

**BOARD OF APPEALS  
for  
MONTGOMERY COUNTY**

**Stella B. Werner Council Office Building  
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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, December 5, 2012**

1. **CBA-1527, Petition of Exxon Mobil Corporation** (Automobile Filling Station). Letter from Thomas M. Terry, Southside Oil LLC, requesting a transfer of the special exception.

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

2. **CBA-2107, Petition of Exxon Mobil Corporation** (Automobile Filling Station). Letter from Thomas M. Terry, Southside Oil LLC, requesting a transfer of the special exception.

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

3. **CBA-2740-A, Petition of Mid-Atlantic Petroleum Properties** (Automobile Filling Station). Letter to the Board from the Stanley D. Abrams, Esquire requesting an extension of time to implement Special Exception Modification. Also included is the subject site and immediate surroundings exhibit, excerpted from M-NCPPC December Staff Report.

Action: Item deferred for additional information, (consensus).

4. **S-207, Petition of Exxon Mobil Corporation** (Automobile Filling Station). Letter from Thomas M. Terry, Southside Oil LLC, requesting a transfer of the special exception.

Action: BOA has no jurisdiction as the special exception is in the City of Rockville.

5. **S-316, Petition of Exxon Mobil Corporation** (Automobile Filling Station). Letter from Thomas M. Terry, Southside Oil LLC, requesting a transfer of the special exception.

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

6. **S-909, Petition of Exxon Mobil Corporation** (Automobile Filling Station). Letter from Thomas M. Terry, Southside Oil LLC, requesting a transfer of the special exception.

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

7. **S-1075, Petition of Exxon Mobil Corporation** (Automobile Filling Station). Letter from Thomas M. Terry, Southside Oil LLC, requesting a transfer of the special exception.

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

8. **S-1127, Petition of Sakhoy Lay** (accessory apartment). Memorandum to the Board from Robert Goff, Inspector, Department of Housing and Community Affairs (DHCA), notifying the Board that the special exception is out of compliance and requesting that it be revoked.

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

9. **S-2822, Petition of Siena Learning, LLC.** (Private School). Letter to the Board from Jody Kline, Esquire, requesting an administrative modification.

Action: Granted the administrative modification, (CJS/CGT, 4-0)

#### **PENDING ITEMS:**

10. **CBA-2961, Petition of Chesapeake and Potomac Telephone Company** (telecommunications facility). Letter to the Board from Timothy Dugan, Esquire, with the status of the compliance with the notice of violation and a request for a name change. Also included is a memorandum from Heather Gottke, Inspector, DPS, with an update of the notice of violation and an extension until October 31, 2012. (1) Re-opened the record to include Mr. Dugan's letter with attachments and Ms. Gottke's memorandum; (2) item deferred until after the DPS extension deadline of October 31, 2012. [W/S 9/26/2012].
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].
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-2792, Petition of SBA Structure, Inc. and Verizon Maryland Inc.** (telecommunications facility). Letter to the Board from Edward Donohue, Esquire, requesting Board review of information related to the special exception. (1) Re-opened the record to include Mr. Donohue's letter with attachments; (2) extend the time limit for DPS enforcement. [W/S 11/7/2012].
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].

**Board Members**

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