

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

**WORKSESSION MINUTES**

**Second Floor Davidson Memorial Hearing Room**

**Wednesday, May 23, 2012, 9:30 a.m.**

**ACTION ITEMS:**

1. Minutes, May 16, 2012 Worksession.

Action: Approved, (CJS/WSB, 4-0).

2. **CBA-609, Petition of Mohican Swimming Pool Association** (community swimming pool). Letter from Norman Knopf, Esquire, requesting that the Board suspend its April 6, 2012 Resolution and conduct a public hearing.

Action: (1) Suspended the Board's Resolution dated 4/6/2012; (2) schedule public hearing, (CJS/WSB, 4-0).

3. **CBA-966, Petition of Tate Voice Studio** (home occupation). Letter from petitioner notifying the Board that the special exception is no longer required and requesting that it be revoked.

Action: Revoked the special exception as abandoned, (CJS/SBB, 4-0).

4. **CBA-1527-C, Petition of Exxon Corporation** (automobile filling station). Memorandum from Heather Gottke, Inspector, Department of Permitting Services (DPS), submitting a revised landscape plan. [Large exhibit: revised landscape plan].

Action: Re-opened the record to include Ms. Gottke's memorandum with attachment, (CJS/SBB, 4-0).

5. **S-274-C, Petition of Suburban Hospital** (hospital). Letter to the Board from Leslie Weber, Senior Vice President, submitting the noise testing results conducted in April 2012.

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

6. **S-434, Petition of S. S. Kresge** (installation of tires, batteries and other accessories). 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 petitioner's agent.

Action: Revoked the special exception as abandoned, (WSB/SBB, 4-0).

7. **S-889, Petition of Grand Prix Germantown LLP** (hotel/motel). Letter to the Board from Stacy Silber, Esquire, requesting a transfer of the special exception.

Action: Granted the transfer of the special exception conditioned upon the receipt of the final sales documents, (WSB/SBB, 4-0).

8. **S-1278, Petition of Dayan C. G. Kondagamage and Manuri N. Perera** (accessory apartment). Letter to the Board from Anesta Perera requesting a transfer of the special exception.

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

9. **S-1385, Petition of Luciana and Joseph D'Emilia** (home occupation). Memorandum from Barbara Piczak, Inspector, DPS, notifying the Board that the special exception is now a registered home occupation and requesting that the special exception be revoked. Also included is a letter of confirmation from the petitioners.

Action: Revoked the special exception as abandoned, (CJS/SBB, 4-0).

10. **S-1640, Petition of George B. Patrick, Jr., M.D.** (non-resident medical practitioner). 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 confirmation from a representative of the property owner.

Action: Revoked the special exception as abandoned, (WSB/SBB, 4-0).

11. **S-1660, Petition of Robert Lewis** (home occupation). Memorandum to the Board from Barbara Piczak, Inspector, DPS, notifying the Board that the special exception has been and requesting that it be revoked. Also included is a confirmation from the property owner.

Action: Revoked the special exception as abandoned, (CJS/WSB, 4-0).

12. **S-2733, Petition of Janice Levitt and Daniel Odess** (accessory apartment). Completed request for transfer of the special exception from the property owners.

Action: Re-opened the record to included the petitioners' letter with attachments, (CJS/CGT, 4-0).

**DECISION:**

13. **S-2813, Petition of Paul and Jamileh Mogin** (accessory apartment). Hearing Examiner's Report and Recommendation.

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

**PENDING ITEMS:**

14. **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].
15. **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].
16. **S-2751, Petition of Victory Oaks, Inc.** (elderly and handicapped housing). Letter to the Board from Jody Kline, Esquire, and Damon Orobona, Esquire, requesting an administrative modification. [Large exhibits: special exception site plan and amended special exception landscape plan/2 sheets]. Item deferred until a future Worksession. [W/S 4/25/2012].
17. **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].
18. **S-2762, [CBA-495, CBA-1212, CBA-2961], Petition of SBA Structures, Inc. and Verizon Maryland Inc.** (telecommunications facility). Letter to the Board from Paul Laplante regarding the special exception site. (1) Re-opened the record to include Mr. Laplante's letter; (2) request DPS inspection of the special exception. [W/S 5-16/2012].

**PENDING ITEMS (continued):**

19. **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].
  
20. **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**

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