

**BOARD OF APPEALS
for
MONTGOMERY COUNTY**

**Stella B. Werner Council Office Building
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www.montgomerycountymd.gov/content/council/boa/index.asp

WORKSESSION MINUTES

Second Floor Davidson Memorial Hearing Room

Wednesday, November 4, 2009, 9:30 a.m.

ACTION ITEMS:

1. **Minutes**, October 28, 2009 Worksession.

Action: Approved as amended, (CJS/WSB, 5-0).

2. **A-6282, Appeal of Goodman-Gable-Gould Co./International and Traville Office Property Venture LLC by Harvey Goodman and Neil Kahn** (Department of Permitting Services (DPS) - Letter dated November 21, 2008). Letter from Steven Robins, Esquire, and Jason Fisher, Esquire, requesting a stay of the administrative appeal.

Action: Denied the stay of the administrative appeal, (DKP/SBB, 4-1/WSB/abstained).

3. **CBA-1383, Petition of Tilden Woods Recreation Association** (community swimming pool). Letter of information from Soo Lee-Cho, Esquire, regarding an extension of time given to the petitioner to respond to the DPS inspection report of 6/29/09.

Action: Re-opened the record to include Ms. Lee-Cho's letter, (CJS/WSB, 4-1).

4. **CBA-2525, Petition of Bernard B. Schugar, D.D.S.** (non-resident medical practitioner). Letter to the Board from the petitioner requesting that the names of Dr. Amisha Shroff and Marsha S. Schugar be added to the special exception.

Action: Item deferred for additional information, consensus.

5. Pending Item. **S-1279, Petition of Thomas McGowan Fleming and Tobi Sandra Fleming** (accessory apartment). Letter to the Board from Tobi Sandra Bernstein requesting that the name on the special exception be changed.

Action: Granted the modification of the special exception, (DKP/SBB, 5-0).

6. **S-2467 [S-2467-A], Petition of Holton Arms School, Inc.** (child day care facility). Letter to the Board from Elsie Reid, Esquire, requesting an administrative modification.

Action: Granted the administrative modification, (SBB/WSB, 5-0).

7. **S-2685, Petition of Avalon Education Group** (private educational institution). Letter to the Board from Jody Kline, Esquire, requesting an one-year extension of time.

Action: Granted a one-year extension of time, (CJS/SBB, 5-0).

PENDING ITEMS:

8. **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]. Re-opened the record to include the status report from Mr. Brown. [W/S 4/2/08].
9. **A-6117, Appeal of Mary Hemingway and Edward Purich for Cloverly Civic Association** (Department of Permitting Services (DPS) – Issuance of Building Permit No. 402806). Opinion and Order from the Circuit Court. (1) Re-opened the record to include the Opinion and Order from the Circuit Court; (2) action by BOA deferred until 7/6/09. [W/S 6/17/09].
10. **CBA-1456-A [CBA-1456], Petition of Lindsay Management Company** (off-street parking). Status report from David Freishtat, Esquire, and Anne Marie Vassallo, Esquire. (1) Re-opened the record to include status report from Mr. Freishtat and Ms. Vassallo; (2) Board to be provided with a status report in 60 days. [W/S 7/15/09]. Approximately September 15, 2009.

PENDING ITEMS (continued):

11. **S-179, David H. Shin (coffee shop).** Letter to the Board from Sook Kim requesting a transfer of the special exception. Item deferred for additional information regarding ownership of special exception property. [W/S 6/25/08].
12. **S-289-B [S-289, S-289A], Petition of the Little Falls Swim and Tennis Club** (community swimming pool). Letter to the Board from Susan Valenstein, President, requesting an administrative modification. (Large exhibits: revised landscape plan/5 sheets and a lighting plan). (1) Granted temporary approval of the administrative modification; (2) Board will review the administrative modification request with the Club's submission of its annual report in December 2009. [W/S 10/7/09].
13. **S-894, Petition of Joan C. Wright** (major home occupation). Letter to the Board from the petitioner requesting an administrative modification. Item deferred for additional information regarding the number of employees, size of the workspace, renewal period. [W/S 3/11/09].
14. **S-1791, Petition of Melissa Martell Taylor** (private educational institution). Letter to the Board from Terry Lewis requesting a transfer of the special exception. Item deferred for (1) statement of operations; (2) confirmation the special exception will be operated in conformance with the Board's Opinion; (3) confirmation of the special exception holder. [W/S 9/10/08].
15. **S-2141, Petition of Bannockburn Swim Club, Inc.** (community swimming pool). Letter from John Chadwick, Pool Board Representative-Improvements, submitting the additional information requested by the Board for an administrative modification. [Large exhibit: site plan]. Item deferred to determine if administrative modification is subject to a forest conservation requirement. [W/S 4/2/08].
16. **S-2145, Petition of Southwestern Bell Mobile Systems, Inc.** (telecommunications facility). Letter to the Board from Karmen Rajamani, Zoning Manager, requesting a transfer of the special exception. Item deferred for confirmation of the transfer from Southwestern Bell Mobil Systems, Inc. [W/S 4/30/08].
17. **S-2504, Petition of Sunrise Development, Inc.** (housing for the elderly and handicapped). Letter to the Board from Victoria Khomutetsy requesting an administrative modification. Item deferred for Sign Review Board approval. [W/S 10/28/09].
18. **S-2651, Petition of Brenneman and Pagenstecher, Inc.** (telecommunications facility). Letter to the Board from Norman Knopf, Esquire, requesting reconsideration of the Board's Resolution dated 9/15/09. Granted the reconsideration request. [W/W 10/7/09].

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