

1 REGULAR MEETING OF THE BOARD OF ZONING APPEALS

2 City Council Chambers

3 300 Park Avenue

4 Falls Church, Virginia 22046

5 March 17, 2016

6 7:30 p.m.

7

8 1. CALL TO ORDER

9 CHAIR WILLIAMSON: I'd like to call to order the March 17,
10 2016, regular meeting of the Board of Zoning Appeals.

11 Happy St. Patrick's Day, everyone.

12 Roll call please.

13

14 2. ROLL CALL

15 RECORDING SECRETARY: Mr. Williamson.

16 CHAIR WILLIAMSON: Here.

17 RECORDING SECRETARY: Mr. Krasner.

18 MR. KRASNER: Here.

19 RECORDING SECRETARY: Mr. Calabrese.

20 MR. CALABRESE: Here.

21 RECORDING SECRETARY: Mr. Howell.

22 MR. HOWELL: Here.

23 RECORDING SECRETARY: Mr. Jones.

24 (No response.)

25 RECORDING SECRETARY: Mr. Theologis.

26 MR. THEOLOGIS: Here.

27 RECORDING SECRETARY: Mr. Boyle.

28 MR. BOYLE: Here.

29

30 3. PETITIONS

31 CHAIR WILLIAMSON: I know we have some New Business in a few
32 moments. Are there any petitions from the audience?

33 Seeing none, we're going to move to New Business.

34

35 4. NEW BUSINESS:

36 a. The appointment of Mr. Theodore Theologis as an alternate
37 member to the Board of Zoning appeals to fill an unexpired term
38 ending December 31, 2017.

39

40 CHAIR WILLIAMSON: Okay. The first item of New Business is I'm
41 very pleased to share that Mr. Theodore Theologis has been appointed
42 as an alternative member to the Board of Zoning Appeals to fill an

43 unexpired term ending December 31, 2017.

44 So welcome to the Board.

45 MR. THEOLOGIS: Thank you.

46 CHAIR WILLIAMSON: And in light of Mr. Jones not being here this
47 evening, you will be sitting in. So first time out of the gate, so
48 there you go.

49

50 b. Special Use Permit application U1579-16 by Sellaperumage
51 Ruth Shaw to allow a home daycare, not otherwise permitted by right,
52 on premises known as 1004 N. Roosevelt, RPC #53-212-011 of the Falls
53 Church Real Property Records zoned R-1B, medium density residential.

54

55 CHAIR WILLIAMSON: With that, I'd like to move on to the second
56 item of New Business which is a Special Use Permit application
57 U1579-16 by Sellaperumage Ruth Shaw to allow home daycare not
58 otherwise permitted by right on premises known as 1004 North
59 Roosevelt, RPC #53-212-011 of the Falls Church Real Property Records
60 zoned R-1B, medium density residential.

61 Ms. Shaw, if you'd like to step forward. You can come up here
62 and have a seat and go ahead and sign it. You need to sign in, that
63 little sign-in sheet as well.

64 And now I'd just like to ask that anyone who is going to be
65 speaking on this matter tonight, to stand and raise your right hand
66 to be sworn in, if anyone's going to speak on this matter tonight.

67 (Witness sworn.)

68 CHAIR WILLIAMSON: Okay. Before we hear from Ms. Shaw, I'd like
69 to just get an update on this from staff, please.

70 MR. BOYLE: Thank you, Mr. Chairman.

71 This matter is before the Board tonight for a Special Use
72 Permit. Our Code allows owners of residential properties to operate
73 home daycares up to as many as five non-resident children or below.
74 And it just says "as a matter of right as an accessory use to a
75 single family residential".

76 More than five, the Code only permits it through the approval of
77 a Special Use Permit.

78 As you've seen recently with some other cases, Special Use
79 Permits comes to this Board after a review by the Planning Commission
80 who makes a recommendation to this Board either to approve or deny.
81 In one recent case they continued their hearing for quite a period
82 until they got the information that they were satisfied with. And
83 they can also recommend approval with conditions.

84 So you have a staff report in your packet that went to the

85 Planning Commission and summarizes the Code that I've just stated to
86 you. It should be the first page in the packet.

87 And staff requested the Planning Commission consider approval,
88 recommended approval with whatever conditions that the Planning
89 Commission felt were necessary to mitigate impacts on the neighbors.

90 I am not aware of another daycare in town recently that's
91 required -- been of a size that required a Special Use Permit so we
92 did not have a good feel for how they fit into the neighborhood and
93 the community so we encouraged the Planning Commission to hear and
94 consider what impacts there might be.

95 In your packet, several pages in, after the photos of the
96 property, is the recommendation from the Planning Commission to the
97 BZA. It's still in draft form because they haven't met again to
98 confirm but I have no reason to believe that this recommendation will
99 change.

100 This, I think, was fairly well received by the Planning
101 Commission on March 7th, and they recommended approval with five
102 conditions and the motion passed unanimously with two absents.

103 In addition, the information in your packet includes the
104 application, the application itself, some supporting comments,
105 letters of support from neighbors, and certification documents that

106 are required by the State of Virginia and Fairfax County, some
107 pictures of the property. And staff located a plat of the property
108 which we thought would be helpful in considering where off-street
109 parking can go. Some photos of the street frontage at this location,
110 and the Ordinance itself that covers this. We thought it would
111 instructional to include that.

112 Parts of this Ordinance are very plain spoken and straight to
113 the point. Others are kind of confusing, especially how we arrive at
114 the number that requires a Special Use Permit.

115 And so because this is not something I think the Board has seen,
116 we decided to go ahead and include the actual copy of the Code.

117 So with that, I'll defer to the applicant's presentation.

118 CHAIR WILLIAMSON: Mr. Boyle, just one quick question before you
119 do, at least a clarifying one.

120 You pointed to your memo of March 2, 2016, and it says that the
121 request is to expand the current child care operation, at the end of
122 the first paragraph under staff comment, to expand the current child
123 care operation from five to nine. I see that here.

124 MR. BOYLE: Yes.

125 CHAIR WILLIAMSON: And then I look over to the Planning
126 Commission, and as you said it's in draft form, it appears that

127 they've suggested a maximum of twelve.

128 So is staff, I just want to make sure and I'm going to speak to
129 you about this in a moment, Ms. Shaw, if it's nine or twelve, is it
130 your expectation, Mr. Boyle, if it's nine or twelve?

131 MS. SHAW: Can I speak?

132 MR. BOYLE: Sure.

133 MS. SHAW: Hopefully, for the day home, the Fairfax County,
134 Social Services, they allow twelve kids. But recently like they give
135 points for the ages. Like they give you one person, for like 16
136 points. Then like four points for the infants and they --

137 MR. KRASNER: Sorry to interrupt you. I think the question is
138 how many children are you asking for?

139 MS. SHAW: I'm trying to get twelve.

140 MR. KRASNER: You want to have twelve.

141 MS. SHAW: Yeah.

142 MR. KRASNER: You have five today?

143 MS. SHAW: Yeah, I have five.

144 CHAIR WILLIAMSON: So, Mr. Boyle, it was your understanding that
145 it was nine. It may have been nine now, the Planning Commission is
146 twelve.

147 MR. BOYLE: Yeah, it was nine when it went to the Planning

148 Commission. The number 12 has surfaced in talking with the building
149 official as being the point at which he would require an occupancy
150 permit and inspection. So I wasn't present at the Planning
151 Commission meeting, but that is in effect what would be the, I think
152 the acceptable range before it's taken to a new level of inspection.

