

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

The regular meeting of the Board of Zoning Appeals was held on  
Monday, April 13, 2026, at 7:00 p.m.  
at 4850 Mark Center Drive, Room 1305, 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: Dawn Bauman, Vice Chair (remote)  
Kimberlee Eveland, Secretary  
Coleman Burke  
Tim Foley  
Andrew Justus  
Raj Patel

Members Absent: Paul Liu, Chair

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

## CALL TO ORDER

1. Ms. Eveland called the April 13, 2026, Board of Zoning Appeals to order at 7:00 p.m.

## ANNOUNCEMENTS

Ms. Eveland announced that the Chair, Mr. Liu is absent and the Vice Chair, Ms. Bauman has been approved to participate remotely due to a work conflict. The Board must elect a temporary Chair to run the meeting tonight.

**BOARD OF ZONING APPEALS ACTION, APRIL 13, 2026:** On a nomination by Mr. Burke, seconded by Mr. Justus, Mr. Foley was elected as temporary Chair by a vote of 6 to 0.

## UNFINISHED BUSINESS AND ITEMS PREVIOUSLY DEFERRED

None.

## NEW BUSINESS

2. BZA2026-00004  
219 West Mount Ida Avenue  
Public Hearing and consideration of a request for a Special Exception to construct an addition in the required side yard; zoned: R-8/Residential.  
Applicant: Rebekah Vinal Clenace

**BOARD OF ZONING APPEALS ACTION, APRIL 13, 2026:** On a motion by Mr. Patel, seconded by Ms. Eveland, the Board of Zoning Appeals voted to approve the special exception as requested. The motion was approved by a vote of 6 to 0.

### Reason:

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

### Speakers:

Nathan Moore, contractor, made the presentation.

### Discussion:

Mr. Justus asked for the reason why the 0.58-degree lilt. The applicant indicated they need it to stay in line with the setback of the current 7.30 feet setback to obtain the relief sought. My Justus indicated the design change shows the good faith effort of the applicants and asked if the lilt would add significant cost as opposed to following the liner path of the wall. The applicant indicated that it was minimum cost and effort.

3. BZA2026-00003  
2410 Davis Avenue  
Public Hearing and consideration of a request for a Variance to construct an addition in the required front yard; zoned: R-8/Residential.  
Applicant: Greg Olving

**BOARD OF ZONING APPEALS ACTION, APRIL 13, 2026:** On a motion by Mr. Burke, seconded by Ms. Eveland, the Board of Zoning Appeals voted to approve the variance as requested. The motion was approved by a vote of 6 to 0.

Reason:

The Board agreed with the staff analysis that the request met the standards for a variance.

Speakers:

Greg Olving, architect, made the presentation.

Discussion:

None.

4. BZA2026-00001  
1030 Cross Drive  
Public Hearing and consideration of a request for a Special Exception an after-the-fact fence on a corner lot; zoned: R-8/Residential.  
Applicant: Jonathan and Tracy Mapley-Brittle

**BOARD OF ZONING APPEALS ACTION, APRIL 13, 2026:** On a motion by Mr. Justus, seconded by Mr. Burke, the Board of Zoning Appeals voted to approve the special exception with the condition that 4.00 foot of the existing fence can remain and the additional 2.00 feet of fence height must be 50 percent open. The fence must be located completely on the subject property unless the applicant obtains an encroachment into the public right of way. The motion was approved by a vote of 6 to 0.

A motion by Ms. Bauman with the condition to reduce the fence height to 4.00 feet failed for lack of a second.

Reason: The Board disagreed with staff analysis and that with the support of the neighbors a compromise could be made to allow a six-foot fence but keep a portion of it open.

Speakers:

Jonathan Mapley-Brittle, property owner, made the presentation.

Discussion:

Mr. Foley asked staff to show the areas where they can do a 6.00-foot solid fence by right. He asked staff if they were required to relocate the fence in 13.00 feet from the front property line to meet the setback.

Staff responded by agreeing that 13.00 feet would be the required setback due to the orientation of the neighbors having primary fronts and the height of the fence.

