

Submitted: May 5, 2022
Approved: May 12, 2022

**MINUTES OF THE ROCKVILLE BOARD OF APPEALS
MEETING NO. 3-2022
Thursday, April 14, 2022**

The City of Rockville Planning Commission convened in regular session
via WebEx at 7:00 p.m.
Thursday, April 14, 2022

PRESENT

Alan Frankle, Chair
Roy Deitchman

Absent: Jimmy Hauer
Nicolas Kutschak (Alternate)

Staff Present: Nicholas Dumais, Senior Assistant City Attorney
Jim Wasilak, Chief of Zoning
John Foreman, Development Services Manager
Nelson Ortiz, 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. Variance Application VAR2022-00097:** The applicant requests a zoning variance from the 25- foot minimum front yard setback requirements in the R-60 (Single Unit Detached Dwelling, Residential) Zone and the 1,500 square feet maximum lot coverage requirement in the Lincoln Park Neighborhood Conservation District to allow for the construction of a new single family detached dwelling.

Chair Frankle asked how the Lincoln Park Conservation District applied to the subject property, and Nelson Ortiz responded that there are additional requirements within the district in addition to the underlying zone requirements. Mr. Wasilak added that the floor area and height limitations affect properties most significantly. In response to a further question from the Chair, Mr. Ortiz noted that one of the requested variances is from a requirement of the Conservation District.

Chair Frankle asked applicant Gwendolyn Wilson if it was acceptable to proceed with just two members of the Board present, and Ms. Wilson responded that it was.

Mr. Ortiz presented that staff report and recommendation, which was for approval

with conditions. Chair Frankle asked if the house placement met the intent of the Conservation District, and Mr. Ortiz responded that it did. Mr. Deitchman asked if the transition from commercial to residential that occurs with this property had any impact on the proposal, which Mr. Ortiz answered that the regulations of the R-60 Zone were used. Mr. Wasilak added that the property forms a gateway to the residential neighborhood, with the Lincoln Park neighborhood sign and mature trees.

Chair Frankle asked if any teardown and rebuilds had occurred in the vicinity of the property, and Ms. Wilson responded that there had been about 20 years ago. Sienna Garcia noted that there have been several in the neighborhood, with a few more being considered currently.

Chair Frankle asked the applicant if they agree to have their application considered at a virtual meeting, and she responded that she did.

Chair Frankle asked the builder why the home was 150 square feet above the maximum, and the response was that any change to the house plans would require a change order and additional cost to the applicant. He also noted that most of the excess square footage is attributed to the porch, and that the design of the home would not be as attractive without the porch, and that the floor area is significantly under the R-60 Zone requirements.

Chair Frankle disclosed that he had done legal work for Andrew Sellman, who had provided public comment on the application but that this has no bearing on his consideration of the application.

Mr. Wasilak reported that there was no one who wished to testify for or against the application.

Mr. Deitchman expressed that the house will be an improvement to the neighborhood, and that the variance was the minimum needed. Chair Frankle noted that his concerns had been addressed and that the new home would be a welcome addition.

Chair Frankle moved, seconded by Mr. Deitchman, to grant Variance Application VAR2022-00097, in accordance with the recommended findings and conditions noted in the staff report. The motion passed by a vote of 2-0, with Mr. Hauer absent.

The Board recognized the work of Mr. Ortiz in putting together the staff report.

II. COMMISSION ITEMS

- A. MINUTES** – Meeting No. 1-2022, January 13, 2022. Mr. Deitchman moved, seconded by Chair Frankle, to approve the draft minutes for Meeting No. 1-2022 as written. The motion carried 2-0, with Mr. Hauer absent.

B. OLD BUSINESS – Chair Frankle asked if there was any information on the time extension granted by the Board in January.

C. NEW BUSINESS – Mr. Deitchman recognized the presentation made by Chair Frankle at the Mayor and Council meeting.

III. ADJOURN

Mr. Wasilak stated that the next Board meeting will be on May 12, and there is one variance application that will be on the agenda.

There being no further business to come before the Board of Appeals, Chair Frankle moved, seconded by Mr. Deitchman, that the meeting be adjourned at 7:57 p.m. The motion was approved 2-0, with Mr. Hauer absent.