Board from Jody S. Kline, Esquire, requesting an extension of time.

Action: Granted one-year extension of time, (DLB/WMH, 5-0).

11. **S-2559, Petition of Dan Caplan's Mortgage and Real Estate Center** (retail establishments in a multi-family dwelling). Letter to the Board from the petitioner requesting an administrative modification.

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

12. **S-2659 and S-2660, Petitions of Jeffrey B. Walcoff, D.V.M. and Sheila Dearybury Walcoff** (veterinary hospital and animal boarding). Letter to the Board from Jody S. Kline, Esquire, requesting a consolidation of the public hearings and to pay the higher of the two filing fees.

Action: (1) Granted consolidation of the public hearings; (2) granted the request to pay the higher of the two filing fee, (CLH/DLB, 5-0).

### **DECISION ITEMS:**

13. **A-6093, Petition of Christopher T. Rogers** (front lot line setback and accessory structures are to be located in the rear yard only requirement). Letter from Susan M. Reutershan, Esquire, requesting that the Board consider the variance request at its November 2, 2005 Worksession.

Action: (1) Granted renovation of existing accessory structure/swimming pool, (AMC/WMH, 4-0/AIF/recused); (2) granted renovation of the existing accessory structure/shed, (AMC/WMH, 4-0/AIF/recused); (3) granted construction of accessory structure/tennis court, (CLH/WMH, 4-0/AIF/recused); granted construction of accessory

structure/gatehouse in the front yard, (AMC/WMH, 4-0/AIF/recused); denied construction of accessory structure/10 foot fence, (WMH/CLH, 4-0/AIF/recused), denied construction of accessory structure/10 foot fence, (WMH/AMC, 4-0/AIF/recused).

14. **S-2614, Petition of Holly Eaton** (accessory apartment). Hearing Examiner's Recommendation for dismissal.

Action: (1) Granted request by the petitioner for a new hearing; (2) petitioner's completed filing must be filed within 90 days; (3) record to be returned to the Hearing Examiner's Office, (DLB/WMH, 5-0).

15. **S-2629, Petition of Alan and Susan Dechter LLC** (non-resident medical practitioner). Hearing Examiner's Report and Recommendation.

Action: Denied special exception for lack of compatibility with the Master Plan, (CLH/DLB, 3-2).

16. **S-2640, Petition of Abye Wondimu** (accessory apartment). Hearing Examiner's Report and Recommendation.

Action: (1) Adopted the Hearing Examiner's Report and Recommendation; (2) granted the special exception with conditions, (DLB/CLH, 5-0).

#### **PENDING ITEMS:**

17. **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].

18. **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].

19. **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].

20. **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].

#### **PENDING ITEMS (continued):**

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

22. **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].

23. **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].

24. **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].

25. **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].

26. **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].

27. **S-2487, Petition of Orchard Development Corporation** (housing and related facilities for the elderly or handicapped). Administrative modification requests, dated 12/30/04 (returning from pending list), 10/27/05 (responding to the Board's request), and 10/29/05, from Scott Armiger, Vice President. (Large exhibits: landscape and lighting plan, as-built site plan and elevations). (1) Re-opened the record to include a letter from Stuart Rochester, Chair, Fairland Master Plan CAC. (2) Request for additional information from DHCA. [W/S 10-26-05].

### **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, November 2, 2005, 9:30 a.m.**

**ACTION ITEM:**

1. **S-485, Petition of Laurence and Anne Karpman** (antique shop). Letter to the Board from Timothy Dugan, Esquire, requesting a 60-day postponement of the show cause hearing.

Action: Denied 60-day postponement request for Show Cause Hearing, (AMC/WMH, 5-0).

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