

**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, April 13, 2016, 9.30 a.m.

ACTION ITEMS:

1. Minutes of March 30, 2016, Worksession and March 30, 2016, Worksession Addendum.

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

2. **CBA-357, Petition of Federal Realty Investment Trust** (Off-street Parking). Letter to the Board from Patricia A. Harris, Esquire, requesting an administrative modification of the special exception. [Large Exhibit: Parking Plan]

Action: Granted administrative modification of the special exception, (JHP/SBB, 5-0).

3. **CBA-412, CBA-1215 and CBA-2480, Petition of Pleasantview Swimming Pool Association, Inc.** (Community Swimming Pool). Memorandum to the Board from Barbara Cox, Inspector, Department of Permitting Services, notifying the Board that the special exception has been abandoned and requesting that it be revoked. Also included is proof that the property has been demolished and redeveloped as single family housing.

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

4. **CBA-2212-A, Petition of Flower Valley Bath & Racquet Club, Inc.** (Community Swimming Pool). Letter to the Board from Randy Stone, President, submitting the annual report.

Action: Re-opened the record to receive Mr. Stone's letter, (ESR/JHP, 5-0).

5. **CBA-2521-K, Petition of Montgomery General Hospital, d/b/a Medstar Montgomery Medical Center.** (Hospital). Letter to the Board from Soo Lee-Cho, Esquire, requesting an administrative modification. Also included is a February 12, 2016, letter to the Board from Kipling Reynolds, AICP, Chief, Area 3, responding to the Board's request for an evaluation of parking, and a March 22, 2016, letter to the Board from Elsabet Tefaye, Planning Coordinator, M-NCPPC, submitting minor corrections and clarifications to the tables submitted to the Board in the February 12, 2016. Also included are a February 23, 2016, letter to the Board from Ms. Lee-Cho, and a March 1, 2016, Letter and Memorandum to the Board from David W. Brown, Esquire, responding to the February 12, 2016, M-NCPPC letter.

Action: Denied the administrative modification, [(JHP/ESR (to grant), 3-2 CJS and SBB, opposed) (statutory denial)].

6. **S-1565, S-1565-A Petition of Howard Hughes Medical Institute** (Charitable or Philanthropic Institution). Letter to the Board from Patrick L. O'Neil, Esquire, requesting revocation of the special exception, as the use is now permitted in the zone.

Action: Revoked as use is permitted in the zone, (JHP/BG, 5-0).

7. **S-1679, Petition of Vador Ventures, Inc.** (Landscape Contractor). Memorandum to the Board from Barbara Cox, Inspector, Department of Permitting Services, requesting that the special exception be revoked as abandoned. Also included is proof that the property has been sold to Montgomery County and is being redeveloped as the North Potomac Community Recreation Center.

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

8. **S-2850, Petition of Shirley and Michael Vesper and Creating Memories Children's Learning Center,** (Child Daycare Facility). Letter to the Board from Casey L. Cirner, Esquire, requesting an extension of time to implement the special exception.

Action: Granted extension of time to implement for one year, (BG/ESR, 5-0).

9. **CU 16-01, Petition of Brandywine Senior Living at Potomac, LLC,** (Residential Care Facility). Requests for oral argument regarding Office of Zoning and Administrative Hearing's Report and Decision dated March 21, 2016, received from (a) David W. Brown, Esquire, on behalf of the West Montgomery County Citizens Association and the Brickyard Coalition, (b) William J. Chen, Jr., Esquire, on behalf of Dr. and Mrs. Paul, and (c) Curtis Uhre. Also included is a letter from Stephen Z. Kaufman, Esquire, and Erin E. Girard, Esquire, on behalf of the Petitioner, opposing the requests for oral argument and requesting to participate if oral argument is granted, as well as a response from Mr. Chen to the letter submitted by Mr. Kaufman and Ms. Girard.

Action: (a) Denied the request for oral argument; (b) adopted the Hearing Examiner's Report and Decision, (c) granted the Conditional Use, JHP/ESR, 5-0).

DECISION ITEM:

10. **CU 15-05, Petition of Artis Senior Living**, (Residential Care Facility). Report and recommendation dated March 16, 2016, from Hearing Examiner Lynn Robeson to the Board, issued pursuant to the Board's remand of the matter for additional fact finding. The Hearing Examiner recommends the grant of the conditional use with conditions. Also included are requests for oral argument from (a) Betsy Brach, (b) Catherine Titus, (c) Carl Koenig, (d) Eric Nothman, (e) Anne Carlson, and (f) Margit Meissner, and opposition to those requests from Erin Girard, on behalf of the Petitioner.

Action: (a) Denied the request for oral argument; (b) adopted the Hearing Examiner's Report and Decision and also the Report and Recommendation, (c) granted the Conditional Use, JHP/ESR, 5-0).

PENDING ITEM:

11. **CBA-2047, Petition of Potomac Place Limited Partnership** (Off-street Parking). Memorandum to the Board from Barbara Cox, Inspector, Department of Permitting Services, in response to BOA Resolution of November 19, 2015. Item deferred for additional information, (consensus). [W/S 1/6/16].

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