

**BOARD OF APPEALS
for
MONTGOMERY COUNTY**

**Stella B. Werner Council Office Building
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<http://www.montgomerycountymd.gov/boa/index.html>

WORKSESSION MINUTES

Second Floor Davidson Memorial Hearing Room

Wednesday, April 24, 2013

ACTION ITEMS:

1. Minutes, April 10, 2013 Worksession.

Action: Approved, (JHP/CJS, 5-0).

2. **A-6391, Appeal of Jacqueline Vera-Y-Aragon** (Administrative Appeal). Order Extending Time for Written Decision.

Action: Granted order extending time, (CJS/DKP, 5-0).

3. **A-6402, Appeal of Margaret S. Marcus** (Administrative Appeal). Order Extending Time for Written Decision.

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

4. **A-6404, Petition of Robert and Marsha Aaron** (Variance). Letter to the Board from the Petitioner requesting a re-hearing to present additional information.

Action: (1) Re-opened the record to include Mr. Aaron's letter; (2) Granted request for additional hearing date to allow the petitioner to present additional evidence in support of his variance, (DKP/CGT/SBB, 3-2).

5. **A-6407, Appeal of Paul Posey and Carol Kosary** (Administrative Appeal). Letter to the Board from the Appellant's Attorney Keith Rosa, Esquire, requesting consolidation of the cases.

Action: Granted consolidation of cases, (CJS/JHP, 5-0).

6. **CBA-2402, Petition of Humble Oil Refining Company** (Automobile Filling Station). Letter to the Board from Stephen Horn, Senior Vice President, Acquisitions, National Retail Properties requesting a transfer of the special exception.

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

7. **CBA-2749, Petition of Texaco, Inc.** (Automobile Filling Station). Memorandum to the Board 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 letter of confirmation from a representative on behalf of the petitioner.

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

8. **S-257-A, Petition of Renewable Natural Resource Foundation** (Scientific Society Headquarters). Letter to the Board from Rebecca Morley, President, Fleming Park Community Association, Patricia Davenport and Irene Elliott requesting a public hearing.

Action: Granted request for public hearing, (DKP/SBB, 5-0).

9. **S-610-B, Petition of McDonald's Corporation** (Drive-in Restaurant). Letter to the Board from Christopher Ruhlen, Esquire, withdrawing the request for a minor modification of the special exception.

Action: (1) Re-opened the record to include Mr. Ruhlen's letter; (2) granted the withdrawal of the modification to the special exception; (3) Board withdraws its suspended decision, (CGT/CJS, 5-0).

10. **S-1097, Petition of American Legion Post 151, Inc.** (Service Organization). Letter to the Board from Anastasia Thomas, Esquire, requesting a transfer of the special exception.

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

11. **S-1764, Petition of Kentucky Fried Chicken Management Co.** (A Drive-through Restaurant). Memorandum to the Board 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 letter of confirmation from the petitioner.

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

12. **S-2861, Petition of Carl and Kim Weichel** (Accessory Apartment). Letter to the Board from the Petitioner, withdrawing the case.

Action: (1) Dismissed the Petition for an accessory apartment; (2) granted refund of fees, (JHP/CJS, 5-0).

DECISION ITEMS:

13. **S-2862, Petition of Ella Lichtenberg** (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/SBB, 5-0).

DECISION ITEMS CONTINUED:

14. **S-2864, Petition of Matthew Oakes** (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; (3) granted the three-day hardship waiver of the requirement of the Zoning Ordinance §59-G-2.00(b)(2). (SBB/CJS, 5-0).

PENDING ITEMS:

15. **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].
16. **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].
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].

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