REGULAR MEETING OF THE ARLINGTON COUNTY
BOARD OF ZONING APPEALS
2100 CLARENDON BOULEVARD, ARLINGTON, VIRGINIA
ROOM 307, on Wednesday March 13, 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
Cliff Hogan, Assistant to the Zoning Administrator
Ja'Que McNeill, Administrative Specialist
Mark Hamala, Zoning Technician

V-11437-18-APP-2: Appeal by Daniel D. Gilbert, the owner, of a determination letter issued
October 31, 2018 concerning the non-conforming status of an accessory dwelling unit on
the subject premises; on a corner lot in the “R-5” Zoning District; premise known as 734 21st Street
South. (Aurora Highlands)

After a duly advertised hearing at which no public testimony was provided, Mr. Owen made a
motion to accept the appellant’s request for the withdrawal of the Appeal requested in case V-
11437-18-APP-2. The motion was seconded by Ms. Malis and passed after a vote of 5-0.

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V-11418-18-UP-1: (Carryover) Use Permit request by Peter and Julie Kaplan, the owners, to
permit a left side setback of 11 feet to the wall instead of 13 feet as required from the adjacent
property line, and to permit an aggregate setback of 22 feet instead of 24 feet as required in the R-
10 zoning district; re left side and rear addition to an existing one-family detached dwelling in the
“R-10” Zoning District, premise known as 3730 25th Street North. (Dover Crystal)

After a duly advertised hearing at which public testimony was provided by Peter Kaplan an
applicant, and Peggy DiNunzio a neighbor with concerns on the implementation of the addition,
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 an amendment to 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
March 13, 2019 on case number V-11418-18-UP-1 for a Use Permit to permit a left side setback
of 11 feet to the wall instead of 13 feet as required from the adjacent property line, and to permit
an aggregate setback of 22 feet instead of 24 feet as required in the R-10 zoning district; re left
side and rear addition to an existing one-family detached dwelling in the “R-10” Zoning District,
premise known as 3730 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-11418-18-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 March 8, 2019 subject to condition number four 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 March 13, 2020 or the Use Permit shall be null and void.

4. The applicants agree to pipe the downspout water underground from the proposed addition to the front of the house. Water will be discharged to the driveway or within 5 feet of the front sidewalk. A water engineer or subject matter expert acceptable to the Zoning Administrator will verify the building plans are sufficient to accomplish the solution, prior to the issuance of a building permit as well as perform a post construction inspection to certify compliance within 30 days of the completion of the project.

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V-11421-18-UP-1: (Carryover) Use Permit request by Ashton Homes LLC, the owner, to permit a left side yard setback of 6.8 feet to the house (5.8 to the eave) instead of 10 feet to the house (6 feet to the eave) as required from the left side property line, and to permit a setback of 6.8 feet to the 2nd story rear porch instead of 10 feet to the 2nd story rear porch as required from the left side property line, and to permit a setback of 4.1 feet to the stormwater planter boxes, instead of 6 feet to the stormwater planter boxes as required from the left side property line, and to permit an aggregate side setback of 15.6 feet instead of 18 feet as required in the R-6 Zoning District; re new one-family detached dwelling in the “R-6” Zoning District, premise known as 5717 6th Street North. (Bluemont)

After a duly advertised hearing at which public testimony was provided by Andrew Wright an applicant, and Phil Dales an agent for the applicant in favor of the application and William Barratt a neighbor in opposition to the application, 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 an amendment, and addition to 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 March 13, 2019 on case number V-11421-18-UP-1 for a Use Permit to permit a left side yard setback of 6.8 feet to the house (5.8 to the eave) instead of 10 feet to the house (6 feet to the eave) as required from the left side property line, and to permit a setback of 6.8 feet to the 2nd story rear porch instead of 10 feet to the 2nd story rear porch as required from the left side property line, and to permit a setback of 4.1 feet to the stormwater planter boxes, instead of 6 feet to the stormwater planter boxes as required from the left side property line, and to permit an aggregate side setback of 15.6 feet instead of 18 feet as required in the R-6 Zoning District; re new one-family detached dwelling in the “R-6” Zoning District, premise known as 5717 6th 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-11421-18-UP-1, subject to the following:

1. The applicants agree that the structure(s) shall be constructed in accordance with the footprint shown on the survey, and the architectural drawings attached to the staff report dated March 8, 2019 subject to conditions four through seven below, 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 structure(s) location.

