

BOARD OF ZONING APPEALS PUBLIC HEARING MINUTES

The regular meeting of the Board of Zoning Appeals was held on
Monday, December 10, 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
Mark Yoo
Lee Perna
Timothy Ramsey
Jonathan Buono
Walter Marlowe
Daniel Portez

Staff Present: Chrishaun Smith, Planning & Zoning
Tony LaColla, Planning & Zoning
Ashely Smith, Planning & Zoning

CALL TO ORDER

1. Chairman Altenburg called the December 10, 2018 Board of Zoning Appeals to order at 7:30pm.

NEW BUSINESS

2. BZA #2018- 0017
2804 Ridge Road Drive
Public hearing and consideration of a request for a special exception to construct a two-story addition in the required side 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 noncomplying structure;
zoned: R-8/ Single- family.
Applicant: Bruce & Susan Carlson

BOARD OF ZONING APPEALS ACTION, DECEMBER 10, 2018: On a motion by Mr. Yoo, seconded by Mr. Ramsey, the Board of Zoning Appeals voted to approve the special exception request subject to all applicable code requirements, ordinances, and permit conditions contained within the staff report. The motion carried on a vote of 7 to 0.

Reason: The Board believed that the special exception request was a reasonable deviation from the zoning ordinance for the construction of two story side addition.

Speakers: Bruce W. Carson, property owners presented the case.

Discussion: Mr. Yoo asked the applicant if the proposed two-story addition was any closer to the side yard property line than the existing one-story side addition. The applicant stated the proposed two-story addition was no closer to the side yard property line than the existing one-story addition.

3. BZA #2018-0018
1015 Duke Street
Public hearing and consideration of a request for a variance from the required front setback to convert an existing office building to a residential townhouse dwelling;
zoned: CL/Commercial Low.
Applicant: Steven & Maureen Saunders, represented by Betsy Gorman c/o Long & Foster

BOARD OF ZONING APPEALS ACTION, DECEMBER 10, 2018: On a motion by Mr. Marlowe, seconded by Mr. Ramsey, the Board of Zoning Appeals voted to approve the variance request subject to all applicable code requirements, ordinances, and permit conditions contained within the staff report. The motion carried on a vote of 7 to 0.

Reason: The Board agreed with staff analysis that the requested deviation from the required front setback to convert an existing office building to a residential townhouse dwelling met the criteria for a variance.

Speakers:

- Betsy Gorman, real estate agent representing the applicant, provide a presentation supporting the requested variance.
- Maureen Saunders, property owner, spoke in favor of the requested variance.

Discussion: Mr. Perna asked staff if all residential properties zoned CL in Old Town require a 20-foot front yard setback would this type of variance request be recurring in nature as to necessitate a text amendment. Staff indicated that all residential properties indeed requires a 20-foot front yard setback and staff is aware of this requirement any may begin addressing this type of concern in the very near future potentially with a text amendment. Mr. Yoo asked why a variance would be required for this property. Staff provided a zoning history of this property as it relates to its use, stating that while the property does allow for residential and certain commercial uses by right, each of these uses have different development standards, including setback requirements, FAR, and open space requirements. Because the property was converted from residential to commercial, it became complying to all development standards and in order to convert back to residential the property must seek a variance to meet all residential development standards.

4. BZA #2018-0019
970 N Paxton Street
Public hearing and consideration of a request for a variance to construct a garage with the vehicle opening facing the front yard; zone: R-8/Single family
Applicant: Joseph & Kimberly Scott

BOARD OF ZONING APPEALS ACTION, DECEMBER 10, 2018: On a motion by Mr. Marlowe, seconded by Mr. Yoo, the Board of Zoning Appeals voted to approve the variance request subject to all applicable code requirements, ordinances, and permit conditions contained within the staff report. The motion carried on a vote of 5 to 2, with Mr. Buono and Chairman Altenburg voting for denial.

Reason: The Board believed that the variance request a reasonable deviation from the zoning ordinance for the construction of a front loaded attached garage.

Speakers:

- Joseph Scott, property owner presented the case.
- Kevin Grim, neighbor, spoke in favor of the requested variance.
- Carolyn Meza, neighbor, spoke in favor of the requested variance.
- Carrie Schlosser, neighbor, spoke in favor of the requested variance.

Discussion: Chairman Altenburg asked about the intent of the 2008 infill regulations governing the construction attached front-loading garages for one and two-family residential dwellings. Staff stated the reason why this provision was created was to minimize front loaded garages on wider lots and to avoid having garage doors as a major feature on dwelling front facades.

OTHER BUSINESS

5. BZA #2018-0016 Findings of Fact
346 Commerce Street

Consideration of the Findings of Fact and Conclusions of Law for the October 11, 2018 BZA decision regarding the Appeal of the determination by the Planning Director that section 4-507(E) of the zoning ordinance requires the day care center at 346 Commerce Street to provide an adequate drop off and pick up plan.

Appellant: J S & Family, LLC

BOARD OF ZONING APPEALS ACTION: On a motion by Mr. Perna, seconded by Mr. Yoo to amend and approve the Finding of Fact. The motion carried on a vote of 7-0.

6. Presentation of the Board of Zoning Appeals Rules of Procedure.

BOARD OF ZONING APPEALS ACTION: On a motion by Mr. Ramsey, seconded by Mr. Marlowe, the Board of Zoning Appeals voted to accept the recommendations of the subcommittee. The motion carried on a vote of 7-0.

MINUTES

7. Consideration of the minutes from the October 11, 2018 Board of Zoning Appeals.

BOARD OF ZONING APPEALS ACTION, OCTOBER 11, 2018: On a motion by Mr. Perna, seconded by Buono, the Board of Zoning Appeals voted to approve the minutes as amended of the October 11, 2018 meeting, the motion carried on a vote of 7-0

ADJOURNMENT

8. The Board of Zoning Appeals hearing was adjourned at 9:07 p.m.