

1 REGULAR MEETING OF THE BOARD OF ZONING APPEALS

2 City Council Chambers

3 300 Park Avenue

4 Falls Church, Virginia 22046

5 April 14, 2016

6 7:30 p.m.

7

8 1. CALL TO ORDER

9

10 CHAIR WILLIAMSON: I would like to call the April 14, 2016,
11 regular meeting of the Board of Zoning Appeals to order.

12 Roll call.

13

14 2. ROLL CALL

15

16 RECORDING SECRETARY: Mr. Williamson.

17 CHAIR WILLIAMSON: Here.

18 RECORDING SECRETARY: Mr. Krasner.

19 MR. KRASNER: Here.

20 RECORDING SECRETARY: Mr. Calabrese.

21 MR. CALABRESE: Here.

22 RECORDING SECRETARY: Mr. Howell.

23 MR. HOWELL: Here.

24 RECORDING SECRETARY: Mr. Jones.

25 (No response.)

26 RECORDING SECRETARY: Mr. Theologis.

27 MR. THEOLOGIS: Here.

28 RECORDING SECRETARY: Mr. Boyle.

29 MR. BOYLE: Here.

30 CHAIR WILLIAMSON: Thank you.

31

32 CHAIR WILLIAMSON: As chairman, I'm going to just state that

33 we'll be moving the Approval of the Minutes of March 17th to after

34 New Business and before Other Business just so we can get around to

35 Old and New Business.

36

37 4. OLD BUSINESS

38 a. Special Use Permit application U1579-16 by

39 Sellaperumage Ruth Shaw to allow a home daycare for 10 (ten)

40 children, not otherwise permitted by right, on premises known as 1004

41 N. Roosevelt, RPC #53-212-011 of the Falls Church Real Property

42 Records zoned R-1B, medium density residential. (Continued item from

43 March 17, 2016, meeting.)

44

45 CHAIR WILLIAMSON: So with that, the first item is Old Business

46 which is a Special Use Permit application U1579-16 by Sellaperumage

47 Ruth Shaw to allow a home daycare for ten children, not otherwise
48 permitted by right, on premises known as 1004 North Roosevelt, RPC
49 #53-212-011 of the Falls Church Real Property Records zoned R-1B,
50 which is medium density residential. And this is an Item continued
51 from the March 17th meeting.

52 So I'd like to ask anyone who's going to speak on this matter
53 tonight, to please rise and raise your right hand to be sworn in.

54 (Witness sworn.)

55 CHAIR WILLIAMSON: Please step forward.

56 So, Mr. Boyle, I know we continued this item from last month
57 with a specific request of Ms. Shaw to please return with evidence of
58 having support of her immediately contiguous neighbors, given the
59 plan to increase the number of children in the daycare up to ten
60 children.

61 And there were some other items that we had to recommend
62 approval from the Planning Commission, that we have a copy of as
63 well.

64 Is there any other update from staff on this or should we
65 proceed to Ms. Shaw?

66 MR. BOYLE: We can proceed. As far as the contiguous neighbors,
67 we know the ones on either side that front on Roosevelt did respond.
68 I need to confirm the addresses at the rear which I'll do before you
69 make your motion.

70 CHAIR WILLIAMSON: Thank you.

71 MR. KRASNER: Mr. Chairman.

72 CHAIR WILLIAMSON: Yes.

73 MR. KRASNER: Another question for staff. I noticed that staff
74 did include some updated analysis of the property. For the benefit
75 of everyone that's here, maybe you can summarize that.

76 MR. BOYLE: You're referring to the plat.

77 MR. KRASNER: There's a plat and there's some analysis done as
78 far as the number of cars that can fit off street on this property.

79 MR. BOYLE: That's correct.

80 In the package that was distributed to the Board, there were a
81 couple of additional items. You probably have it included with the
82 letterhead and photos of the property I believe you saw last month.
83 Attached to that is a property plat that we made some measurements on
84 and identified that there's approximately 94 feet of driveway next to
85 the house and that section of the driveway is essentially one vehicle
86 traffic and then there's a little bit wider room immediately in front
87 of the house where it might be possible for two vehicles to park.

88 And just using the parking requirements found elsewhere in the
89 Code which calls for a parking stall to be 18 feet deep, and with
90 using that with the 94 feet of driveway, we estimated that there'd be
91 room for five vehicles parked on site.

92 And then some of the analysis we went into as it says on the

93 plat is there's room in front to park four vehicles stacked two by
94 two. There's concern about the practicality of filling the driveway
95 with cars just for folks coming and going. And staff is suggesting
96 that the front four spaces be used for customers and that the
97 driveway towards the rear be used for staff. So there's some sort of
98 parking plan on site.

99 In addition to that, staff received several emails from parties
100 responding to the advertisements. Those should be in your pack. Mr.
101 Perlberg, Ms. Haynes, and I believe the applicant brought some
102 additional information tonight.

103 Information included that's different from your packet from the
104 last meeting is an updated recommendation from the Planning
105 Commission. They heard this case on April 4th, and their motion is
106 included in your information. If you'd like, I can read it.

107 MR. CALABRESE: Is that in what was emailed to us or is that in
108 the new packet?

109 MR. BOYLE: That should be in your packet that was delivered.

110 I'm sorry. You did not receive a new recommendation from the
111 Planning Commission. But if you'd like we can quote from what we
112 have from their March meeting. That's a summary of what is
113 different, what you've received from staff and the public that you
114 did not have at the last hearing.

115 And as we discussed, the Board heard comments and concerns

116 regarding the traffic in front of this location, the fact that
117 on-street parking is not available for a use like this. Users have
118 to host their own parking off site.

119 Some of the comments opposed were concerned about the number of
120 vehicles on site and coming and going from site on that particular
121 stretch of the street.

122 The Board wanted confirmation about the exact number of children
123 and the applicant's provided that. And with that, I think where this
124 conversation left off is whether or not the Board felt the neighbors
125 had received adequate information about the scope of the permit that
126 was being requested.

127 So as I mentioned we've received information that the neighbors
128 immediately on the either side of this property are aware of that
129 number.

130 I'd like a moment to confirm the addresses at the rear against
131 what's been presented and then provide that to you.

132 Again, just in summary, the reason this is here before this
133 Board is that whenever more than five non-resident children are
134 hosted in a daycare such as this, our Code requires that a hearing be
135 held by the Planning Commission with a recommendation to the Board
136 and then the Board consider a Special Use Permit in order to approve
137 a daycare of this size. Five or less, this would be a by right, five
138 or less non-resident children, this would be something you can do in

139 a residence by right.

140 So this application is before the Board for the Special Use

141 Permit to exceed that number of five non-resident children.

142 And with that, I'll defer to the applicant and your questions.

143 MR. KRASNER: Just a quick question. In total, I'm just trying

144 to follow, the number of spaces on her property in total, you're

145 saying there's eight spaces total? I'm trying to follow what you

146 added on that plat.

147 MR. BOYLE: Yes, there would be room to put five in the driveway

148 with four stacked up front. So five to the rear and then additional

149 two stacked by the front two.

150 MR. KRASNER: So a total of how many?

151 MR. BOYLE: Five to the rear plus two. Seven.

152 MR. KRASNER: Seven off-street spaces in total could fit in

153 theory.

154 MR. BOYLE: Right.

155 MR. KRASNER: Obviously they'd have to back out. Okay.

156 MS. SHAW: I would like to know who are the neighbors that tell

157 like, that interfere my parking for them, because of traffic?

158 CHAIR WILLIAMSON: I'm sorry, Ms. Shaw. First of all, excuse

159 me, are there any other questions for staff before we hear from the

160 applicant?

161 (No response.)

162 CHAIR WILLIAMSON: Okay. Thanks, Mr. Boyle.

163 So we have received information about the availability of
164 parking on the site. We've received a letter and it was signed by
165 different addresses around you.

166 MS. SHAW: Already I have all kind of people around me.

167 CHAIR WILLIAMSON: These are additional things we've received,
168 you've heard us discuss, maybe you could speak to the parking and
169 actually getting, you know, what you did to make the neighbors on
170 either side of you and behind you aware of this.

171 MS. SHAW: Yeah, everybody. I went all around my block. Even
172 two sides from the two houses, and then behind, like all the, five,
173 six houses I sign up. And even 11th Street people who sign up, front
174 of my house.

175 CHAIR WILLIAMSON: So there would be houses on either side of
176 you, and then there's the one that's like immediately behind you.

177 MS. SHAW: Yes.

178 CHAIR WILLIAMSON: And your yard would touch in the back.

179 MS. SHAW: Yes, all.

180 CHAIR WILLIAMSON: And you're saying that these addresses, 1008
181 North Roosevelt Street, 1005 North Roosevelt Street, 1002 North
182 Roosevelt Street, 999 North Sycamore, 997 North Sycamore, and 6367
183 11th Street, and we have additional -- you're saying all of those
184 plus the additional ones we received, cover all the addresses which

185 Mr. Boyle can confirm.

186 MS. SHAW: Yes.

187 CHAIR WILLIAMSON: Okay.

188 MS. SHAW: I heard my --

189 CHAIR WILLIAMSON: Excuse me. You heard Mr. Boyle present the
190 information on parking, right, so perhaps if you could speak to the
191 parking and if there's any other information you have to share with
192 the Board at this time, that would be helpful.

193 If you could please address the parking matter that Mr. Boyle
194 identified, that would be helpful.

195 MS. SHAW: Yeah. The way Mr. Boyle said, as it is. I have 90
196 by like 14 feet kind of the length, 14 or 15 feet, the length. In
197 the front I can park like two vehicles in my house, front left side.
198 And that could be like seven vehicles can park at a time.

199 And because parents won't come once but in case of emergency, I
200 thought of because from five to six, no vehicles in front 11th Street
201 or in the left side of my Roosevelt Street, no parking. No parking
202 spaces until 6:30 because when the residents come home around 6,
203 there's always a space there. So in case parents want to stop and
204 come, they could.

205 But some of the parents come with the strollers because they are
206 my neighbors, most of the time they hire with me. So I just wanted
207 you to know about it.

208 Right now even I have two parents coming with the strollers most
209 of the time, even with the one parent they used to come with the
210 stroller. So those are the things that I can mention.

211 Also, my son said they received this paper, even in the
212 Roosevelt Towers. It's very far from my house. One of my son's
213 friends told him about it. They even sent it to us, very far from
214 here. My house is around here.

215 CHAIR WILLIAMSON: You mean the notice?

216 MS. SHAW: Yeah, notice. So that's the way it is, from house to
217 house, how long you are looking for, like 500 feet?

218 CHAIR WILLIAMSON: I'll ask staff what the notice is.

219 MS. ROUZI: 150 feet vicinity of the subject property are
220 notified.

221 CHAIR WILLIAMSON: Thank you.

222 Are there any other comments you want to make on this before we
223 open it up to the Board for any questions?

224 MS. SHAW: Those are things and I'm having a little bit hard
225 time because my husband retire because I thought I get a little bit
226 income for my -- that's why I thought of doing this. All these years
227 I didn't, seven years' time.

228 CHAIR WILLIAMSON: All right. We may have some questions for
229 you as well. I'll look to my fellow Board members.

230 MR. CALABRESE: Ms. Shaw, if I could ask, thank you for getting

231 signatures as we had asked.

232 If I read the language carefully, I still have a question and
233 I'd like you on the record to please answer my question.

234 MS. SHAW: Okay.

235 MR. CALABRESE: The first sentence says, "The County of Falls
236 Church is requesting proof that the neighbors surrounding me are not
237 experiencing any disturbance from the daycare at my home. And that's
238 the same language as was in the previous statement.

239 MS. SHAW: Yes.

240 MR. CALABRESE: That sentence is in the present tense, referring
241 to the current state of your daycare with five children.

242 I do know from the first sentence that you are extending that to
243 the second sentence to ten, but I'd like for you on the record to
244 state that when you spoke to these people that you told them that
245 they were signing a document that was supporting the expansion of
246 your daycare to ten children.

247 MS. SHAW: I talked to them and I just told them to read this,
248 read my -- what I write on this paper. And most of them they can
249 read, so they read and same time they ask me how long you have
250 daycare, something like that. And then I say seven years I have here
251 but now I'm extending to ten. I mention that also.

252 MR. CALABRESE: Okay.

253 CHAIR WILLIAMSON: Any other questions?

254 MR. KRASNER: I still have some concerns again. I haven't heard
255 a very good explanation of how you would accommodate the simultaneous
256 arrival of up to ten children and then departure in the early
257 afternoon, again on a street, very busy high traffic street, where,
258 yes, staff has determined you have a certain number of off-street
259 parking on your property but practically speaking, you know, people
260 have to pull in and back out. They're going to park in tandem.

