

Submitted February 4, 2021  
Approved February 11, 2021

**MINUTES OF THE ROCKVILLE BOARD OF APPEALS  
MEETING NO. 1-2021  
Thursday, January 14, 2021**

The City of Rockville Planning Commission convened in regular session  
via WebEx at 7:00 p.m.  
Thursday, January 14, 2021

**PRESENT**

Alan Frankle, Chair  
Roy Deitchman  
Nicolas Kutchak, Alternate

**Staff Present:** Marlaine White, Senior Assistant City Attorney  
Jim Wasilak, Zoning Manager  
Paul Goldstein, Development Review Supervisor

Chair Frankle convened the meeting at 7:00 p.m. and began with Board and staff introductions. The Chair provided information and protocols for participants in this virtual meeting. He noted that these protocols have been incorporated into the Board's Rules of Procedure, and further noted that applicants appearing on the agenda have requested the virtual meeting and waived their right to an in-person meeting with the Board. He stated that the applicant has provided the waiver.

**I. PUBLIC HEARING**

- A. Variance Application VAR2020-00079** - Ira Fisch, owner of 8301 Hectic Hill Lane requests zoning variances to allow for the construction of an accessory building in the front yard and to allow for an accessory building to exceed the 500 square foot maximum square footage requirement in the R-150 Zone. The variance is being sought so the applicant can demolish the existing accessory building and reconstruct an accessory building in the front yard that is approximately 1,040 square feet in area. The property is located in the R-150 zone, Single Unit Detached Residential Zone

Paul Goldstein presented the staff report and recommendation, which is for approval, finding that the application meets the Zoning Ordinance criteria for the granting of the variance, and subject to the conditions noted. He clarified that the actual application number is VAR2020-00079 rather than VAR2021-00089 as shown on the agenda.

Jody Kline, attorney with Miller, Miller & Canby and representing the applicant, explained why alternatives other than the variance requested are not feasible or practical and justify the hardship and practical difficulties aspect of the variance. He requested that the Board approve the application, and noted that the applicants had

signed the form acknowledging their consent for a virtual meeting and waiving their right to an in-person meeting.

Applicants Dr. Ira Fisch and Christine Gambrell addressed the Board in support of the application. Both acknowledged that they had reviewed the virtual meeting procedures. Dr. Fisch explained why they would like to replace the poolhouse.

Mr Deitchman asked is there were any plans to use the poolhouse for residential purposes, and Dr. Fisch responded that there were not, as there are restrictions in place that prohibit such arrangements.

Mr. Wasilak noted for the Board that no one had requested the opportunity to address the Board either in favor or in opposition to the application.

Chair Frankle stated that he thought that the application met all of the criteria necessary. Mr. Deitchman asked if the currently pending Zoning Text Amendment has any impact on the situation. Mr. Wasilak responded that the amendment proposes to ease the 500-square foot limitation on any single individual accessory structure.

Mr. Kutchak moved, seconded by Mr. Deitchman, to approve Variance Application VAR2020-00079, subject to the conditions and findings recommended in the staff report. The motion passed 3-0.

## **II. COMMISSION ITEMS**

**A. MINUTES** – None.

**B. OLD BUSINESS** – Mr. Deitchman asked if there was anything further on having Mr. Kutchak become a regular member of the Board, and Ms. White responded that Mr. Kutchak would have to apply and be appointed to the Board by the Mayor and Council.

Chair Frankle asked for an update on the variances at 1604 Martha Terrace that were both denied by the Board. Ms. White noted that the Petition for Judicial Review was filed for the carport variance, and that process was moving forward in accordance with the Circuit Court's rules.

**C. NEW BUSINESS** – None.

## **III. ADJOURN**

There being no further business to come before the Board of Appeals, Mr. Kutchak moved, seconded by Mr. Deitchman, that the meeting be adjourned at 7:35 p.m. The motion was approved unanimously.