

**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, November 29, 2006, 9:30 a.m.

ACTION ITEMS:

1. **Minutes**, November 8, 2006 Worksession.

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

2. **CBA-2180-A [CBA-2180, S-254], Petition of Johnson Family Enterprises Ltd. Partnership** (horticultural nursery and commercial greenhouse). Letter to the Board from Stanley Abrams, Esquire, requesting an administrative modification. (Large exhibit: site plan).

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

3. **CBA-2218, Petition of Arthur C. and Lillian E. Somervell** (private riding stable). Memorandum from Heather Gottke, Inspector, Department of Permitting Services (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, (CLH/CGT, 4-0).

4. **S-226-B [S-226-A, S-226], Petition of Westleigh Recreation Club, Inc.** (private club). Letters of opposition from James Lin, Stan Young, Andrea and Jonathan Pfeffer, Kenneth and Ellen Quinn, Eugene and Jean Kline, Donald and Mary Yentzer, Jr., Sergey Podkovyrov, Tom and Anne Marceet, Michael Weiss, Debra Neiman, Richard and Helen Davis, Leslie Susskind, Ramesh Sharma, Dr. and Mrs. Harris Wisneski, Yingwu Fang and Yan Ling Wei, Jim and Monte Mortensen, Tung-huei Chen and Sheng-Chih Tai, Michael Gaitan, Malla Rao, K. Javaffa.

Action: Re-opened the record to include the letters of opposition, (CGT/CLH, 4-0).

5. **S-1365, Petition of Tahira Azziz** (group residential facility for exceptional persons). Hearing Examiner's Opinion and Decision in SE 89-11, stating that S-1365 was never implemented. Also included are letters of objection from Thomas Staley and Richard Langston, as well as a request for a public hearing; and a letter from the special exception holder.

Action: Item deferred pending receipt from Ms. Azziz of written confirmation that the special exception was not implemented, consensus.

6. **S-1400-B, Petition of GEG, Inc. and Nicholas J. and Moscha Despotides** (horticultural nursery and commercial greenhouse). Letter to the Board from Norman Knopf, Esquire, requesting a 12-month extension of time.

Action: Granted 12-month extension of time, (CLH/CGT, 4-0).

7. **S-1884, Petition of Chakarot Sukachevin** (non-resident medical practitioner). Letter to the Board from Keith Rosa, Esquire, requesting that the record be held open for the completion of the landscaping.

Action: Record open until 6/1/07 for the completion of the special exception landscaping, consensus.

8. **S-2459, Petition of Hampshire Village Associates** (housing for the elderly and handicapped). Letter to the Board from Casey Moore, Esquire, with an update of the special exception landscaping.

Action: Re-opened the record to include the letter with attachments from Ms. Moore, (CGT/WMH, 4-0).

9. **S-2509, Petition of Garden of Remembrance Memorial Park, Inc.** (funeral parlors or undertaking establishments). Letter to the Board from Jody Kline, Esquire, requesting a 6-month extension of time.

Action: Granted 6-month extension of time, (CLH/WMH, 4-0).

10. **HE #99-2, Petition of Gate of Heaven Cemetery, Inc.** (cemetery). Letter from Elsie Reid, Esquire, submitting the additional information requested by the Board. (Large exhibits: site context plan and schematic planting plans).

Action: (1) Re-opened the record to include the letter with attachments from Ms. Reid; (2) rescinded the Show Cause Hearing, (CLH/CGT, 4-0).

DECISION ITEMS:

11. **CBA-1174-D, S-2467-A, S-2503-A, Petition of Holton-Arms School, Inc.** (private educational institution, child day care facility, co-educational summer day camp). Hearing Examiner's Report on Referral from the Board of Appeals to Determine the Adequacy of Petitioner's Traffic Study. Also included is a request for Oral Argument from Elsie Reid, Esquire and Megan Wallace, Esquire.

Action: (1) Denied request for Oral Argument, (CGT/WMH, 4-0); (2) adopted the Hearing Examiner's Recommendations as amended, (CGT/CLH, 4-0).

12. **S-2614, Petition of Holly Eaton** (accessory apartment). Memorandum from Martin Grossman, Hearing Examiner, Office of Zoning and Administrative Hearing, notifying the Board that the special exception has been withdrawn and requesting that it be withdrawn without prejudice.

Action: Dismissed the special exception without prejudice, (WMH/CLH, 4-0).

PENDING ITEMS:

13. **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). Second Status Report from Todd Brown, Esquire. (1) Re-opened the record to include the Second Status Report from Todd Brown; (2) the Board will receive Status Reports on 1/15/07 and 4/1/07. [W/S 10/25/06].
14. **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].
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 for review of administrative modification request. [W/S 2/18/04].
16. **S-2328, Petition of Judith Himmelfarb** (accessory apartment). Letter to the Board from Ariel De notifying the Board that the special exception has been abandoned and requesting that it be revoked. Item deferred until confirmation that the accessory apartment's kitchen as been removed. [W/S 7/26/06].
17. **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].
18. **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].
19. **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, (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].
20. **S-2666, Petition of Orlando Martinez and Martha Gaitan** (accessory apartment). Hearing Examiner's Report and Recommendation. Item deferred until receipt of a revised landscape plan. [W/S 6/28/06].

Board Members

Allison Ishihara Fultz, Chair - ABSENT
Donna L. Barron, Vice Chair
Wendell M. Holloway
Caryn L. Hines
Catherine G. Titus

Staff

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