Ms. Eveland asked staff to show the location of the encroachment into the public right of way.

Staff stated the back corner of the fence located on the corner of Bayliss Drive and the adjacent property encroaches a foot into the public right of way.

Mr. Justus asked staff if the encroachment was because of the shape of the lot.

Staff stated it was because the applicant was doing a direct replacement 4.00-foot open fence

that had been there previously.

Ms. Eveland asked if they would have to move the fence 1.00 foot to be considered on their property.

Staff added that they would need to either move it onto their property or seek an encroachment to allow a fence in the public right of way.

Ms. Bauman asked staff if the current fence was replaced with a four-foot fence, would it be in compliance.

Staff stated it would still require an encroachment if located in the right of way and that it would need to be at least 50 percent open to be allowed within the required secondary front yard.

Ms. Bauman asked staff for the side yard setback requirement for a 6.00-foot privacy fence.

Staff stated there is no required setback for a 6.00-foot fence in a side yard.

Mr. Justus asked if the louvered portion of the fence was considered 50 percent open. Staff explained that it does not meet the definition of an open fence. He also added that he understands the applicants need to enclose his yard for privacy and security. He also mentioned the fact houses in Old Town have six-foot privacy fences in front yards. Lastly, he said he understands the desire to mimic the location of previous four-foot fence, but any approval of the special exception would have to include removing it from the public right of way.

Ms. Christesen reminded the Board that fences within the historic districts are treated differently as the Board of Architectural review has the authority to waive fence height and setback requirements in the Zoning Ordinance if the fence design is deemed historically appropriate.

Mr. Foley noted that he had been through a couple of cases come to the Board for fences and that a certain case had come previously with a significant hardship attached to that both the Board and staff saw as a means to support it. He added for the most part the Board would end up asking the applicant to move or modify the fence. Mr. Foley asked the applicant to explain his hardship beyond the means provided in the presentation which included the need for privacy and security.

The applicant believed topography of the lot was a hardship due to the drop off from the street creating the ability for people from the street to look into their yard. Giving them no privacy from people walking by. He added by cutting down to comply with the Zoning Ordinance it would not give him enough privacy.

Mr. Foley questioned the applicant's hardship as he said the Board wouldn't consider privacy as a hardship.

The applicant added the proposed 13.00 foot required setback for a six-foot fence would impact a mature apple tree. He also mentioned the 4.00-foot, 50 percent open fence allowed

his dogs to see anyone or anything which resulted in large amounts of barking. He added that the barking has been reduced since the new fence was constructed, and neighbors have noticed and commented positively.

Ms. Bauman asked staff if the requirement to push the fence half the distance back from the secondary front property line would result in a hardship for the amount of useable space being lost to the fence being pushed back.

Staff responded that the useable yard would be decreased but the fence requirements for corner lots require the fences to be pushed back to ensure the secondary yard remains open and provides light and air to the adjacent sidewalk and to the primary front yard of the adjacent neighbor and the owner would continue to have a reasonable fenced area.

Ms. Bauman asked the applicant if by moving the fence to meet the setback would that cause the fence to sink due to the topography change.

The applicant added with enough concrete it wouldn't sink but would still remove two mature trees.

Mr. Patel asked staff regarding how much of the proposed fence would have to be 4.00 feet and where they can start to construct a 6.00-foot fence.

Staff responded that a 6.00 foot fence can only be located half the distance between the secondary front building wall and the secondary front property line, which is 13.00 feet from the secondary front property line and showed the Board the survey from staff report that included a highlighted area of where a 6.00 foot fence can be located.

Mr. Patel asked staff if the portion of the fence along Cross Drive contains 2.00 feet of its overall height being at least 50 percent open the fence would be considered open and not limit light and air.

Staff responded with since the fence is not completely 50 percent open it would not comply.

Mr. Patel asked if a 4.00-foot closed fence could be located on the property line.

Staff responded that it would have to be at least 50 percent open to be located on the secondary front property line.

