

**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, June 15, 2011, 9:30 a.m.

ACTION ITEMS:

1. Minutes, May 25, and June 1, 2011 Worksessions.

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

2. **A-6338, Petition of Kamal Mangal** (carport). Letters to the Board from the petitioner requesting reconsideration.

Action: Denied request for reconsideration, petitioner presented no new information that would be germane and not reasonably available at the time of the public hearing, (DKP/CJS, 5-0).

3. **S-526 [S-526-A], Petition of Stonegate Swim Club** (community swimming pool). Letter to the Board from Al Fletcher, Maintenance Director, requesting an administrative modification.

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

4. **S-1127, Petition of Sakhoy Lay** (accessory apartment). Letter to the Board from the petitioner requesting a one-year extension.

Action: Denied the request for a one-year extension, (WSB/CJS, 4-1/SBB/abstained).

5. **S-1966, Petition of Anna Kokolas** (accessory apartment). Memorandum from Michelle Hadrick, 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 current property owner.

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

6. **S-2009, Petition of Rebecca D. and William P. Gorman** (accessory apartment). Memorandum from Marianna Butler, Inspector, 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/DKP, 5-0).

7. **S-2644, Petition of Greencastle Lakes Community Association, Inc.** (community swimming pool). Letter from Ruchita Patel, Agent, submitting information required by Condition No. 3 of the Board's Opinion dated 4/20/2006.

Action: (1) Re-opened the record to include Ms. Patel's letter; (2) staff will send the petitioner a letter requesting the number of non-resident members, (SBB/CJS, 5-0).

8. **S-2812, Petition of Thao Thanh Bui and Ngoc-Deep Vuong and T-Mobile Northeast LLC** (telecommunications facility) **and CBA-1201 [CBA-1201-A], Petition of Good Hope Garden, Inc.** (retail horticultural nursery). Letter to the Board from Edward Donohue, Esquire, requesting to consolidate the new special exception and the administrative modification and to pay the higher of the two filing fees.

Action: (1) Granted the request to consolidate the special exception and the administrative modification hearings; (2) granted the request to pay the higher of the two filing fees, (DKP/SBB, 5-0).

DECISION ITEMS:

9. Returning Item. **S-2784, Petition of Pervaiz Syed** (accessory apartment). Hearing Examiner's Report and Recommendation.

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

10. **S-2801, Petition of American Caregiver's, Inc.** (daycare facility for persons with disabilities). Hearing Examiner's Report and Recommendation. Also included is an approved revised landscape plan.

Action: (1) Re-opened the record to accept the revised landscaping plan; (2) adopted the Hearing Examiner's Report and Recommendation; (3) granted the special exception with conditions, (SBB/CJS, 5-0).

PENDING ITEMS:

11. **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].
12. **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].
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-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].
15. **S-2792, Petition of Jaime and Angela Enriquez** (accessory apartment). Hearing Examiner's Report and Recommendation. Also included are requests for oral argument from the Petitioners and Geoff Patton. (1) Granted the request for oral argument. (2) Oral argument scheduled for 7/13/2011 at 10 a.m. [W/S 5/25/2011].

Board Members

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