

1 REGULAR MEETING OF THE BOARD OF ZONING APPEALS

2 City Council Chambers

3 300 Park Avenue

4 Falls Church, Virginia 22046

5 September 15, 2016

6 7:30 p.m.

7 1. CALL TO ORDER

8 CHAIR WILLIAMSON: I would like to call the regular meeting of
9 the September 15, 2016, Board of Zoning Appeals to order.

10 Roll call please.

11
12 2. ROLL CALL

13 RECORDING SECRETARY: Mr. Williamson.

14 CHAIR WILLIAMSON: Here.

15 RECORDING SECRETARY: Mr. Krasner. Is absent.

16 Mr. Calabrese.

17 MR. CALABRESE: Here.

18 RECORDING SECRETARY: Mr. Jones.

19 MR. JONES: Here.

20 RECORDING SECRETARY: Mr. Boyle.

21 MR. BOYLE: Here.

22 CHAIR WILLIAMSON: And just one comment. We are expecting
23 Mr. Krasner to join us.

24 Normally I would move some of the items around so we could get
25 to the Variance applications right away. I would like to allow Mr.
26 Krasner the opportunity to join us for each one of those.

27

28 3. APPROVAL OF MINUTES

29 a. Approval of the July 14, 2016, meeting minutes

30 CHAIR WILLIAMSON: So I'm going to proceed with seeking
31 approval of the minutes from the July 14, 2016, meeting.

32 If I could ask members present to take a look at those, look
33 those over for a few moments, and then if I could get a motion on
34 that when one of you is ready to do so.

35 (Reviewing minutes.)

36 CHAIR WILLIAMSON: Is there a motion to approve these?

37 MR. JONES: I'll make a motion to approve the meeting minutes of
38 the July 14, 2016, meeting.

39 CHAIR WILLIAMSON: Is there a second?

40 MR. CALABRESE: I'll second.

41 CHAIR WILLIAMSON: Okay.

42 Roll call vote.

43 RECORDING SECRETARY: Mr. Williamson.

44 CHAIR WILLIAMSON: Yes.

45 RECORDING SECRETARY: Mr. Calabrese.

46 MR. CALABRESE: Yes.

47 RECORDING SECRETARY: Mr. Jones.

48 MR. JONES: Yes.

49

50 7. OTHER BUSINESS:

51 a. Amendment to Resolution #1 for Variance Applications

52 V1573-15 and 1574-15 for the Inns of Virginia, to provide the correct

53 Conceptual Site Plan date referenced in Condition #11. Specifically,

54 the date shall be revised from August 10, 2015, to December 10, 2015,

55 to reference the Conceptual Site Plan that was reviewed by the BZA in

56 their approval of the aforementioned variance applications.

57

58 CHAIR WILLIAMSON: Next I'm going to take a little liberty

59 with the agenda and take care of Other Business, which is Item 7 on

60 the Agenda.

61 Mr. Boyle, if you would please explain to us, this is an

62 amendment to Resolution #1 for Variance Applications V1573-15 and

63 1574-15 for the Inns of Virginia, to provide the correct Conceptual

64 Site Plan date referenced in Condition #11. Specifically, the date
65 shall be revised from August 10, 2015, to December 10, 2015, to
66 reference the Conceptual Site Plan that was reviewed by the BZA in
67 their approval of the aforementioned variance applications.

68 Mr. Boyle.

69 MR. BOYLE: Yes, Mr. Chair. What happened was that this matter
70 went twice before the Planning Commission and the original motion
71 from them referenced an August date. It went back before them the
72 second time. They made no changes to their motion. Staff didn't
73 catch the change in dates for new materials.

74 Those new materials then came to the Board of Zoning Appeals for
75 review and the Resolution we had prepared for this Board to consider
76 that evening referenced the first date.

77 So the Planning Commission did see the correct set and made a
78 motion on the set that the Board saw. Staff's motion that we
79 prepared just simply referenced the earlier date.

80 So it's a typo and I think requires a motion to revise that
81 Resolution to reflect the December date.

82 MR. CALABRESE: I'm sorry, does that date just refer to the date
83 it was printed or published or --

84 MR. BOYLE: Yes. When materials come in, both the Planning

85 Commission and this Board usually reference the set based on the
86 stamp received or dated set. So both they and this Board saw the
87 correct set; staff didn't catch the change in the motion.

88 CHAIR WILLIAMSON: So we reviewed the correct materials, we're
89 just simply amending the date.

90 MR. BOYLE: Correct. It was a typo on staff's part. So I
91 request that you revise that Resolution to reflect December 10, 2015.

92 CHAIR WILLIAMSON: Okay. Is there a motion?

93 MR. CALABRESE: I'll make a motion to amend Resolution #1,
94 V1573-15 and 1574-15 to revise the date from August 10, 2015, to
95 December 10, 2015.

96 CHAIR WILLIAMSON: Is there a second?

97 MR. JONES: Second it.

98 CHAIR WILLIAMSON: Roll call vote.

99 RECORDING SECRETARY: Mr. Williamson.

100 CHAIR WILLIAMSON: Yes.

101 RECORDING SECRETARY: Mr. Calabrese.

102 MR. CALABRESE: Yes.

103 RECORDING SECRETARY: Mr. Jones.

104 MR. JONES: Yes.

105

106 4. OLD BUSINESS

107 a. Variance application V1577-15 by Priya Krishnan, owner and
108 applicant, for a variance to Section 48-238(3)(a) to allow (1) a
109 front yard setback of 23.2 feet instead of thirty (30) feet along
110 the Jackson Street frontage; and (2) a front yard setback of 18.7
111 feet instead of thirty (30) feet along the Timber Lane frontage;
112 and (3) a side yard setback of 10.3 feet and 12.3 feet instead of
113 fifteen (15) feet along the northern property line for the purpose of
114 constructing a new single-family house on premises known as 600 North
115 Jackson Street, RPC #52-205-001 of the Falls Church Real Property
116 Records, zoned R-1A Low Density Residential.

