

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

The regular meeting of the Board of Zoning Appeals was held on  
Monday, September 12, 2022 at 7:00 p.m.  
in City 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:     Lee Perna, Chair  
                              Tim Foley, Vice Chair  
                              Quynn Nguyen, Secretary  
                              Raj Patel  
                              Jon Waclawski  
                              Dawn Bauman (Virtual)

Absent Members:     Paul Liu

Staff Present:         Lisa Chase, Department of Planning and Zoning  
                              Mary Christesen, Department of Planning & Zoning  
                              Maggie Cooper, Department of Planning & Zoning  
                              Sam Shelby, Department of Planning & Zoning  
                              Nancy Williams, Department of Planning and Zoning

**CALL TO ORDER**

1. Mr. Perna called the September 12, 2022, Board of Zoning Appeals to order at 7:06 p.m.

**ANNOUNCEMENTS**

2. None.

**NEW BUSINESS**

The docket was reordered by unanimous consent to move the unfinished business to after the new business.

3. **BZA #2022-00015**  
**226 E Monroe Ave**

Public Hearing and consideration of a request for special exception to construct an addition in the required side yard; zoned: R-2-5/Residential Single and Two Family zone. Applicant: Bradley Carlson

**BOARD OF ZONING APPEALS ACTION SEPTEMBER 12, 2022:** On a motion by Mr. Waclawski, seconded by Ms. Nguyen, the special exception was approved by subject to all applicable codes, ordinances, staff recommendations and conditions. The motion carried on a vote of 6 to 0.

Reason:

The Board agreed with the staff analysis that the request met the criteria for a special exception.

Speakers:

James Lee, architect, made the presentation.

Discussion:

Mr. Foley mentioned this case was similar to similar requests the Board has approved.

4. **BZA #2022-00016**  
**2715 King Street**

Public Hearing and consideration of a request for special exception to construct a brick wall forward of the front building wall facing a primary front yard; zoned: R-8/Residential Single Family zone.

Applicant: Clemence Todd and Mariam Razaq

**BOARD OF ZONING APPEALS ACTION, SEPTEMBER 12, 2022:** On a motion by Mr. Patel, seconded by Mr. Waclawski, the special exception was approved subject to all applicable codes, ordinances and staff recommendations. The motion carried on a vote of 6 to 0.

Reason:

The Board agreed with the staff analysis that the request met the criteria for a special exception.

Speakers:

Duncan Blair, representing the applicant, made the presentation.

Discussion:

Mr. Foley asked if there are other houses that have similar fences or walls.

Ms. Nguyen asked for information about heights of other fences in the area and on the lot.

Mr. Waclawski confirmed with the applicant that the requested wall would enclose the newly constructed pool on the property.

**UNFINISHED BUSINESS**

5. **BZA #2022-00006**

**322 & 324 South Lee Street**

Public Hearing and consideration of a request for Variance to access parking from the street rather than from an alley or interior court; zoned: RM/Townhouse zone.

Applicant: Avonlea LLC, a Virginia limited liability company

**BOARD OF ZONING APPEALS ACTION SEPTEMBER 12, 2022:** On a motion by Mr. Foley, seconded by Mr. Waclawski, the variance was approved with conditions subject to all applicable codes, ordinances, staff recommendations and conditions. The motion carried on a vote of 4 to 2.

Conditions:

- 1) Locate the curb cut in line with the southern edge of the parking pad.
- 2) Pending BAR approval, utilize the same bricks currently in the sidewalk.
- 3) Pending BAR approval, condition the new curb to look like the existing curb.
- 4) Pending BAR approval, maintain the look of the existing fence for the new fence and gate.
- 5) Make the curb cut width the smallest possible for access.

Reason to Approve:

Mr. Foley, Mr. Waclawski, Ms. Bauman, and Mr. Patel disagreed with staff's recommendation as they believed the request met the variance definition and the standards for a variance. They found the lack of parking to be a hardship, did not believe the request would be of substantial detriment to adjacent properties, and believed the situation to be unique within the Old and Historic Alexandria District.

