

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

The regular meeting of the Board of Zoning Appeals was held on  
Monday, September 14, 2020 at 7:00 p.m.

Due to the COVID-19 Pandemic emergency, the September 14, 2020 meeting of the Board of Zoning Appeals (BZA) is being held electronically pursuant to Virginia Code Section 2.2-3708.2(A)(3), the Continuity of Government ordinance adopted by the City Council on June 20, 2020 or Sections 4-0.00(g) in HB29 and HB30 to undertake essential business. All members of the Board and staff are participating 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  
Jon Waclawski

Absent Members: None

Staff Present: Tony LaColla, Department of Planning & Zoning  
Mary Christesen, Department of Planning & Zoning  
Sam Shelby, Department of Planning & Zoning  
Marlo Ford, Department of Planning & Zoning  
Margaret Cooper, Department of Planning & Zoning  
Alexa, Powell, Department of Planning & Zoning  
Kaliah Lewis, Department of Planning & Zoning



## **CALL TO ORDER**

1. Mr. Altenburg called the September 14, 2020 Board of Zoning Appeals to order at 7:00 p.m.

## **NEW BUSINESS**

2. BZA #2020-00011  
108 West Bellefonte Avenue  
Public Hearing and consideration of a request for a Variance to construct a 7.00 foot privacy fence; zoned: R-5/Single-Family.  
Applicant: Paul Maykish

The applicant requested a deferral of this item prior to the hearing.

**BOARD OF ZONING APPEALS ACTION, SEPTEMBER 14, 2020:** On a motion to defer by Mr. Yoo, seconded by Mr. Perna, the Board of Zoning Appeals voted to defer the variance request. The motion carried on a vote of 7 to 0.

3. BZA #2020-00012  
110 West Bellefonte Avenue  
Public Hearing and consideration of a request for a Variance to construct a 7.00 foot privacy fence; zoned: R-5/Single-Family.  
Applicant: Badrinath Munipalla

The applicant requested a deferral of this item prior to the hearing.

**BOARD OF ZONING APPEALS ACTION, SEPTEMBER 14, 2020:** On a motion to defer by Mr. Yoo, seconded by Mr. Perna, the Board of Zoning Appeals voted to defer the variance request. The motion carried on a vote of 7 to 0.

4. BZA #2020-00013  
1221 Prince Street  
Public Hearing and consideration of a request for a Variance to construct a roof deck in the required side yards; zoned: CL/Commercial Low.  
Applicant: Matthew Newton

**BOARD OF ZONING APPEALS ACTION, SEPTEMBER 14, 2020:** On a motion to approve by Mr. Perna, and 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 7 to 0.

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

Mr. Altenburg asked staff to confirm that the proposed deck would not increase the structure's footprint. Staff confirmed that there would be no change to the existing footprint of the structure.

Speakers: Matt Newton, property owner, made the presentation.

5. BZA #2020-00014

401 Argyle Drive

Public Hearing and consideration of a Special Exception to construct a 6.00 foot fence in the secondary front yard on a corner lot; zoned: R-8/Single-Family. Applicant: Crislyn Lumia

BOARD OF ZONING APPEALS ACTION, SEPTEMBER 14, 2020: On a motion by Ms. Nguyen, the Board of Zoning Appeals moved to deny the request. The motion failed because it was not seconded.

On a motion by Mr. Poretz, seconded by Ms. Nguyen, the Board of Zoning Appeals moved to deny the request. Mr. Poretz withdrew the motion.

On a motion by Mr. Perna, seconded by Mr. Yoo, the Board of Zoning Appeals moved to table the motion until later in the meeting. The motion carried on a vote of 7 to 0.

On a motion by Mr. Perna, seconded by Mr. Yoo, the Board of Zoning Appeals moved to accept the applicant's request for a deferral. The motion carried on a vote of 7 to 0.

Reason:

The Board generally agreed with staff analysis. The request was tabled during the meeting to give the applicant time to discuss requesting a deferral with staff.

Mr. Altenburg asked for staff to explain why the request before the Board not a variance. Staff responded that the Zoning Ordinance allows for special exceptions for fences on corner lots only. The special exception process for fences on corner lots was created to allow for additional flexibility for uniquely configured corner lots.

Ms. Nguyen confirmed the location with staff where the applicant could construct a fence without special exception approval.

Mr. Altenburg confirmed with staff that the vision clearance requirements were met.

The request was submitted and reviewed prior to text changes to the Zoning Ordinance that were approved by City Council on September 12, 2020. These amendments included changes to the fence regulations. Mr. Perna asked the applicant if the amendments would eliminate the need for the special exception request. The applicant responded that area permitted by the amendments would be insufficient.

Mr. Yoo acknowledged the opposition to the applicant's request and stated that the six-foot fence would be too tall given the proximity to the secondary front lot line along the sidewalk.

