

**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 24, 2012, 9:30 a.m.

ACTION ITEMS:

1. Minutes, October 10, 2012 Worksession.

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

2. **CBA-1383-A, Petition of Tilden Woods Recreation Association, Inc.** (community swimming pool). Letter to the Board from Barbara Ship, President, submitting the community liaison committee meeting minutes.

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

3. **S-610, Petition of McDonald's Corporation** (drive-in restaurant). Letter to the Board from Ivria Ben-Or, requesting an administrative modification. [Large exhibits: cover sheet, existing/proposed site plan, site demolition plan, enlarged site plan, drive-thru details, site details, menu boards/pre-sell details, canopy/gateway details, electrical site plan/schedules details].

Action: Granted the administrative modification, (DKP/SBB, 4-0).

4. **S-854, Petition of Gerald Cabanillas** (home occupation). Response to the Board's request for information from Heather Gottke, Inspector, Department of Permitting Services (DPS).

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

5. **S-1355-A, Petition of SNH FM Financing Trust** (housing and related facilities for elderly and handicapped persons). Letter to the Board from David Freishtat, Esquire, requesting a transfer of the special exception.

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

6. **S-1809, Petition of Robert L. Busby, III** (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 the special exception as abandoned, (SBB/CJS, 4-0).

7. **S-2721, Petition of Washington Adventist Hospital** (hospital). Letters from Patrick O'Neil, Esquire, notifying the Board of a site plan amendment and requesting an extension of time. [Large exhibit: Washington Adventist Hospital replacement project].

Action: (1) Re-opened the record to include Mr. O'Neil's letter with attachment; (2) granted an extension of time, (DKP/CJS, 4-0).

8. **S-2751, Petition of Victory Oaks, Inc.** (housing for the elderly and handicapped). Memorandum from Heather Gottke, Inspector, DPS, notifying the Board of the construction status of the special exception and submitting the petitioner's sign permit and limited license agreement.

Action: Re-opened the record to include Ms. Gottke's memorandum with attachments, (DKP/SBB, 4-0).

DECISION ITEM:

9. **S-2830, Petition of Wildwood Medical Center, LLC** (medical office building). Hearing Examiner's Report and Recommendation. Also include is letter from Norman Knopf, Esquire, requesting to participate in oral argument if another party requests it.

Action: (1) Adopted the Hearing Examiner's report and recommendation; (2) granted the special exceptions 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

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