

**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, March 10, 2010, 9:30 a.m.

ACTION ITEMS:

1. **Minutes**, February 24, 2010 Worksession.

Action: Approved, (SBB/DKP, 4-0).

2. **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).

Action: Deferred administrative modification request until receipt of a special exception application for a telecommunications facility has been filed, consensus.

3. Returning Item. **S-2153, Petition of American PCS, L.P. (by Margaret Ruggieri)** (telecommunications facility). Email from Donna Frescatore submitting documentation regarding the company's name change.

Action: Re-opened the record to include the correspondence from MS. Frescatore, (DKP/SBB, 4-0). Information submitted by Ms. Frescatore does not support a change of name for the special exception.

4. **S-2204, Petition of Atlantic Village Homestead, Incorporated** (hotels). Letter to the Board from David Hodge, Esquire, requesting a transfer of the special exception.

Action: Granted the transfer of the special exception, (CJS/SBB, 4-0).

5. **S-2540, Petition of Spring PCS/APC Realty and Equipment Company, LLC and Goshen United Methodist Church** (telecommunications facility). Letter to the Board from Sean Hughes, Esquire, requesting an administrative modification. [Large exhibits: title sheet, survey plat, overall site plan, enlarged site plan, antenna and coax cable details].

Action: (1) Granted the administrative modification; (2) granted a waiver to the required 300 foot setback from the nearest residential structure, (DKP/SBB, 4-0).

6. **S-2652, Petition of Inwood House Development Corporation/Omni Point Communication CAP OP., LLC** (telecommunications facility). Memorandum to the Board from Barbara Piczak, Inspector, Department of Permitting Services (DPS), notifying the Board that the special exception was never implemented and requesting that it be revoked. Also included is a letter of confirmation from the petitioner.

Action: Revoked the special exception as never implemented, (CJS/DKP, 4-0).

7. **S-2678, Petition of Farzam and Francesca Tamami** (non-resident medical practitioner). Letters from the petitioner to the State Highway Administration.

Action: Re-opened the record to include the letters from the petitioner, (DKP/SBB, 4-0).

8. **S-2712, Petition of Sunrise Development, Inc. d/b/a Sunrise Senior Living** (assisted living facility). Letter to the Board from Cindy Bar, Esquire, requesting a transfer of the special exception.

Action: (1) Granted the transfer of the special exception; (2) granted a 12-month extension of time, (DKP/CJS, 4-0).

9. **S-2746, Petition of Ivymount School, Inc.** (private educational institution). Letter to the Board from Anne Marie Vassallo, Esquire, submitting information required by Condition No. 5 of the Board's Opinion dated 10/30/09. [Large exhibits: cover sheet, site plan/phase 1, site plan/phases 2 and 3, site plan for building permit notes and details].

Action: Re-opened the record to include Ms. Vassallo's letter with attachments, (SBB/CJS, 4-0).

10. **S-2752, Petition of Dr. Meredith A. Miklozek, DVM d/b/a Diamond Veterinary Hospital** (veterinary hospital). Letter from Gary Modjeska submitting documentation required per Condition No. 11 of Hearing Examiner's Report and Recommendation dated 2/4/2010.

Action: Re-opened the record to include Mr. Modjeska's letter with attachments, (DKP/SBB, 4-0).

DECISION ITEMS:

11. **S-2756, Petition of Gokaldas and Josephine Parikh** (accessory apartment). Hearing Examiner's Report and Recommendation.

Action: (1) Adopted the Hearing Examiner's Report and Recommendation; (2) granted the special exception with conditions, (DKP/SBB, 4-0).

12. **S-2758, Petition of Michael I. Shihadi** (accessory apartment). Hearing Examiner's Report and Recommendation.

Action: (1) Adopted the Hearing Examiner's Report and Recommendation; (2) granted the special exception with conditions, (DKP/CJS, 4-0).

PENDING ITEMS:

13. **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].
14. **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].

PENDING ITEMS (continued):

15. **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].
16. **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].
17. **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].
18. **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

Catherine G. Titus, Chair
David K. Perdue, Vice Chair
Walter S. Booth - ABSENT
Carolyn J. Shawaker
Stanley B. Boyd

Staff

Barbara Jay, Associate County Attorney
Katherine Freeman, Executive Director
Hermene Jones, Administrative Specialist