153 MR. KRASNER: I have a little bit of background on this. In my
154 day job we have a lot of experience with home child care. The State
155 Code recently, five and under I believe they don't need a State
156 license, that's up to the Fairfax County Office for Children and I
157 believe the City of Falls Church must contract with them for that
158 service. But they essentially regulate and license five or fewer
159 children.

160 More than five children, and I believe that might be changing
161 but essentially anything more than five now, requires a State
162 license. Department of Human Services.

163 MS. SHAW: Social Services.

164 MR. KRASNER: Social Services.

165 Have you gone through that process yet, have you begun the
166 process?

167 MS. SHAW: Yes. Already I went to the orientation and I sent
168 all my applications and documents for them.

169 MR. KRASNER: The State, to provide --

170 MS. SHAW: They are waiting for the zoning permit now.

171 MR. KRASNER: That's what it was. For many years, there was a
172 bit of a disconnect between the State licensing and local
173 municipalities and their zoning ordinances. So oftentimes the State
174 was issuing licenses irrespective of local zoning and now the State
175 requires any zoning official to certify that they are in compliance.

176 CHAIR WILLIAMSON: Okay. So it's not like they were originally
177 denying it coming before the Planning Commission, it's just to affirm
178 their request was twelve.

179 MR. KRASNER: That was my question. The Planning Commission
180 considered this. Were they considering it for nine children or were
181 they considering it for twelve?

182 MS. ROUZI: Can I speak to that? I prepared a staff report for
183 the Planning Commission. I kind of wear two hats here, I'm a senior
184 planner and a deputy zoning administrator.

185 So the memo from Zoning, when that one was issued to put this
186 item on the Planning Commission agenda, it was nine. And then when I
187 prepared the staff report for the Planning Commission, it became
188 twelve. So I went ahead and referenced twelve children in the staff
189 report to the Planning Commission.

190 So Planning Commission considered twelve children and not nine.

191 MR. KRASNER: They were aware of twelve.

192 MS. ROUZI: That's right. Between the memo from the Zoning to
193 the staff report to Planning Commission, it became twelve from nine.

194 CHAIR WILLIAMSON: Okay. Any clarifying questions for staff?

195 MR. HOWELL: Yes, just to clarify.

196 So this note that we have from Planning Commission says they
197 approved a maximum of twelve.

198 MR. KRASNER: They recommended to us.

199 MR. HOWELL: Yes, that's right. So the nine is defunct now.

200 MR. BOYLE: Correct. That was the original application to
201 Zoning, was nine.

202 MR. HOWELL: And that's a cutoff point that is recognized
203 generally.

204 MR. KRASNER: If you have above twelve, I believe it's no
205 longer -- it's not considered a home daycare any more. Above twelve,
206 you can't have more than twelve in a single family home in Virginia.
207 It then becomes a commercial center.

208 MR. HOWELL: Thank you.

209 CHAIR WILLIAMSON: Any other clarifying questions for staff?

210 MR. CALABRESE: I have a question. In terms of the standard by

211 which we evaluate the Special Use Permit, in Variances, we look at
212 three criteria: The undue burden on the petitioner, effect on
213 neighbors, and (inaudible.) Similar issue that needs to be resolved.

214 In the past we've evaluated Special Use Permits, we've really
215 just looked at the first two, whether it's an undue burden on the
216 petitioner or whether there's a negative impact on neighbors.

217 I just want to confirm that those would be the two criteria that
218 we would be evaluating this request.

219 MR. BOYLE: That's correct. And there's additional language in
220 the Zoning Code that says if there is a burden on the neighbors that
221 can be mitigated by the setting or established by the conditions,
222 then it shall be approved with those conditions. It's interesting
223 language.

224 And the Board also has the authority to set a time of renewal or
225 set it as unlimited. Typically with other Special Use Permits,
226 they've been one or three years and then they come back and there's
227 an opportunity to see if there's been any impact on the neighbors and
228 then at that point, make it unlimited. If there's issues during the
229 time that the permit's valid, and complaints are received, staff has
230 the authority in the Code to pull them back in before this Board and
231 discuss those issues.

232 So even if you were to issue the permit for a year or three
233 years and a problem arose, we could have the case reheard to discuss
234 those issues. But you're correct.

235 MR. CALABRESE: In terms of our authority to establish these
236 conditions, are there limitations for that in terms of, I don't know
237 if we'll be discussing time of day, traffic issues; in our authority
238 in the past we haven't been limited, but we haven't had a application
239 like this before.

240 MR. BOYLE: No, it's very general and I think the intent is to
241 have a thorough public discussion at Planning Commission level and
242 they take a look at it from their perspective and then issue their
243 finding to you.

244 I think there's considerable safeguards in that first you can
245 decide to approve or deny. You can decide to approve with the
246 conditions and then you can set a period of how long the permit is
247 good for. And even then, as I mentioned, if there's an issue that
248 arises that was unforeseen, we can call the applicant back in before
249 the Board to discuss the issues.

250 But the specific language for setting of conditions is not
251 there. It's very general.

252 CHAIR WILLIAMSON: Thank you, Mr. Boyle.

253 Let me get to the applicant who can help with the information.

254 Ms. Shaw, would you like to proceed with your description of
255 the Variance request tonight, for the Special Use Permit request
256 tonight.

257 MS. SHAW: I applied because I'd like to have, first of all
258 daycare. All the seven years I did this.

259 CHAIR WILLIAMSON: You can stand or sit.

260 MR. KRASNER: Yes, you can sit. Just speak into the microphone.

261 MS. SHAW: I did this service for seven years with my helper but
262 time to time she come in, one helper. But if I do get the like up to
263 twelve, I'm hoping to get another two persons to help me, another
264 person, another job, two persons' job to help with the kids.

265 And also, about the -- like I have like a big yard so they can
266 come and park. It never interrupted my neighbors all these years.
267 Because like during the daycare hours, parents won't come all the
268 time. Everybody won't come the same time. Time to time, sometimes,
269 they come a little early, sometimes they come half a day, sometimes
270 they full time.

271 So anyway, during the rush hour even, it didn't disturb us
272 because I have a yard like can park like eight, like seven cars
273 there because my driveway is big driveway. I have like 20 by 8, and

274 70 by 50. So long driveway, so.

275 CHAIR WILLIAMSON: Okay. Is there anything else you'd like to
276 share with us?

277 MS. SHAW: That's the -- about what like?

278 CHAIR WILLIAMSON: Well, maybe perhaps we could ask you a few
279 questions and you can help us understand the request a little better.

280 MS. SHAW: Yes, yes.

281 CHAIR WILLIAMSON: Just one from me. And you mentioned the
282 size of the driveway. It sounds like a very long driveway.

283 MS. SHAW: Yes.

284 CHAIR WILLIAMSON: And I can tell that from the picture. Is it
285 a very wide driveway? I mean, can you park cars side by side at the
286 same time in it, so multiple cars could be in there dropping off
287 children at the same time?

288 MS. SHAW: Yes. One side I have twenty by eight, so someone,
289 two persons can park over there to the side and others can park at
290 the front. And then one by one, they take turns because parents are
291 always very friendly and they don't be late and they don't stay
292 longer.