Dissenting Reason:

Mr. Perna and Ms. Nguyen did not find that the request met all the criteria for a variance.

Speakers:

Duncan Blair, representing the applicant and Lisa Herget, the subject property owner made the presentation.

Gail Rothrock, representing the Historic Alexandria Foundation, spoke in opposition to the request.

Linda Lovell, representing the Historic Alexandria Resource Commission, spoke in opposition to the request.

Yvonne Callahan, representing Old Town Civic Association, spoke in opposition to the request.

Stephen Milone, representing Old Town Civic Association, spoke in opposition to the request.

Charlene MacDonald, property owner at 328 South Lee Street, spoke in opposition .

Shawn Martin, property owner at 328 South Lee Street, spoke in opposition. to the request.

Susan Horne, representing the Alexandria Historical Restoration and Preservation Commission, spoke in opposition to the request.

Patricia Clausen, property owner at 323 South Lee Street, spoke in opposition to the request.

Valentine Kass, property owner at 125 Wolfe Street, spoke in support of the request  
Amy Biondi, property owner at 833 South Lee Street, spoke in support of the request.

Alden Philbrick, property owner at 133 North Fairfax Street, spoke in support of the request.

Kate Pinson, property owner at 119 Wolfe Street, spoke in support of the request.

Tom Scully, property owner at 300 South Lee Street, spoke in support of the request.

Discussion:

Mr. Waclawski said the speakers for and against the project showed that there can be people truly invested in Old Town that have differing views of what it means to preserve Old Town. He said that he found the applicant's request to not be a far deviation from the existing curb cuts on this block and he does not think adding another curb cut will significantly change the block. He said he was struggling with the idea that denying the access to parking would unreasonably restrict the use of the property, but he was leaning in favor of the proposal because of the special facts in this case, especially because the proposal was in line with the historic character of Old Town. He said that each case is

reviewed according to its own special and unique facts and therefore the vote on this case would not directly impact the board's view of future cases. He said he did not think the proposal was inconsistent with the overall intent of this regulation as it does comply with the historic nature of the community.

Mr. Foley said precedent has already been set as there have been several curb cuts approved within Old and Historic Alexandria District since the ordinance prohibiting them was adopted. He explained personal experiences with parking challenges that make him believe a lack of access to parking is a hardship. He said there is enough variation on how you interpret the standards for a variance that he could answer that the request meets each one. He said it was within the Board's authority to decide based on the individual case's merits and that there is enough subjectivity in the criteria for this case to go either way.

Mr. Patel said that the Board's job was to make equitable decisions based on the standards and to balance out what each of the standards mean. He said the aesthetics of the proposal were consistent with the area and mentioned the existing curb cuts on this block. He said he did believe a lack of parking was a hardship but asked the applicant to further explain how the proposal would meet 11-1103(e).

Ms. Bauman said she agreed that precedent has already been set with previously approved cases that allowed access to parking from a street, but that they look at every request on an individual, case-by-case basis. She said five of the 12 residences on this block have curb cuts, some providing access to forward-facing garages. In looking at this case on this particular street, she said it would be consistent with the way this historic street looks to approve this variance request.

Ms. Nguyen said the existing curb cuts were approved before the ordinance restricting new access to parking from the street was adopted by City Council. She said there was no parking requirements for this property, and she agreed with staff's finding that there was not a hardship nor was it a unique situation.

Mr. Perna said that he appreciated the applicant's efforts to improve the dilapidated property and preserve the house, however a variance request must meet all of the variance standards, not just the majority of the standards. He said the Board's job was to interpret how the existing law applies to each case and he was focused on what the Board's authorities are and not exceeding those authorities. He also suggested the Board could add conditions addressing some of the concerns that were discussed.

## **MINUTES**

6. Consideration of the minutes from the July 11, 2022, Board of Zoning Appeals Hearing.

By unanimous content, the Board of Zoning Appeals approved the minutes of the July 11, 2022 hearing, as submitted.

## **ADDITIONAL BUSINESS**

7. None.

**ADJOURNMENT**

8. The Board of Zoning Appeals meeting was adjourned at 9:43 p.m.