

BOARD OF ZONING APPEALS PUBLIC HEARING MINUTES

The regular meeting of the Board of Zoning Appeals was held on
Monday, January 13, 2020
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
Mark Yoo, Vice Chair
Lee Perna, Secretary
Erich Chan
Quynn Nguyen
Daniel Poretz
Timothy Ramsey

Absent Members:

Staff Present: Mary Christesen, Department of Planning & Zoning
Sam Shelby, Department of Planning & Zoning

CALL TO ORDER

1. Mr. Altenburg called the January 13, 2020 Board of Zoning Appeals to order at 7:00 p.m.

NEW BUSINESS

2. BZA #2019-00015

2215 Russell Road

Public Hearing and consideration of a request for a special exception to construct a one-story addition in the required front 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 non-complying structure; zoned: R-5/Single-Family.

Applicant: Laura Campbell, architect.

BOARD OF ZONING APPEALS ACTION, JANUARY 13, 2020: On a motion to approve by Mr. Yoo, seconded by Mr. Perna, 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 7 to 0.

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

Speakers:

Laura Campbell, architect representing the applicants, presented the case.

3. BZA #2019-00016

310 Commerce Street

Public Hearing and consideration of a request for a variance to allow access for parking from the street rather than an alley or interior court; zoned: CD/ Commercial Downtown.

Applicant: Tim Foley, owner.

BOARD OF ZONING APPEALS ACTION, JANUARY 13, 2020: On a motion to deny by Mr. Ramsey, seconded by Mr. Poretz, the Board of Zoning Appeals denied the variance. The motion carried on a vote of 6 to 1. Mr. Yoo dissented.

Reason to Deny: The Board agreed with staff analysis that the request did not meet the criteria for a variance and was contrary to the purpose of the ordinance.

Dissenting Reason: Mr. Yoo didn't feel the application as submitted contained all the information needed to make a decision on this case and would have preferred the application be deferred.

Speakers:

Tim Foley, property owner, presented the case and answered questions from the Board.

Gail Rothrock, 209 Duke Street, spoke on behalf of the Historic Alexandria Foundation (HAF) and explained how the request did not meet the criteria for a variance and emphasized concerns about preserving open space and suggested the applicant obtain temporary parking permits while work is being done on the house.

Stephen Milone, 907 Prince Street, spoke of behalf of the Old Town Civic Association further explained how the request did not meet the criteria for a variance and was contrary to the purpose of the ordinance. He expressed concern about the reduction of open space that would result from the proposed parking space associated with the curb cut. He also explained that the other curb cuts on the block from the 1970's and 80'S are examples of why the ordinance was amended in 1994 to require access to parking from an interior alley or court.

Thomas Maresh, 342 Commerce Street, spoke in opposition to the request. He described the history and character of Commerce Street and expressed concern regarding the removal of the street tree.

Yvonne Callahan 735 South Lee Street, spoke in opposition to the request. She described the pattern of homes on Commerce Street built prior to the 1970's being built without curb cuts and those built between the 1970's and 1994 being constructed with curb cuts. She suggested the applicant explore alternate parking arrangements including coordination with Shiloh Baptist Church to the rear of the property.

Boyd Walker, 1307 King Street, spoke in opposition to the request. He suggested looking for alternative parking options and emphasized that a curb cut typically removes more than one on-street parking space, which will reduce available parking for all residents and patrons of Commerce Street. He also opposed the removal of the street tree.

OTHER BUSINESS

4. Election of Board Officers for Chair, Vice Chair and Secretary.

BOARD OF ZONING APPEALS ACTION, JANUARY 13, 2020: Mr. Yoo nominated Mr. Altenburg for Chair, Mr. Ramsey nominated Mr. Yoo for Vice Chair and Mr. Yoo nominated Mr. Perna for Secretary. On the motion by Mr. Ramsey, seconded by Mr. Perna, the Board of Zoning Appeals voted to approve the slate. The motion carried on a vote of 7 to 0.

MINUTES

5. Consideration of the minutes from the September 9, 2019 Board of Zoning Appeals meeting.

BOARD OF ZONING APPEALS ACTION, JANUARY 13, 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 7 to 0.

ADJOURNMENT

6. The Board of Zoning Appeals hearing was adjourned at 8:30 p.m.

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 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 Carlberg, 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.

BOARD OF ZONING APPEALS PUBLIC HEARING MINUTES

The regular meeting of the Board of Zoning Appeals was held on
Monday, July 13, 2020 at 7:00 p.m.

Due to the COVID-19 Pandemic emergency, the July 13, 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 and on file in the Department of Planning & Zoning.

Members Present: Laurence Altenburg, Chair
Mark Yoo, Vice Chair
Lee Perna, Secretary
Erich Chan
Jon Wacławski

Absent Members: Quynn Nguyen
Daniel Poretz

Staff Present: Tony LaColla, Department of Planning & Zoning
Ray Roakes, Department of Planning & Zoning
Kaliah Lewis, Department of Planning & Zoning

CALL TO ORDER

1. Mr. Altenburg called the July 13, 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, JULY 13, 2020: On a motion to defer by Mr. Perna, followed by unanimous consent, the Board of Zoning Appeals deferred the variance request. The motion carried on a vote of 5 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, JULY 13, 2020: On a motion to defer by Mr. Perna, followed by unanimous consent, the Board of Zoning Appeals deferred the variance request. The motion carried on a vote of 5 to 0.

4. BZA #2020-00001
1420 Key Drive
Consideration of the Findings of Fact and Conclusions of Law for the June 8, 2020 BZA decision regarding the Appeal of a zoning violation warning for a sign; zoned: R-20/Single-Family.
Appellant: Vinson Brett Melvin

BOARD OF ZONING APPEALS ACTION, JULY 13, 2020: On a motion to approve by Mr. Perna, seconded by Mr. Walclawski, the Board of Zoning Appeals approved the Findings of Fact and Conclusions of Law. The motion carried on a vote of 5 to 0.