261 And I haven't heard about how you would accommodate doubling
262 that. I know you said today one or two families walk but there's no
263 guarantee that that will always be the case. If we approved up to
264 ten, you could in theory have ten parents, ten cars, all coming
265 during rush hour because that's when people drop off.

266 MS. SHAW: Yeah, they don't come once. Most of the time they
267 come time to time. Around 5, 5:10, 6. Sometimes 5:45.

268 MR. KRASNER: That's kind of what I'm getting at. Unless you
269 have some sort of system to stagger the arrivals.

270 MS. SHAW: Everybody won't come at the same time like a school.

271 MR. KRASNER: Well, I think practically speaking that may be
272 true most of the time. But I guess what I'm saying is that I'd like
273 to see some type of commitment on your part to stagger the arrivals.

274 I think if we were to support this, I'd like to see some sort of
275 a development condition, I'm talking to my colleagues on the Board
276 here, that would require that you stagger the arrivals so you

277 wouldn't allow, let's say, more than two parents to arrive around the
278 same time.

279 I know practically speaking there's issues with scheduling and
280 that but I think given the traffic and given the nature of the
281 street, there's no off-street parking. Forget the fact it's a very
282 busy street. Between the parking restrictions and the permit
283 parking, there's really no on-street parking that's legal. And so
284 everyone needs to park on your property.

285 And I'm concerned that in the future, if you have a facility for
286 ten people and they're all showing up within twenty minutes of each
287 other, it creates a situation in your driveway where people are
288 trying to wait and then enter and exit while people are streaming by,
289 going to and from the Metro and 66.

290 MS. SHAW: Yeah, even some parents just walk. Park little bit
291 further down the road on the side on 11th Street. It's always empty.

292 MR. KRASNER: I guess what I'm asking you is if you would be
293 willing to agree to a staggering system? What I mean by that is
294 would you commit to having no more than two or three parents come at
295 each 15 minute block of time? It will take some scheduling on your
296 part and self-enforcement to live up to that condition, but I would
297 like to see that type of staggering.

298 I'm speaking for myself here but I personally feel that's the
299 only way I could see this number working. If that number could

300 really work at all.

301 I'm still really hung up on the transportation issues here on
302 parking. I appreciate the fact that you reached out to your
303 neighbors, but to me, the most important thing, and the neighbors are
304 certainly important but I'm just as equally concerned about just the
305 general traffic that's passing through on Roosevelt at that time of
306 day.

307 MS. SHAW: They know. Most of them, my neighbors are not there
308 right when parents. Neighbors are not there most of the time because
309 they are working.

310 MR. KRASNER: Well, that's what I'm getting at. I appreciate
311 the fact that you reached out to the neighbors and that certainly is
312 a good thing that you were able to get a lot of your neighbors to
313 sign a letter of support.

314 MS. SHAW: Yeah. They all sign up though.

315 MR. KRASNER: Right. What I'm saying is that I'm as much or
316 more concerned about what the effect of allowing ten children here
317 would do as far as the traffic issue, and a safety issue with people
318 having to back out of your driveway onto a very, very busy street at
319 peak times of the day. People coming at the same time.

320 So that's my concern. I feel like --

321 MS. SHAW: They always back up, because they have three lanes in
322 front of my house. Three lanes. The one lane is always parking lane

323 so they always go to the parking lane and then they look at the
324 vehicle and then they go.

325 MR. KRASNER: I'm sorry. I'm aware of that. I know that
326 practically speaking you live there every day and you have to back
327 out. But the point is it's a difference when you go from a
328 residential property that maybe only has a few times a day a car
329 backs in and out to having what's essentially a home business where
330 you'd be having as many as ten cars in a short period of time
331 arriving and park and backing out on to a busy street. It creates a
332 safety issue in my opinion for people backing out.

333 So in order for me to contemplate that number, I'd want to see
334 some type of commitment to staggering the arrivals.

335 And also, I will put this out there, I mentioned this to my
336 colleagues last month, I don't know where we will wind up on this as
337 far as the number --

338 MS. SHAW: Right now I have five kids.

339 MR. KRASNER: I know. What I'm saying is I'm not sure where
340 we're going to wind up as far as supporting your request, what
341 number. But I still would propose if we were to support this,
342 perhaps again, an approval that lasts for a certain period of time
343 and a lower number requiring this applicant to come back after, with
344 maybe eight, and then after two years, if eight has proven to work
345 well and then maybe we can contemplate a larger number, something

346 like that. We can talk about the proposed number.

347 I think I mentioned last month and I'm still of that opinion
348 that ten off the bat, going from five to ten, doubling at this
349 location, I'm just uneasy about that and I'd like perhaps to test the
350 waters with a smaller number and see if this applicant can
351 responsible handle that. And if it doesn't cause any issue, perhaps
352 consider more in the future. So I'll put that out there.

353 I know there's precedent with putting time limits on these
354 Special Permits, I know we can do that and have done that in the
355 past.

356 MS. SHAW: That's okay.

357 MR. KRASNER: That's all for me.

358 CHAIR WILLIAMSON: Any other questions for the applicant?

359 MR. HOWELL: Yes, please.

360 I wonder if you'd just, because I think this is a very important
361 point that my colleague is raising, what are the mechanics of the
362 kids being dropped off? Do they normally park in the street, bring
363 the child in, and then leave? Do they park on the driveway? How
364 can you describe it to us? Because it is a lot of cars potentially
365 all arriving at the same time on a busy street at rush hour.

366 MS. SHAW: They come in and like five minutes' time, I already
367 ready. The kids are ready too. So they just pick them and go. Not
368 that long. Sometimes parents like to talk.

369 MR. HOWELL: Dropping off their children, what do they do? Do
370 they drive into your driveway or --

371 MS. SHAW: Yeah, driveway. They come all the way in.

372 MR. HOWELL: Is there parking space outside in front for a few
373 minutes?

374 MS. SHAW: Yes.

375 MR. HOWELL: On the street?

376 MS. SHAW: No, my house. They come all the way to my driveway
377 most of the time.

378 MR. HOWELL: The street is parked up at that point, is it, or
379 could they stop in the street to drop the children off?

380 MR. KRASNER: No, the parking's restricted. There's no legal
381 parking.

382 MR. HOWELL: No, I'm asking about the parking.

383 MS. SHAW: One parent, I saw once in a while she just come
384 because I decide parking and then she come once in a while. But most
385 of the time, most of the parents come inside most of the time.

386 MR. HOWELL: I think that's the problem.

387 MS. SHAW: They come all the way inside. And they park in my
388 driveway most of the time and then they go. They don't park in the
389 main road.

390 MR. HOWELL: The street outside your house, are there cars
391 parked all the time generally?

392 MS. SHAW: No. Most of time they don't have parking pass, not
393 park there much. Only one or two most of the time I have seen. Not
394 my parents park there.

395 MR. HOWELL: Because obviously if somebody stops for a few
396 moments to bring their child in, go back to their car, there's a
397 parking restriction, but I'm just thinking about the ability to park
398 on your driveway. All leaving the driveway at the same time.

399 MS. SHAW: They could do that.

400 MS. HOWELL: Can you describe to me what the parents generally
401 do?

402 MS. SHAW: Parents come, right now they come inside the parking
403 lot, in my parking lot, and then they take the kids. But I have seen
404 the sidewalk area, there's three parking -- I mean the roads, three
405 roads in front of my house. So one is for, especially for parking.
406 So I have seen a lot of people parking in the side and then they go
407 back, they can do that. But my parents don't do that right now.
408 They come inside all the time.

409 MR. HOWELL: Thank you.

410 CHAIR WILLIAMSON: Okay. Mr. Theologis, any questions?

411 MR. THEOLOGIS: No questions.

412 CHAIR WILLIAMSON: Okay, thanks.

413 You've heard our questions and I think we need to contemplate
414 whether possibly moving from five, maybe not to ten, perhaps to eight

415 was one suggestion, for a period of two years and then if that is
416 working, you can come back and we can extend it from there.

417 MS. SHAW: Yeah, I could do that.

418 CHAIR WILLIAMSON: And I think the other concern as you've heard
419 is with the parking. And obviously this one suggestion is to
420 consider you working with your parents and developing a schedule.

421 MS. SHAW: Yeah, I can do that.

422 CHAIR WILLIAMSON: Of dropoff and pickup. And I think dropoff
423 was mentioned, but for dropoff and pickup to alleviate the concerns
424 for parking and the flow of traffic on a busy street.

425 MS. SHAW: Yeah, most of the time they don't come all at the
426 same time.

427 CHAIR WILLIAMSON: So your responses to me now, for those kinds
428 of restrictions, you would be open to accepting?

429 MS. SHAW: Yeah. I can ask them what time you off and what time
430 you would come. Maybe two at a time or something like that.

431 CHAIR WILLIAMSON: Okay. We can discuss that.

432 So I don't think we have any further questions for the
433 applicant.

434 MR. CALABRESE: I have a question for staff.

435 In terms of if we were to agree to a conditional approval,
436 what's the ability of the City to enforce a limitation on the number
437 of children, for instance? How would you enforce that?

438 MR. BOYLE: Frankly I think it would be very difficult for staff
439 to enforce that, including the parking arrangement. Some uses lend
440 themselves to simple monitoring and I don't think this is one of
441 them.

442 We, short of getting permission to enter the house regularly --

443 MR. KRASNER: Mr. Boyle, sorry to interrupt. One way I think
444 would be effective to enforce it and I believe the State, as part of
445 its licensing requirements, requires local Zoning Administrator to
446 sign-off. So I believe there's a contact with the State that if we
447 indicated that this Board approved her for a certain number, and the
448 State would not or should not license her for more than what the
449 local jurisdiction has approved. So I think that's the main form
450 of -- the main way to enforce that restriction.

451 And I think that's something the State now has worked on,
452 requiring local providers to get local jurisdiction sign-off that
453 they're in compliance with local zoning. And so that would be the
454 way to enforce it. But I don't expect you to have to go out and
455 count heads coming in and out of the daycare but I think through the
456 State, she's required to have a State license when she goes above
457 five and the State typically requires local sign-off.

458 MR. CALABRESE: Another question. How would the parking, this
459 conditional, this parking plan, how would that be enforced?

460 MR. KRASNER: Well, again, it's like everything else that we

461 struggle with enforcement. It's a complaint-driven system. Mr.
462 Boyle is not out there, hiding through the bushes, looking at what's
463 going on in everyone's yard. But I will say it's the kind of thing
464 where again, you should be able to agree to abide by it. If they
465 don't, they run the risk of invalidating their Special Permit. So
466 it's a risk, if they don't follow it. Hopefully agreeing under oath
467 to follow it, hopefully we wouldn't have an issue like that.

468 Yes, enforcement is always a difficult thing to deal with but I
469 think we on this Board, we can only do our best to try to formulate
470 conditions that are practical and reasonable and hope that people
471 will abide by what they agree to here.

472 MS. SHAW: The lady who handled my application that day I came
473 to them and said -- because she said, okay, Ruth, you can just get
474 seven, so tell them to give you the letter. So I went, came over to
475 Zoning Department that day because she want to enter my -- it's going
476 to expire. So she told me to go ahead and tell them anyhow you can
477 get seven at least. So I said, no, they can't wait for that. They
478 have to wait for the Board meeting.

479 CHAIR WILLIAMSON: You're saying you took the conditions over
480 there seriously?

481 MS. SHAW: Yes, I told her. So she's waiting. She gave me two
482 day. She try to give me only one day tomorrow, so I said at least
483 give me the one week, I told her yesterday.

484 MR. KRASNER: You're referring to your State inspector, is that
485 what you're talking about?

486 MS. SHAW: For my application, the status.

487 CHAIR WILLIAMSON: Mr. Boyle.

488 MR. BOYLE: Are we aware if the State does site inspections for
489 this?

490 MR. KRASNER: They do. The State does and they're looking at
491 obviously different criteria than us, health/safety-kind of criteria
492 from the operating standpoint. But there's certainly elements of the
493 State Code.

494 MS. SHAW: They check a lot of stuff. Criminal records, all
495 these things. It's more than rules than the Office for Children.

496 MR. CALABRESE: How would the State be aware of the limitation?

497 MR. KRASNER: The State is now, this was a change in policy in
498 the last two years, the State now requires local zoning sign-off.
499 The letter the applicant is referring to is a letter that the local
500 zoning administrator or someone in a similar capacity is supposed to
501 provide indicating that this person is operating in conformance with
502 the local zoning.

503 So there is some type of sign-off that they're looking for and I
504 think a resolution of approval from this Board probably can fit that.

