

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

**ACTION ITEMS:**

1. **Minutes**, September 21, 2005 Worksession.

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

2. **A-6018, Appeal of Karen Day** (Department of Permitting Services (DPS) – Notice of Violation). Letter from Malcolm F. Spicer, Jr., notifying the appellant that the Notice of Violation has been withdrawn and that this action moots the action of the County.

Action: (1) Dismissed as appeal mooted by the County's action, (LLM/AMC, 5-0).

3. **CBA-1737, Petition of Sun Oil Company** (automobile filling station). Memorandum to the Board from Stanley N. Garber, Investigator, Department of Permitting Services (DPS), requesting a Show Cause Hearing.

Action: Schedule Show Cause Hearing, (AMC/LLM, 4-0/AIF/recused).

4. **S-550 [S-550-A, CBA-2998], Petition of Shirley Sardino and China Coast, Inc.** (antique shop). Letters to the Board from Moussa Moadel and Shirley Sardino requesting an administrative modification. (Large exhibit: preliminary plan).

Action: Granted administrative modification conditioned upon receipt of recorded plat of subdivision, (DLB/LLM, 5-0).

5. **S-1041, Petition of ExxonMobil** (automobile filling station). Memorandum to the Board from Stanley N. Garber, Investigator, DPS, requesting a Show Cause Hearing.

Action: Schedule Show Cause Hearing, (AMC/WMH, 4-0/AIF/recused).

6. **S-1435, Petition of Amoco Oil Company** (automobile filling station). Letter to the Board from Stanley D. Abrams, Esquire, requesting a transfer and gasoline brand change.

Action: (1) Granted transfer of the special exception; (2) granted change of brand of gasoline, (LLM/AMC, 4-0/AIF/recused).

7. **S-1669, Petition of Maureen Harrigan** (major home occupation). Memorandum to the Board from Brian Kim, Inspector, DPS, 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-1835, Petition of Patricia Haseman and Richard Masson** (private riding stable). Letter to the Board from Martin Smith requesting a transfer of the special exception.

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

9. **S-1860, Petition of Robert J. Roche** (landscape contractor). Letter from the petitioner notifying the Board that the special exception has been abandoned and requesting that it be revoked.

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

10. **S-1892, Petition of Bruce D. and Christel Carlson** (accessory apartment). Memorandum from Unray Peters, 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 petitioner.

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

11. **S-2355-A [S-2355], Petition of Smart Development/Premiere Homes, LLC** (garden apartment complex). Letter to the Board from James C. Glascock, P.E., requesting an administrative modification. (Large exhibits: site development plan, site development plan details, landscape and lighting plans).

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

12. **S-2484, Petition of Metropolitan Washington Orthodox Seniors Housing** (assisted living group home). Letter from Jody S. Kline, Esquire, notifying the Board that the special exception was never implemented and requesting that it be revoked.

Action: Revoked special exception for failure to implement, (DLB/WMH, 5-0).

#### **DECISION ITEMS:**

13. **S-2632, Petition of Tissa B. Mayarata** (accessory apartment). Hearing Examiner's Report and Recommendation.

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

14. **S-2645, Petition of Miguel L. Cordova** (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, (DLB/AMC, 5-0).

**PENDING ITEMS:**

15. **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].
16. **CBA-1801, Petition of Shell Oil Company** (automobile filling station). Letter to the Board from Ramesh C. Bhalla requesting an administrative modification. Item deferred to a future Worksession. [W/S 6-8-05].
17. **CBA-2114-A [CBA-2114], Petition of International Monetary Fund** (golf course and country club). Letter to the Board from Jacqueline M. Karp, Esquire, requesting an administrative modification. (Large exhibits: location map, golf course site plans, elevations). Item deferred for a future Worksession. [W/S 5-4-05].
18. **S-289-B, Petition Little Falls Swim and Tennis Club** (community swimming pool). Supplemental Hearing Examiner's Report and Recommendation. Also included is an Inspection Report from Tom Ogle, Noise Program Manager, Department of Environmental Protection (DEP). (1) Re-opened the record to include the Hearing Examiner's Supplemental Report and Mr. Ogle's Inspection Report; (2) granted extension of time until 10/8/05 for lighting and photometric plans. [W/S 9/14/05].
19. **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 for review of administrative modification request. [W/S 2-18-04].
20. **S-684, Petition of Burkland Condominium Association, Inc.** (dental/medical clinic). Memorandum from Stanley N. Garber, Investigator, DPS, regarding the conditions of the Board's Resolution. (1) Re-opened the record to include Mr. Garber's memorandum; (2) Board to issue corrected Resolution; (3) an additional inspection of the special exception will be required. [W/S 7-13-05].
21. **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].
22. **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].
23. **S-1835, Petition of Patricia Haseman and Richard Mason** (private riding stable). Letter from Christine Reilly Lombardo notifying the Board that the special exception has been abandoned and requesting that it be revoked. Item deferred for future Worksession for staff to contact Mr. Lombardo. [W/S 7/27/05].
24. **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:**

25. **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].
26. **S-2195, Petition of S. Ronald Furman t/a The Framers' Vise** (antique shop). Letter from the petitioner notifying the Board that the property has been sold and that new owner is not interested in retaining the special exception. Item deferred for future Worksession. [W/S 5-4-05].
27. **S-2487, Petition of Orchard Development Corporation** (housing and related facilities for the elderly or handicapped). Letter to the Board from Scott Armiger, Vice President, requesting an administrative modification. (Large exhibits: landscape and lighting plan and as-built site plan). Item deferred for additional information from the petitioner. [W/S 4-20-05].
28. **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 Chair  
Louise L. Mayer  
Angelo M. Caputo  
Wendell M. Holloway

**Staff**

Barbara Jay, Associate County Attorney  
Katherine Freeman, Executive Director  
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**WORKSESSION ADDENDUM MINUTES**

**Second Floor Davidson Memorial Hearing Room**

**Wednesday, October 5, 2005, 9:30 a.m.**

**ACTION ITEM:**

1. **S-2474, Petition of North Potomac Seniors' Housing, LLC** (housing and related facilities for the elderly and handicapped). Letter to the Board from Stanley Marks requesting an administrative modification. (Large exhibits: floor plan, elevations and construction notes).

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

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