

**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, October 19, 2005, 9:30 a.m.

ACTION ITEMS:

1. **Minutes**, October 5, 2005 Worksession.

Action: Approved, (WMH/AMC, 4-0/CLH/abstained).

2. **S-180-B [S-180, S-180-A], Petition of The George Meany Center for Labor Studies** (private educational institution). Letter to the Board from Todd D. Brown, Esquire, and Joseph P. Lapan, Esquire, requesting an administrative modification. (Large exhibits: landscaping schedule, lighting details, dormitory set planting plans, archives building gate plan, Kirkland landscape plan and dining hall elevations).

Action: Granted administrative modification with the condition that the entry sign received the approval to the Sign Review Board, (AMC/WMH, 4-0/CLH/abstained).

3. **S-266, Petition of Francis O. Day, Jr.** (private riding stable). Memorandum to the Board from Stanley N. Garber, Investigator, Department of Permitting Services [DPS], requesting a Show Cause Hearing. Also included is letter to the Office of Zoning and Administrative Hearings from Roger K. Bain, Esquire. (Large exhibit: building location plan).

Action: (1) Schedule Show Cause Hearing; (2) DPS to inspect the special exception property, (AMC/DLB, 4-0/CLH/abstained).

4. **S-727, Petition of Robert M. Mueller, D.V.M.** (non-resident professional office). Letter to the Board from Stephen J. Orens, Esquire, and Casey L. Moore, requesting to operate the special exception until no later than February 1, 2007.

Action: Denied request from Mr. Orens and Ms. Moore, (DLB/AMC, 4-0/CLH/abstained).

5. **S-882, Petition of Rene Monserrat and Emilio A. Brouwer** (horticultural nursery and commercial greenhouse/garden center). Letter from the petitioners notifying the Board that the special exception property will be vacated by December 31, 2005 and requesting that the special exception be revoked.

Action: Revoked special exception as a non-conforming use, (DLB/WMH, 4-0/CLH/abstained).

6. **S-1313, Petition of Margaret S. Suddath** (child day care center). Memorandum from Brian Kim, Inspector, DPS, 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: Revoked special exception as abandoned, (AMC/WMH, 4-0/CLH/abstained).

7. **S-1836, Petition Haeng K. Choi** (private educational institution). Letter to the Board from the petitioner requesting a continuance of the Show Cause Hearing.

Action: Item deferred until a future Worksession, consensus.

8. **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 10/26/05 Worksession, consensus.

9. **S-2552, Petition of RDD SS Partners, L.C.** (hotels and motels). Letters to the Board from William Kominers, Esquire, requesting an administrative modification. (Large exhibits: site development plan, landscape plans and elevations).

Action: Item deferred until 10/26/05 Worksession, consensus.

10. **S-2580, Petition of Margaret Walker-Bruce** (accessory apartment). Inspection report from Cynthia Lundy, Housing Code Inspector, Department of Housing and Community Affairs [DHCA].

Action: (1) Re-opened the record to include Ms. Lundy's inspection report; (2) granted administrative modification, (WMH/DLB, 4-0/CLH/abstained).

DECISION ITEMS:

11. **A-6093, Petition of Christopher T. Rogers** (front lot line setback and accessory structures are to be located in the rear yard only requirement). Also included are letters from Julia O'Malley, Chair, HPC, and Susan M. Reutershan, Esquire.

Action: Item deferred until future Worksession, consensus.

12. **CBA-143-A and S-2641, Petition of Rock Creek Kay-Cee Club, Inc.** (private clubs/service organizations and off-street parking in connection with a commercial use). Hearing Examiner's Report and Recommendation. Also included is a letter from Mark M. Viani, Esquire, requesting that the Board re-open the record to include an additional condition to the special exception modification request.

Action: (1) Re-opened the record to include the letter from Mr. Viani; (2) adopted the Hearing Examiner's Report and Recommendation; (3) granted the special exception with conditions, (DLB/AMC, 4-0/CLH/abstained).

13. **S-2643, Petition of Sheila M. Harron and William P. Loewe** (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, (WMH/DLB, 4-0/CLH/abstained).

PENDING ITEMS:

14. **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].

15. **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].

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. **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].

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

19. **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].

20. **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].

21. **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].

22. **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].

23. **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

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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, October 19, 2005, 9:30 a.m.

ACTION ITEM:

1. **A-6062, Petition of Stephen J. McGarry** (accessory structure/detached garage). Letter from Miriam Zimmerman and Steve York and Michael Stadtler and Monica Stadtler notifying the Board of the non-receipt of notice of the variance hearings and requesting an inspection of the proposed construction.

Action: (1) Re-opened the record to include the letter from Ms. Zimmerman and Mr. York and Mr. and Mrs. Stadtler; (2) DPS to inspect the variance site, (DLB/WMH, 4-0/CLH/abstained).

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