

Submitted: July 7, 2022
Approved: August 3, 2022

**MINUTES OF THE ROCKVILLE BOARD OF APPEALS
MEETING NO. 5-2022
Thursday, June 9, 2022**

The City of Rockville Board of Appeals convened in regular session
via WebEx at 7:00 p.m.
Thursday, June 9, 2022

PRESENT

Alan Frankle, Chair
Roy Deitchman
Jimmy Hauer
Nicolaus Kutschak, Alternate

Staff Present: Jim Wasilak, Chief of Zoning
John Foreman, Development Services Manager
Nelson Ortiz, Principal Planner
Christopher Davis, Senior Planner

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 hybrid meeting. He noted that applicants appearing on the agenda have waived their right to an in-person meeting with the Board.

I. REVIEW AND ACTION

A. Variance Application VAR2022-00100, David and Stacey Shapiro: The applicants request a zoning variance from the rear yard setback to allow for the construction of a screened porch at 1017 Willowleaf Way.

Christopher Davis presented the staff report and recommendation, which is for approval, subject to conditions. He outlined how the application met the criteria for the variance. He noted that the setbacks are based on the standards of the Variable Lot Size subdivision.

Mr. Deitchman asked if the setbacks for the property have been determined as has been done in prior instances in Variable Lot Size Subdivisions. Mr. Davis responded that it had. Chair Frankle noted that the proposed screen porch or sunroom is irrelevant to the granting of the variance.

David Shapiro, applicant, addressed the Board on support of the application and answered questions from the Board. He noted that all of the adjacent property owners that can see the future porch support the project.

Mr. Wasilak noted that there was no one online who wished to address the proposed variance.

Mr. Deitchman moved, seconded by Mr. Hauer, to grant Variance Application VAR2022-00100, 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.

B. Variance Application VAR2022-00101, Catherine McAlpine Eig: The applicant is requesting a zoning variance from the front yard setback along Maple Avenue to allow for the construction of an addition to the existing single-family dwelling at 315 Baltimore Road.

Nelson Ortiz 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 about the prior variance and whether the condition for combining the three lots would still apply. Mr. Ortiz responded that the lots were not combined, as the variance expired. Mr. Wasilak further clarified that the City does not require the lots to be combined for new construction on a lot where the existing dwelling already crosses the lot lines. Chair Frankle responded that a variance should not be granted for new construction that crosses a lot line, in his view. Mr. Hauer asked if the variance requested was from the setback along Maple Avenue, and whether the variance would cause any visibility issues for turning movements. Mr. Ortiz responded that there should be no impact on turning movements. In response to Chair Frankle, Mr. Ortiz noted that the structure is also a two-story addition, as was the 2007 request.

Catherine McAlpine Eig, applicant, addressed the Board in support of the application, noting that the proposed addition is smaller than what was previously approved. The subdivision previously approved was not implemented and is no longer proposed.

In response to Chair Frankle, Mr. Dumais advised the Board that he did not think that the Board should require the lot consolidation along with the proposed variance, given the City's practice of not requiring consolidation when the existing dwelling already crossed lot lines. Mr. Wasilak noted that he found the approval letter for the prior variance, which did not require the lot consolidation. In response to a question from Mr. Deitchman, Mr. Wasilak clarified that the prior subdivision proposal was driven by the applicant.

Mr. Wasilak noted that no one is online to speak to the application.

Mr. Hauer moved, seconded by Mr. Deitchman, to grant Variance Application VAR2022-00101, 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. 4-2022, May 12, 2022: Mr. Deitchman noted several corrections to the minutes. Chair Frankle moved, seconded by Mr. Deitchman, to approve the draft minutes for Meeting No. 4-2022 as corrected and amended. The motion carried 3-0.

B. OLD BUSINESS – None.

C. NEW BUSINESS – Chair Frankle noted that he would recuse himself from a future application from the Stillmans.

D. ADJOURN

Mr. Wasilak stated that there would be a Board meeting in July.

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 7:57 p.m. The motion was approved 3-0.