

## **BOARD OF ZONING APPEALS**

### **PUBLIC HEARING MINUTES**

The regular meeting of the Board of Zoning Appeals was held on  
Monday, March 8, 2021 at 7:00 p.m.

Due to the COVID-19 Pandemic emergency, the March 8, 2021 meeting of the Board of Zoning Appeals 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 Section 4-0.01(g) in HB29 and HB30, enacted by the 2020 Virginia General Assembly (Virginia Acts of Assembly Ch. 1283 and 1289), to undertake essential business. All of the members of the Board and staff are participating from remote locations through Zoom Webinar. This meeting is being held electronically, unless a determination is made that it is safe enough to be held in person in the City Council Chamber at 301 King Street, Alexandria, VA. Electronic access will be provided in either event. The meeting can be accessed by the public through the live broadcast on the government channel 70, streaming on the City's website, and can be accessed via Zoom by the following link: \*Please note: On March 8, the Alexandria City Council Special Meeting will be broadcast live on government Channel 70. Due to this, the Board of Zoning Appeals Public Hearing will not be broadcast on Channel 70 or streamed live on the City's website.

[https://zoom.us/webinar/register/WN\\_GxWMT8V4RIKSNzK1OYauoA](https://zoom.us/webinar/register/WN_GxWMT8V4RIKSNzK1OYauoA)

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  
Tim Foley  
Quynn Nguyen  
Jon Waclawski

Absent Members: None

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

## **CALL TO ORDER**

1. Mr. Altenburg called the March 8, 2021 Board of Zoning Appeals to order at 7:00 p.m.

## **NEW BUSINESS**

2. BZA #2020-00032

3300 Elmore Drive

Public Hearing and consideration of a request for a Variance to construct an accessory structure in the required side yards; zoned: R-8/Single Family. Applicants: David and Jill Forbes

**BOARD OF ZONING APPEALS ACTION, MARCH 8, 2021:** On a motion by Mr. Yoo and seconded by Mr. Foley, the Board of Zoning Appeals tabled the motion until later in the meeting. The motion carried on a vote of 7 to 0.

On a motion by Mr. Yoo and second by Mr. Perna, the Board of Zoning Appeals un-tabled and accepted the applicant's request to proceed with a vote on variance application.

On a motion by Mr. Perna to approve the variances with the condition to install permeable driveway for motor vehicle use. The motion was not seconded and failed.

On a motion by Ms. Nguyen seconded by Mr. Yoo, the Board of Zoning Appeals denied the variances. The motion carried on a vote of 6 to 1. Mr. Perna dissented.

Mr. Perna indicated that he was not sure he agreed with staff's analysis. He questioned staff if the applicant would be able to build larger garage. He stated that the applicant has indicated his intent to minimize the impact of the structure by moving it to the rear of the property. If the applicant were to build a garage it could be larger and closer to the property lines than what is proposed for the shed. Also, the wedged shaped property, though it may be seen in various neighborhoods, it posed a challenge not shared by many properties in the City.

Ms. Nguyen indicated that because the applicant was not asking for a garage but a shed, there were options to build a smaller shed by-right shed. Because there were alternatives, Ms. Nguyen indicated that she did not believe it was appropriate for the Board to approve a variance as the structure before the Board was not a garage but a shed.

Mr. Foley indicated that he is in favor of denial because the applicant has other options.

Mr. Altenburg indicated that while the applicant could build the shed by right and meet the setbacks, the applicant could place a larger garage structure closer to the property line. He indicated that the difference in size allowed for a shed versus a garage is significant, but the difference in use is not, as the ordinance does not specify the type of motor vehicle that must be parked in a structure for it to be considered a garage. In addition, the shape of the property is significantly awkward with topographical issues. Because of these factors, the property is unique and has features not shared by many.

Reason: The Board denied the variances for reasons outlined in staff report.

Dissenting Reason: The applicant could build a larger structure closer to the side property lines if it were used as a garage. Additionally, the triangular shape of the lot makes locating a shed in compliance more difficult.

Speaker:

David Forbes, Owner of 3300 Elmore Drive made the presentation.

3. BZA #2021-00001

208 South Payne Street

Public Hearing and consideration of a request for a Special Exception to increase the height of an existing roof and rear deck in the required side yard; zoned: CL/Commercial Low. Applicant: Alabama Ave LC, represented by Stephen Kulinski

**BOARD OF ZONING APPEALS ACTION, MARCH 8, 2021:** On a motion by Mr. Foley, seconded by Mr. Wacławski, the Board of Zoning Appeals approved the special exception subject to all applicable codes, ordinances, staff recommendations and conditions. The motion carried on a vote of 7 to 0.

Mr. Wacławski asked the applicant to address a public comment related to water runoff. Mr. Kulinski explained that the new configuration would allow for better water runoff management by keeping it contained on the subject property and reducing the amount of water that entered the alley during rainstorms.

Mr. Perna confirmed with Mr. Kulinski that the proposal would reduce the amount of runoff that drained into the alley.

Mr. Altenburg asked staff to explain the portions of the existing dwelling that were constructed beyond the property line. Staff explained that due to the age of the existing house, it was likely constructed before the lot was platted. Staff also observed that there are many structures similarly constructed beyond their lot boundaries in the City, particularly in Old Town. Mr. Altenburg also asked staff if they were to demolish the portion of the dwelling beyond the lot line if they would be permitted to reconstruct it in the same location. Staff responded that the applicant's proposal did not include any work beyond the north side lot line but that if that situation were to arise, ownership of the adjacent alley would need to be determined. The City would likely require the replaced structure to remain wholly within the lot lines.

Mr. Wacławski stated agreement with staff's recommendation of approval for the request.

Mr. Foley expressed support for the project, understanding the need for the improvements to modernize the interior of the dwelling as well as what he perceived would be a visual improvement to the exterior.

Reason:

The Board approved the special exception for reasons outlined in staff report.

Speakers:

Stephen Kulinski, architect for the applicant, presented the case and answered questions from the Board.

Rocco Detomo, 1218 Prince Street, expressed concerns about water runoff in the alley behind the subject property. He hoped that the proposed work would direct more water runoff to South Payne Street instead of the alley.

4. BZA #2021-00002

1117 Queen Street

Public Hearing and consideration of a request for Variances from lot size, lot frontage, front and side yard setback requirements to revert the building from a commercial use to a single-family residential dwelling unit; zoned: CL/Commercial Low. Applicant: 1117 Queen Street, LLC

**BOARD OF ZONING APPEALS ACTION, MARCH 8, 2021:** On a motion by Mr. Yoo, seconded by Mr. Perna, the Board of Zoning Appeals deferred the variance. The motion carried on a vote of 7 to 0.

Reason:

The application was deferred due to improper notice.

Speakers:

Staff explained that the required legal ad was incorrect and that the requested variance was not properly noticed.

**OTHER BUSINESS**

5. RT Zone Text Amendment

Marlo Ford, from the Department of Planning and Zoning briefed the Board.

6. ADU Text Amendment Update

Sam Shelby, from the Department of Planning and Zoning briefed the Board.

**MINUTES**

7. Consideration of the minutes from the December 14, 2020 Board of Zoning Appeals Hearing.

**BOARD OF ZONING APPEALS ACTION, MARCH 8, 2021:** On a motion 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**

8. The Board of Zoning Appeals hearing was adjourned at 8:19 p.m.