

Submitted: April 7, 2022
Approved: April 14, 2022

**MINUTES OF THE ROCKVILLE BOARD OF APPEALS
MEETING NO. 1-2022
Thursday, January 13, 2022**

The City of Rockville Planning Commission convened in regular session
via WebEx at 7:00 p.m.
Thursday, January 13, 2022

PRESENT

Alan Frankle, Chair
Roy Deitchman
Jimmy Hauer
Nicolas Kutschak (Alternate)

Staff Present: Nicholas Dumais, Senior Assistant City Attorney
Jim Wasilak, Chief of Zoning
John Foreman, Development Services Manager
Sachin Kalbag, Principal Planner

Chair Frankle convened the meeting at 7:15 p.m. and began with Board and staff introductions. The Chair provided information and protocols for participants in this virtual meeting. He noted that applicants appearing on the agenda have requested the virtual meeting and waived their right to an in-person meeting with the Board.

I. REVIEW AND ACTION

A. Time Extension EXT2022-00002, for a Time Extension of Six Months to the Implementation Period of Variance Application VAR2021-00088, which Allows for a Variance of 5 Feet, 8 Inches from the Side Yard Setback to Allow for the Construction of a Carport at 1637 Martha Terrace; David Weinstein and Donna Katz, Applicants

Jim Wasilak explained that the request is to allow for an extension of time to implement the variance approval granted by the Board in December 2020. The standard for granting the extension is for good cause shown, and he indicated that staff found that the applicant had met the standard.

Jennifer Verbeke, architect with MCD Studio and representing the applicants, noted that it has been difficult to find a carpenter in the current environment.

Mr. Deitchman asked if the Board could grant two six-month extensions rather than a single six-month extension. Mr. Wasilak added that he thought it would be acceptable under the code, and asked Mr. Dumais if he had any concerns, to which Mr. Dumais responded that he did not. Chair Frankle stated that he was in favor of

Mr. Deitchman's suggestion.

Mr. Deitchman moved, seconded by Mr. Hauer, to grant a six-month extension followed by a second six-month extension, for implementation of the variance approval. The motion passed by a vote of 3-0.

II. COMMISSION ITEMS

A. MINUTES – Meeting No. 6-2021, September 9, 2021. Chair Frankle moved, seconded by Mr. Hauer, to approve the draft minutes for Meeting No. 6-2021 as written. The motion carried 3-0.

B. OLD BUSINESS – Chair Frankle asked for an update on the variances at 1604 Martha Terrace that were both denied by the Board. Mr. Wasilak reported that the carport that was built without a permit has been removed as of last week.

C. NEW BUSINESS

- a. Election of Chair for 2022 – Mr. Deitchman noted that he thought it was important to rotate the chair position every year, but that he is unable to be chair this year. Mr. Frankle stated that he would be happy to serve another year as chair, and Mr. Deitchman and Mr. Hauer voiced their support.
- b. Annual Report of the Board of Appeals – Mr. Wasilak stated that there was not much guidance provided on what the annual reports should consist of. He accumulated several recent reports of other boards, and noted that most have their chair present accomplishments of the past year and goals for the upcoming year. He had located an annual report given by the Board in 2014, and shared it with the board members. It consisted of accomplishments and a catalog of the workload of the past year, and included goals for the upcoming year. He suggested that the Board should highlight the fact that it was able to continue service to the community during the pandemic by holding virtual meetings, but thought the Board should weigh in with other items as it saw fit. The Board's date is February 28, and there should be another Board meeting before the Annual Report date. Chair Frankle asked that the 2014 report be circulated. Mr. Deitchman suggested that the outcome of the appeal of the variance that was denied should be included, as well as the Board's efforts in reviewing the changes to the sign code. Mr. Hauer asked what period should be covered, and Mr. Wasilak suggested that the Board should cover the virtual meeting period, which began in June 2020.
- c. Calendar of Meeting Dates for 2022 – The Board of Appeals agreed by unanimous consent to the proposed calendar of meeting dates and application deadlines.

III. ADJOURN

Mr. Wasilak stated that the next Board meeting will be on February 10. In response to a question from Chair Frankle regarding Christ Episcopal School, Mr. Wasilak responded that there has been a pre-application filed to add residential units to the property, and presumably the school will be modifying its configuration.

There being no further business to come before the Board of Appeals, Chair Frankle wished everyone a Happy New Year, suggested that everyone accomplish a good work next week in honor of the Dr. Martin Luther King Jr. Birthday holiday, and moved, seconded by Mr. Hauer, that the meeting be adjourned at 7:43 p.m. The motion was approved unanimously.