

**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, November 10, 2004, 9:30 a.m.

ACTION ITEMS:

1. **Minutes**, October 20, 2004 Worksession.

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

2. **A-6025, Appeal of Thomas M. Welch and Charles W. Walton** (Department of Permitting Services (DPS) – Issuance of a Building Permit dated 9-13-04). Letter to the Board from the appellant withdrawing the appeal. Also included is letter to Mr. Welch from Malcolm F. Spicer, Jr., Assistant County Attorney.

Action: (1) Dismissed the appeal as withdrawn, (2) granted 100% (\$200.00) refund of the filing fee, (WMH/DLB, 5-0).

3. **CBA-1307, Petition of Tirupati Investors t/a Middlebrook Mobile Park Homes** (trailer park). Letter to the Board from Darlene Hood.

Action: (1) Re-opened the record to include a letter from Ms. Hood and the inspection report from Mr. Garber; (2) Board will receive a DPS update within 30 days (12/15/04), (DLB/LLM, 5-0).

4. **CBA-1702, Petition of American Oil Company t/a Wheaton Manor Amoco** (automobile filling station). Letter to the Board from Stanley N. Garber, Investigator, DPS, requesting a Show Cause Hearing.

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

5. **S-68 [CBA-2255], Petition of Scott Shuck d/b/a Grosvenor Market, Inc.** (delicatessen within a multiple family structure). Inspection report from Stanley N. Garber, Investigator, DPS. Also included is a letter of complaint from Jude Wikramanayake, Esquire.

Action: DPS inspection found no violations. Re-opened the record to include Mr. Garber's inspection report, (LLM/WMH, 5-0).

6. **CBA-3052, Petition of Exxon Company, U.S.A.** (automobile filling station). Status report from Stanley N. Garber, Investigator, DPS.

Action: Re-opened the record to include Mr. Garber's status report, (LLM/AMC, 5-0).

7. **S-727, Petition of Robert M. Mueller, D.V.M.** (non-resident professional office). Inspection report from Stanley N. Garber, Investigator, DPS.

Action: (1) Re-opened the record to include Mr. Garber's inspection report; (2) special exception holder has 40 days to comply with special exception conditions; (3) item will return to the Board's to Worksession agenda after compliance period, (WMH/DLB, 5-0).

8. **S-1020, Petition of Tresa Ann Bass** (accessory apartment). Memorandum from Jerri M. Burgess, Housing Code Inspector, Department of Housing and Community Affairs [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 property owner.

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

9. **S-1266, Petition of Edith Schubert** (off-street parking in connection with a commercial use). Letter to the Board from Stacey Plotkin Silber, Esquire, requesting a transfer and an administrative modification of the special exception. (Large exhibit: site plan).

Action: (1) Granted administrative modification; (2) record opened for 30 days to receive parking lot striping information and a photometric plan with specifications, (AMC/WMH, 5-0).

10. **S-1340, Petition of Massud Parvzian, et al** (off-street parking in connection with a commercial use). Letter to the Board from Erica A. Leatham, Esquire, withdrawing the special exception.

Action: Dismissed the special exception as withdrawn, (AMC/LLM, 5-0).

11. **S-1351, Petition of 6-Twelve Convenient-Mart, Inc.** (automobile filling station). Memorandum to the Board from Stanley N. Garber, Investigator, DPS, requesting a Show Cause Hearing.

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

12. **S-1549, Petition of Trung Hieu Nguyen** (home occupation). Memorandum to the Board from Stanley N. Garber, Investigator, DPS, requesting a Show Cause Hearing.

Action: Refer to the Office of the Hearing Examiner with a copy of the DPS notice, consensus.

13. **S-1824, Petition of A. Brooke Baumann and Joan M. Caivano** (accessory apartment). Memorandum from Jerri M. Burgess, Housing Code 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 property owner.

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

14. **S-2035, Petition of Maria A. and Paul Siefring** (accessory apartment). Letter to the Board from Betty N. Siefring requesting a change in the names of the special exception holders.

Action: Granted change of names of the special exception holders, (LLM/AMC, 5-0).

15. **S-2058, Petition of Donald Payne** (accessory apartment). Memorandum from Therese L. Pelicano, Housing Code 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 property owner.

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

16. **S-2184, Petition of Charles R. Gilbert** (indoor rifle and pistol range). Letter to the Board from Anthony M. Shore, Esquire, requesting an administrative modification.

Action: Denied administrative modification, (LLM/AMC, 4-1[WMH/opposed]).

17. **S-2215, Petition of Miriam K. Cameron** (accessory apartment). Memorandum from Robert Dejter, Housing Code Field Supervisor, DHCA, notifying the Board that the special exception has been abandoned and requesting that it be revoked.

Action: Referred to DHCA for Show Cause Hearing request, consensus.

18. **S-2504, Petition of Marriott Senior Living Services** (housing and related facilities for the elderly and the handicapped). Letter to the Board from Timothy Dugan, Esquire, requesting an administrative modification. (Large exhibits: south elevation, north elevation, west elevation and east elevation).

Action: Granted administrative modification, (LLM/WMH, 4-0/AIF/recused).

19. **S-2509, Petition of Garden of Remembrance Memorial Park, Inc.** (funeral parlors or undertaking establishments). Letter to the Board from Jody S. Kline, requesting an extension of time to implement.

Action: Granted extension of time to implement, (AMC/WMH, 5-0).

20. **S-2565, Petition of Michael A. Armstrong** (accessory apartment). Letter to the Board from Emmanuel and Xlina B. Usim requesting a transfer of the special exception.

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

21. **S-2616, Petition of Mahmoud Abulhawa** (accessory apartment). Letter to the Board from the Office of Hearing Examiner notifying the Board of the withdrawal of the special exception.

Action: (1) Dismissed special exception as withdrawn without prejudice; (2) granted 50% (\$100.00) refund of the filing fee, (DLB/WMH, 5-0).

ACTION ITEM:

22. **A-5922, Petition of Stanley Smith** (existing covered porch). Circuit Court Order.

Action: (1) Granted variance; (2) opinion will be re-issued, (DLB/AMC, 5-0)

DECISION ITEMS:

23. **CBA-1206-F, Petition of Congressional Country Club, Inc.** (country club). Hearing Examiner's Report and Recommendation.

Action: Item will return to the Board's Worksession agenda.

24. **S-2595, Petition of John Giwi Bah** (accessory apartment). Hearing Examiner's Report and Recommendation.

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

PENDING ITEMS:

25. **A-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.

26. **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). Re-opened the record to include Mr. Garber's memorandum. [W/S 10-20-04].

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. **CBA-3057, Petition Chevron USA** (automobile filling station). Letter to the Board from John Hutchinson requesting a transfer of the special exception. Deferred request until the Show Cause Hearing. [W/S 9-29-04].

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.

32. **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].

PENDING ITEMS continued:

33. **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].
34. **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].
35. **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].
36. **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].
37. **S-2580, Petition of Margaret Walker-Bruce** (accessory apartment). Letter to the Board from the petitioner modifying the floor plan of the accessory apartment. Referred new plans for DHCA review. [W/S 10-20-04].

Board Members

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