

**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, October 20, 2004, 9:30 a.m.

ACTION ITEMS:

1. **Minutes**, September 29, 2004 Worksession.

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

2. **Order Extending Time for the Board's Written Opinion** for 30 days is required in the following case:

(a) **A-6016, Petition of H. Colleen Wei** (second-story addition) Hearing held 9/15/04.

(b) **A-6017, Petition of Michael and Scott Banks** (new single-family dwelling). Hearing held 9/15/04.

Action: Granted Order Extending Time, (AMC/LLM, 5-0).

3. **A-5900, Petition of Patrick and Deborah Logsdon** (second-story addition). Letter to the Board from Kinley R. Dumas, requesting reconsideration.

Action: Denied reconsideration, (DLB/LLM, 5-0).

4. **A-5964, Appeal of MFS Silo, LLC** (Department of Permitting Services – Written Decision dated 12/18/03). Letter to the Board from Anne C. Martin, Esquire, requesting a continuance.

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

5. **A-5997, Appeal of John H. Styer** (Department of Permitting Services – Letter dated 5/5/04). Letter from Christopher Hitchens, Esquire, withdrawing the appeal and requesting a refund of the filing fee.

Action: (1) Dismissed the appeal as withdrawn; (2) granted 100% (\$200.00) refund of the filing fee, (DLB/WMH, 5-0).

6. **A-6014, Appeal of Kevin J. O'Donnell** (Department of Permitting Services – Notice of Violation). Letter to the Board from Jody S. Kline, Esquire, withdrawing the appeal and requesting a refund of the filing fee.

Action: (1) Dismissed the appeal as withdrawn; (2) granted 50% (\$400.00) refund of the filing fee, (LLM/AMC, 5-0).

7. **A-6018, Appeal of Karen Day** (Department of Permitting Services – Notice of Violation). Letter to the Board from Malcolm F. Spicer, Jr., Esquire, requesting a continuance.

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

8. **A-6020 and A-6029, Appeals of Judith and Thomas Burruss; Alan Gaunoux** (Department of Permitting Services – Issuance of Permit No. 330255). Letter to the Board from James L. Parsons, Jr., Esquire, requesting a refund of one of the filing fee.

Action: Granted refund of one of the administrative appeal's filing fee (\$200.00), (LLM/WMH, 5-0).

9. **CBA-123 [S-462, S-1353], Petition of Sondra J. Littlejohn** (home occupation). Inspection report to the Board from Stanley N. Garber, Investigator, Department of Permitting Services (DPS).

Action: (1) Re-opened the record to include Mr. Garber's memorandum, (DLB/WMH, 5-0).

10. **CBA-1495 [CBA-3061], Petition of Old Farm Swim Club** (community swimming pool). Memorandum to the Board from Stanley N. Garber, Investigator, DPS, withdrawing his request for a Show Cause Hearing.

Action: Dismissed Show Cause Hearing, (AMC/WMH, 5-0).

11. **CBA-1620, Petition of Jack Coopersmith** (automobile filling station). Letters from John R. Barr, Esquire, requesting correction of the site plan. Also included are a letter of support from the Darnestown Civic Association and a memorandum from Kathleen Reilly, M-NCPPC. (Large exhibits: site plan and construction detail plan).

Action: Re-opened the record to include Mr. Barr's letter with attachments and the letter from the Darnestown Civic Association, (DLB/LLM, 5-0).

12. **CBA-2186 [S-752], Petition of Goodwill Industries of America, Inc.** (eleemosynary and philanthropic institution). Memorandum from Barbara J. Piczak, Inspector, DPS, 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, (AMC/LLM, 5-0).

13. **CBA-2768, Petition of Katherine Marie Gray** (home occupation). Memorandum from Barbara J. Piczak, Inspector, DPS, 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 special exception for failure to implement, (LLM/AMC, 5-0).

14. **CBA-2808, Petition of Clarence Gosnell and River Falls Community Center Association, Inc.** (community swimming pool and tennis courts). M-NCPPC Technical Staff report from Carlton Gilbert, Zoning Supervisor. Also included is lighting information from Mr. Almy. (Large exhibit: photometric plan).

Action: (1) Re-opened the record to include Mr. Gilbert's report; (2) granted administrative modification, (AMC/LLM, 5-0).

15. **CBA-2972, Petition of Robert B. Kass, D.D.S.** (non-resident medical practitioner). Memorandum from Barbara J. Piczak, Inspector, 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 special exception as abandoned, (DLB/LLM, 5-0).