3. The applicants agree that the rear porch will not be built over nor enclosed.

4. The applicants shall update their building permit to construct the structure permitted herein by March 13, 2020 or the Use Permit shall be null and void.

5. The applicants agree to replace the maple tree in the front yard with an equivalent species acceptable to the Zoning Administrator on the property.

6. The applicants agree to not place the heating and air conditioning units in any-side yard.

7. The applicants agree to install baffles on any side yard vents that will minimize the flow of exhaust onto the neighbors’ property in a configuration acceptable to the Zoning Administrator.

8. The applicants agree to notify all abutting neighbors of the expected date of demolition and excavation at least two weeks prior to the event.

V-11433-18-UP-2: (Carryover and modified) Use Permit request by Matthew Dodge and Alisa Tanaka-Dodge, the owners, to permit a side setback of 6.5 feet to the wall from the left (east) side property line instead of the required 8 feet to the wall as required, and to permit a rear setback of 15 feet to the wall (14 feet to the eave) instead of 25 feet to the wall (21 feet to the eave) as required from the rear property line; re new 3-story rear addition in the “R-6” Zoning District, premise known as 4324 17th Street North. (Cherrydale)

After a duly advertised hearing at which public testimony was provided by Matthew Dodge and Alisa Tanaka-Dodge the applicants, 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. 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 March 13, 2019 on case number V-11433-18-UP-2 for a Special Use Permit to permit a side setback of 6.5 feet to the wall from the left (east) side property line instead of the required 8 feet to the wall as required, and to permit a rear setback of 15 feet to the wall (14 feet to the eave) instead of 25 feet to the wall (21 feet to the eave) as required from the rear property line; re new 3-story rear addition in the “R-6” Zoning District, premise known as 4324 17th 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-11433-18-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 March 8, 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 shall obtain a building permit to construct the structure permitted herein by March 13, 2020 or the Use Permit shall be null and void.

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V-11436-18-VA-2: Variance request by Annie Lurth, the owner, for after the fact approval of an addition (deck) to a nonconforming multi-family structure in the “R2-7” Zoning District; re a previously built rear deck on a corner lot in the “R2-7” Zoning District, premise known as 2100 North Brandywine Street. (Glebewood)

After a duly advertised hearing at which public testimony was provided by John Fernandez, 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 Variance with the conditions stated in the staff report. The motion was seconded by Ms. Freshman, and passed after a vote of 3-2 with Ms. Malis, and Mr. Owen voting against the motion.

RESOLUTION

WHEREAS, the Board of Zoning Appeals (“BZA”) has held a duly advertised public hearing on March 13, 2019 on case number V-11436-18-VA-2, for after the fact approval of an addition (deck) to a nonconforming multi-family structure in the “R2-7” Zoning District; re a previously built rear deck on a corner lot in the “R2-7” Zoning District, premise known as 2100 North Brandywine 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;

NOW, THEREFORE, BE IT RESOLVED that the BZA hereby approves Variance case number V-11436-18-VA-2, 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 March 8, 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 deck shall not be built over or enclosed.

3. The applicants shall obtain a building permit to construct the structure permitted herein by March 13, 2020 or the Variance shall be null and void.

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V-11436-18-UP-1: Use Permit request by Annie Lurth, the owner, for after the fact approval to permit a right-of-way setback of 19 feet to a deck instead of 21 feet as required from the 21st Street north right-of-way, and to permit a rear setback of 10 feet instead of 21 feet as required from the rear property line; re a previously built deck on a corner lot in the “R2-7” Zoning District, premises known as 2100 North Brandywine Street. (Glebewood)

After a duly advertised hearing at which public testimony was provided by John Fernandez, 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. Melnick, and passed after a vote of 3-2 with Ms. Malis, and Mr. Owen voting against the motion.

