

**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, June 28, 2006, 9:30 a.m.**

**ACTION ITEMS:**

1. **Minutes**, June 14, 2006 Worksession.

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

2. **A-6143, Appeal of Mahdi Iman Huschmand** (Department of Permitting Services (DPS) – Notice of Violation, dated April 17, 2006). Letter to the Board from Norman Knopf, Esquire, requesting to intervene.

Action: Granted request to intervene, (CLH/WMH, 4-0).

3. **A-6144, Appeal of Michael Eig** (Department of Permitting Services – Issuance of Building Permit Denials dated July 25, 2005 and April 11, 2006). Letter to the Board from Marc and Marianne Duffy requesting dismissal of the administrative appeal and/or change of the pre-hearing conference.

Action: Deferred pre-hearing conference until the scheduled administrative appeal hearing date, consensus.

4. **A-6147, Appeal of Joanne G. Smale** (Department of Permitting Services (DPS) – Issuance of Building Permit No. 415318). Joint Motion for Summary Disposition and Oral Argument from Malcolm Spicer, Assistant County Attorney and Stephen Orens, Esquire.

Action: Deferred Joint Motion until the scheduled administrative appeal pre-hearing conference date, consensus.

5. **CBA-1203, Petition Mariner Health of Maryland, Inc.** (nursing home). Letter from Stuart Barr, Esquire, submitting the additional information requested by the Board. (Large exhibit: site plan).

Action: (1) Re-opened the record to include Mr. Barr's letter with attachment; (2) granted the transfer of the special exception, (3) granted the administrative modification, (CLH/AMC, 4-0/AIF/recused).

6. **CBA-1650, Petition of Nedal and Nebil Suleiman** (automobile filling station). Letter to the Board from Charles Shryock, III, Authorized Agent, requesting a continuance of the scheduled Show Cause Hearing.

Action: Granted continuance of the Show Cause Hearing, (WMH/CLH, 4-0/AIF/recused).

7. **S-684, Petition of Burkland Condominium Association, Inc.** (medical-dental clinic). Letter to the Board from James Michal, Esquire, and Dr. Steven Blanken, President, Condominium Association, requesting an administrative modification.

Action: Granted administrative modification for 9 antennas, (AMC/WMH, 4-0/AIF/recused).

8. **S-687-F and S-687-G, Petition of Bullis School, Inc.** (private educational institution). Letter to the Board from Jody Kline, Esquire, requesting a 12-month extension of time.

Action: Granted 12-month extension of time, (DLB/WMH, 5-0).

9. **S-1064, Petition of Leon Trager and Greentech Landscaping** (horticultural nursery and greenhouse). Letter to the Board from Leon Trager and Benjamin DeMouy, requesting that Mr. DeMouy's name be added to the special exception.

Action: (1) Dismissed the administrative modification request for lack of jurisdiction as use is a permitted non-conforming use; (2) petitioner to contact DPS regarding continuance of the use, (DLB/CLH, 5-0).

10. **S-1703, Petition of John Poulos** (landscape contractor). Letter to the Board from Brian Kotzke, Esquire, requesting a transfer of the special exception.

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

11. **S-2459, Petition of Hampshire Village Associates** (life care facility). Inspection reports from Barbara Piczak, Inspector, DPS, regarding the special exception's Community Council and its parking.

Action: Board will receive an additional inspection report after the compliance deadline, consensus.

12. **S-2474, Petition of North Potomac Seniors' Housing, LLC** (housing and related facilities for the elderly and handicapped). Letter from Gopal Janardanan, President and Chief Executive Officer, requesting that the Board order the petitioner to remedy the outstanding code violations.

Action: Re-opened the record to include inspection reports from Ms. Piczak, letters from Mr. Janardanan, and Ms. Sears and Ms. Girard, (DLB/AMC, 5-0). No action required until receipt of the requested inspection report by the Board.

13. **S-2635, Petition of New Covenant Village, LLC** (housing and related facilities for senior adults). Letter to the Board from David Freishtat, Esquire, requesting a transfer of the special exception.

