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**BOARD OF APPEALS
for
MONTGOMERY COUNTY**

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

www.montgomerycountymd.gov/mc/council/board.html

WORKSESSION MINUTES

Second Floor Davidson Memorial Hearing Room

Wednesday, March 5, 2003, 9:00 A.M.

ACTION CALENDAR:

1. **Minutes**, February 26, 2003 Worksession.

Action: Approved as amended, (AIF/LLM, 5-0).

2. **A-5823, Appeal of Laurie E. Burch** (Department of Permitting Services (DPS) – Issuance of a Letter dated August 26, 2002). Letter to the Board from Sheldon P. Schuman, Esquire, requesting a continuance.

Action: Granted continuance request, (LLM/DLB, 5-0).

3. **A-5838, Appeal of Jonathan K. Landeck, Kathryn L. Mintz, Victor E. Nava, Maria L. Marquez and Brookdale Citizens Association** (Department of Permitting Services (DPS) – Issuance of Building Permit No. 282703). Letter to the Board Jonathon Landeck and Kathryn Mintz requesting reconsideration.

Action: (1) Re-open the record to include the letter from Mr. Landeck and Ms. Mintz; (2) Board to issue corrected opinion; (3) deny reconsideration, (AMC/LLM, 5-0).

4. **A-5848, Appeal of Sally Phelps, Yves Pommier, James Levin and Battery Park Citizens Association** (Department of Permitting Services – Issuance of Building Permit No. 284827). Board vote to dismiss the appeal as withdrawn.

Action: (1) Dismissed the appeal as withdrawn; (2) refund 100% (166.00) of the filing fee, (DLB/AIF, 5-0).

5. **CBA-2077, Petition of Amoco Oil Company** (automobile filling station). Letter to the Board from Jody S. Kline, Esquire, requesting an administrative modification. (Large exhibit: site plan).

Action: (1) Denied administrative modification request; (2) Board to schedule show cause hearing for the special exception, (LLM/DLB, 5-0).

6. **CBA-2117-A, Petition of Francis J. Collins Funeral Home** (funeral parlor). Annual Report from the petitioner.

Action: Re-opened the record to include the annual report, (DLB/AMC, 5-0).

7. **CBA-2620-A, Petition Garden Gate Landscaping, Inc.** (retail horticultural nursery and landscape contractor). Letter to the Board from Rolf Nieman requesting review of the special exception record by the M-NCPPC staff. Also included is a letter from Roger K. Bain, Esquire.

Action: Denied request for discovery, (LLM/AMC, 5-0).

8. **S-715-A, Petition of Town and Country Animal Clinic** (veterinary hospital). Request from John R. Barr, Esquire, to amend the special exception modification petition. Also included is an amended transportation statement.

Action: (1) Re-opened record to include amended transportation statement; (2) granted amendment, (AIF/DLB, 5-0).

9. **S-862-A, Federation of American Societies for Experimental Biology** (private education institution). Revised annual update to the Board.

Action: Re-opened the record to include revised annual report update, (DLB/AIF, 5-0).

10. **S-1003, Petition of Janis K. and Richard Pappalardo** (accessory apartment). Letter to the Board from Elliot Diringer, current property owner, notifying the Board that the special exception has been abandoned and requesting that it be revoked.

Action: Revoked special exception as abandoned, (LLM/AMC, 5-0).

11. **S-1240, Petition of Hwa Y. and Byong W. Yoo** (farm market). Memorandum to the Board from Barbara J. Piczak, Inspector II, DPS, notifying the Board that the special exception has been abandoned and requesting that it be revoked. Also included is a letter from the special exception holder confirming the abandonment.

Action: Revoked special exception as abandoned, (AIF/DLB, 5-0).

12. **S-1406, Petition of Francis Fling** (residential dwelling). Memorandum to the Board from Barbara J. Piczak, Inspector II, DPS, notifying the Board that the special exception has been abandoned and requesting that it be revoked. Also included is a letter from the special exception holder confirming the abandonment.

Action: Revoked special exception as abandoned, (AIF/LLM, 5-0).

13. **S-1879, Petition of Dibex, Inc.** (public golf course). Memorandum to the Board from Barbara J. Piczak, Inspector II, DPS, notifying the Board that the special exception *was never implemented* and requesting that it be revoked. Also included are letters from M-NCPPC and Robert H. Metz, Esquire, confirming the abandonment.

Action: Revoked special exception for failure to implement, (DLB/LLM, 5-0).

14. **S-2355-A, Petition of Smart Development/Premiere Homes, LLC** (multi-family dwellings). Letter to the Board from Scott C. Wallace, Esquire, requesting an extension of time to implement.

Action: Granted extension of time (period will be 12 months from the date of the Board's Resolution), (LLM/DLB, 4-1/AMC/deny).

15. **S-2554, Petition of J. Kirby Development, LLC** (elderly and handicapped housing). Letter from Scott C. Wallace, Esquire, to the Board submitting a revised site plan, a landscape plan, and a forest conservation plan. (Large exhibits: site plan, landscape plan and final forest conservation plan).

Action: Request deferred until the public hearing, consensus.

DECISION ITEMS:

16. **S-411-D, Petition of La Foundation De L'Ecole-Francaise Internationale (French International School)** (private educational institution). Hearing Examiner's Report and Recommendation. Also included are letters from Jody S. Kline, Esquire, and Paul Coppinger and Michael Welsh. (Large exhibits: site plan, landscape and lighting plans, photometric plan, forest conservation plan, preliminary engineering plan, stormwater management plan, photo key and ground plan and elevations).

