

**BOARD OF APPEALS
for
MONTGOMERY COUNTY**

**Stella B. Werner Council Office Building
100 Maryland Avenue
Rockville, Maryland 20850
(240) 777-6600**

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

WORKSESSION MINUTES

Second Floor Davidson Memorial Hearing Room

Wednesday, June 30, 2010, 9:30 a.m.

ACTION ITEMS:

1. **Minutes**, June 16, 2010 Worksession.

Action: Approved as corrected, (WSB/SBB, 5-0).

2. **CBA-508, CBA-929 and ZAS-619, Petitions of Michael W. Smith** (riding academy and private educational institution). Memorandum from Barbara Piczak, Inspector, Department of Permitting Services (DPS), notifying the Board that the special exceptions are now permitted uses in the zone and requesting that they be revoked.

Action: Revoked special exceptions as uses are now permitted in the zone, (WSB/SBB, 5-0).

3. **CBA-2002, CBA-2354, S-197, S-198, S-2071, Petitions of Cabin John Associates Limited Partnership and Kids Clubhouse, Inc.** (off-street parking, automobile filling station, recreation or entertainment establishment of a commercial nature). Memorandum from Barbara Piczak, Inspector, DPS, notifying the Board that the special exceptions are now permitted uses in the zone and requesting that they be revoked.

Action: Revoked special exceptions as uses are now permitted in the zone, (SBB/WSB, 5-0).

4. **S-384, Petition of Dr. Irene A. Feldman and Dr. John A. Galotto** (non-resident medical practitioner). Letter to the Board from the petitioners requesting an administrative modification.

Action: Granted the administrative modification, (CJS/SBB/4-0/CGT/recused).

5. **S-622, Petition of East-West Limited Partnership** (newsstand in a commercial office complex). Memorandum from Barbara Piczak, 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 property owner.

Action: Revoked the special exception as abandoned, (WSB/DKP, 5-0).

6. **S-1943 [S-1943-A, S-1943-B], Petition of Kevin Son and New Press For Success Inc.** (commercial recreational or entertainment establishments). Memorandum from Barbara Piczak, Inspector, DPS, notifying the Board that the special exception has been abandoned and requesting that it be revoked. Also included is letter of confirmation from the property owner.

Action: Revoked the special exception as abandoned, (SBB/CJS, 5-0).

7. **S-2296, Petition of African Cultural Center** (private club). Memorandum from Barbara Piczak, Inspector, DPS, notifying the Board that the special exception was never implemented and requesting that it be revoked.

Action: Revoked the special exception as never implemented, (CJS/WSB, 5-0).

8. **S-2656, Petition of Baywood Hotels, Inc.** (hotel). Letter to the Board from Patricia Harris, Esquire, requesting an administrative modification. [Large exhibits: landscape plan/3 sheets, site plan].

Action: Granted the administrative modification, (DKP/CJS, 5-0).

9. **S-2679, Petition Sally Brucker** (accessory apartment). Memorandum from Cece Kinna, Inspector, 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 petitioner.

Action: Revoked the special exception as abandoned, (SBB/CJS, 5-0).

10. **S-2712, Petition of Formation Development Group, LLC** (assisted living facility). Letter to the Board from Cindy Bar, Esquire, requesting an administrative modification and a transfer of the special exception. [Large exhibits: landscape plan/2 sheets, special exception plan, special exception detail sheet/3 sheets, site plan/overlay exhibit, exterior elevations, illustrative plan, perspective sketch].

Action: (1) Granted the transfer of the special exception; (2) granted the administrative modification, (DKP/CJS, 5-0).

DECISION ITEM:

11. **S-274-D, Petition of Suburban Hospital** (hospital). Hearing Examiner's Report and Recommendation. Also included Huntington Terrace Citizens Association's Renewal of Its Request for Recusal of Board Chair Catherine Titus.

Action: (1) Denied the recusal request; (2) granted Oral Argument to Suburban Hospital, Huntington Terrace Citizens Association, and Mr. Mangurian; (3) oral argument limited 45 minutes for Suburban and Huntington Terrace and 10 minutes for Mr. Mangurian; (4) written filings limited to 10 pages 30 days prior to the Oral Argument hearing date, consensus.

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). 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].
13. **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].
14. **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].
15. **S-411-D, Petition of La Fondation De L'Ecole Francaise Internationale De Washington** (private educational institution). Letter to the Board from Jody Kline, Esquire, requesting an administrative modification. Item deferred for future Worksession. [W/S 6/2/10].
16. **S-763 [S-763-A], Petition of Silver Spring Temple and Library Association** (service organization). Letter to the Board from Sean Hughes, Esquire, requesting an administrative modification. [Large exhibits: title sheet, site survey, roof and equipment location plan, building elevations, equipment details]. Deferred administrative modification request until a special exception application has been approved for the telecommunications facility. [W/S 3/10/10].

PENDING ITEMS (continued):

17. **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].
18. **S-1713, Petition of Deda's Farm, LLC** (landscape contractor). Letter to the Board from the petitioner requesting an administrative modification. Item deferred for site plan with the new and old barn locations. [W/S 3/31/2010].
19. **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].
20. **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].

Board Members

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David K. Perdue, Vice Chair
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Staff

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WORKSESSION ADDENDUM MINUTES

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Wednesday, June 30, 2010, 9:30 a.m.

ACTION ITEM:

1. **S-1424-A [S-1424], Petition of Korean Community Senior Housing Corporation of Maryland, Inc. and Korean Community Senior Housing Corporation of Maryland, Inc. II** (housing for the elderly and handicapped). June 21, 2010 letter from Linda Holleran, President of Buckingham Terrace Citizens' Association, expressing concerns and requesting to participate in Oral Argument.

Action: (1) Re-opened the record to include Ms. Holleran's letter; (2) Oral Argument request denied as it was not timely, (DKP/CJS, 5-0).

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