117

118 CHAIR WILLIAMSON: Well, at this point I think we should move
119 on to Old Business.

120 Let me just point out, as I said earlier, we are expecting our
121 fellow Board member to join us shortly; however because we do not
122 have a full Board present, you are able to defer until next month if
123 you choose to do so.

124 And I'll also point out that in order for your Variance
125 application to be accepted, you need to have all three of our votes
126 this evening.

127 So I just want to make you aware of that. When our fellow
128 Board member arrives, you will still need three in order for that
129 Variance to be approved, if that's how it ends up.

130 So with that, I would like to move to Old Business and that is
131 Variance Application V1577-15 by Priya Krishnan, owner and applicant,
132 for a variance to Section 48-238(3) (a) to allow (1) a front yard
133 setback of 23.2 feet instead of thirty feet along the Jackson Street
134 frontage; and (2) a front yard setback of 18.7 feet instead of
135 thirty feet along the Timber Lane frontage; and (3) a side yard
136 setback of 10.3 feet and 12.3 feet instead of fifteen feet along the
137 northern property line for the purpose of constructing a new
138 single-family house on premises known as 600 Jackson Street, RPC
139 #52-205-001 of the Falls Church Real Property Records, zoned R-1A Low
140 Density Residential.

141 Priya Krishnan, if you'll please step forward.

142 After you sign in, I'll ask you to stand and be sworn.

143 Okay. Would anyone then who intends to speak on any matter
144 this evening, please stand and raise their right hand.

145 (Witnesses sworn.)

146 CHAIR WILLIAMSON: Okay. On this first order of business, Mr.
147 Boyle, could you give a report from staff and then proceed.

148 MR. BOYLE: Yes, sir. This is a return of an application that
149 the Board has seen previously for setback variances at 600 Jackson
150 Street.

151 This matter originally was submitted, application was submitted
152 last fall and came to the Board's attention in October 2015; there
153 was a hearing, I think a decision to continue on the part of the
154 applicant. And then it came back again in December of 2015; and
155 again the matter was continued.

156 Since that time there's been considerable discussion between the
157 applicant and staff and I believe with the community as well. And
158 what you have before you tonight is, we think, a fairly extensive
159 revision to the original application and I think it really reflects a
160 separate application from what the Board has seen previously.

161 There are some issues that are similar between these two, such
162 as the location of the storm drain easement and the setbacks that
163 they're seeking Variances to; however the scope and size of the
164 structure that's envisioned is significantly different.

165 So you should have in your packet a submission that was prepared
166 for this meeting that staff received in August. And with that, I
167 think I'll defer to the applicant for their presentation.

168 CHAIR WILLIAMSON: And before we begin, you are of the

169 understanding that you do have the option to continue so we can have
170 the full Board present.

171 If you want to go ahead and continue, could you please state so
172 now.

173 MR. SCHNITZER: Yes.

174 CHAIR WILLIAMSON: Okay. If you could please state your name
175 and then please proceed with your presentation.

176 MR. SCHNITZER: Michael Schnitzer, president, Stanley Martin
177 Custom Homes.

178 MS. KRISHNAN: Priya Krishnan.

179 MR. SCHNITZER: So, on the advice of the Board from our previous
180 hearing, we dramatically changed the design and changed the siting of
181 the home: One, to try to adhere to one of the comments which was to
182 get the home further away from Jackson.

183 So in this revised siting, you'll notice the home has been set
184 back to 23.2 feet from Jackson. So that was initially 17.8 feet.

185 The other thing to bring to the Board's attention is the
186 elevation that faces Jackson diverges away from Jackson. So the
187 closest point is 23.2 and along that side elevation as you go further
188 back, the distance from the property line increases.

189 In this revised siting, we did bring the house to 18.7 feet

190 along Timber, similar to the comment with regard to divergent lines.
191 You'll notice that the limiting parameter is 18.7 and then what I
192 would like to call the right side elevation continues to diverge away
193 from the Timber side.

194 Looking at the GIS map, I believe the majority of the homes
195 along Jackson are closer than this proposed siting. I also found
196 approximately six homes on Timber in the nearby vicinity, within the
197 two blocks or so, that are closer than 18.7 feet.

198 So we feel like we tried to listen to the Board very closely and
199 present something that we hope will be approved based on all the
200 other constraints with the lot. And I won't bore the Board with the
201 constraints.

202 CHAIR WILLIAMSON: You know, I think what might be helpful, this
203 did come before us before, would you mind recapping some of the
204 constraints that you were dealing with. I think that might be
205 helpful.

206 MR. SCHNITZER: Sure. So, bifurcating the property are two
207 storm drain pipes that are 5 feet by 3 and a half feet. Those are
208 relatively significant pipes so that certainly limits the footprint
209 of the house.

210 Another thing is the unusual shape of the lot creates a more

211 triangular shaped geometry, versus either a square or rectilinear
212 shape.

213 Also the lot is substandard in size so instead of the nominal
214 11,250 square feet, we have 9763 square feet. So we've got kind of a
215 compounding effect with regard to the lot, the storm drain, and the
216 geometry.