293 CHAIR WILLIAMSON: I see. So you can have two cars side by side
294 dropping children off.

295 MS. SHAW: Yes, side by side. Yes, often.

296 CHAIR WILLIAMSON: Let's see if there's other questions the
297 Board has.

298 MR. CALABRESE: Ms. Shaw, I have a question in regards to your
299 neighbors. I have two questions. The second one is maybe you can
300 identify where the neighbors are located that have signed your
301 letter.

302 But I have a specific question in regards to the letter. This
303 is the one that has the five signatures on it.

304 Typically we will receive individual letters from neighbors that
305 they support the application as you have. This one is just in a
306 different format. But when I read the third sentence it says: The
307 County is requesting proof that my neighbors are not experiencing any
308 disturbance from the daycare in my home. If you agree and are
309 willing to comply, please state your name and address along with the
310 signature.

311 MS. SHAW: Yes.

312 MR. CALABRESE: What that appears to me is that they're signing,
313 asserting that under the current situation they have no issues with
314 the daycare.

315 MS. SHAW: When I went to house to house, I told them it's more

316 than nine. Right now I have five kids, but I'm going to get a little
317 bit extra kids, if that bothers you.

318 Especially my side, like left and right neighbors were very okay
319 because they never interrupted because I have a yard, a fenced yard
320 for kids to play outside when they go outside.

321 MR. CALABRESE: I'm sorry. Do they know that you're going to be
322 more than doubling the number of children and potentially adding more
323 adult staff, that there could be twelve plus an additional two --

324 MS. SHAW: Two.

325 MR. CALABRESE: -- people in that home?

326 MS. SHAW: So the first person who helped me, she's my
327 sister-in-law and I'm going to hire another person to help me
328 actually.

329 MR. CALABRESE: My concern is that the people that signed
330 this --

331 MS. SHAW: Yes.

332 MR. CALABRESE: -- it's not clear to me that they understand
333 that your business will be expanding so dramatically.

334 MS. SHAW: Yes. I talked to them about it. I said I'm going to
335 expand my daycare.

336 MR. CALABRESE: But did you say by how much?

337 MS. SHAW: By ten. Either ten or twelve. But I said that I
338 have Board meeting, that's why I'm signing this paper.

339 MR. CALABRESE: Can you say that again?

340 MS. SHAW: I said we have meeting to attend so that's why I'm
341 signing this paper with you.

342 MR. CALABRESE: Okay. I'm still not sure I'm comfortable with
343 that but let me ask the next question.

344 Can you identify where each of these neighbors are located in
345 terms of your house.

346 MS. SHAW: Most of them like I sign in that paper, like two
347 persons to the right and two persons to the left. Plus even I sign
348 up the two persons front of my house off of the main big road. Main
349 road.

350 MR. CALABRESE: Can you look at the map. There's a map here.
351 Your house is highlighted in yellow. I'd be interested in the houses
352 directly to the left and the right and then the -- I guess there's
353 three in your back yard. Two of them are contiguous with your back
354 yard. You mentioned that the children would be playing in the back
355 yard.

356 CHAIR WILLIAMSON: If I can add, you're at 1004 North Roosevelt.
357 So this first one is Manuel -- hard to read, Guiterrez.

358 MS. SHAW: 1002, that is my right.

359 CHAIR WILLIAMSON: Manuel is at 1002.

360 MR. CALABRESE: 1002. Where is that?

361 MS. SHAW: That is my right neighbor.

362 MR. CALABRESE: The right side, okay.

363 CHAIR WILLIAMSON: And then Mary Song is at 1006.

364 MS. SHAW: 1006 is the left hand side.

365 CHAIR WILLIAMSON: And both of them, because their back yards

366 back up to your --

367 MS. SHAW: Yes.

368 CHAIR WILLIAMSON: They both know that you're going to be

369 expanding this to at least twelve children.

370 MS. SHAW: Yeah, they know.

371 MR. CALABRESE: The back two lots, are they on this list?

372 MR. KRASNER: I don't think they are. They are on Sycamore.

373 MR. CALABRESE: I see. You stated you would be using the back

374 yard quite a bit.

375 MS. SHAW: Yes. Not all the time. They will go summertime.

376 Wintertime, mostly in the inside because cold time, we won't take

377 them.

378 But especially, recently I notice in my daycare, children,

379 parents always take them when they were two years old down to the
380 centers. So they're not staying more than two years in my care. So
381 they just go to swing and go a little, play outside with the little
382 toys. Not like big kids they have to shout, no. Only small kids.
383 Two and a half, the most recent stay in my daycare.

384 MR. CALABRESE: Have you spoken to those two, the people in
385 those two homes in the back?

386 MS. SHAW: The back, I didn't -- it didn't even come to my mind
387 about them because their house is a little bit past --

388 MR. KRASNER: But they got noticed as well, correct? All the
389 abutting neighbors would have gotten legal notice, correct?

390 MR. BOYLE: Right, we notice everyone within 150 feet.

391 MR. CALABRESE: What about the nine, were they notified of the
392 nine children?

393 MR. BOYLE: That's what I want to double check.

394 MS. ROUZI: No, we did not specify how many. We said more than
395 five.

396 MR. KRASNER: Including the neighbors in Arlington? Did you
397 guys notice the neighbors in Arlington?

398 MR. BOYLE: Yes.

399 MR. KRASNER: Okay.

400 MR. BOYLE: Yes, they were noticed just that a Special Use
401 Permit for more than five was.

402 MR. HOWELL: For more than five?

403 MR. BOYLE: Yes.

404 MR. KRASNER: Legally, that's fine then. You don't need to
405 specify the number in the notice.

406 But again, they all got notice, including the folks on North
407 Roosevelt in Arlington County.

408 MR. BOYLE: Yes.

409 MS. SHAW: My left side is Arlington County. My right side is
410 Falls Church. Opposite side is Arlington but behind me is City of
411 Falls Church.

412 MR. KRASNER: Yes, I can see you're right on the boundary.

413 MS. SHAW: Arlington boundary.

414 CHAIR WILLIAMSON: Any other questions?

415 MR. KRASNER: No.

416 CHAIR WILLIAMSON: Any other Board members have any questions?

417 MR. KRASNER: I thought we would go down the line here.

418 I think for me the biggest concern I have is about -- not so

419 much your neighbors. My concern is that North Roosevelt is a busy

420 street. And I want to hear some more information from you about how

421 that's been working out so far.

422 First of all, how many years have you said you've been operating
423 at this location?

424 MS. SHAW: Seven years.

425 MR. KRASNER: You've been there for seven years with five
426 children.

427 MS. SHAW: Yes.

428 MR. KRASNER: What's the age range of those children now?

429 MS. SHAW: Most of time they stay in my daycare until two year
430 and a half these days because there is daycare centers now.

431 MR. KRASNER: Correct. But you're licensed for infants to --

432 MS. SHAW: Infants to two and a half.

433 MR. KRASNER: Up to two.

434 MS. SHAW: Two and a half, last maybe three.

435 MR. KRASNER: And with the State, what age range are you asking
436 for from the State now?

437 MS. SHAW: Twelve. Or up to twelve.

438 MR. KRASNER: Up to twelve years. So you're requesting up to
439 twelve, the full range, yeah.

440 So I guess right now when you have five children, only have five
441 children, when they come now, obviously your driveway, it certainly

442 is long and there's certainly room for people to -- for several cars
443 to park off the street but how do they leave your house? I
444 mean, they have to back up onto North Roosevelt and what I'm
445 concerned about is how that's been working out and then how it would
446 work out if we increased it up to twelve, trying to back out onto to
447 that street.