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

**DECISION ITEMS:**

14. **S-2665, Petition of J. Donovan Pirkle** (accessory apartment). Hearing Examiner's Report and Recommendation.

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

15. **S-2666, Petition of Orlando Martinez and Martha Gaitan** (accessory apartment). Hearing Examiner's Report and Recommendation.

Action: Item deferred until receipt of a revised landscape plan, consensus.

**PENDING ITEMS:**

16. **A-6114, Appeal of Newland Communities LLC and NNP II – Clarksburg LLC** (Department of Fire and Rescue Services – Notice of Violation dated September 20, 2005). Joint Status Report and Motion to Stay from Todd Brown, Esquire; Joseph Lapan, Esquire; and Malcolm Spicer, Esquire. Also included is a letter from the Department of Fire and Rescue Services. (1) Granted continuance of the appeal until 10/26/06; (2) Board to received status report in 90 days. [W/S 4/19/06].

17. **CBA-470-A, Petition of Kensington Nursery School** (private educational institution). Hearing Examiner's Report and Recommendation. Item deferred for the site plan required in Condition No. 3 of the Hearing Examiner's Report and Recommendation. [W/S 5-31-06].

19. **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].

20. **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].

21. **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].

**PENDING ITEMS (continued):**

22. **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].
23. **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. Item deferred for confirmation from DHCA that the accessory apartment has been abandoned. [W/S 2/8/06].
24. **S-1239, Petition of Ernestine and Jewel Johnson** (accessory apartment). Memorandum 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 from the petitioner requesting that the special exception be suspended and not revoked. Item deferred for confirmation that special exception holder resides in the house. [W/S 2/22/06].
25. **S-1365, Petition of Association for Women's Recovery Residence, Inc.** (group residential facility for exceptional persons). Letters to the Board from Tahira Azziz requesting a transfer of the special exception and an administrative modification. Item deferred for additional information. [W/S 4/14/06].
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-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].
28. **S-2453, Petition of Academy Child Development** (child day care facility). Letter to the Board from Marilyn Fleetwood, President, requesting an administrative modification. Item deferred for additional information and what will be the impact of peak travel time, consensus. [W/S 5-31-06].
29. **S-2474, Petition of North Potomac Seniors' Housing, LLC** (housing and related facilities for the elderly and handicapped). Letter to the Board from Barbara Sears, Esquire, and Erin Girard, Esquire, requesting a transfer of the special exception. Also included is a letter to the Board from Gopal Janardanan, President and Chief Executive Officer, requesting an inspection of the special exception by DPS. Item deferred until the Board receives DPS's inspection report. [W/S 5/31/06].

**PENDING ITEMS (continued):**

30. **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].

31. **S-2527, S2528, S-2529, Petition of Twin Ponds Farm, LLC** (wholesale horticultural nursery, landscape contractor, manufacture of mulch and compost). Letter of complaint from Robert A. Thomassen, Diane M. Hogan, John and Stephanie Egly, and Sugarloaf Citizens Association by Jane Hunter with a request that the Board convene a revocation hearing. Also included are letters from Erica Leatham, Esquire, requesting that the Board defer this request until its next Worksession. (1) Re-opened the record to include letters dated 4/21/06, 5/1/06, 5/5/06, 5/9/06 [is there more than 3 letter?], (2) request inspection by the Department of Permitting Services (DPS) to determine where special exception stands in terms of its implementation. [W/S 5/10/06].

32. **S-2635, Petition of New Covenant Village, LLC** (housing and related facilities for senior adults). Letter to the Board from David Freishtat, Esquire, requesting an administrative modification. (Large exhibits: overall site plan, site plan, landscape plan). (1) Granted the administrative modification as revised; (2) Board to receive the revised plans from the petitioner. [W/S 3/8/06].

33. **HE 03-01, Petition of Montgomery Cemeteries, LLC** (cemetery). Letter to the Board from Michael Vlahos, owner, requesting an administrative modification. Item deferred for additional information. [W/S 5-31-06]

**Board Members**

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