

BOARD OF ZONING APPEALS
PUBLIC HEARING MINUTES

The regular meeting of the Board of Zoning Appeals was held on
Monday, June 12, 2023, 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 and on file in the Department of Planning and Zoning.

Members Present: Tim Foley, Chair
 Dawn Bauman, Vice Chair
 Kimberlee Eveland
 Paul Liu
 Raj Patel (participating remotely)
 Jon Waclawski

Members Absent: Quynn Nguyen, excused

Staff Present: Mary Christesen, Department of Planning & Zoning
 Alexa Powell, Department of Planning and Zoning
 Sean Killion, Department of Planning and Zoning
 Marlo Ford, Department of Planning & Zoning
 Molly Lambert, Department of Planning & Zoning
 Antoine Pierce, Department of Planning & Zoning

**A work session preceded the Public Hearing at 6:00 p.m. in the Council Workroom.
This work session provided legal training for the Board.**

1. CALL TO ORDER

Mr. Foley called the June 12, 2023, Board of Zoning Appeals to order at 7:05 p.m.

2. ANNOUNCEMENTS

None.

UNFINISHED BUSINESS AND ITEMS PREVIOUSLY DEFERRED

3. BZA #2022-00026

415 North Patrick Street

Public Hearing and consideration of a request for Variances to construct a two-story accessory building with garage in the required rear yard, by increasing the maximum allowable Floor Area; and exceeding one-third of the principal building’s gross floor area; zoned: RB/Residential Townhouse

Applicant: Kevin Reamer

BOARD OF ZONING APPEALS ACTION, JUNE 12, 2023: On a motion by Mr. Waclawski, seconded by Mrs. Eveland, the Board of Zoning Appeals voted to defer the requested variances. The motion carried on a vote of 6 to 0.

Reason to defer: To allow the applicant time to revise the request to reduce the amount of relief being requested from floor area, accessory structure definition, height, working to resolve neighbors’ concerns about the impact of a two-story structure to light and privacy, and to address concerns with regard to access and the turning movement.

Speakers:

Kevin Reamer, property owner, presented the case with information supporting the requested variances.

Yvonne Callahan, resident at 735 South Lee Street, spoke in opposition to the requested variances requesting for the BZA to deny all of the requested variances. Particularly Mrs. Callahan sited the access issues identified with regard to the turning radius, additional floor area, and the disproportional size of the accessory structure to the main dwelling. Mrs. Callahan refuted the applicant’s justification for the variance that there used to be a carriage house on the property stating that it is unlikely that any previous accessory structure on this lot was 20ft wide and two-stories tall.

Purcell Conway, spoke of behalf of his aunt, the property owner at 417 North Patrick Street, in opposition to the requested variances. Specific concerns cited by the speaker included potential impacts to the property including casting shade and loss of privacy of with the “overshadowing” nature of the two-story structure.

Discussion:

Mr. Waclawski noted that without the proposed structure the property could still be used residentially and the applicant would have the ability to build a smaller addition in compliance with the zoning ordinance. As such the presence of other reasonable approaches to achieve some of the applicant’s desires makes it difficult to support this request. In particular, Mr. Waclawski was concerned about the requested variances meeting the reasonableness standard,

in particular the requested increase in floor area and overall agreed with the analysis provided by staff to recommend denial.

Mrs. Eveland agreed with Mr. Waclawski and noted there appeared to be an opportunity for more creativity to achieve the some of the applicant's goals as it relates to providing some additional space. She encouraged reworking the proposal and suggested striking a compromise between what the applicant would like to do and what the city could find reasonable. As currently presented, she was unable to grant the necessary variances but might be able to consider support if certain revisions were made.

Mr. Liu did not find the applicant's argument to be compelling and indicated the applicant had not met the burden of proof to establish that this case met the standards outlined in the zoning ordinance to grant a variance. Mr. Liu noted his strong concern that if this case were approved it would set a precedent that all future requests for FAR increases would also be justifiable.

Mr. Foley empathized with the applicant regarding the need for more space with a growing family and understood the desire for a garage area. However, had concerns regarding the ability of the property owner to access the proposed garage with the narrowness of the alley and the needed turning radius. Mr. Foley also made the observation that there are very few two-story garages in the area but would be more inclined to support a one-story garage or if there must be a second story consider different architecture to accommodate the neighbors' specific concerns related to the shadow cast by the roof and removal of the exterior stair landing. Mr. Foley indicated that he could not support the application as presented.