MINUTES

5. Consideration of the minutes from the June 8, 2020 Board of Zoning Appeals Hearing.

BOARD OF ZONING APPEALS ACTION, JULY 13, 2020: On a motion to approve minutes as amended by Mr. Perna, seconded by Mr. Chan, the Board of Zoning Appeals approved the minutes. The motion carried on a vote of 5 to 0.

ADJOURNMENT

6. The Board of Zoning Appeals hearing was adjourned at 7:10 p.m.

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 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.

6. BZA #2020-00015
604 South View Terrace

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.

BOARD OF ZONING APPEALS PUBLIC HEARING MINUTES

The regular meeting of the Board of Zoning Appeals was held on
Monday, October 19, 2020 at 7:00 p.m.

Due to the COVID-19 Pandemic emergency, the October 19, 2020 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 via Zoom by the following link: https://zoom.us/webinar/register/WN_amPgfn9KTG2kW2MsMzDjhg

*Please note: On October 19, 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.

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
Mark Yoo, Vice Chair
Lee Perna, Secretary
Erich Chan
Quynn Nguyen
Jon Waclawski

Absent Members: Daniel Poretz, Excused

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
Kaliah Lewis, Department of Planning & Zoning
Christina Brown, City Attorney's Office

CALL TO ORDER

1. Mr. Altenburg called the October 19, 2020 Board of Zoning Appeals to order at 7:00 p.m.

DEFERRED ITEMS

2. 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, OCTOBER 19, 2020: On a motion by Mr. Yoo, seconded by Ms. Nguyen, the Board of Zoning Appeals voted to approve the special exception approved the variance subject to all applicable codes, ordinances and staff recommendations with the conditions that the fence be 50 percent open, located three feet from the secondary front lot line and that landscaping would be planted to screen the fence. The motion carried on a vote of 6 to 0.

Reason:

The Board disagreed with staff analysis and found that the case met the criteria for a special exception.

Mr. Waclawski asked the applicant for the location of the properties they cited that were configured similarly to their proposal. The applicant responded that two properties along Monticello Boulevard were configured as proposed and were within one-third mile of the subject property.

Mr. Perna asked staff to clarify why another case on the docket, a special exception for a fence on a corner lot, had staff recommending approval. Staff replied that the configuration of the contextual block faces for each case were different.

Mr. Waclawski asked how staff analyzed the special exception standard requiring compatibility with surrounding area or zone. Staff replied that specifically in the case of a special exception for a fence on a corner lot, they principally rely on the configuration of the contextual block face but that configuration of other dwellings within the surrounding area are also a consideration.

Ms. Nguyen asked for staff to clarify the regulations for fences on corner lots in terms of where they can be located, their height and whether they are open or closed fences. Staff explained that if the properties within the contextual block face are developed with dwellings that have their primary fronts along the subject property's secondary front yard, that closed fences up to six feet tall are permitted only half the distance between the dwelling and the secondary front lot line. If all dwellings within the contextual block face have secondary fronts along the

subject property's secondary frontage, then a six-foot fence would be permitted up to three feet from the subject property's secondary front lot line by-right.

Mr. Altenburg asked staff to confirm the configuration of houses along Monticello Boulevard outside of the contextual block face. Staff confirmed that the dwellings at 303 and 300 Monticello Boulevard are corner lots with their primary fronts along Monticello Boulevard. Mr. Altenburg stated that the applicant's proposal would not be compatible with this configuration.

Mr. Yoo expressed support for the applicant's request. He stated that the dwelling at 308 Monticello Boulevard, across Argyle Drive from the subject property, had the same configuration as the subject property. He found that the applicant made a reasonable attempt to make their proposal compatible with the neighborhood and that the three-foot setback would provide sufficient space for landscaping to screen the fence.

Mr. Perna spoke in support of the request but was still concerned, despite staff's explanation, that the applicant's request and another request for a fence on a corner lot had different staff recommendations.

Mr. Wacławski echoed support for the applicant's request, stating that the difference between staff's recommendation of a five-foot setback and the proposed three-foot setback would not be significant. He found that the request met the special exception standards and acknowledged that the most impacted, adjacent neighbors had submitted letters of support. He also mentioned the letters of opposition related to traffic and pedestrian safety concerns but found that these concerns were sufficiently addressed.

Mr. Perna, Mr. Yoo, Ms. Nguyen and Mr. Altenburg confirmed with the applicant that they would accept the conditions that the fence be 50 percent open, located three feet from the secondary front lot line and that landscaping would be planted to screen the fence. The applicant accepted these conditions.

Speakers:

Crislyn Lumia, applicant, presented the case and answered questions from the Board.

3. 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, OCTOBER 19, 2020: On a motion by Mr. Perna seconded by Ms. Nguyen, the Board moved to approve the variance. The motion failed

on a vote of 3 to 3. Mr. Perna, Ms. Nguyen, Mr. Chan voted in favor, and Mr. Yoo, Mr. Waclawski, and Chairman Altenburg dissented.

Reason: The Board disagreed with staff analysis and found that the case did not meet the criteria for a variance.

Chairman Altenburg indicated that the revised new deck proposal is more reasonable and the deck setback from the shared party wall does try to address the issue of privacy for the neighbor. The issue is whether the strict application would unreasonably restrict the use of the property. The adjacent property will see it as a substantial detriment. In addition, there is a “by right” option that the applicant could pursue. The “by right” option may not be what the applicant wishes for, but an alternative option exists.

Mr. Perna asked the question if adding screening affects light or air depending on the type of screen as this is a criteria that is evaluated. He further indicated that when the case was heard in September, he had some of the same concerns as Mr. Yoo and the magnitude of the deck being requested. The new revised proposed deck is about forty percent larger than the neighbor’s ground level patio. The applicants could have requested a smaller deck. He believed the deck would be out of scale. He indicated that he would have liked a more reasonable accommodation and was concern that the magnitude of what was being proposed was getting unreasonable; however, other units in the development could build a similar scale deck by right.

