REGULAR MEETING OF THE ARLINGTON COUNTY
BOARD OF ZONING APPEALS
2100 CLARENDON BOULEVARD, ARLINGTON, VIRGINIA
ROOM 307, on Wednesday April 17, 2019 AT 7:00 P.M.

PRESENT: Charles D. Smith, Chairman
Inta Malis, Vice Chairman
Judy Freshman, Member
Paul Melnick, Member
Peter Owen, Member

ALSO PRESENT: Stephen Risse, Board of Zoning Appeals Secretary
Blake Bowen, Assistant to the Zoning Administrator
Ja’Que McNeill, Administrative Specialist
Mark Hamala, Zoning Technician

V-11449-19-VA-1: (carryover) Variance request by Jarrett and Lori Taubman, the owners, to permit a maximum lot coverage of 51.7% instead of 48.0% as required for a one-family dwelling with qualifying front porch and rear detached garage in the R-6 Zoning District; re replacement of an existing deck in the “R-6” Zoning District, premises known as 1719 North Monroe Street (Cherrydale).

After a duly advertised hearing at which public testimony in support of the application was provided by Jarrett and Lori Taubman, the applicants, and there being no other speakers for this case, Mr. Owen made a motion to defer the Variance to the June 2019 BZA hearing to allow the applicant to reconsider by-right options or identify alternative variance proposals. The motion was seconded by Ms. Freshman, and passed after a vote of 5-0.

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V-11454-19-VA-1: Variance request by Anne C.R. Perera, the contract owner, to permit a setback of 9.0 feet to the wall from the right-side property line instead of 12 feet as required, and a separation of 15 feet instead of 32 feet as required between Building #1026 and Building #1022; re a new Montessori school in existing buildings; “R-5/C-2” Zoning District, premises known 1022 South Highland Street (Douglas Park).

After a duly advertised hearing at which public testimony in support of the application was provided by C.R. Perera, the applicant, and Cassie Runerald, an agent for the applicant, and there being no other speakers for this case, Mr. Melnick made a motion to defer the Variance to the May 2019 BZA hearing. The motion was seconded by Mr. Owen, but failed to pass after a vote of 2-3 with Ms. Malis, Ms. Freshman, and Mr. Smith voting against the motion. Mr. Owen then moved to approve the Variance, in accord with the Proposed Resolution in the staff report, but modifying the second whereas clause and adding three additional conditions. The motion for approval was seconded by Ms. Freshman, and passed after a vote of 5-0. The Chairman advised the applicant to re-submit the financial interests Disclosure Statement for the record.

RESOLUTION
WHEREAS, the Board of Zoning Appeals (“BZA”) has held a duly advertised public hearing on April 17, 2019, on case number V-11454-19-VA-1, to permit a setback of 9.0 ft. to the wall from the right-side property line instead of 12 ft. as required, and a separation between Building #1026 and Building #1022 of 15 ft. instead of 32 ft. as required in the “C-2” zoning district; re a new child care center (Montessori school) three existing buildings, premises known as 1022 South Highland Street; and

WHEREAS, the BZA finds that the strict application of the zoning ordinance would unreasonably restrict the utilization of the property, in part because of the approval by the County Board of the granting of this variance would reasonably allow the utilization of the property pursuant to special exception use permit U-3529-18-1; and

WHEREAS, the BZA finds that tenancy at the property was acquired in good faith, and the hardship was not created by the applicant; and
WHEREAS, the BZA finds that the granting of a variance will not be detrimental to adjacent properties; and

WHEREAS, the BZA finds that the condition or situation of the property is not so general or recurring as to make reasonably practicable to formulate a regulation which can be adopted as an amendment to the ordinance; and

WHEREAS, the BZA has determined that granting the variance would not result in a change in use that is otherwise not permitted or change the zoning classification of the property; and

WHEREAS, the BZA has determined that the relief granted by the variance is not available through the special exception use permit process.

NOW, THEREFORE, BE IT RESOLVED that the BZA hereby approves Variance case number V-11454-19-VA-1, subject to the following:

1. The applicant shall obtain a certificate of occupancy pursuant to use permit U-3529-18-I for a child care center by April 17, November 1, 2020, or the Variance shall be null and void.
2. The applicant agrees not to modify the configuration of any exterior walls.
3. This variance shall expire if the buildings on the parcel are enlarged beyond what is shown in the application.
4. This variance shall expire if the Use Permit U-3529-18-I is no longer in effect or the parcel is no longer used as a daycare center or school.