505 MR. BOYLE: That's similar to how the State handles automobile
506 dealerships. They require local sign-off before they issue their

507 license.

508 MR. KRASNER: Right.

509 MR. BOYLE: That would be very helpful if the State already has
510 a program of inspection. The City does not. And we do not, for
511 example, inspect rental properties. We're not accustomed to having a
512 group that would go out into people's homes, unless a building permit
513 or something were in the process of being field-inspected and
514 approved.

515 So if the State has that capacity, then I agree: A resolution
516 from this Board would be respected by the State. They do it now for
517 other things that we do.

518 I think the -- what we'll probably see here is we'll rely on
519 complaint-based inspections. The neighbors are aware and when we
520 issue occupancy permits and building permits for things, we don't
521 make it a practice to go out and hover over the property and monitor
522 it. But when complaints come in, then we do.

523 And as you've seen in your authority with Special Use Permits,
524 you can approve, approve with conditions, approve with an expiration
525 date, have it come back in, or deny. We also have the ability as
526 staff to identify whether or not it's working and if it's not
527 working, suspend it and bring them back in for a hearing before this
528 Board.

529 So what I envision, back to Mr. Calabrese's question, is that

530 we'll work with the State to make sure they understand what this
531 Board's resolution is and what your findings are. But then we would
532 loosely monitor it and respond to any complaints we had.

533 But I'd have to say, I don't think we have a strong ability to
534 monitor it more closely than that.

535 CHAIR WILLIAMSON: Okay. And, Mr. Boyle, one last thing before
536 we discuss amongst the Board and move to a motion. You said the way
537 to confirm the addresses that we have here as being on either side
538 and the homes behind. Were you able to confirm that?

539 MR. BOYLE: Yes, sir. 102 and 106 North Roosevelt are the ones
540 on either side. And there's one property that abuts to the rear and
541 it's 105 North Syracuse and all of those responded to the applicant's
542 information that she distributed, that they were in support of it.

543 CHAIR WILLIAMSON: Okay. Thank you.

544 I'll ask my fellow Board members having heard this, is there a
545 motion in regard to this Special Use Permit application?

546 MR. KRASNER: Okay. I'll give it a go and see if we have
547 support.

548 I'm going to move, first I have to ask before I make the motion,
549 again, I feel that given the nature of the street, first and
550 foremost, that's my main motivation for recommending less than the
551 ten that she's asking for. And in support of the neighbors, I see
552 there is some support but again I think the ability of the site to

553 accommodate more than what's there today I think is untested and I'm
554 hesitant about allowing that full number at this point.

555 So the main motivation again is the existing tract on that
556 street and introducing this type of a non-residential use onto that
557 street.

558 MR. HOWELL: May I make a comment before you move to the motion?

559 MR. KRASNER: Sure.

560 MR. HOWELL: We've discussed two aspects. One is the number of
561 kids who we would suggest should be a condition. The other
562 discussion we had was about staggering arrivals and departures. And
563 I don't think that would be very practical, because people are
564 driving from wherever they are and keeping to such a schedule would
565 I think probably for most people be very difficult.

566 And if the number is reduced, I would suggest that that is a
567 sufficient limitation from the concerns we have about the traffic.

568 MR. KRASNER: Okay.

569 CHAIR WILLIAMSON: We need to take that under advisement. At
570 the same time the applicant has stated that she would be prepared to
571 prepare such a schedule and adhere to it for arrival and dropoff.

572 MR. HOWELL: Yes, I think that's fine but I don't think we could
573 expect anybody to be too rigid in the practical application.

574 CHAIR WILLIAMSON: I think that would be up to the applicant.

575 MR. CALABRESE: If the applicant would be willing to prepare a

576 schedule, that she submit that schedule to the City, for the motion.

577 MR. KRASNER: Let me make the motion and then if I miss
578 something, someone can make an amendment.

579 Okay. In the application, Special Permit Application U1579-16
580 by Sellaperumage Ruth Shaw to allow a home daycare otherwise
581 permitted by right on the premises known as 1004 North Roosevelt
582 Street, I'm going to move that we approve the application but subject
583 to the following set of conditions and restrictions. And again, I
584 think the applicant has demonstrated that she's been operating there
585 for seven years, she has clearly shown that she has experience
586 operating a daycare with five, she's got support from her neighbors,
587 however I feel that given the nature of the traffic volumes on that
588 street and the limited off-site parking, that a lesser number is
589 prudent, at least for a temporary basis, to establish a track record
590 of success at this location.

591 So, again, I would move to approve it with the following
592 restrictions: And some of these are again, I will restate what the
593 Planning Commission said and I have a few others that I wanted to
594 add. The Planning Commission recommended the Special Permit be dealt
595 for three years. I'm going to say for two. I'm going to recommend
596 that the Special Permit be for two years from the date of approval;
597 that there would be a maximum of eight children at any one time; the
598 hours of operation limited -- this is the same, 7 a.m. to 7 p.m.

599 Monday through Friday; the childcare operation shall be in compliance
600 with the provisions of Chapter 8, Article 6 of the City Code; and the
601 permit is not transferable to other businesses, properties, or
602 persons.

603 And I'm also going to add as a condition that all pickup and
604 dropoff of the children shall occur on site in the driveway. I'm
605 also going to add that the approval is contingent upon the
606 maintenance of the State-issued family day home license that permits
607 the numbers and ages of the children being cared for at the home
608 childcare facility. I'm also going to propose that the applicant
609 adopt the staggered arrival and departure schedule that allows for no
610 more than two parents to pick up or drop off in the same fifteen
611 minute block of time.

612 And I think that's going to do it. Someone can make an
613 amendment. So that's my motion.

614 CHAIR WILLIAMSON: Mr. Calabrese asked that the schedule
615 established be submitted to the Zoning Administrator.

616 Would you accept such an addition?

617 MR. KRASNER: Sure. I'll add that in.

618 The schedule be provided to the City, to the Zoning
619 Administrator.

620 CHAIR WILLIAMSON: Okay. We have a motion to approve with the
621 conditions that were outlined.

622 Is there a second?

623 MR. CALABRESE: I'll second.

624 CHAIR WILLIAMSON: Roll call vote.

625 RECORDING SECRETARY: Mr. Williamson.

626 CHAIR WILLIAMSON: Yes.

627 RECORDING SECRETARY: Mr. Krasner.

628 MR. KRASNER: Yes.

629 RECORDING SECRETARY: Mr. Calabrese.

630 MR. CALABRESE: Yes.

631 RECORDING SECRETARY: Mr. Howell.

632 MR. HOWELL: Yes.

633 RECORDING SECRETARY: Mr. Theologis.

634 MR. THEOLOGIS: Yes.

635 CHAIR WILLIAMSON: Congratulations. You have your permit with
636 the conditions that were outlined here.

637 So good luck with your endeavor.

638 MS. SHAW: Thanks.

639 CHAIR WILLIAMSON: Okay. Next we have two items of New
640 Business. Before we get to that, separate from New Business, there's
641 an item in regard to Petitions.

642

643 5. PETITIONS

644

645 CHAIR WILLIAMSON: Does anyone have any petitions to present to
646 the Board which is separate from New Business?

647 (No response.)

648

649 6. NEW BUSINESS

650 a. Variance application V1577-15 by Priya Krishnan, owner
651 and applicant, for a variance to Section 48-238(3)(a) to allow (1) a
652 front yard setback of eighteen (18) feet instead of thirty (30) feet
653 along the Jackson Street frontage; and (2) a front yard setback of
654 eighteen (18) feet instead of thirty (30) feet along the Timber Lane
655 frontage; and (3) a side yard setback of ten (10) feet instead of
656 fifteen (15) feet along the northern property line; and (4) a side
657 yard setback of ten (10) feet instead of fifteen (15) feet along the
658 eastern property line for the purpose of constructing a new
659 single-family house on premises known as 600 North Jackson Street,
660 RPC #52-205-001 of the Falls Church Real Property Records, zoned R-1A
661 Low Density Residential.

662

663 CHAIR WILLIAMSON: Moving on to Item 6, which is New Business.

664 We have a Variance application V1577-15 by Priya Krishnan, owner
665 and applicant, for a variance to Section 48-238(3)(a) to allow (1) a
666 front yard setback of eighteen feet instead of thirty feet along
667 Jackson Street frontage; (2) a front yard setback of eighteen feet

668 instead of thirty feet along the Timber Lane frontage; and (3) a side
669 yard setback of ten feet instead of fifteen feet along the northern
670 property line; and (4) a side yard setback of ten feet instead of
671 fifteen feet along the eastern property line for the purpose of
672 constructing a new single-family house on premises known as 600
673 Jackson Street, RPC #52-205-001 of the Falls Church Real Property
674 Records, zoned R-1A which is Low Density Residential.

675 So I would just ask that any person here this evening that's
676 going to speak on this, including the applicant, rise and raise your
677 right hand to be sworn please.

678 (Witnesses sworn.)

679 CHAIR WILLIAMSON: Let the record show that everyone affirmed.
680 We'll proceed first with a report from staff before we get to
681 the applicant.

682 Mr. Boyle.

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

684 You have in your packet a very complete, I'd say, application
685 packet by the applicant and the corporation that's working with her
686 to develop the property, including a number of pictures and pictures
687 of the house, the property, and the surrounding area.

688 You should also have, what's interesting, is a variance that was
689 previously approved a number of years ago on this property for pretty
690 much many of the same reasons that are being sought or used as a

691 Variance in this case.

692 One thing staff wanted to point out is the location of a storm
693 water easement across the property. This came up late in the day
694 yesterday and again today with the engineers and they're going to
695 prepare a memo of how they'd like to see the property restricted as
696 far as use of that easement. I felt it was less critical to
697 distribute it at this time because they have the authority to
698 restrict the use in that easement at building permit and grading
699 plan.

700 But just in summary, there is a driveway over that easement now
701 and in one of the photos, I think you can see a pickup truck parked
702 in that area.

703 That's how the property's always been used. The engineers
704 looked at their video that they send through the pipes and it doesn't
705 appear to be damaged, however they wanted to make sure and have that
706 added as a condition that any of this project not extend further into
707 this easement. So that they know going in that the easement is
708 there and the City intends to protect it and use it for that pipe
709 maintenance.

710 In looking at the plan, I don't believe it's going to encroach
711 any closer to that easement but our engineers will be preparing a
712 memo to that effect.

713 You also have a number of letters from neighbors including some

714 in support and some who are seeking additional information. We did
715 have a number of people come in and look at this application packet.
716 In my experience that's a little unusual. We don't usually get a
717 number of folks coming in and looking at the materials. I take that
718 to mean there's great interest in the community, both in the
719 immediate area but also some folks not in the abutting property owner
720 mail-out that we send.

721 So there's great interest in the community as to what this
722 Board's going to consider and what actions you might take tonight.

723 In keeping with our practice, staff doesn't take a position on
724 whether the requests are in keeping with what's been approved before
725 or take an opinion on whether or not this should be approved or
726 denied. Other than to say that the application is complete, I think
727 it's well-founded in the points that they make and it's within the
728 scope of something for this Board to consider.

729 So with that, I would defer to the applicant's presentation.

730 CHAIR WILLIAMSON: And I'll just see if there's any questions
731 for Mr. Boyle before we proceed to the applicant.

732 MR. KRASNER: Quick question for Mr. Boyle. The storm water
733 easement that you're talking about, that's I assume -- it's not
734 labeled as such but on the plat that they submitted, the big railroad
735 track looking-line that runs through the eastern side of the
736 property.

737 MR. BOYLE: Yes, sir. It's on page 13 of the applicant's
738 package.

739 MR. KRASNER: I assume that's what that is. I'm just confirming
740 for the record that's what we're talking about.

741 MR. BOYLE: Correct. Our engineers are confirming its exact
742 location. When we have an engineer-stamped survey as you have in
743 your packet, we assume that's an accurate location of that pipe. And
744 what you have there is the total width of the easement, the pipe
745 actually runs right down the center of it. So I wouldn't be
746 surprised if the original house was located respecting that pipe that
747 was probably already there.

748 MR. KRASNER: Another question, perhaps the applicant can answer
749 it better, the Old Variance that was approved here, it looked like it
750 was '83 or whenever it was, was that actually implemented? The
751 house looks like it wasn't altered much, the existing house looks
752 like it hasn't been altered much through the years. Was that
753 actually ever implemented?

754 MR. BOYLE: I'll have to confirm that.

755 MR. KRASNER: I wasn't sure if it was actually built the way the
756 Variance allowed for the changes to occur, I wasn't clear.

757 MR. BOYLE: What I don't have is a plat before that Variance to
758 compare the size of the house but let me see if I can get that for
759 you.

