

**BOARD OF APPEALS
for
MONTGOMERY COUNTY**

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

CORRECTED WORKSESSION MINUTES

Second Floor Davidson Memorial Hearing Room

Wednesday, January 19, 2011, 9:30 a.m.

ACTION ITEMS:

1. Minutes, January 5, 2011 Worksession.

Action: Approved as corrected, (WSB/SBB, 4-0/CJS/abstained).

2. **A-6329, Petition of Jose and Maria Raimundo** (one-story addition). Letter to the Board from the petitioners requesting reconsideration.

Action: Denied the request for reconsideration, (CJS/WSB, 4-0/DKP/abstained).

3. **A-6331, Appeal of Paul Posey and Carol Kosary** (Department of Permitting Services - Issuance of Building Permit No. 528013). Letter to the Board Keith Rosa, Esquire, requesting a **postponement** of the pre-hearing conference.

Action: Granted the continuance request, (SBB/WSB, 5-0).

4. **S-1192, Petition of Gayah and Semera Fahnbulleh** (child day care facility). Letter to the Board from the petitioners requesting an administrative modification. [Large exhibits: 6 weeks-2 years curriculum content; 12 months-24 months development assessment report; 3-5 years development assessment report; curriculum goals and objectives; photos].

Action: (1) Granted the administrative modification, (DKP/SBB, 5-0); (2) the petitioner will provide the Board with the statement of operations that was presented to the State.

5. **S-1761, Petition of Gwendolyn Fraley** (boardinghouse). Memorandum from Heather Gottke, Inspector, Department of Permitting Services (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 the property owner.

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

6. **S-2743, Petition of Henderson Corner and 355 LLC by Aris Mardirossian** (automobile filling station). Memorandum from Heather Gottke, Inspector, DPS, submitting the sign and the use and occupancy permits as required by the Board's Opinion dated 5/29/09.

Action: Re-opened the record to include Ms. Gottke's memorandum and attachments, (DKP/WSB, 5-0).

7. **S-2771, Petition of Raynold and Tawana Mensah** (accessory apartment). Letter from the petitioner withdrawing the special exception and requesting a refund of the filing fee.

Action: (1) Dismissed the special exception as withdrawn; (2) denied the request for a refund of the fees, (DKP/CJS, 5-0).

8. Returning Item. **S-2783, Petition of American Caregivers, Inc. by Mary Emah** (major home occupation). Letter to the Board from Mary Emah withdrawing the special exception and requesting a refund of the filing fee and the sign deposit.

Action: (1) Dismissed the special exception as withdrawn; (2) granted 100% refund of the filing (\$605.) and the sign deposit (\$220.) fees, (DKP/SSB, 5-0).

DECISION ITEMS:

9. **S-2760, Petition of Zi Wu Zhang and Luk Ying Ko** (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, (SBB/CJS, 5-0).

10. **S-2770, Petition of T-Mobile Northeast, LLC and Kay Harding White** (telecommunications facility). 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, 5-0).

PENDING ITEMS:

11. **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].

12. **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].

PENDING ITEMS (continued):

13. **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].
14. **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].
15. **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].
16. **S-1821, Petition of Catherine Ellis Peterson and Brian Sickora** (accessory apartment). Letter to the Board from Marianna Butler, Inspector, DHCA, requesting a Show Cause Hearing. Item deferred for additional information regarding the current the property owner. [W/S 7/21/2010].
17. **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].
18. **S-2313, Petition of McDonald's Corporation** (drive-in restaurant). Letter to the Board from Christopher Ruhlen, Esquire, requesting an administrative modification. [Large exhibits: special exception plat and elevations/2 sheets]. (1) Granted the administrative modification; (2) the Board will request an inspection report within a year of the issuance of a building permit for the new construction. [W/S 11/17/10].
19. **S-2480, Petition of Connie Lucas** (group home). Letter to the Board from the petitioner requesting an extension of time. Item deferred for additional information from the petitioner regarding the progress made for the implementation of the special exception. [W/S 9/8/2010].

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