



**Agenda for Meeting 01-2023**  
**CITY OF ROCKVILLE BOARD OF APPEALS**

Alan Frankle, Chair  
Roy Deitchman  
Jimmy Hauer  
Nicholas Kutchak, Alternate

**Thursday, January 12, 2023**  
**7:00 p.m.**  
**Rockville City Hall**  
**111 Maryland Avenue**  
**Or Virtually via WebEx**

*Watch LIVE on Comcast Cable Rockville Channel  
11 and online at <https://www.rockvillemd.gov/>  
See page 3 for hearing procedures*

Jim Wasilak, Chief of Zoning  
Nicholas Dumais, Senior Assistant City Attorney

*Board of Appeals Agendas and Staff Reports are available online at:  
<http://www.rockvillemd.gov/AgendaCenter/Board-of-Appeals-7>*

**I. REVIEW AND ACTION**

**Special Exception Application SPX2023-00404, Chuti's Childcare:** The applicant seeks to expand the capacity of an existing child care home currently serving eight (8) children to an increased enrollment of twelve (12) children within the residential dwelling located at 312 Linthicum Street. No physical improvements are proposed with this request. Planner: Christopher Davis, 240-314-8201

**Variance Application VAR2022-00108, Christopher Kern:** The applicant requests a zoning variance in order to install a six (6)-foot high fence in order to enclose the rear and a portion of the front yard along Beall Avenue at 201 Upton Street. Planner: Christopher Davis, 240-314-8201

**II. COMMISSION ITEMS**

**A. OLD BUSINESS**

**B. NEW BUSINESS**

1. Election of Chair for 2023
2. Adoption of 2023 Meeting Calendar

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### **C. MINUTES**

1. October 13, 2022

### **D. ADJOURNMENT**

## **HYBRID MEETING AND PUBLIC HEARING PROCEDURE**

The Board of Appeals will be meeting in person in the Mayor and Council Chamber at Rockville City Hall. The public is invited to participate in person or virtually via Webex. Anyone wishing to participate virtually may do so per the instructions below.

### **I. Meeting Platform: WebEx**

- A. Applicant Access:** Provided by PDS/IT
- B. Access for Oral Testimony and Comment:** Provided by PDS/IT
- C.** If during the hearing a party wishes to make additional comment or to specifically request the opportunity to engage in cross-examination following specific testimony, the party must contact the Host by email at [jwasilak@rockvillemd.gov](mailto:jwasilak@rockvillemd.gov) with the specific request. The Host will inform the Board. The Board, in its sole discretion, will determine if the party may be heard.

### **II. Pre-Meeting Preparations/Requirements:**

#### **A. Written Testimony and Exhibits –**

Written testimony and exhibits may be submitted by email to Jim Wasilak, Staff Liaison to the Board of Appeals, at [jwasilak@rockvillemd.gov](mailto:jwasilak@rockvillemd.gov), or by mail, and must be received no later than eight (8) days in advance of the hearing.

#### **B. WebEx Orientation for Applicants –**

Applicants must contact the planning case manager assigned to the Application no later than five (5) days in advance of the hearing in order to schedule WebEx orientation, which must be completed prior to the hearing.

#### **C. Oral Testimony –**

- i. Applicants –** Applicants must provide to Community Planning and Development Services (“CPDS”) Staff a list of presenters and witnesses who will testify on behalf of the Application. The list must be provided to CPDS Staff no later than five (5) days prior to the date of the hearing.
- ii. Testimony/Comment in favor of an Application –** Any member of the public who wishes to comment in favor of an Application must submit their name to PDS Staff no later than two (2) days in advance of the hearing to be placed on the testimony list. If a member of the public is unable to meet the deadline to be placed on the testimony list, they can submit

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written testimony to the Staff Liaison to the Board of Appeals, at [jwasilak@rockvillemd.gov](mailto:jwasilak@rockvillemd.gov) by 12:00 p.m. on the date of the hearing.

iii. Testimony/Comment opposing an Application – Any member of the public who wishes to comment in opposition to an Application must submit their name to PDS Staff no later than two (2) days in advance of the hearing to be placed on the testimony list. If a member of the public is unable to meet the deadline to be placed on the testimony list, they can submit written testimony to the Staff Liaison to the Board of Appeals, at [jwasilak@rockvillemd.gov](mailto:jwasilak@rockvillemd.gov) by 12:00 p.m. on the date of the hearing.

### **III. Conduct of Online Meeting and Public Hearing:**

The Meeting and Public Hearing will be held in accord with the Board of Appeals Rules of Procedure.

The Board of Appeals, at its discretion, reserves the right to continue the hearing until another date.

#### **A. Public Hearing**

- i. Staff presentation or report and recommendation.
- ii. Testimony of representative of other Board or Commission, if any – limited to ten (10) minutes each.
- iii. Applicant presentation in support of the Application – limited to fifteen (15) minutes.
- iv. Testimony in favor of the Application – The Board will sequentially recognize each person on the support testimony list and ask the host to allow the speaker to speak. Each speaker must wait to be specifically recognized by the Board before speaking. Testimony is limited to three (3) minutes for each individual and limited to five (5) minutes for each civic association.
- v. Testimony in opposition to the Application – The Board will sequentially recognize each person on the opposition testimony list and ask the host to allow the speaker to speak. Each speaker must wait to be specifically recognized by the Board before speaking. Testimony is limited to three (3) minutes for each individual and limited to five (5) minutes for each civic association.
- vi. Rebuttal testimony of the Applicant – limited to ten (10) minutes.
- vii. Additional comment, if any, on the Application – The Board will ask if there is any further comment. Any participant seeking to provide additional comment may ask to speak at this time and must do so by emailing the Host at [jwasilak@rockvillemd.gov](mailto:jwasilak@rockvillemd.gov). The Host will inform the Board if there are previous participants who wish to provide additional comment and list each speaker by name. The Board will sequentially recognize each speaker

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and ask the Host to allow the speaker to speak. Each speaker must wait to be specifically recognized by the Board before speaking. Additional comment is limited to three (3) minutes each.

viii. Applicant closing argument, if any – limited to five (5) minutes each.

ix. Board Discussion and Decision

**HELPFUL INFORMATION FOR STAKEHOLDERS AND APPLICANTS**

**I. FUTURE MEETING DATES (Tentative Dates to be Approved by the Board of Appeals)**

- February 9, 2023
- March 9, 2023
- April 13, 2023
- May 11, 2023
- June 8, 2023
- July 13, 2023
- NO MEETING IN AUGUST
- September 14, 2023
- October 12, 2023
- November 9, 2023
- December 14, 2023
- January 11, 2024
- February 8, 2024

**II. NEW DEVELOPMENT APPLICATIONS**

For a complete list of all applications on file, visit: [www.rockvillemd.gov/DevelopmentWatch](http://www.rockvillemd.gov/DevelopmentWatch)

Maryland law and the Board of Appeals' Rules of Procedure regarding ex parte (extra record) communication require all discussion, review, and consideration of this matter take place only during the Board's consideration of the item at a scheduled meeting. Telephone calls and meetings with Board members in advance of the meeting are not permitted. Written communication will be directed to appropriate staff members for response and included in briefing materials for all members of the Board.