

Submitted: September 2, 2021  
Approved: September 9, 2021

**MINUTES OF THE ROCKVILLE BOARD OF APPEALS  
MEETING NO. 05-2021  
Tuesday, June 15, 2021**

The City of Rockville Board of Appeals convened in open session  
at 7:00 p.m. on Tuesday, June 15, 2021  
via Webex Virtual Meeting

**PRESENT**

Alan Frankle, Chair  
Roy Deitchman  
Jimmy Hauer  
Nicolas Kutchak, Alternate

**Staff Present:** Nicholas Dumais, Assistant City Attorney  
Jim Wasilak, Zoning Manager  
Deane Mellander, Staff Liaison  
Shaun Ryan, Principal Planner

**I. CONVENE IN OPEN SESSION**

The meeting was convened at 7:00 p.m. and began with staff introductions. The Chair provided information and protocols for participants in this virtual meeting.

**II. PUBLIC HEARINGS**

**A. Variance Application VAR2021-00094: Matthew Sushinsky**– The applicant requests a zoning variance to locate an accessory structure outside of the rear yard for the installation of a shed.

Mr. Ryan presented the staff report. The staff has recommended approval of the application. Mr. Deitchman asked what the setback would be if the shed were next to a side yard. Mr. Ryan noted that the setbacks for side and rear yards is three feet. Mr. Deitchman also asked about the proposed color of the shed. Mr. Ryan deferred to the applicant. Mr. Hauer asked about the visibility of the shed from adjoining properties. Mr. Ryan noted that one of the conditions of approval was to plant evergreens between the proposed shed and the Edmonston Drive right-of-way. Chair Frankle asked staff about the other sample sheds shown in the staff report. Mr. Wasilak indicated that it appears none had received variances, and will be investigated by the code enforcement staff.

The Chair then asked the applicant to make a presentation. Mr. Sushinsky said he agreed with most of the conclusions of the staff report. He indicated that he had collected 18 signatures of support from surrounding neighbors. He did request that the condition regarding the planting of the evergreens alongside the shed be deleted. He believes the plantings are unnecessary and might require reducing the size of the shed. Mr. Deitchman asked about the color and texture of the shed,

and the drainage issues. The applicant replied that they intend it to match the finish of the main house. The drainage problems are such that there have been instances where water has filled up the window wells and leaked into the basement. Mr. Hauer asked if the existing trees on the site provide some screening already, and the applicant said that they did. Mr. Frankle asked whether the confronting neighbors on Edmonston Drive had provided signatures. Mr. Sushinsky said he did not want to disturb them in the time of Covid, but the notice sign was clearly visible to them. There being no other speakers, the Chair closed the hearing.

The Board then entered into discussion. Mr. Deitchman said that he could support the application though there is some concern about the drainage. He also indicated that he did not think the additional plantings were necessary. Mr. Hauer also agreed with the staff report and supported not requiring the plantings. Mr. Frankle also supported the application with the conditions set forth in the staff report, but supports not requiring the plantings. Mr. Hauer moved approval of the application for the reasons set forth in the staff report and the recommended conditions of approval. In addition, approval is conditioned on having the shed exterior be consistent with the main house, having no requirement for screening plantings, and providing an affidavit of posting. Mr. Deitchman seconded the motion, and the motion passed by a vote of 3 – 0.

### **III. COMMISSION ITEMS**

**OLD BUSINESS** - The Chair noted that an appeal of the denial of variance VAR2020-00081 has been taken and the City Attorney's brief to the Circuit Court has been filed.

**NEW BUSINESS** – Mr. Mellander noted the request from the Mayor and Council to have all Boards and Commissions members provide a tally of time worked for FY2021. Inclusive of the June meeting, the Board meetings have totaled seven hours and 40 minutes. Mr. Deitchman noted that other time spent reading staff reports and making site visits should also count.

**MINUTES** – The Chair moved approval of the draft minutes from the May 13, 2021, meeting. Mr. Deitchman seconded the motion. The minutes were approved by a vote of 3 - 0.

The meeting was adjourned at 7:36 p.m.