

Submitted: May 5, 2018  
Approved: May 5, 2018

**MINUTES OF THE ROCKVILLE BOARD OF APPEALS  
MEETING NO. 02-2018  
Saturday, April 7, 2018**

The City of Rockville Board of Appeals convened in open session in the Mayor and Council Chambers at 9:00 a.m. on Saturday, April 7, 2018

**PRESENT**

Alan Frankle, Chair  
Dr. Peter Mork  
Scott Maravilla

**Staff Present:** Jodi Schulz, Sr. Assistant City Attorney  
Jim Wasilak, AICP, Chief of Zoning  
Bobby Ray, AICP, Planning Supervisor  
Cas Chasten, Principal Planner  
Nicole Walters, Senior Planner  
Margaret Hall, Senior Planner

**I. CONVENE IN OPEN SESSION**

The meeting was convened at 9:00 a.m. and began with staff introductions.

**II. PUBLIC HEARING**

**A. Zoning Waiver Application VAR2018-00063, 101 Monroe Street, A waiver request, to exceed the 19-foot height limit applicable to telecommunications towers located on the roof of a building, e.g., to install a new 60' tall stub tower on the roof of 101 Monroe Street. The property is zoned MXTD (Mixed Use Transit District). Planner: Cas Chasten 240-314-8223.**

Mr. Chasten presented the staff report and the recommendation to approve Variance VAR2018-00063 for 101 Monroe Street. Justin Blanset of NB+C, LLC., presented the project on behalf of the property owner / applicant, and responded to questions from the Board.

There was discussion between the Board and Mr. Blanset regarding the safety of the proposed tower and its location on the roof of the building. It was determined by staff that a recommended condition of approval requiring a 1:1 setback to height ratio for the proposed antenna, pursuant to Zoning Ordinance Section 25.09.06.b.1.d, was a requirement that must be met by the applicant or waived by the Board. Given the limited dimension of the building, the project could not physically meet this setback requirement and would require a waiver from the Board of Appeals.

The application was tabled by the Board for additional information and to allow proper notification of the necessary waiver from Section 25.09.06.b.1.d of the Zoning Ordinance.

**B. Variance Application VAR2018-00067, 1008 Westmore Avenue, A variance request from the minimum building area requirement of 60,000 square feet for an Indoor Multipurpose Sport Facility, proposed to be located within an existing building totaling 55,000 square feet in area. The property is zoned I-L (Light Industrial) Planner: Bobby Ray (240) 314-8228.**

Bobby Ray presented the staff report and the recommendation to approve VAR2018-00067 for 1008 Westmore Avenue. Soo Lee Cho of Miller, Miller & Canby presented the project on behalf of the applicant. There being no one present to speak in support of, or opposition to, the application, the Board went into deliberation and Dr. Mork made a motion to approve VAR2018-00067 based on findings presented in the staff report. Mr. Maravilla seconded the motion which was unanimously approved 3-0.

At 9:52 a.m. Chairman Frankle made a motion to change the order of the agenda and bring forward Item "D", SPX2017-000391 for 13890 Glen Mill Road. Dr. Mork seconded the motion and it was unanimously approved 3-0.

**C. Special Exception Application SPX2017-00391, 13890 Glen Mill Road, A request to modify a condition of approval associated with the granting of a Special Exception for a temporary cellular monopole. The approved condition limited the duration of the temporary monopole to 18-months, expiring on May 16, 2018. The property is zoned R-400 (Residential Estate). Planner: Cas Chasten 240-314-8223.**

Mr. Chasten presented the staff report and the recommendation to approve Variance VAR2018-00063 for 101 Monroe Street. Justin Barlow of Smartlink, LLC., presented the project on behalf of the property owner / applicant, and responded to questions from the Board. There being no one present to speak in support of, or opposition to, the application, the Board went into deliberation and Mr. Maravilla made the motion to grant an extension of 90-days, to expire on August 18, 2018, allowing the temporary monopole to remain on the site at 13890 Glen Mill Road. Dr. Mork seconded the motion which was unanimously approved 3-0.

**D. Variance Application VAR2018-00066, 1902 Chapman Avenue, A variance request from the eight-foot (8') height limit for a fence in the rear yard to permit the installation of a sound wall, up to 21-feet in height, parallel to the WMATA tracks in the rear yard. The property is zoned MXTD (Mixed Use Transit District) Planner: Margaret Hall (240) 314-8226**

Ms. Hall presented the staff report and the recommendation to approve Variance VAR2018-00066 for 1902 Chapman Avenue. Nancy Regelin of Shulman, Rogers, Gandal, Pordy & Ecker, P.A., presented the project on behalf of the property owner / applicant, and responded to questions from the Board. David Pike of Winchester Homes, the applicant, also made a presentation of the request and responded to questions from the Board. There was discussion regarding the applicability of a previous action by the Planning Commission in 2012 which waived the requirement for a noise attenuation wall. Chairman Frankle wanted to confirm that the proposed wall, and requested variance, was not the result of an action taken by the applicant.

There being no one present to speak in support of, or opposition to, the application, the Board went into deliberation and a Motion was made by Dr. Mork to approve VAR2018-00066 for 1902 Chapman Avenue based on the findings, and subject to the conditions, contained in the staff report. The motion was seconded by Mr. Maravilla, and unanimously approved 3-0.

## **II. COMMISSION ITEMS**

### **A. OLD BUSINESS**

There was no old business to discuss.

### **B. NEW BUSINESS:**

There was no new business to discuss.

### **E. MINUTES**

Dr. Mork moved, seconded by Chairman Frankle, to approve the February 3, 2017 regular session minutes. The motion passed 2-0, with Mr. Maravilla abstaining.

### **D. ADJOURNMENT**

There being no further business to come before the Board, the meeting adjourned at 10:58 a.m.