

Submitted April 1, 2021
Approved April 8, 2021

**MINUTES OF THE ROCKVILLE BOARD OF APPEALS
MEETING NO. 2-2021
Thursday, February 11, 2021**

The City of Rockville Planning Commission convened in regular session
via WebEx at 7:00 p.m.
Thursday, February 11, 2021

PRESENT

Alan Frankle, Chair
Roy Deitchman
Jimmy Hauer

Absent: Nicolas Kutchak, Alternate

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

Chair Frankle convened the meeting at 7:00 p.m. and began the meeting with Board and staff introductions. The Chair provided information and protocols for participants in this virtual meeting, including contact with City IT staff if anyone has technical problems during the 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.

I. PUBLIC HEARING

- A. Special Exception Application SPX2021-00401: Jill Clarke and Jeremy Mears,** request for a special exception to allow the creation of an accessory apartment in the basement of their existing home at 628 Goldsborough Drive. The property is located in the R-90 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 special exception for an accessory apartment, subject to the conditions noted. He noted that the Planning Commission recommended that the application was in compliance with the City's Master Plan at its January 27, 2021 meeting. He also reviewed the standards and criteria applicable to accessory apartments, recommending that the application met the requirements for each.

Mr. Deitchman asked is an issue if there is a requirement for an entry between the house and accessory apartment, and Mr. Goldstein responded that he did not think

there was such a requirement. Mr. Deitchman also asked what would have to be removed if the house was sold and the accessory apartment had to be dismantled, and Mr. Goldstein responded that the stove would have to be removed at a minimum.

Applicants Jill Clarke and Jeremy Mears addressed the Board in support of their application. Ms. Clarke acknowledged that they had reviewed the virtual meeting procedures and that they had waived the right to an in-person meeting. Mr. Mears explained that they had purchased the house because it met their needs to accommodate Ms. Clark's mother living with the family.

Mr. Deitchman asked about parking on the site, and the applicants responded that no new vehicles would be added to the property.

In response to a question from Chair Frankle, 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 then closed the public hearing.

Mr. Deitchman stated that he thought this was a very good example of an accessory apartment meeting all of the criteria and supported the application. Mr. Hauer also supported the application, noting that the staff report and applicant's materials clearly laid out that the application met the criteria. Chair Frankle expressed that the application represented a paradigm in terms of what an accessory apartment should be.

Mr. Deitchman moved, seconded by Mr. Hauer, to approve Special Exception Application SPX2021-00401, subject to the conditions and findings recommended in the staff report. The motion passed 3-0.

II. COMMISSION ITEMS

A. OLD BUSINESS – None.

B. NEW BUSINESS – The Board expressed their appreciation to Ms. White for her service as the Board's attorney in light of her leaving City employment. Ms. White responded that she has enjoyed working with the Board and will miss each member and staff.

C. MINUTES –

- a. December 10, 2020: Chair Frankle moved, seconded by Mr. Deitchman, to approve the minutes of Meeting No. 8-2020 on December 10, 2020. The motion was approved 2-0, with Mr. Hauer abstaining.
- b. January 14, 2021: Chair Frankle moved, seconded by Mr. Deitchman, to approve the minutes of Meeting No. 1-2021 on January 14, 2021, with the correction noted. The motion was approved 2-0, with Mr. Hauer abstaining.

III. ADJOURN

In response to a question from the Chair, Mr. Wasilak noted that there were no agenda items for the March Board meeting.

There being no further business to come before the Board of Appeals, Mr. Deitchman moved, seconded by Mr. Hauer, that the meeting be adjourned at 7:32 p.m. The motion was approved unanimously.