REGULAR MEETING OF THE ARLINGTON COUNTY
BOARD OF ZONING APPEALS
2100 CLARENDON BOULEVARD, ARLINGTON, VIRGINIA
ROOM 307, on Wednesday June 12, 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 or such alternative relief as the BZA may deem appropriate, such as (i) grant of a variance permitting maximum lot coverage of greater than 48.0% but less than 51.7%, and/or (ii) grant of a variance subject to such conditions and safeguards as the BZA may determine to be appropriate, including required alterations to other portions of the property consistent with Section 15.6.4 of the Zoning Ordinance; 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 applications was provided by Jarrett Taubman and Lori Taubman, the applicants, there being no other speakers for this case, Mr. Owen made a motion to amend and adopt alternative resolution proposed by staff adding a new whereas clause and additional condition establishing an expiration for the Variance, and granting the Variance in case V-11449-19-VA-1 as advertised with the conditions stated in the staff report as well as his addition condition. The motion was seconded by Ms. Freshman, but before the vote was taken Mr. Owen asked for unanimous consent to add a second additional condition related to recordation, and then again asked for unanimous consent to clarify the language of the second additional condition; both requests passed without any opposition. The amended motion then passed after a vote of 4-1 with Ms. Malis voting against the motion.

RESOLUTION
WHEREAS, the Board of Zoning Appeals (“BZA”) has held a duly advertised public hearing on June 12, 2019 on case number V-11449-19-VA-1 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 or such alternative relief as the BZA may deem appropriate, such as (i) grant of a variance permitting maximum lot coverage of greater than 48.0% but less than 51.7%, and/or (ii) grant of a variance subject to such conditions and safeguards as the BZA may determine to be appropriate, including required alterations to other portions of the property consistent with Section 15.6.4 of the Zoning Ordinance; re replacement of an existing deck in the “R-6” Zoning District, premises known as 1719 North Monroe Street; and,

WHEREAS, the BZA finds that the granting of this variance would alleviate a hardship due to a physical condition relating to the property or improvements thereon which existed upon the effective date of the zoning ordinance; and,

WHEREAS, the BZA finds that the property was acquired in good faith, and the hardship was not created by the applicants; 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 the granting of a variance and would not result in a change in use that is otherwise not permitted or change the zoning classification of the property; and,

WHEREAS, the applicants have represented that they intend to make modifications on the property prior to December 31, 2024 to reduce the overall coverage below 48%; and,

NOW, THEREFORE, BE IT RESOLVED that the BZA hereby approves Variance case number V-11449-19-VA-1, subject to the following:

1. The applicants agree that the deck structure is constructed in accordance with the footprint shown on the survey, and the architectural drawings attached to the staff report dated June 7, 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 agree that the rear decks shall not be built over or enclosed.

3. The applicants shall obtain a building permit to construct the structure permitted herein by June 12, 2020 or the Variance shall be null and void.

4. This Variance will expire on December 31, 2024.

5. Applicants agree to provide the Zoning Administrator with evidence that this Variance has been recorded with the land records of Arlington County prior to the issuance of a building permit.

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V-11466-19-UP-1: Use Permit request by Cheryl Takemoto and James Scampavia, the owners, to permit a rear setback of 17 feet to the wall of an enclosed sunroom and unenclosed deck (16.6 feet to the sunroom’s eave) instead of 25 feet to the wall of the sunroom and 21 feet to the deck and sunroom eave as required from the rear lot line; re proposed elevated enclosed sunroom and unenclosed deck over lower deck, in the R-6 zoning district, on the premise known as 901 North Montana Street. (Dominion Hills)