Staff suggested to the Board that they could work with the applicant to amend their proposal and find a middle ground through a condition to reduce the amount of relief and meet some of the requirements for the special exception.

Mr. Justus asked staff if the decision made on the special exception request could be made as a one-time approval to not set a precedent.

Staff responded that this would be a precedent and that it would be hard to differentiate this approval if a similar lot came in asking for a similar request.

Ms. Eveland asked by how much the fence would have to move to comply.

Staff responded by right the fence would have to move 13.00 feet from the secondary front property line and the diagram in the presentation shows the area where a six-foot closed fence is allowed by right. Staff also added that as a Board you could find a middle ground through a condition to reduce the amount of relief and meet some of the requirements for the special exception.

Ms. Christensen added to staff's response that the setback is determined by the adjacent properties having their primary fronts on Bayliss Drive which triggers this larger setback. If it were the adjacent properties' secondary fronts it would only be a 2.00-foot required setback.

Ms. Eveland asked about the distance between the secondary front building wall and the secondary front property line.

Staff stated the distance was 26.00 feet and the 6.00-foot fence would have to be located half the distance in order to comply.

Ms. Eveland asked the applicant if that distance would be possible and if it would disturb the apple tree.

The applicant responded it would disturb two trees as the proposed setback would go right through them.

Ms. Justus asked staff if you could add conditions to the latitude of the fence and that they could make a 4.00-foot fence with two additional feet on top that meets the 50 percent openness requirement.

Staff agreed with Mr. Justus the Board could add that condition of approval.

Mr. Patel asked staff if the fence would be located behind the gazebo and asked if the gazebo would have to move to accommodate the fence and therefore should be reviewed by the board together.

Staff stated they are two separate requests and that they can be reviewed separately.

Mr. Foley mentioned to Mr. Patel that a 4.00 foot fence was previously in this location and was reconstructed out of compliance by being six foot and closed. That the fence could be altered back to what was previously there or amended to lessen the relief requested.

Mr. Patel asked Mr. Justus to explain his proposed condition again.

Mr. Justus explained that by providing a 4.00 foot solid fence with 2.00 feet on top being at least 50 percent open it would help solve the light and air concerns and provide the applicant with the privacy they needed. He said the portion of the fence around the gazebo with the louvers provides some openness that he wishes to be extended along the rest of the fence.

Mr. Patel asked staff if there was a process for the applicant to request this yard be considered a side yard.

Staff responded that there is no such process as this corner lots are defined as having two front yards.

Mr. Foley said with the special exception there was more freedom for them to make conditions and find ways to make the fence to meet the criteria for a special exception.

Mr. Patel added that a 4.00 foot fence wouldn't do anything for the applicant and due to the topography of the lot wouldn't provide any privacy due to the visibility of the yard from the public right of way. He also added that the adjacent neighbor submitted a letter of support for the fence.

Mr. Justus asked staff if the backyard fence was in compliance.

Staff stated the rear fence is in compliance but the first 13.00 feet off of Bayliss Drive is not in compliance because its location is in the secondary front yard.

Ms. Eveland asked staff since this is a special exception, could we adjust the fence to allow it within the secondary front yard.

Staff agreed that the Board could adjust the fence to allow it within the secondary front yard with the approval of the special exception with conditions.

Mr. Patel added the fence looks like it fits within the character of the neighborhood and that it had been there for nearly ten years.

Staff interjected to let the Board know the fence was recently constructed within the last year.

Mr. Patel asked for the fence to be deferred alongside the gazebo as the two are connected.

Mr. Foley said the two requests are separate and will be reviewed and voted on separately.

5. BZA2026-00002  
1030 Cross Drive

Public Hearing and consideration of a request for a Variance an after-the-fact accessory structure in the required secondary front yard; zoned: R-8/Residential.

Applicant: Jonathan and Tracy Mapley-Brittle

**BOARD OF ZONING APPEALS ACTION, APRIL 13, 2026:** On a motion by Mr. Patel, seconded by Ms. Bauman, the Board of Zoning Appeals voted to defer the variance for the request to be heard by a full Board. The motion to defer was approved by a vote of 6 to 0.