16. **S-232, Petition of R. P. Patton & Sons, Inc.** (horticultural nursery and commercial greenhouse). Memorandum to the Board from Stanley N. Garber, Investigator, DPS, requesting a Show Cause Hearing.

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

17. **S-285-D, Petition of The Norwood School, Inc.** (private educational institution). Letter to the Board from Todd D. Brown, Esquire, withdrawing the modification and requesting a refund of the filing fee.

Action: (1) Dismissed modification request; (2) granted refund of 50% (750.00) of the filing fee, (WMH/DLB, 5-0).

18. **S-538, Petition of the Aspen Hill Racquet Club** (private racquet club). Letter to the Board from Danielle Bouchard submitting the annual report.

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

19. **S-755, Petition of Harry, Jr. and Carolyn Ridenour** (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. Also included is a letter of confirmation from the petitioner.

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

20. **S-796, Petition of Dr. Lewis Kellert and Dr. Donald Lewis** (medical clinic). Letter to the Board from Jody S. Kline, Esquire, requesting a transfer of the special exception.

Action: Granted transfer of the special exception, (WMH/AMC, 5-0).

21. **S-1114, Petition of Robert and Margaret Johnston** (accessory apartment). Letter to the Board from the petitioner requesting a transfer.

Action: Granted transfer of the special exception, (AMC/DLB, 5-0).

22. **S-1630, Petition of Freestate Petroleum Corporation** (automobile filling station). Letter to the Board from Susan W. Carter, Esquire, requesting an administrative modification. (Large exhibits: approved landscape plan and proposed landscape plan).

Action: Granted administrative modification, (LLM/DLB, 5-0).

23. **S-1854, Petition of Freestate Petroleum Corporation** (automobile filling station). Letter to the Board from Susan W. Carter, Esquire, requesting an administrative modification. (Large exhibits: planting plan and landscape plan).

Action: Granted administrative modification, (AMC/WMH, 5-0).

24. **S-2376 (child day care facility) and S-2377 (housing and related facilities for elderly and handicapped persons), Petitions of Gregory Eisenstadt Trustee for Edgewood Hill Associates.** Letter to the Board Steven A. Robins, Esquire, requesting an extension.

Action: Granted extension to implement until 9/23/05, (DLB/WMH, 5-0).

25. **S-2580, Petition of Margaret Walker-Bruce** (accessory apartment). Letter to the Board from the petitioner modifying the floor plan of the accessory apartment.

Action: Referred new floor plan for DHCA review, consensus.

DECISION ITEM:

26. **S-2605, Petition of Francis and Maria Romero** (landscape contractor). Hearing Examiner's Report and Recommendation.

Action: (1) Accepted the Hearing Examiner's Report and Recommendation; (2) granted the special exception with conditions, (LLM/WMH, 5-0).

PENDING ITEMS:

27. **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.

28. **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. [W/S 11/12/03].

29. **S-68 [CBA-2255], Petition of Scott Shuck d/b/a Grosvenor Market, Inc.** (delicatessen within a multiple family structure). Letter of complaint to the Board from Jude Wikramanayake, Esquire. Referred to DPS for inspection of the special exception. [W/S 9/1/04].

30. **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.

31. **S-569, [CBA-3051, S-95], 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.

PENDING ITEMS:

32. **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.

33. **S-1747, Petition of Thompson R. and Nancy S. Buchanan** (accessory apartment). Memorandum to the Board from John Whitt, Housing Code Field Supervisor, 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. Item deferred for future Worksession. [W/S 5/5/04].

34. **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. [W/S 11/12/03].

35. **S-2145, Petition of Southwestern Bell Mobile Systems, Inc.** (public utility buildings, public utility structures and telecommunications facilities). Letter to the Board from Brian Hurley, Regional Real Estate Manager, requesting a transfer of the special exception. Item deferred for future Worksession. [W/S 6/9/04].

36. **S-2184, Petition of Charles R. Gilbert** (indoor rifle and pistol range). Letters to the Board from Anthony R. Shore, Esquire, requesting an administrative modification. Item deferred for additional information from the petitioner. [W/S 3/17/04].

37. **S-2524, Petition of Two Goshen Oaks Center, LLC and Seven-Eleven, Inc.** (automobile filling station). Memorandum to the Board from Stanley N. Garber, Investigator, DPS, requesting a Show Cause Hearing. Deferred for DPS review of the record. [W/S 9-22-04].

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