

Submitted: April 12, 2023

Approved: April 19, 2023

**MINUTES OF THE ROCKVILLE BOARD OF APPEALS  
MEETING NO. 3-2023  
Thursday, March 9, 2023**

The City of Rockville Board of Appeals convened  
virtually via WebEx and in person at City Hall at 7:00 p.m.  
Thursday, March 9, 2023

**PRESENT**

Alan Frankle, Chair  
Roy Deitchman  
Jimmy Hauer

**Absent:** Nicholas Kutchak, Alternate

**Staff:** Jim Wasilak, Chief of Zoning  
Nick Dumais, Senior Assistant City Attorney  
Christopher Davis, Senior Planner  
Jenny Snapp, Assistant Director

Chair Frankle convened the hybrid meeting at 7:00 p.m. and began with Board introductions. He noted that the meeting is hybrid, and that applicants must agree to waive the right to an in-person meeting in order to be heard virtually at the meeting.

**I. REVIEW AND ACTION**

- A. Special Exception Application SPX2023-00406, Cao Cuong Nguyen:** for approval of an accessory apartment in the R-60 Zone at 2012 Henry Road.

Nelson Ortiz affirmed that he would be telling the truth in his presentation. He presented the staff report and recommendation, which was for approval, subject to conditions and based on the findings in the staff report. He noted that the applicant has complied with all notification requirements. The Planning Commission has also recommended approval of the application. One member of the public provided written testimony in favor of the application.

Mr. Deitchman asked if there is a requirement to stripe the driveway to indicate the parking spaces, and Mr. Ortiz answered that there was not a requirement. He also asked if the ordinance limited occupancy to three persons, and Mr. Ortiz responded that it did. Mr. Deitchman asked if there was any connection between the dwelling and the apartment, and Mr. Nelson stated that there was no connection.

Mr. Hauer asked if there is a maximum limit on the residence and accessory

apartment combined, and Mr. Ortiz responded that there was no limit on the main dwelling.

Chair Frankle asked for clarification on the extent of the driveway on the slide shown. Mr. Deitchman noted that the prior owner had acquired some land from the adjacent property owner in the past.

Cao Cuong Nguyen thanked the Board for considering his application.

Mr. Wasilak noted that there was no one online that wished to address the Board in favor or in opposition to the application. The Chair then closed the hearing.

Mr. Hauer, Mr. Deitchman and Chair Frankle agreed with the staff recommendations and expressed no concerns, particularly since the apartment had existed for many years previously.

Mr. Hauer moved, seconded by Mr. Deitchman, to grant Special Exception Application SPX2023-00406, based on the recommended findings and conditions in the staff report, to establish an accessory apartment at 2012 Henry Road. The motion passed by a vote of 3-0.

## **II. COMMISSION ITEMS**

**A. MINUTES** – Meeting No. 2-2023, February 9, 2022: Mr. Deitchman moved, seconded by Mr. Hauer, to approve the minutes of Meeting No. 2-2023 as submitted. The motion passed unanimously, 3-0.

**B. OLD BUSINESS** – The Chair noted that the Board previously approved changing the date of their regular meetings to the third Wednesday of the month, and that a change to the Board's Rules of Procedure is required. Mr. Wasilak noted that a revised meeting schedule had been provided to the Board. Chair Frankle stated that the next meeting would be Wednesday, April 19, 2023.

**C. NEW BUSINESS** – The Chair noted that the Board is invited to present their Annual Report at an upcoming meeting of the Mayor and Council. He prefers a date before the election.

### **D. ADJOURN**

Mr. Deitchman reminded Board members that the Financial Disclosure forms will be due shortly.

Mr. Wasilak noted that there are no pending applications for the Board's April meeting, but there could be an application that is filed, as the new filing deadline is March 17.

There being no further business to come before the Board of Appeals, Chair Frankle moved, seconded by Mr. Hauer, that the meeting be adjourned at 7:25 p.m. The motion was approved 3-0.