

BOARD OF ZONING APPEALS
PUBLIC HEARING MINUTES

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

Members Present: Lee Perna, Chair
 Tim Foley, Vice Chair
 Dawn Bauman
 Paul Liu
 Quynn Nguyen
 Jon Waclawski

Absent Members: Raj Patel

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. Perna called the December 12, 2022, Board of Zoning Appeals to order at 7:00 p.m.

ANNOUNCEMENTS

2. None.

The docket was reordered by unanimous consent to move new business before previously deferred business.

NEW BUSINESS

3. **BZA #2022-00022**
114 North Payne Street

Public Hearing and consideration of a request for a Variance for a second-story addition in the required side yards; zoned: CD/Commercial Downtown.

Applicant: John Savage

BOARD OF ZONING APPEALS ACTION DECEMBER 12, 2022: On a motion by Mr. Foley, seconded by Mr. Liu, the variance was approved subject to all applicable codes, ordinances, staff recommendations and conditions. The motion carried on a vote of 6 to 0.

Reason: The Board agreed the request met the definition and standards for a variance as outlined in the staff report.

Speakers:

John Savage, architect, made the presentation.

Discussion: Mr. Perna asked why this survey was more accurate than the past survey. Staff explained this is the most recent survey, and the applicant did have the surveyor recheck the property. Mr. Liu asked what criteria the Board of Architectural Review. Staff explained the BAR has design guidelines in their determination.

UNFINISHED BUSINESS AND ITEMS PREVIOUSLY DEFERRED

4. **BZA #2022-00017**
3 Washington Circle

Public Hearing and consideration of a request for a Variance to construct a screened porch in the required front yard facing Beverly Drive; zoned: R-8/Single-Family Residential. Applicant: John L. Bradley, Tr. And Joyce M. Bradley, Tr.

BOARD OF ZONING APPEALS ACTIONS DECEMBER 12, 2022: On a motion to defer by Mr. Wacławski, seconded by Ms. Bauman, the Board of Zoning Appeals did not defer the variance. The motion failed on a vote of 3-3.

On a motion to approve by Mr. Foley, seconded by Ms. Bauman, the Board of Zoning Appeals denied the requested variance. The motion failed on a vote of 3-3.

Reasons: The motion to defer was made to allow for the full Board to discuss the request, as one member was absent. The motion failed because Board members did not wish to discuss again and wanted to make a determination at this meeting.

The motion to approve failed because Mr. Perna, Ms. Nguyen, and Mr. Wacławski agreed with staff analysis. Mr. Foley, Ms. Bauman, and Mr. Liu disagreed with staff analysis because the shape of the corner lot is unique, and the front yard requirement causes an unreasonable restriction of the property.

Speakers:

Duncan Blair, made the presentation.

John and Joyce Bradley, applicants.

Discussion: Ms. Nguyen asked about the history of the noncomplying garage. Staff explained the garage existed since the 60's and 70's, and there was no history of a variance for the garage. Mr. Liu asked what the rationale for allowing open porches to obstruct front yards, but not screened porches. Staff responded that the regulation encourages open porches. Mr. Wacławski asked if a retractable screen would meet this regulation. Staff explained any screening that resulted in an enclosure would not meet the definition of open porch. Mr. Foley confirmed that without screening, a variance would not be required. Ms. Nguyen explained that the applicants could reduce the porch to meet the setback. Mr. Foley asked how the contextual block face was determined for corner lots. Staff explained the front yard is based on the front setbacks of the dwellings immediately adjacent to the subject property. The front yard can be anywhere within the range of these established front yards. Ms. Nguyen confirmed the proposal is currently not within the range of the contextual block face. Mr. Foley pointed out the garage is within this range.

Ms. Bauman asked Mr. Blair how the extreme topography was determined. Mr. Blair stated the front of the lot drops off severely on the east side and front of the property. Mr. Liu stated there is some flat land and the slope begins some distance away from Washington Street. Ms. Nguyen asked Mr. Blair how the size was determined. Mr. Blair stated the porch width frames the windows, the shape is a traditional rectangle, and the depth is not unreasonable. Mr. Wacławski asked Mr. Blair about the necessity of screens for his client. Mr. Blair stated the screens provide indoor/outdoor living space that is important to them. Mr. Perna asked what makes the rear patio an unsuitable location for the screened porch. Mr. Blair stated it would not be appropriate with the interior floor plan of the house and traditionally screened porches off the living room is consistent with the design of the house. Mr. Liu asked what the hindrance to the use of enjoyment for the applicants if the depth of the porch is reduced to comply with the front yard setback. Mr. Blair stated it would change the symmetry of the house and create a notch in the porch, which is not to the public benefit.