217 CHAIR WILLIAMSON: Okay. Any questions for the applicant?

218 MR. CALABRESE: If I could ask, page 15 is the original version
219 that we looked at this past spring, is that correct?

220 MR. SCHNITZER: That is correct.

221 MR. CALABRESE: It looks as though from this you could have a
222 significant modification to move it closer to that triangular
223 setback.

224 MR. SCHNITZER: Correct.

225 MR. CALABRESE: Do you have an estimate, I know this puts you on
226 the spot, if you were to look at kind of the square footage that was
227 outside the setback in that design and now what's outside the setback
228 in this one, it can just be a rough estimate, it looks like it's a
229 fairly significant reduction.

230 MR. SCHNITZER: Well, of course we didn't calculate this but the
231 original siting was 566 square feet of encroachment, footprint

232 encroachment, along Jackson Street. That was reduced to 49.85 square
233 feet.

234 I apologize. I don't have the change in footprint. But I guess
235 if I just did order of magnitude, it's probably, -- it's about 110
236 square feet.

237 MR. CALABRESE: So, just a rough estimate, what percentage
238 decrease would you say that is?

239 MR. SCHNITZER: If you take 110 plus 50, so it's 160 over 566.
240 I'm an engineer and I can't do simple math anymore. I'm pulling out
241 my calculator.

242 It's 28.3 percent. Let me say it differently. So it would be
243 about a 72 percent decrease.

244 MR. CALABRESE: Decrease. 30 percent of the original.

245 MR. SCHNITZER: Exactly.

246 MR. CALABRESE: In terms of the, as you know we examine the
247 burden that faces the homeowner for this design. Would you say
248 looking at this triangular shape of the setbacks and the house that
249 you designed, what other options to build with that footprint, with
250 that setback design.

251 MR. SCHNITZER: I don't think there are other options that can
252 maximize -- I'm not going to say the large footprint, but maximize

253 the footprint. The first floor useable square footage is 30 feet by
254 48, less a little bit for a garage. So it's not a very large
255 footprint.

256 MR. CALABRESE: So, just to be clear, the dotted green line
257 there, those are two storm drains side by side.

258 MR. SCHNITZER: Correct.

259 MR. CALABRESE: And there's an easement from the City on that.

260 MR. SCHNITZER: Correct.

261 MR. CALABRESE: You can't build on that.

262 MR. SCHNITZER: Correct.

263 MR. CALABRESE: I don't have any further questions.

264 CHAIR WILLIAMSON: Any other questions?

265 I do have a question but I'd like to see if there's anyone in
266 the gallery this evening that would like to make any comments on
267 this.

268 Is there anyone here in the gallery that would like to step
269 forward and make any comments on this Variance application?

270 Okay. Seeing none.

271 The reason I asked that, and you may be familiar with this, we
272 were in receipt of a letter from Mr. Ward.

273 MR. BOYLE: I don't think we distributed it.

274 CHAIR WILLIAMSON: If you can give them a copy of this. Take a
275 minute to read through that.

276 As you look through that, my question is that it appears to
277 reference the prior application and suggests other alternatives. I
278 don't know if you wanted to address or perhaps even to state what may
279 have changed since the prior application.

280 MR. SCHNITZER: Sure.

281 CHAIR WILLIAMSON: How what you're submitting now is different
282 than April, because it clearly presents other alternatives.

283 MR. SCHNITZER: Sure. And I surely respect John Ward since I
284 built his house, five years ago.

285 So I think the biggest change is we tried to design a home and
286 site the home so that the front elevation ran parallel with Jackson
287 Street. And it didn't necessarily take an advantage of the geometry
288 of trying to run parallel with the storm drains to try to occupy more
289 of a footprint on a -- I want to say a 45 degree basis. So that in
290 itself is the biggest change.

291 Certainly it's hard for me to opine with regard to his
292 dimensions. I don't know how accurate they are so I can only say
293 geometrically if you look, I think we are -- if you look at the
294 figure on page one, look at the first figure and the third figure,

295 certainly they correlate more to our siting. The second figure or
296 the middle figure is such a non -- I'm trying to think of a nice
297 word. Kind of a carved up box that doesn't necessarily make for nice
298 flow inside the house.

299 The middle illustration really creates an odd design. Certainly
300 we tried to take into account his first and his third design.

301 CHAIR WILLIAMSON: What did you say earlier the geometric sort
302 of comparable length and width was? Would you mind restating that.

303 MR. SCHNITZER: Sure. The initial submission was 50 feet wide
304 on the Jackson Street access and if you don't include the porch, it
305 was 38 feet deep.

306 CHAIR WILLIAMSON: Okay. That was previously. What is it now?

307 MR. SCHNITZER: Now it's 30 feet and 60 feet. If you don't
308 include one of the garage bays, it would be
309 30 feet by 48.

310 CHAIR WILLIAMSON: 30 by 48 excluding the garage.

311 MR. SCHNITZER: If you excluded the last garage bay. It's
312 probably worth noting that the last garage bay, in terms of its
313 location to the side property line is further than what we had
314 originally brought to the Board.

315 CHAIR WILLIAMSON: Okay. And if you could just let the record

316 show that Mr. Krasner has joined the Board.

317 MR. BOYLE: Yes, sir.

318 MR. CALABRESE: If I could ask staff also, just for the record,
319 the gentleman who wrote the letter, can you state whether he's a
320 neighbor contiguous of this property.

321 MR. SCHNITZER: No, he's not.

322 MR. BOYLE: No, he would not have been within the range of
323 notice. He's a resident but not an abutting property owner.

