

# BOARD OF ZONING APPEALS PUBLIC HEARING MINUTES

The regular meeting of the Board of Zoning Appeals was held on  
Monday, June 17, 2019  
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](http://www.alexandriava.gov/dockets) and on file in the Department of Planning and Zoning.

Members Present: Mark Yoo, Acting Chair  
Erich Chan  
Lee Perna  
Daniel Poretz  
Timothy Ramsey

Absent Members: Laurence Altenburg

Staff Present: Tony LaColla, Planning & Zoning  
Mary Christesen, Planning & Zoning  
Shaun Smith, Planning & Zoning

## CALL TO ORDER

1. Chairman Altenburg called the June 17, 2019 Board of Zoning Appeals to order at 7:00pm.

## NEW BUSINESS

2. BZA#2019-00001

509 North Henry Street

Public hearing and consideration of a request for variances to construct a single-family dwelling in the required side yards and on a noncomplying lot with less lot area and frontage than required by the zone; zone: CSL/Commercial Service Low

Applicant: Adam and Andrea Fernandes

**BOARD OF ZONING APPEALS ACTION, JUNE 17, 2019:** On a motion by Mr. Ramsey, seconded by Mr. Perna, the Board of Zoning Appeals denied the variances. The motion carried on a vote of 4 to 1. Mr. Poretz dissented.

Reasons to deny: The Board voted to deny because it does not meet the legal requirements of a variance based on the following: (1) self-imposed hardship by the owner (2) a commonly shared issue by neighboring properties (3) detrimental to neighboring properties.

### Speakers:

Adam Fernandes, Applicant, presented the case

Christine Kelley, Architect, presented the case

Stephen Koenig, citizen, spoke in favor of the case because residential uses are allowed by right within the zone and the narrow 6-foot buildable strip should be considered a hardship and satisfies the requirements for a variance.

Rasoul Termeh, (via letter read by Lori Welsh) spoke in opposition to the case believes that the request for this amount of variances is excessive and stated that he wishes to buy the property expand parking for his daycare facility to the south of the property. Requests that the request be denied or deferred.

Sandy O'Dea, neighbor, spoke in opposition to the case because her privacy will be invaded by the proposed home and has concerns that construction of this home may cause on her home and property; including flooding concerns.

Lori Welsh, neighbor, spoke in opposition to the case under the premise the lot size is substantially small and is out of scale with adjacent properties. Believes that the construction of this home would negatively impact adjacent property.

Karen Blaszkiewicz, neighbor, spoke in opposition to the case because it may impact parking access to her home if a portion of the asphalt alley is removed and may compromise the safety of getting her daughter out of her car if she has to park on the street.

Colonel Dan Koslov, neighbor, spoke in opposition to the case opposed to building a new single family home on the property because the request does not meet the criteria necessary for approval of this type of variance in the Zoning Ordinance.

Rachel Adcox, neighbor, spoke in opposition to the case due to parking concerns and the lack of a turning radius for the parking spaces.

Keith Clouser, neighbor, spoke in opposition to the case as the proposal does not take into account existing structures and opposed to any variance that would result in the removal of the alley.

Discussion:

Mr. Perna asked the applicant whether they were locked into their purchase contract, to which they responded that they still have the right to cancel the contract. Mr. Ramsey asked does opposition cause a change in the opinion of the variance requests from the staff. Staff stated that the majority of the opposition is in relation to the relocation of an alley that illegally encroaches on to the property in question and does not change staff's recommendation. Mr. Yoo asked if staff have information on the previous home on the property. Staff stated that while we do not have a lot of information on the previous home, we do have pictures that illustrate that the previous home was a modest 2 story building and was granted a Special Use Permit to operate a group home for young women. Mr. Chan asked would the tree that is located within the legal right of way the alley be removed if the physical location of the alley is relocated and would another tree be planted. Transportation and Environmental Services staff stated that the tree would be removed if the alley were relocated and another tree would not be planted. Mr. Perna inquired if a house may be located closer than 3 feet to a property line, and if this request violated the intent of a zoning ordinance regulation regulating the location of structures closer than 7 feet from a neighbor's window. Staff stated that the particular regulation in question pertains to the setback of accessory structures relative to property lines, not primary buildings. Mr. Poretz asked if the applicant has legal standing to apply for a variance if they are not the current property owners. Staff stated that the applicant is a contract purchaser of the property in question, with the expressed permission of the owners to make this request. Mr. Poretz motioned to approve the requested variances subject to the conditions and recommendations outlined within the staff report, however this motion died for lack of a second.

3. BZA #2019-00002

111 Franklin Street

Public hearing and consideration of a request for variances from the required side yards and required open space to convert an existing noncomplying office building to a two-family duplex dwelling; zone: RM/Townhouse Zone.

Applicant: M & M Real Estate, LLC, represented by David Millard

BOARD OF ZONING APPEALS ACTION, JUNE 17, 2019: On the motion by Mr. Perna, seconded by Mr. Chan the variances were approved exception subject to all applicable codes, ordinances and staff recommendations and the condition the no windows be added the east façade. The motion carried on a vote of 5 to 0.

Reason: The Board agreed with the staff analysis that the request met the standards for variances.

Speakers:

Ken Wire, attorney for the applicant, made the presentation.

Discussion: Mr. Perna commented that the current office use is inconsistent with the neighborhood.

4. BZA#2019-00003

710 Grandview Drive

Public hearing and consideration of a request for a special exception to construct a one-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 Residential.

Applicant: Christine A. Kelly, architect

**BOARD OF ZONING APPEALS ACTION, JUNE 17, 2019:** On a motion by Mr. Perna, seconded by Mr. Ramsey, the Board of Zoning Appeals approved the special exception subject to all applicable codes, ordinances and staff recommendations. The motion carried on a vote of 5 to 0.

Reason: The Board agreed with staff analysis that the application met the criteria for a special exception.

Speakers:

Thomas Myers, property owner, presented case.

Christine Kelley, architect, presented the case.

**MINUTES**

5. Consideration of the minutes from the May 13, 2019 Board of Zoning Appeals meeting.

**BOARD OF ZONING APPEALS ACTION, JUNE 17, 2019:** On the motion by Mr. Perna, seconded by Mr. Poretz, the Board of Zoning Appeals voted to approve the minutes as submitted. The motion carried on a vote of 4 to 0. Mr. Ramsey abstained.

**OTHER BUSINESS**

None

**ADJOURNMENT**

6. The Board of Zoning Appeals hearing was adjourned at 8:46 p.m.