760 CHAIR WILLIAMSON: We can speak to the applicant about that.

761 Are there any quick, clarifying questions?

762 MR. CALABRESE: Including the other Variance that actually this
763 Board approved in 2013, is that for comparison purposes or that's a
764 different property it appears? The Variance here of Felipe Lopez is
765 included.

766 MR. KRASNER: That's down the street.

767 MR. SCHNITZER: It was just to show a precedent.

768 MR. BOYLE: Oh, I see. Yeah, there was a Variance approved on
769 this property by the Board.

770 MR. CALABRESE: Back in '83. This is 2013.

771 MR. BOYLE: The applicant included some examples of other cases
772 just to show a pattern in the neighborhood.

773 MR. HOWELL: I have one question. Probably for the applicant
774 but perhaps staff has a view on it. This geotechnical report, it
775 certainly suggests very strongly that there shouldn't be any
776 development under the surface level. And there are plans for doing
777 that in the application.

778 MR. SCHNITZER: I can speak to that.

779 CHAIR WILLIAMSON: If you could just state your name.

780 MR. SCHNITZER: My name is Michael Schnitzer. I'm the President
781 of Stanley Martin Custom Homes and this is the owner of the property,
782 Priya Krishnan and probably for the most part I'll be speaking on her

783 behalf unless she has something to say.

784 MS. KRISHNAN: That's fine.

785 CHAIR WILLIAMSON: All right.

786 MR. SCHNITZER: So to address your, the reason I put the
787 geotechnical report in, which we do for every house, was to backup
788 from a third party something that I stated with regard to the
789 application which is the current house is in complete disrepair.
790 It's unhealthy. The basement's leaking. There's mold in it.

791 So the real purpose was to say, Here's a third party. I didn't
792 have them go out to opine about the condition of the house, I was
793 just looking at water table and perched water table.

794 MR. HOWELL: Can I followup my question to ask, what would be
795 the implications technically of building the proposed house on that
796 site? Could that concern be taken care of in design?

797 MR. SCHNITZER: Oh, absolutely. So, just for the record, I'm an
798 engineer besides from being a business. So first of all what we
799 would do, the elevation in the basement must be higher than the
800 elevation of those pipes, the base elevation of those pipes.
801 Otherwise the propensity for potential flooding is enormous.

802 What we end up doing is we have to cut out the subsoil and put
803 in a geomat and then we lift the house up with stone. The geomat
804 contains the mud underneath so it doesn't mix in with the stone. So
805 we elevate the house to the proper elevation. But that elevation, I

806 would tell my client for me not to let me build her a house if the
807 basement is going to be below that elevation. It would be unwise.

808 MR. HOWELL: So the lowest floor would be at ground level?

809 MR. SCHNITZER: No, it would be subgrade but it will be taking
810 into account the pipes which is part of the reason we had our geotech
811 go out there so that we're cognizant of all the parameters that
812 affect construction.

813 CHAIR WILLIAMSON: You can present this, we've heard from staff.

814 MR. SCHNITZER: Sure. I apologize.

815 CHAIR WILLIAMSON: No, it's very helpful.

816 If you would proceed.

817 MR. SCHNITZER: Okay. I'll try to truncate and not be too
818 redundant.

819 So from a hardship perspective, firstly, so the lot is
820 substandard. It's 9763 square feet versus 11,200. So it reduces,
821 not significantly, but it reduces the envelope that we can build in,
822 somewhat.

823 The next thing that compounds the factor is that instead of
824 building a rectilinear shape, on a rectilinear-shaped lot, we're
825 building on a triangular-shaped lot. So that's scooting in the kind
826 of the square confines of the property line -- or of the building
827 envelope.

828 Thirdly, there are actually two five foot by three and a half

829 foot pipes that bifurcate the property to exacerbate the issues that
830 we have with the footprint of the house. It's pulling everything
831 forward and away from -- forward towards Jackson and away from
832 Timber.

833 And so the last thing that I did was, and there's an example of
834 this on page 14, I took two rectilinear shapes. One rectilinear
835 shape you can see, I'm calling it Area One. The second is Area Two.
836 Using standard building practices of right angles. And as you look
837 at those areas in relationship to the allowable building footprint,
838 the reduction in allowable building footprint is 49 percent. So,
839 right off the bat we're dealing with a very small footprint to build
840 with that, which is probably part of the reason in 1983 the previous
841 applicant received this.

842 So, some of the other things that I think is worth mentioning,
843 with 402 Timber, certainly it's setting a precedent, but that lot if
844 you look at it geometrically, it's a deep lot relatively speaking but
845 for the front property line it's almost rectilinear. And it's a
846 relatively large lot that doesn't have these huge storm drains
847 running through and bifurcating the property. And yet this applicant
848 was able to get something where clearly there really wasn't much of a
849 hardship.

850 The other thing that I did is I went on the GIS site and
851 measured all up and down Timber and Jackson. I said, okay, I can be

852 off a little but relative speaking, what are the offsets from the
853 front property line to the existing houses.

854 So I created a table and it's in this package and so what I
855 found were out of the 36 properties that I measured, specifically
856 right around where the target property is, 47 percent of the homes or
857 17 properties out of 36, were less than 20 feet to the street. Nine
858 of the homes were less than 19 feet to the street. There's one home,
859 I believe the address is 400 Parker Ave, which is roughly 13 feet
860 from the street. The adjacent home on Jackson is 18.5 feet from the
861 property line.

862 So I've laid out a -- the first thing to look at just from a
863 pictorial is if you look at page 8, it just gives you kind of an
864 idea, look at the lower picture, that certainly kind of tells a story
865 relatively speaking of where the houses on Timber are relative to the
866 front property line on the street. And I kind of denoted where 600
867 North Jackson is, you see that in red, off to the right. So just to
868 give you kind of a visual.

869 Similarly, if you look at page 9, that upper picture, kind of
870 tells the same story of houses up and down the street on Timber. If
871 you look at page 10, again you're seeing, again, I'm just trying to
872 represent pictorially how close many of these houses are in the
873 neighborhood to the front property line.

874 MR. CALABRESE: I appreciate that but that's not a criteria by

875 which we judge this application.

876 MR. SCHNITZER: Right. So then if you go to page 27 is a table
877 I created of property addresses both on Jackson and Timber. The
878 lefthand-most column are the addresses, middle column it says front
879 setback, or the setbacks I measured off the front property line, that
880 final, the right-most column is the average. So you can see the
881 Jackson Street, I averaged it at 21.7; Timber was 20.49. The
882 combined average was 20.74. So, just data.

883 If you look to the next page, 28, that just basically gives you
884 a representation of which addresses I measured. You can see
885 basically they're up and down both Timber and on Jackson.

886 CHAIR WILLIAMSON: Any other remarks you want to make? Go
887 ahead.

888 MR. SCHNITZER: Just a couple things. So obviously we'll
889 respect the easement. It's just ludicrous to build over an easement.
890 The driveway will be front loaded on Jackson. We believe it will
891 also approve the safety. We'll have four off-street parking
892 positions: Two in the garage and two in the driveway. Plus it won't
893 be on Timber, it will be on Jackson. Jackson's certainly a
894 less-traveled road. That was one thing.

895 The other thing is just in terms of the size of the home. The
896 size of our home will be roughly 3300 square feet. We went through
897 the basically one line tax assessment and permits issued, looking at

898 the County or the City's website, and found that the average over the
899 past ten years is about 3300. So our home is certainly not larger
900 than what the historical averages are.

901 And last but not least, we do have ten neighbors who are in
902 support of the package.

903 CHAIR WILLIAMSON: Thank you very much. And before we, there
904 are some folks in attendance, if they want to comment on this, I want
905 to see if any of my fellow Board members have questions for the
906 applicants at this time. And if we hear comments from folks in
907 attendance, we may come back and ask questions at that time as well.

908 CHAIR WILLIAMSON: Any questions for the applicants?

909 MR. CALABRESE: Yes. Very thorough presentation. Thank you.

910 So under the law there's really three criteria we look at. One
911 is the hardship. Two is the effect on the neighbors and third is
912 whether other homes share the similar problem.

913 So it appears you've addressed the neighbors and the surrounding
914 areas who don't share the same type of topography.

915 The question for you is on the hardship. I know you explained
916 "a hardship" but maybe I'll ask you to be a little bit more precise.
917 The hardship that we're looking for is building something that cannot
918 meet the setbacks. I understand the house needs to be repaired and
919 you have sewer problems. But are there options to build the house
920 that would remain within the setback and is it a hardship essentially

921 to build something within those ideas? If you could explain that for
922 the record.

923 MR. SCHNITZER: Sure. So the issue is with the geometry of the
924 property, the size of the home that would fit the zoning requirements
925 would be so small it would be kind of crazy to build. You know,
926 spend a lot of money on the property, it would be cost prohibited.
927 And there is no way that that home should be renovated. It's in
928 complete disrepair. And it is totally not healthy.

929 MR. CALABRESE: Okay. Thank you.

930 CHAIR WILLIAMSON: Any other questions for the applicant?

931 MR. KRASNER: Couple of quick questions. You indicated there
932 are letters of support. Is one of those letters from the owner of
933 Lot 85? That's the immediate neighbor to the north on Jackson. That
934 lot is probably the most immediately affected. Others are affected
935 too but that's probably the most affected.

936 MR. SCHNITZER: Does it have a Jackson Street address?

937 MR. KRASNER: I believe so, Yes. Next house up on Jackson.

938 MS. KRISHNAN: You know, I went there so many times and I never
939 found the owner. It was always a --

940 MS. KOPPELMAN: I'm the owner.

941 MR. KRASNER: Okay. I guess we'll hear from them tonight. I
942 was curious because that house is the most affected. It sounds like
943 we'll hear from them later.

944 MR. SCHNITZER: It looks like when you measure that property to
945 the front setback, it's about 18.8, maybe 19 feet.

946 MR. KRASNER: Well, I see that.

947 MS. KRISHNAN: And actually we're not really asking -- well, the
948 house that is there right now, we're asking for the same setback that
949 currently exists. So it doesn't really affect that house any more
950 than it does right now.

951 MR. KRASNER: Isn't it a little bit closer to the house?

952 MR. SCHNITZER: It may be a little closer.

953 MS. KRISHNAN: Is it a bit closer? Because that house was
954 grandfathered in. It doesn't meet the current setback curbs.

955 MR. KRASNER: Right, but your house is even a bit closer than
956 that.

957 I certainly can see that this lot is unusual, and there are some
958 issues here, the lot is irregular. The foundations of somebody
959 arguing for a Variance, I think the nuts and bolts I think are there.
960 I guess the question is, as you probably well know, we're charged
961 with granting the minimum amount of relief necessary to permit
962 adequate utilization of the property.

963 So we'll hear more from the neighbors but, you know, I see areas
964 where again, perhaps there's room to perhaps meet the side setback
965 and/or even build the house in line with what somebody thought, which
966 would still require some relief but perhaps it will be less. I don't

967 know exactly where we're going to wind up. Because I do see the need
968 for some relief given the constraints here, but again, I'm sensitive
969 to the neighborhood character and building something that would be
970 harmonious to what's on the street. I'm sure ultimately you are as
971 well, but again, we strive to arrive at the minimum amount of relief
972 necessary to arrive as a result that arrives at a good use of the
973 property.

974 MR. HOWELL: If I could, just to clarify a point of detail. You
975 wrote a front elevation of the house on page 15 and then you've got a
976 ground plan of the lot on page 13. I can't quite square the two.
977 There's a porch. Where's the garage on the ground plan?

978 MR. SCHNITZER: On page 15?

979 MR. HOWELL: On page 13. The front elevation shows quite a long
980 front elevation.

981 MR. SCHNITZER: The garage relative to Jackson Street is left
982 side. So it's front loaded, left side, on Jackson.

983 MR. HOWELL: Where is -- is it in the footprint that you have on
984 page 13?

985 MR. SCHNITZER: Yeah, it says garage. You see where it says
986 garage and it has the blue line that's running parallel with Jackson?

987 MR. HOWELL: I see. It's sort of reverse.

988 MR. SCHNITZER: Yeah, that's collateral material.

989 CHAIR WILLIAMSON: Okay. So just to be clear, the proposed

990 home, it says front elevation of the proposed home.

991 MR. SCHNITZER: It would be a reverse layout.

992 CHAIR WILLIAMSON: Reverse. The same, just reversed.

993 MS. KRISHNAN: Yes.

994 CHAIR WILLIAMSON: Any other questions for the applicant?

995 (No response.)

996 CHAIR WILLIAMSON: Okay. Please stay seated. We may have
997 questions for you after we hear from those in attendance.