Reason: The Board agreed to defer the variance to allow the case to be heard by a full Board.

Speakers:

Jonathan Mapley-Brittle, property owner, made the presentation.

Discussion:

Mr. Patel asked staff to show the photo of the accessory structure and asked if the structure

is forward of the front door.

Staff responded that it's located in the secondary front and is off of the side door. Staff also added that it's behind the primary front building wall so the only relief would be from secondary front yard setback.

Mr. Patel asked if the adjacent properties on Bayliss Drive are primary fronts or secondary fronts.

Staff responded that the adjacent properties were primary fronts.

Ms. Eveland asked the applicant when the structure was constructed

The applicant responded that the structure was built in December 2018 over the existing deck.

Ms. Bauman asked staff if the gazebo required a permit in 2018.

Staff responded that Code Administration determines whether a building permit is required. Code Administration's comments in the staff report reflect this would require a building permit. Staff also included that since 2018, the Zoning Ordinance has changed to be more permissive of some accessory structures in required yards, including pergolas with an 80 percent open, but this current structure is not a permitted obstruction per the Zoning Ordinance.

Mr. Foley asked staff about the impact to the contextual blockface if the accessory structure located within the required yard were to be approved.

Staff responded by stating the reduction of the front yard by granting the variance would reduce the minimum primary or secondary front yard setback for all properties within the contextual blockface of the applicant to 0.00 feet. This would allow them to build onto their primary structure, build an accessory structure or construct a new dwelling right up to the property line.

Mr. Justus followed up by asking if the secondary front yard setback would set a precedent for the adjacent primary fronts.

Staff confirmed that the adjacent properties in the contextual blockface would have a minimum of 0.00 feet for a required primary front yard if the variance is approved.

The applicant stated the neighbors have maxed out their FAR and this wouldn't be an impact of the contextual blockface.

Mr. Patel asked if this type of reduction of a setback has happened before or would this be theoretical.

Staff could not recall a similar variance request to reduce the required front yard to 0.00 feet, but we have seen requests to reduce the front yard setback.

Mr. Patel followed up asking staff if they had provided the applicant with alternatives that could be built within the secondary front.

Staff stated that we do allow pergolas in the required yard, but it would have to meet the conditions in the Zoning Ordinance which include opening the roof to being 80 percent open. The applicant would still have to get the encroachment, but it would be permitted by right.

Ms. Bauman asked staff if we received letters in support from the adjacent neighbor and others from others in the contextual blockface of the subject property.

Mr. Patel asked if we had information on the complaint.

Staff brought up that Alex 311 complaints are submitted anonymously and once a complaint is submitted we do an inspection to determine compliance with the Zoning Ordinance.

Mr. Foley stated he wanted to get to a yes on the criteria for the variance, but the Board would need to go through the criteria to find out if it meets each of the criteria.

Ms. Eveland asked the applicant if they considered working with staff to have a structure that would be allowed within the required setback.

The applicant said they believe pergolas are useless structures and wouldn't meet the requirements they would need of the space.

Mr. Foley asked staff if they could attach the structure to the house and allow it within the required yard.

Staff stated they could have a front porch, but they couldn't attach this structure to make it a front porch as it wouldn't meet the front porch requirements that allow you to have one in a required yard. A 10.00-foot deep porch can be located in a required front yard as long as it does not reduce the front yard to less than 10.00 feet.

Mr. Patel asked staff to bring up the criteria for the variance and asked for staff's explanation of numbers three and four on the list.

Staff explained that the hardship they were requesting relief from which was created by the applicant's construction of the accessory structure within the required setback and further explained that the structure is detrimental to the neighborhood because it will change the required front setback for properties within the contextual blockface and locating this type of accessory structure in a required front yard is out of character for the area.

Mr. Patel asked how staff would take that into consideration with the inclusion of letters of support from the neighbors.

Staff responded by including that letters of support are great, but staff's recommendation is based on an analysis of the standards for a variance. Staff also stated neighbors change over time and that neighborhood support cannot be the only reason to approve a variance.

