

Submitted: September 10, 2020

Approved: September 10, 2020

**MINUTES OF THE ROCKVILLE BOARD OF APPEALS
MEETING NO. 05-2020
Thursday, July 9, 2020**

The City of Rockville Board of Appeals convened in open session in the Mayor and Council Chambers at 7:10 p.m. on Thursday, July 9, 2020 via Webex Virtual Meeting

PRESENT

Alan Frankle, Chair

Roy Deitchman

Scott Maravilla

Staff Present: Marlaine White, Senior Assistant City Attorney
Jim Wasilak, Zoning Manager
Deane Mellander, Code Enforcement Manager
Nicole Walters, Senior Planner
Castor Chasten, Senior Planner

I. CONVENE IN OPEN SESSION

The meeting was convened at 7:10 p.m. and began with staff introductions. The Chair provided information and protocols for participants in this virtual meeting.

II. 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.

The Chair began by confirming that the applicant understands the ground rules for a virtual meeting. Ms. Walters presented the staff report and recommendation for denial of the application. It was noted that the actual building height to the peak is actually twelve feet seven inches rather than thirteen feet two inches as set forth in the staff report.

The applicant then presented his case. There were no speakers either in support or opposition to the case.

Following the close of the hearing, the Chair moved to deny the application, based on the staff report and recommendations and the testimony at the hearing. Mr. Maravilla seconded the motion. In voting for the motion, Mr. Deitchman recommended to the applicant that he pursue a building permit in order to comply with the standards of the zone. The motion to deny passed by a vote of 3-0.

- B. Variance Application VAR2020-00085**, Shahin Batmanglich, representative for Vladislav Trakhtengarts – 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. Planner: Castor Chasten 240-314-8223.

The Chair again confirmed that the applicant understands the ground rules for a virtual meeting. The Chair also recognized the applicant’s daughter as also appearing on the owner’s behalf in this case. It was noted that the staff did not have a copy of the applicant’s waiver for conducting the hearing virtually.

Before Mr. Chasten presented the staff report and recommendation of denial of the application, Mr. Chasten noted that the staff had just received a revised set of plans which they have not had time to review. Mr. Chasten suggested that this hearing be continued to the next meeting to allow staff time to review the proposed revisions.

Mr. Maravilla moved to continue the hearing until the meeting on September 10, 2020. Mr. Deitchman seconded the motion. The Chair supported the motion and noted that the applicant needs to submit the virtual hearing waiver prior to the continued hearing. The motion to continue the hearing was passed by a vote of 3 - 0.

- C. Zoning Variance Application VAR2020-00086**, Jeffrey Bloom – 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 subject property and applicant’s home are located at 7 Bentana Court, Rockville, Maryland 20850. Planner: Castor Chasten 240-314-8223.

The Chair confirmed that the applicant understands the ground rules for a virtual meeting.

Mr. Chasten presented the staff report and recommendation for approval of the application.

The Chair asked the staff if there are any other 8 foot tall fence variances. Mr. Wasilak noted that the taller fences were built under regulations in effect at the time but replacements now require variances.

The applicant then presented his case. He noted that the property level was about two feet lower than the street grade along Maryland Avenue, and that there were existing 8 foot fences on neighboring lots. There were no speakers either in support or opposition to the application.

Mr. Deitchman moved to approve the variance for the reasons and recommendations set forth in the staff report and the testimony at the hearing. Mr. Maravilla seconded the motion. The motion to approve was passed by a vote of 3 – 0.

III. COMMISSION ITEMS

MINUTES – The Chair introduced the draft minutes for the June 29, 2020 meeting. Mr. Deitchman noted a minor correction, and the staff noted a minor typo. Mr. Maravilla made a motion to approve the draft minutes as corrected. Mr. Deitchman seconded the motion and the corrected minutes were approved by a vote of 3 - 0.

OLD BUSINESS – With regard to the revisions to the Rules of Procedure the Chair noted the need to consider adding additional language regarding the protocols necessary to conduct virtual meetings. He did note that the revisions proposed by the staff appear to be acceptable based on the previous discussions. The Chair proposed to defer consideration of the revisions to the September 10 meeting.

The meeting was adjourned at 8:10 p.m.