

## **BOARD OF ZONING APPEALS PUBLIC HEARING MINUTES**

The regular meeting of the Board of Zoning Appeals was held on  
Monday, June 8, 2020 at 7:00 p.m.

Due to the COVID-19 Pandemic emergency, the Board of Zoning Appeals (BZA) was held electronically pursuant to Virginia Code Section 2.2-3708.2(A)(3), the Continuity of Government ordinance adopted by the City Council on April 18, 2020 or Sections 4-0.00(g) in HB29 and HB30 to undertake essential business. All members of the Board and staff participated from remote locations through Zoom Webinar.

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 & Zoning.

Members Present: Laurence Altenburg, Chair  
Mark Yoo, Vice Chair  
Lee Perna, Secretary  
Erich Chan  
Quynn Nguyen  
Daniel Poretz

Staff Present: Karl Moritz, Director, Department of Planning & Zoning  
Tony LaColla, Department of Planning & Zoning  
Mary Christesen, Department of Planning & Zoning  
Marlo Ford, Department of Planning & Zoning  
Alexa Powell, Department of Planning & Zoning  
Sam Shelby, Department of Planning & Zoning  
Kaliah Lewis, Department of Planning & Zoning  
Christina Brown, City Attorney's Office

## CALL TO ORDER

1. Mr. Altenburg called the June 8, 2020 Board of Zoning Appeals to order at 7:00 p.m.
2. Electronic Participation Policy for Board of Zoning Appeals Hearings.

**BOARD OF ZONING APPEALS ACTION, JUNE 8, 2020:** On a motion to approve by Mr. Yoo, seconded by Mr. Perna, the Board of Zoning Appeals approved the electronic participation policy. The motion carried on a vote of 6 to 0.

## NEW BUSINESS

3. BZA #2020-00002  
107 E Windsor Ave  
Public Hearing and consideration of a request for Special Exceptions to construct a second-story addition and to increase the height of an existing front porch in the required side yard; zoned: RB/Townhouse.  
Applicant: Jonathan Renard and Kari McNair, Represented by Christopher Tucker.

**BOARD OF ZONING APPEALS ACTION, JUNE 8, 2020:** On a motion to approve by Mr. Yoo, seconded by Mr. Poretz, the Board of Zoning Appeals approved the two special exceptions subject to all applicable codes, ordinances and staff recommendations. The motion carried on a vote of 5 to 1. Ms. Nguyen dissented.

**Reason to approve:**

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

Mr. Yoo indicated that the Board of Zoning Appeal is not a board to make a decision based on character but the bulk and mass.

Chairman Altenburg indicated that there is reservation of Board of Architectural Review's encroaching role where it is unwarranted. For no other reason than it is identified as a contributing structure in the denial. This property should have been removed from the contributing structures list when the rear addition was constructed. Board is concerned with the selective nature of the Board of Architecture Review staff in the Town of Potomac.

**Dissenting Reason:**

Ms. Nguyen agreed with the staff analysis that the proposed addition would change the massing and character of the historic bungalow in the Town of Potomac Historic District.

**Speakers:**

Chris Tucker, architect, made the presentation.

Rod Kuckro, resident at 209 East Alexandria Avenue spoke in support of the request.

Kirk Steffensen, resident at 105 E. Windsor spoke in support of the request.

4. BZA #2020-00004

2403 Burke Ave

Public Hearing and consideration of a request for a Special Exception to construct a second-story rear addition in the required rear yard; zoned: R-2-5/Single and Two-Family.

Applicant: Kellyn Quill, Represented by Shane Heath

**BOARD OF ZONING APPEALS ACTION, JUNE 8, 2020:** On a motion to approve by Mr. Yoo, seconded by Ms. Nguyen, 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 6 to 0.

**Reason:**

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

**Speakers:**

Shane Heath, contractor, made the presentation.

5. BZA #2020-00006

413 North Washington Street

Public Hearing and consideration of a request for Variances from open space, front, rear and side setbacks to convert a building used for office to a single-family residential dwelling; zoned: CL/Commercial Low.

Applicant: Gwendolyn Jo and Ronald L Carlberg

**BOARD OF ZONING APPEALS ACTION, JUNE 8, 2020:** On a motion to approve by Mr. Perna, seconded by Mr. Poretz, the Board of Zoning Appeals approved the variance subject to all applicable codes, ordinances and staff recommendations. The motion carried on a vote of 6 to 0.