RESOLUTION

WHEREAS, the Board of Zoning Appeals (“BZA”) has held a duly advertised public hearing on March 13, 2019 on case number V-11436-18-UP-1 for a Use Permit for after the fact approval to permit a right-of-way setback of 19 feet to a deck instead of 21 feet as required from the 21st Street north right-of-way, and to permit a rear setback of 10 feet instead of 21 feet as required from the rear property line; re a previously built deck on a corner lot in the “R2-7” Zoning District, premises known as 2100 North Brandywine 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-11436-18-UP-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 March 8, 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 deck shall not be permitted to be built over, or enclosed.

4. The applicants shall update their building permit to construct the structure permitted herein by March 13, 2020 or the Use Permit shall be null and void.

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V-11438-18-UP-1: Use Permit request by Calvary United Methodist Church, the owner, to permit after the fact approval for a side setback of 0 feet to the deck from the right-side property line instead of 6 feet to the deck as required, and to permit a rear setback of 14.6 feet to the deck instead of 21 feet from rear property line as required; re a previously built rear deck in the “R-6” Zoning District, premises known as 2709 South Grant Street. (Aurora Highlands)

After a duly advertised hearing at which public testimony was provided by Cris Gardner, chair of trustees for the applicant, Greg Miller an agent for the applicant, and Jeannine Aversa a neighbor in support of the application, as well as Charles Walter and Mary Jo Kittle, neighbors in opposition to the application, there being no other speakers for this case, Ms. Malis made a motion to adopt the resolution proposed by staff denying the Use Permit. 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 March 13, 2019 on case number V-11438-18-UP-1 for a Use Permit, to permit after the fact approval for a side setback of 0 feet to the deck from the right-side property line instead of 6 feet to the deck as required, and to permit a rear setback of 14.6 feet to the deck instead of 21 feet from rear property line as required; re a previously built rear deck in the “R-6” Zoning District, premises known as 2709 South Grant 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 not compatible with development in the surrounding neighborhood and that the structure’s overall placement are not similar to comparable structures on other properties in the County though the proposal would help preserve natural land form, historical features and/or significant trees.

NOW, THEREFORE, BE IT RESOLVED that the BZA hereby denies Special Use Permit case number V-11438-18-UP-1:

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V-11439-18-VA-1: Variance request by Sancus, LLC, the owner, to permit a lot coverage of 66% instead of 48% as required for a single-family detached dwelling in the “R-5” Zoning District with a qualifying front porch; re new detached single-family dwelling with front porch in the “R-5” Zoning District, premise known as 1031 North Cleveland Street. (Clarendon-Courthouse)

After a duly advertised hearing at which public testimony was provided by Mike Stephens, the applicant’s agent, and there being no other speakers for this case, Ms. Malis made a motion to defer the Variance to the May 2019 BZA hearing. The motion was seconded by Ms. Freshman, and passed after a vote of 5-0.

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V-11439-18-UP-1: Use Permit request by Sancus, LLC, the owner, to permit a left side setback
of 5.1 feet to the building wall (4.6 feet to the building eave) from the left property line instead of 8 feet as required from the adjacent property line, to permit a rear setback of 5.1 feet to the wall (3.6 feet to the eave) instead of 25 feet to the wall (21 feet to the eave) as required from the rear property line, to permit a right of way setback of 9.1 feet to the building wall (7.1 feet to the eave) instead of 25 feet to the wall (21 feet to the eave) as required from the North Cleveland Street right-of-way, to permit a right-of-way setback of 3.1 feet to the porch (2.6 feet to the porch eave) instead of the allowed 21 feet to the porch (19.5 feet to the porch eave) as required from the right-of-way, and to permit an aggregate side setback of 16.4 feet instead of 18 feet as required; re new detached single family dwelling with front porch in the “R-5” Zoning District, premise known as 1031 North Cleveland Street. (Clarendon-Courthouse)

After a duly advertised hearing at which public testimony was provided by Mike Stephens, the applicant’s agent, and there being no other speakers for this case, Ms. Freshman made a motion to defer the Use Permit to the May 2019 BZA hearing. The motion was seconded by Ms. Malis, and passed after a vote of 5-0.

