

**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 19, 2005, 1:30 p.m.

ACTION ITEMS:

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

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

2. **A-6011, Petition of Mary S. and Robert T. Stephenson** (accessory structure/pool). Letter to the Board from Rosemary and Joseph Cooley. Also included is letter from Susan Scala-Demby, Department of Permitting Services (DPS).

Action: (1) Re-opened the record to include the letters from Mr. and Mrs. Cooley and Ms. Carter; (2) dismissed variance request as not required for the zone, (LLM/WMH, 5-0).

3. **A-6032, Petition of Bonnie Kligerman** (one and one-half-story addition). Additional information from Robin Ferro, DPS.

Action: (1) Item deferred for future Worksession; (2) staff to request additional information from the county attorney, consensus.

4. **CBA-1174-C, Petition of Holton-Arms School** (private educational institution). Letter to the Board from Elsie L. Reid, Esquire.

Action: Granted administrative modification, (DLB/LLM, 4-0).

5. **CBA-1446 [CBA-2395, S-15], Petition of Chesapeake & Potomac Telephone Company of Maryland** (public utility structures, public utility buildings and telecommunications facilities). Memorandum to the Board from Stanley N. Garber, Investigator, DPS, requesting a Show Cause Hearing.

Action: Schedule Show Cause Hearing, (DLB/WMH, 4-0).

6. **CBA-2054, Petition of Mid-Atlantic Petroleum Corporation** (automobile filling station). Letter to the Board from Stanley D. Abrams, Esquire, submitting site plan and requesting dismissal of the Show Cause Hearing.

Action: (1) Request will be heard in conjunction with Show Cause Hearing; (2) Show Cause Hearing will be held on 2/23/05, consensus.

7. **CBA-2372 [CBA-2372-A], Petition of Mobil Oil Corporation** (automobile filling station). Letter to the Board from Jody S. Kline, Esquire. (Large exhibits: site plan and landscape and lighting plan).

Action: Item deferred until the next Worksession, consensus.

8. **CBA-2830-A, Petition of Graciano P. Gancayco** (non-resident medical practitioner). Memorandum Opinion and Order from the Circuit Court.

Action: No action required by the Board. Item has been appealed.

9. **S-333, Petition of Douglas A. Tebor, M.D. and Linda E. Blackman, LCSW-C** (non-resident medical practitioner). Letter to the Board from the petitioners requesting a substitution for one of the special exception holders.

Action: Granted transfer of the special exception, (LLM/DLB, 4-0).

10. **S-593-A, Petition of ExxonMobil Corporation** (automobile filling station). Memorandum to the Board from Stanley N. Garber, Investigator, DPS, requesting that the special exception be revoked for failure to implement.

Action: (1) Re-opened the record to include Mr. Garber's memorandum; (2) no action required by the Board, (WMH/DLB, 4-0).

11. **S-1412, Petition of James W. Adcock** (accessory apartment). Memorandum to the Board from Jerri 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 the special exception as abandoned, (LLM/WMH, 4-0).

12. **S-1456-B, Petition of Concord Hill School** (private educational institution). Memorandum to the Board from Stanley N. Garber, Investigator, DPS, requesting that record be re-opened to reflect the revision in the school's parking lot.

Action: Re-opened the record to include revisions of the school's parking lot plan, (WMH/LLM, 3-0).

13. **S-1930, Petition of Exxon Corporation** (automobile filling station). Letter to the Board from Jody S. Kline, Esquire, submitting the planting information for the site.

Action: Re-opened the record to include the revised landscaping plan, (DLB/LLM, 4-0).

14. **S-2187, Petition of Olney Golf Learning Center LLC** (golf driving range). Memorandum to the Board from Stanley N. Garber, Investigator, DPS, requesting that the Show Cause Hearing be postponed for 40 days to permit inspection of the special exception.

Action: Granted continuance of the Show Cause Hearing for 40 days, (LLM/WMH, 3-0).

15. **S-2215, Petition of Miriam K. Cameron** (accessory apartment). Letter to the Board from Frederick N. Samuels requesting a transfer of the special exception.

Action: Granted transfer of the special exception, (DLB/LLM, 4-0).

16. **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: Granted administrative modification, (LLM/WMH, 4-0).

PENDING ITEMS:

17. **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].

18. **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].

19. **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].

20. **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].

21. **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].

22. **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].

23. **S-1437, Petition of John D. Hyman** (wholesale nursery and landscape contractor). Letter to the Board from Timothy Dugan, Esquire. Granted extension to resolve Notice of Violation until 4/1/05. [W/S 1/5/05].

24. **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].

25. **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].

PENDING ITEMS continued:

26. **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].

27. **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].

28. **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].

29. **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

Allison Ishihara Fultz, Chair
Donna L. Barron, Vice Chairman - LATE
Louise L. Mayer
Angelo M. Caputo - ABSENT
Wendell M. Holloway

Staff

Edward Lattner, County Attorney
Katherine Freeman, Executive Secretary to the Board
Hermene Jones, Administrative Specialist

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WORKSESSION ADDENDUM MINUTES

Second Floor Davidson Memorial Hearing Room

Wednesday, January 19, 2005, 1:30 p.m.

ACTION ITEM:

1. **S-882, Petition of Rene Monserrat and Emilio A. Brouwer** (horticultural nursery and commercial greenhouse/garden center). Letter to the Board from Susan W. Carter, Esquire, requesting to dismiss or continue the Show Cause Hearing to be heard with the special exception modification.

Action: (1) Re-opened the record to include Ms. Carter's letter; (2) Show Cause Hearing continued to 2/9/05. (LLM/DLB, 4-0).

Board Members

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Louise L. Mayer
Angelo M. Caputo - ABSENT
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Staff

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