Mr. Yoo indicated that the applicant is asking for more than what is necessary. He indicated that part of the issue is the daycare which is the homeowners own doing. The applicant has not clearly addressed the disability hinderances of the house. He indicated that applicants could reconfigure the house to move the rear door to the opposite side that could access a side yard deck, or they could install an elevator or lift which he would support.

Ms. Nguyen in response to Mr. Yoo stated that the renovations that would be necessary is an undue expense. The proposal before the Board is reasonable. The main living space that the family uses is on the second floor as it appears from the rear yard.

Mr. Waclawski indicated that if the child’s disability issues were taken out of the application for the purpose of the deck given the nature of the non-conforming property for the sake of the family’s use, a variance would still be needed and was not sure of the argument. Second, it is not the business of the Board to police neighbor disputes.

Speakers:

Endalkachew L. Asfaw, property owner, 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.

NEW BUSINESS

4. BZA #2019-00007

2 East Mason Avenue

Public Hearing and consideration for a Special Exception to retain a 6.00 foot fence in the secondary front yard; zoned: RB/Townhouse.

Applicant: Elizabeth Jardim

BOARD OF ZONING APPEALS ACTION, OCTOBER 19, 2020: On a motion by Mr. Yoo and seconded by Mr. Waclawski, the Board of Zoning Appeals voted to recommend approval of the special exception. The motion carried on a vote of 5 to 1. Ms. Nguyen dissented.

Reason: The Board of Zoning Appeals agreed with the staff analysis.

Mr. Yoo indicated that the green space on the other side of the sidewalk and the wide curb area did not pose any visual impact.

Mr. Altenburg indicated that the Board of Zoning Appeals frown on “after-the fact” approval; however, given that there were not site line issues, he generally supports the special exception.

Speakers:

Elizabeth Jardim, property owner, made the presentation.

5. BZA #2020-00018

611 Cameron Street

Public Hearing and consideration of an Appeal of a Zoning Determination Letter; zoned: RM/Townhouse.

Applicant: James B. Michels, represented by Clarissa K. Pintado, Esq.

BOARD OF ZONING APPEALS ACTION, OCTOBER 19, 2020: Mr. Yoo, seconded by Mr. Waclawski, the Board made a motion to defer the case. After further discussion. Yoo withdrew his motion and Mr. Waclawski agreed to the withdrawal.

On a new motion by Mr. Perna, seconded by Mr. Yoo, the Board voted to uphold the Director’s Determination. The motion carried on a vote of 6 to 0.

Reason: The Board found that the appellant failed to demonstrate, by a preponderance of evidence, that the Director’s determination was incorrect or unreasonable.

Mr. Yoo asked the appellant's attorney to clarify her interpretation of the RM zoning regulations related to two-family dwellings. Ms. Pintado replied that the subject property could not be considered a two-family dwelling as configured because it and the dwelling at 609 Cameron Street were located on separate lots.

Mr. Altenburg asked if the properties 611 and 609 Cameron Street had different owners and paid taxes independently of one another. Ms. Pintado confirmed this.

Mr. Perna asked staff to explain recent changes to the Zoning Ordinance related to abutting structures. Staff replied that the amendments included removal of the language "party wall" from the two-family and townhouse dwelling definitions. Staff explained that these amendments were not effective until October 17, 2020 and that the Director's determination was made prior to this date. Mr. Perna confirmed with staff that, under the amendments effective October 17, 2020, townhouses or two-family dwellings would not be required to have a party wall separating them.

Ms. Nguyen confirmed with staff that the dwelling units at 609 and 611 Cameron Street are on separate lots and within one building. She also asked staff to explain the different types of two-family dwellings permitted in the RM zone. Staff explained that the RM zone permits both duplex (one dwelling unit above another) and semi-detached (two dwelling units side-by-side) two-family dwellings.

Mr. Altenburg stated that he was struggling to understand the case and felt that the Board had been brought into the middle of a conversation between the appellant and the Director without having been provided sufficient background. He was not clear on the background of the case and said he was unable to understand what led the Director to make his determination.

Ms. Nguyen asked if a duplex dwelling would be permitted in the RM zone. Staff replied that the RM zone does permit duplex dwellings but that the subject property would have to be configured differently in order to allow a duplex configuration. The appellant disagreed.

Mr. Altenburg asked staff to explain how the Director determined the subject property's existing configuration. Staff replied that the Director reviewed documents provided by the appellant and within City records to establish the existing configuration. Staff stated that they mostly rely on survey plats, completed by surveyors licensed in the Commonwealth of Virginia, who also certify that the information provided therein is correct, to establish facts.

Mr. Yoo was concerned that the Zoning Ordinance had been modified since the Director's determination and was unsure what the effect of these amendments would have on the case.

Mr. Wacławski asked staff to confirm that the Director's determination was made prior to the amendments. Staff confirmed that the request for the determination was made on July 13, 2020, before the amendments. This determination resulted in the appeal which also occurred prior to

the amendments. Therefore, the matter before the Board was whether the Director's determination was correct given the rules at the time the determination was made, not considering the amendments.

Ms. Nguyen stated that the appellant found the existing configuration of the subject property to be a single-family dwelling. Mr. Altenburg stated that the Director found that the subject property was one-half of a two-family, semi-detached building and asked staff if the amendments would render the appeal moot. Staff replied that under the amendments, the appellant's request would still constitute a use not permitted by the Zoning Ordinance. Mr. Altenburg stated that staff's reply did not reflect what the appellant had appealed. He stated that determination could have been affected by the amendments and that further consideration could be warranted.

Mr. Yoo agreed with staff that the Board should consider whether the Director correctly applied the Zoning Ordinance prior to the amendments but was unsure how to proceed.