V-11440-18-UP-1: Use Permit request by Damon and Eugenia Hand, the owners, to permit a side setback of 14.3 feet to the building wall (13.3 feet to the eave) from the right-side property line instead of 17.9 feet to the wall (13.9 feet to the eave) as required, and to permit a side setback of 12.9 feet to the stoop from the right side property line instead of 13.9 feet as required, and to permit an aggregate side yard of 20.4 feet instead of 24 feet as required; re a new two-story right side rear addition and right side stoop in the “R-10” Zoning District, premises known as 4926 34th Street North. (Rock Spring)

After a duly advertised hearing at which public testimony was provided by Damon and Eugenia Hand the applicants, 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. 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 March 13, 2019 on case number V-11440-18-UP-1 for a Use Permit, to permit a side setback of 14.3 feet to the building wall (13.3 feet to the eave) from the right-side property line instead of 17.9 feet to the wall (13.9 feet to the eave) as required, and to permit a side setback of 12.9 feet to the stoop from the right side property line instead of 13.9 feet as required, and to permit an aggregate side yard of 20.4 feet instead of 24 feet as required; re a new two-story right side rear addition and right side stoop in the “R-10” Zoning District, premises known as 4926 34th 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-11440-18-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 March 8, 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 side stoop shall not be permitted to be built over, or enclosed.

4. The applicants shall update their building permit to construct the structure permitted herein by March 13, 2020 or the Use Permit shall be null and void.

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V-11441-18-UP-1: Use Permit request by David Gant, the owner, to permit a setback of 17.5 feet to the porch (17.1 feet to the eave) from the 23rd Road South right-of-way instead of 21.0 feet to the porch (19.5 feet to the eave) as required; re a new front porch and by-right ramp in the “R-6” Zoning District, premises known as 4804 23rd Road South. (Claremont).

After a duly advertised hearing at which public testimony was provided by Steven Tinter the applicant’s agent, 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. 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 March 13, 2019 on case number V-11441-18-UP-1 for a Use Permit, to permit a setback of 17.5 feet to the porch (17.1 feet to the eave) from the 23rd Road South right-of-way instead of 21.0 feet to the porch (19.5 feet to the eave) as required; re a new front porch and by-right ramp in the “R-6” Zoning District, premises known as 4804 23rd Road 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-11441-18-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 March 8, 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, or enclosed.

4. The applicants shall update their building permit to construct the structure permitted herein by March 13, 2020 or the Use Permit shall be null and void.

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V-11442-18-UP-1: Use Permit request by FMH Investments LLC, the owner, to permit a right-of-way setback of 21.7 feet to the front wall (20.1 feet to the eaves, 19.4 feet to the window well)
instead of 25 feet to the wall (21 feet to the eave, window well) as required from the North Greenbrier Street right-of-way, and to permit a setback of 18 feet to the porch (17.1 feet to the porch eaves) instead of 21 feet to the porch (19.5 feet to the porch eave) as required from the right-of-way, to permit a rear setback of 17.3 feet to the rear deck instead of 21 feet to the deck as required from the rear property line, to permit a right side setback of 3.3 feet to the areaway instead of 5 feet as required; re new single-family detached house in the "R-6" Zoning District. Premise known as 512 North Greenbrier Street. (Bluemont)

After a duly advertised hearing at which public testimony was provided by James McMullin, representing the applicant, in support of the application, as well as Matt Kier, William Stewart, and Diane Kier, neighbors in opposition to the application, there being no other speakers for this case, Mr. Owen made a motion to denying the Use Permit. The motion was seconded by Ms. Malis, and passed after a vote of 5-0.

