

BOARD OF ZONING APPEALS PUBLIC HEARING MINUTES

The regular meeting of the Board of Zoning Appeals was held on
Thursday, February 8, 2018
At 7:30 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.

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| Members Present: | Laurence Altenburg, Chair Jonathan Buono Walter Marlowe Lee Perna Mark Yoo |
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| Members Absent: | Daniel Poretz Timothy Ramsey |
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| Staff Present: | Mary Christesen, Planning & Zoning Marlo Ford, Planning & Zoning |
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CALL TO ORDER AND ROLL CALL

1. Chairman Altenburg called the February 8, 2018 Board of Zoning Appeals to order at 7:30pm. Mr. Poretz and Mr. Ramsey were absent. Meeting had a quorum. Public informed that the applicants must have four affirmative votes.

NEW BUSINESS

2. BZA Case # 2017-0032
3841 Elbert Avenue
Public hearing and consideration of a request for an after-the-fact variance to allow a fence taller than 6.00 feet in the required side and rear yards to remain; zoned RB/Residential Townhouse. Applicant: Sean Kumar, owner

BOARD OF ZONING APPEALS ACTION: On a motion made by Mr. Perna, seconded by Mr. Buono the Board of Zoning Appeals moved to defer the case to a future date.

The motion to deferred carried on a vote of 5 to 0 with Mr. Poretz and Mr. Ramsey absent.

Reason: Applicant requested a deferral to a future hearing.

3. BZA Case #2017-0037
622 Pulman Place
Place Public hearing and consideration of a request for a special exception for an open front porch in the required front yard. 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 front porch; zoned R-8/Residential Single-family. Applicant: Jonathan & Michelle Hoganson, represented by James L. Palmer, architect.

BOARD OF ZONING APPEALS ACTION: On a motion made by Mr. Yoo, seconded by Mr. Marlowe the Board of Zoning Appeals moved to approve special exception for a front porch subject to all applicable codes, ordinances, and staff recommendations.

The motion to approve carried on a vote of 5 to 0 with Mr. Poretz and Mr. Ramsey absent.

Speakers:

James Palmer, Architect presented the case and fielded any questions from the Board.

Reason: The application met the criteria for a special exception as outlined in the staff report.

4. BZA Case #2017-0039

2428 Taylor Avenue

Public hearing and consideration of request for special exception to construct a second story floor addition over the first floor in the required secondary front yard facing Virginia Avenue. 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; zoned R-8/Single-family. Applicants: Joseph & Jennifer Hartenstine, represented by Kim A. Beasley, architect.

BOARD OF ZONING APPEALS ACTION: On a motion made by Mr. Buono, seconded by Mr. Perna, the Board of Zoning Appeals moved to postpone this case to the March meeting with the caveat that the Board receives additional clarification regarding the special exception section of the code.

The motion to postpone carried on a vote of 5 to 0 with Mr. Poretz and Mr. Ramsey absent.

Reason: The Board postponed the case to allow staff time to review the special exception criteria with the City Attorney's Office and provide clarification to the Board at the next hearing.

Discussion: Mr. Perna asked the applicant to explain decision for step back of the wall versus continuing the linear wall of the existing house.

The applicant indicated that because house is at the angle and perpendicular to Taylor Avenue, any proposal going straight back would be in violation of the average setback and because of the angle of the lot would come closer to the property line than the existing noncomplying wall. Staff added that a proposal coming closer to the property line would be a variance rather than a special exception.

Mr. Yoo asked staff to clarify the portion of the house that is in the vision clearance and if this special exception also includes the expansion of the vision clearance.

Staff advised that Board that there is a staff guidance memo that specifically addresses second story additions that are located in vision clearances triangles. The idea is that the second story is not further obstructing the vision clearance area, therefore there is no intensification of the existing noncomplying vision clearance.

Mr. Perna indicated that his understanding is that a plane is a two-dimensional shape and the portion of the house that sits forward of the average prevailing setback is three dimensional.

Staff indicated that the non-complying plane is established by the wall that is non-complying and that the most non-complying portion of the wall is the corner of the rear wall that faces Virginia Avenue. That tip is what creates the most non-compliant portion of the dwelling; therefore, that creates the non-complying plane that runs parallel to Virginia

Avenue. If the applicant were to build along the existing wall, it would result in a request for a variance because the addition would be coming closer to the front property line of the existing wall because of the angle of the property.

Mr. Altenburg indicated that it was not clear as to why the case was a special exception because the extension of the existing wall does not occur. The understanding for special exception is that the extension of an existing wall and not the creation of a new one; therefore, the case is not a special exception but a variance.

Staff explained the plane is established by the most noncomplying portion of the noncomplying wall, in this case the corner. The applicant is proposing to expand along the established plane that runs parallel to Virginia Avenue.

Mr. Altenburg and Mr. Perna stated section 11-1302(B)(2) has been misinterpreted by staff and requested staff consult with the City Attorney on the matter.

Mr. Marlowe, Yoo and Buono agreed with staff's interpretation of section 11-1302 (B)(2). Mr. Buono indicated that the Board is at an impasse over definitions and interpretations, resulting in his motion to postpone.

After motion and vote, the Chair explained to the applicant the Board action was a postponement and not a deferral; therefore, the application cannot change between current hearing and the next.

Speakers:

Kim Beasley, Architect presented the case and acknowledge the quorum. In recognizing that there were only five of the seven board members and requested the opportunity for deferral if the case looks questionable. Applicant fielded any questions from the Board.

OTHER BUSINESS

5. Staff proposes a workshop with the Board of Zoning Appeals to discuss a proposed text amendment for porches. Meeting will be held on March 8, 2018 from 6 to 7pm.

Mr. Yoo asked staff if there would be a presentation to the new floor area ratio (FAR) text amendment that are being adopted. Staff indicated that it can be done in April. The meeting will be advertised.

MINUTES

Staff noted to the Board that the December 14, 2017 minutes were amended to remove typographical errors as requested by the Board at the January meeting. No vote was taken as the amended minutes were approved at the January meeting.

6. Consideration of the minutes from the January 11, 2018 Board of Zoning Appeals.

BOARD OF ZONING APPEALS ACTION: On a motion made by Mr. Perna, seconded by My Yoo, the Board of Zoning Appeals moved to approve the January 11, 2018 minutes on a vote of 4 to 0 to 1 with an abstention from Mr. Marlowe and with Mr. Perna and Mr. Ramsey absent.

ADJOURNMENT

7. The Board of Zoning Appeals hearing was adjourned at 8:32p.m.