

**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, July 11, 2012, 9:30 a.m.

DECISION ITEM:

9:30 AM

1. **S-2781, Petition of Gilmore-Brunett LLC** (child day care center). Hearing Examiner's Report and Recommendation.

Action: Motion to grant the special exception, (DKP/CGT, 2-3/statutory denial).

ACTION ITEMS:

10:30 AM

2. Minutes, June 20, 2012 Worksession.

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

3. **A-6384, Appeal of Robin Frosh et al** (Department of Permitting Services (DPS) – Issuance of Building Permit No. 588146). Letter to the Board from Steven Asin, party to the appeal, withdrawing the administrative appeal.

Action: (1) Dismissed the administrative appeal as withdrawn, (2) granted 50% (\$110.) refund of the filing fee, (DKP/WSB, 5-0).

4. **A-6386, Appeal of Mark D. and Patience B. Ball** (Historic Preservation Commission – Decision and Order dated May 2, 2012). Letter to the Board from Courtney Thornton requesting to intervene.

Action: Granted the request to intervene, (DKP/SBB, 5-0).

5. **A-6387, Appeal of Jennifer Gentile and Gregory P. Miller** (Department of Permitting Services – Issuance of Building Permit No. 581288). Letter to the Board from the appellant requesting a refund of filing fee. Also included is a Motion To Dismiss from Malcolm Spicer, Associate County Attorney.

Action: (1) Dismissed the administrative appeal as moot, (2) granted 100% (\$220.) refund of the filing fee, (DKP/CJS, 5-0).

6. **A-6388, Appeal of Shari Targum and Craig M. Schiffries** (Department of Permitting Services – Issuance of Retaining Wall Permit No. 599464). Motion To Intervene and a Request to Reschedule Prehearing Conference from Hamid Davoodi and Shiranthi Gnanaselvam.

Action: Granted a continuance to a mutually acceptable date, (CJS/SBB, 5-0).

7. **CBA-1596-A, Petition of C.K.A Management Solutions, LLC** (medical clinic). Letter from Kirk Halpin, Esquire, submitting a deed for the record as a confirmation of final sale.

Action: Re-opened the record to include Mr. Halpin's letter with attachment, (CJS/SBB, 5-0).

8. **CBA-2961 [CBA-1212, CBA-495], Petitions of Chesapeake and Potomac Telephone Company** (telecommunications facility). Response to the Board's request for an inspection from Heather Gottke, Inspector, DPS. Also included is a July 3, 2012 letter from Timothy Dugan Esquire.

Action: Re-opened the record to include Ms. Gottke's inspection report and Mr. Dugan's letter, (SBB/CJS, 5-0).

9. **S-285-E, Petition of The Norwood School** (private educational institution). Letter to the Board from Richard Ewing, Head of School, submitting the School's activity report and the community liaison committee minutes.

Action: Item deferred for additional information, consensus.

10. **S-687-F and S-687-G, Petition of The Bullis School** (private educational institution). Letter to the Board from Sue Lee-Cho, Esquire, with an update of the school's request for subdivision and a request for an administrative modification. [Large exhibits: 2004 master plan and 2011 property acquired and temporary modular classroom site plan].

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

11. **S-712, Petition of Raymond M. Hertz** (non-resident professional office). 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 confirmation from the property owner.

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

12. Returning Item. **S-1646, Petition Satish P. Shah** (accessory apartment). Letter of confirmation from the property owners that the special exception has been abandoned.

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

13. **S-2668, Petition of Taiwan Culture Center** (service organization). Letter to the Board from Tai Huang, President, submitting the community liaison council minutes.

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

14. **S-2471, Petition of Kid N Care Learning Center, LLC** (child day care facility). Letter to the Board from Stephen Orens, Esquire, requesting an extension of the validity period.

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

DECISION ITEMS:

15. **S-2832, Petition of Maria Lucia Tellez** (accessory apartment). Hearing Examiner's Report and Recommendation.

Action: (1) Adopted the Hearings Examiner's Report and Recommendation; (2) granted the special exception with conditions, (CGT/SBB, 5-0).

16. **S-2833, Petition of Belay Tesfamariam** (accessory apartment). 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, (SBB/CJS, 5-0).

17. **S-2836, Petition of Yangjing Lin and Xueqin Xu** (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, (CGT/DKP, 5-0).

PENDING ITEMS:

18. **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].
19. **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].
20. **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].
21. **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].

Board Members

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

Staff:

Barbara Jay, Associate County Attorney
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Hermene Jones, Administrative Specialist

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WORKSESSION ADDENDUM MINUTES

Second Floor Davidson Memorial Hearing Room

Wednesday, July 11, 2012, 9:30 a.m.

ACTION ITEM:

10:30 AM

1. **Order Extending Time for the Board's Written Opinion** for 30 days is required in the following cases:
A-6381, Petition of Joanna Veltri (an existing accessory structure/detached garage and a second-story addition).

Action: Granted order extending time, (SBB/WSB, 5-0).

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