

**BOARD OF APPEALS  
for  
MONTGOMERY COUNTY**

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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, March 28, 2012, 9:30 a.m.**

**ACTION ITEMS:**

1. Minutes, March 14, 2012 Worksession.

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

2. **A-6332, Appeal of Eckhard Hellbeck and Arminda Buria-Hellbeck** (Department of Permitting Services (DPS) - Notice of Violation). Letters from Malcolm Spicer, Associate County Attorney, requesting that the administrative appeal be withdrawn with prejudice and from the appellants requesting to proceed with the appeal.

Action: Dismissed the administrative appeal as moot, (DPS/SBB, 5-0).

3. **A-6363, Appeal of Jacqueline Rose Orenstein** (Department of Housing and Community Affairs – Division of Housing and Code Enforcement letter dated December 7, 2011). Letter to the Board from P. Tyson Bennett, Esquire, withdrawing the administrative appeal.

Action: Dismissed the administrative appeal as withdrawn, (CJS/WSB, 5-0).

4. **A-6379, Appeal of Craig M. Schiffries and Shari Targum** (Department of Permitting Services – Building Permit No. 584156 and Retaining Wall Permit No. 588316). Joint motion to dismiss by the Department of Permitting Services and the Interveners. Also anticipated is a response from the Appellants.

Action: (1) Dismissed the administrative appeal for Building Permit No. 584156 as the Board does not have jurisdiction; (2) the administrative appeal for the Retaining Wall Permit No. 588316 will go forward, (DKP/CGT, 5-0).

5. **CBA-421, Petition of The Edgemoor Club** (private club). Letter to the Board from Patricia Harris, Esquire, requesting an administrative modification. [Large exhibits: existing conditions plan, existing pool layout, proposed pool layout, site master plan].

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

6. **S-2305, Petition of Plank, Inc.** (off-street parking). 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 statement of confirmation from the property owner's agent.

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

7. **S-2733, Petition of Barbara Beelar** (accessory apartment). Letter to the Board from the petitioner notifying the Board that she plans to sell the property and that the scheduled public hearing is unnecessary.

Action: Item deferred until the show cause hearing, consensus.

8. **S-2774, Petition of Euromotorcars, Inc.** (indoor/outdoor automobiles sales). Letter to the Board from Gil Hofheimer, General Manager, submitting County sign permits and the use and occupancy certificate for the special exception.

Action: Re-opened the record to include Mr. Hofheimer's letter with attachments, (DKP/WSB, 5-0).

9. **S-2812, Petition of Ngoc-Diep Vuong and Thao Thanh Bui and T-Mobile Northeast, LLC** (telecommunications facility). Letter to the Board from Edward Donohue, Esquire, withdrawing the special exception. Also included is a memorandum from the Hearing Examiner returning the record.

Action: Dismissed the special exception as withdrawn, (CJS/SBB, 5-0).

### **DECISIONS:**

10. **S-2781, Petition of Gilmore-Brunett LLC** (child day care center). Hearing Examiner's Report and Recommendation and an Errata Statement. Also included are letters requesting reconsideration from Anne Mead, Esquire; Louis Leibowitz, Esquire; and Harriet Quinn, Woodmoor-Pinecrest Citizens Association.

Action: (1) Granted the requests for oral argument; (2) staff to communicate to Ms. Quinn that her participation should be as an individual, (DKP/SBB, 5-0).

**DECISIONS (continued):**

11. **S-2815, Petition of Dr. Veena J. Alfred and Alfredhouse Eldercare, Inc.** (domiciliary care home). Hearing Examiner's Report and Recommendation and a Corrected Memorandum.

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

12. **S-2821, Petition of William A. Martinez and Luz Marina Avella** (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/SBB, 5-0).

13. **S-2822, Petition of Siena Learning, LLC, d/b/a The Sienna School** (private educational institution). Hearing Examiner's Report and Recommendation.

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

**PENDING ITEMS:**

14. **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].

15. **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].

16. **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].

**PENDING ITEMS (continued):**

17. **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].

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