

**BOARD OF ZONING APPEALS**  
**PUBLIC HEARING MINUTES**

The regular meeting of the Board of Zoning Appeals was held on  
Monday, November 10, 2025, at 7:00 p.m.  
in Council Chambers, City Hall, Alexandria, Virginia

The proceedings of the meeting were recorded; records of each case are on the web at [www.alexandriava.gov/dockets](http://www.alexandriava.gov/dockets) and on file in the Department of Planning and Zoning.

Members Present:     Paul Liu, Chair  
                             Kimberlee Eveland, Secretary  
                             Raj Patel  
                             Coleman Burke  
                             Tim Foley  
                             Andrew Justus

Members Absent:     Dawn Bauman, Vice Chair

Staff Present:         Mary Christesen, Department of Planning & Zoning  
                             Luke Cowan, Department of Planning & Zoning  
                             Rachel Drescher, Department of Planning and Zoning  
                             Sean Killion, Department of Planning & Zoning

## **CALL TO ORDER**

1. Chair Liu called the November 10, 2025, Board of Zoning Appeals to order at 7:00 p.m.

## **ANNOUNCEMENTS**

None.

## **UNFINISHED BUSINESS AND ITEMS PREVIOUSLY DEFERRED**

2. BZA #2025-00009

9 Potomac Court

Public Hearing and consideration of a request for Variances to construct a deck in the required rear yard and reduce the required open space; zoned: RM/ Residential Townhouse  
Applicant: Ronnie Vassalo Jr and Mary Savino, represented by Steve Berry

**BOARD OF ZONING APPEALS ACTION, NOVEMBER 10, 2025:** Mr. Liu stated he needed to recuse himself due to a relationship with the applicant. On a motion by Ms. Eveland, seconded by Mr. Burke, the Board appointed Mr. Foley as Acting Chair for this case on a vote of 6 to 0.

On a motion by Ms. Eveland, seconded by Mr. Burke, the Board of Zoning Appeals voted to approve BZA#2025-00009 as submitted. The motion failed on a vote of 3 to 2. Therefore, the application was denied.

Reason: The Board agreed with staff's analysis.

### Speakers:

Mary Savino, property owner, made the presentation.

### Discussion:

Mr. Justus clarified that for the Board of Zoning Appeals to grant a variance all the criteria of Zoning Ordinance Section 11-1103 must be met.

Ms. Eveland said she was concerned that there was a door constructed on an upper floor and there was no use for the door. Staff explained the balcony is a Juliette balcony, where the railing is installed in front of a door.

Mr. Patel asked if other townhouses in the neighborhood have a deck. Staff stated the property next door has a deck. Mr. Patel asked if there is any way for the applicant to have a deck by-right. Staff explained the townhouse already encroaches into the rear yard setback and any addition would require a variance. Mr. Patel ask how an open deck interferes with the open space requirements. Staff explained decks over two feet in height above grade do not meet the open space definition, which requires open space to be at grade level.

Ms. Eveland asked what room the door was off of. The applicant stated their living room.

Mr. Foley asked the applicant if the applicant could explain their hardship. The applicant said the lot is irregular and substandard. The existing patio is difficult to use, and it is mosquito ridden. The deck is something they would use every day, and it would be above

the mosquitoes.

Ms. Eveland said the term hardship is something the Board must interpret and must be perceived in the position of the owner. Mr. Patel agreed.

Mr. Burke stated we must be aware of any precedent this may set.

Mr. Foley said if we vote in favor of the applicant and against staff, the Board needs to articulate how each of the criteria is met.

Mr. Patel said Board decisions can be based on the facts of a specific case. Mr. Patel explained the variances would not be detrimental to the neighboring properties as there is a park to the rear and the neighbors already have a deck. Mr. Patel explained the deck is open so the open space requirements are being met.

Mr. Justus explained he also thought the deck was not offensive, however, the Board does not make policy and must evaluate whether the variance meets the criteria. Since there is not a hardship as the property is being used, the request does not meet the criteria. He also noted that the correct tool to change the policy is a text amendment, not a variance.