448 MS. SHAW: So, they don't come all the time once but time to
449 time parents sometime even come 7:30 to drop because they have to go
450 in the traffic. Some of them 8, some of them 8:30.

451 MR. KRASNER: Right.

452 MS. SHAW: So at different times.

453 MR. KRASNER: But once they got on to your property to park,
454 they have to back out.

455 MS. SHAW: Yeah, they always very helpful with each another.
456 They say, okay, I'm going now. When the other person wait for
457 another two minutes and they go together.

458 MR. KRASNER: At daycare typically the times they're coming and
459 going are during rush hour, the traffic is probably heavy. So I'm
460 wondering how that works with folks. I mean how do find backing out
461 onto North Roosevelt Road at that time in the morning or in the
462 afternoon?

463 MS. SHAW: They back out pretty good. They always wait and look
464 and then at the right time they always back up.

465 MR. KRASNER: Okay. Other question kind of related to that.
466 You mentioned right now you have just one assistant but you might
467 want to have as many as --

468 MS. SHAW: Another one more person, two persons.

469 MR. KRASNER: Two assistants total or three?

470 MS. SHAW: Two assistants.

471 MR. KRASNER: So yourself and two assistants.

472 MS. SHAW: Two assistants.

473 MR. KRASNER: And where would the assistants park their cars?

474 MS. SHAW: My sister-in-law won't drive so she get the ride from
475 my brother. Or my brother or --

476 MR. KRASNER: Okay. It seems there would be at least one other.
477 How many cars do you have, does your family have?

478 MS. SHAW: I have one and my husband has one.

479 MR. KRASNER: So you have two.

480 MS. SHAW: Most of the time during the rush hour, early morning,
481 we park opposite side of somewhere farther down for them to be
482 comfortable.

483 MR. KRASNER: So you have to park on the street?

484 MS. SHAW: No, little bit backwards we park and come in the
485 behind. Not the main street, we go and park behind there.

486 MR. KRASNER: So you said you don't park your cars at your
487 house, you park down.

488 MS. SHAW: Yeah, sometimes I park my car a little bit further
489 down there and leave but my husband would work and so they have
490 that --

491 MR. KRASNER: Okay. So during the day on an average weekday,
492 how many cars are parked at your house during the day; just one, your
493 car?

494 MS. SHAW: My car.

495 MR. KRASNER: Just one car. Okay.

496 The reason I'm asking these questions is I'm trying to get a
497 sense of how much room you have off the street.

498 Because as you probably well know, it looks like there is some
499 off street parking in Arlington, there's no off street parking in
500 front of your house that's permitted. And the Arlington parking I
501 believe is permit parking because you're close to the Metro and so
502 actually the off street spaces are permit only.

503 And I don't know how well they enforce that in Arlington but
504 it's permit only on North Roosevelt during the weekdays.

505 MS. SHAW: Yes.

506 MR. KRASNER: So there's very little public parking on street.

507 MS. SHAW: Around 8 they start to give tickets if someone parks
508 on the road. But after 5, anybody can park.

509 MR. KRASNER: Correct. So the issue is how much off street
510 parking you have and how easily can that area accommodate this
511 increase.

512 I think what I'm driving at is that I have some concerns about
513 the potential of twelve parents arriving within a short amount of
514 time from each other, all trying to pull into your driveway and then
515 back out of your driveway. And if parents, you know, if all of a
516 sudden you have twelve parents trying to show up within the same 30
517 minutes or so and a few parents are already there and block the
518 driveway and the next parent comes up and he has to find a place to
519 go and there's no legal parking spot for him, he's got to find a way.
520 And then again, the same thing with all these parents trying to back
521 out at that time, so that is a concern for me.

522 I think at a minimum I think that the arrivals need to be
523 stacked, and I know that can be a difficult thing to enforce with
524 parents and peoples' schedules, but I think the arrivals need to be
525 stacked in order to have this work. I don't think this would work

526 well if all twelve parents showed up at the same time.

527 MS. SHAW: They not -- especially the infants taking most of
528 them. So they just take their time and go each other talk and they
529 even go together, sometimes they separately. They have their own
530 decisions and making like that once in a while. If they come on the
531 same time they, okay, I'm late and sometimes just wait for a minute.
532 If everybody comes, I know about parents in my daycare, they're very,
533 they're too much friendly and they're nice to each other.

534 MR. KRASNER: Okay.

535 MS. SHAW: So main concern is for me is the main road. It won't
536 bother for the main road because one by one they go, take their time
537 and slowly they back up backwards to the main.

538 So other than that, they have enough space I think.

539 MR. KRASNER: Okay. I have some more questions but I'll let some
540 others have a crack at it.

541 CHAIR WILLIAMSON: Any other questions from the Board?

542 MR. HOWELL: Not from me.

543 CHAIR WILLIAMSON: Mr. Theologis?

544 (No audible response.)

545 CHAIR WILLIAMSON: Okay.

546 MR. CALABRESE: Maybe I can follow on the question related to

547 the neighbors, the concern of the neighbors and the concern of the
548 parking.

549 So the homes next to you, it's hard to tell, if there is or if
550 there is not on-street parking anywhere.

551 MR. KRASNER: There is, it's permit only.

552 MR. CALABRESE: Okay.

553 MR. KRASNER: Because of the Metro in Arlington.

554 I was looking, I drove by there and I looked at the Google
555 street view, and it appeared that once you cross the line at Falls
556 Church, there was no parking. From her house to the corner. North of
557 her house which is Arlington, it was permit only because of the
558 Metro. So there were spaces there but they were presumably need a
559 permit.

560 MR. CALABRESE: Because it would appear to me that if there is a
561 crowded driveway or parents leaving, that parents dropping off would
562 park in front of the neighboring houses even though there is a permit
563 requirement because they would be doing it for a short period of
564 time. There's no ability to park on the street, and if the driveway
565 is inaccessible, I would see a bottleneck there potentially.

566 And if you can explain again the driveway. You said that it's
567 wide enough for two cars?

568 MS. SHAW: Yeah, it's wide enough to park two cars on the one
569 side. Also can park like at least two cars to the right side also.
570 They can park left side if they want to go faster so.

571 MR. KRASNER: Question for staff. Did staff look at how much
572 parking her driveway can accommodate realistically? I mean I -- did
573 staff or did that help the Planning Commission hearing at all about
574 the number of spaces that she actually has? I know the driveway is
575 long, I can see that, but did that help the Planning Commission at
576 all?

577 MS. ROUZI: We didn't specifically discuss that. Considering
578 this was the only daycare, Special Use Permits we've handled, I think
579 it was a learning curve and I don't think the Planning Commission
580 really even thought about asking these questions.

581 MR. KRASNER: Sure.

582 CHAIR WILLIAMSON: It would appear it's about, I mean, in terms,
583 looks like there is a front part of the driveway.

584 MR. KRASNER: And the garage is in the back. Does that garage,
585 do you park your car in that garage? Or is that for storage mostly?

