

**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 8, 2006, 9:30 a.m.**

**ACTION ITEMS:**

1. **Minutes**, January 25, 2006 Worksession.

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

2. **Case No. A-6123, Appeal of L. Edward O'Hara, Jr.** (Department of Permitting Services (DPS) – Issuance of Certificate of Non-Conforming Use No. 241824). Letter to the Board from Mr. O'Hara requesting DPS transmit all documents relating to its decision to make Arbor Landscaping a non-conforming use).

Action: Deferred request for appellant to contact DPS with the request, consensus.

3. **CBA-719-A [CBA-719], Petition of Betty B. Sweet** (outdoor restaurant). Letter to the Board from Robert Metz, Esquire, requesting an extension of time.

Action: Granted 6 month extension of time, (WMH/CLH, 3-0/AIF/recused).

4. **CBA-2117-A, Petition of Francis J. Collins Funeral Home** (funeral home). Annual Report to the Board from Frank Colleli, Business Manager.

Action: Re-opened the record to include Mr. Colleli's report, (AMC/WMH, 4-0).

5. **S-657-B [S-657, S-657-A], Petition of Kensington Center, LLC** (automobile filling station). Letter from Stanley Abrams, Esquire, requesting that the Board schedule a Show Cause Hearing as requested by DPS. (Large exhibits: new site plan, existing site plan, elevations).

Action: Schedule Show Cause Hearing, (WMH/CLH, 3-0/AIF/recused). Hearing scheduled for 4/5/06 @ 10:30 a.m.

6. **S-961, Petition of William E. Wallace, Jr.** (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.

Action: Item deferred for confirmation from DHCA that the accessory apartment has been abandoned, consensus.

7. **S-1456, Petition of Concord Hills School** (private educational institution). Letter to the Board from Denise Gershowitz, Head of School, requesting an administrative modification.

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

8. **S-1489, Petition of Kimthanh Phung and Peter Yen** (accessory apartment). Memorandum to the Board from Wright Jolly, Jr., Housing Code Inspector, 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 the special exception as abandoned, (WMH/CLH, 4-0).

9. **S-1903, Petition of Exxon Company, U.S.A.** (automobile filling station). Letters to the Board from Jody S. Kline, Esquire, requesting an administrative modification. (Large exhibit: revised landscape plan).

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

10. **S-1955, Petition of Christopher H. Hall** (accessory apartment). Memorandum to the Board from Cynthia Lundy, Housing Code Inspector, 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, (CLH/WMH, 4-0).

11. **S-2474, Petition of North Potomac Seniors' Housing, LLC** (housing and related facilities for the elderly and handicapped). Letter to the Board from Erin Girard, Esquire, providing mailing labels.

Action: (1) Re-open the record to include Ms. Girard's letter; (2) issue resolution to grant the administrative modification, (CLH/AMC, 4-0).

12. **S-2480, Petition of Connie Lucas** (group home). Letter to the Board from the petitioner requesting a one year extension.

Action: Granted one year extension of time, (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].

### **PENDING ITEMS (continued):**

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-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].
20. **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].
21. **S-2487, Petition of Orchard Development Corporation** (housing and related facilities for the elderly or handicapped). Letters to the Board from Scott Armiger, Vice President, requesting an administrative modification. (Large exhibits: landscape and lighting plan, as-built site plan and elevations). Item deferred for additional information. [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].

**PENDING ITEMS (continued):**

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].

24. **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. Deferred items for additional information regarding Conditions 3, 4, and 5. [W/S 1/25/06].

### **Board Members**

Allison Ishihara Fultz, Chair  
Donna L. Barron, Vice Chair - ABSENT  
Angelo M. Caputo  
Wendell M. Holloway  
Caryn L. Hines

### **Staff**

Barbara Jay, Associate County Attorney  
Katherine Freeman, Executive Director  
Hermene Jones, Administrative Specialist

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**WORKSESSION ADDENDUM MINUTES**

**Second Floor Davidson Memorial Hearing Room**

**Wednesday, February 8, 2006, 9:30 a.m.**

**ACTION ITEM:**

1. **A-6121, Appeal of Frederick J. and Elizabeth P. Brody.** Intervenors' Request for Discovery.

Action: Item deferred until the public hearing on 3/15/06, consensus.

**Board Members**

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