

**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, February 9, 2005, 9:30 a.m.

ACTION ITEMS:

1. **Minutes**, January 19, 2004 Worksession.

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

2. **A-6032, Petition of Bonnie Kligerman** (one and one-half-story addition). Additional information to the Board from Malcolm Spicer, Assistant County Attorney, Department of Permitting Services (DPS).

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

3. **A-6038, Petition of Gerald Griffin ET AL** (existing accessory structure). Letter with additional information to Board from Stanley D. Abrams, Esquire.

Action: (1) Re-opened the record to include Mr. Abrams' letter; (2) granted the variance request. (LLM/AMC, 5-0).

4. **A-6042, Appeal of Wheaton Plaza Regional Shopping Center, LLP** (Department of Permitting Services and Montgomery County Fire and Rescue Services [MCFRS]). Letter to the Board from Megan M. Wallace, Esquire, requesting a 50% refund of the filing fee.

Action: Granted 50% (\$400.00) refund of the filing fee. (LLM/AMC, 4-0/AIF/recused).

5. **A-6043, Appeal of Mildred Walders** (Department of Permitting Services – Letter dated November 2, 2004). Motion to Intervene from Erica A. Leatham, Esquire.

Action: Granted motion to intervene. (WMH/DLB, 5-0).

6. **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 plan and landscape plan).

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

7. **S-1466 [S-1466-A], Petition of Michael S. and Regina A. Mason t/a Horizon Lawn and Landscaping** (landscape/retail nursery operation). Letter to the Board from Brooke Davies, Esquire, requesting an administrative modification. (Large exhibit: site plan).

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

8. **S-1744, Petition Jon and Freda Hur** (accessory apartment). Memorandum to the 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, (LLM/WMH, 5-0).

DECISION ITEMS:

9. **CBA-1389-F, Petition of St. Andrew's Episcopal School** (private educational institution). Hearing Examiner's Report and Recommendation.

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

10. **S-2619, Petition of John I. Clyde** (accessory apartment). Hearing Examiner's Report and Recommendation.

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

11. **S-2624, Petition of Omar and Sonia Herran** (accessory apartment). Hearing Examiner's Report and Recommendation.

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

PENDING ITEMS:

12. **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].

13. **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].

14. **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].

15. **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].

PENDING ITEMS continued:

16. **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].
17. **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].
18. **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].
19. **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].
20. **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].
21. **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].
22. **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].
23. **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].

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