

**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, January 5, 2005, 9:30 a.m.

ACTION ITEMS:

1. **Minutes**, December 15, 2004 Worksession.

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

2. **A-1573, Petition of Robert H. Edmund** (carport addition). Letter to the Board from Judith M. Koenick. Also included is a response to Ms. Koenick's letter from Susan Scala-Demby, Zoning Manager, Department of Permitting Services (DPS).

Action: Re-opened the record to accept the correspondence. Staff to contact Ms. Koenick about appeal opportunities, (DLB/AMC, 5-0).

3. **A-6032, Petition of Bonnie Kligerman** (one and one-half-story addition). Additional information to the Board from the petitioner.

Action: Item deferred for additional information about whether the existing structure needs a variance, consensus.

4. **CBA-719-A [CBA-719], Petition of Betty B. Sweet** (outdoor restaurant facilities). Letter to the Board from Robert H. Metz, Esquire, and Anne C. Martin, Esquire, requesting an administrative modification. (Large exhibit: site plan).

Action: Granted administrative modification and an extension of time, (AMC/WMH, 5-0).

5. **CBA-1307 [CBA-2086, CBA-2698], Petition of Tirupati Investors t/a Middlebrook Mobile Home Park** (mobile home park). Status report to the Board from Stanley N. Garber, Investigator, DPS. Also included are letters from Susan W. Carter, Esquire and Darlene Hood.

Action: (1) Re-opened the record to include Mr. Garber's, Ms. Carter's and Ms. Hood's letters; (2) withdrew Notice of Violation, (WHM/AMC, 4-0/AIF/recused).

6. **CBA-2151, Petition of Exxon Company** (automobile filling station). Memorandum to the Board from Stanley N. Garber, Investigator, DPS, requesting a Show Cause Hearing.

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

7. **CBA-2372 [CBA-2372-A], Petition of Mobil Oil Corporation** (automobile filling station). Letter to the Board from Jody S. Kline, Esquire.

Action: Item deferred until 1-19-05 Worksession.

8. **CBA-2774 [S-91], Petition of Dr. Joyce Ann McDowell** (veterinary hospital). Letter to the Board from Stanley N. Garber, Investigator, DPS, requesting a Show Cause Hearing.

Action: Schedule Show Cause Hearing, (LLM/DLB, 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, with parking lot striping and lighting information.

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

10. **S-1355 [S-1355-A], Petition of SNH CHS Properties Trust** (housing and related facilities for elderly and handicapped persons). Letter to the Board from Jody S. Kline, Esquire, requesting an administrative modification.

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

11. **S-1437, Petition of John D. Hyman** (wholesale nursery and landscape contractor). Letter to the Board from Timothy Dugan, Esquire.

Action: Granted extension of time to resolve Notice of Violation until 4/1/05, (LLM/AMC, 5-0).

12. **S-2032, Petition of Claude Nicholson** (accessory apartment). Letter to Board 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, (DLB/AMC, 5-0).

13. **S-2409, Petition of McDonald's Corporation** (drive-in restaurant). Letter to the Board from Patricia A. Harris, Esquire, requesting an administrative modification. (Large exhibit: site plan.

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

14. **S-2469, Petition of Ambassador Animal Hospital** (veterinary hospital). Letter to the Board from Philip E. Perrine, AICP. Also included is a letter from Chinmoy Mitra, ATI, Inc.

Action: Item deferred until the 1-19-05 Worksession, consensus.

15. **S-2596, Petition of Washington Gas** (public utility structures, public utility buildings and telecommunications facilities). Letter to the Board from Stephen P. Elmendorf, Esquire, and Mark M. Viani, Esquire, requesting an administrative modification.

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

16. **S-2608, Petition of Calleva, Inc.** (child daycare facility). Letter from Jody S. Kline, Esquire, withdrawing the special exception and requesting that it be without prejudice.

Action: Dismissed the special exception without prejudice, (AMC/WMH, 5-0).

DECISION ITEMS:

17. **S-2610, S-2611, 2612, Petition of PetsMart, Inc.** (pet shop, animal boarding place, veterinary hospital). Hearing Examiner's Report and Recommendation. Also included is a letter from Stacy Silber, Esquire.

Action: Adopted the Hearing Examiner's Report and Recommendation and granted the special exception with conditions, (LLM/WMH, 4-0/AIF/recused).

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. [W/S 4/21/04].

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-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. [W/S 9/17/03].

21. **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].

22. **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. [W/S 2-18-04].

23. **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. [W/S 5/22/02].

24. **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].

PENDING ITEMS continued:

25. **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].
26. **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].
27. **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].
28. **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). Item deferred for a future Worksession. [W/S 12/15/04].
29. **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].
30. **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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