

**BOARD OF APPEALS  
for  
MONTGOMERY COUNTY**

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[www.montgomerycountymd.gov/content/council/boa/index.asp](http://www.montgomerycountymd.gov/content/council/boa/index.asp)

**WORKSESSION MINUTES**

**Second Floor Davidson Memorial Hearing Room**

**Wednesday, April 18, 2012, 9:30 a.m.**

**ACTION ITEMS:**

1. Minutes, March 28, 2012 Worksession.

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

2. **A-6382, Petition of Brian A. and Ellen L. Kadow** (side lot line setback). Letter to the Board from Michelle Rosenfeld, Esquire, entering her appearance and requesting the consolidation of the special exception and variance petitions and to permit the petitioners to pay the higher of the two filing fees.

Action: (1) Granted the consolidation of the variance and special exception petitions; (2) petitioners to pay the higher of the two filing fees, (DKP/SBB, 5-0).

3. **CBA-1174-D, Petition of The Holton Arms School** (private educational institution). Letter to the Board from Elsie Reid, Esquire, requesting an administrative modification.

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

4. **CBA-1596, Petition of Helen W. Boyer** (medical clinic). Letter to the Board from Kirk Halpin, Esquire, requesting a transfer of the special exception.

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

5. **CBA-2197-B, Petition of The Heights School** (private educational institution). Letter to the Board from Alvaro de Vicente, Headmaster, submitting the school's annual report.

Action: Re-opened the record to include Mr. de Vicente's letter with attachments, (SBB/WSB, 5-0).

6. **CBA-2986, Petition of Victory Forest, L.P.** (care home). Letter to the Board from Soo Lee-Cho, Esquire and Damon Orobona, Esquire, requesting an administrative modification. [Large exhibits: proposed parking lot improvements and as-built site, landscape and lighting plan].

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

7. **S-2733, Petition of Barbara Beelar** (accessory apartment). Letter to the Board from Janice Levitt and Daniel Odess, contract purchasers, requesting a transfer of the special exception.

Action: (1) Granted the transfer of the special exception; (2) dismissed the Show Cause Hearing, (DKP/SBB, 5-0).

### **DECISIONS:**

8. **S 786-B, Petition of McDonald's USA LLC** (drive-in restaurant). Hearing Examiner's Report and Recommendation.

Action: (1) Adopted the Hearing Examiner's Report and Recommendation as amended; (2) granted the special exception with conditions, (CJS/WSB, 5-0).

9. **S-2825, Petition of Donald C. and Nancy H. Nalle** (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-2826, Petition of Marilyn Raymond** (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, (CJS/WSB, 5-0).

### **PENDING ITEMS:**

11. **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 3/10/2010].

**PENDING ITEMS (continued):**

12. **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 4/30/2008].
13. **S-2759, Petition of Darnestown Development, LLC t/a Goddard School** (child day care facility). Letter to the Board from Stephen Kaufman, Esquire and Debra Borden, Esquire, requesting a transfer of the special exception and an administrative modification. [Large exhibits: cover sheet, special exception site plan, special exception landscape plan/2 sheets, preliminary subdivision plan]. (1) Granted the transfer of the special exception; (2) deferred the administrative modification request until M-NCPPC's approval of the pending request for revisions to the preliminary plan. [W/S 9/14/2011]. (1) Re-opened the record to include Ms. Martin's letter; (2) Ms. Martin's request will be deferred until the administrative modification request is taken up by BOA. [W/S 12/7/2011].
14. **S-2781, Petition of Gilmore-Brunett LLC** (child day care center). Hearing Examiner's Report and Recommendation and an Errata Statement. Also included are letters requesting reconsideration from Anne Mead, Esquire; Louis Leibowitz, Esquire; and Harriet Quinn, Woodmoor-Pinecrest Citizens Association. (1) Granted the requests for oral argument; (2) staff to communicate to Ms. Quinn that her participation should be as an individual. [W/S 3/28/2012].
15. **S-2820, Petition of Fairland Animal Hospital, Inc.** (veterinary hospital). Hearing Examiner's Report and Recommendation. Also included is a letter from Jody Kline, Esquire, requesting oral argument. (1) Granted the request for oral argument. (2) deferred the Hearing Examiner's Report and Recommendation. [W/S 2/29/2012].

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