V-11443-18-VA-1: Variance request by Todd E. Hitt, the owner, for after the fact approval to permit a main building foot print 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 the replacement of a previously existing deck, in the "R-8" Zoning District, premise known as 2901 North Kensington Street. (Williamsburg)

After a duly advertised hearing at which public testimony was provided by Todd Hitt, representing the applicant, and Thomas Colucci, the applicant’s agent in support of the application, and there being no other speakers for this case, Mr. Melnick a motion to adopt the alternative resolution proposed by staff granting the variance with the conditions stated in the staff report. The motion was seconded by Ms. Freshman, but failed to pass after a vote of 2-3 with Mr. Smith, Ms. Malis, and Mr. Owen voting against the motion. Mr. Owen then made a motion to adopt the resolution proposed by staff denying the variance. This motion was seconded by Ms. Malis, and passed after a vote of 4-1 with Mr. Melnick voting against the motion.

RESOLUTION

WHEREAS, the Board of Zoning Appeals ("BZA") has held a duly advertised public hearing on March 13, 2019 on case number V-11443-18-VA-1 for after the fact approval to permit a main building foot print 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 the replacement of a previously existing deck, in the "R-8" Zoning District, premise known as 2901 North Kensington Street; and,

WHEREAS, the BZA finds that the granting of this variance would not 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 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,

NOW, THEREFORE, BE IT RESOLVED that the BZA hereby denies Variance case number V-11443-18-VA-1.
V-11444-19-UP-1: Use Permit request by George and Tyler Smith, the owners, to permit a side setback of 5.5 feet to the wall and porch instead of 8 feet as required from the adjacent property line; re a two-story addition and porch on a corner lot in the “R-6” Zoning District, premise known as 975 North Madison Street (Dominion Hills)

After a duly advertised hearing at which public testimony was provided by George and Tyler Smith the applicants, 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. 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 March 13, 2019 on case number V-11444-19-UP-1 for a Use Permit to permit a side setback of 5.5 feet to the wall and porch instead of 8 feet as required from the adjacent property line; re a two-story addition and porch on a corner lot in the “R-6” Zoning District, premise known as 975 North Madison 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-11444-19-UP-1, subject to the following.

1. The applicants agree that the structure/addition is constructed in accordance with the footprint shown on the survey, and the architectural drawings attached to the staff report dated March 8, 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 included porch shall not be permitted to be further built over, or enclosed.

4. The applicants shall update their building permit to construct the structure permitted herein by March 13, 2020 or the Use Permit shall be null and void.

Oooooo

V-11445-19-UP-1: Use Permit request by 2 Way Help Investing, LLC, owners, to permit a right side setback of 1.6 feet to the wall instead of 10 feet to the wall as required, to permit a left side setback of 7.4 feet to the wall instead of 10 feet to the wall as required, and to permit an aggregate setback of 9 feet instead of 18 feet as required; re two-story rear addition, in the “R-6” Zoning District, premise known as 5012 22nd Street North (John M. Langston)

After a duly advertised hearing at which public testimony was provided by Abebe Seifu representing the applicant, and Ash Sirazul a neighbor in support of the application, 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. 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 March 13, 2019 on case number V-11445-19-UP-1 for a Use Permit, to permit a left side setback of 7.4 feet to the wall instead of 10 feet to the wall as required, and to permit an aggregate setback of 9 feet instead of 18 feet as required; re two-story rear addition, in the "R-6" Zoning District, premise known as 5012 22nd 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-11445-19-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 March 8, 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 March 13, 2020 or the Use Permit shall be null and void.

OooooOoooo

V-11446-19-UP-1: Use Permit request by Andrew Schwentker and Lee Bullock Schwentker, the owners, to permit a left side setback of 6.1 feet to the wall instead of 8 feet to the wall as required from the side property line, to permit a right side setback of 7.7 feet to the wall instead of 10 feet as required from the side property line, and to permit an aggregate setback of 13.8 feet instead of 18 feet as required; re 2-story rear addition, and new rear screen porch in the "R-6" Zoning District, premise known as 3118 1st Road North (Lyon Park)

After a duly advertised hearing at which public testimony was provided by Lee Bullock Schwentker an applicant in support of the application, and there being no other speakers for this case, Mr. Menick 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 March 13, 2019 on case number V-11446-19-UP-1 for a Use Permit to permit a left side setback of 6.1 feet to the wall instead of 8 feet to the wall as required from the side property line, to permit a right side setback of 7.7 feet to the wall instead of 10 feet as required from the side property line, and to permit an aggregate setback of 13.8 feet instead of 18 feet as required; re 2-story rear addition, and new rear screen porch in the "R-6" Zoning District, premise known as 3118 1st Road 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-11446-19-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 March 8, 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 March 13, 2020 or the Use Permit shall be null and void.

