

Submitted: September 8, 2018
Approved: September 8, 2018

MINUTES OF THE ROCKVILLE BOARD OF APPEALS
MEETING NO. 04-2018
Saturday, July 14, 2018

The City of Rockville Board of Appeals convened in open session in the Mayor and Council Chambers at 9:00 a.m. on Saturday, July 14, 2018

PRESENT

Alan Frankle, Chair
Dr. Peter Mork
Scott Maravilla

Staff Present: Jodi Schulz, Sr. Assistant City Attorney
Ricky Barker, AICP, Director – Community Planning & Development Services
Jim Wasilak, AICP, Chief of Zoning
Bobby Ray, AICP, Planning Supervisor
Brian Wilson, AICP, Principal Planner
Nicole Walters, Senior Planner

I. CONVENE IN OPEN SESSION

The meeting was convened at 9:00 a.m. and began with staff introductions.

II. PUBLIC HEARING

A. Variance Application VAR2018-00064, 700 Hungerford Drive, *A request to modify a condition of Approval granted with VAR2014-00042. The modification would allow the cab and refrigeration unit of refrigerated delivery trucks to remain outside of enclosed loading dock while operating but remaining within the extended screen wall. The property is zoned MXCD (Mixed Use Corridor District). Planner: Brian Wilson, AICP, 240-314-8227.*

Mr. Wilson presented the staff report and the recommendation to approve VAR2018-00064 for 700 Hungerford Drive.

Dr. Mork questioned the intended specificity of the recommended condition which stated that the “Applicant shall work to limit the time duration of the unloading of refrigerated trucks in this manner to the extent practicable”. Dr. Mork stated that “to the extent practicable” could pose difficulties with enforcement.

Nancy Regelin, representing the applicant, made a presentation of the variance request. Dr. Mork asked if a time restriction on the loading and unloading of trucks would be acceptable to the applicant. The suggestion of 7:00 a.m. to 9:00 p.m. as a permissible time for loading and unloading was acceptable to the applicant.

There were no other speakers and the public hearing was closed at 9:15 a.m.

After the Board deliberation, Mr. Maravilla made a motion to approve VAR2018-00064, with the suggested modification to the condition. Dr. Mork read the proposed condition as follows:

While loading and unloading, trucks must be fully contained within the enclosed loading dock, except for refrigerated trucks whose tractor cab engine and refrigerator unit may remain outside the enclosed loading dock when running, but the tractor cab engine must not extend beyond the limits of the extended screen wall. Applicant shall load and unload refrigerated trucks only between the hours of 7:00 a.m. and 9:00 p.m.

Dr. Mork seconded the motion and it was unanimously approved 3-0.

B. Variance Application VAR2018-00069, 301 West Montgomery Avenue, A variance from the following to allow for development of a single accessory building: Section 25.09.03.a.2(b) to exceed the allowed gross floor area of 500 square feet; and, Section 25.09.03.a.2(a) to allow a maximum height of 21 feet, where 15 feet is permitted, at a 12-foot side and rear setback. The property is zoned R-90 (Single Unit Detached Dwelling, Restricted Residential Zone). Planner: Nicole Walters 240-314-8215.

Ms. Walters presented the staff report and the recommendation to approve VAR2018-00069 for 301 West Montgomery Avenue.

Dr. Mork asked about the location of the resident who provided a letter of support for the variance. Dr. Mork asked about the minimum height of 15' and whether or not that limit applied to all areas of the lot. Ms. Walters responded that accessory building height was also a function of the setback, but that 15' was the maximum height allowed.

Chair Frankle asked if staff knew when the existing garage was originally constructed. Staff responded that they were not able to find the building permit record. Chair Frankle asked staff how the proposed variance complied with the variance finding related to "conditions peculiar to the property". Ms. Walters responded that the Historic District designation of the property, and the applicant's effort to design an accessory building consistent within the historical context of the primary building, represented a condition peculiar to the property.

Jeff Broadhurst of Broadhurst Architects, made a presentation on behalf of the applicant. Chair Frankle asked Mr. Broadhurst the question regarding conditions peculiar to the property. Mr. Broadhurst responded that the historic designation of this site should allow for some flexibility, and that the City's current regulations for accessory building pose a challenge to designing historically compatible structures.

There were no other speakers and the public hearing was closed at 9:30 a.m.

After the Board deliberation, Dr. Mork made the following motion:

Approve VAR2018-00069, subject to the conditions listed in the staff report and based upon the findings listed in the staff report.

The motion was seconded by Mr. Maravilla and unanimously approved 3-0.

III. COMMISSION ITEMS

A. OLD BUSINESS

There was no old business to discuss.

B. NEW BUSINESS:

There was no new business to discuss.

C. MINUTES

Following a minor modification suggested by Ms. Schulz, Dr. Mork moved, seconded by Chair Frankle, to approve the May 12, 2018 regular session minutes. The motion passed 2-0 with Mr. Maravilla abstaining.

D. ADJOURNMENT

There being no further business to come before the Board, the meeting adjourned at 9:35 a.m.