

MINUTES

The regular meeting of the Board of Zoning Appeals was held on
Thursday, October 13, 2016
at 7:30 P.M. in City Council Chambers, City Hall, Alexandria, Virginia.

The proceedings of the meeting were tape recorded; records of each case are on file in the Department of Planning and Zoning.

Members Present: Agnes Artemel
Jonathan Buono
Sean Kumar
Lee Perna
Tim Ramsey
Mark Yoo

Members Absent: Larry Altenburg

Staff Present: Alex Dambach, Planning & Zoning
Anh Vu, Planning & Zoning

CALL TO ORDER & ROLL CALL

1. The Board of Zoning Appeals hearing was called to order at 7:30 P.M. Mr. Altenburg was excused. All other members were present. Mr. Yoo was the acting chair.

NEW BUSINESS

2. BZA Case #2016-0011

13 East Masonic View Avenue

Applicant: Tamisha V. Carino & Jalyn Henton, property owners

Public hearing and consideration of a variance to construct a front porch in the required front yard on East Masonic View Avenue. zoned: R-2-5/ Single -and two family zone

Speakers:

Christine Kelly, the applicant, presented the case and answered questions from the Board.

Tamisha V. Carino, the property owner, answered questions from the Board.

Jennifer Henel, 12 E. Masonic View Avenue, property owner presented supporting statements to the Board.

Mr. Perna asked Ms. Kelly why she proposed an eight foot deep porch, which is the maximum porch depth that can be deducted from the FAR as opposed to a six foot deep porch. Ms. Kelly suggested that the eight foot depth would be appropriate for the size of the house and the proposed use.

Mr. Perna asked Ms. Kelly, would the property owner find a six foot deep porch unacceptable. Ms. Carino, the owner responded that she elected to maximize the porch depth to eight feet because it would allow her to make full use of the space and it would function as a front room to the home. The space would allow them to enjoy the porch and keep eyes on their children playing the street. In addition, many of the neighbors support the proposed project because they believe activities on the porch would help deter potential burglars. Ms. Carino commented that the neighborhood has been experiencing some car break-ins.

Mr. Perna asked Ms. Carino if she finds a six foot porch as opposed to an eight foot porch would not be useable in the fashion she'd envisioned. Ms. Carino replied, the eight foot porch would provide the adequate depth to entertain a party of two-three families.

Board Deliberation

Mr. Buono commented that the request does not appear to satisfactorily meet the variance standards of criteria 1 and 3 and he would have a hard time recommending approval.

Mr. Buono commented that the need for the variance is shared generally by other properties in the immediate vicinity. Only one property would not have to apply for the variance for a similar request. In addition, the hardship is not due to existing condition relating to the physical layout of the property. The hardship appears to be related to the regulation. There are alternative options available for the porticos and porches, even though those options are not the preferred options of the applicant.

Mr. Perna asked staff to explain the permitted obstruction of a six foot (depth) by nine foot (width) portico/porch. Would the six foot deep portico be permissible?

Staff responded that a provision was added to the infill regulation to allow a portico of six feet by nine feet to be located in the required front yard by right.

Mr. Yoo asked staff to explain the difference between a portico and a porch.

Staff responded that the difference is the width of the portico/porch. If the feature extends the full width the building then it would consider being a porch. Generally, a portico extends up to nine feet wide.

Mr. Perna asked staff to explain the building height, side yard setback and ratio of the proposed project.

Staff responded that the height is measured from the existing average grade to the eave of the building. The height of the proposed porch is one story and would meet the side yard setback and ratio.

Ms. Artemel commented that she sympathize with the request and understands the constraints of the variance process and regulations. The infill regulation was intended to make new construction be context appropriate for the neighborhood. The proposed porch design is context appropriate, but the regulation does not support it.

Mr. Ramsey commented that he visited the neighborhood and felt sympathy with the constraints of the variance process. Mr. Ramsey pointed out that he has the same concern as Mr. Perna regarding the proposed eight feet deep porch as opposed to the six feet deep porch. The eight feet porch appears to be more intrusive towards the sidewalks.

Mr. Kumar commented that he is also sympathetic and thanked staff the preparing the case report. Mr. Kumar is concern about setting precedence if the Board were to grant approval. The eight feet variance request is significant as opposed to one or two feet. The request could have a major impact on the street and affect the average prevailing and future requests. There are alternative options available for the porticos and porches without obtaining a variance. Mr. Kumar commented the proposed rear addition appears to maximize the FAR as well.

Mr. Yoo commented that he lives in the neighborhood. He suggested that there are many properties in the neighborhood with front porches located very close to the sidewalk. If the subject property is located on a particular block then the front yard setback would not be an issue. The proposed design is in keeping with the neighborhood, but it is in conflict with the infill regulation.

Mr. Yoo agreed with the Perna and Mr. Buono that the request would not be considered a hardship.

Mr. Perna commented that he is in favor of the front porch design and recognized that the City wants to encourage the construction of them. He feels that a five or six foot deep porch is not completely unusable. He would not support the reduction of setback to the scale of the request, but would considered a lesser number.