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V-11454-19-UP-1: Use Permit request by Anne C.R. Perera, the contract owner, to permit a setback of 8.5 feet to the deck from the left-side property line instead of 16.0 feet to the deck as required, a setback of 8.5 feet to the wall of the building (7 feet to the eave) instead of 20 feet to the wall (16 feet to the eave) as required, and a setback of 36 feet to the deck from the rear property line instead of 46.0 feet as required, 48.6 feet and 48.7 to the wall of the buildings instead of 50 feet as required from the rear property line; a separation of 15 feet instead of 36 feet as required between Building #1030 and Building #1026; re a new Montessori school in existing buildings; “R-5/C-2” Zoning District, premises known 1022 South Highland Street (Douglas Park).

After a duly advertised hearing at which public testimony in support of the application was provided by C.R. Perera, the applicant, and Cassie Runerald, an agent for the, and there being no other speakers for this case. Mr. Owen made a motion to adopt the resolution proposed by staff granting the Use Permit with the conditions stated in the staff report, with a modification to the date of the fourth condition. The motion was seconded by Ms. Malis, and passed after a vote of 5-0.

RESOLUTION

WHEREAS, the Board of Zoning Appeals ("BZA") has held a duly advertised public hearing on April 17, 2019 on case number V-11454-19-UP-1 for a Special Use Permit to permit a setback of 8.5 feet to the deck from the left-side property line instead of 16.0 feet to the deck as required, a setback of 8.5 feet to the wall of the building (7 feet to the eave) instead of 20 feet to the wall (16 feet to the eave) as required, and a setback of 36 feet to the deck from the rear property line instead of 46.0 feet as required, 48.6 feet and 48.7 to the wall of the buildings instead of 50 feet as required from the rear property line; a separation of 15 feet instead of 36 feet as required between Building #1030 and Building #1026; re a new Montessori school in existing buildings; “R-5/C-2” Zoning District, premises known 1022 South Highland Street (Douglas Park); and

WHEREAS, the BZA finds that the proposal will not affect adversely the health or safety of persons residing in the neighborhood; and,

WHEREAS, the BZA finds that the proposal will not be detrimental to the public welfare or injurious to property or improvements in the neighborhood; and,

WHEREAS, the BZA finds that the proposal will not be in conflict with the purposes of the master plans and land use and zoning policies of the County; and,

WHEREAS, the BZA has determined that the modification is compatible with development in the surrounding neighborhood and that the structure’s overall footprint size and placement are similar
to comparable structures on other properties in the County and the proposal would help preserve natural land form, historical features and/or significant trees.

NOW, THEREFORE, BE IT RESOLVED that the BZA hereby approves Special Use Permit case number V-11454-19-UP-1, subject to the following:

1. The applicants agree that the structure/addition shall be constructed in accordance with the footprint shown on the survey, the architectural drawings attached to the staff report dated April 12, 2019, and that no enlargement of the structure/addition may be made in any dimension shown on the plat or architectural drawings.

2. The applicants shall obtain and provide to the Zoning Administrator one or more plats, which may include a wall check plat when the foundation is constructed and a final plat at the completion of the project, unless determined by the Zoning Administrator that such plats shall not be required.

3. The applicants agree that the rear deck shall not be built over or enclosed.

4. The applicants shall obtain a building permit to construct the structure permitted herein by April 17, November 1, 2020 or the Use Permit shall be null and void.

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V-11455-19-UP-I: Use Permit request by Cindy and Osualdo Fumei, the owners, to permit a separation of 4.5 feet to the wall (3.5 feet to the eave) of main building instead of 8 feet to wall (4 feet to eve) as required, re a new one story detached accessory building (garage) in the R-6 district, premises known as 1608 North Bryan Street. (Lyon Village)

After a duly advertised hearing at which public testimony in support of the application was provided by Cindy Fumei, the applicant, and Scott Freedman, the applicant’s agent, and there being no other speakers for this case, Ms. Freshman made a motion to adopt the resolution proposed by staff granting the Use Permit with the conditions stated in the staff report. The motion was seconded by Ms. Malis, and passed after a vote of 5-0.