324 CHAIR WILLIAMSON: Mr. Krasner, we are on Old Business. We've
325 heard from staff. We've offered members in the gallery the
326 opportunity to comment and they have not. And then we have had a few
327 additional questions for the applicant.

328 So, are there any other questions for the applicant?

329 Mr. Krasner, you're just arriving, I don't know if you have any
330 questions.

331 MR. KRASNER: And please forgive me if anything I ask has
332 already been said and then we can move on.

333 The footprint has been shrunk from the last time we met. My
334 question is how many square feet is the footprint?

335 MR. SCHNITZER: I'll just give you from an X and Y. It's 30
336 feet along the front and 60 feet deep. If you exclude one of the

337 garage bays, it would be 48.

338 MR. KRASNER: And the amount of the Variance also, again
339 apologies if it's already been stated, it's been reduced by how
340 much?

341 MR. SCHNITZER: Jackson went from 17.8 to 23.2 and Timber went
342 to 18.7. So that got a little closer but I think it's worth noting,
343 not to be redundant, each elevation, whether it's Jackson or Timber,
344 23.2 or the 18.7 is the closest point and then the facades diverge
345 away from the property line.

346 MR. KRASNER: And the orientation of course has also shifted.

347 MR. SCHNITZER: Totally different, yeah.

348 MR. KRASNER: The house is now sort of an angle and essentially
349 mirroring kind of the point.

350 MR. SCHNITZER: The pipes, yeah.

351 CHAIR WILLIAMSON: Okay. Any other questions for the applicant?
352 Any other comments you'd like to make before we close it?

353 MR. SCHNITZER: I could grovel but it probably won't do me any
354 good.

355 CHAIR WILLIAMSON: It's not the standard.

356 Okay.

357 Well, then we'll close it to the applicants and I would look to

358 the Board to see if they have any comments or there is a motion they
359 would like to make.

360 MR. CALABRESE: I would like to make a motion to approve
361 Variance Application 1577-15.

362 CHAIR WILLIAMSON: Would you care to elaborate on the rationale
363 for that. I think it would be good to cite some of the reasons.

364 MR. CALABRESE: Sure. I believe that the applicant made a
365 significant alteration to the design, a 70 percent decrease
366 specifically of the non-conforming space. And listened to this Board
367 very closely. But it would appear from the new design, the
368 encroachment on the setbacks are now minimal to an extent and because
369 it is an unusual lot, I think that they are challenged and this would
370 appear to me to be the best option with the space available and with
371 the conditions that we had placed on them several months ago.

372 MR. KRASNER: I'll second that motion.

373 And I'll just add for the record, again, I applaud the applicant
374 for taking our comments and comments that were received from the
375 public at the time in April to heart and make some changes. I'll say
376 I was personally pleased to see that the request was shrunken down
377 from where we were before and the house now works within the
378 constraints of the lot. I think we always acknowledged that this lot

379 is an undersized lot. It's an usually shaped lot. It's constrained
380 by various utilities.

381 So there are challenges there and we recognize that, that some
382 relief might be necessary but the question was the minimum amount
383 necessary, I think we're a lot closer to that now. And for those
384 reasons, I'll support the motion and second it.

385 CHAIR WILLIAMSON: Okay. Roll call vote.

386 RECORDING SECRETARY: Mr. Williamson.

387 CHAIR WILLIAMSON: Yes.

388 RECORDING SECRETARY: Mr. Krasner.

389 MR. KRASNER: Yes.

390 RECORDING SECRETARY: Mr. Calabrese.

391 MR. CALABRESE: Yes.

392 RECORDING SECRETARY: Mr. Jones.

393 MR. JONES: Yes.

394 CHAIR WILLIAMSON: Congratulations. Your Variance is approved.

395 Good luck with your project.

396 MR. SCHNITZER: Thank you.

397

398 6. NEW BUSINESS

399 b. Variance application V1583-16 by Melbert and Anne Schwarz,

400 owner and applicant, for a variance to Section 48-238(3)(a) to allow
401 a rear yard setback of 22 feet instead of 40 feet for the purpose of
402 constructing a screened porch on premises known as 1307 Seaton
403 Circle, RPC #52-505-015 of the Falls Church Real Property Records,
404 zoned R-1A Low Density Residential.

405

406 CHAIR WILLIAMSON: We can move on to the Order of New Business
407 which is Variance application V1583-16 by Melbert and Anne Schwarz,
408 owner and applicant, for a variance to Section 48-238(3)(a) to allow
409 a rear yard setback of 22 feet instead of 40 feet for the purpose of
410 constructing a screened porch on premises known as 1307 Seaton
411 Circle, RPC #52-505-015 of the Falls Church Real Property Records,
412 zoned R-1A Low Density Residential.

413 I see you're signing in right there. You're both signing in.

414 We'll note that you were sworn in earlier.

415 And if I could ask for a report from staff before we hear from
416 the applicant please.

417 MR. BOYLE: Yes, Mr. Chair.

418 This item came before the Board a short time ago and I think the
419 applicants wished to communicate more with the neighbors and obtain
420 some support in writing and they've done that.

421 In reviewing this application, staff noted some of the burden of
422 a Variance application is to show how a lot is unusual or there's
423 conditions that aren't generally shared by other properties. I'm not
424 sure I've seen one exactly like this, that was more than the square
425 footage the Code requires in the R-1A, it's 11,682 and 11,250 is the
426 minimum, yet it's configured in such a way that it's much wider than
427 it is deep.

