

**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 25, 2006, 9:30 a.m.**

**ACTION ITEMS:**

1. **Minutes**, January 11 and 18, 2006 Worksessions.

Action: Approved, (CLH/WMH, 4-0).

2. **Case No. A-6114, Appeal of Newland Communities, LLC and NNP II-Clarksburg, LLC.** Joint motion from the parties to stay the proceedings pending efforts by them to resolve the matter.

Action: (1) Granted 90 day continuance for the public hearing (2) parties to provide a status report to the Board in 45 days, (AMC/WMH, 3-0/AIF/recused).

3. **CBA-143-A, Petition Rock Creek Kay-Cee Club, Inc. and Rock Creek Council** (private club). Letter to the Board from Mark Viani, Esquire, submitting a revised site plan with corrected square footage calculations and requesting an administrative modification. (Large exhibit: site plan).

Action: (1) Re-opened the record to include Mr. Viani's letter with attachment; (2) granted the administrative modification, (AMC/WMH, 4-0).

4. **CBA-1707, Petition of Regency Estates Swim Club, Inc.** (community swimming pool). Letter to the Board from Patrick O'Connor, President, requesting an administrative modification. (Large exhibits: existing conditions plan, flood plain permit review plan, overall site plans, detailed site plan, erosion and sediment control plans, stormwater management plans, water quality plans, tree save plans).

Action: Granted the administrative modification, (CLH/AMC, 4-0).

5. **CBA-2377, Petition of Concord Joint Venture** (off-street parking in connection with an office building). M-NCPPC Technical Staff report. Also included is letter from Robert Metz, Esquire, requesting a transfer of the special exception.

Action: (1) DPS to inspect the special exception within 3 months of the issuance of the Board's Resolution; (2) granted the administrative modification with conditions; (2) granted the transfer of the special exception, (CLH/AMC, 4-0).

6. **S-420-E,F,G, Petition of Holy Cross Hospital** (hospital). Status Report to the Board from Cornelius P. McKelvey, Senior Vice President.

Action: Re-opened the record to include Mr. McKelvey's report with attachments, (CLH/WMH, 3-0/AIF/recused).

7. **S-820, Petition of Arbor Landscapes, Inc. (horticultural nursery and commercial greenhouse), S-2646, Petition of Arbor Landscapers, Inc. (wholesale nursery) and S-2647, Petition of Arbor Landscapers, Inc. (landscape contracting).** Letters from Mark Viani, Esquire, notifying the Board that Case No. S-820 is an approved non-conforming use; withdrawing Case Nos. S-2646 and S-2647; and requesting a refund of the filing fees.

Action: (1) Dismissed Case Nos. S-2646 and S-2647 without prejudice; (2) rescinded the Show Cause Hearing for Case No. S-820; (3) granted a 50% (\$1,625.00 @ per case) refund of the filing fees, (AMC/WMH, 4-0).

8. **S-1249, Petition of DavCo Food, Inc.** (drive-in restaurant). Letter to the Board from Mark Viani, Esquire, requesting an administrative modification. (Large exhibits: approved landscape and lighting plan, plat plan, landscape plan, photometric plan).

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

9. **S-2487, Petition of Orchard Development** (housing and related facilities for elderly or handicapped persons). Letter of concern to the Board regarding modifications to the special exception from Stuart Rochester, Chair, Fairland Master Plan CAC.

Action: Re-opened the record to include Mr. Rochester's letter, (AMC/WMH, 3-0/AIF/recused).

10. **S-2504, Petition of Sunrise Development, Inc.** (housing and related facilities for the elderly). Letter to the Board from Timothy Dugan, Esquire, submitting final forest conservation plans. (Large exhibits: forest conservation plans).

Action: Re-opened the record to include Mr. Dugan's letter with attachments, (AMC/WMH, 3-0).

#### **DECISION ITEMS:**

11. **S-2652, Petition of Inwood House Development Corporation and Omnipoint Communication CAP Operations, LLC, a Subsidiary of T-Mobile, USA** (telecommunication facility). Hearing Examiner's Report and Recommendation. **S-567, Petition of Centers for the Handicapped Development Corporation** (charitable and philanthropic institution). Also included is a letter from Thomas Carroll, Esquire, requesting an administrative modification.

Action: Deferred the decision pending submission of information required in Conditions 3, 4, and 5, consensus.

#### **DECISION ITEMS (continued):**

12. **S-2655, Petition of Hector T Ayu** (retail establishment in an office building). Hearing Examiner's Report and Recommendation.

Action: (1) Adopted the Hearing Examiner's Report and Recommendation; (2) granted the special exception with conditions, (WMH/AMC, 4-0).

**PENDING ITEMS:**

13. **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].

14. **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].

15. **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].

16. **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].

17. **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].

18. **S-1437, Petition of John D. Hyman** (wholesale nursery and landscape contractor). Letter to the Board from Timothy Dugan, Esquire. Show Cause Hearing continued to 3/29/06 @ 10:30 a.m. [Show Cause Hrg 1/18/06].

19. **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].

20. **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].

**PENDING ITEMS (continued):**

21. **S-2423 [S-2423-A], Petition of Meadow Ridge Seniors' Villas, LLC** (elderly or handicapped housing). Letter to the Board from Randy Frey, President, and Robert H. Holman, Managing Member, requesting an administrative modification. [Large exhibits: landscaping and lighting plans]. (1) Deferred administrative modification request for 60 days; (2) administrative modification request reviewed by M-NCPPC Technical Staff. [W/S 12-7/05].
22. **S-2629, Petition of Alan and Susan Dechter LLC** (non-resident medical practitioner). Request from the petitioners for remand to the Hearing Examiner. Request to be considered after issuance of the Board's Opinion. [W/S 12/7/05].
23. **S-2644, Petition of Greencastle Lakes Community Association, Inc.** (community swimming pool). Hearing Examiner's Report and Recommendation. Deferred item for additional information from the Hearing Examiner on the special exception's sound amplification system. [W/S 1/18/06].

### **Board Members**

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