

**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/index.html>

WORKSESSION MINUTES

Second Floor Davidson Memorial Hearing Room

Wednesday, February 6, 2013, 9.30 a.m.

ACTION ITEMS:

1. Minutes, January 23, 2013 Worksession.

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

2. **CBA-916[S-615], Petition of The Public Health Service Club and The Foundation for Advanced Education in The Sciences [New Holder: Foundation for Advanced Education in The Sciences]** (Private Club). Letter to the Board from Christina Farias, requesting an administrative modification.

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

3. **CBA-2431, Petition of Montgomery General Hospital** (Hospital). Letter to the Board from Soo Lee-Cho, Esquire, submitting the minutes of the Community Liaison Committee meetings.

Action: Re-opened the record to include Ms. Lee-Cho's letter with attachments, (SBB/CJS, 4-0).

4. **CBA-3057, Petitions of Chevron USA** (Automobile Filling Station). Letter to the Board from Stanley Abrams, Esquire, requesting an administrative modification. [Large exhibits: site plan; column canopy details].

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

5. **S-257 [S-257-A], Petition of Renewable Natural Resource Foundation and RNR Title Holding Corporation** (Operation of a Scientific Society Headquarters). Letter to the Board from Barbara Sears, Esquire, requesting an administrative modification. [Large exhibits: renewable natural resources center land condominium; photographs; tax map; special exception existing conditions].

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

6. **S-274-C, Petition of Suburban Hospital** (Hospital). Letter to the Board from Leslie Ford Weber, submitting the results of the noise testing conducted in January 2013.

Action: Re-opened the record to include Ms. Weber's letter with attachments.

7. **S-924, Petition of Thomas and Patricia Doss d/b/a Patricia Dee Pet Grooming** (Home Occupation). Letter to the Board from David Brown, Esquire, requesting an administrative modification.

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

8. **S-1043, Petition of David C. Keener** (Accessory Apartment). Letter to the Board from Amir Pilch requesting a transfer of the special exception. Item was deferred for additional information, (consensus). [W/S 11/28/12].

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

9. **S-1848, Petition of James H. and Mary C. Weaver** (Accessory Apartment). Memorandum from Lynn McCreary, 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 Petitioner.

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

10. **S-2479, Petition of American Tower Corporation, AT&T Wireless Services and Carol Mullinix** (Telecommunications Facility). Letter to the Board from Gregory Mercier, Esquire, requesting administrative modification. [Large exhibits: title sheet; site plan and general information; sediment and erosion control notes and details; sediment and erosion control plan; landscape plan, panel schedules; antenna schematic and details; grounding details; one-line diagram and details; exterior ground plan and notes; construction details; detailed site plan and elevation view; stormwater management plan, notes and details].

Action: Item deferred for additional information, (consensus), (SBB/CJS, 4-0).

11. **S-2765, Petition of Richard L. and Florence S. Hoff** (Accessory Apartment). Letter to the Board from Rafael A. Corredoira and Ximena Varela requesting a transfer of the special exception.

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

12. **S-2854, Petition of Stephen Boisvert** (Accessory Apartment). Letter to the Board from the Petitioner requesting withdrawal of the special exception.

Action: Dismissed the special exception as withdrawn, (CJS/SBB, 4-0).

13. **S-2858, Petition of Catherine Philapy** (Accessory Apartment). Letter to the Board from the Petitioner requesting withdrawal of the special exception.

Action: Dismissed the special exception as withdrawn, (CJS/SBB, 4-0).

DECISION ITEM:

14. **S-2827, Petition of Ampai Redding** (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/JHP, 4-0).

PENDING ITEMS:

15. **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].
16. **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].
17. **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].
18. **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].

19. **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].

20. **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].

21. **S-2842, Petition of Someswara Bekkam** (Accessory Apartment). Hearing Examiner's Report and Recommendation.

Action: Item remanded to the Hearing Examiner for additional information, (consensus). [WS: 1/23/13].

Board Members

David K. Perdue, Vice Chair
Carolyn J. Shawaker
Stanley B. Boyd
John H. Pentecost

Staff

Barbara Jay, Associate County Attorney
Katherine Freeman, Executive Director

**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 ADDENDUM MINUTES
Second Floor Davidson Memorial Hearing Room**

Wednesday, February 6, 2013

ACTION ITEM:

1. **S-2842, Petition of Someswara Bekkam** (Accessory Apartment).
Reconsideration of Board's February 5, 2013 Resolution.

Action: (1) BOA reconsidered on its own motion; (2) issue revised resolution, deleting request for DPS investigation; (3) remand in force to continue, (DKP/CJS, 4-0).

Board Members

David K. Perdue, Vice Chair
Carolyn J. Shawaker
Stanley B. Boyd
John H. Pentecost