

**BOARD OF APPEALS  
for  
MONTGOMERY COUNTY**

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

**WORKSESSION MINUTES**

**Second Floor Davidson Memorial Hearing Room**

**Tuesday, March 20, 2001, 9:30 A.M.**

**ACTION CALENDAR:**

1. **Minutes**, March 13, 2001 Worksession.  
Action: Approved with corrections, (MPH/LLM, 4-0).
2. Letter to the Board from Leo Mullen and Helene Patterson, requesting an expedited hearing.  
Action: Item deferred.
3. **A-5311, Appeal of the Town of Kensington** (Department of Housing and Community Affairs – Letter of Violation). Letter to the Board from Kitty L. Raufaste, Mayor, requesting a refund of the filing fee based upon the reasons set forth in the letter to the Board sent by Clifford Scharman (Case No. A-5310).  
Action: Granted 100% refund of filing fee, (DLB/MPH), 4-0.
4. **A-5497, Petition of Lilian V. West** (a screened porch and a two-story addition). Letters to the Board from Laura Lester, Eric Schaeffer, and Lauren Kenworthy, adjoining neighbors, requesting reconsideration. (The original photographs are in the file.)  
Action: Denied reconsideration request, (MPH/LLM, 4-0).
5. **A-5516, Petition of Carl E. and Margaret M. Zwisler** (pool and pool equipment). Letter to the Board from Karen Lashman, adjoining neighbor, requesting reconsideration. (The original photographs are in the file).  
Action: (1) Denied reconsideration request; (2) Staff to request inspection by the Department of Permitting Services (DPS), (LLM/MPH, 3-0 (DHS/abstained)).
6. **A-5528, Petition of Janet and Yetta Rushford** (two-story addition). Letter to the Board from the petitioner requesting a refund of the overpayment of the filing fee.  
Action: Granted refund of the overpayment (\$100.00) of the filing fee, (MPH/LLM, 4-0).
7. **A-5560, Petition of Dr. Daniel Esposito** (one-story addition). Letter to the Board from Robert Brooks, the petitioner's builder, withdrawing the variance request.  
Action: Withdrawal granted, variance to be dismissed, (LLM/MPH, 4-0).

8. **CBA-1587, Petition of Hillandale Medical Corporation** (medical clinic). Letter to the Board from Stanley N. Garber, Zoning Investigator, Department of Permitting Services (DPS), notifying the Board of the special exception violation.

Action: Granted 5/8/00 request to transfer the special exception; (2) denied administrative modification request, (3) Show Cause Hearing to be scheduled for the outstanding violation, (MPH/LLM, 4-0).

9. **CBA-3028, Petition of Leo J. Hanrahan** (horticultural nursery, garden center, landscape contractor). Possible continuation of the Show Cause Hearing. (Special exception holder has applied for major modification, Staff currently awaiting outstanding items.)

Action: No action required, BOA consideration deferred until public hearing, consensus.

10. **S-97, Petition of Dr. John C. Meyer and Dr. Roger A. Laundry, Partners** (animal hospital and veterinary clinic). Letter to the Board from Stanley N. Garber, DPS, notifying the Board of the special exception violation.

Action: Item deferred until a determination of whether or not the use permitted, consensus.

11. **S-862, Petition of Federation of American Societies for Experimental Biology** (private educational institution). Letter to the Board from Robert H. Metz and Anne C. Martin, petitioner's attorneys, requesting an administrative modification and waiver of requirements for variance application.

Action: (1) Granted the consolidation of the hearings; (2) denied the waiver for the building permit denial, (MPH/LLM, 4-0).

12. **S-1334, Petition of Nancy M. Wessells** (home occupation). Letter to the Board from Stanley N. Garber, DPS, requesting that the special exception be revoked. Also included is a letter from Pablo Collins, current property owner, confirming that the special exception has been abandoned and requesting that the special exception be revoked.

Action: Special exception revoked as abandoned, (MPH/LLM, 4-0).

13. **S-2376, Petition of Gregory Eisenstadt, Trustee for Edgewood Hill Associates** (child day care facility) and **S-2377, Petition of Gregory Eisenstadt, Trustee for Edgewood Hill Associates** (elderly housing). Letter to the Board from Steven A. Robins, petitioner's attorney, requesting a one-year extension of time.

Action: Granted one-year extension of time to implement, 12 months from issuance of BOA opinion. (< 4-0).

14. **S-2456, Petition of 7401 Lindbergh, LLC** (automobile filling station and ancillary convenience store). Motion for Reconsideration to the Board from Edward B. Lattner, Associate County Attorney. Also included is an Affidavit of Marc Atc, Executive Director, Montgomery County Revenue Authority, and a Motion in Opposition for Reconsideration from Stanley D. Abrams, petitioner's attorney.

Action: Granted reconsideration, (MPH/DLB, 3-1(LLM/abstained).

**INFORMATION ITEM:**

15. **CBA-2197-B, Petition of The Heights School** (private educational institution). Letter to the Board from Richard B. McPherson, Headmaster, with an annual report of the progress made towards the implementation of the modifications approved in the 2000 Amendment.

Action: Accept report into the record (LLM/DLB, 4-0)

**DECISION:**

16. **S-2132, Petition of Edwin J. Hungerford** (manufacture of mulch).

Action: The Board reaffirmed and modified the special exception based upon the agreed upon conditions of the record of the public hearing, (LLM/MPH, 4-0).

17. **S-2127, Petition of American Personal Communication** (public utility buildings, public utility structures and telecommunication facilities). Letter to the Board from Charles J. Ryan, III, Esquire, Project Manager, clarifying the height of the antenna and the location of equipment.

Action: Defer consideration pending receipt of additional information from the applicant.

18. **A-5566, Petition of Gary Kirstein/Par Development, L.C.** (swimming pool). Hearing held 3/7/01.

Action: Decision deferred until 4/3/01 worksession.

**Board Members**

Donald H. Spence, Jr., Chairman  
Donna L. Barron, Vice Chairman  
Louise L. Mayer  
Angelo M. Caputo - ABESENT  
Mindy Pittell Hurwitz

**Staff**

Sherry Glazer, Assistant County Attorney  
Katherine Freeman, Executive Secretary to the Board  
Hermene Jones, Administrative Specialist