Mr. Perna stated that a deferral would not change whether the Director's determination was correct at the time when the determination was made.

Mr. Altenburg confirmed with staff that the Board should be considering the correctness of the Director's determination at the time it was made, not considering the amendments. Ms. Brown confirmed.

Mr. Perna stated that the question at hand is whether the Director was correct in determining whether the subject property is one-half of a two-family, semi-detached dwelling. Citing Sections 2-140, 3-1105(c)(1), and 3-1106(2)(a), Mr. Perna found that the RM zone's density and lot requirements as well as its bulk and open space requirements, taken together, suggest that each duplex dwelling shall be located on its own lot and that semi-detached, two-family dwellings can be located on two separate lots. As such, Mr. Perna found that the subject property constituted one-half of a semi-detached two-family dwelling and expressed support for the Director's determination.

Mr. Yoo agreed with Mr. Perna's statements. He stated that the structure was constructed prior to the adoption of the City's Zoning Ordinance and that it could be a nonconforming two-family dwelling. He stated that, based on the exhibits, the appellant had not presented sufficient information to overturn the Director's determination.

Speakers:

Clarissa K. Pintado, attorney representing the appellant, presented the case and answered questions from the Board.

Yvonne Weight Callahan, Vice-President of the Old Town Civic Association, spoke in support of the Director's determination. She stated that the subject property and 609 Cameron Street are paired together and asked the Board to uphold the Director's determination.

Leslie Ariail, former owner of 607 Cameron Street and board member of Historic Alexandria Foundation, stated that 609 and 611 Cameron Street were constructed at the same time. She stated the subject property was already occupied by four dwelling units. She stated that the subject property should only be occupied by a single dwelling unit.

6. BZA #2020-00019

520 & 522 Queen Street

Public Hearing and consideration of a Variance to request an expansion of noncomplying access to parking from the street rather than an alley or interior court; zoned: RM/Townhouse. Applicants: Michael and Lori Rowen

BOARD OF ZONING APPEALS ACTION, October 19, 2020: On a motion by Ms. Nguyen, seconded by Mr. Yoo, the Board of Zoning Appeals voted to deny BZA2020-00019. The motion carried 5 to 1. Mr. Altenburg dissented.

Reason: The Board agreed with the reasons outlined in the staff report.

Mr. Altenburg asked if he was going for under 4 feet to appease staff. The applicant said he request 3'11" as that was wide enough for him.

Mr. Perna asked for clarification on the first application for the access. The applicant explained that he applied in August 2019, paid the city, and was given a permit, but later discovered the curb cut would require a variance because it is in the historic district.

Ms. Nguyen asked if the applicant had applied for a sign saying no parking past this point to help with cars that are blocking portions of the access. The applicant said they had not.

Mr. Yoo asked if the applicant had the ability to apply for a no parking sign. Staff said this would not be under Planning and Zoning purview, but the applicant could work with Transportation and Environmental Services to request a sign.

Mr. Altenburg asked the applicant and staff when the access apron was first installed. The applicant stated it was there when he bought the property in 2014. Staff said the install date was unknown, but it appears in photographs included in the 1990 open space easement documents.

Mr. Perna said that he finds signage to be effective as they are good visual reminders of where to park. He also said that the expansion of the curb cut would be expanding the noncompliance of the existing curb cut.

Ms. Nguyen agreed with Mr. Perna and said that it would be expanding a noncompliance and reduce space for public parking for private use of nonconformance.

Mr. Yoo said that a standard for a variance is there is no other remedy, but in this case, there is a possible remedy with parking signs. However, he is not in agreement that parking signs are a benefit, as he feels the modest curb cut would be less intrusive than signs. While there are valid arguments on either side, if there are other remedies that do not require a variance, he believes it disqualifies the applicant for a variance.

Mr. Altenburg said the sign remedy relies on the city and the actions of the public and therefore is out of the applicant's control. In other cases, remedies are within the property owner's control. And while signs may be a potential remedy that the public can offer, because of sign clutter concerns in Old Town, there may be opposition to that solution.

Mr. Yoo agreed that the alternate solution of signs is not known to be a by-right solution.

Ms. Nguyen stated that the applicant does not lose access to his parking if the curb cut is not expanded.

Mr. Altenburg said the existing curb cut is out of proportion for the space available for the parking. He said that parking in Old Town is difficult as people do not pay attention to signs and it is difficult to get parking enforcement to show up, so the signage may not be an adequate solution to the applicant's concerns. He said it is a modest request that does not do any damage to the street scape.

Speakers:

Michael Rowen, property owner, made a presentation.

Gail Rothrock spoke on behalf of the Historic Alexandria Foundation to support of the staff recommendation for denial of the project as it does not meet the standards for a variance and is contrary to the purpose of the ordinance and the guidelines for the Old and Historic Alexandria District chapter on parking.

Yvonne Callahan agreed with the comments made by Gail Rothrock and said this variance could set a bad precedent.

OTHER BUSINESS

None.

MINUTES

10. Consideration of the minutes from the September 19, 2020 Board of Zoning Appeals Hearing.

BOARD OF ZONING APPEALS ACTION, OCTOBER 19, 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 6 to 0.

ADJOURNMENT

11. The Board of Zoning Appeals hearing was adjourned at 10:00 p.m.

BOARD OF ZONING APPEALS PUBLIC HEARING MINUTES

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

Due to the COVID-19 Pandemic emergency, the November 9, 2020 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: URL Link:

https://zoom.us/webinar/register/WN_2eKO7DuvR6OjbiKKSfmUtw

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
Mark Yoo, Vice Chair
Lee Perna, Secretary
Erich Chan
Quynn Nguyen
Daniel Poretz
Jon Wacławski

Absent Members: None

Staff Present: Mary Christesen, Department of Planning & Zoning
Sam Shelby, Department of Planning & Zoning
Kaliah Lewis, Department of Planning & Zoning

CALL TO ORDER

1. Mr. Altenburg called the November 9, 2020 Board of Zoning Appeals to order at 7:00 p.m.

NEW BUSINESS

2. BZA #2020-00018

611 Cameron Street

Consideration of the Findings of Fact and Conclusions of Law for the October 19, 2020 BZA decision regarding the Appeal of a Zoning Determination Letter; zoned: RM/Townhouse.