998 Is there anyone here tonight that plans to speak on this? If
999 you would, please step forward. There's a sign-in sheet here and we
1000 need you to sign in.

1001 Let the record show Mr. Theologis had to step away for a moment.

1002 If I could ask, if someone is going to speak on this, please
1003 step to the podium. And if you could state your name and address and
1004 then share your remarks and we may have some questions for you.

1005 MR. HEMPHILL: My name is Tom Hemphill. 115 Buxton Road, Falls
1006 Church City. I've actually got my remarks on paper and I've got a
1007 visual pack.

1008 CHAIR WILLIAMSON: Please, if you could hand those out.

1009 And we'll let the record show that Mr. Theologis has rejoined
1010 us.

1011 MR. HEMPHILL: I'm sorry I didn't make copies for everybody.

1012 The basic thrust of my remarks is that there is no hardship

1013 here. The plat shows the available footprint. It's in yellow. It
1014 meets all the setback requirements. It produces a fine house.

1015 In the Code there's relief for a sub-standard lot: Reduce the
1016 side yard setback by 20 percent and that plat reflects that. Beyond
1017 that, you don't need any hardship rule on this.

1018 The real reason they're asking for a hardship is because they
1019 don't want to do a plan. They don't want to make a new plan for this
1020 lot. What they want to do is use a stock plan and, you know, we've
1021 got enough of this. We don't need anymore.

1022 So, there is a perfectly good home to be designed for this lot,
1023 meeting all the setback requirements. So that means there's no
1024 hardship.

1025 CHAIR WILLIAMSON: Okay. Are there any questions that any Board
1026 members have for Mr. Hemphill?

1027 And where is your home in relation to --

1028 MR. HEMPHILL: I live on the other side of the City but my
1029 daughter lives around the corner on Spring Street. So I have an
1030 interest in the neighborhood. I'm interested in Falls Church City as
1031 a whole.

1032 We don't need any more of these things. And to ask for this
1033 amount of relief is ridiculous, given what they can build by right.
1034 All they have to do is get a design that reflects that.

1035 CHAIR WILLIAMSON: Okay. Any questions for Mr. Hemphill?

1036 (No response.)

1037 CHAIR WILLIAMSON: Okay. Thank you, sir.

1038 Is there anyone else who would like to speak on this?

1039 If you could state your name and your address.

1040 MS. GARNER: Good evening. My name is Cynthia Garner. I live
1041 at 219 East Columbia Street. Along with Mr. Hemphill, I live on the
1042 other side of town. However, I have a great concern as a long term
1043 resident of Falls Church about the granting of Variances and the
1044 integrity and consistency and enforcement of the City's Zoning Code.
1045 And I'm sure the Board shares that serious concern for preservation
1046 of the integrity of the Zoning Code.

1047 While I don't live in the immediate neighborhood of 600 Jackson,
1048 I've been watching this request as it's kind of moved forward over
1049 the last number of months. I think Mr. Calabrese has already
1050 indicated to you what the standard is that the Board is required to
1051 use in determining whether a Variance is justified.

1052 The property has to be acquired in good faith and there have to
1053 be conditions that are on the site so that strict application of the
1054 Chapter would actually prohibit or would unreasonably restrict,
1055 unreasonably restrict the use of the property. Or the Board has to
1056 hear evidence that granting the Variance would alleviate a clearly
1057 demonstrable hardship approaching confiscation as distinguished from
1058 a special privilege or convenience sought by the owner.

1059 I respectfully suggest that based on the evidence in the packet
1060 and what's been said this evening, that the applicant has not met the
1061 appropriate burden for a Variance.

1062 The applicant proposes to entirely remove an existing building,
1063 thus removing whatever prior-approved Variances there may have been.
1064 No showing has been made by the applicant that the building envelope
1065 is not buildable in compliance with the Code.

1066 And as Mr. Hemphill has said, we didn't coordinate, I didn't
1067 know he was going to do this, in fact it is buildable within the lot.
1068 In fact there is already a detached home present on the property. It
1069 already benefits from some nonconformance because I think the house
1070 was built before the '73 Zoning Code was passed.

1071 I'm sure the applicant knew the physical characteristics of the
1072 property when they proposed to buy 600 Jackson. It's not the
1073 property which is driving the Variance request, but rather the house
1074 design which the applicant has selected. This seems rather to fit
1075 the second half of that definition, being a special privilege or
1076 convenience sought by the owner and not so much a hardship.

1077 Furthermore, the applicant identifies the storm sewer easement
1078 and pipes as further restricting the building envelope. The wet
1079 basement conditions are identified as part of the reason to remove
1080 the existing structure. However, the applicant's own geotechnical
1081 report which I found very interesting. It says, "the existing

1082 basement closest to the Sewell Branch and the storm sewer easement
1083 were most likely planned above the inverted pipes to stay above
1084 ground water conditions. A new basement is not recommended below the
1085 invert of the nearby storm structures where water often follows the
1086 gravel bedding under the pipes.

1087 The Sewell Branch of Tripps Run is a well-documented existing
1088 stream. As early as 2004, the City's hills and stream valleys map
1089 was widely available. Falls Church has many and plentiful ground
1090 waters has been well known since the 19th Century which is why we
1091 started getting into town and not just a farm community. And they
1092 are not an exceptional condition justifying this.

1093 Not only is the proposed house touching the City easement, at
1094 least that's what it shows on the plat, which raises a question about
1095 construction equipment near or on top of the easement and the storm
1096 water pipes. But the full-depth proposed basement would have to go
1097 below the depth recommended by the geotechnical report, or the house
1098 would have to exceed the proposed height limit as all as part of the
1099 Variances which are being requested.

1100 We all appreciate the applicant's desire to have a new house and
1101 certainly a house that's maybe 50 or 60 years old might need to be
1102 replaced. Me, I live in a 120 year old house. But there may be
1103 conditions requiring it. But that does not mean that the Variance is
1104 justified or permissible under the Code.

1105 Thank you for your consideration and your deliberations on this
1106 matter.

1107 CHAIR WILLIAMSON: Thank you. Are there any other questions for
1108 Ms. Garner?

1109 (No response.)

1110 CHAIR WILLIAMSON: Okay. I think there are other individuals
1111 who would like to speak tonight.

1112 I would like to tell the applicant you will get a chance to
1113 address the concerns that you're hearing being raised.

1114 Yes, sir, if you'd state your name and your address.

1115 MR. WARD: Good evening. My name is John Ward. I live at 335
1116 Riley Street. I want to save folks time and I wanted to reiterate
1117 some of the comments made by the Board members and some of the other
1118 speakers.

1119 I happen to live on a Y-shaped lot. I did a rebuild 5 years ago
1120 with some of the same issues. And the setback that had been
1121 implemented since the original plan, cut off a corner of the house
1122 and that restricted our options. Did not meet a hardship. I've been
1123 down this path. It was a hardship enough to apply for a Variance,
1124 located the house on the lot to build an option there. Similar
1125 rectilinear box that this gentleman had done before. It did not
1126 seem, given some of the setbacks -- suffice it to say that the -- it
1127 doesn't seem sensible that the application for a setback in a low

1128 density region, a street setback of 18 feet, when in a medium density
1129 region in the City it's a 25 foot setback. It doesn't seem to make
1130 sense, that although this area's been taxed for decades as a low
1131 density with those sort of building options in comparables in that
1132 neighborhood and then to suddenly decide you want to be an extra, you
1133 know, in this case 12 extra feet closer to the street and even closer
1134 to what the Zone 1B residence says. That's all.

1135 CHAIR WILLIAMSON: Any questions for Mr. Ward?

1136 (No response.)

1137 CHAIR WILLIAMSON: Thank you, sir.

1138 Any other individuals looking to speak on this subject? You
1139 identified yourself as the next door neighbor earlier?

1140 MS. KOPPELMAN: Yes.

1141 CHAIR WILLIAMSON: Would you state your name and your address.

1142 MS. KOPPELMAN: Hi, my name is Jane Koppelman and I live at 602
1143 Jackson Street, Lot 85.

1144 I'm happy to finally be able to speak to you. Back in January I
1145 think is the first time that this proposal was put on the docket and
1146 I came and met a number of my neighbors here. We've all had our
1147 concerns about the size of the house, the height of the house, and
1148 how they want to encroach on the street line.

1149 The January meeting was on the docket and then it was postponed.
1150 It came back in February, my across-the-street neighbor had the same

1151 concerns and we found out again that this proposal had been delayed.
1152 So I'm very glad to be here now because I have some questions and
1153 concerns.

1154 And I'm grateful for the research from some of my neighbors. I
1155 don't have that same knowledge. I'm glad to hear that indeed it's
1156 not a hardship that we're talking about.

1157 I have a number of concerns. One of them is about the
1158 possibility that a septic level basement would be built on this
1159 property and what would happen if it flooded. What would happen to
1160 my property if this house flooded. I just completed a \$200,000
1161 renovation on my home and that would be a shame.

1162 Another concern I have is right now or I believe a Variance,
1163 part of the Variance she's requesting is a number of 5 feet closer to
1164 my property line. I would not want that. I would not appreciate
1165 that. I'm not in favor of it.

1166 In terms of the aesthetics of the community, the aesthetics of
1167 the street, I have great concerns. I think it a shame if a huge
1168 house came so close to the Jackson Street line. It would be an
1169 eyesore.

1170 And I guess one of my questions is the current proposal for the
1171 height of the house. Because I'm trying to kind of ascertain how
1172 much light is going to be cut off from my second floor. So if the
1173 builder could answer that question.

1174 CHAIR WILLIAMSON: We'll hear from him when he addresses that.
1175 I think we want to see if we have any questions for you first, if you
1176 don't mind.

1177 MS. KOPPELMAN: Right, right. So those are my major questions
1178 and concerns.

1179 CHAIR WILLIAMSON: Okay. And before we let you go, are there
1180 any questions that the members of the Board have?

1181 MR. CALABRESE: If I could ask, so are you saying that under the
1182 current formulation of their plan that you don't support that as it
1183 is currently being proposed?

1184 MS. KOPPELMAN: That's correct. I believe part of what the
1185 builder and owner is asking for is coming out of five feet closer to
1186 my property line, but no. No.

1187 MR. CALABRESE: You don't support that, okay.

1188 MR. HOWELL: Just for the record, could I ask, is 602 Jackson
1189 Street is your address, is it?

1190 MS. KOPPELMAN: Yes.

1191 MR. HOWELL: Lot 85. 602 Jackson Street, that's your home?

1192 MS. KOPPELMAN: Yes.

1193 MR. KRASNER: Your house, most of the houses on that street are
1194 one and a half story. What is it, like a Cape style?

1195 MS. KOPPELMAN: It's Cape. Two stories.

1196 MR. KRASNER: How many square feet?

1197 MS. KOPPELMAN: 2700.

1198 MR. KRASNER: 2700 square feet. Do you have a garage?

1199 MS. KOPPELMAN: Yes, I have a detached garage.

1200 MR. KRASNER: Is that a single car garage or two car?

1201 MS. KOPPELMAN: Single. Well, actually we can fit two compact
1202 cars.

1203 CHAIR WILLIAMSON: Okay. Anyone else in attendance tonight who
1204 is going to speak on this matter before we hear from the applicant?

1205 (No response.)

1206 CHAIR WILLIAMSON: Well, thank you very much. We appreciate you
1207 frequently attending our meetings as well.

1208 I think we'll turn it back to the applicant now.

1209 So you've heard the remarks from the four individuals. Can you
1210 address those concerns? I know you were taking notes, I was taking
1211 notes as well. If you can please address those comments.

1212 MR. SCHNITZER: I'll probably go in reverse order.

1213 So, with regard to height, we have to meet the height
1214 requirements, the substandard height requirements set upon us by the
1215 City. So, we'll be in full compliance with the height requirements.

1216 As it relates to building a home in wet soils, we build hundreds
1217 of homes in perched water tables, in high water tables, in marine
1218 clay, so this is nothing new to us. Probably build 20,000 houses.
1219 Not 20,000 have been built in wet soils but it's not an atypical

1220 condition in the Northern Virginia area.

1221 So at the highest level, I don't understand the concern that our
1222 house would somehow affect the wet basement of the neighbor's house.
1223 It's kind of like two completely different -- so a water table's
1224 going to rise to where a water table's going to rise. So two
1225 different situations.

1226 I guess what I would say is at the highest level there was a
1227 Variance that was approved that certainly set precedent in 1983. The
1228 size of the home that we're requesting is completely at the norm with
1229 newer homes in the area and there's a plethora of newer homes, not
1230 just located directly near us but throughout the City.

