

**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, September 22, 2010, 9:30 a.m.

ACTION ITEMS:

1. **Minutes**, September 8 and 15, 2010 Worksessions.

Action: Approved as corrected, (DKP/CJS, 5-0).

2. **A-6186, Petition of Steven Geyer** (existing accessory structure/storage building).
Order from the Circuit Court.

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

3. **A-6323, Appeal of Lloyd S. Etheredge** (Department of Permitting Services (DPS) – Issuance of Building Permit No. 528622). Letters from the appellant requesting reconsideration.

Action: (1) Item deferred to a future Worksession, (2) staff will contact appellant regarding the reconsideration request, consensus.

4. **A-6327, Appeal of Nassa Mart, LLC** (List of Observation dated July 2, 2010 - Department of Health and Human Services). Joint Motion to Continue from Paul Weiss, Esquire and Marc Hansen, Acting County Attorney.

Action: Granted the continuance request, (CJS/DKP, 5-0).

5. **CBA-1174-C, Petition of Holton-Arms School, Inc.** (private educational institution). Annual report submitted by Susanne Jones, Head of School.

Action: Re-opened the record to include Ms. Jones' letter and the annual report, (WSB/CJS, 5-0).

6. **CBA-1428, Petition of Walter Miles, Jr.** (off-street parking). Memorandum from Barbara Piczak, 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's trustee.

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

7. **CBA-1550, Petition of Roscoe N. and Constance W. Whipp** (horticultural nursery/commercial greenhouse). Memorandum from Barbara Piczak, Inspector, DPS, notifying the Board that 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, (CJS/WSB, 5-0).

8. **S-22, Petition of Bernard Hull** (private riding stable). Memorandum from Barbara Piczak, Inspector, 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, (CJS/SBB, 5-0).

9. **S-372, Petition of Warren K. Montouri** (private riding stable). Memorandum from Barbara Piczak, Inspector, 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, (WSB/SBB, 5-0).

10. **S-570, Petition of Wildlife Achievement Chapter of Izaak Walton League of America, Inc.** (private club with outdoor rifle range). Letter to the Board from Guy Wright, President, submitting the League's annual report, internal noise report and range certification.

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

11. **S-668, Petition of Dr. Farrokh Erfan** (non-resident medical practitioner). Memorandum from Barbara Piczak, Inspector, 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, (WSB/SBB, 5-0).

12. **S-924, Petition of Thomas and Patricia Doss d/b/a Patricia Dee Pet Grooming** (major home occupation). Letter to the Board from David Brown, Esquire, requesting an administrative modification.

Action: Granted the administrative modification, SBB/CJS, 5-0).

13. **S-992, Petition of Dalila Estrada** (accessory apartment). Letter from Maria Orellana requesting a transfer of the special exception.

Action: Granted the transfer of the special exception contingent upon the receipt of a signed deed, (DKP/CJS, 5-0).

14. **S-1390, Petition of Watkins-Johnson Company** (public utility structure). Memorandum from Barbara Piczak, Inspector, 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 property owners.

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

15. **S-1469, Petition of George R. and Linda S. Abramowitz** (private riding stable). Letter from David Freishtat, Esquire, notifying the Board that the special exception has been abandoned and requesting that it be revoked.

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

16. **S-1575, Petition of Dan Robinson, Sally Rieger, and Gerry Seedyke** (accessory apartment). Letter to the Board from John Garrison requesting reconsideration.

Action: Denied the reconsideration request, (DKP/SBB, 5-0).

17. **S-2171, Petition of Maurice H. Berk** (non-resident professional office). Memorandum from Barbara Piczak, Inspector, 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 property owner.

Action: Revoked the special exception as abandoned , (CJSWSBB, 5-0).

18. **S-2174-A, Petition of Carderock Communications, LLC** (public utility structures and public utility buildings). Letter to the Board from Justin Hayes, Esquire, requesting an administrative modification. [Large exhibits: special purpose survey/2 sheets].

Action: Re-opened the record to include the additional information requested by the Board, (CGT/CJS, 5-0).

19. **S-2668, Petition of Taiwan Culture Center** (service organization). Letter from Tai Huang, President, submitting the Community Liaison Council Meeting minutes of 3/16/2010.

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

20. **S-2673, Petition of Leizer Z. Goldsmith** (non-resident professional office]. Memorandum from Barbara Piczak, Inspector, 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 property owner.

Action: Revoked the special exception as never implemented, (DKP/CJS, 5-0).

21. **S-2721-A, Petition of Washington Adventist Hospital** (hospital). Letter to the Board from Robert Brewer, Esquire, and Patrick O'Neil, Esquire requesting an administrative modification.

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

PENDING ITEMS:

22. **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].
23. **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].
24. **CBA-1867-B [CBA-1867, CBA-1867-A], Petition of Jewish Community Center of Greater Washington** (nursing home, child day care facility, charitable and philanthropic institution, service organization). Letter to the Board from Edward Van Coutren, Vice President Campus Services, requesting an administration modification. [Large exhibits: special exception site plan and partial electrical site plan]. Item deferred for additional information regarding the location of the generators, the types of generators to be installed, location of generators to the neighboring properties. [WS 7/21/10].
25. **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].

PENDING ITEMS (continued):

26. **S-763 [S-763-A], Petition of Silver Spring Temple and Library Association** (service organization). Letter to the Board from Sean Hughes, Esquire, requesting an administrative modification. [Large exhibits: title sheet, site survey, roof and equipment location plan, building elevations, equipment details). Deferred administrative modification request until a special exception application has been approved for the telecommunications facility. [W/S 3/10/10].
27. **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].
28. **S-1713, Petition of Deda's Farm, LLC** (landscape contractor). Letter to the Board from the petitioner requesting an administrative modification. Item deferred for site plan with the new and old barn locations. [W/S 3/31/2010].
29. **S-1821, Petition of Catherine Ellis Peterson and Brian Sickora** (accessory apartment). Letter to the Board from Marianna Butler, Inspector, DHCA, requesting a Show Cause Hearing. Item deferred for additional information regarding the current the property owner. [W/S 7/21/2010].
30. **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].
31. **S-2480, Petition of Connie Lucas** (group home). Letter to the Board from the petitioner requesting an extension of time. Item deferred for additional information from the petitioner regarding the progress made for the implementation of the special exception. [W/S 9/8/2010].

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