Applicant: James B. Michels, represented by Clarissa K. Pintado, Esq.

BOARD OF ZONING APPEALS ACTION, NOVEMBER 9, 2020: On a motion by Mr. Perna, seconded by Mr. Chan, the Board of Zoning Appeals voted to approve the findings of fact and conclusions of law. The motion carried 7 to 0.

OTHER BUSINESS

None

MINUTES

10. Consideration of the minutes from the October 19, 2020 Board of Zoning Appeals Hearing.

BOARD OF ZONING APPEALS ACTION, NOVEMBER 9, 2020: On a motion to approve by Mr. Perna, seconded by Mr. Wacławski, the Board of Zoning Appeals approved the minutes as amended. The motion carried on a vote of 7 to 0.

ADJOURNMENT

11. The Board of Zoning Appeals hearing was adjourned at 7:10 p.m.

BOARD OF ZONING APPEALS PUBLIC HEARING MINUTES

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

Due to the COVID-19 Pandemic emergency, the December 14, 2020 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: URL Link:

https://zoom.us/webinar/register/WN_H_F8wOfYRSKsbxFc4Nv2RQ

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
Mark Yoo, Vice Chair
Lee Perna, Secretary
Erich Chan
Daniel Poretz
Jon Waclawski

Absent Members: Quynn Nguyen, Excused

Staff Present: Mary Christesen, Department of Planning & Zoning
Tony LaColla, 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 December 14, 2020 Board of Zoning Appeals to order at 7:00 p.m.

NEW BUSINESS

2. BZA #2020-00020

419 East Del Ray Avenue

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

Applicant: Brian Hallahan & Jamie Melissa Nolan, represented by Greg Marks

BOARD OF ZONING APPEALS ACTION, DECEMBER 14, 2020: On a motion by Mr. Yoo, seconded by Mr. Perna, 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:

Greg Marks, representative for the applicant, made the presentation.

Mr. Yoo identified an error on the drawing that shows the downspout encroaching onto the neighboring property that will need to be corrected prior to submitted for permits. Mr. Perna and Yoo commented that the application was modest and in keeping with the standards of the special exception criteria.

3. BZA #2020-00022

325 North Henry Street

Public Hearing and consideration of a request for a Variance from the required lot area, frontage, front yard setback and side yard setback and open space to revert from a commercial use to a single-family residential dwelling; zoned: CL/Commercial Low.

Applicant: Noel Sweeny

BOARD OF ZONING APPEALS ACTION, DECEMBER 14, 2020: On a motion by Mr. Perna, seconded by Mr. Yoo, the Board of Zoning Appeals approved the variances subject to all applicable codes, ordinances, staff recommendations and conditions. 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:

Noel Sweeny, property owner, made the presentation.

4. BZA #2020-00023

113 South Saint Asaph Street

Public Hearing and consideration of a request for variances from the required side and rear yards, lot size and frontage and maximum dwelling units per acre to convert an existing commercial building to a multi-family dwelling; zoned: CD/Commercial Downtown. Applicant: Zachary Burson Cotter

BOARD OF ZONING APPEALS ACTION, DECEMBER 14, 2020: On a motion by Mr. Yoo, seconded by Mr. Poretz, the Board of Zoning Appeals moved to defer BZA Case #2020-00023. The motion carried on a vote of 6 to 0 with Ms. Nguyen excused.

Reason: The Board found that complete, interior floorplans for the subject property would be necessary to evaluate whether the request met the variance standards.

Speakers:

Zachary Cotter, applicant, presented the case.

Mr. Perna asked for staff to explain how the Zoning Ordinance defines a first floor in the KR zone. He observed that the first floor of the building on the subject property is not ADA accessible. Staff replied that the KR zone defines first floor as within four feet above the sidewalk. If the property were zoned KR, staff explained that the basement level of the subject building would be required to be occupied by commercial uses to qualify for relief from the residential lot, bulk and open space requirements under the accessory apartment provisions.

Mr. Yoo asked for staff to clarify the CD zone density requirements. Staff replied that the CD zone has a two-part density requirement based on lot size: 1,245 square feet of lot area per dwelling unit and a maximum of 35 dwelling units per acre. Staff explained that the by-right density for a multifamily dwelling on the subject property would allow for two dwelling units.

Mr. Waclawski asked for staff to clarify how many units were proposed by the applicant. Staff replied that the building contains two existing dwelling units and that the applicant proposes to reconfigure the interior space to create two additional dwelling units.

Chairman Altenburg stated the floorplans included with the docket did not show the complete, proposed floorplans. He felt that it was inappropriate to consider the case without these materials and suggested that the case be deferred.

OTHER BUSINESS

None

MINUTES

5. Consideration of the minutes from the November 9, 2020 Board of Zoning Appeals Hearing.

BOARD OF ZONING APPEALS ACTION, DECEMBER 14, 2020: 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 6 to 0.

ADJOURNMENT

6. The Board of Zoning Appeals hearing was adjourned at 7:50 p.m.

BOARD OF ZONING APPEALS

PUBLIC HEARING MINUTES

The regular meeting of the Board of Zoning Appeals was held on
Monday, January 11, 2021 at 7:00 p.m.