OooooOoooo

V-11447-19-UP-1: Use Permit request by Ilker Karapinar of Vine Custom Homes LLC, the owner, to permit a rear yard setback of 20.4 feet to the wall (19.4 feet to the eave) instead of 25 feet to the wall (21 feet to the eave) as required from the rear property line, to permit a right side setback of 8.5 feet to the wall instead of 10 feet as required from the side property line, to permit a left side setback of 8.3 feet to the wall and porch instead of 10 feet as required from the side property line, and to permit an aggregate setback of 16.8 feet instead of 18 feet as required; re two-story addition rear addition, front porch and 2nd story addition over the existing structure, in the “R-6” Zoning District, premise known as 1704 North Monroe Street (Cherrydale)

After a duly advertised hearing at which public testimony was provided by Ilker Karapinar representing the applicant in support of the application, and there being no other speakers for this case, Mr. Menick 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 March 13, 2019 on case number V-11447-19-UP-1 for a Use Permit to permit a rear yard setback of 20.4 feet to the wall (19.4 feet to the eave) instead of 25 feet to the wall (21 feet to the eave) as required from the rear property line, to permit a right side setback of 8.5 feet to the wall instead of 10 feet as required from the side property line, to permit a left side setback of 8.3 feet to the wall and porch instead of 10 feet as required from the side property line, and to permit an aggregate setback of 16.8 feet instead of 18 feet as required; re two-story addition rear addition, front porch and 2nd story addition over the existing structure, in the “R-6” Zoning District, premise known as 1704 North Monroe 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-11447-19-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 March 8, 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, or enclosed.

4. The applicants shall update their building permit to construct the structure permitted herein by March 13, 2020 or the Use Permit shall be null and void.

OooooOoooo

V-11448-19-UP-1: Use Permit request by Derek and Julie Britton, the owners, to permit a right-of-way setback of 18.2 feet to the porch (17.7 feet to the porch eave) instead of 21 feet to the porch (19.5 feet to the porch eave) as required from the right-of-way; re new wrap around porch in the “R-6” Zoning District, premise known as 6035 9th Street North (Dominion Hills)

After a duly advertised hearing at which public testimony was provided by Derek Britton an applicant in support of the application, 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. 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 March 13, 2019 on case number V-11448-19-UP-1 for a Use Permit to permit a right-of-way setback of 18.2 feet to the porch (17.7 feet to the porch eave) instead of 21 feet to the porch (19.5 feet to the porch eave) as required from the right-of-way; re new wrap around porch in the “R-6” Zoning District, premise known as 6035 9th 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-11448-19-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 March 8, 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, or enclosed.

4. The applicants shall update their building permit to construct the structure permitted herein by March 13, 2020 or the Use Permit shall be null and void.

V-11449-19-VA-1: 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 was provided by Lori Taubman an applicant in support of the application, and there being no other speakers for this case, Ms. Malis made a motion to accept the applicants’ request for the deferral of the variance to the April 2019 BZA hearing. The motion was seconded by Ms. Freshman and passed after a vote of 5-0.

V-11450-19-UP-1: Use Permit request by Jonathan and Kimberly Wilk, the owners, to permit a rear setback of 19 feet to the wall (18 feet to the eave) instead of 25 feet to the wall (21 feet to the eave) as required from the rear lot line, and to permit a rear setback of 18.6 feet to the deck instead of 21 feet as required from the rear property line; re new rear addition and deck in the “R-6” Zoning District, premises known as 223 North Wakefield Street (Arlington Forest).

After a duly advertised hearing at which public testimony was provided by Jonathan Wilk an applicant in support of the application, 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 4-1 with Mr. Owen voting against the motion.

