

**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 14, 2006, 9:30 a.m.

ACTION ITEMS:

1. **Minutes**, May 31, 2006 Worksessions.

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

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

(a) **A-6087, Appeal of Timothy C. Searchinger** (Historic Preservation Commission – Denial of a Historic Area Work Permit).

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

3. **A-6135, Appeal of Sally Rand and Richard Hall** (Department of Permitting Services (DPS) – Issuance of Building Permit No. 409956). Letter to the Board from the appellants withdrawing the administrative appeal.

Action: (1) Dismissed the appeal as withdrawn; (2) granted 50% (\$100.00) refund of the filing fee, (DLB/WMH, 5-0).

4. **S-1227, Petition of Lydia Lee Harry** (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 the special exception as abandoned, (AMC/CLH, 5-0).

5. **S-1365, Petition of Association for Women's Recovery Residence, Inc.** (group residential facility for exceptional persons). Letters to the Board from Tahira Azziz requesting a transfer of the special exception and an administrative modification.
on:

Action: Item deferred for additional information, consensus.

6. **S-1926, Petition of Nancy Sabbagh** (accessory apartment). Letter to the Board from Jose L. Chavel requesting a transfer of the special exception.

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

7. **S-2473, Petition of the Adnan Haider** (accessory apartment). Memorandum to the Board from Bernard Marra, Housing Code Inspector, DHCA, requesting a Show Cause Hearing.

Action: Schedule Show Cause Hearing, (DLB/CLH, 5-0).

8. **S-2586, Petition of Dale Rubenstein, D.V.M. t/a 'A CAT CLINIC'** (veterinary clinic). Letter to the Board from the petitioner requesting an administrative modification. [Large exhibits: site plan, elevations, framing plan].

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

9. **S-2639, Petition of Korean Communications Senior Housing/Omnipoint Communications CAP Operations, LLC** (public utility structures, public utility buildings and telecommunication facilities). Letter to the Board from Thomas Carroll, Esquire, requesting an administrative modification. [Large exhibits: front elevations, antenna and cabinet details, screen wall details].

Action: Granted administrative modification, (CLH/WMH, 4-0/AIF/recused).

10. **S-2644, Petition of Greencastle Lakes Community Association, Inc.** (community swimming pool). Letter of update from Tom Van Pelt, Agent for Greencastle Lakes Community Association.

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

DECISION ITEMS:

11. **S-2662, Petition of New Cingular Wireless PCS** (public utility buildings, public utility structures and telecommunications facilities). Hearing Examiner's Report and Recommendation. Also included is a request for Oral Argument from James Michel, Esquire.

Action: (1) Condition 3 of the Hearing Examiner's Report and Recommendation will remain; (2) Conditions 4, 5 and 7 of the Hearing Examiner's Report and Recommendation will be deleted; (3) Denied request for Oral Argument; (4) adopted the Hearing Examiner's Report and Recommendation as amended; (5) granted the special exception with conditions, (CLH/AMC, 4-0/AIF/recused).

PENDING ITEMS:

12. **A-6114, Appeal of Newland Communities LLC and NNP II – Clarksburg LLC** (Department of Fire and Rescue Services – Notice of Violation dated September 20, 2005). Joint Status Report and Motion to Stay from Todd Brown, Esquire; Joseph Lapan, Esquire; and Malcolm Spicer, Esquire. Also included is a letter from the Department of Fire and Rescue Services. (1) Granted continuance of the appeal until 10/26/06; (2) Board to received status report in 90 days. [W/S 4/19/06].

PENDING ITEMS (continued):

13. **CBA-470-A, Petition of Kensington Nursery School** (private educational institution). Hearing Examiner's Report and Recommendation. Item deferred for the site plan required in Condition No. 3 of the Hearing Examiner's Report and Recommendation. [W/S 5-31-06].
14. **CBA-1203, Petition of Mariner Health of Maryland, Inc.** (nursing home). Letter to the Board from Stuart Barr, Esquire, requesting a transfer of the special exception and an administrative modification. (Large exhibits: lighting and photometric plan, survey, site plan). Item deferred for additional information, information should include a schedule of the generator operations. [W/S 2/22/06].
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-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].
18. **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].
19. **S-961, Petition of William E. Wallace, Jr.** (accessory apartment). Memorandum to the Board from Jerri Burgess, 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. Item deferred for confirmation from DHCA that the accessory apartment has been abandoned. [W/S 2/8/06].
20. **S-1239, Petition of Ernestine and Jewel Johnson** (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 from the petitioner requesting that the special exception be suspended and not revoked. Item deferred for confirmation that special exception holder resides in the house. [W/S 2/22/06].
21. **S-1365, Petition of Association for Women's Recovery Residence, Inc.** (group residential facility for exceptional persons). Letter to the Board from Tahira Azziz requesting a transfer of the special exception and an administrative modification. Item deferred for additional information. [W/S 2/22/06].

PENDING ITEMS (continued):

22. **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].
23. **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]. (1) Deferred administrative modification request for 60 days; (2) administrative modification request reviewed by M-NCPPC Technical Staff. [W/S 12/7/05].
24. **S-2453, Petition of Academy Child Development** (child day care facility). Letter to the Board from Marilyn Fleetwood, President, requesting an administrative modification. Item deferred for additional information and what will be the impact of peak travel time, consensus. [W/S 5-31-06].
25. **S-2474, Petition of North Potomac Seniors' Housing, LLC** (housing and related facilities for the elderly and handicapped). Letter to the Board from Barbara Sears, Esquire, and Erin Girard, Esquire, requesting a transfer of the special exception. Also included is a letter to the Board from Gopal Janardanan, President and Chief Executive Officer, requesting an inspection of the special exception by DPS. Item deferred until the Board receives DPS's inspection report. [W/S 5/31/06].
26. **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). Item deferred for additional information. [W/S 12/7/05].
27. **S-2527, S2528, S-2529, Petition of Twin Ponds Farm, LLC** (wholesale horticultural nursery, landscape contractor, manufacture of mulch and compost). Letter of complaint from Robert A. Thomassen, Diane M. Hogan, John and Stephanie Egly, and Sugarloaf Citizens Association by Jane Hunter with a request that the Board convene a revocation hearing. Also included are letters from Erica Leatham, Esquire, requesting that the Board defer this request until its next Worksession. (1) Re-opened the record to include letters dated 4/21/06, 5/1/06, 5/5/06, 5/9/06 [is there more than 3 letter?], (2) request inspection by the Department of Permitting Services (DPS) to determine where special exception stands in terms of its implementation. [W/S 5/10/06].
28. **S-2635, Petition of New Covenant Village, LLC** (housing and related facilities for senior adults). Letter to the Board from David Freishtat, Esquire, requesting an administrative modification. (Large exhibits: overall site plan, site plan, landscape plan). (1) Granted the administrative modification as revised; (2) Board to receive the revised plans from the petitioner. [W/S 3/8/06].
29. **HE 03-01, Petition of Montgomery Cemeteries, LLC** (cemetery). Letter to the Board from Michael Vlahos, owner, requesting an administrative modification. Item deferred for additional information. [W/S 5-31-06]

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