Mr. Perna stated that an open fence could be less impactful to sight lines and neighborhood compatibility.

Ms. Nguyen and Mr. Perna confirmed with staff that an open fence must be 50 percent open.

Mr. Poretz asked staff to expand on the definition of a street wall. Staff responded that a street wall is not defined by the Zoning Ordinance but that fences and other structures can create excessive visual obstruction from the public right-of-way.

Mr. Altenburg asked staff to explain the fence requirements in more detail. Staff stated that the existing fence regulations were established in 1992 and have not substantially changed since that date. Mr. Altenburg confirmed that the changes to the fence regulations would not have relieved the applicant's need for a special exception.

Mr. Altenburg expressed concern about the proposed fence's compatibility with the neighborhood.

Mr. Perna asked staff to confirm the rules for fence regulations on corner lots. Staff explained that fences are permitted up to two feet from the front lot line if the houses within the contextual block face do not face the street along the subject property's secondary front yard.

Mr. Poretz asked the applicant if they would consider a deferral. The applicant stated that landscaping could be planted that would create a similar effect to the proposed fence without permission from the City.

Speakers:

Crislyn and Jason Lumia, property owners, presented the case and answered questions from the Board.

Chris Pyke, 423 Underhill Place, spoke in opposition to the request, stating that the proposed fence would create a safety issue for vehicular and pedestrian traffic and that it would not be in character with the neighborhood.

Sarah McGraw, 2921 Argyle Drive, spoke in opposition to the request, citing the same reasons Mr. Pyke gave.

Public Hearing and consideration of a Special Exception to construct a deck in the required side yard; zoned: R-5/Single-Family. Applicants: Maria Soledad Pellegrini & Timo Lorenzen-Schmidt

**BOARD OF ZONING APPEALS ACTION, SEPTEMBER 14, 2020:**

BOARD OF ZONING APPEALS ACTION, SEPTEMBER 14, 2020: On a motion by Mr. Yoo, seconded by Mr. Perna, the Board of Zoning Appeals moved to approve the Special Exception as written in the staff report recommendation. The motion carried on a vote of 7 to 0.

Reason: The Board generally agreed with staff analysis.

Mrs. Nguyen asked staff for clarification on the image of the existing versus proposed stairs to access the deck. Staff responded that the stairs shown in the existing photo belonged to the adjacent property.

Speakers:

Maria Soledad Pellegrini and Timo Lorenzen-Schmidt, property owners, made a statement.

Anne Richardson, 602 South View Terrace, the neighbor closest to the property line from which the special exception to the side yard setback was requested, spoke in favor of the proposed deck.

7. BZA #2020-00016

5201 Dover Place Public

Hearing and consideration of a Variance to construct a deck in the required rear yard; zoned: RT/Townhouse. Applicant: Endalkachew L. Asfaw

**BOARD OF ZONING APPEALS ACTION, SEPTEMBER 14, 2020:** On a motion by Mr. Perna and seconded by Ms. Nguyen, the Board of Zoning Appeals voted to defer the variance request. The motion carried on a vote of 7 to 0.

Reason: The Board of Zoning Appeals will allow the applicant to work with staff to come up with alternative.

Mr. Altenburg, indicated that what could be built by right seemed to be a bit of an imposition but concerned if criteria for a variance is met for a deck.

Ms. Nguyen indicated that a deck on the side of the house is more of a visual impact than a deck in the rear. A deck in the rear was more appropriate for the neighborhood.

Mr. Yoo indicate that this lot does not appear to be unique in that these townhomes appear to be in line. In addition, there were concerns about the size and mass of deck. Mr. Yoo did not believe the deck met the criteria for ADA consideration.

Mr. Perna indicated he was sympathetic to both the applicant and neighbor; however, he noted that if the deck were smaller in size with an ADA ramp he would be more incline to consider a proposal.

Speakers:

Endalkachew L. Asfaw and insert wife's name, property owners, made the presentation.

Karim Khodjibaev, owner of 5203 Dover Place, spoke in opposition over concerns of privacy and that allowing the deck will set the precedent for other owners in the development to petition the Board.

**OTHER BUSINESS**

8. Small Business Zoning Text Amendment -Tony LaColla briefed the Board.

9. Practical Updates Zoning Text Amendment- Mary Christesen briefed the Board.

**MINUTES**

10. Consideration of the minutes from the July 13, 2020 Board of Zoning Appeals Hearing

**BOARD OF ZONING APPEALS ACTION, SEPTEMBER 14, 2020:** On a motion to approve by Mr. Perna, seconded by Mr. Yoo, the Board of Zoning Appeals approved the minutes as submitted. The motion carried on a vote of 7 to 0.

**ADJOURNMENT**

11. The Board of Zoning Appeals hearing was adjourned at 9:20 p.m.