

**BOARD OF APPEALS  
for  
MONTGOMERY COUNTY**

**Stella B. Werner Council Office Building  
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**[www.montgomerycountymd.gov/content/council/boa/index.asp](http://www.montgomerycountymd.gov/content/council/boa/index.asp)**

**WORKSESSION MINUTES**

**Second Floor Davidson Memorial Hearing Room**

**Wednesday, September 26, 2012, 9:30 a.m.**

**ACTION ITEMS:**

1. Minutes, September 12, 2012 Worksession.

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

2. **CBA-1174, Petition of The Holton Arms School** (private educational institution). Letter to the Board from Susanna Jones, Head of School, with the school's annual report.

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

3. **CBA-2692, Petition of Berk Enterprises and Maurice H. Berk** (nursing home). Memorandum from Barbara Piczak, Inspector, Department of Permitting Services (DPS), requesting that the special exception be revoked for lack of implementation.

Action: Revoked the special exception for lack of implementation, (DKP/SBB, 4-0).

4. **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.

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

5. **S-420-H and A-6-6279, Petition of Holy Cross Hospital** (hospital). Letters from Robert Dalrymple, Esquire and Heather Dishopolsky, Esquire, requesting an administrative modification and an extension of time to implement. [Large exhibits: dated 8/21/2012 overall site plan/3 sheets, overall landscape plan/3 sheets, photometric plan, site lights; dated 9/18/2012 overall site plan/3 sheets and overall landscape plan/3 sheets].

Action: (1) Granted the one-year extension of time; (2) granted the administrative modification, (SBB/DKP, 4-0).

6. **S-538-C, Petition of Aspen Hill Club** (private clubs and service organizations). Letter to the Board from Danielle Bouchard, General Manager, submitting the club's annual report.

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

7. **S-714, Petition of Peter S. Birk, M.D.** (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, (CJS/SBB, 4-0).

8. **S-933, Petition of McDonald's Corporation** (drive-in restaurant). Letter to the Board from Christopher Ruhlen, Esquire, requesting an administrative modification. [Large exhibits: landscape and lighting plan and photometric plan].

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

9. **S-1264, Petition of Potomac Foods Company, Inc. t/a Burger King** (restaurant). Letter to the Board from Susan Carter, Esquire, requesting a transfer of the special exception and an administrative modification

Action: (1) Granted the transfer of the special exception; (2) granted the administrative modification, (DKP/SBB, 4-0).

10. **S-1576, Petition of Tex G. Asbury** (child day care facility). Memorandum to the Board from Barbara Piczak, Inspector, DPS, requesting that the special exception be revoked for lack of implementation.

Action: Revoked the special exception for lack of implementation, (SBB/CJS, 4-0).

11. **S-1712, Petition of James and Suzanne Kee** (trade, artistic, or technical school). 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's representative.

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

12. **S-2206, Petition of Eleanor E. McRoberts** (accessory dwelling). Letter to the Board from Terry McRoberts requesting a transfer of the special exception.

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

13. **S-2699, Petition of Petroleum Market Group** (automobile filling station). Letter to the Board from Jody Kline, Esquire, requesting a one-year extension of time.

Action: Granted a one-year extension, (CJS/DKP, 4-0).

#### **DECISION ITEMS:**

14. **S-2837, Petition of Justin T. Bridget** (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, 4-0).

15. **S-2840, Petition of Stephen Shifflett and James Ballou** (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, (CJS/CGT, 4-0).

#### **PENDING ITEMS:**

16. **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].

17. **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].

**PENDING ITEMS (continued):**

18. **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].
  
19. **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  
Walter S. Booth - ABSENT  
Carolyn J. Shawaker  
Stanley B. Boyd

**Staff:**

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