428 And emphasizing that, these same applicants came before the BZA
429 in 2001 and received a Variance for construction of this house and a
430 lot of the same issues were raised at that time. And you should have
431 a copy of that Variance from June 14, 2001.

432 At that time they requested, it was for the construction of this
433 house, correct? They were granted a front yard setback. Essentially
434 the setbacks that you see on the plat in the application, a front
435 yard setback of 25.2 instead of 30, the rear setback of 30 instead of
436 40, and then a building projection into the rear yard to allow a 34
437 foot rear yard instead of 40 for the second story of that structure.

438 The applicants are before you tonight, again examining that rear
439 yard setback. And with that, I think I'll defer to their
440 presentation to the Board.

441 CHAIR WILLIAMSON: Mr. Boyle, I may be the only one, I don't

442 think I have, you mentioned the previous Variance application. You
443 said from 2001. That was not in our packets.

444 MR. BOYLE: Was there a problem with the original structure? Is
445 this just new construction?

446 MS. SCHWARZ: Yes. Significant. Our building, the foreman, was
447 able to take his hand and just push over a wall and the freestanding
448 and the chimney. It was completely uninhabitable under those
449 circumstances.

450 And we had the privilege to work with someone who accidentally
451 perhaps is in the audience tonight and he could speak very, you know,
452 kindly about, you know, the efforts to bring -- and the existing
453 house which was already non-conforming and our ability to work with
454 the Board. It was a challenge. But the house was not --

455 CHAIR WILLIAMSON: That was the original?

456 MS. SCHWARZ: That was the original.

457 CHAIR WILLIAMSON: Why don't we, I think we'll look at this
458 amongst the Board individually and if you can go ahead and state your
459 name -- first, are there any questions for staff before we proceed
460 with the applicant?

461 MS. SCHWARZ: I'm sorry. You didn't address us but I do have a
462 question for the Board. Are there any documents that you received

463 from neighbors that we're not aware of?

464 MS. ROUZI: No. Or I did not receive anything.

465 John?

466 MR. BOYLE: No, just what's in the package today.

467 CHAIR WILLIAMSON: Okay. You want to state your names and
468 proceed.

469 MS. SCHWARZ: Anne Schwarz.

470 MR. SCHWARZ: And I'm Melbert Schwarz. And we're the owners at
471 1307 Seaton Circle.

472 As staff has noted, we're requesting the Variance for the
473 purpose of building the screened porch off of the kitchen. Really
474 focused I think now in many ways on the increase in mosquito concern
475 that we have experienced in the last 13 years since the building of
476 the house and particularly wanting then to be able to access the
477 screened feature.

478 The choice of where the screen porch has gone was intentional.
479 This would be the access from the house that would require the least
480 amount of Variance from the requirements. As you can see, because
481 the house is slightly angled in the lot, to go anywhere farther to
482 the opposite side of the house, would bring us closer to the end line
483 than would otherwise be the case.

484 This is consistent with the depth placement that was in the
485 original plan that would have gone before the Board back in 2001.

486 The lot is a different shape than most building lots I think as
487 you can see and particularly creates challenges not only with its
488 lack of depth, but also although it is very wide at the back as you
489 can see, it is quite narrow at the front. And in fact to place the
490 house and really to do anything further on the front of the house
491 would impede on the restrictions that are already existent there.

492 We felt that this would be the least intrusive approach. Our
493 architect who is with us and can speak to the Board if you would like
494 to speak with her, has designed this so that it will fit with the
495 structure of the house and not stand out in any way. I think you can
496 see that from the drawings that are attached to the document here.

497 We've spoken with each one of the neighbors. You have letters
498 in front of you I believe from the neighbors that occupy lot 57 and
499 47.

500 In addition, and I apologize for not having it earlier, we do
501 have a letter from Mr. Bill Singletary, who is the owner of lot 46.
502 His daughter occupies the house. We've spoken with her. She has no
503 objections to our plans.

504 We've also spoken with Al Eisele who is the owner of lot 59 on

505 your chart and he has no objection to our plans as well.

506 CHAIR WILLIAMSON: I have one clarifying question and then I'll
507 ask members of the Board.

508 You mentioned the deck that was part of the original plans and
509 the porch is going where the deck was in the original plans. Is
510 there a deck there right now?

511 MR. SCHWARZ: No, there is not.

512 CHAIR WILLIAMSON: I was just curious about that.

513 MS. SCHWARZ: That would have made this very much easier.

514 CHAIR WILLIAMSON: Okay. Any questions from the Board for the
515 applicants?

516 MR. CALABRESE: In terms of other options that would not put you
517 encroaching on the setbacks, if you look at that corner where there's
518 two outdoor connecting units, the air conditioning units, what about
519 that corner as an option for the screened-in porch?

520 MR. SCHWARZ: There is no door from any room that accesses -- in
521 fact there is no door on that side of the house at all. As a
522 consequence, it would really require I think a significant redesign,
523 repurposing of the house.

524 Also, since this comes as proposed, the porch comes off of the
525 kitchen, and comes off of a general living space, whereas that corner

526 of the house is an extra bedroom/office which was not really designed
527 to be part of the normal flow of the house.

528 MR. CALABRESE: As I think you stated, we do have the burden of
529 identifying the hardship if this were not granted. So perhaps you
530 could state what the hardship would be if this were not granted, this
531 Variance.

532 MR. SCHWARZ: Well, the hardship is I don't believe it would be
533 practical to construct a screened facility were we not to be granted
534 a Variance from the restrictions that currently apply, given the
535 extraordinary nature and extraordinary size of the lot. As such,
536 the feeling -- well, Anne, would you like to speak up?