RESOLUTION

WHEREAS, the Board of Zoning Appeals (“BZA”) has held a duly advertised public hearing on April 17, 2019 on case number V-11455-19-UP-1 for a Use Permit to permit a separation of 4.5 feet to the wall (3.5 feet to the eave) of main building instead of 8 feet to wall (4 feet to eve) as required, re a new one story detached accessory building (garage) in the R-6 district, premises known as 1608 North Bryan Street; and,

WHEREAS, the BZA finds that the proposal will not affect adversely the health or safety of persons residing in the neighborhood; and,

WHEREAS, the BZA finds that the proposal will not be detrimental to the public welfare or injurious to property or improvements in the neighborhood; and,

WHEREAS, the BZA finds that the proposal will not be in conflict with the purposes of the master plans and land use and zoning policies of the County; and,

WHEREAS, the BZA has determined that the modification is compatible with development in the surrounding neighborhood and that the structure’s overall footprint size and placement are similar to comparable structures on other properties in the County and the proposal would help preserve natural land form, historical features and/or significant trees.

NOW, THEREFORE, BE IT RESOLVED that the BZA hereby approves Special Use Permit case number V-11455-19-UP-1, subject to the following:

1. The applicants agree that the structure/addition shall be constructed in accordance with the footprint shown on the survey, and the architectural drawings attached to the staff report
dated April 12, 2019 and that no enlargement of the structure/addition may be made in any dimension shown on the plat or architectural drawings.

2. The applicants shall obtain and provide to the Zoning Administrator one or more final plats, to certify the accessory building’s location.

3. The applicants shall update their building permit to construct the structure permitted herein by April 17, 2020 or the Use Permit shall be null and void.

V-11456-19-UP-1: Use Permit request by Karen Shea, the owner, to permit a setback of 24.5 feet to the wall, 18.5 feet to porch (17.5 feet to porch eave) instead of 25 feet to the wall, 21 feet to porch (19.5 feet to eave) as required from 25th St. right-of-way, and to permit a side setback of 5.9 feet to the areaway instead of 6.9 feet as required from the right side property line; re a new exterior cladding, 2nd story addition over existing walls with new front porch, areaway, and rear additions in the R-10 district, premises known as 3829 25th Street North. (Dover Crystal).

After a duly advertised hearing at which public testimony in support of the application was provided by Jill Gilliland of Charles Moore Architects, the applicant’s agent, and there being no other speakers for this case, Ms. Malis made a motion to adopt the resolution proposed by staff granting the Use Permit with the conditions stated in the staff report. The motion was seconded by Ms. Freshman, and passed after a vote of 5-0.

RESOLUTION

WHEREAS, the Board of Zoning Appeals ("BZA") has held a duly advertised public hearing on April 17, 2019 on case number V-11456-19-UP-1 for a Use Permit, to permit a setback of 24.5 feet to the wall, 18.5 feet to porch (17.5 feet to porch eave) instead of 25 feet to the wall, 21 feet to porch (19.5 feet to eave) as required from 25th St. right-of-way, and to permit a side setback of 5.9 feet to the areaway instead of 6.9 feet as required from the right side property line; re a new exterior cladding, 2nd story addition over existing walls with new front porch, areaway, and rear additions in the R-10 district, premises known as 3829 25th Street North; and,

WHEREAS, the BZA finds that the proposal will not affect adversely the health or safety of persons residing in the neighborhood; and,

WHEREAS, the BZA finds that the proposal will not be detrimental to the public welfare or injurious to property or improvements in the neighborhood; and,

WHEREAS, the BZA finds that the proposal will not be in conflict with the purposes of the master plans and land use and zoning policies of the County; and,

WHEREAS, the BZA has determined that the modification is compatible with development in the surrounding neighborhood and that the structure’s overall footprint size and placement are similar to comparable structures on other properties in the County and the proposal would help preserve natural land form, historical features and/or significant trees.

NOW, THEREFORE, BE IT RESOLVED that the BZA hereby approves Special Use Permit case number V-11456-19-UP-1, subject to the following:

1. The applicants agree that the structure/additions shall be constructed in accordance with the footprint shown on the survey, and the architectural drawings attached to the staff report dated April 12, 2019 and that no enlargement of the structure/addition may be made in any dimension shown on the plat or architectural drawings.

2. The applicants shall obtain and provide to the Zoning Administrator one or more final plats, to certify the addition’s location.