586 MS. SHAW: No, it's storage. All the way behind my garage.

587 MR. KRASNER: You park behind your garage?

588 MS. SHAW: No, it's all the way back.

589 MR. KRASNER: Yeah, no, I see your garage there. I see a
590 detached garage.

591 So you don't park your car in that normally?

592 MS. SHAW: No, no.

593 MR. KRASNER: You use that for storage. Okay.

594 CHAIRMAN WILLIAMSON: It would appear to me there's -- if you
595 were two by two --

596 MR. KRASNER: It looks like at least two or three.

597 CHAIR WILLIAMSON: Or four.

598 MR. KRASNER: Maybe, maybe.

599 CHAIR WILLIAMSON: Three or four. I think it's four but maybe
600 three.

601 MR. HOWELL: Could I?

602 CHAIR WILLIAMSON: Please.

603 MR. HOWELL: Just on this question, which I think is very
604 important. It's a busy street and backing out into it, you know, is
605 obviously a bit alarming as an idea.

606 But looking at the plan that we have, you know, there's not much
607 evidence of a driveway. I'm just wondering if the plan in front of
608 you, the yellow bit, it seems to show your house to the, as you look
609 from the street to the left of that site, whereas the photograph

610 seems to show the house to the right of the site, from the driveway
611 to, you know, neighboring on the next property on the opposite side
612 of the house.

613 Is this an accurate drawing or does that boundary lying and
614 viewing yellow marked property, does the property reflect everything
615 accurately drawn in the right place?

616 MR. KRASNER: I think that's the City's drawing. She has a plat
617 in there that shows the proper boundaries.

618 MR. HOWELL: The garage, is the photograph, for instance,
619 inverted? The garage seems to be as you look at this thing from the
620 street, the garage seems to be on the right-hand side of the house
621 whereas the photograph, it seems to be on the left-hand side of the
622 house.

623 MR. CALABRESE: Under the purple line. It's hard to tell if the
624 purple line is part of it.

625 MR. HOWELL: That's correct.

626 MR. KRASNER: Yeah, I think that's what it is.

627 MR. HOWELL: So my question, Ms. Shaw, the question is the
628 photographs that you've given us, you see it shows the house and then
629 as you're looking from the street, the driveway is to the left of the
630 house.

631 MS. SHAW: Driveway, it's left.

632 MR. HOWELL: And that's the way it is, in fact?

633 The plan isn't a very clear delineation.

634 MS. SHAW: It's left side. My parking space is in left side of
635 the house.

636 MR. HOWELL: Looking from the street.

637 MS. SHAW: Yes.

638 CHAIR WILLIAMSON: I think that you can kind of see the
639 sidewalk.

640 MS. SHAW: I have also parking space in front of my house, like
641 at least two cars can back up to the side, even three. But the left
642 side is the most long area.

643 CHAIR WILLIAMSON: Good. Thanks.

644 While we're digesting some of this information, we may have
645 another question or two. Just one moment.

646 MR. KRASNER: I have a few more questions. Again, I'm sorry.

647 It feels like we're giving you, having all these questions, but
648 again, we don't see a lot of home child care use here in the City and
649 I think that, you know, some of these concerns are related I think to
650 the accommodation of the number of children and plus this location.

651 But just on a different topic, you have a County license now.

652 The Fairfax County Office for Children, you've been licensed through
653 them up until now.

654 MS. SHAW: Yes.

655 MR. KRASNER: Have you been getting the fire inspections from
656 the Fairfax County Fire Marshal?

657 MS. SHAW: Yes.

658 MR. KRASNER: What City is on those inspections?

659 MS. SHAW: Inspection take -- fire inspection?

660 MR. KRASNER: The fire inspection.

661 MS. SHAW: City of Falls Church.

662 MR. KRASNER: City of Falls Church does those for you.

663 MS. SHAW: Yes.

664 MR. KRASNER: Okay. And have there been any problems related to
665 those inspections?

666 MR. SHAW: No.

667 MR. KRASNER: No. Where do the children nap? It's all the
668 first level of your house?

669 MS. SHAW: Yes, first level I'm using for the daycare. And
670 recently I had only one -- actually I use like one room for now but I
671 added another extra room now from my living room to the right side.
672 I'm going to arrange that area for them to sleep also.

673 MR. KRASNER: Okay. But it's all on the first level. So the
674 fire marshal had no concerns with ingress or emergency egress for
675 those rooms that you're using for sleeping?

676 MS. SHAW: Yes.

677 MR. KRASNER: Okay.

678 MS. SHAW: So it's very safe area. I have like two, three doors
679 in case of emergency to run around outside. Three doors, very easy
680 to get out from the house.

681 I have actually a play area, like two -- three play areas plus
682 like I'm using play area plus sleeping, a little bit, the bigger kids
683 can sleep on the mat. The State license, they tell us to teach them
684 to sleep in a mat kind of thing after one and a half months -- I'm
685 sorry, after one and a half years.

686 MR. KRASNER: Yes.

687 MS. SHAW: That's their plan so. But infants I need cribs so I
688 arrange infants' cribs in the room, infants.

689 CHAIR WILLIAMSON: Any final questions for the applicant?

690 Or for staff?

691 Okay. Thank you. We'll discuss this now. Thank you very much.

692 MS. SHAW: Thank you, sir. Appreciate it.

693 CHAIR WILLIAMSON: Any discussion among the members of the

694 Board?

695 MR. CALABRESE: I don't doubt that Ms. Shaw spoke to her
696 neighbors. Just, I'm reading the statement explicitly and it does
697 not reference the fact that they were made aware of the number of
698 children and the number of adults so that's --

699 MS. SHAW: If you want, I can write the numbers and go to houses
700 and sign up and bring back, if you need it.

701 MR. CALABRESE: Well, that would be one thought and I don't want
702 to speak for the rest of the Board --

703 MS. SHAW: That I mentioned to them when I'm talking.

704 MR. CALABRESE: -- if they were willing to write something that
705 says that they understand there will be twelve children and they're
706 supportive of that, that would assuage my concerns but that wouldn't
707 be taken care of today. That would just be something that would
708 require you to come back and I don't know if that's a burden. That's
709 my one concern, is the notice to the neighbors, especially those in
710 the back. While they have been served, I don't --

711 MS. SHAW: But County send all the neighbors the papers. Even I
712 receive one like this.

713 MR. KRASNER: Well, right. Yes, the City did send the notice
714 but it didn't indicate specifically what you're asking for is what I

715 think my colleague is getting at.

716 MR. CALABRESE: Legally they've been provided the notice but
717 whether -- I mean, it's their obligation to read the notices of
718 course, but I'm trying to make sure that we're taking into account
719 because it is a fairly, again, dramatic increase. You're more than
720 doubling the size of your business. In addition to the adults,
721 you'll have, again, fifteen, eighteen people now regularly in that
722 location, children plus adults.

723 So I just want to make sure that everyone in the neighboring
724 area is aware of that and they may be but some assurances that they
725 are is what I guess I'm --

726 MS. SHAW: Yeah, my husband is going to work and no one there,
727 only me and my sister-in-law and another person will help me too with
728 the daycare.

729 And if you feel really concern, I can ask the behind persons
730 write the -- recorrect the letter and go and sign up. I could do
731 that.

732 MR. CALABRESE: It's for the others to talk about.

733 MR. KRASNER: I'll share my thoughts and then I'll float an idea
734 and see what the rest of the Board thinks about it.

735 One thing we haven't talked about yet, and I don't know, again,

736 I was about to say I don't know if these are standard conditions for
737 the PC but since the PC doesn't often hear this, it stands out to me,
738 the PC was recommending that this permit is only valid for three
739 years. Which is interesting. I will say in Fairfax County who has
740 had to deal with hundreds of these applications, and they typically
741 have to put restrictions like that on there. Any other restrictions,
742 three years' high point is interesting.