Mr. Foley directed a question to staff with regards to whether the RB zone, in the Parker Gray Historic District, was inequitable as compared to the RM zone, located in the Old and Historic District. Mary Christesen responded that the RB zone is found throughout the city and has the same standards wherever property is zoned RB. While there are distinctions in the setbacks, FAR, and open space requirements between these zones they don't correspond exclusively to these two historic districts. There is not a specific FAR associated with the Parker Gray district.

Staff reminded the Board that a denial in this case would result in the inability of the applicant to present a substantially similar application for a year and suggested it may be preferable to ask the applicant if they wished to defer and work on amending the application to address the boards concerns.

Staff requested that the Board provide specific guidance as to how the applicant should revise this proposal. Mrs. Bauman indicated the three areas are substantial to increase FAR, accessory structure definition, and space needed for turning movement into the garage. Mrs. Eveland added the applicant should look at revising proposal to address ways to reduce the potential shadow from this structure onto neighboring properties. Mr. Foley wanted some changes in the architecture to reduce bulk and preferred to hear on the next submission from the neighbor that they were supportive of the application with a letter of support.

NEW BUSINESS

4. BZA #2023-00005
1020 Duke Street

Consideration of the Findings of Fact and Conclusions of Law for the May 8, 2023, BZA decision regarding the Appeal of a zoning violation for failure to obtain a Certificate of

Appropriateness for a 100 year old building; zoned: CD/Commercial Downtown
Appellant: Marc Greenberg

The Board requested amendments to the Findings of Fact and Conclusions of Law and that that staff bring back the amended document at the next public hearing.

5. BZA #2023-00008
7 West Wyatt Avenue
Public Hearing and consideration of a request for a Special Exception to construct a second-story addition in the required front yard; zoned: R-2-5/Residential Single- and Two-Family;
Applicant: Karen Conkey

BOARD OF ZONING APPEALS ACTION, JUNE 12, 2023: On a motion by Mr. Waclawski, seconded by Mr. Liu, 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 4 to 0. Ms. Bauman recused herself and Mr. Patel lost remote connection and did not vote.

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

Speakers:
Karen Conkey, architect, spoke on behalf of the applicant.

Discussion:
Ms. Eveland asked about the front building wall. Staff responded that the existing wall sits 1.70 feet in front on the lowest setback in the contextual block face. In order for the applicant to build over the existing front wall, they would need to seek a Special Exception for the existing noncomplying wall. The rest of the house complies.

Mr. Foley asked for any additional speakers. Staff advised the Board of the letters of support. Also, staff advised the Board that they spoke with the neighbor at 9 West Wyatt Avenue who asked staff to explain the request and what a Special Exception is.

6. BZA #2023-00007
304 Skyhill Road
Public Hearing and consideration of a request for a Special Exception to construct an attached garage with the vehicle opening facing the front yard along Skyhill Road and less than 8.00 feet from the front building wall; zoned: R-8/Residential Single-Family
Applicant: Shawn Nazemian

BOARD OF ZONING APPEALS ACTION, JUNE 12, 2023: On a motion by Ms. Bauman, seconded by Mr. Waclawski, 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 5 to 0. Mr. Patel lost remote connection and did not vote.

Reason: The Board agreed with the staff analysis that the request met the criteria for special

exception.

Speakers:

Shawn Nazemian, applicant, presented his case and answered questions.

Discussion:

Mr. Foley stated that this is a reasonable request and concurred with Staff's consideration for approval. He added that he also wished to see this get approved, believing there were no negatives to granting approval.

7. Consideration of the Minutes from the May 8, 2023, Board of Zoning Appeals Public Hearing.

BOARD OF ZONING APPEALS ACTION, JUNE 12, 2023: By unanimous consent, the Board of Zoning Appeals approved the minutes of the May 8, 2023 hearing, with grammatical edits by Mr. Liu. Mr. Patel lost remote connection and did not vote.

8. **ADDITIONAL BUSINESS**

None.

9. **ADJOURNMENT**

The Board of Zoning Appeals meeting was adjourned at 8:30 p.m.

