

**MINUTES OF THE ROCKVILLE BOARD OF APPEALS
MEETING NO. 06-2020
Thursday, September 10, 2020**

The City of Rockville Board of Appeals convened in open session in the Mayor and Council Chambers at 7:05 p.m. on Thursday, September 10, 2020 via Webex Virtual Meeting

PRESENT

Alan Frankle, Chair
Roy Deitchman
Nicolas Kutschak

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

I. CONVENE IN OPEN SESSION

The meeting was convened at 7:05 p.m. and began with staff introductions. The Chair provided information and protocols for participants in this virtual meeting.

The Chair announced that Mr. Maravilla had resigned from the Board for professional reasons. The Chair thanked him for his fine service on the Board.

The Chair also announced a request from the applicant to continue the hearing on Variance Application VAR2020-00085 at 406 Carl Street to the October 8 meeting. The Chair requested a motion; Mr. Kutchak moved to approve the continuance. Mr. Deitchman seconded the motion. The motion passed by a vote of 3 – 0.

II. PUBLIC HEARINGS

The Chair noted a request to revise the agenda to take up the motion for reconsideration first. The other Board members voiced no objection.

The Chair also announced that he would recuse himself from any participation or action on Variance Applications VAR2020-00081 and VAR2020-00083 to avoid any appearance of conflict of interest. Mr. Deitchman will be the acting Chair.

- A. Variance Application VAR2020-00081** - Vinko Milovanovic, 1604 Martha Terrace – Request for Reconsideration – The applicant requests that the Board of Appeals grant a motion to reconsider the denial of this application by the Board of Appeals at its June 25, 2020 meeting. The applicant’s counsel, Mr. Snyder noted that his client has agreed to this hearing. Mr. Deitchman proposed to allow five minutes for the applicant to testify. Mr. Snyder then made a

presentation on behalf of the applicant.

Following the applicant's presentation, the Chair opened the hearing for other testimony. Ms. Susan Zemsky and Mrs. Beryl Feinberg provided testimony in opposition to the reconsideration. Following deliberation among the Board members Mr. Kutchak moved to deny the request for reconsideration. Mr. Deitchman seconded the motion, and the motion passed 2 – 0.

- B. Variance Application VAR2020-00083** - Vinko Milovanovic, 1604 Martha Terrace - This item is a continuation from June 25, 2020, when the Board deferred action on the application until September 10, 2020. At that meeting, the applicant was granted additional time to provide supporting documentation to support the side yard variance request of 6 feet 8 inches to allow for the carport constructed without a permit to remain. The property is located in the R-90 zone, Single Unit Detached Residential Zone. Planner: Nicole Walters 240-314-8215.

The applicant has supplied the information regarding the fire rating of materials used in the construction of the carport. The applicant's attorney noted that the carport needed to be located where it is per the location of the driveway and the entry to the house. The variance is needed due to the angled configuration of the lot line.

The acting Chair then opened the hearing for other testimony. Ms. Zemsky testified in opposition to the application and did Ms. Feinberg.

Mr. Kutchak moved to deny the application. Mr. Deitchman seconded the motion, and the motion passed 2 – 0.

III. COMMISSION ITEMS

OLD BUSINESS – With regard to the revisions to the Rules of Procedure the Chair will forward his proposed revisions regarding the conduct of virtual meetings to the staff and City Attorney to be included in the other proposed revisions. The revised Rules will be further considered at the October 8 meeting.

REVIEW OF THE BOARDS AND COMMISSIONS TASK FORCE Recommendations – The Chair noted that all of the Boards and Commissions depend on volunteers and need to take those willing to serve. He noted that increased diversity is a desirable goal, and that greater outreach to some of the organizations that serve the city would be useful.

MINUTES – The Chair introduced the draft minutes for the July 9, 2020 meeting. Mr. Deitchman moved to approve the minutes and Mr. Kutchak seconded the motion. The minutes were approved by a vote of 3 - 0.

The meeting was adjourned at 8:40 p.m.