1231 And I would disagree with the hundreds and hundreds of Variances
1232 and Special Use Permits. I've done, whether it's in the City or
1233 North Arlington or the City of Alexandria, this to me is a clear cut
1234 case of a hardship. The shape of the lot is a, what I would call a
1235 minor hardship. The pipes that bifurcate the lot severely restrict
1236 the construction.

1237 So there's a lot going on with this property that in my mind, if
1238 there ever was a hardship, this would clearly meet the hardship
1239 criteria.

1240 MR. CALABRESE: Could I ask a question?

1241 CHAIR WILLIAMSON: Please.

1242 MR. CALABRESE: I appreciate the comments from everyone. They

1243 were very good. Very well-researched comments here.

1244 The two that really strike me here, Ms. Koppelman, your comment
1245 about the five feet encroachment or distance to your property, it
1246 would be a concern for me.

1247 And the comment from the first gentleman, your assertion which
1248 you didn't address in your response, your assertion that it is
1249 possible to design this house within the current setbacks, a
1250 reasonable home. Your original comment to me was that that was not
1251 really possible but this gentleman is saying that is. So perhaps you
1252 could address that discrepancy.

1253 MS. KRISHNAN: Maybe I could answer that question.

1254 We looked at the option of doing that. You know, not going for
1255 the Variance and doing that. What that would entail would be we'd
1256 have to go and speak with a custom builder, so to speak, that would
1257 build a very unique house as he's pointed out. And you may be a
1258 builder, but, you know, that would fit this unique shape that he's
1259 pointed out here, and would cost us much more than, I mean it is a
1260 hardship to say well, now you have to pay one and a half times as
1261 much just to fit your house into this unique little shape.

1262 MR. CALABRESE: I appreciate that and I appreciate the cost.

1263 MS. KRISHNAN: Caused by the fact that this sewer system just
1264 goes straight across this lot, you know.

1265 And we're really, I also appreciate living in Falls Church City.

1266 I love the City. I want to preserve the greenery in the City. I'm
1267 an avid gardener. And I also don't like big McMansions. So what
1268 we're choosing to build is really not a huge house. It's really
1269 something that's going to greatly enhance this neighborhood because
1270 it's very run down, really badly taken care of property that this
1271 place is going to look beautiful. And it's not a big old ugly house
1272 stuck on a lot with no trees. That's not at all what I'd be looking
1273 at.

1274 MR. CALABRESE: I appreciate what you're saying and I understand
1275 the financial hardship. Ms. Garner made a very good point about the
1276 standard of the law. And we are constrained to the criteria by which
1277 we must judge these and it does say that it is a hardship approaching
1278 confiscation.

1279 And so when a petitioner or applicant makes a comment that it's
1280 less expensive, it's more pleasing, etcetera, that can be troubling
1281 in terms of us evaluating an application in terms of what the law
1282 says we're supposed to do. But I do appreciate your --

1283 MS. KRISHNAN: But that was only like one other factor, in
1284 addition to all the other factors that we mentioned. We didn't
1285 mention the cost in this.

1286 CHAIR WILLIAMSON: Do you have any other comments that address
1287 the other concerns that were raised? We may have some other
1288 questions.

1289 MR. SCHNITZER: I think and I may be wrong, maybe Mr. Boyle
1290 could speak to this, but I thought the other Variance that was
1291 approved with regard to the side encroachment, that were equal to
1292 what that other Variance was approved at. Am I right?

1293 CHAIR WILLIAMSON: Yes, Mr. Boyle, could you address that
1294 question?

1295 MR. BOYLE: No, I was taking a look at that myself. The
1296 existing house is at 10 feet and the proposed house is at 10,
1297 however, there's an areaway to the basement that is in that side
1298 setback next to 602, so that may be perhaps what they're referring
1299 to. So it would be a below-grade staircase going to the basement.

1300 MR. KRASNER: And that raises a point, again, it would have been
1301 helpful, this packet is actually very thorough, although I would say
1302 having a current survey of the existing conditions would have been
1303 helpful to compare existing and proposed.

1304 So the wall on that side is not any closer.

1305 MS. KRISHNAN: No.

1306 MR. KRASNER: I know there's an area near the basement but other
1307 than that.

1308 MR. SCHNITZER: I have one. Existing is 10.

1309 CHAIR WILLIAMSON: So existing is 10 feet from Mrs. Koppelman's
1310 property.

1311 MR. BOYLE: Right.

1312 CHAIR WILLIAMSON: So existing is 10 feet and the request is
1313 to --

1314 MR. CALABRESE: Ten feet to the structure.

1315 MR. KRASNER: Six to the area.

1316 CHAIR WILLIAMSON: Ten to the structure, six to the area.

1317 MR. KRASNER: Which is the basement stairs.

1318 CHAIR WILLIAMSON: Just in layman's terms, that's the whole wall
1319 is not going to be --

1320 MR. SCHNITZER: Correct. The left elevation is at the same
1321 location existing. It's just the stairwell going down that's at
1322 grade.

1323 MR. CALABRESE: But two times as high?

1324 MR. HOWELL: It will be higher.

1325 MR. KRASNER: You didn't answer that question completely. How
1326 high will this home be?

1327 MR. SCHNITZER: That I can't answer entirely but I can say it
1328 will have to meet the Falls Church City requirements which is --

1329 MR. BOYLE: The height for substandard lots is expressed as a
1330 ratio of what the area is versus what it should be. So the existing
1331 lot size divided by the Code-required lot size creates a percentage.
1332 Standard lots are allowed up to 35 feet, so in working that formula
1333 through, this house would be reduced from 35 to 30 feet maximum to
1334 the midpoint of the ridge. So they're allowed two and half stories

1335 to 30 feet, so it's a five foot reduction in height.

1336 MR. KRASNER: Are you proposing two and a half stories or two?

1337 MS. KRISHNAN: Two.

1338 MR. SCHNITZER: You're saying two and a half because part of the
1339 foundation is above grade?

1340 MR. BOYLE: No. That's simply what the Code would permit, is
1341 the two and a half to 30.

1342 MR. SCHNITZER: So there's a first floor and a second floor and
1343 then a roof above. To me it's a two story house. We have to be
1344 below the height threshold and then even lower because it's a
1345 substandard lot.

1346 MR. KRASNER: Right, I understand that. You're going to have to
1347 have a finished half.

1348 MR. SCHNITZER: No, we're not having a finished half.

1349 MR. KRASNER: Above the two.

1350 MR. SCHNITZER: Right.

1351 CHAIR WILLIAMSON: Okay. Any other questions for the applicant?

1352 (No response.)

1353 CHAIR WILLIAMSON: Any other final remarks you'd like to make on
1354 this?

1355 MR. SCHNITZER: Just that if you look at a point of reference,
1356 Lot 85, their porch is 18.9 feet to the property line. So we're 17.8
1357 to the face of the garage, so, just relative.

1358 CHAIR WILLIAMSON: Thank you.

1359 We've closed this to any remarks from those in attendance and to
1360 the applicant.

1361 We may have a question for staff and I'll look to my fellow
1362 Board members for any comments on this before we consider this and
1363 decide on any motion to be made.

1364 MR. KRASNER: I think this is one where it's a close call in my
1365 eyes. I'll say the lot being undersized, being irregular, having
1366 storm water, having an easement presents some challenges and I would
1367 argue, you called it a minor hardship, I'd agree with that.

1368 But I'd also clarify for the record, the language in the City
1369 Code related to Variances is out of date. The State changed the
1370 Variance law last year so the hardship approaching confiscation is
1371 not the standard. It's a hardship or strict application of the
1372 property preventing adequate utilization. Just to clear that on the
1373 record. The hardship approaching confiscation language is no longer
1374 in State law. The fact that it's in our Code, State law prevails.
1375 So just to get that on record.

1376 So you don't have to prove a hardship on a site approaching
1377 confiscation, but a hardship, or the strict application of the Zoning
1378 Ordinance on the property would prevent adequate utilization.

1379 So given that, I feel that there is some relief in order to have
1380 a house that's irregularly shaped, I could see an argument for some

1381 relief of some type on this lot to allow a more regularly shaped
1382 home.

1383 I guess what I'm struggling with is again, we're trying to do
1384 the minimum amount of relief necessary and again, I question, could
1385 the house have been oriented so that it maintains the setback?

1386 Our Ordinance, unlike a lot of other Ordinances in other places,
1387 pays a lot of attention to the front setback in relation to the homes
1388 around it, which is an interesting feature of our Ordinance. And
1389 again, when you're on the end and it talks about looking at the house
1390 next to you for guidance on establishing the setback. And as you
1391 indicate, as the applicant indicated and as we can see, the home's
1392 already pre-existing nonconforming but this house proposes to go even
1393 further and it's a matter of degrees but I question whether an
1394 attractive and useable home could not be designed that would maintain
1395 the setback of the house in Lot 85.

1396 And I see some benefit to maintaining a relatively uniform
1397 street wall appearance on the house -- building wall, sorry,
1398 appearance along the street.

1399 And so that's kind of where I'm struggling at. I can certainly
1400 see again, some relief given that the buildable area is a triangle
1401 and allowing an applicant to square off the corner and not build a
1402 triangular-shaped house or having some awkward cutouts and
1403 indentations, especially on that side, on Timber Lane, given that

1404 it's on the corner and there's nothing immediately next to them on
1405 that side.

1406 But again, bringing the house closer to Jackson, I have some
1407 concerns about that.

1408 MR. CALABRESE: I would say that others that have come before
1409 this Board, when I've asked this question have had some discussion of
1410 what alternatives could be and then they would provide Option A, B,
1411 and C, and why those were not preferable. And that is a helpful
1412 discussion.

1413 Unfortunately I would liked to have seen some more of that
1414 rather than just to dismiss the other option as too expensive, which
1415 may be true. But as just a generic comment isn't that persuasive for
1416 me.

1417 CHAIR WILLIAMSON: Any other comments?

1418 (No response.)

1419 CHAIR WILLIAMSON: Well, we've heard the information presented
1420 tonight, we've heard the comments from the Board. Would anyone care
1421 to make a motion in regard to this Variance application?

1422 MR. KRASNER: Before we make a motion, maybe I'd be interested
1423 to see if the applicant, first of all, see if the applicant knows
1424 they need three votes.

1425 So before taking a motion, are you amenable to perhaps looking
1426 at other ideas, perhaps considering some sort of alterations to the

1427 proposal? Try to address some of what was heard tonight and perhaps
1428 have a short deferral to allow you to think about that.

1429 CHAIR WILLIAMSON: That's a good question.

1430 If the applicant would address that. Are you open to looking at
1431 the Variance you're requesting and evaluating if there's a smaller
1432 footprint and therefore, less of a Variance that could be requested.

1433 MR. KRASNER: Right, give the applicant some time, a month
1434 deferral, to look at perhaps reining back some of the request as
1435 opposed to having this vote now.

1436 MS. KRISHNAN: Well, I mean I'm certainly open to doing that
1437 except I've been doing that for the last few months. And the thing
1438 is, the whole thing here came about because my daughter also lives in
1439 the City and is going through a divorce and we don't think she can --
1440 we're not sure what's going to go on with her home. So we thought,
1441 okay, we'll have her buy the property and build a home. She has two
1442 children.

1443 And I mean, yes, I have four kids and we all grew up -- I mean I
1444 brought my kids up in a 1300 square foot house but today when I feel
1445 like this is not unusual to build a home of this size in the City.
1446 In fact, it's going to be one of the smaller newer homes in the City
1447 and on a lot that actually looks very large when you put this size
1448 home on it because of the shape.

1449 I walked around the lot and I thought, you know, this is

1450 actually going to look really very pretty. Because the way the
1451 lot's shaped, the house is not even going to look very large on the
1452 lot. But it so happens that we have to, you know, fit it into this
1453 space.

1454 And just looking at the other homes on the street, they don't
1455 all form a uniform line as far as setbacks and so many of them are
1456 really tiny little Cape Cods that are -- I know, for good or for bad,
1457 people are not really living in tiny little Cape Cods anymore. And I
1458 love tiny little Cape Cods to tell you the truth, but it's just not
1459 practical for most families these days.

1460 So we can continue to look at new plans and try to fit something
1461 else.

1462 MR. KRASNER: One thing. At least for me, it's not the size, I
1463 don't think the size of what you're proposing is so out of line with
1464 what people build in the City and what people build in this part of
1465 the City.

1466 MS. KRISHNAN: But I also think that even that extra foot or two
1467 is, when you're looking, you know, at the lot and you actually go out
1468 and see, it's not going to look like something sitting out there, you
1469 know, just right by the roads. There's a lot of greenery and I save
1470 every tree I can. There's actually a big dead tree right in the
1471 center that has to come out anyway.