After a duly advertised hearing at which public testimony in support of the applications was provided by Cheryl Takemoto and James Scampavia, the applicants, there being no other speakers for this case, Ms. Freshman made a motion to adopt the resolution proposed by staff granting the Use Permit requested in case V-11466-19-UP-1 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 June 12, 2019 on case number V-11466-19-UP-1 for a Use Permit to permit a rear setback of 17 feet to the wall of an enclosed sunroom and unenclosed deck (16.6 feet to the sunroom’s eave) instead of 25 feet to the wall of the sunroom and 21 feet to the deck and sunroom eave as required from the rear lot line; re proposed elevated enclosed sunroom and unenclosed deck over lower deck, in the R-6 zoning district, on the premise known as 901 North Montana 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-11466-19-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 June 7, 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 obtain a building permit to construct the structure permitted herein by June 12, 2020 or the Use Permit shall be null and void.

V-11467-19-VA-2: Variance request by Michael and Lena Andersson, the owners, for after the fact approval to permit a main building footprint of 3,456 square feet instead of 2,800 square feet as required, and to permit a main building footprint coverage of 29% instead of 25% as required; re previous construction of a non-conforming replacement rear raised deck, in the R-8 zoning district, on the premise known as 2901 North Kensington Street. (Williamsburg)

After a duly advertised hearing at which public testimony in support of the applications was provided by Michael Andersson, an applicant, there being no other speakers for this case, Ms. Freshman made a motion to defer the Variance requested in case V-11467-19-VA-2 to the September 2019 BZA hearing to allow the applicants additional time to explore a by-right option for their property. The motion was seconded by Mr. Owen and passed after a vote of 5-0.

V-11468-19-UP-1: Use Permit request by Robert T. and Anita C. Doyle, the owners, to permit a rear setback of 20.9 feet to the wall of the addition (19.9 feet to the eave) and 17.4 feet to the landing/deck instead of 25 feet to the wall (21 feet to the eave and landing/deck) as required from the rear property line, re a new 2-story rear addition over basement and rear deck in the R-6 zoning district, on the premises known as 5019 6th Street North. (Bluemont)

After a duly advertised hearing at which public testimony in support of the applications was provided by Robert Doyle, an applicant, there being no other speakers for this case, Ms. Malis made a motion to adopt the resolution proposed by staff granting the Use Permit requested in case V-11468-19-UP-1 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 June 12, 2019 on case number V-11468-19-UP-1 for a Use Permit to permit a rear setback of 20.9 feet to the wall of the addition (19.9 feet to the eave) and 17.4 feet to the landing/deck instead of 25 feet to the wall (21 feet to the eave and landing/deck) as required from the rear property line, re a new 2-story rear addition over basement and rear deck in the R-6 zoning district, on the premises known as 5019 6th Street North.

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-11469-19-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 June 7, 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 obtain a building permit to construct the structure permitted herein by June 12, 2020 or the Use Permit shall be null and void.

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V-11469-19-UP-1: Use permit request by Asghar Shahmoradi and Maryam Amiryani, the owners, to permit a side setback of 2.6 feet to the wall (1.6 feet to the eave) from the left side property line instead of 8 feet to the wall (5 feet to the eave) as required, re the partial enclosure of an existing attached carport in the Maywood historic district, in the R-6 zoning district, on the premises known as 2337 North Fillmore Street. (Maywood)

After a duly advertised hearing at which public testimony in support of the applications was provided by Asghar Shahmoradi, an applicant, there being no other speakers for this case, Ms. Malis made a motion to adopt the resolution proposed by staff granting the Use Permit requested in case V-11469-19-UP-1 with the conditions stated in the staff report. The motion was seconded by Mr. Melnick and passed after a vote of 5-0.

RESOLUTION

WHEREAS, the Board of Zoning Appeals (“BZA”) has held a duly advertised public hearing on June 12, 2019 on case number V-11469-19-UP-1 for a Use Permit to permit a side setback of 2.6 feet to the wall (1.6 feet to the eave) from the left side property line instead of 8 feet to the wall (5 feet to the eave) as required, re the partial enclosure of an existing attached carport in the Maywood historic district, in the R-6 zoning district, on the premises known as 2337 North Fillmore 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-11469-19-UP-1, subject to the following:

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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 June 7, 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 obtain a building permit to construct the structure permitted herein by June 12, 2020 or the Use Permit shall be null and void.