RESOLUTION

WHEREAS, the Board of Zoning Appeals (“BZA”) has held a duly advertised public hearing on March 13, 2019 on case number V-11450-19-UP-1 for a Use Permit to permit a rear setback of 19 feet to the wall (18 feet to the eave) instead of 25 feet to the wall (21 feet to the eave) as required from the rear lot line, and to permit a rear setback of 18.6 feet to the deck instead of 21 feet as required from the rear property line; re new rear addition and deck in the “R-6” Zoning District, premises known as 223 North Wakefield 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-11450-19-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 March 8, 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 deck shall not be permitted to be built over, or enclosed.

4. The applicants shall update their building permit to construct the structure permitted herein by March 13, 2020 or the Use Permit shall be null and void.

V-11451-19-UP-1: Use Permit request by Justin and Jacqueline Olewack, the owners, to permit a reduction of setbacks from the 1st Street South right-of-way including a setback of 12.6 feet to the walls (11.9 feet to the eaves) instead of 25 feet to the walls (21 feet to the eaves) as required, to permit a setback of 9.2 feet to the decks, instead of 21 feet as required, and to permit a setback of 14 feet to the areaway instead of 21 feet as required; re new two-story rear and side additions, new rear and side decks, and new front porch on a corner lot in the “R-6” Zoning District, premises known as 26 South Park Drive (Arlington Forest).

After a duly advertised hearing at which public testimony was provided by Justin Olewack an applicant, and Kay Akinsinde the applicant’s agent in support of the application, 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. 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 March 13, 2019 on case number V-11451-19-UP-1 for a Use Permit, to permit a reduction of setbacks from the 1st Street South right-of-way including a setback of 12.6 feet to the walls (11.9 feet to the eaves) instead of 25 feet to the walls (21 feet to the eaves) as required, to permit a setback of 9.2 feet to the decks, instead of 21 feet as required, and to permit a setback of 14 feet to the areaway instead of 21 feet as required; re new two-story rear and side additions, new rear and side decks, and new front porch on a corner lot in the “R-6” Zoning District, premises known as 26 South Park Drive; 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-11451-19-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 March 8, 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 and side deck shall not be permitted to be built over, or enclosed.

4. The applicants shall update their building permit to construct the structure permitted herein by March 13, 2020 or the Use Permit shall be null and void.

V-11452-19-UP-1: Use Permit request by Anthony D’Agostino, the owner, to permit a right-of-way setback of 11 feet to the post (8.5 feet to the eave) instead of 25 feet to the post (21 feet to the eave) as required from the North Underwood Street right-of-way; renew front eave overhang and post and by-right rear additions in the “R-10” Zoning District, premises known as 6629 Williamsburg Boulevard (Arlington-East Falls Church).

After a duly advertised hearing at which public testimony was provided by Anthony D’Agostino the applicant in support of the application, 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. 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 March 13, 2019 on case number V-11452-19-UP-1 for a Use Permit, to permit a right-of-way setback of 11 feet to the post (8.5 feet to the eave) instead of 25 feet to the post (21 feet to the eave) as required from the North Underwood Street right-of-way; renew front eave overhang and post and by-right rear additions in the "R-10" Zoning District, premises known as 6629 Williamsburg Boulevard; 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-11452-19-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 March 8, 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 eave shall not be permitted to be expanded, or enclosed.

4. The applicants shall update their building permit to construct the structure permitted herein by March 13, 2020 or the Use Permit shall be null and void.

OooooOoooo
V-11453-19-UP-1: Use Permit request by The Audrey Inc, owner, to permit a right side setback of 4.7 feet to the wall, (3.8 feet to the building eave, 5 feet to the porch and 4.3 feet to the porch eaves) from the right side property line instead of 8 feet to the wall and porch (5 feet to the building eave, and 6.5 feet to the porch eave) as required, to permit a right-of-way setback of 22.1 feet to the garage, 15.2 feet to the wall (14.3 feet to the building eave), 15.5 feet to the porch (14.8 feet to the porch eave) instead of 25.0 feet to the garage, building wall (21.0 feet to the building eave, 19.5 feet to the porch eave) as required from the 5th Street North right-of-way, and to permit a right-of-way setback of 14.8 feet to the porch (14.7 feet to the porch eave) instead of 21.0 feet to the porch (19.5 feet to the eave) as required from the North Kenmore Street right-of-way, and to permit a rear setback of 7.8 feet to the wall of the rear detached garage (6.9 feet to the garage eave) instead of 10.0 feet to the garage eave as required; re new siding over existing walls, new eaves over second story addition, new front porch, and new half-story over existing garage in the "R-6" Zoning District, premises known as 500 North Kenmore Street (Ashton Heights).