537 MS. SCHWARZ: Well, we'd have to reconstruct the entire -- the
538 interior of the -- four rooms in the interior rather than just use an
539 existing door to access the proposed screened porch.

540 MR. SCHWARZ: In addition, you would be talking about I think
541 significantly increased expenses too, to put in the door, to move the
542 air conditioning I think at this point would also require a redesign
543 of the HVAC system itself. That wall is not a -- to go out that
544 direction, because in order not to have the same encroachment, you
545 would need to go towards Lot 59.

546 The house is not set up to take it there. That was the edge of

547 the original home and we did use portions of the existing
548 substructure in order to build this house.

549 MR. CALABRESE: Just to confirm, 46 and 47, are they -- we have
550 a letter here at 1305 Seaton which I assume is 57.

551 MR. SCHWARZ: That's 57, yes, sir.

552 MR. CALABRESE: And then we have a 1306 Robinson.
553 Which one is that?

554 MR. SCHWARZ: That is 47.

555 MR. CALABRESE: That's 47.

556 MR. SCHWARZ: And the extra one is distributed as 46.

557 MR. CALABRESE: 46, okay. Is 45 too far away?

558 MR. SCHWARZ: 45, because of the fencing, it will not really be
559 visible to 45.

560 MR. CALABRESE: And what about 48?

561 MR. SCHWARZ: Again, because of the fencing, I do not think it
562 would be visible.

563 MR. KRASNER: Mr. Boyle, all those lots would have received
564 notice because they're all abutting property owners and they all
565 would have received legal notice.

566 MR. BOYLE: Yes.

567 MR. KRASNER: And we've received no comment.

568 MR. BOYLE: That's correct.

569 CHAIR WILLIAMSON: Any other questions for the applicant?

570 MR. KRASNER: I have a couple questions.

571 I heard talk about a proposed deck on the original plans.

572 MR. SCHWARZ: Yes.

573 MR. KRASNER: Were they shown on the original Variance plans
574 that were before this Board at that time?

575 MR. SCHWARZ: They were shown I believe on the original
576 Variance.

577 MR. KRASNER: Mr. Boyle, is that in the file, the proposed deck,
578 was that built?

579 MR. BOYLE: The 2001?

580 Did that get built in 2001?

581 MR. SCHWARZ: No.

582 MR. KRASNER: It was shown on the plan I guess is my question.

583 MS. SCHWARZ: It would -- there was -- I honestly don't
584 remember. But it was on the original plan designed by the architect
585 and the design build firm. It was on the plans that we have but I
586 can't remember whether it was approved or not approved.

587 MR. KRASNER: Well, in the file, Mr. Boyle, do we keep the
588 Variance plats along with the Resolutions?

589 MR. BOYLE: Sure, I can check.

590 MR. KRASNER: Well, the reason it's germane is because if the
591 Board at that time approved a Variance and again with some type of
592 structure in the rear and it was thought at that time, some approval
593 by this body, to have an extra encroachment in the back. That
594 doesn't mean this Board today can't again revisit for this but it
595 just gives us some precedent that was considered at the time. That's
596 the only reason I ask, since it was mentioned.

597 MR. BOYLE: Yes. If you give me five minutes, I can probably
598 locate the minutes from that meeting, see if they considered it.

599 MR. KRASNER: Okay. While Mr. Boyle is doing that, and again,
600 that gives us more and more context. I saw also that there was
601 talk I guess by the owner of 47, she kind of wrote in some additional
602 verbiage, talking about some landscape screening.

603 MR. SCHWARZ: Yes.

604 MR. KRASNER: Additional screening in the back. And it sounds
605 like you're amenable.

606 MR. SCHWARZ: Yes, we're amenable and we agreed that we would
607 work together to develop that.

608 MR. KRASNER: Would that be something that you would be willing
609 to have as a condition of approval perhaps by this Board that there

610 be some type of screening?

611 MS. SCHWARZ: I'm not sure I understand. Are you suggesting
612 that that be in a legal document?

613 MR. KRASNER: Absolutely. The Board has the ability to add
614 development conditions to any approval or any action that we take, to
615 help mitigate the impacts of a Variance. That's part and parcel of
616 how a Variance is typically approved. There may be impacts on an
617 adjoining homeowner and a lot of times there are ways to mitigate
618 that and help.

619 So what I'm asking is that would you be willing to agree to that
620 formally, yes, absolutely, in exchange for getting permission to
621 encroach into whatever rear yard that you're not normally allowed to
622 encroach in, because it helps to buffer the view from that neighbor.

623 It's something that's done routinely. And in this case I see
624 that's mentioned specifically by that neighbor as something they
625 might be interested in.

626 MS. SCHWARZ: I'm happy to have it done that way.

627 MR. SCHWARZ: Our agreement was that we would work together to
628 find a reasonable solution and that would be -- certainly
629 work-together language would be completely appropriate.

630 MR. KRASNER: It should be worded to allow flexibility but just

631 to ensure that something is done to help soften the view, because
632 now the house for all these years has been 30 something feet and now
633 this porch would be just a little bit closer.

634 MS. SCHWARZ: Well, they live in a house that's newer than ours.

635 MR. KRASNER: Well, it's not just for that person who lives
636 there today. It's for anyone who lives in Lot 47. Once you build
637 this vision, it's there forever almost, a generation or two or three.

638 MS. SCHWARZ: We hope so.

639 MR. KRASNER: It's to protect future owners as well.

640 MR. CALABRESE: If I can just clarify. I think you were saying
641 that this would mean that our decision is conditional on that, so it
642 would have to be, for you to build the screened-in porch, that would
643 be a condition of that being built.