1472 But other than that, I just, yes, I'm open to looking at other

1473 options. That's what I've done.

1474 And short of building like that gentleman suggested, a much
1475 smaller home --

1476 MR. HEMPHILL: It's not small.

1477 MS. KRISHNAN: Well --

1478 CHAIR WILLIAMSON: Let's -- away from the applicant.

1479 Please continue.

1480 MS. KRISHNAN: Yes. I don't know quite what to say. I don't
1481 know if I should go back and come up with some new plans but this was
1482 we thought the best option.

1483 CHAIR WILLIAMSON: Well, I think you are hearing some concerns
1484 being expressed about the absolute Variance being requested here.
1485 And I think left with no other alternative to consider, as Mr.
1486 Calabrese pointed out, we would evaluate this as it's been presented
1487 tonight.

1488 And so I think what we're asking is if you would be open to --

1489 MS. KRISHNAN: A have a question.

1490 CHAIR WILLIAMSON: -- if we elected to continue this, if you
1491 would consider other options and be prepared to present those at a
1492 later hearing.

1493 MS. KRISHNAN: Okay. Do you mean continue this in the sense
1494 that I would have to still adhere to current setbacks including the
1495 storm --

1496 MR. KRASNER: No, no, no. What we're saying is that -- at least
1497 what I'm saying is that I see the basis for some relief from the
1498 Ordinance here, given the unusual characteristics here. I'm having
1499 trouble with the amount of relief that you've requested. For me, I
1500 can't speak for my colleagues, for me it does have to do with the
1501 setback to Jackson.

1502 Mr. Boyle, could you confirm, the applicant actually raised a
1503 good point, actually it was one of the neighbors, talked about the
1504 undersized lot allows a relaxation of the side setback and how much
1505 is allowed just on that side by right, how much is allowed beyond the
1506 15 feet that's normally required.

1507 MR. BOYLE: The Code allows a 20 percent reduction based on the
1508 lot width. What's unusual here is which width do we use with the
1509 corner lot. They've got a very narrow piece at the back and standard
1510 width at one of the street frontages.

1511 Potentially the standard setback is 15 feet.

1512 MR. KRASNER: I just wanted to make sure. If what they're
1513 asking for and they're at 10, I want to make sure that some of that
1514 is captured by the Code and maybe that size actually is less a
1515 Variance than --

1516 MR. BOYLE: I'd say that ten foot setbacks in the R-1A are
1517 common because of the previous Code allowing a 10 foot setback there.
1518 I'd say going less than that is unusual.

1519 MR. KRASNER: Again, I feel that --

1520 MS. KRISHNAN: I mean I'd be willing to not have the area way
1521 there. If that would make a difference.

1522 MR. KRASNER: Actually on that side, you're not going any closer
1523 to the existing house, as far as the wall. I mean, yes, it's a
1524 taller structure. Again, this is just me. I'm much more a person on
1525 board but I have more concern about the front setback and
1526 introducing -- again, one of the other issues we're looking at is
1527 something that's going to be harmonious with the neighborhood.

1528 Yes, I recognize there's turnover and we're not saying everyone
1529 has to build, just because the neighborhood was developed in the
1530 1950s or '40s when relatively small Capes by today's standards, that
1531 always has to be there, but I think we want, you know, change is
1532 incremental and when a new house is introduced and someone is asking
1533 for a Variance, it gives us a chance to look at that. And one of the
1534 criteria is something that's harmonious, keeps with the character of
1535 the street, which doesn't mean it's identical to it. Doesn't mean
1536 it's a carbon copy. Doesn't mean you can't have a newer or modern
1537 house.

1538 But some of the ways in my opinion, to make it harmonious is by
1539 siting it in a way that's consistent or as consistent as possible but
1540 still having visible structure.

1541 So again, I'd be interested to know if there's a way you could

1542 try to keep it closer to what the setback is to the house to your
1543 north, which is at 25 feet to their front wall, which still requires
1544 a Variance. The porch is 19. I'm not saying you have to match that
1545 but I'm looking for something maybe closer to that.

1546 MS. KRISHNAN: That lot allows them to build much farther back.
1547 The way that lot is configured, they don't have the same restriction
1548 with the storm sewer and they have a deep rectangular lot, you know.
1549 So it's sort of like --

1550 MR. KRASNER: I recognize there are challenges here but again,
1551 we're trying to find something that is a balance.

1552 MR. SCHNITZER: Can I ask you a question? What guidance should
1553 we take from the Variance that was approved if we were to come back?
1554 I'm just trying to figure out a benchmark.

1555 MR. KRASNER: The Variance as approved when?

1556 MR. SCHNITZER: The Variance that was approved in '83.

1557 MR. KRASNER: Well, I wasn't on that Board in '83 and it's not
1558 clear to me that was ever -- I'm still trying to figure out -- we
1559 look at every case separately and whatever circumstances are in place
1560 at the time. All I can say is that I wasn't on that Board and that
1561 Board granted that Variance.

1562 MR. CALABRESE: I want to say that these cases are fact-specific
1563 and I don't know the value of precedent.

1564 MR. KRASNER: I don't know how that house was proposed at the

1565 time, how tall that house was, what it's going to look like. I don't
1566 know anything about it. I don't know how instructive that is or not.

1567 But like I said, I'll say it again. I see some relief here as
1568 being reasonable but we've heard from the neighbors -- we've heard
1569 from the community and I share some of their concerns. Not all but I
1570 share some of the concerns and I always try to strike a balance
1571 between the rights and desires of the property owner and sort of the
1572 broader goals of the Zoning Ordinance and the Comp Plan.

1573 MR. SCHNITZER: The only other thing I would say, just to
1574 address the other gentleman's more lot-specific design within the
1575 setbacks is when I started coming up with some areas, Area No. 1
1576 where I went, it's called the X Axis, Jackson Street, that X Axis
1577 line is 25 feet. And the Y Axis Line before you hit the easement is
1578 40 feet. So that's in the building business, relative speaking a
1579 canvas.

1580 And so with that type of design, you have a foyer, you have a
1581 stair off to the side typically, and then you have space. If we make
1582 the house longer on the X Axis, then it's going to be more difficult
1583 to put in a set of stairs and what happens is that people live in the
1584 depth of their house and next thing you know, you've got a 12 foot
1585 deep kitchen. I'm just saying, there's some real design challenges,
1586 depending on how you orient the house, where is the foyer, where's
1587 the front door, what's the relationships.

1588 We could block out examples, it's certainly not hard. But there
1589 are some design challenges.

1590 MR. KRASNER: Well, again I guess what I would say is we're not
1591 going to look at houses up here and redesign them for you. You know,
1592 it sounds like we're at a point where we have some concerns. And if
1593 you would like us to go ahead tonight and vote, we can do that. Or
1594 if you want to take some time to think about, maybe you'll come back
1595 in a month and, you know, present a couple other options and maybe
1596 there's a reason why those are objectionable for other reasons. I
1597 don't know what's possible. I haven't done all the permutations.

1598 I'm sure you've spent some time. I understand that. I don't
1599 know if it could be brought a little closer to the south and perhaps
1600 even if you required some relief on that side, if it's further away,
1601 and again, on that corner of the lot.

1602 MS. KRISHNAN: That's where the sewer --

1603 MR. KRASNER: I know that. But again, we can't design it here
1604 tonight.

1605 CHAIR WILLIAMSON: I'll state it again, I think you're hearing
1606 some concern being raised here and I'll just ask again, you talked
1607 about design options a moment ago. Would you be open to a
1608 continuance until next month to evaluate other design options with a
1609 smaller Variance request based on what you've heard, some of the
1610 concerns you've heard here?

1611 If the answer is no, we'd like to proceed, then we can proceed
1612 on this hearing as requested but I think I'm also asking if you would
1613 be willing to consider some various options that you and your builder
1614 would evaluate and present.

1615 MS. KRISHNAN: Well, I don't -- I guess I don't understand what
1616 my options are. What are you saying then? What is it I'm going to
1617 be looking at?

1618 So basically are you saying that if you make your decision
1619 tonight, I don't get to come back again?

1620 MR. KRASNER: Well, the bottom line is each request, if we vote
1621 tonight, depending on how it turns out, then in order to come back --
1622 well, usually there's a period of time you have to wait before you
1623 can reapply, if that didn't work out favorably.

1624 MR. BOYLE: They can ask at the next meeting for
1625 reconsideration. And there's rules for who can frame that amendment,
1626 it has to be somebody that --

1627 MR. KRASNER: Right. It's almost to reapply on the same
1628 property again.

1629 MR. BOYLE: Oh, I see, to bring the same request back.

1630 MR. KRASNER: Yes.

1631 MR. BOYLE: I'd have to check. I believe it's a year. If this
1632 were voted, if the vote were to deny, the applicant could ask for a
1633 reconsideration at the next meeting and then there's the appeal

1634 process within 30 days.

1635 MR. HOWELL: Could I make a comment, Mr. Chairman?

1636 CHAIR WILLIAMSON: Sure.

1637 MR. HOWELL: I share some of the concern of my colleagues,
1638 listening to the whole discussion. And my own feeling would be that
1639 unless we can find some compromise with the plan you have with
1640 something that comes a little bit closer in terms of the Variance
1641 you're requesting to the Zoning principle, I wouldn't be very
1642 inclined to give it my support this evening. But it's certainly up
1643 to you whether you think that's going to be feasible.

1644 CHAIR WILLIAMSON: So, reconsideration at the next meeting, wait
1645 a year, or appeal.

1646 MR. CALABRESE: Confirm what reconsideration means. Is that
1647 reconsideration with the existing facts or can it be reconsideration
1648 with new information or new designs?

1649 MR. BOYLE: New information would have to be brought. I'd say
1650 new designs would be a continuance.

1651 MR. KRASNER: Reconsideration is only if something that was new
1652 to bring to light that might change --

1653 MR. CALABRESE: Existing, right.

1654 MR. HOWELL: We would be talking about a continuance though?

1655 MR. BOYLE: Right. Yeah, a continuance with a revised plan.

1656 MR. KRASNER: If I could put it in a nutshell, we're looking

1657 for a house that shows that it was designed to sort of fit some of
1658 peculiarities of the lot, maybe not all of them but something that
1659 shows it was trying to pay attention to the context and what's going
1660 on on this lot and the neighborhood.

1661 But understanding there are challenges, even with a great
1662 designer, it's hard to overcome on this lot.

1663 So I don't know, I'd rather have you take the time. It's your
1664 choice. I'd rather have you take the time because I think there is
1665 something that can be worked out. We can't sit here tonight and
1666 design it on the dais.

1667 MR. SCHNITZER: Understood.

1668 CHAIR WILLIAMSON: Would you like to continue or would you like
1669 to have us proceed tonight on this request?

1670 MS. KRISHNAN: No, I think I will, you know, continue and see
1671 what we can do. Come back.

1672 CHAIR WILLIAMSON: So we would need to get a motion from this
1673 group. We're discussing it now but we would need a motion to
1674 continue this.

1675 MR. KRASNER: How much time do you think you need? We meet once
1676 a month. So it's really up to you, a month, two months? It's
1677 really your call. Whatever time you think you need. We're not so
1678 busy that you can't be accommodated.

1679 MR. BOYLE: The next meeting is May 12th.

1680 MR. SCHNITZER: Two, we would do two.

1681 MR. KRASNER: Two months.

1682 CHAIR WILLIAMSON: We would continue for two months.

1683 John, what's the day for June?

1684 MR. BOYLE: June 16th.

1685 CHAIR WILLIAMSON: June 16th, okay.

1686 Well, I'll ask any of my fellow Board members if there's a

1687 motion to continue this consideration of this Variance application

1688 until June 16, 2016? Is there a motion to do so?

1689 MR. KRASNER: Yeah, I'll move we continue

1690 Variance Application V1577-15 by Priya Krishnan to June 16, 2016.

1691 With the record remaining open for written comment.

1692 CHAIR WILLIAMSON: Sure. Is there a second?

1693 MR. CALABRESE: Yes.

1694 CHAIR WILLIAMSON: Okay. There was a second by Mr. Calabrese.

1695 Roll call vote.

1696 RECORDING SECRETARY: Mr. Williamson.

1697 CHAIR WILLIAMSON: Yes.

1698 RECORDING SECRETARY: Mr. Krasner.

1699 MR. KRASNER: Yes.

1700 RECORDING SECRETARY: Mr. Calabrese.

1701 MR. CALABRESE: Yes.

1702 RECORDING SECRETARY: Mr. Howell.

1703 MR. HOWELL: Yes.

1704 RECORDING SECRETARY: Mr. Theologis.

1705 MR. THEOLOGIS: Yes.

1706 CHAIR WILLIAMSON: Motion to continue is approved.

1707 Thank you very much for the thorough packet and we'll continue
1708 this until to June 16th. Also, thank you for the comments that were
1709 provided.