After a duly advertised hearing at which public testimony was provided by Ash Sirazul representing the applicant in support of the application, 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 March 13, 2019 on case number V-11453-19-UP-1 for a Use Permit, to permit a right side setback of 4.7 feet to the wall, (3.8 feet to the building eave, 5 feet to the porch and 4.3 feet to the porch eaves) from the right side property line instead of 8 feet to the wall and porch (5 feet to the building eave, and 6.5 feet to the porch eave) as required, to permit a right-of-way setback of 22.1 feet to the garage, 15.2 feet to the wall (14.3 feet to the building eave), 15.5 feet to the porch (14.8 feet to the porch eave) instead of 25.0 feet to the garage, building wall (21.0 feet to the building eave, 19.5 feet to the porch eave) as required from the 5th Street North right-of-way, and to permit a right-of-way setback of 14.8 feet to the porch (14.7 feet to the porch eave) instead of 21.0 feet to the porch (19.5 feet to the eave) as required from the North Kenmore Street right-of-way, and to permit a rear setback of 7.8 feet to the wall of the rear detached garage (6.9 feet to the garage eave) instead of 10.0 feet to the garage eave as required; re new siding over existing walls, new eaves over second story addition, new front porch, and new half-story over existing garage in the "R-6" Zoning District, premises known as 500 North Kenmore 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-11453-19-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 March 8, 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, or enclosed.

4. The applicants shall update their building permit to construct the structure permitted herein by March 13, 2020 or the Use Permit shall be null and void

OooooOooooo

APPROVAL OF MINUTES:
Ms. Freshman made a motion to approve the November 14, 2018 meeting minutes as revised and distributed to the BZA ahead of the March 2019 hearing. The motion was seconded by Mr. Owen, and passed after a vote of 5-0.

Ms. Freshman made a motion to approve the December 19, 2018 meeting minutes as revised and distributed to the BZA ahead of the March 2019 hearing. The motion was seconded by Mr. Owen, and passed after a vote of 5-0.

ELECTION OF OFFICERS:
Mr. Owen made a motion to nominate Mr. Smith as Chairman of the BZA and Ms. Malis as Vice Chairman. The motion was seconded by Ms. Freshman, and passed after a vote of 5-0. Mr. Smith asked for unanimous consent to continue to have Stephen Risse continue serve as secretary of the BZA. The motion passed without opposition.

ADOPTION OF CALENDAR:
Mr. Owen made a motion to adopt the 2019 BZA Calendar as proposed by staff and as presented to the BZA members ahead of the March 2019 hearing. The motion was seconded by Ms. Freshman. After discussion about potential BZA member absences, Mr. Owen asked for unanimous consent to withdraw his motion. There was no opposition, so his request passed. Mr. Owen then made a new motion to adopt the BZA calendar as presented through the June 2019 hearing, and to defer the adoption of dates after the June hearing to the next BZA hearing. The motion was seconded by Ms. Freshman, and passed after a vote of 5-0.

OTHER BUSINESS:
Mr. Smith noted the presentation of a draft of a letter circulated to the BZA members by Mr. Owen to the Arlington County Board, identifying some areas in which the Zoning Ordinance might be clarified, as a supplement to the annual report prepared and submitted on behalf of the Board by staff. Mr. Smith proposed that this circulation constitute a “first reading” of the letter and that a version of the letter could be adopted in April and then transmitted to the County Board.

Mr. Owen requested to put the letter on the Agenda for adoption at the April BZA hearing, and there was no objection.

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 11:55 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.

[Signatures]

Stephen Risse, Secretary

Arla Vonhmn, Zoning Administrator

Charles Smith, Chairman