

**-BOARD OF APPEALS
for
MONTGOMERY COUNTY**

**Stella B. Werner Council Office Building
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www.montgomerycountymd.gov/content/council/boa/index.asp

WORKSESSION MINUTES

Second Floor Davidson Memorial Hearing Room

Wednesday, December 19, 2012

ACTION ITEMS:

1. Minutes, November 28, 2012 Worksession.

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

2. Minutes, November 28, 2012 Worksession Addendum.

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

3. Minutes, December 5, 2012 Worksession.

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

4. **CBA-2521-K, Petition of Montgomery General Hospital, Inc.** (Hospital). Letter to the Board from Jody Kline, Esquire, requesting an administrative modification.

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

5. **CBA-2740-A, Petition of Mid-Atlantic Petroleum** (Automobile Filling Station). Letter to the Board from the Stanley D. Abrams, Esquire requesting a (12) month extension of time from December 11, 2012 to December 12, 2013 to implement Special Exception Modification.

Action: Granted extension of time, (DKP/CJS, 4-0)

6. **S-717-B, Petition of Our House, Inc.** (Domiciliary Care Home). Letter to the Board from Stuart Barr, Esquire, requesting extension of time to implement the Special Exception Modification.

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

DECISION ITEM:

7. **S-2846, Petition of Samantha Tuttamore (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, (SBB/CJS, 4-0)

PENDING ITEMS:

8. **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].
9. **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].
10. **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].
11. **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].
12. **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].

PENDING ITEMS (continued):

13. **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].

14. **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). [W/S 12/5/12].

15. **S-1043, Petition of David C. Keener** (accessory apartment). Letter to the Board from Amir Pilch requesting a transfer of the special exception.

Action: Item deferred for additional information, (consensus). [W/S 11/28/12].

Board Members

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