1710 Have a good night.

1711 MR. SCHNITZER: Thank you.

1712

1713 b. An amendment to Special Use Permit application U1572-15
1714 by Site Link Wireless, LLC, to change the location of an antenna from
1715 the previously approved rooftop location of the Falls Plaza shopping
1716 center at 1230 W. Broad Street, RPC #51-219-011 to 1126 W. Broad
1717 Street, RPC #51219-123 of the Falls Church Real Property Records,
1718 zoned B-1 (Limited Business), said property owned by Federal Realty.
1719

1720 CHAIR WILLIAMSON: The final item of New Business is an
1721 amendment to Special Use Permit application U1572-15 by Site Line
1722 Wireless, LLC, to change the location of an antenna from a previously
1723 approved rooftop location of the Falls Plaza Shopping Center at 1230
1724 West Broad Street, RPC #51-219-011 to 1126 West Broad Street, RPC
1725 51-219-123 of the Falls Church Real Property Records zoned B-1, which

1726 is limited business, said property owned by Federal Realty.

1727 And that would leave the applicant as the only person here on
1728 this. Would you please raise your right hand to be sworn.

1729 (Witness sworn.)

1730 CHAIR WILLIAMSON: Mr. Boyle, are there any remarks from staff
1731 before we turn this over to the applicant?

1732 MR. BOYLE: Yes, Mr. Chairman. This is an application for a
1733 Special Use Permit for a cell phone, set of cell phone equipment on
1734 the roof of a structure at 1230 West Broad.

1735 It previously came to the Board and was approved with conditions
1736 on recommendation from the Planning Commission at a location just
1737 further west up the street and staff was informed that the applicant
1738 was unable to secure building permits at that site. I think the
1739 building owner objected or something to that effect.

1740 So, that approved permit, it was decided best to handle it as an
1741 amendment, but readvertise it because the location involved a new set
1742 of neighbors and so it was treated as an amended approval but we
1743 readvertised it to make sure we included any impacted parties.

1744 But again, the Board's authority with a Special Use Permit is to
1745 approve, deny, or approve with conditions uses that are not expressly
1746 provided for in the Code.

1747 And our practice has been with cell phone towers, radio
1748 equipment, things of that nature, where there is already equipment on

1749 the site, we treat them as simple building permits. This type of
1750 equipment is routinely swapped out and upgraded, modernized, rather
1751 than having each iteration of the equipment come back for Special Use
1752 Permits, we allow upgrades where there is equipment existing.

1753 As it turns out, on this particular building as with the site
1754 where the application was previously approved, there is no equipment
1755 at all and so this is a fresh installation of this type of gear.
1756 Getting to be an unusual circumstance in Falls Church, I think
1757 probably because it's not a tall building but geographically it is
1758 elevated compared to the surrounding area. And I think it's to
1759 address a gap in the network they have in that immediate area.

1760 So with that, the fact there is no equipment on this roof
1761 currently, we treat this as a Special Use Permit and it did go back
1762 through the Planning Commission for their comments and they've
1763 recommended approval and I think you have their comments in your
1764 packet.

1765 And they're back before the Board seeking approval for their
1766 equipment at this second location.

1767 CHAIR WILLIAMSON: Okay. In the interest of time, unless anybody
1768 has a burning question for Mr. Boyle, I'd say we get to the
1769 applicant.

1770 Seeing none, if you'd state your name and any relationship to, I
1771 believe it's Federal Realty, and then proceed.

1772 MS. BINGHAM: My name is Jessica Bingham. Federal Realty is the
1773 property owner. I'm working with Site Link Wireless who is
1774 contracted by Verizon Wireless to put the equipment on top of the
1775 roof.

1776 CHAIR WILLIAMSON: Okay. Got it. And you're authorized to
1777 speak on their behalf of Site Link Wireless.

1778 MS. BINGHAM: Yes. So we have a lease in place.

1779 CHAIR WILLIAMSON: Got it. So please proceed.

1780 MS. BINGHAM: So Verizon is looking to install a small cell
1781 tower facility on top of The Road Runner Store. It's just down the
1782 road from here actually. And basically what it would be would be two
1783 small chimneys which would match the brick facade which is one of the
1784 conditions previously given that we needed to match, camouflage the
1785 antennas so they will be enclosed within stealth chimneys, four foot
1786 antennas, and then the equipment will be hidden behind the parapet
1787 wall, so nothing would be visible as a telecom facility but it's
1788 there to address the gap in coverage and to provide for data needs
1789 within the community.

1790 CHAIR WILLIAMSON: That's how it works? You sort of build a
1791 pseudo-chimney and put it right in there, huh?

1792 MS. BINGHAM: Yup.

1793 CHAIR WILLIAMSON: Okay. This is a very fact-filled evening for
1794 us.

1795 MR. KRASNER: So the reason, we approved this to go on top of
1796 the Giant, right, and the reason, I missed it, it wasn't able to go?

1797 MR. BOYLE: Yes.

1798 You know why it didn't happen at that location?

1799 MS. BINGHAM: There was an underlying lease issue I believe
1800 between the Giant and Federal Realty that couldn't be overcome. So
1801 Federal Realty owns both properties overall, and so the tenant we're
1802 going to go on top of is The Road Runner instead. So it's just
1803 across the street.

1804 CHAIR WILLIAMSON: So it's above The Road Runner.

1805 I'm sorry. Did you have any other remarks?

1806 MS. BINGHAM: I have a picture if you want to see what it's
1807 supposed to look like.

1808 CHAIR WILLIAMSON: So it says, you've been saying above The Road
1809 Runner Store. This looks like it's above -- but it's above Classic
1810 Cleaners as well? I'm just trying to follow this proposed
1811 conditions, Two.

1812 MS. BINGHAM: I believe the roof itself is the property of The
1813 Road Runner.

1814 MR. KRASNER: I think The Road Runner is the anchor tenant over
1815 there.

1816 CHAIR WILLIAMSON: I see. Okay. So that's the location.

1817 MS. BINGHAM: And the equipment will be on the roof behind that

1818 parapet wall that's right over on top of The Road Runner.

1819 CHAIR WILLIAMSON: The anchor tenant, has there been any
1820 concerns raised by The Classic Cleaners?

1821 MS. BINGHAM: No.

1822 CHAIR WILLIAMSON: All right.

1823 MR. KRASNER: We've not in receipt of any letters from the folks
1824 who live across the street back there, behind the center? Offutt, is
1825 that what it is?

1826 MR. BOYLE: Yeah, Offutt, Birch, Falls.

1827 MR. KRASNER: So nobody, we're not in receipt of any letters or
1828 communication to the letters that went out?

1829 MR. BOYLE: No. The Board may recall at the last hearing, there
1830 was another installation on top of the Spectrum Building and we
1831 received a lot of interesting comment on that one. But we've
1832 received nothing on this.

1833 CHAIR WILLIAMSON: Any other questions for the applicant?

1834 (No response.)

1835 CHAIR WILLIAMSON: Okay. Is there a motion in regard to this
1836 request?

1837 MR. CALABRESE: Motion to approve Special Use Permit Application
1838 U1572-15 by Site Link Wireless.

1839 MR. KRASNER: I'll second it. I just wanted to maybe make a
1840 friendly amendment.

1841 We had a few conditions I think on the first one, on the
1842 Resolution, and I think they were pretty minor. I think we had a
1843 condition about being consistent with the designs that are submitted,
1844 that whatever is being built, be built in the general location and be
1845 built generally as it's been presented on these site plans and
1846 renderings. I forget what language we used but whatever we used in
1847 the original Resolution of Approval, keep the same conditions. We
1848 edited it to fit these newly submitted documents. So that's kind of
1849 a messy amendment to the motion.

1850 But if the maker of the motion will agree to that, I think that
1851 will cover it.

1852 CHAIR WILLIAMSON: Are you acceptable to that?

1853 MR. CALABRESE: Yes.

1854 CHAIR WILLIAMSON: With the conditions that were there on the
1855 prior one follow to this one.

1856 MR. CALABRESE: Yes.

1857 CHAIR WILLIAMSON: And those would be stated in the Resolution,
1858 correct?

1859 MR. BOYLE: Yes.

1860 CHAIR WILLIAMSON: Is there a second?

1861 MR. KRASNER: My second.

1862 CHAIR WILLIAMSON: Roll call vote, please.

1863 RECORDING SECRETARY: Mr. Williamson.

1864 CHAIR WILLIAMSON: Yes.

1865 RECORDING SECRETARY: Mr. Krasner.

1866 MR. KRASNER: Yes.

1867 RECORDING SECRETARY: Mr. Calabrese.

1868 MR. CALABRESE: Yes.

1869 RECORDING SECRETARY: Mr. Howell.

1870 MR. HOWELL: Yes.

1871 RECORDING SECRETARY: Mr. Theologis.

1872 MR. THEOLOGIS: Yes.

1873 CHAIR WILLIAMSON: Congratulations. Good luck with your
1874 project. I'm expecting faster Internet speeds.

1875

1876 3. APPROVAL OF MINUTES

1877 Approval of the March 16, 2016, meeting minutes

1878

1879 CHAIR WILLIAMSON: Okay.

1880 So, my fellow Board members, in recognition of the time, I'd
1881 like to just ask if anyone would object to approving the March 17th
1882 minutes at the next meeting?

1883 Actually before I make that request, Mr. Boyle, do you have a
1884 sense for the calender at the next meeting?

1885 MR. BOYLE: I don't think we have an application yet.

1886 Make suggestions via email, corrections perhaps?

1887 CHAIR WILLIAMSON: Yes, so we could quickly deal -- you're
1888 saying handle it via email.

1889 MR. BOYLE: Yes. The agenda cutoff for May is next Monday. So
1890 we still have a little time. But why don't we wait a week and I'll
1891 report if we have an agenda for May.

1892 CHAIR WILLIAMSON: So we can handle the approval and any
1893 comments of the minutes via email.

1894 MR. BOYLE: Yes, via email. And your choice, if it ends up we
1895 have an agenda, you could hold it over for that.

1896 CHAIR WILLIAMSON: Well, I'd like to officially deal with it.
1897 If it's acceptable to handle it via email exclusively, then I'd
1898 like to do that. Can that be done electronically?

1899 MR. BOYLE: Yeah, we've done that before.

1900 CHAIR WILLIAMSON: Okay. Can I get a motion to handle the
1901 approval of the March 17, 2016, minutes via email?

1902 MR. HOWELL: I'd move.

1903 CHAIR WILLIAMSON: Is there a second?

1904 MR. THEOLOGIS: Second.

1905 CHAIR WILLIAMSON: Is there a voice vote, all in favor?

1906 (A chorus of "ayes.")

1907 CHAIR WILLIAMSON: Let the record show everyone is in favor of
1908 that.

1909

1910 7. OTHER BUSINESS

1911 A. 2016 Annual Report

1912

1913 CHAIR WILLIAMSON: Item 7, Other New Business. This is the 2016
1914 Annual Report regarding activity of 2015. You all have it in front
1915 of you. I'm going to take a look at this.

1916 Mr. Boyle, thank you very much to you and your staff for
1917 preparing this. I will review this and make any final amendments to
1918 it.

1919 I would just ask that when you send the minutes out for us to
1920 comment on, if you could also send the Annual Report for any comments
1921 from fellow Board members to be provided to me and then I will have
1922 what I need to be in a position to submit this.

1923 MR. BOYLE: Okay.

1924 MR. HOWELL: One small point. Could I be sent a copy of this
1925 because it wasn't in my package.

1926 CHAIR WILLIAMSON: Yeah, staff is going to send the Annual
1927 Report with the minutes. So we could just comment on those.

1928 MR. BOYLE: It was scathing regarding a couple of you, so, yes,
1929 we'll make sure that we get that out.

1930

1931 8. ADJOURNMENT

1932

1933 CHAIR WILLIAMSON: Okay. Having worked through this agenda, is
1934 there a motion to adjourn?

1935 MR. THEOLOGIS: Moved.

1936 CHAIR WILLIAMSON: Is there a second?

1937 MR. KRASNER: Second.

1938 CHAIR WILLIAMSON: Voice vote. All in favor?

1939 (A chorus of "ayes.")

1940 CHAIR WILLIAMSON: Let the record show everyone whole heartily
1941 agrees. This meeting of the Board of Zoning Appeals is adjourned.

1942

1943

1944