

**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, December 1, 2004, 9:30 a.m.

ACTION ITEMS:

1. **Minutes**, November 10, 2004 Worksession.

Action: Approved, (DLB/AMC, 5-0).

2. **A-5992, Petition of Mary H. and Ta-Jen Hu** (existing single-family dwelling and one-story addition). Letter from the petitioner and Ron Rastatter requesting reconsideration.

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

3. **A-6021, Petition of Ada and Livio DiMichele** (one-story addition/sunroom). Letter from petitioners requesting reconsideration. Also included is a letter from C. James Duke, M.D.

Action: (1) Re-opened the record to include letters from the petitioner and Dr. Duke; (2) denied reconsideration request, (LLM/DLB, 5-0).

4. **CBA-1307, Petition of Tirupati Investors t/a Middlebrook Mobile Park Homes** (trailer park). Letter to the from Board Susan W. Carter, Esquire.

Action: Re-opened the record to include Ms. Carter's letter, (DLB/LLM, 5-0).

5. **S-727, Petition of Robert M. Mueller, D.V.M.** (non-resident professional office). Letter to the Board from Kinley R. Dumas, Esquire.

Action: (1) Re-opened the record to include Ms. Dumas' letter; (2) petitioner to submit administrative modification request to address the issues in Mr. Garber's memorandum, (DLB/LLM, 5-0).

6. **S-794, Petition of Harvey Maisel** (off-street parking in connection with commercial development). Memorandum to the Board from Stanley N. Garber, Investigator, Department of Permitting Services (DPS) requesting a Show Cause Hearing.

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

7. **S-1180, Petition of Roger Yochelson** (accessory apartment). Memorandum from John Whitt, Program Manager, 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/WMH, 5-0).

8. **S-1486, Petition of Nickolas and Eleonora Dorfman** (accessory apartment). Memorandum from Lynn McCreary, Housing Code Inspector, DHCA, notifying the Board that the special exception has been abandoned. Also included is an application filed by the property owners for a Registered Living Unit.

Action: Item deferred for additional information from DHCA, consensus.

9. **S-1555 [S-1555-A], Petition of Patrick R. Vall, D.V.M.** (veterinary hospital). Letter to the Board from Edward S. Clay requesting a transfer of the special exception.

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

10. **S-1593, Petition of SMC Learning Center Limited Partnership** (child day care facility). Letter from Timothy Dugan, Esquire, notifying the Board of the change of ownership of the special exception and a request to provide the Board with a status report.

Action: (1) Re-opened the record to include Mr. Dugan's letter; (2) item deferred until the Board's 12/15/04 Worksession, (LLM/WMH, 5-0).

11. **S-2120, Petition of Landy Lane Management Corporation** (meeting center). Letter to the Board from Stacy Plotkin Silber, Esquire, requesting a minor modification. (Large exhibit: landscape and lighting plan).

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

12. **S-2207, Petition of Mid-Atlantic Petroleum Properties, Inc.** (automobile filling station and convenience and beverage store). Letter from Stanley D. Abrams, Esquire, to the Board requesting an administrative modification. (Large exhibits: site plan and zoning vicinity map).

Action: (1) Re-opened the record to include Mr. Abrams' letter with attachments; (2) modification request deferred until the Show Cause Hearing; (3) DPS to inspect special exception, (LLM/WMH, 5-0).

13. **S-2469, Petition of Ambassador Animal Hospital** (veterinary hospital). Letter to the Board from Philip E. Perrine, AICP, requesting an administrative modification. (Large exhibits: landscape and lighting plan, floor plans, elevations and revised landscape plan).

Action: (1) Record left open for additional information on the property's signage and the fence with or without plantings; (2) item will return to the Board's 12/15/04 Worksession, consensus.

INFORMATION REQUEST:

14. Letter to the Board from Carol L. Kosary regarding a property located at 7509 Needwood Avenue, Derwood.

Action: (1) Board notified at the Worksession that Ms. Kosary's letter is currently an open complaint with DPS; (2) BOA staff to send a letter to Ms. Kosary regarding the status of her complaint; (DLB/LLM, 5-0).

INFORMATION ITEM:

15. **S-233 [CBA-1577], Petition of Stanley J. Nadonley, Trustee** (golf course and country club). Letter to the Board from Alisa Wrase, Esquire.

Action: Re-opened the record to include Ms. Wrase's letter, (LLM/WMH, 5-0).

DECISION ITEMS:

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

Action: (1) Adopted the Hearing Examiner's recommendations; (2) granted the special exception with conditions, (LLM/AMC, 5-0).

17. **S-688-B&E, Petition of Barnesville School, Inc.** (private educational institution). Hearing Examiner's Report and Recommendation

Action: (1) Adopted the Hearing Examiner's recommendations; (2) granted the special exception with conditions, (DLB/WMH, 5-0).

PENDING ITEMS:

18. **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.

19. **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].

20. **CBA-1307, Petition of Tirupati Investors t/a Middlebrook Mobile Park Homes** (trailer park). Letter to the Board from Darlene Hood. (1) Re-open the record to included letter from Ms. Hood and the inspection report from Mr. Garber; (2) Board will receive a DPS update within 30 day (12/15/04). [W/S 11-10-04].

21. **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.

PENDING ITEMS continued:

22. **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].
23. **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].
24. **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.
25. **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.
26. **S-727, Petition of Robert M. Mueller, D.V.M.** (non-resident professional office). Inspection report from Stanley N. Garber, Investigator, DPS. (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 (1/5/05). [W/S 11-10-04].
27. **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). (1) Granted administrative modification; (2) record open for 30 days to receive parking lot stripping information and photometric plan and specifications. [W/S 11-10-04].
28. **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].
29. **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].
30. **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].
31. **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].
32. **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].

PENDING ITEMS continued:

33. **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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Donna L. Barron, Vice Chairman
Louise L. Mayer
Angelo M. Caputo
Wendell M. Holloway

Staff

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WORSESSION ADDENDUM MINUTES

Second Floor Davidson Memorial Hearing Room

Wednesday, December 1, 2004, 9:30 a.m.

ACTION ITEM:

1. **S-882, Rene Monserrat and Emilo A. Brouwer** (horticultural nursery and commercial greenhouse/garden center). Letter to the Board from Susan W. Carter, Esquire.

Action: Granted 30-day continuance of the Show Cause Hearing, (WMH/AMC, 5-0).

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