743 Question for staff: Is that something that was suggested by --
744 did that come from -- did the PC come up with that themselves, that
745 restriction?

746 MS. ROUZI: No, staff provides those standard conditions and
747 that was from a report that was done I believe 15 years ago.

748 One of our -- our principal planner actually set those forth as
749 standard conditions for daycare.

750 MR. KRASNER: So what would happen at the end of the three
751 years? She would need to reapply to renew it?

752 MR. BOYLE: Correct.

753 MR. KRASNER: Have a new public hearing and come back before us
754 again?

755 MR. BOYLE: Correct, the renewal. The three years is also a
756 number that they see with other Special Use Permits.

757 MR. KRASNER: Right.

758 MR. BOYLE: Over the years this Board used to see the Warming
759 Center and that was a three year renewal.

760 MR. KRASNER: Right, and we just recently saw that and gave them
761 more time I think.

762 MR. BOYLE: Right, I think they made it open-ended.

763 MR. KRASNER: Right.

764 MR. BOYLE: But of the Special Use Permits that come in, there's
765 usually a three year time frame set. So I wouldn't be surprised if
766 that's just their habit.

767 CHAIRMAN WILLIAMSON: And you did say, Mr. Boyle, that if there
768 are any -- if any issues are surfaced and brought to the Zoning
769 Department, we would be asked or we could ask to reconsider this,
770 right? They'll be presented to the Board to reconsider the granting
771 of a Special Use Permit, is that right?

772 MR. BOYLE: Right, staff would set it for the Board to hear
773 again and raise the conditions.

774 Years ago there was a Special Use Permit I believe for evening
775 music at a restaurant, 25 years ago, and so many police reports came
776 in after the approval that staff hauled them back in before the BZA
777 to reconsider it and it was denied at that point. It was revoked at

778 that point.

779 MR. KRASNER: Well, where I was going on that, well, first of
780 all, normally I think I would, depending on the use, I mean I
781 typically would think that three years seems, would be kind of an
782 onerous thing but I think in this instance there may be some merit to
783 looking at a limited Special Permit.

784 I'm also going to say that right now, in my opinion, I don't see
785 twelve working here, at least right away.

786 I would be much more comfortable with granting some smaller
787 number and we can talk about what that is if my colleagues are
788 amenable to that, whether that's eight or nine or ten, for that three
789 year period. And then after that three year period, we can kind of
790 see how things worked out. If it worked well with nine or ten, then
791 maybe twelve isn't such a stretch.

792 But at this point I think for me, going from five to twelve in
793 this location, to me seems like a big jump. And as much as the
794 neighbors are a major concern for me, I would say for me primarily
795 it's the traffic issues. It's the ability for this lot to
796 accommodate that amount of activity during the busiest times of day
797 given the fact that they have to back out onto that street.

798 I'd feel much more comfortable going to twelve if I knew that,

799 well, we've been operating at 10 and no problem. But the fact that
800 you want to go from five to twelve --

801 MS. SHAW: If you go ten, that's fine. Anyway the --

802 MR. KRASNER: You'll have a chance to respond. I just wanted to
803 get this out there. So I think that --

804 MS. SHAW: Yeah, infants --

805 MR. KRASNER: So I would be more comfortable --

806 MS. SHAW: Most of the time now I'm getting infants. All the
807 kids watch -- so sixteen points, four points for the infant. So all
808 infants will be there, only eight infants I take. More than eight
809 infants.

810 MR. KRASNER: I'm very familiar with the State's point system.
811 I'm more talking about the number of children who come regardless of
812 their age. They all come by car typically. There may be some that
813 live in the neighborhood, but I imagine most of them are coming by
814 car. So I'm more concerned with the number of children, regardless
815 of their age.

816 So what I would propose is, I would be comfortable with the
817 smaller number for that three year period and then at the end of the
818 three years, if the applicant wants to reapply or it's time to renew,
819 we can reevaluate how they're operating at that higher number and I

820 think that sort of serves as a de facto trial period. So anyhow,
821 that's my suggestion.

822 CHAIR WILLIAMSON: Is there merit in a, you know, it sounded
823 like you were contemplating a shorter time period for granting a
824 Variance. I'm wondering, hearing Mr. Calabrese's concern about the
825 neighbors, and not having positive confirmation that they will not be
826 negatively impacted, is there any merit having a shorter time frame
827 for this --

828 MR. KRASNER: You mean a deferral?

829 CHAIR WILLIAMSON: Not a deferral, but a smaller amount of time,
830 say for one year, which would then allow, you know, if after one
831 year, you know, we haven't gotten reports from neighbors, like the
832 neighbors behind have had a negative experience, this can assuage his
833 concern and then give the Board evidence that ten has been able to
834 work, and maybe give the applicant the opportunity to increase it to
835 twelve. It's another suggestion.

836 MR. KRASNER: I can support that. My main concern is the
837 traffic. I'm more concerned with that. Given the fact that it is
838 on Roosevelt Street, I'm less concerned about, you know, in some
839 neighborhood situations where I've seen these types of things go in,
840 on a more quiet neighborhood street, it is more of an issue again,

841 parking, blocking people's driveways, other issues, which again,
842 could be a factor here. But given how busy this road is, you know, I
843 see less of that here.

844 But again, that's still a valid concern and I'd be happy to
845 support a shorter period than three years. I don't know how, and
846 again, I don't want to make it an onerous burden for this applicant
847 to come back, you know, after just a year, but I think something
848 longer than a year is -- I don't know how long it will take her to
849 get -- I know my child care providers, they get the approval to go
850 up to the higher number and maybe takes them a while until they get
851 to that number, depending on as they get new clients, new parents.

852 But I'd like to provide enough time to establish a track record
853 of successful operation and I think a year might be too short.

854 CHAIR WILLIAMSON: Okay.

855 Well, I wonder, Mr. Calabrese, with a smaller number, if that
856 might assuage your concern.

857 I do take your point of an onerous, a shorter time period for
858 the applicant.

859 MR. CALABRESE: I think I appreciate the effort to find a way
860 forward and perhaps if we do -- I'm not sure I understand what the
861 right number would be. I think ten is still doubling the business.

862 But putting that aside, if there was a shorter period, that would
863 allow for if there were concerns from the neighbors.

864 I would note that in forcing the numerical limit, I don't know
865 if there's any, probably no real mechanism for that.

866 MR. KRASNER: Well, Mr. Boyle is the mechanism actually. And
867 actually the State license, I should say, in addition, tandem to Mr.
868 Boyle, the State inspectors regularly would inspect this applicant
869 and she'd only be approved for the number that we say. The State
870 couldn't approve her for more than what we've granted.

871 So there would be compliance with that. Otherwise she risks
872 losing her State license.

873 MR. CALABRESE: That's true.

874 CHAIR WILLIAMSON: And then of course the other option is simply
875 to continue this to get positive confirmation from the neighbors to
876 the back and proceed with the number of ten.

877 MR. KRASNER: I'm open to deferral if the Board thinks that they
878 want more information, I mean outreach is never a bad thing.

879 MR. CALABRESE: If I can ask you, Ms. Shaw, if we were to defer
880 this for a month I guess, would that be a burden on you or do you
881 need this to start right away?

