

**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, April 8, 2009, 9:30 a.m.

ACTION ITEMS:

1. **Minutes**, March 25, 2009 Worksession.

Action: Approved, (CJS/SBB, 4-0).

2. **A-6264, Appeal of John and Ann Wylie, et al** (Department of Permitting Services (DPS) – Approval of Sign Variance No. 257855). Letter to the Board from Ann Wylie withdrawing the 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Action: (1) Dismissed the administrative appeal as withdrawn; (2) granted a 50% (\$100.00) refund of the filing fee, (WSB/CJS, 4-0).

3. **A-6281, Appeal of Francine Johnson** (Department of Permitting Services – Letter dated November 3, 2008). Letter to the Board from the appellant requesting a refund of the filing fee.

Action: Granted a 100% (\$200.00) refund of the filing fee, (CJS/WSB, 4-0).

4. **A-6287, Appeal of the West Montgomery County Citizens Association and C. O. North** (Department of Permitting Services – Letter dated December 31, 2008). Board to discuss the scheduling of the Motion to Dismiss.

Action: No action taken by the Board. Scheduling of the Motion to Discuss will be discussed at the pre-hearing conference scheduled for 4/22/09.

5. **CBA-535 [CBA-942], Petition of North Chevy Chase Swimming Pool Association, Inc.** (community swimming pool). Letter to the Board from Daniel Rigaux, Treasurer, requesting an administrative modification. [Large exhibits: vicinity map, plan view, pool layout detail, pool piping plan, construction details/3 sheets].

Action: Granted the administrative modification, (SBB/CJS, 4-0).

6. **CBA-2115, Petition of Elsabet H. Tekle and John M. Kochan** (non-resident medical practitioner). Letter from the petitioner notifying the Board that the special exception has been abandoned and requesting that it be revoked.

Action: Revoked the special exception as abandoned, (CJS/SBB, 4-0).

7. **CBA-2212 [CBA-2212-A, CBA-2614, S-535], Petition of Flower Valley Bath and Racquet Club, Inc.** (community swimming pool). Letter from Bruce Haase, President, submitting the club's annual report.

Action: Re-opened the record to include Mr. Haase's letter with attachments, (CJS/WSB, 4-0).

8. **CBA-2521 [CBA-2521-CBA-2521-I], Petition of Montgomery General Hospital, Inc.** (hospital). Letter to the Board from Nikki Yeager, Director, Marketing and Public Relations, requesting an administrative modification. [Large exhibits: main identification sign, typical fabrication, area plan, proposed sign replacement, permit photos/3 sheets].

Action: (1) Granted the administrative modification; (2) Jody Kline, Esquire, will supplement the record with the approval by Sign Review Board of the signs, (CJS/SBB, 4-0).

DECISION ITEM:

9. **S-2744, Petition of Donald and Tonya Gilchrist** (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/WSB, 4-0).

PENDING ITEMS:

10. **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].

PENDING ITEMS (continued):

11. **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].
12. **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].
13. **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. [W/S 6/25/08].
14. **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].
15. **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].
16. **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].
17. **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].
18. **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].

PENDING ITEMS (continued):

19. **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].

20. **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].

Board Members

Catherine G. Titus, Chair - ABSENT
David K. Perdue, Vice Chair
Walter S. Booth
Carolyn J. Shawaker
Stanley Boyd

Staff

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