

**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**

**Wednesday, March 3, 2004, 9:00 A.M.**

**ACTION ITEMS:**

1. **Minutes**, February 18, 2004, Worksession.

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

2. **CBA-1428, Petition of Walter Miles, Jr.** (off-street parking). Memorandum from Barbara J. Piczak, Inspector, Department of Permitting Services (DPS) requesting a Show Cause of Hearing.

Action: Schedule Show Cause Hearing, (LLM/AIF, 5-0).

3. **CBA-2591, Petition William M. Fagen and Elizabeth Anne McCleary** (private riding stable). Memorandum from Barbara J. Piczak, Inspector, DPS notifying the Board that the special exception has been abandoned and requesting that it be revoked.

Action: Schedule Show Cause Hearing, (DLB/LLM, 5-0).

4. **S-874, Petition of Nicholas Strates, Pete Strates, James and Athena Strates** (horticultural nursery and commercial greenhouse). Letter to the Board from Hiram Ismael Medina.

Action: Re-opened the record to include Mr. Medina's letter, (AMC/AIF, 5-0).

5. **S-1200, Petition of Meridian Healthcare** (nursing home). Letter to the Board from Erica Leatham, Esquire, requesting an administrative modification. (Large exhibits: site and grading plan and updated landscape plan).

Action: (1) Schedule public hearing on administrative modification request; (2) administrative modification request referred to the Office of the Hearing Examiner for a public hearing, (AIF/AMC, 5-0).

6. **S-1229, Petition of John P. Tripplaar** (accessory apartment). Memorandum to the Board from Richard Safreed, Housing Code Inspector, Department of Housing and Community Affairs (DHCA), notifying the Board that special exception has been abandoned and requesting that it be revoked. Also included is a letter of confirmation from the property owner.

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

7. **S-1509, Petition of McDonald's Corporation** (drive-in restaurants). Memorandum to the Board from Stanley N. Garber, Investigator, DPS, requesting a Show Cause Hearing.

Action: Schedule Show Cause Hearing, (AIF/LLM, 5-0).

8. **S-1884, Petition of Surjeet K. Singh** (non-resident medical practitioner). Memorandum to the Board from Stanley N. Garber, Investigator, DPS, requesting a Show Cause Hearing.

Action: Schedule Show Cause Hearing, (DLB/AIF, 5-0).

9. **S-2054, Petition of Miguel Alfonso Vigil-Hernandez** (accessory apartment). Letter to the Board from Michelle Weaver requesting reconsideration.

Action: (1) Re-opened the record to Ms. Weaver's letter; (2) denied reconsideration request, (LLM/AIF, 5-0).

**PENDING ITEMS:**

10. **CBA-1332, Petition of Huggins and Harrison, Inc.** (outdoor automobile sales lot). Letter to the Board from the petitioner requesting an administrative modification. Item deferred for additional information. Board requests a site plan with dimensions that shows the location of the trailer in relation to the property's boundary lines.

11. **CBA-1620, Petition of Jack Coopersmith** (automobile filling station). Letter to the Board from John R. Barr, Esquire, requesting a transfer and an administrative modification. Also included is a letter of support from the Darnestown Civic Association. (Large exhibits: site and construction details plans). Referred to the M-NCPPC Technical Staff for review.

12. **CBA-1220 [CBA-2103], Petition of Briggs, Wamsley and Samperton [Governor's House Motel]**. Memorandum from Stanley N. Garber clarifying his memorandum and request dated July 18, 2003 (item returning from October 8, 2003 WS). Item deferred for receipt of a site plan.

13. **CBA-2180 and S-254, Petition of 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.

14. **CBA-2372 [CBA-2372-A], Petition of Mobil Oil Corporation** (automobile filling station). Letter to the Board from Jody S. Kline, Esquire, requesting an administrative modification. (Large exhibits: site development and landscape plans). Item deferred for site and photometric plans.

15. **S-390, Petition of Twin Farms Club, Inc.** (community swimming pool). Letter to the Board from Teresa A. McKenna, President, requesting an administrative modification. (Large exhibit: site and grading plan). (1) Item deferred for receipt of a site plan with the existing conditions; (2) item referred to M-NCPPC Technical Staff of review of administrative modification request.

16. **S-420-G, Petition of Holy Cross Hospital of Silver Spring, Inc.** (hospital). Letters to the Board from Cheryl A. Gustitus. Item deferred for inspection by DPS.

**PENDING ITEMS (continued):**

17. **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.
18. **S-858, Petition of Surjeet K. Singh** (child day care facility). Letter to the Board from the petitioner requesting an administrative modification. Also included is a memorandum to the Board from Stanley N. Garber, Investigator, DPS, requesting a Show Cause Hearing. Item deferred for review by DPS of trash enclosure, stockade fence, existing and proposed landscaping and use of pool.
19. **S-1064, Petition of Greentech Landscaping, Inc.** (horticultural nursery and greenhouse). Letter to the Board from Leon Trager and Andrew Sebastian, requesting a transfer and an administrative modification. Deferred for review by M-NCPPC Technical Staff.
20. **S-1573, Petition of Robert H. Edmund** (side lot line setback). Letter to the Board from Judith M. Koenick requesting an explanation of a building permit issued by DPS. Item referred to DPS for inquiry.
21. **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.
22. **S-1903, Petition of Exxon Company, U.S.A.** (automobile filling station). Letter to the Board from Jody S. Kline, Esquire, requesting an administrative modification. Item deferred for an approved landscape and lighting plan.
23. **S-2477, Petition of American Tower Corporation and AT&T Wireless Services** (public utility buildings, public utility structures and telecommunications facilities). Letter to the Board from John R. D. Copley. Referred to DPS for review.

**Board Members**

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Donna L. Barron, Vice Chairman  
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Angelo M. Caputo  
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