

**BOARD OF APPEALS  
for  
MONTGOMERY COUNTY**

**Stella B. Werner Council Office Building  
100 Maryland Avenue  
Rockville, Maryland 20850  
(240) 777-6600**

[www.montgomerycountymd.gov/content/council/boa/index.asp](http://www.montgomerycountymd.gov/content/council/boa/index.asp)

**WORKSESSION MINUTES**

**Second Floor Davidson Memorial Hearing Room**

**Wednesday, April 16, 2008, 9:30 a.m.**

**ACTION ITEMS:**

1. **Minutes**, April 2, 2008 Worksession.

Action: Approved, (DKP/CLH, 5-0).

2. **A-6191, Appeal of Kensington Volunteer Fire Department** (Department of Permitting Services – Notice of Violation). Order from the Circuit Court.

Action: Re-opened the record to include the Order from the Circuit Court, (CGT/DKP, 5-0).

3. **A-6226, Appeal of Michael Carey** (Department of Permitting Services – Issuance of Building Permit No. 446728). The Board will resume deliberation for clarification.

Action: Denied the administrative appeal on the grounds that the construction will not exceed the County's maximum height requirements, (DKP/CLH, 5-0).

4. **A-6239, Appeal of Claire E. Wright** (Department of Permitting Services – Issuance of Building Permit No. 462424). Letter from David Brown, Esquire, withdrawing the administrative appeal and requesting a refund of the filing fee.

Action: (1) Dismissed the administrative appeal as withdrawn; (2) granted a 50% (\$100.00) refund of the filing fee, (WMH/CGT, 5-0).

5. **A-6245, Appeal of Darlene B. Robbins** (Department of Permitting Services – Issuance of Building Permit No. 470359). Interrogatories and document requests from Daniel Willard, Esquire.

Action: Denied the request for interrogatories and the request for documents, (DCT/WMH, 5-0).

6. **A-6255, Petition of Michael Guerrero** (new single-family dwelling). Letter from Anne Marie Vassallo, Esquire, requesting an expedited hearing.

Action: (1) Granted the expedited hearing request; (2) the date to be determined, (CLH/CGT, 5-0).

7. **CBA-1174-D, Petition of Holton Arms School** (private educational institution). Letter to the Board from Elsie Reid, Esquire, requesting an administrative modification.

Action: Granted the administrative modification (CGT/DKP, 5-0).

8. **CBA-2117-A, Petition of Francis J. Collins Funeral Home** (funeral home). Letter of complaint from Kevin McDonald.

Action: (1) Re-opened the record to include Mr. McDonald's letter; (2) the Board will request that DPS inspect the special exception, (WMH/DKP, 5-0).

9. **CBA-2437, Petition of Mamie L. Privette** (child day care facility). Letter to the Board from Christian Munguia notifying the Board that the special exception has been abandoned and requesting that it be revoked.

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

10. **S-274-D and A-6254, Petition of Suburban Hospital, Inc.** (hospital). Letter to the Board from Barbara Sears, Esquire, and Erin Girard, Esquire, requesting a consolidation of the special exception modification and variance hearings.

Action: Granted the consolidation of the special exception and variance hearings; (2) referred the petitions to the Office of Zoning and Administrative Hearings, (CGT/DKP, 4-0/WMH/recused).

11. **S-858 [S-858-A], Petition of Surjeet, K. Singh** (child day care facility). Letter to the Board from Stephen Orens, Esquire, requesting a transfer of the special exception.

Action: Granted the transfer of the special exception with the Treatment and Learning Centers, Inc. as a co-holder, (CGT/DKP, 5-0).

12. **S-862-A, [S-862, S-862-B], Petition Federation of American Societies for Experimental Biology** (private educational institution). Letter to the Board from Richard Dunn, Director, submitting the annual report.

Action: Re-opened the record to include Mr. Dunn's letter with the annual report, (CLH/WMH, 5-0).

13. **S-1851, Petition of Lowell Bruce Peterson** (bed and breakfast lodging). Memorandum to the Board 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 petitioner.

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

14. Pending Item. **S-2359, Petition of Potomac Foods Company III, Inc.** (drive-in restaurant). Pending Item. Letter to the Board from Clara Willis, District Manager, submitting the additional information requested by the Board.

Action: (1) Re-opened the record to include Ms. Willis' letter with attachments; (2) granted the administrative modification, (DKP/WMH, 5-0).

15. **S-2480, Petition of Connie Lucas** (group home). Letter to the Board from the petitioner requesting a one-year extension of time (Large exhibits: site plan and first floor plan).

Action: Granted a one-year extension of time, (WMH/DKP, 5-0).

16. **S-2504, Petition of Sunrise Development, Inc.** (elderly and handicapped housing). Letters to the Board from Timothy Dugan, Esquire, requesting an administrative modification (Large exhibits: elevations and marketing signage).

Action: (1) Granted the administrative modification; (2) the petitioner will notify the Board of any extensions granted by the Sign Review Board, (CGT/WMH, 5-0).

