



Agenda for Meeting 05-2020
CITY OF ROCKVILLE BOARD OF APPEALS

Alan Frankle, Chair
Scott Maravilla
Roy Deitchman

Alternate - Nicholas Kutchak

Thursday, July 9, 2020 at
7:00 p.m.
Virtual Meeting via Webex–
see page3 for information

Deane Mellander, Staff Liaison
Marlaine White, 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. PUBLIC HEARINGS

- A. Variance Application VAR2020-00082:** Rigoberto Mario Mendoza, applicant; 712 Douglas Avenue – The applicant seeks approval of three (3) variances in order to retain the existing detached one-car garage that was constructed without a permit. They are as follows: 1) a variance from Section 25.09.a.2(b) to exceed the maximum allowed gross floor area of 500 square feet for accessory buildings by 70 square feet, 2) a setback variance to allow for the shed to maintain a 5 foot 5 inch setback, instead of 6 feet where the height of the shed is 13 feet 2 inches; and 3) a lot coverage variance to allow for the combined square footage of all buildings to be 1,562 square feet instead of 1,500 square feet as permitted in the Lincoln Park Conservation District. The property is zoned R-60 (Single Unit Detached Dwelling, Residential Zone). Planner: Nicole Walters 240-314-8215.
- B. Variance Application VAR2020-00085:** Shahin Batmanglich, representative for Vladislav Trakhtengarts; 406 Carl Street – The applicant requests zoning variances from front yard and side yard building setback standards of the R-60 Zone. The subject property is located at 406 Carl Street, Rockville, Maryland 20850. In order to construct an attached garage on the southeast side of the dwelling, which would be located three (3) feet from the site’s southern side yard lot line, the applicant seeks a zoning variance of five (5) feet. Secondly, in order to construct a front vestibule addition, which would be located 23 feet from the site’s front property line, the applicant seeks a zoning variance of two (2) feet. The property is zoned R-60 (Single Unit Detached Dwelling, Residential Zone). Planner: Castor Chasten 240-314-8223.

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- C. **Variance Application VAR2020-00086:** Jeffrey Bloom, applicant; 7 Bentana Court – The applicant seeks a zoning variance from the height limit restrictions applicable for the installation of an eight (8) foot tall board on board fence that would be located along the property’s rear, which abuts Maryland Avenue and thus is considered site street frontage. The property is zoned R-90 (Single Unit Detached Dwelling, Residential Zone). Planner: Castor Chasten 240-314-8223.

*[*See Testimony received prior to meeting date*](#)*

II. COMMISSION ITEMS

- A. OLD BUSINESS**
- B. NEW BUSINESS**
- C. MINUTES** – June 25, 2020 draft minutes for review
- D. ADJOURNMENT**

ONLINE MEETING AND PUBLIC HEARING PROCEDURE

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 or by text at (202) 839-0305 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 Deane Mellander, Staff Liaison to the Board of Appeals, at dmellander@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 Planning and Development Services (“PDS”) Staff a list of presenters and witnesses who will testify on behalf of the Application. The list must be provided to PDS 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 written testimony to the Staff Liaison to the Board of Appeals, at dmellander@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 dmellander@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 either emailing the Host at jwasilak@rockvillemd.gov or texting at (202) 839-0305. 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 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

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HELPFUL INFORMATION FOR STAKEHOLDERS AND APPLICANTS

I. FUTURE MEETING DATES

- September 10, 2020

II. NEW DEVELOPMENT APPLICATIONS

For a complete list of all applications on file, visit: 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.