

**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 14, 2011, 9:30 a.m.

ACTION ITEMS:

1. Minutes, July 27 and September 7, 2011 Worksessions.

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

2. **A-6321, Petition of Anne Stukes** (one-story addition). Letter to the Board from the petitioner requesting an extension of time.

Action: (1) Re-opened the record to include the petitioner's letter; (2) granted the extension of time, (SBB/WSB, 5-0).

3. **CBA-2164, Petition of 8830 Associates** (off-street parking). Letter to the Board from Susan Reutershan, Esquire, requesting an administrative modification.

Action: (1) Granted the transfer of the special exception; (2) granted the administrative modification, (SBB/WSB, 5-0).

4. **S-52, Petition of Boy's Home of Montgomery County, Inc.** (eleemosynary and philanthropic institution). 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. Also included is a letter of confirmation from the petitioner.

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

5. **S-687-F and S-687-G, Petition of Bullis School** (private educational institution). Letter to the Board from Jody Kline, Esquire and Soo Lee-Cho, Esquire, requesting an administrative modification.

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

6. **S-1677, Petition of Dorie S. Anisman** (home occupation). 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, (SBB/WSB, 5-0).

7. **S-1737, Petition of Salman Waheed** (four-horse riding stable). Letter to the Board from the property owners requesting that the special exception be reinstated.

Action: (1) Re-opened the record to include the letter from Yvon and Irina Resplandy; (2) denied the request for reinstatement of the special exception, (CJS/SBB, 5-0).

8. **S-1929, Petition of Kathleen G. Green** (child day care facility). Memorandum from Heather Gottke, Inspector, DPS, notifying the Board that the special exception has been abandoned and requesting that it be revoked.

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

9. **S-2292, Petition of Harriet Broder** (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. Also included is a letter of confirmation from the petitioner.

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

10. **S-2621, Petition of Chesapeake Psychological Services of Maryland, LLC, by Kathleen Nadeau** (non-resident medical practitioner). Letter to the Board from the petitioner requesting an administrative modification.

Action: (1) Re-opened the record to include the petitioner's letter; (2) an administrative modification is not required as the special exception permits the substitution of medical practitioners/services; (3) granted a refund of the filing fee, (DKP/SBB, 5-0).

11. **S-2668, Petition of Taiwan Culture Center** (service organization). Letter to the Board from Tai Huang, President, submitting minutes from the Community Liaison Council Meeting.

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

12. **S-2669, Petition of Petroleum Marketing Group** (automobile filling station). Letters to the Board from Janet Webb, Stephen Szot and Ralph Caudle, requesting a public hearing on the Board's Resolution dated 7/29/2011.

Action: Granted the request for a public hearing, (DKP/WSB, 5-0).

13. **S-2759, Petition of Darnestown Development, LLC t/a Goddard School** (child day care facility). Letter to the Board from Stephen Kaufman, Esquire and Debra Borden, Esquire, requesting a transfer of the special exception and an administrative modification. [Large exhibits: cover sheet, special exception site plan, special exception landscape plan/2 sheets, preliminary subdivision plan].

Action: (1) Granted the transfer of the special exception; (2) deferred the administrative modification request until M-NCPPC's approval of the pending request for revisions to the preliminary plan, (DKP/CGT, 5-0).

14. Returning Item. **S-2795, Petition of T-Mobile Northeast, LLC and Montgomery County Board of Education** (telecommunications facility). Memorandum from Lynn Robeson, Hearing Examiner, notifying the Board that the special exception has been withdrawn. Clarification of prior BOA action.

Action: Dismissed the special exception petition with prejudice, this is a clerical correction of the Board's previous action.

DECISION ITEMS:

15. **S-2793, Petition of Bruce Shoop** (accessory apartment). Hearing Examiner's Report and Recommendation.

Action: (1) Adopted the Hearing Examiner's Report and Recommendation with changes to condition Nos. 2 and 3; (2) granted the special exception with conditions, (DKP/CJS, 5-0).

16. **S-2800, Petition of T-Mobile Northeast, LLC and J. Maurice Carlisle, Jr.** (telecommunications facility). Hearing Examiner's Report and Recommendation. Also included is a request for Oral Argument from Sean Hughes, Esquire.

Action: Granted the request for oral argument, (DKP/WSB, 5-0)

17. **S-2806, Petition of Daniel B. Jessop** (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/CJS, 5-0).

PENDING ITEMS:

18. **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].

PENDING ITEMS (continued):

19. **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].
20. **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].
21. **S-2351-A [A-5787, A-5794, A5832, A-5886, A-5917], Petition of Mid-Atlantic Petroleum Properties, LLC** (automobile filling station). Hearing Examiner's Report and Recommendation. Also included is are requests for oral argument and/or a remand to the Hearing Examiner from Stanley Abrams, Esquire and a request for oral argument from Norman Knopf, Esquire. (1) Denied request for remand; (2) granted the request of oral argument. [W/S 7/13/2011].

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