Mr. Perna asked Ms. Kelly a question before the board proceeded with a motion. Mr. Perna asked if she would consider deferring the case and reconsidering the design.

Ms. Kelly responded yes and requested to Mr. Yoo for the case to be deferred.

Mr. Yoo commented that Ms. Kelly has lost the opportunity to make the request prior to the start of the meeting. The deferred would have to come from a board member.

Mr. Perna made a motion for the applicant to defer the case and reconsider the design of the project.

Ms. Artemel seconded.

Mr. Kumar commented that the applicant already conveyed that they were not interested in a smaller porch. The applicant had the opportunity to work with staff on the design and size of the porch, but they expressed interested in a larger porch.

Mr. Buono commented that he appreciates the Board consideration to allow the case to be defer to allow the applicant to modify their design. He expressed concern regarding the project meeting the standards of the variance for the Board to vote by in order to approve the request.

Board of Zoning Appeals Action:

Mr. Yoo made a motion to vote. The motion to defer BZA case #2016-0011 carried on a vote of 4-2 with Mr. Kumar and Mr. Yoo dissenting and Mr. Altenburg absent.

3. BZA Case #2016-0012

311 A East Windsor Avenue

Applicant: Jillian Penndorf, owner

Public hearing and consideration of a request for a Special Exception to construct an addition within the required side yard; zoned: R-2-5/ Single and two-family zone.

If the request is granted, the Board of Zoning Appeals will be granting a special exception from section 12-102(A) of the zoning ordinance - relating to the physical enlargement of a non-complying structure

Speakers:

Christopher Penndorf, the property owner and architect for the project, presented the case and answered questions from the Board.

Mr. Buono commented that the existing side yard setback is 8.60 feet. The proposed side yard setback is 9.10 feet (0.50 foot difference).

Mr. Penndorf confirmed with Mr. Buono the 0.50 foot difference in the existing and proposed side yard setback.

Julie Clifford and John Hanson, 312 E Howell Avenue, property owners presented their concern regarding possible drainage issue the proposed project might impact her property. Ms. Clifford referenced T&ES comment no. 3 in the staff report. She requested that if the board were to grant the special exception, T&ES comment no. 3 would be a condition of the special exception. Ms. Clifford expressed concern of potential storm water run-off from the subject property onto her property. A grading plan is not required for the proposed project. Ms. Clifford commented that she is not opposed to the special exception request for the side yard setback.

Mr. Yoo asked if Mr. Hanson would like to speak. Mr. Hanson declined.

Mr. Yoo asked Mr. Penndorf to address Ms. Clifford's concerns. Mr. Penndorf commented that he and Ms. Clifford have exchanged email regarding the drainage issue. Mr. Penndorf commented that the subject property presently have stormwater retention issue. A component of the proposed project would be to mitigate the stormwater issue for the subject property and neighboring properties. Mr. Penndorf commented that the proposed addition would not contribute additional water run-off. Mr. Penndorf suggested he hope to address the existing drainage issue by working with a general contractor and landscape contractor to come up with possible solutions. It was suggested a perforated French drain be installed to mitigate the existing issue. Mr. Penndorf is investing cost to install a water collection system. The new addition would be channeled directly into the City stormwater system if the invert elevation permits. The storm drain is located in the rear of the subject property. Or the addition would be daylight to grade towards Windsor Avenue; install a rain barrel on the west side of the property; any overflow would be retained on the subject property.

Board Deliberation

Mr. Ramsey asked staff to explain the Planning and Zoning Department role in reviewing building permit applications as it relates to runoff.

Staff responded that the storm water mitigation plan would be thoroughly reviewed and approved T&ES staff.

Mr. Buono commented that the City Code require stormwater run-off to be channeled towards the backyard and percolate into the soil.

Mr. Ramsey made the motion to approve the special exception as written.

Mr. Buono seconded.

Mr. Yoo made a motion to vote to approve the special exception as written. The motion to approve BZA case #2016-0012 carried on a vote of 6-0 with Mr. Altenburg absent.

OTHER BUSINESS

4. Mr. Perna inquired to staff whether a determination had been made regarding party walls in reference to BZA Case #2016-0007 that was heard at the May Board of Zoning Appeals Hearing. Staff announced that a determination would be provided at the November Board of Zoning Appeals hearing.

MINUTES

5. Consideration of the minutes from the June 9, 2016 Board of Zoning Appeals hearing.

Board of Zoning Appeals Action: On a motion by Mr. Buono, seconded by Mr. Ramsey, the Board of Zoning Appeals voted to approve the minutes from the June 9, 2016 hearing as submitted. The motion carried on a vote of 5-0, with Mr. Kumar abstaining and Mr. Altenburg absent.

ADJOURNMENT

6. The Board of Zoning Appeals hearing was adjourned at 8:22 P.M.

Mr. Buono thanked staff for resolving BZA items/calendar issues.

Mr. Dambach introduced a new planning staff, Ms. Vu to the Board.