

Submitted: June 2, 2022

Approved: June 9, 2022

**MINUTES OF THE ROCKVILLE BOARD OF APPEALS
MEETING NO. 4-2022
Thursday, May 12, 2022**

The City of Rockville Board of Appeals convened in regular session
via WebEx at 7:00 p.m.
Thursday, May 12, 2022

PRESENT

Alan Frankle, Chair

Roy Deitchman

Jimmy Hauer

Nicolaus Kutschak, Alternate

Staff Present: Jim Wasilak, Chief of Zoning
John Foreman, Development Services Manager

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 applicants appearing on the agenda have requested the virtual meeting and waived their right to an in-person meeting with the Board.

I. REVIEW AND ACTION

- A. Variance Application VAR2022-00099, Patrick and Melissa Dwyer:** The applicants request zoning variances from the front yard height restrictions on a corner lot at 1791 Milboro Drive to construct an 8-foot fence in lieu of the maximum height of 6 feet abutting Wootton Parkway.

John Foreman presented the staff report and recommendation, which is for approval, subject to conditions. He outlined how the application met the criteria for the variance.

Mr. Deitchman asked who owned the vegetation adjacent to Wootton Parkway. Mr. Foreman stated that he thought that the vegetation is probably in the right-of-way. The property owner Mr. Dwyer stated that he thought it was part of the right-of-way. Chair Frankle asked for clarification on the views shown in the presentation. Chair Frankle asked if there were any similar variances granted in the vicinity.

Patrick Dwyer, applicant, spoke in favor of the variance application in that he wanted to increase safety. Mr. Deitchman noted that the staff report indicates two other higher fences were approved along another arterial, Maryland Avenue. Mr. Foreman noted that the house across the street, 1790 Milboro Drive, has an installed fence that illustrates the situation.

Mr. Deitchman expressed that the fence will be an improvement to the neighborhood, and that the variance appeared to be the minimum needed. Chair Frankle noted that his concerns had been addressed.

Mr. Hauer moved, seconded by Mr. Deitchman, to grant Variance Application VAR2022-00099, based on the findings in accordance with the recommended findings and conditions noted in the staff report. The motion passed by a vote of 3-0.

II. COMMISSION ITEMS

A. MINUTES – Meeting No. 3-2022, April 14, 2022. Chair Frankle moved, seconded by Mr. Deitchman, to approve the draft minutes for Meeting No. 3-2022 as written. The motion carried 3-0.

B. OLD BUSINESS – None.

C. NEW BUSINESS – None.

D. ADJOURN

Mr. Wasilak stated that the next Board meeting will be on June 9, and there is one variance application that will be on the agenda. Chair Frankle asked about an extension of a variance that was previously mentioned, and Mr. Wasilak responded that the variance has not been submitted.

The Board discussed the format for upcoming meetings, namely whether to remain fully virtual or hybrid, which would allow for public participation even though the public may be remote. The Board agreed that the next meeting will be hybrid,

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 7:33 p.m. The motion was approved 3-0.