

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

The regular meeting of the Board of Zoning Appeals was held on  
Monday, July 8, 2024, 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: Tim Foley, Chair  
Dawn Bauman, Vice Chair (Remote)  
Ryan Belmore  
Kimberlee Eveland  
Paul Liu  
Raj Patel

Members Absent: None

Staff Present: Mary Christesen, Department of Planning & Zoning  
Rachel Drescher, Department of Planning & Zoning  
Molly Lambert, Department of Planning & Zoning

## **CALL TO ORDER**

1. Mr. Foley called the June 10, 2024, Board of Zoning Appeals to order at 7:01 p.m.

## **ANNOUNCEMENTS**

None.

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

None.

## **NEW BUSINESS**

2. BZA #2024-00002  
401 Jackson Place  
Public Hearing and consideration of a request for a Special Exception to construct a two-story addition in the required side yard; zoned: R-8/Residential  
Applicant: Karen S. Becker, Becker Architect, PLLC

**BOARD OF ZONING APPEALS ACTION, JULY 8, 2024:** On a motion by Mr. Belmore, seconded by Ms. Eveland, the Board of Zoning Appeals voted to approve the requested special exception subject to all applicable codes, ordinances, staff recommendations and conditions. The motion carried on a vote of 6 to 0.

Reason: The Board disagreed with the staff's recommendation as they believed the request met the criteria for a special exception. They found the slope of the lot and location of magnolia tree restricted the construction of the addition, and it would be unreasonable to make the owner reduce the size of the addition by 0.69 feet.

### Speakers:

Andy Lynch, property owner, presented the case and answered questions.

Karen Becker, architect, answered questions.

### Discussion:

Ms. Eveland asked staff whether the special exception standards received in the report were the same as in the presentation. Ms. Drescher confirmed this was correct.

Mr. Foley asked if the 0.69 feet the only reason staff recommended denial. Ms. Drescher explained the recommendation for denial is because the request does not meet the criteria that the addition as proposed is the only reasonable means and location to accommodate an addition.

Ms. Eveland asked if 0.69 feet is approximately 9 inches. Ms. Drescher confirmed it is just under 9 inches.

Mr. Patel asked if there were any community objections to the request. Ms. Drescher said

no one has contacted them objecting to the request.

Ms. Eveland asked if the neighbors were notified.

Mr. Belmore asked staff whether the steep slope was considered as a part of staff's recommendation. Ms. Drescher explained that the slope was not related to the reasonable alternative of reducing the width of the structure by 0.69 feet.

Ms. Bauman asked what information the city used that it is reasonable to make a minor change to the plans. Ms. Drescher explained the applicants are proposing to build to the rear and are not utilizing the existing noncomplying wall to build another story. The applicants have the flexibility to design an addition that complies with the zoning ordinance.

Ms. Eveland asked how the existing house was noncomplying. Ms. Drescher explained the house was constructed prior to the current regulations.

Ms. Eveland asked if staff spoke to the applicant prior to the hearing about the issue. Ms. Drescher confirmed that they have had conversations with the architect and property owner about alterations that could be made for the addition to comply.

Mr. Patel asked if staff would recommend any conditions if the Board approves the request. Ms. Drescher said no.

Mr. Belmore asked whether 403 Jackson Place had been in touch with the applicant. Staff said no.

Ms. Eveland asked the applicant whether the neighbor would be able to see the addition over the wall that borders the property line. Mr. Lynch explained the wall is short and the addition would be visible, but 0.69 feet will not make a difference to the neighbor.

Mr. Patel asked how long the applicant has lived at the property. Mr. Lynch stated 25 years.

Mr. Liu asked for clarification on where the building encroachment was located. Mrs. Christesen explained the stairs are allowed to be within the required yard, and it is the wall of the dwelling that is proposed to be located in the setback.

Mr. Belmore asked the applicant if the request was not approved whether they would make the changes staff suggested or not move forward with the project. Mr. Lynch stated they have not decided yet.

Ms. Bauman asked what the financial implication of changing the plans if the special exception is denied. Ms. Becker stated it would be the fees of the architect and civil engineer to change the plans.

Ms. Eveland asked what the perspective of the architect was on some of the changes that could be made to comply. Ms. Becker stated the roof cannot be reoriented and lowering the

roof would reduce head height. Ms. Becker said the wall cannot be brought in because it would not be architecturally pleasing.

Mr. Belmore asked the architect what changes were made to try to comply with the zoning ordinance. Ms. Becker stated they did not find out about the noncompliance until they submitted for a permit, and they did not meet with staff until after it was caught.

Ms. Bauman asked staff why the house at 403 Jackson Place is taller than the subject property's. Ms. Drescher explained 403 Jackson Place is elevated higher on the hill than 401 Jackson Place.

Mr. Patel stated that given the slope, the addition is lower than the existing dwelling and adjacent property, none of the neighbors complained, and the request only being 0.69 feet, there is not a reason for denial.

Ms. Bauman stated when we are looking at the criteria of whether there are other reasonable means and location, the existing dwelling already has height that is over the requirements and, considering the natural slope of the lot, it would be unreasonable to change the design.

Ms. Eveland stated while it is unfortunate that the architect did not investigate further, the constraints of the topography and substandard lot and considering the proposal will be constructed in line with the existing wall should not lead to a denial of this.

Mr. Belmore stated there are reasonable means for the addition to comply with the zoning ordinance, including making it smaller, and did not believe this would affect the quality of life of the applicant.

Mr. Liu stated the architect has made a strong case for a hardship, and the request would not affect the neighbor or neighborhood. This application is fairly reasonable and similar to other special exceptions that have been approved in the past.

Mr. Foley summarized the costs would be unreasonable, moving the wall out of line with the house would be unreasonable from an aesthetic standpoint, moving the house and lowering the roof is unreasonable because of the architecture of the house, and there would be an impact on the existing tree, and no neighbors were in objection to the request.

## **MINUTES**

3. Consideration of the Minutes from the June 10, 2024, Board of Zoning Appeals Public Hearing.

**BOARD OF ZONING APPEALS ACTION, JULY 8, 2024:** On a motion by Mr. Belmore, seconded by Ms. Eveland, the Board of Zoning Appeals voted to approve the minutes. The motion carried on a vote of 6 to 0.

## **ADDITIONAL BUSINESS**

None.

## **ADJOURNMENT**

- 4.** The Board of Zoning Appeals meeting was adjourned at 7:46 p.m.