

**BOARD OF APPEALS
for
MONTGOMERY COUNTY**

**Stella B. Werner Council Office Building
100 Maryland Avenue, Room 217
Rockville, Maryland 20850
(240) 777-6600**

<http://www.montgomerycountymd.gov/boa/>

WORKSESSION MINUTES

Second Floor Davidson Memorial Hearing Room

Wednesday, July 30, 2014.

ACTION ITEMS:

1. Minutes, July 2, 2014 Worksession.

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

2. **A-6393, Petition of William A. Pierce** (Variance). Letter to the Board from the Petitioner requesting extension of time to implement the variance granted on October 19, 2012.

Action: Granted extension of time to implement the variance, (DKP/JHP, 5-0).

3. **A-6433, Appeal of William Harvey** (Administrative Appeal). (a) Request for Reconsideration from William Harvey and Mathew Amsellem; (b) Montgomery County's opposition to the request for reconsideration; (c) Appellants response to the opposition to the request for reconsideration.

Action: (a) Denied reconsideration; (b) BOA lacks jurisdiction due to appeal in Circuit Court, (DKP/CGT, 5-0).

4. **CBA-381; CBA-1270; CBA-2235; CBA-2339, Petition of Home Depot.** (Off-street Parking in connection with a commercial use). Letter to the Board from Stuart Barr, Esquire, submitting approved, certified site plans, as per M-NCPPC approval resolution. [Large Exhibits: (a) Site plans; (b) Landscape and lighting plans; (c) Overall building plan; (d) Overall exterior elevations].

Action: Re-opened the record to include Mr. Barr's letter with attachments, (DKP/SBB, 5-0).

5. **S-274-D, Petition of Suburban Hospital** (Hospital). Letter to the Board from Barbara Sears, Esquire, responding to the complaint filed by Norman Knopf, Esquire, regarding alleged violation of terms and conditions of the special exception.

Action: Re-opened the record to include Ms. Sears' letter, (DKP/CJS, 5-0).

6. **S-538-C, Petition of Aspen Hill Club** (Private Clubs and Service Organizations). Letter to the Board from Danielle Bouchard, General Manager, requesting an administrative modification.

Action: Granted the administrative modification, (CJS/DKP, 5-0).

7. **S-1563, Petition of Recreational Ventures, Inc.** (Recreational Establishment, Commercial). Memorandum to the Board from Barbara Piczak-Cox, Inspector, Department of Permitting Services, recommending revocation of the special exception as it was never implemented.

Action: Revoked special exception as never implemented, (SBB/JHP, 5-0).

8. **S-1858, Petition of Richard R. Reichard and Mary-Quinn Reichard** (Accessory Apartment). Memorandum to the Board from Ada JeJesus, Department of Housing Code Enforcement, requesting the special exception be revoked as the current owner Margaret A. Rogers has not transferred the special exception.

Action: Schedule show cause hearing, (DKP/CJS, 5-0).

9. **S-1944, Petition of Four Streams limited Partnership** (Golf Course). Letter to the Board from Timothy Dugan, Esquire, informing the Board of a change of ownership.

Action: Deferred item for clarification (consensus).

10. **S-2092, Petition Brooke of Grove Foundation, Inc.** (Life Care Facility). Letter to the Board from Susan W. Carter, Esquire, requesting an administrative modification.

Action: Granted the administrative modification, (DKP/ CJS, 5-0).

11. **S-2214, Petition of Potomac Group Home Corporation** (Group Home). Memorandum to the Board from Barbara Piczak-Cox, Inspector, Department of Permitting Services, recommending revocation of the special exception as it was never implemented.

Action: Revoked special exception as never implemented, (SBB/CJS, 5-0).

- 12. S-2339, Petition of Marian Assisted Living, Inc.** (Domiciliary Care Home). Letter to the Board from James R. Clifford, Sr., Esquire, requesting an administrative modification.

Action: Deferred per request of Mr. Clifford, (consensus).

- 13. S-2648, Petition of Metropolitan Washington Orthodox Seniors Housing, Inc.** (Housing for seniors or person with disabilities). Memorandum to the Board from Barbara Piczak-Cox, Inspector, Department of Permitting Services, recommending revocation of the special exception as it was never implemented.

Action: Revoked special exception as never implemented, (DKP/CJS, 5-0).

- 14. S-2685, Petition of Avalon Education Group** (Private Educational Institution). Memorandum to the Board from Barbara Piczak-Cox, Inspector, Department of Permitting Services, recommending revocation of the special exception as it was never implemented.

Action: Revoked special exception as never implemented, (CJS/JHP, 5-0).

- 15. S-2710, Petition of Dayhill, LLC.** (Child Day Care Center). Letter to the Board from Martin J. Hutt, Esquire, requesting an extension of time to implement the special exception.

Action: Granted extension of time to implement the special exception, (DKP/JHP, 5-0).

- 16 S-2755, Petition of Patricia A. Holtz** (Accessory Apartment). Letter to the Board from Jeff and Rachel Thompson, current property owners requesting transfer of the special exception.

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

- 17. S-2802, Petition of Norbeck Montessori Day School, Inc.** (Private Educational Institution). Memorandum to the Board from Barbara Piczak-Cox, Inspector, Department of Permitting Services, recommending revocation of the special exception as it was never implemented.

Action: Revoked special exception as never implemented, (SBB/JHP, 5-0).

PENDING ITEMS:

18. **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].

19. **S-2145, Petition of Southwestern Bell Mobile Systems, Inc.** (Telecommunication 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].

Board Members

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WORKSESSION ADDENDUM

Second Floor Davidson Memorial Hearing Room

Wednesday, July 30, 2014

ACTION ITEM:

1. **S-274-D, Petition of Suburban Hospital** (Hospital). Letter to the Board from Diane Schwartz-Jones, Director, Department of Permitting Services, responding to the Board's July 17, 2014 Resolution referring a complaint against Suburban Hospital to the Department for investigation, and providing the findings from the Department's investigation.

Action: (a) Re-opened the record to include Ms. Schwartz-Jones letter;
(b) Dismissed the complaint, (DKP/CJS, 5-0).