

Submitted: March 8, 2023

Approved: March 9, 2023

**MINUTES OF THE ROCKVILLE BOARD OF APPEALS  
MEETING NO. 2-2023  
Thursday, February 9, 2023**

The City of Rockville Board of Appeals convened  
virtually via WebEx and in person at City Hall at 7:00 p.m.  
Thursday, February 9, 2023

**PRESENT**

Alan Frankle, Chair  
Roy Deitchman  
Jimmy Hauer

**Absent:** Nicholas Kutchak, Alternate

**Staff:** Jim Wasilak, Chief of Zoning  
Nick Dumais, Senior Assistant City Attorney  
Christopher Davis, Senior Planner  
Jenny Snapp, Assistant Director

Chair Frankle convened the hybrid meeting at 7:00 p.m. and began with Board and staff introductions. He noted that the meeting is hybrid, and that applicants must agree to waive the right to an in-person meeting in order to be heard virtually at the meeting.

**I. REVIEW AND ACTION**

- A. Variance Application VAR2023-00109, Chukwuemeka and Chioma Odenigbo:**  
for an extension of the upper story of the residence with a nonconforming front setback located at 5908 Vandegrift Avenue in the R-60 Zone.

In response to the chair, Christopher Davis affirmed that he would be telling the truth in his presentation. He presented the staff report and recommendation, which was for approval, subject to conditions and based on the findings in the staff report.

Mr. Deitchman asked if there was any other way that the second story could be accomplished. Mr. Davis responded that staff did look at the issue, and that the addition would create awkward and unusual spaces.

Chair Frankle asked if the setback were enforced, would the house have to be removed, and Mr. Davis responded that this would be looked at if improvements would be proposed, but the house itself could remain in its current condition as a nonconformity. Mr. Davis confirmed that the house has existed in its current location

since it was constructed.

Mr. Hauer asked if the adjacent houses had a setback similar to the subject property.

Chukwuemeka Odenigbo, applicant, spoke in support of the application to provide more living space for his family.

Mr. Wasilak noted that there was no one online that wished to address the Board in opposition to the application. There was one person present who did not want to testify, and the Chair closed the hearing.

Mr. Hauer, Mr. Deitchman and Chair Frankle agreed with the staff recommendations.

Mr. Deitchman moved, seconded by Mr. Hauer, to grant Variance Application VAR2023-00109, based on the recommended findings and conditions in the staff report, to allow a variance of 5 feet 8 inches to allow for a second story addition. The motion passed by a vote of 3-0.

## **II. COMMISSION ITEMS**

**A. MINUTES** – Meeting No. 9-2022, October 13, 2022: Mr. Deitchman moved, seconded by Mr. Hauer, to approve the minutes of Meeting No. 9-2022 as submitted. The motion passed unanimously, 3-0.

Meeting No. 1-2023, January 13, 2023: Chair Frankle moved, seconded by Mr. Hauer, to approve the minutes of Meeting No. 1-2023 as submitted. The motion passed 2-0, with Mr. Deitchman abstaining.

**B. OLD BUSINESS** – The Board discussed changing the date of their regular meetings, and decided to meet on the third Wednesday of the month. Mr. Dumais noted that the change in date should be noted in the Board's Rules of Procedure. Mr. Wasilak said he would provide a meeting schedule at the next meeting.

**C. NEW BUSINESS** – None.

## **D. ADJOURN**

There being no further business to come before the Board of Appeals, Mr. Deitchman moved, seconded by Mr. Hauer, that the meeting be adjourned at 7:56 p.m. The motion was approved 3-0.