Mr. Patel stated the goal of open space is to encourage the use of outdoor space. The hardship is the lot is substandard, and the patio is infested with mosquitoes.

Ms. Patel stated he disagreed with staff's analysis that open space is being restricted. The applicant is either keeping the open space the same because there is no enclosure or creating more useable space. Mr. Burke agreed that the deck enhances the outdoor space. Mr. Patel explained that the proposed use is to comply with open space, and there should be a distinction between structures that don not allow light and air and those that enhance it.

Mr. Justus asked staff to state the definition of open space. Staff read:

Zoning Ordinance Section 2-180 Open and usable space. That portion of a lot at ground level which is:

- (A) No less than eight feet in width and length.
- (B) Unoccupied by principal or accessory buildings;
- (C) Unoccupied by principal or accessory structures except for fences, walls, or trellises and pergolas in accordance with section 7-202(A)(5);
- (D) Unobstructed by other than recreational facilities; and
- (E) Not used in whole or in part as roads, alleys, emergency vehicle easement areas, driveways, maneuvering aisles or off-street parking or loading berths.

The purpose of open and usable space is to provide areas of trees, shrubs, lawns, pathways and other natural and manmade amenities which function for the use and enjoyment of residents, visitors and other persons.

Mr. Patel stated that the structure does function for the use and enjoyment of the owners and the request does not violate that.

Mr. Justus stated that the definition says open space is at ground level, and the purpose is being able to see the sky. If there is a structure, the observer cannot see the sky, and it cannot

be counted as open space.

Ms. Eveland said you could see through decking that is a grate or glass. Mr. Justus asked what about staff's interpretation of grate and glass. Staff explained for a trellis to be counted as open space must be 80% open, no taller than 10 feet in height, and there can be no covering, such as glass.

Mr. Foley asked if the Board has any questions regarding the criteria.

Mr. Justus stated he had no other questions, and he agrees with staff that there is no hardship.

Mr. Burke stated that since there is already a door and there seems to have been an intended use for that door, he is leaning to support the variances.

Ms. Eveland stated she disagrees with staff's analysis. The uniqueness of the lot was recognized in the past because a previous variance was granted.

Mr. Patel agreed with Mr. Burke and Ms. Eveland, adding that the mosquitoes are also a hardship. The deck would fix this hardship and would create open space that can be accessed. You can see the sky through the deck.

Mr. Patel asked staff about their analysis regarding the definition of variance. Staff explained a variance must be reasonable deviation from the Zoning Ordinance, and the setback request is not a reasonable deviation as the property has already been granted a setback variance and this request would bring the dwelling further out of compliance with the Zoning Ordinance. The RM zone already allows the property to have reduced open space and this request would bring open space further out of compliance with the Zoning Ordinance. Mr. Patel asked whether the deck would be going past the current patio. Staff explained the rear setback would be reduced from 9 feet to 3.6 feet. Patios at ground level do not require a setback.

Ms. Eveland explained the requests do meet the definition of a variance since the lot is unusual.

Mr. Patel explained the patio level is unusable because of the odd shape, the mosquitoes, and there is an existing door that is not usable. The request would not be detrimental to the neighbors as there is a park to the rear, the deck is not enclosed construction, and there have been no objections from neighbors. Mr. Burke agreed and noted that an abutting neighbor also has a deck.

## **NEW BUSINESS**

### **3. BZA #2025-00010 2500 Dewitt Avenue**

Public Hearing and consideration of a request for a Variance to construct an Accessory Dwelling Unit (ADU) with a first floor greater than 500 square feet; zoned R-2-5/Residential  
Applicant: Geoff Jacobi and Andrea DeFreitas Kick

**BOARD OF ZONING APPEALS ACTION, NOVEMBER 10, 2025:** On a motion by Mr. Foley, seconded by Mr. Burke, the Board of Zoning Appeals voted to approve the

variance as requested with the condition recommended by staff that no parking is allowed on the curb cut that is located within the public right of way except short-term pickup or drop-off of a resident of the property as needed. The motion was approved on a vote of 6 to 0.