**Reason:**

The application met the criteria for a variance as outlined in the staff report.

**Speakers:**

Ronald Carlburg, the property owner, made the presentation.

6. BZA #2020-00007

3117 Circle Hill Road

Public Hearing and consideration of a request for a Special Exception to construct a second-story addition in the required side yard setback; zoned: R-8/Single Family.

Applicant: Timothy and Dana Born

**BOARD OF ZONING APPEALS ACTION, JUNE 8, 2020:** On a motion to approve by Mr. Yoo, seconded by Ms. Nguyen, 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 6 to 0.

Reason:

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

Speakers:

Timothy Born, the property owner, made the presentation.

7. BZA #2020-00008

320 East Monroe Avenue

Public Hearing and consideration of a request for a Variance to construct a second-story addition in the required secondary front yard facing DeWitt Avenue; zoned: R-2-5/Single and Two Family. Applicant: Katherine L. Gerhard

**BOARD OF ZONING APPEALS ACTION, JUNE 8, 2020:** On a motion to approve by Mr. Yoo, seconded by Mr. Poretz the Board of Zoning Appeals approved the variance subject to all applicable codes, ordinances and staff recommendations. The motion carried on a vote of 6 to 0.

Reason:

The application met the criteria for a variance as outlined in the staff report.

Speakers:

Gaver Nichols, architect, made the presentation.

Katherine L. Gerhard, the property owner, made the presentation.

8. BZA #2020-00001

1420 Key Drive

Public Hearing and consideration of an Appeal of a zoning violation warning for a sign; zoned: R-20/Single-Family.

Appellant: Vinson Brett Melvin

**BOARD OF ZONING APPEALS ACTION, JUNE 8, 2020:** On a motion to deny the appeal and uphold the director's determination by Mr. Perna, seconded by Mr. Yoo, the Board of Zoning Appeals denied the appeal. The motion carried on a vote of 5 to 1. Mr. Yoo dissented.

Mr. Perna and Ms. Nguyen asked staff about the enforcement policy and Mr. LaColla explained the Department's policy is complaint based largely due to staffing resources.

Mr. Yoo asked staff to clarify how it was determined that the sign advertised a location and which location it attracted attention to. Ms. Brown responded that it attracts attention to a location but stressed that ordinance is content neutral, and the sign cannot be read to make this decision.

Mr. Melvin stated that the sign does not meet all the criteria to be a sign, therefore it is simply a piece of artwork on his fence.

Mr. Yoo reiterated his concerns that the Zoning Ordinance definition is not clear and seems to be written in a content-based manor.

Mr. Perna and Ms. Nguyen stated this is a sign and the size is what is being regulated.

Mr. Altenburg stated that the content of the sign points to a specific location, Seminary Road. He also pointed out that the appellant referred to the object several times as a sign. Mr. Altenburg further stated that the applicant could have kept the sign content and reduced the size of the sign to comply.

Speakers:

Vincent Brett Melvin, appellant, made the presentation.

- He stated that the zoning violation warning notice issued to him was selective enforcement of the zoning ordinance based on the content of his sign.
- Argued that the object on his fence does not meet the Zoning Ordinance definition of a sign.
- Cited other signs City wide that are in violation of the Zoning Ordinance.

Christina Zechman Brown, Assistant City Attorney for the City of Alexandria, presented the findings of the Director of Planning and Zoning and a recommendation to uphold his determination.

9. BZA #2020-00009

1300 North Royal Street

Public Hearing and consideration of an Appeal of the Director's determination that GenOn does not qualify as an appellant under City Zoning Ordinance Section 11-1708(D)(1); zoned: UT/Utilities and Transportation. Applicant: GenOn Potomac River, LLC c/o Williams Mullen

Withdrawn by the appellant prior to the hearing.

**OTHER BUSINESS**

Mr. Yoo thanked Ms. Lewis for running a smooth meeting.

Mr. Altenburg announced that Mr. Ramsey would be resigning from the Board.

**MINUTES**

10. Consideration of the minutes from the January 13, 2020 Board of Zoning Appeals meeting.

**BOARD OF ZONING APPEALS ACTION, JUNE 8, 2020:** On the motion by Mr. Perna, seconded by Mr. Yoo, the Board of Zoning Appeals voted to approve the minutes as submitted. The motion carried on a vote of 6 to 0.

**ADJOURNMENT**

11. The Board of Zoning Appeals hearing was adjourned at 9:30 p.m.