#### **DECISION ITEM:**

17. **A-6231, Appeal of Margaret McCann and Stephen Poor** (Department of Permitting Services – Issuance of Building Permit No. 460843). Letter from Malcolm Spicer, Associate County Attorney, submitting information requested by the Board. Also included is a letter from David Brown, Esquire.

Action: (1) Re-opened the record to include letters from Mr. Spicer and Mr. Brown; (2) denied the administrative appeal, (DKP/CGT, 5-0).

**PENDING ITEMS:**

18. **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]. (1) Re-opened the record to include the status report from Mr. Brown; (2) Mr. Brown to provide a status/progress report to BOA at its 5/2/07 Worksession [W/S 2/28/07]. Status report from Todd Brown, Esquire [W/S 10/17/07]. Re-opened the record to include the status report from Mr. Brown [W/S 4/2/08].
19. **A-6190, Appeal of Amanda Enterprises, LLC** (Department of Permitting Services – Notice of Violation dated November 13, 2006 and Use and Occupancy Certificate No. 250849). BOA to receive a status report from the appellant by 6/15/07 [Pre-hearing Conference held on 3/14/07].
20. **CBA-867 [CBA-2048, S-717, S-717-A, S-1187], Petition of Our House, Inc.** (hospital, sanitarium, nursing or care home). Letter to the Board from Stuart Barr, Esquire, and April Birnbaum, Esquire, requesting clarification of the appropriate special exception use category. (1) Re-opened the record to include Mr. Barr's and Ms. Birnbaum's letter; (2) item deferred for additional information regarding how the current use conforms to the current criteria [W/S 2/20/08].
21. **CBA-969-A, Petition of Millenium Health Services** (nursing home or domiciliary care home). Status update on the compliance of the special exception. (1) Petitioner has hired engineer to develop a special exception site plan; (2) prior to applying for building permits the petitioner will submit to the Board the proposed site plan [W/S 3/19/08].
22. **CBA-1196, Petition of Joseph F. Fernebok, CBA-1472, Petition of Farragut St. Venture and Theo R. Crutchfield, S-35, Petition of G. A. Schlesinger** (off-street parking). Letter to the Board from Stanley Abrams, Esquire, requesting an extension of time to permit the submission of a revised site plan and a forthcoming administrative modification request in connection with Case No. S-35. (1) Re-opened the record to include Mr. Abrams' letter; (2) granted a 45-day extension of time [W/S 1/23/08].
23. **CBA-2924, Petition of RMC Partnership** (medical and dental clinic). Letters to the Board from Jane Ho, Esquire, and Benjamin Akintan, Rph, requesting a transfer and an administrative modification (Large exhibits: cover sheet, existing and demolition plan, modification elevations, construction details, survey). Item deferred for additional information [W/S 7/18/07].
24. **S-535 [CBA-2212, CBA-2212-A, CBA-2614], Petition of Flower Valley Bath & Racquet Club, Inc.** (community swimming and tennis club). Letter to the Board from Hope Liverman, Legal Assistant, submitting the Club's annual report. (1) Re-opened the record to include Ms. Liverman's letter; (2) petitioner to submit revised annual report regarding the tennis court operations [W/S 3/19/08].

**PENDING ITEMS (continued):**

25. **S-2132, Petition of Edwin J. Hungerford** (manufacture of mulch). Letter of complaint to the Board from the petitioner. (1) Re-opened the record to include the petitioner's letter; (2) DPS to send abandonment letter to the petitioner and will notify BOA of the response [W/S 3/12/08].
26. **S-2141, Petition of Bannockburn Swim Club, Inc.** (community swimming pool). Letter from John Chadwick, Pool Board Representative-Improvements, submitting the additional information requested by the Board for an administrative modification [Large exhibit: site plan]. Item deferred to determine if administrative modification is subject to a forest conservation requirement [W/S 4/2/08].
27. **S-2471, Petition of Kids 'N Care Learning Center** (child day care facility). Letter from Casey Moore, Esquire, submitting the additional information requested by the Board on the special exception staff parking. Item deferred until 1/9/08 Worksession [W/S 12/12/07].

**Board Members**

Allison Ishihara Fultz, Chair  
Catherine G. Titus, Vice Chair  
Wendell M. Holloway  
Caryn L. Hines  
David K. Perdue

**Staff**

Barbara Jay, Associate County Attorney  
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**WORKSESSION ADDENDUM MINUTES**

**Second Floor Davidson Memorial Hearing Room**

**Wednesday, April 16, 2008, 9:30 a.m.**

**ACTION ITEMS:**

1. **A-6230, Appeal of Jackson Cabido** (Department of Permitting Services – Notice of Violation). Letter to the Board from Glenn Hall, the appellant's attorney, withdrawing the administrative appeal and request that it be dismissed.

Action: (1) Dismissed the administrative appeal as withdrawn; (2) refunded 50% (\$100.00) of the filing fee, (CLH/WMH, 5-0).

2. CBA-2986, Petition of Leafy House, Inc. (care home). Inspection report from Barbara Piczak, Inspector, DPS, and a request to rescind the Show Cause Hearing.

Action: (1) Re-opened the record to include Ms. Piczak's inspection report; (2) rescinded the Show Cause Hearing, (DKP/WMH, 5-0).

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