

Submitted: May 4, 2019

Approved: May 4, 2019

**MINUTES OF THE ROCKVILLE BOARD OF APPEALS  
MEETING NO. 01-2019  
Thursday, March 7, 2019**

The City of Rockville Board of Appeals convened in open session in the Mayor and Council Chambers at 7:00 p.m. on Thursday, March 7, 2019

**PRESENT**

Alan Frankle, Chair

Chris Maravilla

Roy Deitchman

**Staff Present:** Eliot Schaefer, Assistant City Attorney  
Jim Wasilak, AICP, Chief of Zoning  
Bobby Ray, AICP, Planning Supervisor  
Nicole Walters, Senior Planner  
Deane Mellander, Zoning Administrator

**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 VAR2018-00073, 101 Aberdeen Road*, A variance request to allow a proposed addition to project into the rear yard and intersect with an existing accessory building. The property is zoned R-60 (Single Unit Detached Dwelling, Restricted Residential Zone). Planner: Nicole Walters, 240-314-8215.

Ms. Walters presented the staff report and the recommendation to approve the variance request VAR2019-00073 for 101 Aberdeen Road. Mr. Deitchman asked if the garage were connected to the house would the project require a variance. Ms. Walters replied that a variance would not be required for an attached garage.

Mr. Brendan Cole, the property owner, made a presentation of the requested variance. Two neighbors, Mr. Matthew Ayman and Mr. Tom Dalbora, spoke in support of the variance request.

Chair Frankle asked a clarifying question about Condition #3 in the staff report regarding lot consolidation prior to the release of a building permit.

There being no one else present to speak in favor of, or in opposition to, the variance application Chair Frankle closed the public hearing at 7:11 p.m. and the Board went into deliberation.

Mr. Maravilla made a motion to approve VAR2019-00073 subject to the Recommendation and Conditions outlined in the staff report and based upon the Findings presented. The motion was

seconded by Mr. Deitchman and it was unanimously approved 3-0.

Mr. Maravilla amended the motion to include corrected language to finding #4 of the staff report by adding the word “not” as follows:

***The granting of the variance is not inconsistent with the purpose of this chapter.***

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

## **II. COMMISSION ITEMS**

### **A. OLD BUSINESS**

There was no old business to discuss.

### **B. NEW BUSINESS:**

Deane Mellander, Zoning Administrator, made a presentation of Text Amendment TXT2019-00250, comprehensive revisions to the Sign Code, to the Board of Appeals for discussion. Following the presentation there were numerous questions from the Board and discussion with Mr. Mellander, Mr. Wasilak and Assistant City Attorney Eliot Schaefer regarding various elements of the proposed amendment. Of interest to the Board was the recommendation that future sign variances be subject to the variance findings of Section 25.06.03.e of the Zoning Ordinance. There was concern expressed by the Board that these findings were not necessarily applicable to signs and would present an impediment to the approval of any requested sign variances.

### **C. MINUTES**

Chair Frankle made some spelling corrections to the draft minutes presented for the September 18, 2018 meeting, and included language thanking Dr. Peter Mork for his for his years of service to the Board of Appeals. Being the only Board member present at the September 18<sup>th</sup> meeting, Chair Frankle approved the minutes with these modifications.

### **D. ADJOURNMENT**

There being no further business to come before the Board, the meeting adjourned at 8:01 p.m.