

BOARD OF ZONING APPEALS PUBLIC HEARING MINUTES

The regular meeting of the Board of Zoning Appeals was held on
Thursday, June 14, 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.

Members Present: Laurence Altenburg, Chair
Jonathan Buono
Walter Marlowe
Lee Perna
Mark Yoo
Daniel Poretz
Timothy Ramsey

Staff Present:
Chrishaun Smith, Acting Zoning Manager, Planning & Zoning
Anna Franco, Planner, Planning & Zoning

CALL TO ORDER

1. Chairman Altenburg called the June 14, 2018 Board of Zoning Appeals to order at 7:30pm.

UNFINISHED BUSINESS AND ITEMS PREVIOUSLY DEFERRED

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; zone RB/Residential Townhouse. Applicant: Sean Kumar

BOARD OF ZONING APPEALS ACTION:

On a motion by Mr. Buono, seconded by Mr. Ramsey, the Board of Zoning Appeals voted to deny the variance request. The motion carried on a vote of 7 to 0.

Reason: The request did not meet the criteria for a variance as outlined in the staff report.

Discussion: During applicant questioning, Mr. Buono asked the applicant how many parking spaces are currently on the property and the applicant answered that there are two (2) parking spaces. Mr. Marlowe asked the applicant if fence vendors manufacture roll-up doors that are under six (6) feet and the applicant answered that they do not for vehicle clearance purposes.

During Staff questioning, Mr. Buono asked if the City would find a swing-out/swing-in gate problematic and Staff answered that it would not as the alley adjacent to the roll-up door is a private alley. In response to the applicant's statement that the height of the roll-up door is actually six (6) when using the average finished grade to measure height, Mr. Perna asked Staff to cite the Section of the Zoning Ordinance that states that average finished grade may only be used to measure height of building and not structures; a fence being a structure. Staff cited Section 2-119 of the Zoning Ordinance in response.

During Board discussion, Mr. Yoo mentioned there may be scenarios where an increase in fence height was approved between residential and commercial properties due to topographic differences. Chairman Altenburg stated that the Board has previously denied fence variations, even fence variation applications with unique topography. Mr. Marlowe believes the applicant has other gate options. Chairman Altenburg re-iterated Mr. Marlowe's statement explaining that a swing-in/swing-out gate is a viable alternative. Similarly, Mr. Buono stated that privacy may be reasonably achieved with alternative solutions or even the existing fence.

Speakers:

Sean Kumar, the property owner, presented the case.

3. BZA Case #2018-0005 & 0006
908 West Taylor Run Parkway
Public hearing and consideration of a request for an (A) after the fact special exception to retain an addition located within a required front yard and (B) a request for a variance to retain an addition located within a required side yard; zone R-8/ Single Family Zone.
Applicant: J. Morgan Greene

BOARD OF ZONING APPEALS ACTION: On a motion by Mr. Yoo, seconded by Mr. Buono, the Board of Zoning Appeals voted to deny the special exception. The motion carried on a vote of 7 to 0. On a motion by Mr. Ramsay, seconded by Mr. Buono, the Board of Zoning Appeals voted to deny the variance. The motion carried on a vote of 7 to 0.

Reason: The request did not meet the criteria for a special exception or variance as outlined in the staff report.

Discussion: Mr. Buono stated that he did not find that the applicant provided a clear argument to prove an environmental obstruction on the property and therefore did not meet the standards for a special exception to reduce the front yard setback. Mr. Yoo and Chairman Altenburg requested that planning staff coordinate with city code administration staff to rectify building code and property maintenance concerns on the property going forward.

Speakers:

Nancy Greene, wife of the property owner, presented the case.

NEW BUSINESS

4. BZA Case # 2018-0007
320 South Fairfax Street
Public hearing and consideration of a request for Variance request to construct a second-story addition in the required side yard; zone RM/Townhouse Zone.
Applicant: Ashley E and Samuel H. Chamberlain

BOARD OF ZONING APPEALS ACTION: On a motion by Mr. Perna, seconded by Mr. Poretz, the Board of Zoning Appeals voted to approve the variance request. The motion carried on a vote of 6 to 1. Mr. Buono dissented.

Reason to approve: Believed that the request for a variance was a reasonable deviation from the strict application of the zoning ordinance.

Reason for dissent: Mr. Buono voted to deny the variance on the basis that a proposed expansion to the rear that was in compliance with the zoning regulations could be constructed and would not unreasonably restrict the utilization of the property

Discussion: Mr. Yoo stated that if this request was being heard before the Board of Zoning Appeals and did not previously receive a variance, this request would have been processed as a special exception. Several board members stated that the request for the variance was a reasonable request for deviation from the zoning ordinance regulations.

Speakers:

Duncan W. Blair, attorney, representing the applicant, made the presentation

Leonard Calvert III, neighbor, spoke in favor of the variance request.

MINUTES

5. Consideration of the minutes from the May 10, 2018 Board of Zoning Appeals.

BOARD OF ZONING APPEALS ACTION: A motion by Mr. Perna, and second by Mr. Bouno the Board of Zoning Appeals voted to approve the minutes. The motion carried on a vote of 7 to 0.

ADJOURNMENT

6. The Board of Zoning Appeals hearing was adjourned at 9:11 p.m.