V-11470-19-UP-1: Use Permit request by John and Margret Schaus, the owners, to permit a right-of-way setback of 15 feet to the porch (14.5 feet to the porch eave) instead of the 21 feet to the porch (19.5 feet to the porch eave) as required from the 24th Street South right-of-way, and to permit a side set back of 5 feet to the porch (4.5 feet to the porch eave) instead of 10 feet to the porch (6 feet to the porch eave) as required from the left side property line; re new front porch in the R-6 zoning district, on the premise known as 704 24th Street South. (Aurora Highlands)

After a duly advertised hearing at which public testimony in support of the applications was provided by John Schaus and Margret Schaus, the applicants, there being no other speakers for this case, Mr. Melnick made a motion to adopt the resolution proposed by staff granting the Use Permit requested in case V-11470-19-UP-1 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 June 12, 2019 on case number V-11470-19-UP-1 for a Use Permit to permit a right-of-way setback of 15 feet to the porch (14.5 feet to the porch eave) instead of the 21 feet to the porch (19.5 feet to the porch eave) as required from the 24th Street South right-of-way, and to permit a side set back of 5 feet to the porch (4.5 feet to the porch eave) instead of 10 feet to the porch (6 feet to the porch eave) as required from the left side property line; re new front porch in the R-6 zoning district, on the premise known as 704 24th Street South. (Aurora Highlands); 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-11470-19-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 June 7, 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 obtain a building permit to construct the structure permitted herein by June 12, 2020 or the Use Permit shall be null and void.
V-11471-19-UP-1: Use Permit request by Brett and Alyssa Morris, the owners, to permit a side setback of 6.1 feet to the wall instead of 8 feet to the wall as required from the right side property line, and to permit an aggregate setback of 16.4 feet instead of 18 feet as required; re new 2-story right side addition in the R-6 zoning district, on the premise known as 5113 3rd Street North. (Arlington Forest)

After a duly advertised hearing at which public testimony in support of the applications was provided by Brett Morris and Alyssa Morris, the applicants, there being no other speakers for this case, Ms. Malis made a motion to adopt the resolution proposed by staff granting the Use Permit requested in case V-11471-19-UP-1 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 June 12, 2019 on case number V-11471-19-UP-1 to permit a side setback of 6.1 feet to the wall instead of 8 feet to the wall as required from the right side property line, and to permit an aggregate setback of 16.4 feet instead of 18 feet as required; re new 2-story right side addition in the R-6 zoning district, on the premise known as 5113 3rd Street North. (Arlington Forest) 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-11471-19-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 June 7, 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 obtain a building permit to construct the structure permitted herein by June 12, 2020 or the Use Permit shall be null and void.

V-11472-19-VA-1: (withdrawn by staff) Variance request by Matthew A. Rhodes & Barbara Banas, the owners, to permit an addition to a non-conforming townhouse; re replacement and expansion of an elevated rear deck addition, over at grade patio and freestanding shed in the R2-7 zoning district, on the premise known as 2013 South Kenmore Street. (Nauck)

Case V-11472-19-VA-1 was not heard by the Board of Zoning Appeals as County staff determined after the item was advertised that a Variance was not necessary based on the scope of the work in the application.
APPROVAL OF MINUTES:
Mr. Owen made a motion to approve the May 15, 2019 meeting minutes as presented to the BZA ahead of the June 2019 hearing. The motion was seconded by Ms. Freshman, and passed after a vote of 5-0.

ADJOURNMENT:
Ms. Freshman made a motion to adjourn. The motion was seconded by Mr. Smith, and was passed after a vote of 5-0. The meeting adjourned at 8:41 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

Arlina Vanhcm, Zoning Administrator

Charles Smith, Chairman