3. The applicants agree that the front porch shall not be permitted to be built over, expanded, or enclosed.

4. The applicants shall update their building permit to construct the structure permitted herein
by April 17, 2020 or the Use Permit shall be null and void.

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V-11457-19-UP-1: Use Permit request by Gabrielle Carruth, the owner, to permit a setback of 5.5 feet to the wall from the left side lot line instead of 8 feet to the wall as required, and a setback of 7 feet to the wall from the rear lot line instead of 25 feet as required; re an existing accessory structure (outdoor fireplace), in the R-10 zoning district, premise known as 1401 22nd Street South. (Arlington Ridge)

After a duly advertised hearing at which public testimony in support of the application was provided by Gabrielle Carruth, the applicant, and by Robert Smith, the applicant’s agent, and there being no other speakers for this case, Ms. Freshman made a motion to adopt the resolution proposed by staff granting the Use Permit with the conditions stated in the staff report. The motion was seconded by Mr. Owen, and passed after a vote of 5-0.

RESOLUTION

WHEREAS, the Board of Zoning Appeals (“BZA”) has held a duly advertised public hearing on April 17, 2019 on case number V-11457-19-UP-1 for a Use Permit to permit a setback of 5.5 feet to the wall from the left side lot line instead of 8 feet to the wall as required, and a setback of 7 feet to the wall from the rear lot line instead of 25 feet as required; re an existing accessory structure (outdoor fireplace), in the R-10 zoning district, premise known as 1401 22nd Street South, and,

WHEREAS, the BZA finds that the proposal will not affect adversely the health or safety of persons residing in the neighborhood; and,

WHEREAS, the BZA finds that the proposal will not be detrimental to the public welfare or injurious to property or improvements in the neighborhood; and,

WHEREAS, the BZA finds that the proposal will not be in conflict with the purposes of the master plans and land use and zoning policies of the County; and,

WHEREAS, the BZA has determined that the modification is compatible with development in the surrounding neighborhood and that the structure’s overall footprint size and placement are similar to comparable structures on other properties in the County and the proposal would help preserve natural land form, historical features and/or significant trees.

NOW, THEREFORE, BE IT RESOLVED that the BZA hereby approves Special Use Permit case number V-11457-19-UP-1, subject to the following:

1. The applicants agree that the existing fireplace structure shall not be expanded, enclosed, or built over.

2. The applicants agree that the existing fireplace structure shall not be converted to burn propane or other natural gas.

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V-11458-19-UP-2: Use Permit request by Marianne Lavelle, the owner, to permit a rear yard setback of 19 feet (18.5 feet to the eave); re a new rear screened porch, instead of the 21 feet (19.5 feet to the eave) as required; “R-6” Zoning District, premise known as 2642 North Quantico Street (Arlington-East Falls Church)

After a duly advertised hearing at which public testimony in support of the application was provided by Marianne Lavelle, the applicant, and there being no other speakers for this case, Mr. Melnick made a motion to adopt the resolution proposed by staff granting the Use Permit with the conditions stated in the staff report. The motion was seconded by Ms. Malis, and passed after a vote of 5-0.

RESOLUTION

WHEREAS, the Board of Zoning Appeals (“BZA”) has held a duly advertised public hearing on
April 17, 2019 on case number V-11458-19-UP-2 for a Use Permit to permit a rear yard setback of 19 feet (18.5 feet to the eave); re a new rear screened porch, instead of the 21 feet (19.5 feet to the eave) as required; "R-6" Zoning District, premise known as 2642 North Quantico Street.

WHEREAS, the BZA finds that the proposal will not affect adversely the health or safety of persons residing in the neighborhood; and,

WHEREAS, the BZA finds that the proposal will not be detrimental to the public welfare or injurious to property or improvements in the neighborhood; and,

WHEREAS, the BZA finds that the proposal will not be in conflict with the purposes of the master plans and land use and zoning policies of the County; and,

WHEREAS, the BZA has determined that the modification is compatible with development in the surrounding neighborhood and that the structure’s overall footprint size and placement are similar to comparable structures on other properties in the County and the proposal would help preserve natural land form, historical features and/or significant trees.

NOW, THEREFORE, BE IT RESOLVED that the BZA hereby approves Special Use Permit case number V-11458-19-UP-2, subject to the following:

1. The applicants agree that the structure/addition shall be constructed in accordance with the footprint shown on the survey, and the architectural drawings attached to the staff report dated April 12, 2019 and that no enlargement of the structure/addition may be made in any dimension shown on the plat or architectural drawings.