Action: Adopted the Hearing Examiner's report and recommendation with additional conditions and granted the special exception, (LLM/DLB, 5-0).

17. **S-2524, Petition of Two Goshen Oaks Center, LLC and 7-Eleven, Inc.** (automobile filling station). Hearing Examiner's Report and Recommendation. Also included is a request for Oral Argument from Citizens Against Goshen Oaks.

Action: (1) Denied request for Oral Argument; (2) Adopted the Hearing Examiner's report and recommendation with conditions and granted the special exception, (AIF/AMC, 5-0).

18. **S-2546, Petition of Susan and Jeremy Symington** (accessory apartment). Hearing Examiner's Report and Recommendation.

Action: Adopted Hearing Examiner's report and recommendation with conditions and granted the special exception, (AIF/AMC, 5-0).

19. **S-2550, Petition of Ramaswamy Krishnaswamy, Nirmala Ramaswamy, Kannan Ramaswamy and Jayanthi Ramaswamy** (accessory apartment). Hearing Examiner's Report and Recommendation.

Action: Adopted Hearing Examiner's report and recommendation with conditions and granted the special exception, (AMC/AIF, 5-0).

20. **S-2553, Petition of Edward L. and Frances L. Garfinkle** (accessory apartment). Hearing Examiner's Report and Recommendation.

Action: Adopted Hearing Examiner's report and recommendation with conditions and granted the special exception, (AMC/AIF, 4-1/LLL/deny).

DECISION ITEMS (continued):

21. **S-2555, Petition of Elsa M Friedman** (accessory apartment). Hearing Examiner's Report and Recommendation.

Action: Adopted the Hearing Examiner's report and recommendation with conditions and granted the special exception, (AIF/AMC, 5-0).

PENDING ITEMS:

22. **CBA-802, Petition of Donald E. and Evelyn C. Golladay** (animal boarding), **CBA-1211, Petition of Donald E. Golladay** (animal boarding), **CBA-1496, Petition of Evelyn C. Golladay** (animal boarding and breeding kennel), **CBA-2447, Petition of Evelyn C. Golladay** (animal boarding), **CBA-2917, Petition of Evelyn C. Golladay** (animal boarding), **S-224, Petition of Evelyn C. Golladay** (animal boarding), **S-425, Petition Evelyn Golladay** (animal boarding). Letter to the Board from Stanley N. Garber, Investigator, requesting that the special exceptions have been abandoned and requesting that they be revoked. Item deferred for additional information from petitioner.

23. **CBA-2180 and S-254, Petition J. H. Burton and Sons, of Hyattsville, Inc.** (horticultural nursery and commercial greenhouse). Letter to the Board from Kevin P. Fay, Esquire, requesting the record to be re-opened to admit a June 11, 1999 site plan. Item deferred to allow Board time to review file.

24. **CBA-2196, Petition Chevron U.S.A.** (automobile filling station). Letter to the Board from C. Robert Dalrymple, Esquire, and Yum Yu Cheng, Esquire, requesting a transfer and an administrative modification. (Large exhibits: concept plan, survey and plot plan). Request referred to staff for comment.

25. **CBA-2986, Petition of Leafy House, Inc.** (housing for the elderly). Letter to the Board from Chris A. Fremuth, R.L.A., requesting an administrative modification. (Large exhibit: site, landscape and lighting plan). Item deferred for review of the landscape/lighting plan and the parking plan by M-NCPPC.

26. **S-569, [CBA-3051, S95], Petition of C. O. and M. E. Bland** (horticultural nursery). Letter of complaint to the Board from David C. Gardner, Esquire, regarding the special exception use. Board requests DPS inspection of the special exception property.

27. **S-1578, [S-1578-A], Petition of Paul Meyers and Judy L. Feinberg** (non-resident professional office). Letter to the Board from Stephen J. Orens, Esquire, requesting a transfer and an administrative modification. Item deferred for review by M-NCPPC Technical Staff.

28. **S-1716, Petition of Sports Fun, Inc.** (commercial recreational or entertainment establishment). Letter to the Board from David and Nancy Ris, current property owners, notifying the Board that the special exception has been abandoned and requesting that the special exception be revoked. Item deferred. Board to request DPS correction of special exception address.

29. **S-1743, Petition of Kentucky Fried Chicken** (drive-in restaurant). Memorandum to the Board from Stanley N. Garber, Investigator, DPS, requesting a Show Cause Hearing. Board requested M-NCPPC recommendation.

PENDING ITEMS (continued):

30. **S-1751, Petition of Hanna D. Saah** (boardinghouse). Memorandum to the Board from Stanley N. Garber, Zoning Investigator, DPS, regarding the inspection of the special exception. Letter will be sent to the petitioner to determine what future action he proposes for the special exception property.
31. **S-1785, Petition of Mardirossian Family Enterprises** (automobile filling station). Memorandum to the Board from Stanley N. Garber, Investigator, DPS, requesting a Show Cause Hearing. Item deferred to provide notice to prior and current owners of the property.
32. **S-2093, Petition of Bell Atlantic Mobile Systems, Inc.** (public utility structure). Letter to the Board from Sue Swett, Real Estate Department, Pinnacle Towers Inc., requesting a transfer of the special exception. Board requests additional information.

Board Members

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