882 MS. SHAW: No, it won't. Because County give 16 point for one

883 person to take care of kids. Four point go to the infants, so if I
884 get infants only I get eight infants for two persons, like three
885 persons helping.

886 That's the way it goes. They also controlling this.

887 CHAIR WILLIAMSON: I got you. I got you.

888 MS. SHAW: So kids won't stay for more than two and a half
889 years, so anyway in my daycare it will be infants more than big kids.

890 CHAIR WILLIAMSON: I see.

891 Okay. And so let me ask you this then: Would you be open to us
892 continuing this just for one month so you could get confirmation from
893 your neighbors behind you, two neighbors, two back yards behind you
894 that Mr. Calabrese pointed out are a concern, get a chance to get in
895 writing from them that they are not opposed with you proceeding with
896 this.

897 MR. CALABRESE: And also just confirmation from the others that
898 they understand that they are supporting your expansion.

899 MS. SHAW: So I will write again back about mentioning I'm going
900 to have ten kids?

901 MR. KRASNER: Well, what I think my colleague is asking, and I
902 don't want to be presumptuous but I think he's asking that you do
903 additional outreach to some of those additional homes where you

904 didn't do the outreach.

905 As far as how you want to approach that, you've asked for twelve
906 from this Board. We're going to make a decision it sounds like
907 probably next month on what that number's going to be. And then what
908 I would tell -- you can tell the neighbors whatever you'd like but I
909 would indicate what your ultimate goals are so they have a sense of
910 what, to understand what you're looking for.

911 So ultimately this Board may approve a number smaller than
912 twelve, but I don't know yet, depends on what where we wind up.

913 MS. SHAW: Yeah. Once I can't find kids either. I have to
914 advertise, and the parents have to tell another parent. It take
915 time.

916 MR. KRASNER: That's right. You should be truthful with your
917 neighbors on what you're asking for is all I'm saying. You should be
918 upfront with them and truthful about what your ultimate goals are.
919 If ten is that number or twelve, whatever that number is, you should
920 tell them that.

921 And it sounds like the Board is asking you to do some additional
922 outreach and then we would consider this again in a month and we
923 would talk about this more in a month and perhaps make a decision
924 then after you've done some additional outreach.

925 MR. HOWELL: If I could just add a comment. What usually
926 happens when we get this kind of application is that the neighbors
927 who are going to be affected actually write a letter saying that they
928 understand that you're now asking to increase the size to whatever
929 you want to ask them to do and ask them not only are they happy with
930 the existing situation which is what the letter that they signed
931 already says, but that you're applying to expand the operation and
932 that then you would need to go not just to the people on North
933 Roosevelt but the people on the street behind, on Sycamore.

934 MS. SHAW: Yeah, I have.

935 MR. HOWELL: Who border on your property to either tell them
936 roughly what the letter needs to be, you can prepare a draft yourself
937 of what they might need to sign.

938 But we would need to see very clearly that they had understood
939 what you are proposing and that they found that acceptable because
940 they live in your neighborhood.

941 MS. SHAW: Yeah.

942 MR. HOWELL: You may not know them but that's something you have
943 to explore I think and then if you're able to come back in a month
944 having given those letters to the others.

945 MS. SHAW: Can I do a little faster, because like two weeks'

946 time because of the --

947 MR. KRASNER: We only meet once a month.

948 MS. SHAW: Oh, okay.

949 MR. KRASNER: You can do as fast as you'd like but we only meet
950 once a month.

951 MS. SHAW: So I have to redo again.

952 MR. HOWELL: Yes. We would meet in a month.

953 MS. SHAW: All the application I have to do again.

954 MR. HOWELL: And in a month we would look at letters that you
955 had been able to generate from your neighbors. And talking about
956 what your intention was.

957 And then we would decide what --

958 CHAIR WILLIAMSON: Just to be specific, it's the two houses
959 behind you, the two yards.

960 MS. SHAW: It didn't come to my mind that day.

961 CHAIR WILLIAMSON: Tell me, fellow Board members, if you are
962 disagreeing, it's the four houses that border her property that we're
963 asking about.

964 MR. HOWELL: Including the ones we've heard about already
965 because it's now an expanded request.

966 CHAIR WILLIAMSON: Yeah, so the two to the side.

967 MR. HOWELL: Two at the side and two at the back.

968 MS. SHAW: I have two behind, it didn't come to my mind that day
969 about that. Because high fence and I don't see them, very high, so I
970 just don't see them.

971 CHAIR WILLIAMSON: Thank you.

972 Let me ask staff, staff, would you be able to share with Ms.
973 Shaw, maybe an example of what we're describing here in terms of
974 hoping to get back so it will be an expedited process next month.

975 MR. BOYLE: Yes, sir.

976 In addition, I think now that the number has increased, I think
977 staff will renote the 150 foot radius from the property and include
978 that number. I'd feel more comfortable that they understand now that
979 we know some more specifics of it.

980 But would the Board agree it's reasonable to put a range in that
981 letter we send out that the Board is considering an increase from --

982 MR. KRASNER: I would say up to twelve, I would say up to
983 twelve. So I don't know where we're going to wind up on it. Let
984 them know what the maximum could be based on the request. Unless the
985 applicant wants to limit that now.

986 MS. SHAW: Make it to ten, that's fine. Because I couldn't get
987 more than eight most of the time because they are infants most are in

988 my daycare.

989 MR. KRASNER: So you want to say ten. Okay. So we can go with
990 that.

991 CHAIR WILLIAMSON: So based on this exchange and you've said you
992 would be willing to go get in writing from your four immediate
993 neighbors.

994 MS. SHAW: Yeah, I will write down.

995 CHAIR WILLIAMSON: Depend on how you're proceeding. And Mr.
996 Boyle and staff will share with you what that typically looks like.
997 And thank you for that.

998 And we have to actually formally do this. So I would ask if any
999 of my colleagues have a motion to continue this matter until next
1000 month pending receipt of the additional information.

1001 MR. CALABRESE: I make that motion, motion to continue to next
1002 month.

1003 MR. KRASNER: What's the date? Let's announce the date.

1004 MR. BOYLE: April 14th.

1005 MR. KRASNER: April 14th, all right.

1006 CHAIR WILLIAMSON: So we have a motion before us to continue
1007 this matter until our next scheduled meeting on April 14, 2016, with
1008 the express purpose of getting in writing essentially an agreement

1009 from Ms. Shaw's immediate four neighbors that they are okay with the
1010 expansion of up to twelve.

1011 MR. KRASNER: To ten.

1012 MS. SHAW: Yeah, ten.

1013 CHAIR WILLIAMSON: Ten, thank you.

1014 So with that, there was a motion put forward, is there a second?

1015 MR. KRASNER: Second.

1016 CHAIR WILLIAMSON: Roll call vote please.

1017 RECORDING SECRETARY: Mr. Theologis.

1018 MR. THEOLOGIS: Yes.

1019 RECORDING SECRETARY: Mr. Jones.

1020 (No response.)

1021 RECORDING SECRETARY: Mr. Howell.

1022 MR. HOWELL: Yes.

1023 RECORDING SECRETARY: Mr. Calabrese.

1024 MR. CALABRESE: Yes.

1025 RECORDING SECRETARY: Mr. Krasner.

1026 MR. KRASNER: Yes.

1027 RECORDING SECRETARY: Mr. Williamson.

1028 CHAIR WILLIAMSON: Yes.

1029 CHAIR WILLIAMSON: Ms. Shaw, thank you for your patience for

1030 answering our questions and we'll see you next month.