Due to the COVID-19 Pandemic emergency, the January 11, 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-.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:

https://zoom.us/webinar/register/WN_LBF2RXh6QMquPfN_jtxfKg

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
Mark Yoo, Vice Chair
Lee Perna, Secretary
Erich Chan
Daniel Poretz
Quynn Nguyen
Jon Wacławski

Absent Members: None

Staff Present: Mary Christesen, Department of Planning & Zoning
Maggie Cooper, Department of Planning & Zoning
Tony LaColla, 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 December 14, 2020 Board of Zoning Appeals to order at 7:00 p.m.

UNFINISHED BUSINESS AND ITEMS PREVIOUSLY DEFERRED

2. BZA #2020-00023

113 South Saint Asaph Street

Public Hearing and consideration of a request for variances from the required side and rear yards, lot size and frontage and maximum dwelling units per acre to convert an existing commercial building to a multi-family dwelling; zoned: CD/Commercial Downtown.

Applicant: Zachary Burson Cotter

BOARD OF ZONING APPEALS ACTION, JANUARY 11, 2021: On a motion by Mr. Yoo, seconded by Mr. Perna, the Board of Zoning Appeals denied the variances. The motion carried on a vote of 7 to 0.

Reason:

The Board agreed with staff analysis but also found that the applicant had created the hardship.

Speakers:

Zach Cotter, applicant, presented the case.

Mr. Altenburg asked staff to explain why there would not be a public interest in changing the use of the property to exclusively residential given that the property had previously been used as a residence. He also noted that the subject property and its surroundings had, over time, changed from predominately residential to commercial. Staff found that the request would not be detrimental to surrounding property. Mr. Altenburg also asked staff to confirm the proximity of the nearest residential property to the subject property and if staff was concerned about increasing the number of residential properties in the CD zone. He clarified the latter part of his question to ask if this case would set a precedent for development approval of more residential properties within the CD zone. Staff replied that there are likely accessory apartments located along King Street and that blocks south of Prince Street are predominately residential. Staff also explained that variances should not set legal precedent because each variance request must be considered on its own merits. Mr. Altenburg then asked staff to explain why the request did not meet the variance standard which requires the condition or situation of the property to be unique. Staff explained that there are several other CD zoned properties that share similar characteristics with the subject property. Most of these properties would also need approval of the similar variance requests to convert to multifamily use.

Ms. Nguyen asked staff to clarify which variance standards were not met. Staff explained that the conditions which led to the applicant needing the request were generally occurred enough in other properties that the applicant's request was not unique. Staff also explained that the request was contrary to the purpose of the ordinance, as the CD zone only relieves properties of the residential density, bulk and open space regulations if the subject property contained exclusively commercial uses on the first floor. Further, staff stated that the request would be increasing density which shall only be accomplished by a rezoning. Ms. Nguyen asked if staff

was considering a change to the ordinance which would allow the applicant to proceed without a variance. Staff responded that while changes were being considered, there would be no guarantee, if approved, that the applicant would no longer need a variance to accomplish he proposed.

Mr. Altenburg asked staff what variances would be necessary if only two residential units were to be located on the property. Staff replied that this configuration would likely be permitted as it would be eligible for the residential reversion provisions of the ordinance and that no variance would be required.

John Richards, representing Historic Alexandria Foundation, expressed support for the applicant's intent to preserve the existing building and open space but generally spoke in opposition to the request. He stated that the applicant had not demonstrated a hardship.

Gail Rothrock found that the property was not acquired in good faith. She stated that the applicant was aware of the need for a variance prior to the purchase of the subject property. Ms. Rothrock also stated that she that the subject property was unique because of the open space provided. She spoke in opposition to the request and supported staff's recommendation of denial.

Yvonne Weight Callahan spoke in opposition to the request, stating that the variance standards were not met. She mentioned that the proposed dwelling units per acre would exceed any other maximum density permitted in the City. Ms. Callahan also expressed concern that due to the size of the proposed units, that they would be used for short-term rentals.

Mr. Perna, citing his experience in researching historic homes, stated that homes were generally advertised according to the number of rooms. He explained that the number of rooms in these advertisements did not correspond with the number of dwelling units, as currently defined by the ordinance, that the building provided. Mr. Perna found, based on historical newspaper records, that the property was converted to a commercial use in 1965. He stated that his research demonstrated that the subject property had not been used as anything but a single-family dwelling prior to its conversion to a commercial use.

Mr. Waclawski stated that while he generally supported adaptive reuse of buildings and amendments to the ordinance which helped facilitate this, he agreed with staff's recommendation and supported denial of the request.

Mr. Altenburg also agreed with staff's findings. He stated that the subject property's characteristics were generally similar enough to other properties that the request would not meet this required variance standard. He also stated that the applicant's request created the hardship. Mr. Altenburg supported denial of the request.

Mr. Yoo agreed with Mr. Altenburg's comments but added that the applicant may not have been aware of the real estate market changes that could be attributable to the COVID-19 pandemic. He agreed that the applicant's request was a self-imposed hardship.

NEW BUSINESS

3. BZA #2020-00021

314 Commerce Street

Public Hearing and consideration of Variances to construct a roof deck in the required side and rear yards, and a pergola in the required rear yard; zoned: CD/Commercial Downtown.

Applicant: Rachel DeBaun, representing John and Emily Galer

BOARD OF ZONING APPEALS ACTION, JANUARY 11, 2021: On a motion by Mr. Poretz, seconded by Mr. Perna, the Board of Zoning Appeals denied the variances. The motion carried on a vote of 7 to 0.

Reason:

The Board denied the variances based on the concerns of the neighbor and because a reasonably sized deck is viable by right.

Speakers:

Rachel DeBaun, representative for the applicant, presented the case.

Tim Foley, a resident at 310 Commerce, spoke in opposition of the proposal.

Mr. Perna said the reason for a deck was to access the back yard, which the small setbacks would not impede. He also said he does not think the applicants are unreasonably restricted by the setbacks, and therefore the request does not meet the requirement for variances.

