

**BOARD OF APPEALS
for
MONTGOMERY COUNTY**

**Stella B. Werner Council Office Building
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www.montgomerycountymd.gov/content/council/boa/index.asp

WORKSESSION MINUTES

Second Floor Davidson Memorial Hearing Room

Wednesday, March 25, 2009, 9:30 a.m.

ACTION ITEMS:

1. **Minutes**, March 11, 2009 Worksession.

Action: Approved, (WSB/CJS, 5-0).

2. **A-5982 [A-5983, A-5984, A-5994], Appeals of Donald McGee, McGee Enterprises and Greentree Associates, LLC** (Department of Permitting Services (DPS) – Notice of Violation). Order from the Circuit Court.

Action: (1) Re-opened the record to include the Order from the Circuit Court; (2) the County Attorney will prepare a reply to the Court's request, (SBB/CJS, 5-0).

3. **A-6133, Appeal of Sligo Branview Community Association by Mary Cogan, et al.** (Department of Permitting Services – Letter dated February 15, 2006). Order from the Circuit Court.

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

4. **CBA-2117-A [CBA-2117], Petition of Francis J. Collins Funeral Home, Inc.** Letter to the Board from Frank Colleli, Business Manager, submitting the special exception's annual report.

Action: Re-opened the record to include Mr. Colleli's letter with attachment, (CJS/SBB, 5-0).

5. **S-1047, Petition of John Schneider** (accessory apartment). Memorandum from Robert Goff, Inspector, 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 of confirmation from the petitioner.

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

6. **S-1525, Petition of Lisa K. and John V. Harvey, Jr.** (accessory apartment). Letter to the Board from Amy Schwenkmeyer and Rolf Reichle requesting a transfer of the special exception.

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

DECISION ITEM:

7. **S-2742, Petition of Agnes M. Patti** (accessory apartment). Hearing Examiner's Report and Recommendation.

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

PENDING ITEMS:

8. **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].
9. **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].
10. **CBA-2521-I, Petition of Montgomery General Hospital** (hospital). Letter to the Board from Jody Kline, Esquire, requesting an administrative modification [Large exhibits: existing conditions plan and zoning vicinity map]. Item deferred for Mr. Kline to contact homeowner's association regarding its concerns [W/S 10/8/08].

PENDING ITEMS (continued):

11. **S-179, David H. Shin (coffee shop).** Letter to the Board from Sook Kim requesting a transfer of the special exception (Item deferred for additional information regarding ownership of special exception property, consensus [W/S 6/25/08]).
12. **S-894, Petition of Joan C. Wright (major home occupation).** Letter to the Board from the petitioner requesting an administrative modification. Item deferred for additional information regarding the number of employees, size of the workspace, renewal period. [W/S 3/11/09].
13. **S-1791, Petition of Melissa Martell Taylor (private educational institution).** Letter to the Board from Terry Lewis requesting a transfer of the special exception. Item deferred for (1) statement of operations; (2) confirmation the special exception will be operated in conformance with the Board's Opinion; (3) confirmation of the special exception holder [W/S 9/10/08].
14. **S-2041, Petition of Victory Housing, Inc. (nursing and care home).** Letter to the Board from Jody Kline, Esquire, requesting an administrative modification. [Large exhibits: exterior elevations, second floor demolition plan, second floor plan and details]. Item deferred for additional information. [W/S 2/25/09].
15. **S-2125, Petition of Victory Housing, Inc. (care home).** Letter to the Board from Jody Kline, Esquire, requesting an administrative modification. [Large exhibits: exterior elevations, first floor plan, first floor demolition plan]. Item deferred for review that special exception meeting the parking requirements. [W/S 2/25/09].
16. **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].
17. **S-2145, Petition of Southwestern Bell Mobile Systems, Inc. (telecommunications facility).** Letter to the Board from Karmen Rajamani, Zoning Manager, requesting a transfer of the special exception. Item deferred for confirmation of the transfer from Southwestern Bell Mobil Systems, Inc [W/S 4/30/08].
18. **S-2699 and CBA-1660 [CBA-1660], Petitions of ExxonMobil Corporation (automobile filling station).** Hearing Examiner's Report and Recommendation. Also included is a letter to the Board from Jody Kline, Esquire, requesting oral argument or a rewording of Condition No. 16 in the Hearing Examiner's Report and Recommendation for Case No. S-2699 and requesting that special exception CBA-1660 be revoked as never implemented. (1) Granted request for oral argument; (2) deferred the Hearing Examiner's Report and Recommendation [W/S 9/24/08].

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