

**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, October 7, 2009, 9:30 a.m.

ACTION ITEMS:

1. **Minutes**, September 23, 2009 Worksession.

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

2. **CBA-2684-C [CBA-2864, CBA-2684-A, CBA-2684-B], Petition of The German School** (private educational institution). Letter to the Board from Ronald Bolt, Esquire, submitting a third Amended Statement of Operations and an amended Traffic Management Plan.

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

3. **S-289-B [S-289, S-289A], Petition of the Little Falls Swim and Tennis Club** (community swimming pool). Letter to the Board from Susan Valenstein, President, requesting an administrative modification. (Large exhibits: revised landscape plan/5 sheets and a lighting plan).

Action: (1) Granted temporary approval of the administrative modification; (2) Board will re-review the administrative modification request with the Club's submission of its annual report in December 2009, (CJS/SBB, 4-0).

4. **S-550-A [S-550, CBA-2998], Petition of Shirley Sardino and China Coast, Inc.** (antique shop). Letters to the Board from the petitioner requesting a transfer of the special exception to the property owner.

Action: Granted the transfer of the special exception, (SBB/CJS, 4-0).

5. **S-1904-A [S-1904], Petition of Norman Roskin, D.V.M.** (veterinary hospital). Letter to the Board from Alfred Blumberg, AICP, submitting a revised landscape plan. (Large exhibit: special exception landscape plan).

Action: (1) Re-opened the record to include Mr. Blumberg's letter with attachments; (2) adopted the revised landscape plan as the special exception's landscape plan, (WSB/SBB, 4-0).

6. **S-1926, Petition of Sabriz Naduvilothe** (accessory apartment). Letter to the Board from Patrick O'Neil, Esquire, requesting a public hearing.

Action: (1) Suspended the Board's Resolution dated 9/8/09; (2) schedule public hearing, (CJS/SBB, 4-0).

7. **S-2651, Petition of Brenneman and Pagenstecher, Inc.** (telecommunications facility). Letter to the Board from Norman Knopf, Esquire, requesting reconsideration of the Board's Resolution dated 9/15/09.

Action: Granted the reconsideration request, (SBB/WSB, 4-0).

DECISION ITEM:

8. **S-2746, Petition of Ivymount School, Inc.** (private educational institution). Hearing Examiner's Report and Recommendation.

Action: (a) Adopted the Hearing Examiner's Report and Recommendation; (2) granted the special exception with conditions, (SBB/WSB, 4-0).

PENDING ITEMS:

9. **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].
10. **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].

PENDING ITEMS (continued):

11. **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.
12. **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].
13. **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].
14. **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].
15. **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].
16. **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].

Board Members

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

Staff

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