

**BOARD OF APPEALS
for
MONTGOMERY COUNTY**

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www.montgomerycountymd.gov/content/council/boa/index.asp

WORKSESSION MINUTES

Second Floor Davidson Memorial Hearing Room

Wednesday, December 12, 2007, 9:30 a.m.

ACTION ITEMS:

1. **Minutes**, November 28, 2007 Worksession.

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

2. **CBA-470-A, Petition of Kensington Nursery School** (private educational institution). Letter from Robert Hillman, Chair, KNS Building Committee, with the additional information requested in the Board's Resolution dated 10/30/07. [DVD included of photos of the traffic and parking].

Action: (1) Accepted Mr. Hillman's letter with attachments into the record; (2) adopted the Hearing Examiner's Report and Recommendation; (3) granted the special exception modification with conditions as amended, (CGT/CLH, 5-0).

3. **CBA-722, Petition of Chevy Chase Club, Inc.** (country club). Letter to the Board from Timothy Dugan, Esquire, requesting an administrative modification. [Large exhibits: exterior elevations, landscape structures details, site plan/proposed conditions, planting and lighting plan, hardscape plan, site plan/existing features, lighting plan, photometric plan, fixtures and mounting details, lighting schedule, subdivision plats].

Action: (1) Granted the administrative modification; (2) within 30 days of the Department of Permitting Services' final framing inspection the petitioner to submit photos of the new tennis building; (3) the administrative modification Resolution will include Conditions 3 and 4 from Mr. Dugan's 12/3/07 letter; (4) the petitioner to submit for the record a proposed construction access plan; (CGT/CLH, 5-0).

4. **CBA-1079-A, Petition of Northwest Branch Recreation, Inc.** (community swimming pool). Letter from Jody Kline, Esquire, submitting the additional information requested in the Board's Resolution date 11/27/07. [Large exhibit: existing conditions plan].

Action: Granted the administrative modification to permit parking for The Learning Care Group, Inc., which is adjacent to the special exception site, (WMH/CLH, 4-0/DKP/necessarily not participating).

5. **CBA-2539, Petition of Frederick G. Harting, Jr.** (private club, riding stable, recreational establishment, private educational institution). Letter from David Tobin, Equine Resources Coordinator, M-NCPPC, notifying the Board that the special exception was abandoned in 1980 and requesting that it be revoked. Also included is a request for the refund of fees paid by the petitioner during the period 2004-2007.

Action: (1) Revoked the special exception as abandoned; (2) granted a refund of the fees paid during the period of 2004-2007 if possible, (DKP/WMH, 5-0).

6. **S-2217, Petition of Shell Oil Company** (automobile filling station). Letters to the Board from George Rudy, Program Manager. Also included is a memorandum from Heather Gottke, Inspector, Department of Permitting Services (DPS). [Large exhibits: site plan, vicinity map, physical layout/field boundary location/topographic survey, canopy plan and elevations, landscape layout, stormwater management, fence layout].

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

7. **S-2471, Petition of Kids 'N Care Learning Center** (child day care facility). Letter from Casey Moore, Esquire, submitting the additional information requested by the Board on the special exception staff parking.

Action: Item deferred until 1/9/08 Worksession, consensus.

8. **S-2631, Petition of Germantown Walter Johnson Property, LLC** (automobile filling station and convenience store). Letter to the Board from Richard Hurney, P.E., submitting a revised landscape plan. [Large exhibits: site plan, landscape and lighting plan, paving and striping plan].

Action: Item deferred for confirmation from DPS of the adequacy of the internal site circulation plan, consensus.

PENDING ITEMS:

9. **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]. Status Report from Todd Brown, Esquire. [W/S 10/17/07].
10. **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].
11. **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]

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