

BOARD OF ZONING APPEALS PUBLIC HEARING MINUTES

The regular meeting of the Board of Zoning Appeals was held on
Monday, July 8, 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 and on file in the Department of Planning & Zoning.

Members Present: Laurence Altenburg, Chair
Erich Chan
Lee Perna
Timothy Ramsey

Absent Members: Mark Yoo, Vice Chair
Daniel Poretz

Staff Present: Shaun Smith, Planning & Zoning
Sam Shelby, Planning & Zoning

CALL TO ORDER

1. Mr. Altenburg called the July 8, 2019 Board of Zoning Appeals to order at 7:00 p.m.

NEW BUSINESS

2. BZA #2019-0004
319 Prince Street
Public hearing and consideration of a request for variances from the required rear and side yards to construct a roof deck and guards; zoned CD/Commercial Downtown.
Applicant: Marc Bendick and Mary Lou Egan

BOARD OF ZONING APPEALS ACTION, JULY 8, 2019: On a motion by Mr. Perna, seconded by Mr. Ramsey, the Board of Zoning Appeals voted to approve BZA #2019-0004 subject to all applicable codes, ordinances and staff recommendations. The motion carried on a vote of 4 to 0 with Mr. Yoo and Mr. Poretz absent.

Reason: The Board agreed with staff analysis.

Speakers:

Duncan Blair, attorney representing the applicants, presented the case and answered questions from the Board.

Patrick Camus, project architect, answered questions from the Board.

Discussion:

Mr. Ramsey spoke in support of the request and confirmed with the architect that the proposed roof structures would not be visible from the street.

Mr. Altenburg asked staff to explain why a variance would be required for the proposal given the fact that the proposed roof structures would provide greater setbacks than those of the existing dwelling. He felt that the previous variance approval should allow for the proposed roof structures without another variance because the proposal would not further reduce the existing setbacks.

Staff explained that because the proposed roof structures are located in the required yards, and because they taller than the existing dwelling, in spite of the previous variance approval, Zoning Ordinance section 11-107 applies and states that variance approval is required.

Mr. Perna asked staff if the previous variance specified that the structure not be expanded beyond the dwelling as proposed in 1988. Staff reiterated that section 11-1107 requires additional variance approval in this case because the structures proposed would add height to the existing dwelling within its required yards.

Mr. Altenburg continued that a by-right addition could be constructed up to 35 feet. He felt that the City imposed a burdensome process on the applicant without good reason. He

disagreed with staff's determination that a variance was required for the project, stating it was not proper and unreasonable.

Mr. Perna echoed Mr. Altenburg's concerns and further stated that because the proposed structures would be within the area approved by the previous approval, the variance is not necessary.

MINUTES

3. Consideration of the minutes from the June 17, 2019 Board of Zoning Appeals meeting.

BOARD OF ZONING APPEALS ACTION, JULY 8, 2019: On the motion by Mr. Perna seconded by Mr. Ramsey; the Board of Zoning Appeals voted to approve the minutes as amended. The motion carried on a vote of 4 to 0.

OTHER BUSINESS

None

ADJOURNMENT

4. The Board of Zoning Appeals hearing was adjourned at 7:23 p.m.