Ms. Eveland asked staff if there is a statute of limitation on the structure since it's been there

since 2018.

Staff responded that the Department is compliant driven with only two inspectors for the city. Therefore, when a compliant comes in staff must follow up on it no matter how long it has been there.

Mr. Patel asked about who makes the decision to appeal a BZA decision.

Staff responded that the Director of Planning and Zoning and the City Attorney's Office discuss any potential appeal, but also any aggrieved person may appeal a decision of the BZA.

Mr. Foley indicated that he wants to say yes but that an attached porch would have been the right move since it would have complied with Zoning and given them the same benefit the current accessory structure provides.

Mr. Foley reminded the Board of a previous case requesting an after-the-fact accessory structure where the variance was denied.

Ms. Bauman asked staff how large the structure was.

Staff responded that the overall size of the accessory structure is 256 square feet.

Ms. Bauman followed up asking staff if the structure had electrical to which staff said there was.

Mr. Justus agreed with Mr. Foley on the idea of personal feeling he wanted to get to a yes but felt he couldn't reach it based on the criteria. He added that it was a well built structure and that alternatives the applicant could take would still have their drawbacks and effect on the immediate neighbors.

Mr. Burke stated the case that Mr. Foley mentioned is important as it has shown why there haven't been a lot of variance requests for similar structures. By approving this variance, it would set a precedent for future development and the cases they see going forward.

Mr. Patel stated he would support the request and applauded the applicant for doing his research on whether a building permit was required. He added the Board could make determinations on each case going forward if more variances of this nature come forward.

Ms. Bauman agreed with Mr. Patel's desire to get to a yes. However, she added that Code Administration has said that a building permit would be required. She also included she had a hard time determining that the request met all the standards for a variance.

Mr. Foley stated that he was on the fence and leaning towards a no. He included that Mr. Patel could convince him to a yes.

Mr. Patel presented to the other members of the board his stance the structure has been there for nearly ten years without a major impact to the neighbors and that he failed to see why this would be an issue.

Ms. Eveland appreciated the thought process of Mr. Patel but didn't feel she could refute staff's breakdown of the criteria. She added that she was sorry the applicant had to make this request because it had received an anonymous complaint from 311 and it had already been there for nearly a decade.

Mr. Justus asked staff if in 2018 a building permit would have been required.

Staff responded that Code Administration determines when a building permit is required. However, regardless of the need for a building permit the structure is still required to meet the requirements of the Zoning Ordinance. Staff added that a gazebo is permitted on a property as an accessory structure, but it's not listed on the list of permitted obstructions that are allowed in a required yard.

Mr. Burke asked staff if the roofline was connected to the house, would it change how the structure is viewed.

Staff stated it would change to a porch but would far exceed what is allowed as permitted obstruction for a porch.

Staff explained to Board and the applicant that if the request does not receive four affirmative votes the request will be denied and would not be able to come back to the Board for a year. Also, the Board could offer a deferral to the applicant to explore other options.

Mr. Foley asked the applicant if they had a reason to defer.

The applicant asked if a deferral could be granted to see if a building permit would be required.

Mr. Foley stated he was not in favor of granting a deferral for that reason.

Mr. Patel if the applicant would want to defer to have the full board present to hear their case.

The applicant agreed that they would want to defer to be heard by the full board.

Staff made a comment that they can never guarantee a full board present and if they would like to docket this for the next hearing in May.

Mr. Foley argued that they have done in the past for previous cases and that one case went on for over a year before it was heard by a full board.

## **MINUTES**

- 6.** Consideration of the Minutes from the February 9, 2026, Board of Zoning Appeals Public Hearing.

**BOARD OF ZONING APPEALS ACTION, APRIL 13, 2026:** By unanimous consent, the Board of Zoning Appeals approved the minutes, as submitted.

**OTHER BUSINESS**

None.

**ADJOURNMENT**

7. The Board of Zoning Appeals meeting was adjourned at 9:16 p.m.