644 MS. SCHWARTZ: I understand.

645 MR. KRASNER: And then for the time it could be flexible. But
646 the point is it's part of the order.

647 MS. SCHWARZ: And we would be happy to work with the arborist.

648 MR. KRASNER: And that's often what we do, defer to our City
649 arborist.

650 MS. SCHWARZ: Sure.

651 MR. KRASNER: To help again identify the best species.

652 MS. SCHWARZ: Exactly.

653 MR. KRASNER: That makes sense.

654 MS. SCHWARZ: Exactly.

655 May I ask, is the decision then weighted toward the arborist?

656 MR. KRASNER: Well, we can discuss that as a Board how we want
657 to work the condition. Typically we've required sometime, depending
658 on the nature of the addition of the building, a row of evergreen
659 plantings. It's typically worded somewhat to allow flexibility.

660 In this case, I don't know what you've discussed with this
661 neighbor, but it would seem perhaps some additional shrubs and trees
662 in that area, or some evergreen shrubs, along lot 47's rear, the
663 border of lot 47 perhaps could work.

664 We're not going to design it here tonight but it's more to get
665 the commitment down formally that you're committing to do that and
666 the precise form of it we can let the planting experts work that out.

667 If you're open to that, I see some -- it's difficult to do much
668 rear yard, even though the lot meets the gross area, the depth, it's
669 a lot shallower than it is wide.

670 CHAIR WILLIAMSON: Any other questions for the applicant?

671 None.

672 My question, just having Mr. Calabrese describe the standard,

673 the hardship, I'm trying to understand what it is. You have a
674 beautiful home. You have a two story home. You have a big yard.
675 I'm just trying to understand how not building a porch off such a
676 structure creates any kind of hardship. That's the part I'm
677 struggling with.

678 MS. SCHWARZ: Well, we're not able to use the back yard during
679 the daytime because there is a huge mosquito infestation of Asian
680 tiger mosquitoes and I can't go outside. I get 20 or 30 bites within
681 a minute.

682 CHAIR WILLIAMSON: I think we typically look for things --

683 MS. SCHWARZ: That's a bottom line, is that it is just really
684 unbearable. We cannot use the back yard.

685 MR. CALABRESE: I understand, mosquitoes are an issue in this
686 area. When we talk about the burden, what we're saying is in the
687 design, the hardships.

688 MS. SCHWARZ: The hardship in the design? We have to completely
689 redesign the entire first floor and put in a new heating and air
690 conditioning system based on where it is placed. It was placed in
691 the most efficient location when we built the house.

692 MR. CALABRESE: I understand. Is there options in the actual
693 size of that screened porch? What are the dimensions of it

694 currently?

695 MR. SCHWARZ: Well, the depth right now is proposed to be 12
696 feet which is not --

697 MS. SCHWARZ: It's not huge.

698 MR. SCHWARZ: -- not huge.

699 CHAIR WILLIAMSON: Mr. Boyle, what were you able to locate in
700 regard to Mr. Krasner's question about the past application, any rear
701 yard setback? What were you able to locate?

702 MR. BOYLE: We did find the file from 2001 and Mr. Hemphill's
703 letterhead from then. And it doesn't look like the deck was shown on
704 the plans at that time. Most of the conversation was about the house
705 and an addition off to the left-hand side I think.

706 MR. SCHWARZ: Yes. And the house was significantly redone in
707 order to provide a less of a burden on the setback changes. Which in
708 many ways is how we came to have --

709 MS. SCHWARZ: At the Board's suggestion.

710 MR. SCHWARZ: At the Board's, yes, is in many ways how we came
711 to have the corner that would logically be the corner that we would
712 bring the porch off of where it is now, as opposed to that other
713 corner that would be to the rear right.

714 MR. CALABRESE: So you're saying this corner where the AC units

715 are, you don't have any other pictures -- well, do you have these
716 designs attached?

717 MR. SCHWARZ: I'm not sure if you can see, because it doesn't
718 really -- yes, you can see. I believe it's the first of the designs,
719 shows the back level and what would be the current structure. The
720 study is the room that would need to be completely repurposed if we
721 were to take the screen porch to that direction.

722 MS. SCHWARZ: But that affects the family room and it affects
723 also the bathroom.

724 MR. SCHWARZ: Right. And there is a window that you see but
725 that's a fairly high window actually.

726 CHAIR WILLIAMSON: Is there unusual topography in the back yard?

727 MR. SCHWARZ: Yes, we do have a slope that comes down from the
728 back which accentuates I think -- I think it actually accentuates the
729 mosquito problem because we do have drainage then which we have to
730 take around the house and that is in and of itself an additional
731 source of standing water.

732 MS. SCHWARZ: Well, it's submerged. It's underground but they
733 get in through the holes.

734 CHAIR WILLIAMSON: So it's a decreasing slope. Any estimate of
735 the incline at all?

736 MS. SCHWARZ: I would say it's less than 45 but more than 25?

737 Maybe 30.

738 MR. SCHWARZ: That strikes me as a little steeper. But it is a
739 noticeable change.

740 MS. SCHWARZ: You have steps down and walk up.

741 CHAIR WILLIAMSON: It would also provide some shielding I
742 suppose to the neighbors in the back too because of the way it is
743 sloped.

744 MS. SCHWARZ: Yeah, but they're higher.

745 CHAIR WILLIAMSON: That's what I mean.

746 MS. SCHWARZ: Well, actually no. They can see more.

747 MR. SCHWARZ: They look into our house as it is. They built a
748 very large porch out the back of their house which then gives them a
749 lovely view of everything that goes on in ours.

