

**BOARD OF APPEALS
for
MONTGOMERY COUNTY**

**Stella B. Werner Council Office Building
100 Maryland Avenue
Rockville, Maryland 20850
(240) 777-6600**

www.montgomerycountymd.gov/content/council/boa/index.asp

WORKSESSION MINUTES

Second Floor Davidson Memorial Hearing Room

Wednesday, November 7, 2012, 9:30 a.m.

ACTION ITEMS:

1. Minutes, October 24 and 31, 2012 Worksessions.

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

2. **CBA-2000, Petition of S. G. Middleman** (off-street parking). Memorandum from Barbara Piczak, Inspector, Department of Permitting Services (DPS), notifying the Board that the special exception is now a permitted use and requesting that it be revoked.

Action: Revoked the special exception as use is now permitted in the zone, (CJS/SBB, 4-0).

3. **S-806, Petition of Washington Metropolitan Area Transit Authority and R&K Metro Associates** (hotel). Memorandum from Heather Gottke, Inspector, DPS, notifying the Board that the special exception is now a permitted use in the zone and requesting that it be revoked. Also included is a letter of confirmation from the petitioner.

Action: Revoked the special exception as use is now permitted in the zone, (DKP/CJS, 4-0).

4. **S-2566, Petition of Tamara Trainer Russ** (accessory apartment). Memorandum to the Board from Robert Goff, 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, (CJS/SBB, 4-0).

5. **S-2567, Petition of Gregory Levin and Kuri Yasuno** (accessory apartment). Memorandum from Cynthia Lundy, Program Manager, 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 petitioners.

Action: Revoked the special exception as abandoned, (SBB/CJS, 4-0).

6. **S-2650, Petition of S. Saqib Ali and Susan C. Ali** (accessory apartment). Memorandum from Mariana 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 petitioners.

Action: Revoked the special exception as abandoned, (CJS/SBB, 4-0).

7. **S-2794, Petition of Costco Wholesale Corporation** (automobile filling station). Letter to the Board from Patricia Harris, Esquire, withdrawing the special exception and requesting a 50% refund of the filing fee.

Action: (1) Dismissed the special exception as withdrawn without prejudice; (2) granted a 50% (\$7562.50) refund of the filing fee, (CJS/CGT, 4-0).

8. Letter to the Board from C. Robert Dalrymple, Esquire and Anne Mead, Esquire, requesting a new filing under Section 59-A.123(g) for a child day care facility.

Action: The Board has no jurisdiction to decide the request from Mr. Dalrymple and Ms. Mead, consensus.

DECISION ITEM:

9. **S-2845, Petition of Hector F. Maysonet** (accessory apartment). Hearing Examiner's Report and Recommendation.

Action: (1) Adopted the Hearing Examiner's report and recommendation and errata, (2) granted the special exception with conditions as amended, (CJS/SBB, 4-0).

PENDING ITEMS:

10. **CBA-2961, Petition of Chesapeake and Potomac Telephone Company** (telecommunications facility). Letter to the Board from Timothy Dugan, Esquire, with the status of the compliance with the notice of violation and a request for a name change. Also included is a memorandum from Heather Gottke, Inspector, DPS, with an update of the notice of violation and an extension until October 31, 2012. (1) Re-opened the record to include Mr. Dugan's letter with attachments and Ms. Gottke's memorandum; (2) item deferred until after the DPS extension deadline of October 31, 2012. [W/S 9/26/2012].

PENDING ITEMS (continued):

11. **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 3/10/2010].
12. **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 4/30/2008].
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]. (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. [W/S 9/14/2011]. (1) Re-opened the record to include Ms. Martin's letter; (2) Ms. Martin's request will be deferred until the administrative modification request is taken up by BOA. [W/S 12/7/2011].
14. **S-2820, Petition of Fairland Animal Hospital, Inc.** (veterinary hospital). Hearing Examiner's Report and Recommendation. Also included is a letter from Jody Kline, Esquire, requesting oral argument. (1) Granted the request for oral argument. (2) deferred the Hearing Examiner's Report and Recommendation. [W/S 2/29/2012].

Board Members

Catherine G. Titus, Chair
David K. Perdue, Vice Chair
Carolyn J. Shawaker
Stanley B. Boyd

Staff:

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

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**WORKSESSION ADDENDUM MINUTES
Second Floor Davidson Memorial Hearing Room**

Wednesday, November 7, 2012, 9:30 a.m.

ACTION ITEM:

1. **S-2762, Petition of SBA Structure, Inc. and Verizon Maryland Inc.** (telecommunications facility). Letter to the Board from Edward Donohue, Esquire, requesting Board review of information related to the special exception.

Action: (1) Re-opened the record to include Mr. Donohue's letter with attachments; (2) extend the time limit for DPS enforcement, (DKP/SBB, 4-0).

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