4. BZA #2020-00026

100 Cedar Street

Public Hearing and consideration of a request for a Special Exception to construct an addition in the required side yard setback; zoned: R-5/Single Family.

Applicant: Sarah Dufendach and Alan Kadrofske

BOARD OF ZONING APPEALS ACTION, JANUARY 11, 2021: On a motion by Mr. Yoo, seconded by Ms. Nguyen, 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.

Reason:

The Board found the proposal met the standards for a special exception as outlined in the staff report.

Speakers:

Christine Done, representative with Sun Designs, presented the case. She included as part of the presentation a letter of support from the neighbor to the immediate West for increasing the size of the proposed dormer.

Mr. Altenburg shared that the property is located within the Rosemont National Register Historic District and acknowledged that the proposed dormers would change the symmetry of

the existing building. However, he stated the Board of Architectural Review Staff recommendations were not binding and in his view the design did not diminish the character of the property or surrounding properties. He concluded that given the modest size of the addition he generally supported approval of the application.

5. BZA #2020-00030

108 Gibbon Street

Public Hearing and consideration of a Variance from the side and rear yard setback, and height requirement; zoned: CL/Commercial Low.

Applicant: Benedict and Carol Capuco, represented by Stephen W. Kulinski

BOARD OF ZONING APPEALS ACTION, JANUARY 11, 2021: On a motion to defer the case to allow the applicants time to revise their application to remove the references of support from the residents at 104 Gibbon Street by Mr. Perna, seconded by Mr. Poretz, the motion to defer failed on a vote of 1 to 6.

On a motion by Mr. Yoo, seconded by Ms. Nguyen, the Board of Zoning Appeals approved the variances subject to all applicable codes, ordinances, staff recommendations and conditions. The motion carried on a vote of 7 to 0.

Reason:

The Board found the proposal met the standards for variances as outlined in the staff report.

Speakers:

Stephen Kulinski, representative for the applicant, presented the case.

Marianne Talbot, a neighbor at 104 Gibbon, spoke in opposition to the project. She said the application submitted to the BZA was incorrect, as there was a material misrepresentation that that they had given verbal support of the plan. Ms. Talbot stated they had never given any type of approval nor had seen plans for a 14-foot balcony. She also said they never received the required notification for the project and therefore the application is not properly before the BZA. She also said they were opposed to the design of the proposal as it would invade their privacy.

The Board asked staff to confirm if the application was allowed to be before them since it stated that the residents at 104 Gibbon were in support and they now say they did not give support. The Board also asked staff to confirm if the proper notification had been sent. Mary Christesen said the applicants had met the notification requirements by law and that they are not required to show their most affected neighbors their plans before submitting an application.

Staff confirmed the applicant properly sent their required notification; however, USPS tracking showed the letter had not been delivered to the residents at 104 Gibbon. Tony LaColla said the applicants had met their legal requirements and the fact that the residents at 104 Gibbon had submitted a letter and were at the meeting shows that the noticing worked.

Ben Caputo, the subject property owner, said they had sent a variation of the designs to neighbors in an email on October 24, 2020. He said they had conversations with the Talbots and the Talbots had said they were supportive of the general design in the past and that the Talbot's opposition to the balcony and dormers was surprising at this time. He said they also sent an email to neighbors on December 20, 2020 with a full design package asking for support.

Mr. Yoo said he found the application to be reasonable because the building is so far set back on the property and because the proposal does not exceed the existing height of the building. He said it meets the standards for a variance as it is a unique property and building location. He also said the residents at 104 Gibbon Street clearly received adequate notice since they were present at the meeting.

OTHER BUSINESS

6. Election of Board Officers for Chair, Vice Chair and Secretary.

BOARD OF ZONING APPEALS ACTION, JANUARY 11, 2021: Mr. Yoo nominated Mr. Altenburg for Chair, Mr. Perna nominated Mr. Yoo for Vice Chair and Mr. Yoo nominated Mr. Perna for Secretary. On a motion by Mr. Waclawski, seconded by Mr. Poretz, the Board of Zoning Appeals voted to approve the slate. The motion carried on a vote 7 to 0.

MINUTES

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

BOARD OF ZONING APPEALS ACTION, JANUARY 11: On a motion by Mr. Perna, seconded by Mr. Chan, 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 9:20 p.m.

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

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
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.

BOARD OF ZONING APPEALS

PUBLIC HEARING MINUTES

The regular meeting of the Board of Zoning Appeals was held on
Monday, April 12, 2021 at 7:00 p.m.

Due to the COVID-19 Pandemic emergency, the April 12, 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: https://zoom.us/webinar/register/WN_LshOXa9cTmya-hETtXdCTQ

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
Mark Yoo, Vice Chair
Lee Perna, Secretary
Erich Chan
Tim Foley
Quynn Nguyen
Jon Waclawski

Absent Members: None

Staff Present: Margaret Cooper, Department of Planning & Zoning
Tony LaColla, Department of Planning & Zoning
Kaliah Lewis, Department of Planning & Zoning

CALL TO ORDER

1. Mr. Altenburg called the April 12, 2021 Board of Zoning Appeals to order at 7:00 p.m.

NEW BUSINESS

2. BZA #2021-00002 1117 Queen Street Public Hearing and consideration of a request for Variances from lot size, lot frontage, front yard setback requirement and side yard setback requirements to construct a single-family residential dwelling unit; zoned: CL/Commercial Low. Applicant: 1117 Queen Street, LLC

BOARD OF ZONING APPEALS ACTION, APRIL 12, 2021: Mr. Wacławski made a motion to approve the variances, seconded by Mr. Foley. Mr. Perna made a motion to amend the motion to approve to include the condition that the new building at 1117 Queen Street must be located a minimum of 3.00 feet from the existing building located at 1113 Queen Street. Ms. Nguyen seconded the amended motion. On the amended motion, the Board of Zoning Appeals voted to approve the variances subject to all applicable codes, ordinances, staff recommendations and conditions. The motion to approve the variances with the condition that the new building at 1117 Queen Street must be located a minimum of 3.00 feet from the existing building located at 1113 Queen Street carried on a vote of 6 to 1. Mr. Altenburg dissented.

