

**BOARD OF APPEALS  
for  
MONTGOMERY COUNTY**

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[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, September 9, 2009, 9:30 a.m.**

**ACTION ITEMS:**

1. **Minutes**, July 29, 2009 Worksession.

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

2. **A-6279, Petition of Holy Cross of Silver Spring, Inc.** (five-story addition and parking garage and driveways). Letter to the Board from Robert Dalrymple, Esquire and Heather Dhopolsky, Esquire, requesting that the variance validity period be extended to match the special exception validity period.

Action: Granted an extension of time for the variance to match the special exception validity period, (CJS/SBB, 5-0).

3. **CBA-1055, Petition of Abraham And Ellene B. Dabela** (non-resident medical practitioner). Letter to the Board from Clifford Ferguson, M.D., requesting a transfer of the special exception.

Action: Item deferred for clarification regarding the transfer of the special exception, consensus.

4. **CBA-2477, Petition of Jeanette E. Sherrick** (major home occupation). Letter from Rose Mary Gardner notifying the Board that special exception has been abandoned and requesting that it be revoked.

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

5. **CBA-2684-C, Petition of The German School)** (private educational institution). Letter to the Board from the Kendale Neighborhood Coalition. Also included is a memorandum to the Board from Martin Grossman, Hearing Examiner, Office of Zoning and Administrative Hearings (OZAH), a letter from Ronald Bolt, Esquire, and a response from the Kendale Neighborhood Coalition to the Hearing Examiner's memorandum.

Action: Request from the Kendale Neighborhood Coalition was withdrawn.

6. **CBA-2740-A, Petition of Mid-Atlantic Petroleum Properties** (automobile filling station). Letter to the Board from Stanley Abrams, Esquire, requesting a twelve-month extension of time.

Action: Granted the twelve month extension of time, (SBB/CJS, 5-0).

7. **CBA-3072, Petition of Ernesto P. and Barbara Meneses** (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.

Action: Schedule Show Cause Hearing, (DKP/CJS, 5-0).

8. **S-274-C, Petition of Suburban Hospital, Inc.** (hospital). Letter to the Board from Leslie Weber, Senior Vice President, submitting the minutes of the July 21, 2009 Community Liaison Committee meeting.

Action: Re-opened the record to include Ms. Weber's letter with attachments, (WSB/SBB, 5-0).

9. **S-845, Petition of Exxon Corporation** (automobile filling station). Memorandum from Heather Gottke, Inspector, DPS, notifying the Board that the special exception is now permitted in the zone and requesting that it be revoked. Also included is a letter of confirmation from the petitioner's attorney.

Action: Revoked the special exception as the use is now permitted in the zone, (DKP/SBB, 5-0)

10. **S-1277, Petition of Fox Chapel, LLC and Plamondon Enterprises, Inc.)** Letter to the Board from Joseph Lynott, Esquire, clarifying the street address of the special exception property. [Large exhibit: revised address plan].

Action: Re-opened the record to include Mr. Lynott's letter with attachments, (DKP/WSB, 5-0).

11. **S-1355, Petition of SNH CHS Properties Trust** (housing for the elderly). Letter from David Freishtat, Esquire, notifying the Board of the change in ownership of the special exception.

Action: Item deferred for additional information, consensus.

12. Pending Item. **S-1495, Petition of James Phillips** (accessory apartment). Letter to the Board from Tomas Dominguez requesting a transfer of the special exception.

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

13. **S-1523, Petition of Ahmad R. Habibi** (major home occupation). Letter to the Board from Susan Carter, Esquire, requesting an administrative modification of the special exception.

Action: Referred to the Hearing Examiner for review as a major modification request, (DKP/WSB, 5-0).

14. **S-2126, Petition of Michael Doud Gill t/a The Enviro Group, Inc.** (major home occupation). Memorandum from Heather Gottke, Inspector, DPS, notifying the Board that the special exception has been abandoned and requesting that it be revoked.

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

15. **S-2435, Petition of Saiful and Jannatul B. Islam** (accessory apartment). Memorandum from Unray Peters, 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 property owner.

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

16. **S-2519, Petition of Peggy Sue Zabriskie** (accessory apartment). 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, (DKP/CJS, 5-0).

17. **S-2591, Petition of Young Joon Lee** (accessory apartment). Letter to the Board from Young Heui Lee requesting a transfer of the special exception.

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

18. **S-2750, Petition of Meixia Deng** (accessory apartment). Memorandum from Françoise Carrier, Director, OZAH, notifying the Board that the special exception has been withdrawn and a letter from Meixia Deng requesting a refund to the filing fee and the sign deposit. Also included are letters from the Vistas Community Association.

Action: (1) Dismissed the special exception as withdrawn; (2) granted a 50% refund of the filing fee (\$125.) and the sign deposit (\$100.), (CJS/WSB, 5-0).

#### **DECISION ITEM:**

19. **S-2668, Petition of Taiwan Culture Center, Inc.** (service organization). Hearing Examiner's Second Supplemental Report and Recommendation. Also included is a request for Oral Argument from Mollie Habermeier, Esquire.

Action: (1) Re-opened the record to include the Hearing Examiner's Second Supplemental Report and Recommendation and Ms. Habermeier's letter; (2) denied the request for oral argument; (3) requested a DPS inspection of the special exception site, (DKP/SBB, 5-0).

#### **PENDING ITEMS:**

20. **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].
21. **A-6117, Appeal of Mary Hemingway and Edward Purich for Cloverly Civic Association** (Department of Permitting Services (DPS) – Issuance of Building Permit No. 402806). Opinion and Order from the Circuit Court. (1) Re-opened the record to include the Opinion and Order from the Circuit Court; (2) action by BOA deferred until 7/6/09. [W/S 6/17/09].
22. **CBA-1456-A [CBA-1456], Petition of Lindsay Management Company** (off-street parking). Status report from David Freishtat, Esquire, and Anne Marie Vassallo, Esquire. (1) Re-opened the record to include status report from Mr. Freishtat and Ms. Vassallo; (2) Board to be provided with a status report in 60 days. [W/S 7/15/09]. Approximately September 15, 2009.

**PENDING ITEMS (continued):**

23. **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].
24. **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].
25. **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].
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-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].

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