

**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 27, 2007, 9:30 a.m.

ACTION ITEMS:

1. **Minutes**, June 27, 2007 Worksessions.

Action: Approved, (DLB/WMH, 3-0).

2. **A-6126, A-6150, A-6174, Appeal of Eileen Finnegan of Hillandale Citizens Association, Et Al.** (Department of Permitting Service – Issuance of Building Permit No. 409297). Request for a refund of the filing fee from Eileen Finnegan.

Action: Granted 100% (\$200.00) refund of the filing fee, (DLB/AIF, 3-0).

3. **CBA-2830, Petition of Graciano P. Gancayco** (non-resident medical practitioner). Memorandum to the Board from Stanley Garber, Investigator, Department of Permitting Services (DPS), requesting a Show Cause Hearing.

Action: Schedule Show Cause Hearing, (WMH/DLB, 3-0).

4. **S-274-C, Petition of Suburban Hospital, Inc.** (hospital). Letter to the Board from Lorraine Driscoll, President, Huntington Terrace Citizens' Association, requesting a public hearing on the administrative modification granted by the Board at its 5/30/07 Worksession. Also included is an email from Steve Martin, Environmental Compliance Supervisor, Department of Environmental Protection (DEP), with the hospital's noise inspection report and a letter from Suburban Hospital with information about its community panel.

Action: Item deferred for a future Worksession, consensus.

5. Pending Worksession Item. **S-671, Petition of Randolph Building Limited Partnership** (off-street parking). Letter to the Board from Ronald Bolt, Esquire, requesting an administrative modification. W/S 4/18/07 BOA (1) Granted the transfer of the special exception; (2) Board to be notified by the petitioner by 6/10/07 that all violations have been abated; (3) DPS to inspect to determine if a Show Cause Hearing will be required.

Action: (1) Re-opened the record to include Mr. Bolt's letter (DLB/WMH, 3-0). Item deferred for the petitioner to submit a revised site plan with the revised parking configuration that includes a handicap ramp and plantings.

6. **S-687-F and S-687-G, Petition of Bullis School, Inc.** (private educational institution). Letter to the Board from Soo Lee-Cho, Esquire, requesting a 12-month extension to implement.

Action: (1) Board determined that an explicit extension of time is not required by the zoning ordinance; (2) re-opened the record to include Ms. Lee-Cho's letter, (DLB/WMH, 3-0); (3) an annual status report is required on or by July 1st of each year regarding changes in traffic patterns.

7. **S-1075, Petition of Exxon Corporation** (automobile filling station). Memorandum to the Board from Stanley Garber, Investigator, DPS, requesting a Show Cause Hearing.

Action: Schedule Show Cause Hearing, (WMH/DLB, 3-0).

8. **S-1505, Petition of Maryland Development Company, LLC** (housing for the elderly and handicapped). Letter from Jeanne Medina, President, Fairland Manor Condominiums, Inc., notifying the Board of a non-compliance in the special exception use.

Action: (1) Re-opened the record to include Ms. Medina's letter, (DLB/WMH, 3-0); (2) staff to notify the condominium association that a transfer of the special exception is required and that the Board has no jurisdiction over the enforcement of the condominium rules and regulations.

- 9 **S-1528, Petition of Ralph L. Magee** (accessory apartment). Memorandum from Dan McHugh, Housing Code Field Supervisor, Department of Housing and Community Development (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: Item deferred until 7/11/07 Worksession, consensus.

10. **S-1814, Lois J. Prather** (major home occupation). Memorandum from Heather Gottke, Inspector, DPS, notifying the Board that the special exception is a permitted use in the zone and requesting that it be revoked.

Action: Item deferred until 7/11/07 Worksession, consensus

11. **S-1884, Petition of Chakrat Sukachevin, M.D.** (non-resident medical practitioner). Letter from Keith Rosa, Esquire, notifying the Board that the installation of the landscaping is complete as required by Board Resolution dated 3/2/07.

Action: (1) Re-opened the record to include Mr. Rosa's letter, (DLB/AIF, 3-0); (2) BOA requires notification by DPS to dismiss the Show Cause Hearing.

12. **S-1904-A, Petition of Norman Roskin D.V.M.** (veterinary hospital). Motion for Reconsideration from Joseph Lynott, Esquire.

Action: Item deferred until 7/11/07 Worksession, consensus.

13. **S-2356, Petition of David J. Biss** (major home occupation). Letter to the Board from the petitioner requesting to modify the renewal requirement.

Action: Item deferred until 7/11/07 Worksession, consensus.

DECISION ITEMS:

14. **A-6199, Appeal of Rudolph Geist** (Department of Permitting Services – Issuance of Building Permit No. 438435). Appellant's Memorandum In Support of Appeal from David Lamb, Esquire. Also included is a statement from Malcolm Spicer, Associate County Attorney.

Action: Denied the administrative appeal, (DLB/AIF, 3-0).

15. **S-2694, Petition Gilberto Alemao** (accessory apartment). Hearing Examiner's Report and Recommendation.

Action: Item deferred until 7/11/07 Worksession, consensus

PENDING ITEMS:

16. **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). Second Status Report from Todd Brown, Esquire. (1) Re-opened the record to include the Second Status Report from Todd Brown; (2) the Board will receive Status Reports on 1/15/07 and 4/1/07. [W/S 10/25/06]. (1) Re-opened the record to include the status report from Mr. Brown; (2) Mr. Brown to provide a status/progress report to BOA at its 5/2/07 Worksession. [W/S 2/28/07].

PENDING ITEMS (continued):

17. **A-6190, Appeal of Amanda Enterprises, LLC** (Department of Permitting Services – Notice of Violation dated November 13, 2006 and Use and Occupancy Certificate No. 250849). BOA to receive a status report from the appellant by 6/15/07. [Pre-hearing Conference held on 3/14/07].
18. **CBA-470-A, Petition of Kensington Nursery School** (private educational institution). Item deferred for the site plan required in Condition No. 3 of the Hearing Examiner's Report and Recommendation. [W/S 5-31-06]. (1) Re-opened the record to include Mr. Smith's letter; (2) record will remain open until 5/15/07 to receive the required site plan; (3) administrative modification will be dismissed upon non-receipt of the required site plan after 5/17/07. [W/S 4/18/07].
19. **S-232, Petition of R. P. Patton & Sons, Inc.** (horticultural nursery and commercial greenhouse). Letter to the Board from Melvin Laney requesting an inspection of the special exception and a public hearing. (1) Re-opened the record to include the letter from Mr. Laney; (2) Board to request DPS to inspect the special exception and provide the Board with an inspection report. [W/S 4/18/07].
20. **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].
21. **S-2328, Petition of Judith Himmelfarb** (accessory apartment). Letter to the Board from Ariel De notifying the Board that the special exception has been abandoned and requesting that it be revoked. Item deferred until confirmation that the accessory apartment's kitchen has been removed. [W/S 7/26/06].

Board Members

Allison Ishihara Fultz, Chair
Donna L. Barron, Vice Chair
Wendell M. Holloway
Caryn L. Hines - ABSENT
Catherine G. Titus - ABSENT

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, June 27, 2007, 9:30 a.m.

ACTION ITEM:

1. **S-1437, Petition of John D. Hyman** (landscape contractor). Order from the Circuit Court for Montgomery County

Action Re-opened the record to include Order from the Circuit Court, (DLB/WMH, 3-0)

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