2. The applicants shall obtain and provide to the Zoning Administrator one or more final plats, to certify the addition's location.

3. The applicants agree that the rear porch shall not be enlarged, built over, or enclosed.

4. The applicants shall update their building permit to construct the structure permitted herein by April 17, 2020 or the Use Permit shall be null and void.

V-11459-19-UP-1: Use Permit request by George and Colleen Holzbach, the owners, to allow a separation of 4.7 feet between an existing detached garage and a new addition instead of 8 feet as required, and to permit a setback of 18 feet to the porch instead of 21 from the North Oakland Street right-of-way; re two-story rear addition, and front porch modifications in the “R-6” Zoning District, premise known as 559 North Oakland Street (Ashton Heights)

After a duly advertised hearing at which public testimony in support of the application was provided by George Holzbach, the applicant, and Jon Hensley, the applicant’s agent, and there being no other speakers for this case, Mr. Melnick made a motion to adopt the resolution proposed by staff granting the Use Permit with the conditions stated in the staff report. The motion was seconded by Ms. Freshman, and passed after a vote of 5-0.

RESOLUTION

WHEREAS, the Board of Zoning Appeals (“BZA”) has held a duly advertised public hearing on April 17, 2019 on case number V-11459-19-UP-1 for a Use Permit to allow a separation of 4.7 feet between an existing detached garage and a new addition instead of 8 feet as required, and to permit a setback of 18 feet to the porch instead of 21 from the North Oakland Street right-of-way; re two-story rear addition, and front porch modifications in the “R-6” Zoning District, premise known as 559 North Oakland Street; and,

WHEREAS, the BZA finds that the proposal will not affect adversely the health or safety of persons residing in the neighborhood; and,

WHEREAS, the BZA finds that the proposal will not be detrimental to the public welfare or injurious to property or improvements in the neighborhood; and,
WHEREAS, the BZA finds that the proposal will not be in conflict with the purposes of the master plans and land use and zoning policies of the County; and,

WHEREAS, the BZA has determined that the modification is compatible with development in the surrounding neighborhood and that the structure’s overall footprint size and placement are similar to comparable structures on other properties in the County and the proposal would help preserve natural land form, historical features and/or significant trees.

NOW, THEREFORE, BE IT RESOLVED that the BZA hereby approves Special Use Permit case number V-11459-19-UP-1, subject to the following:

1. The applicants agree that the structure/addition shall be constructed in accordance with the footprint shown on the survey, and the architectural drawings attached to the staff report dated April 12, 2019 and that no enlargement of the structure/addition may be made in any dimension shown on the plat or architectural drawings.

2. The applicants shall obtain and provide to the Zoning Administrator one or more final plats, to certify the addition’s location.

3. The applicants shall update their building permit to construct the structure permitted herein by April 17, 2020 or the Use Permit shall be null and void.

SUBJECT: Adoption of a proposed letter from the BZA to the Arlington County Board as a supplement to the 2018 annual BZA report, identifying certain sections of the Zoning Ordinance that may merit clarification.

Mr. Owen made a motion to authorize the BZA chair to send the letter to the County Board on behalf of the BZA. The motion was seconded by Ms. Freshman, and passed after a vote of 5-0

APPROVAL OF MINUTES:
Ms. Freshman made a motion to approve the March 13, 2019 meeting minutes as revised and distributed to the BZA ahead of the April 2019 hearing. The motion was seconded by Ms. Malis, and passed after a vote of 5-0.

ADOPTION OF CALENDAR:
Ms. Freshman made a motion to approve a modified calendar for BZA hearings after June 2019 with dates of July 24, no hearing in August, September 18, October 16, November 13, and December 11, 2019. The motion was seconded by Ms. Malis, and passed after a vote of 5-0.

ADJOURNMENT:
Ms. Freshman made a motion to adjourn. The motion was seconded by Ms. Malis, and was passed after a vote of 5-0. The meeting adjourned at 9:57 p.m.

Please note that underscored words in the resolutions above represent amendments made by the BZA to the resolutions contained within the staff reports. Words that have been crossed through reflect language removed at the request of the BZA.

Stephen Risse, Secretary
Arlene Womih, Zoning Administrator
Charles Smith, Chairman