Mr. Bauman asked how staff evaluates the unique nature of the shape of a lot. Staff explained the lot width, depth, and square footage is reviewed as to whether it meets the minimum Zoning Ordinance requirements. The subject property meets all the minimum requirements, and the bowing of the lot provides them more space to build.

Mr. Foley stated that the location of the screened porch is architectural appropriate, and the odd shape of the lot creates a problem, and it is an unreasonable restriction when this is a common addition to this style of house. Mr. Liu stated he agreed with Mr. Foley but was concerned this would set a precedent for similar requests. Ms. Bauman asked whether the uniqueness of the lot and positioning of the house would not create precedent. Ms. Nguyen disagreed that the lot's uniqueness caused an unreasonable utilization, since the curve provided more buildable area, and the wood frame screened porch would cover the colonial brick and chimney and not be architecturally compatible. The applicants could still build a screened porch, if the depth was reduced, but the applicants are choosing not to build within the requirement. Mr. Wacławski stated it appears this is for design reasons but there are other reasonable accommodations the applicant could make that would be in compliance with the ordinance. Mr. Perna stated that Mr. Blair mentioned the encroachment has a diminished nature, however it would also take a diminished reduction to bring the porch into compliance. The porch is over 250 square feet, and a small reduction, shaping it into an arched façade would bring it into compliance. Relocating to another part of the property would bring the porch into compliance. The porch could not be screened. Ms. Nguyen added that similar cases have come before the Board, where the Board has denied because the applicants could construct a smaller addition.

Mr. Liu asked Mr. Blair to speak more to the unnecessary hardship. Mr. Blair stated complying with the setback would result in an unsymmetrical notch, and this design would not be to the public benefit. Mr. Liu asked for the perspective from the applicants, Mr. and Mrs. Bradley. Mrs. Bradley stated the curve of the setback would create a strange exterior, and a traditional rectangle was desired. The rear of the house already has a sunroom and patio and a porch would block the light. Mr. Wacławski stated the notch is not the only option, the symmetrical rectangle porch could be maintained if the depth is just reduced. Mr. Foley stated a certain amount of depth is needed for furniture and cutting off depth or corner reduces the utilization, and the design would be a detriment to the community. This is a small ask and the garage is already located within the setback, and if the lot was more square, the applicant would not need a variance. Ms. Nguyen said they could redesign the screened porch in a more aesthetic way, and if this is approved, this will change the range of the block face.

Ms. Bauman asked if the variance was approved, could they build anything within the setback? Staff stated the variance is for a screened porch and any changes would require a new request to the Board. Mr. Perna stated there is disagreement among the Board of whether there is an unreasonable restriction of the utilization of the property. Mr. Liu asked Ms. Nguyen if she could elaborate on the other aesthetically pleasing options. Ms. Nguyen responded that the applicants just need to reduce the depth of the porch, and they have plenty of other outdoor spaces and a 9-foot porch is more than enough. Mr. Liu asked if the chimney would hinder the space if the porch is reduced. Mr. Foley said a chimney is about two feet and with the reduction of the depth of the porch and addition of tables and chairs, this would obstruct the space on the porch. Ms. Nguyen commented that these are all choices and there are other options to have a larger porch or have smaller furniture.

Mr. Liu stated strictly enforcing the Zoning Ordinance does create an unnecessary hardship. Mr. Wacławski stated he agrees with the staff report that a screened porch is not a necessary addition and there are other options. Ms. Bauman stated changing the symmetry to comply would create a less desirable structure and is an unreasonable restriction. Ms. Nguyen stated that the applicants put the hardship on themselves with their chosen design.

MINUTES

6. Consideration of the minutes from the November 14, 2022, Board of Zoning Appeals Hearing.

BOARD OF ZONING APPEALS ACTION DECEMBER 12, 2022: By unanimous consent, the Board of Zoning Appeals approved the minutes of the November 1, 2022 hearing, as submitted.

ADDITIONAL BUSINESS

7. None.

ADJOURNMENT

8. The Board of Zoning Appeals meeting was adjourned at 8:42 p.m.