

**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, September 8, 2010, 9:30 a.m.

ACTION ITEMS:

1. **Minutes**, July 28, 2010 Worksession.

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

2. **Order Extending Time for the Board's Written Opinion** for 30 days is required in the following case:

(a) **A-6321, Petition of Anne Stukes** (one-story addition). Hearing held 6/23/2010.

Action: Granted the extension of time, (DKP/SBB, 4-0).

3. **A-6315, Petition of Frank Haney** (accessory structure/swimming pool). Letter to the Board from B. Franklin Cooling requesting the need for further study and consideration of the subject property as historic ground.

Action: Re-opened the record to accept Mr. Cooling's letter, (SBB/CJS, 4-0).

4. **A-6323, Appeal of Lloyd S. Etheredge** (Department of Permitting Services (DPS) – Issuance of Building Permit No. 528622). Letter from the appellant requesting reconsideration. Also included are additional letter from Mr. Etheredge.

Action: Opened the record to include Mr. Etheredge's request, (CJS/SBB, 4-0).

5. Returning Item. **CBA-1174-C, Petition of Holton-Arms School, Inc.** (private educational institution). Letter from Elsie Reid, Esquire, in response to questions raised by the Board at its July 28, 2010 Worksession.

Action: Re-opened the record to include Ms. Reid's letter, (DKP/CJS, 4-0)

6. **Returning Item. CBA-1867-B [CBA-1867, CBA-1867-A], Petition of Jewish Community Center of Greater Washington** (nursing home, child day care facility, charitable and philanthropic institution, service organization). Additional information from Mike Devine, Site Solutions Inc. requested by the Board at its July 21, 2010 Worksession. [Large exhibits: special exception site plan and partial electrical site plan/2 sheets].

Action: Granted the administrative modification subject to the generators meeting the County's noise level requirements upon installation, (DKP/SBB, 4-0).

7. **CBA-2740-A, Petition of Mid-Atlantic Petroleum Properties** (automobile filling station). Letter to the Board from Stanley Abrams, Esquire, requesting a 12-month extension of time.

Action: Granted a 12-month extension of time, (DKP/SBB, 4-0).

8. **S-274-C, Petition of Suburban Hospital** (hospital). Letter to the Board from Leslie Weber submitting the 7/27/2010 Community Liaison Committee minutes.

Action: Re-opened the record to include the 7/27/2010 community liaison minutes, (CJS/SBB, 4-0).

9. **S-1012, Petition of Christ W. Kyriazis** (accessory apartment). Memorandum from Robert Goff, Inspector, Department of Housing and Community Affairs (DHCA), 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/CJS, 4-0).

10. **S-1343, Petition of Crown Central Petroleum Corporation** (automobile filling station). Letter to the Board from Robert Ackerley, Engineering Manger, requesting a transfer of the special exception.

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

11. **S-1424-A, Petition of Korean Community Senior Housing Corporation of Maryland, Inc. and Korean Community Senior Housing Corporation of Maryland, Inc. II** (housing for the elderly and handicap). Letter from Stephen Orens, Esquire, requesting a correction of condition no. 12 of the Board's Opinion dated 7/29/2010.

Action: BOA will issue a correction of Condition No. 12 of its Opinion dated 7/29/2010, consensus.

12. **S-1821, Petition of Catherine Ellis Peterson and Brian Sickora** (accessory apartment). Memorandum from Mariana Butler, Inspector, DHCA, 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/CJS, 4-0).

13. **S-1890, Petition of Raman Desai** (accessory apartment). Letter from the petitioner notifying the Board that the special exception has been abandoned and requesting that it be revoked.

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

14. **S-2480, Petition of Connie Lucas** (group home). Letter to the Board from the petitioner requesting an extension of time.

Action: Item deferred for additional information from the petitioner regarding the progress made for the implementation of the special exception, consensus.

15. **S-2541, Petition of Thomas V. and Ruan D. Robertson** (accessory apartment). Letter to the Board from the petitioners requesting reconsideration of their revocation request.

Action: (1) Granted the reconsideration request; (2) rescinded the revocation of the special exception, (DKP/SBB, 4-0).

16. **S-2548, Petition of Fredis Mendez Diaz** (accessory apartment). Letter to the Board from Iris Cisneros requesting a transfer of the special exception.

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

17. **S-2741, Petition of Kids 'N Care Learning Center, LLC** (child day care facility). Letter to the Board from Clayton Townsend.

Action: Re-opened the record to include Mr. Townsend's letter, (CJS/SBB, 4-0).

DECISION ITEMS:

18. **S-2765, Petition of Richard L. and Florence C. Hoff** (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, 4-0).

DECISION ITEMS (continued):

19. **S-2767, Petition of Olivia Azat** (accessory apartment). Hearing Examiner's Report and Recommendation.

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

PENDING ITEMS:

20. **A-6114, Appeal of Newland Communities LLC and NNP II – Clarksburg LLC** (Department of Fire and Rescue Services – Notice of Violation dated September 20, 2005). Second Status Report from Todd Brown, Esquire. (1) Re-opened the record to include the Second Status Report from Todd Brown; (2) the Board will receive Status Reports on 1/15/07 and 4/1/07 [W/S 10/25/06]. (1) Re-opened the record to include the status report from Mr. Brown; (2) Mr. Brown to provide a status/progress report to BOA at its 5/2/07 Worksession [W/S 2/28/07]. Status report from Todd Brown, Esquire [W/S 10/17/07]. Re-opened the record to include the status report from Mr. Brown [W/S 4/2/08].
21. **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].
22. **CBA-1867-B [CBA-1867, CBA-1867-A], Petition of Jewish Community Center of Greater Washington** (nursing home, child day care facility, charitable and philanthropic institution, service organization). Letter to the Board from Edward Van Coutren, Vice President Campus Services, requesting an administration modification. [Large exhibits: special exception site plan and partial electrical site plan]. Item deferred for additional information regarding the location of the generators, the types of generators to be installed, location of generators to the neighboring properties. [WS 7/21/10].
23. **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].
24. **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].

PENDING ITEMS (continued):

25. **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].
26. **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].
27. **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].
28. **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].

Board Members

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

Staff

Barbara Jay, Associate County Attorney
Katherine Freeman, Executive Director
Hermene Jones, Administrative Specialist

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WORKSESSION ADDENDUM MINUTES

Second Floor Davidson Memorial Hearing Room

Wednesday, September 8, 2010, 9:30 a.m.

ACTION ITEM:

1. **A-6325, Appeal of Lois Dean Courtney.** Letter from Norman Knopf, Esquire withdrawing the administrative appeal and requesting a refund of the filing fee

Action: (1) Dismissed the administrative appeal as withdrawn; (2) granted a 50% (\$100.) refund to the filing fee, (CJS/DKP, 4-0).

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