1031 MS. SHAW: So in case if I want to increase up to twelve one
1032 day, I will take long, like three years' time maybe I can request it?

1033 MR. KRASNER: We'll talk about that next month as far as how
1034 long the permit will be. We'll need to discuss that next month.

1035 CHAIR WILLIAMSON: We'll see you next month. Thank you very
1036 much.

1037 MS. SHAW: All right. Thanks. Bye.

1038

1039 5. APPROVAL OF MINUTES

1040 Approval of the November 12, 2015, meeting minutes

1041 CHAIR WILLIAMSON: Okay. We have approval of minutes as the
1042 next item. The first one is the approval of the December -- well,
1043 the agenda says December 7, 2015, minutes; the minutes themselves say
1044 December 17th.

1045 It is the 17th.

1046 (Minutes reviewed.)

1047 CHAIR WILLIAMSON: Is there a motion to approve the minutes of
1048 December 17, 2015, as amended by Mr. Krasner? Is there a motion?

1049 MR. HOWELL: I move.

1050 CHAIR WILLIAMSON: Is there a second?

1051 MR. CALABRESE: Second.

1052 MR. WILLIAMSON: Roll call vote.

1053 RECORDING SECRETARY: Mr. Williamson.

1054 CHAIR WILLIAMSON: Yes.

1055 RECORDING SECRETARY: Mr. Krasner.

1056 MR. KRASNER: Yes.

1057 RECORDING SECRETARY: Mr. Calabrese.

1058 MR. CALABRESE: Yes.

1059 RECORDING SECRETARY: Mr. Howell.

1060 MR. HOWELL: Yes.

1061 RECORDING SECRETARY: Mr. Theologis.

1062 MR. KRASNER: He wasn't here.

1063 MR. THEOLOGIS: I will abstain since I wasn't here.

1064 CHAIR WILLIAMSON: Now, approval of the January 16, 2016,
1065 minutes.

1066 (Minutes reviewed.)

1067 CHAIR WILLIAMSON: Is there a motion to approve the January 14,
1068 2016, minutes as presented?

1069 MR. KRASNER: I'll move that we approve the minutes.

1070 CHAIR WILLIAMSON: Is there a second?

1071 MR. HOWELL: Second.

1072 CHAIR WILLIAMSON: Roll call.

1073 RECORDING SECRETARY: Mr. Williamson.

1074 CHAIR WILLIAMSON: Yes.

1075 RECORDING SECRETARY: Mr. Krasner.

1076 MR. KRASNER: Yes.

1077 RECORDING SECRETARY: Mr. Calabrese.

1078 MR. CALABRESE: Yes.

1079 RECORDING SECRETARY: Mr. Howell.

1080 MR. HOWELL: Yes.

1081 CHAIR WILLIAMSON: Okay. That's approved.

1082

1083 6. OTHER BUSINESS:

1084 CHAIR WILLIAMSON: There is no Other Business.

1085

1086 7. OLD BUSINESS

1087 CHAIR WILLIAMSON: We have one item of Old Business which is

1088 to review and adopt the amended Rules of Procedures. It says amended

1089 because we have incorporated the policy on participation of meetings

1090 through electronic means that you all will see was reviewed at the

1091 last meeting and we had time to consider it. So that's been

1092 incorporated.

1093 I don't think there are any other changes in these Rules of
1094 Procedures.

1095 Any discussion among the Board?

1096 Can we proceed to a vote?

1097 MR. KRASNER: I think we can proceed.

1098 I'll move we approve the Rules of Procedure as amended and
1099 presented to us tonight.

1100 MR. CALABRESE: I'll second that.

1101 CHAIR WILLIAMSON: So we have a motion and a second.

1102 Roll call vote.

1103 RECORDING SECRETARY: Mr. Williamson.

1104 CHAIR WILLIAMSON: Yes.

1105 RECORDING SECRETARY: Mr. Krasner.

1106 MR. KRASNER: Yes.

1107 RECORDING SECRETARY: Mr. Calabrese.

1108 MR. CALABRESE: Yes.

1109 RECORDING SECRETARY: Mr. Howell.

1110 MR. HOWELL: Yes.

1111 RECORDING SECRETARY: Mr. Theologis.

1112 CHAIR WILLIAMSON: You can vote on this.

1113 MR. THEOLOGIS: Yes.

1114 CHAIR WILLIAMSON: Okay. Great. We have our Rules.

1115 There are no other items on our agenda.

1116 Is there a motion to adjourn?

1117 MR. BOYLE: If I could, Mr. Chair.

1118 CHAIR WILLIAMSON: Please.

1119 MR. BOYLE: Former BZA member, Kent Taylor, donated to staff two
1120 books he received when he attended a BZA training. So we'd offer
1121 these to the Board to distribute.

1122 CHAIR WILLIAMSON: I would bring those right down to the end of
1123 the dais where Mr. Theologis is and you probably want to take a look
1124 at those.

1125 MR. BOYLE: You're welcome to review them.

1126 MR. KRASNER: Is the City sponsoring anyone to go down for that
1127 training? They offer it annually down in Richmond. It's a two day
1128 training. In the past we've sponsored for folks to go down for that,
1129 correct?

1130 MR. BOYLE: Yeah. We have a training budget. We'll see how it
1131 survives this budget cycle so we'll know after June 1st.

1132 MR. KRASNER: I'm thinking for our new members if anyone is
1133 interested, Mr. Jones or Mr. Theologis or anyone else who hasn't done
1134 it, who's interested, it's a good program -- I forget the State

1135 organization that puts it on but they do a pretty good job. Very
1136 informative.

1137 MR. BOYLE: Mike Chandler from Virginia Tech puts it on.

1138 MR. KRASNER: It's very informative. It's very worthwhile.

1139 It's kind of like Zoning Board boot camp but it's well done.

1140 MR. BOYLE: I'll get the schedule for the year and distribute it
1141 to the Board.

1142 CHAIR WILLIAMSON: Good. And while we're on Old Business, Mr.
1143 Boyle, can you or a member of staff, I think there's data that we
1144 typically provide the Chair prior to having prepare a report.

1145 MR. BOYLE: Yes.

1146 CHAIR WILLIAMSON: If you could put that together, that would be
1147 helpful. We're due to present a report on the past two years.

1148 MR. BOYLE: Right. Number of meetings attended,
1149 Types of cases before the Board.

1150 CHAIR WILLIAMSON: Okay. Good.

1151

1152 8. ADJOURNMENT

1153 CHAIR WILLIAMSON: Is there a motion to adjourn?

1154 MR. KRASNER: So moved.

1155 CHAIR WILLIAMSON: Is there a second?

1156 MR. CALABRESE: Second.

1157 RECORDING SECRETARY: Mr. Williamson.

1158 CHAIR WILLIAMSON: Yes.

1159 RECORDING SECRETARY: Mr. Krasner.

1160 MR. KRASNER: Yes.

1161 RECORDING SECRETARY: Mr. Calabrese.

1162 MR. CALABRESE: Yes.

1163 RECORDING SECRETARY: Mr. Howell.

1164 MR. HOWELL: Yes.

1165 RECORDING SECRETARY: Mr. Theologis.

1166 MR. THEOLOGIS: Yes.

1167 CHAIR WILLIAMSON: We are adjourned.