Reason: The Board agreed with staff analysis that the request met the criteria for a variance.

Speakers:

Andrea DeFreitas Kick, the property owner, made the presentation.

Geoff Jacobi, contractor, answered questions about the project.

Discussion:

Mr. Justus asked staff if a structure had been in the location of the proposed ADU. Staff stated that a one-story garage existed and would be demolished and replaced with the ADU. The ADU would be setback further from the side property line than the existing one-story garage.

Ms. DeFreitas Kick agreed with the staff presentation and added that she had both the support of the neighbors in terms of the design and that the structure could have been two stories, but they favored the single-story structure to allow the disabled occupant of the ADU full access to the whole unit.

Mr. Justus asked the applicant if it was difficult to lay out the floor plan of the structure at both the proposed 598 square feet and at the 500 square foot limitation within the ordinance.

Mr. Jacobi replied that it would have been difficult to have the floor plan be both under the 500 square foot requirement and ADA accessible for the proposed disabled occupant. Due to the need to have turning radii and wider doorways to accommodate a wheelchair within the footprint of the ADU.

Mr. Justus followed up with a question regarding whether the cedar tree was protected and that was the reason the applicant worked on their design to preserve the tree.

Mr. Jacobi stated that the applicant wanted to preserve the tree and didn't want to damage the tree or its root system but did not believe the tree was protected.

Mr. Foley stated to the members of the board there was clear hardship and mentioned the fact he could place himself in the shoes of the applicant in the need to accommodate for aging parents. He also included that he agreed with staff's recommendation and urged the Board to approve this request.

Mr. Burke echoed the sentiments of Mr. Foley and included it would be a good precedent to approve this request. He also added that the need to design an ADA accessible structure would be a reasonable request for a variance from limiting the structure to only 500 square feet.

Mr. Justus asked his fellow board members if they have previously approved variances for ADUs in relation to the footprint being increased beyond the 500 square foot requirement.

Mr. Liu mentioned that an ADU request was on the docket in September. Staff added that this was a special exception request for an existing structure was over the 500 square foot requirement.

Ms. Christesen added that the Board hasn't reviewed any ADU variance requests related to ADA accessibility but did add that the State added hardship language related to the individuals with a disability in 2017 which was added the City of Alexandria's variance criteria shortly after.

Ms. Eveland asked staff if we should assume that going forward a 500 square foot ADU isn't ADA compliant and would require future variances. Staff responded that ADA compliance is determined by building code, but that the variance request was to meet the requests of the specific individual within the proposed ADU. Staff also added that building code reviews all ADUs.

Ms. Eveland wanted clarification regarding that we are looking at is the request for specific accommodation for an individual in a wheelchair that needs the staff to provide ADA accessibility over simply widening doors. Staff added the need for additional space was widening doors and including space for turning radii in hallways, kitchen area and bathroom needed for a wheelchair.

Mr. Justus asked if staff should work towards amending the Zoning Ordinance to change requirements for ADUs to accommodate for future disabled occupants. Ms. Christesen responded that staff will look into this suggestion at a future date when the ADU regulations are reviewed again.

#### **MINUTES**

4. Consideration of the Minutes from the September 8, 2025, Board of Zoning Appeals Public Hearing.

**BOARD OF ZONING APPEALS ACTION, NOVEMBER 10, 2025:** On a motion by Mr. Patel, seconded by Mr. Justus, the Board of Zoning Appeals voted to approve the minutes as amended by Mr. Liu. The motion was approved on a vote of 6 to 0.

#### **ADDITIONAL BUSINESS**

5. Staff announced there would be no December BZA meeting, due to a lack of cases and that hearings starting in 2026 will be held at 4850 Mark Center Drive until City Hall construction is completed.

#### **ADJOURNMENT**

6. The Board of Zoning Appeals meeting was adjourned at 8:10 p.m.