Reason to Approve:

The Board approved the variances for reasons outlined in the staff report.

Dissenting Reason:

Mr. Altenburg did not give a reason for his dissent.

Mr. Perna expressed concern with the east side yard setback, as the GIS website showed the building at 1113 Queen Street on the property line and not set back 3.00 feet, as shown on the plat. His concerns with the setback were due to fire code requirements for windows near the property line and the ability for the neighbors at 1113 Queen Street to access their downspouts and electric meter.

Mr. Foley also expressed concern with the side yard windows because of the fire code but said 3.00 feet is acceptable between properties. He said the location of the rear parking spots will not be detrimental to the access of the alley. Mr. Foley asked staff if there was an assumption that owners of the vacant lot at 1119 ½ Queen Street would locate a future building 1.5 feet from the property line. Ms. Cooper said the owners at 1119 ½ Queen submitted a letter stating they may apply in the future for a similar variance to allow for a 1.5-foot side yard setback, which would replicate the existing 3.00 feet that is found between the buildings on this block.

Mr. Yoo said the proposed building would not block any access to the electric meter at 1113 Queen Street, as it was near the front of the building and the proposed building would be set back 7.1 feet from the front property line, thus leaving the electric meter fully exposed. He also said Virginia building codes prohibit any openings within 3 feet of a property line.

Mr. Waclawski found the variance requests to be reasonable, as the lot would be unbuildable without them. He also said that fire code issues are outside the purview of the Board of Zoning Appeals and that he had full confidence that additional review processes in place would successfully accomplish the goals of fire code.

Ms. Cooper addressed concerns about damage to neighboring properties by explaining the approval process for grading plans and building permits.

Speakers:

Duncan Blair, representing the applicant, spoke about the proposal and answered questions from the Board.

Monique Banks, neighbor at 1113 Queen Street, said she is concerned about possible damage to neighboring properties and the space between the proposed building and her home.

Kendra Martello, property owner at 315 Fayette Street, expressed concern about accessing her parking off Yeaton Alley if the project is approved.

Diana and Dean Hakala, neighbor on North Fayette Street, submitted a statement through the chat feature expressing concern about being able to access their parking off of Yeaton Alley if vehicles on the subject property are parked too close to the alley.

Frieda Brockington, neighbor at 1113 Queen Street, expressed concern about possible damage to her property.

OTHER BUSINESS

None.

MINUTES

3. Consideration of the minutes from the March 8, 2021 Board of Zoning Appeals Hearing.

BOARD OF ZONING APPEALS ACTION, APRIL 12, 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

4. The Board of Zoning Appeals hearing was adjourned at 7:45 p.m.

BOARD OF ZONING APPEALS

PUBLIC HEARING MINUTES

The regular meeting of the Board of Zoning Appeals was held on
Monday, May 10, 2021 at 7:00 p.m.

Due to the COVID-19 Pandemic emergency, the May 10, 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:

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
Mark Yoo, Vice Chair
Lee Perna, Secretary
Erich Chan
Tim Foley
Quynn Nguyen
Jon Wacławski

Absent Members: None

Staff Present: Mary Christesen, Department of Planning & Zoning
Margaret Cooper, Department of Planning & Zoning
Kaliah Lewis, Department of Planning & Zoning

CALL TO ORDER

1. Mr. Altenburg called the May 10, 2021 Board of Zoning Appeals to order at 7:00 p.m.

NEW BUSINESS

2. Resolution Finding Need to Conduct the Board of Zoning Appeals Electronically.
No action was taken the Board on this item because the emergency notice had already been read.
3. BZA #2021-00005
314 Commerce Street
Public Hearing and consideration of a Special Exception to construct a roof deck and pergola in the required rear yard; zoned: CD/Commercial Downtown. Applicant: Rachel DeBaun, Moore Construction Group

BOARD OF ZONING APPEALS ACTION, MAY 10, 2021: On a motion by Mr. Yoo, seconded by Mr. Perna, 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 5 to 1. Ms. Nguyen dissented, and Mr. Foley abstained from voting.

Reason to Approve: The board found the proposal met all the standards for a special exception in line with the staff recommendation.

Reason to Deny: Ms. Nguyen did not state a reason for her dissent.

Reason to Abstain: Mr. Foley lives at and owns the adjoining property to the east of the subject property.

Mr. Altenburg asked staff if there were other pergolas on roofs in this area as he was not familiar with any. Ms. Christesen said rooftop pergolas are fairly common in the historic district but seldom come before the BZA as they typically comply with the zoning ordinance.

Ms. Nguyen asked Mr. Foley to clarify if he could see the pergola and deck from his yard and if he had seen a different design for the pergola and deck. Mr. Foley said it would be visible from his house. He also said he had not seen different designs but had requested that the applicant make the deck less noticeable from the east property line. His understanding was that these design changes would be presented when the applicant goes before the Board of Architectural Review.

Mr. Yoo said he found the request to be relatively modest versus the originally requested variance. Given the support of the adjacent neighbors on both sides, he said he was in support of the request.

Speakers:

Rachel DeBaun, representative for the applicant, spoke on the details of the proposal.

Ayana Stukes-Close, resident at 316 Commerce Street, spoke in support of the Special Exception.

Mr. Foley, resident at 310 Commerce Street, spoke in support of the Special Exception.

OTHER BUSINESS

None.

MINUTES

3. Consideration of the minutes from the April 12, 2021 Board of Zoning Appeals Hearing.

BOARD OF ZONING APPEALS ACTION, MAY 10, 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

4. The Board of Zoning Appeals hearing was adjourned at 7:28 p.m.