750 MS. SCHWARZ: And we had no objection to that. We were on that
751 loop of notification.

752 CHAIR WILLIAMSON: Well, I don't think there's any other
753 questions for the applicant.

754 Is there anyone from the gallery that wishes to speak on this
755 matter?

756 Seeing none, any other comments that you'd like to make?

757 MS. SCHWARTZ: We just appreciate your consideration.

758 CHAIR WILLIAMSON: Thank you.

759 Then we'll close it to the applicant to have a discussion with
760 the Board and see if anyone would like to make a motion.

761 MR. CALABRESE: Mr. Krasner, what would your conditions look
762 like? You're good at the conditions.

763 MR. KRASNER: I would recommend we have a condition, something
764 to the effect that the applicants work with the City arborist and the
765 owner of Lot 47 on the installation of a row of evergreen tree and/or
766 shrub plantings to buffer and soften the view of the proposed
767 screened porch along that rear lot line to provide an effective
768 year-round screen and leave it like that. I don't want to specify
769 precise number of trees or shrubs, just something that in the City
770 arborist's opinion, professional opinion, provides some sort of
771 buffering.

772 CHAIR WILLIAMSON: Mr. Boyle, did you have a comment?

773 MR. BOYLE: If they would agree to it, what would be helpful to
774 staff in the future, is for the Board to specify that the Variance is
775 for a screen structure, not an enclosed space and not a second story
776 over the space in the future, that it be something less than a four
777 season room. We have had these questions come up. Does the setback

778 then become for all of time were you approve it tonight, so they can
779 use that for a second story addition and put up drywall and enclose
780 this space.

781 MR. KRASNER: No, it's only for this screened porch.

782 MR. BOYLE: Right. So if that's your intent, it would be very
783 helpful to staff to state that it's limited to a, however you can
784 describe it, less than a four season room, and not to include a
785 second story.

786 CHAIR WILLIAMSON: Well, it says screen porch on the Variance
787 application. I would ask a single story screened application with
788 the conditions that Mr. Krasner described.

789 MR. CALABRESE: Is that one story?

790 CHAIR WILLIAMSON: Are you amenable to that?

791 MR. SCHWARZ: Oh, yes.

792 With regard to Mr. Krasner's language, I wonder if it would be
793 possible not to specify the evergreens so that there's greater
794 flexibility with regard to determining a --

795 MR. KRASNER: We can say evergreen and/or deciduous, subject to
796 the City arborist's review. I'll leave it in her capable hands.

797 MR. BOYLE: The neighbor didn't request a particular species.

798 MR. KRASNER: No, and that's why I don't want to specify a

799 number of plants. I'm cognizant of the expense of plantings but I
800 think some buffering is called for here given the additional
801 reduction.

802 CHAIR WILLIAMSON: Any other comments?

803 MS. SCHWARZ: I just want to just reiterate, we are very happy
804 to work with them and we did not put up any objection to the very
805 large deck that they have that looks directly into our house and the
806 play structure that looks directly over our fence. We're happy to
807 have their daughters bark at our dogs. I mean, it's cute, you know.

808 CHAIR WILLIAMSON: We don't have jurisdiction over that.

809 MS. SCHWARZ: Right. Exactly, exactly. And we did not present
810 any objection when their Variance must have gone in.

811 CHAIR WILLIAMSON: Right, right.

812 MS. SCHWARZ: I'm sorry, but that's my last comment.

813 CHAIR WILLIAMSON: All right. Well, we would intend to include
814 this in the Variance as a condition if I'm hearing the Board
815 correctly and we would provide sufficient flexibility so as to work
816 with the City arborist and your neighbor.

817 Is there a motion amongst the Board?

818 MR. KRASNER: I'll make a motion.

819 I'll move that we approve Variance Application V1583-16 to allow

820 a rear yard setback of 22 feet instead of 40 feet for the purpose of
821 constructing a -- actually as I'm saying that, the plat, Mr. Boyle,
822 shows a 25 foot setback. What are we approving?

823 MR. BOYLE: I think the 25 is to that corner of the structure.
824 What are we asking for in the Variance?

825 MR. CALABRESE: 22.

826 MR. KRASNER: I think we're fine from an advertisement point of
827 view but if they're only asking for 25 feet, then that's all I think
828 I'm -- I think that's what we should approve.

829 What are you asking for, to be clear? The plat is inconsistent
830 with what is in the application.

831 MR. CALABRESE: Is 25 from the house or 25 from the screened-in
832 porch and the wall?

833 MS. SCHWARZ: I can't -- is there a drawing?

834 MR. SCHWARZ: Yes.

835 MR. KRASNER: Well, that's showing 25 feet from the rear yard,
836 from this rear line to the porch.

837 MS. VALENTINO: I think because it's angled so that's the
838 closest point.

839 MR. KRASNER: Right. I'm saying for whatever reason the
840 advertisement mentions 22 feet.

841 MS. VALENTINO: I don't know where you got 23.
842 I didn't write the request, so I'm not sure where 23 came from.
843 MR. SCHWARZ: There's no 23. I misspoke.
844 MR. CALABRESE: It's actually 22 again.
845 MR. SCHWARZ: Yes.
846 MR. BOYLE: It was advertised as 22, if the Board is comfortable
847 with that.
848 MR. KRASNER: That's over-advertising so we're fine legally.
849 But if the request is really, the whole idea is 25, then that's all
850 we're going to do.
851 MS. VALENTINO: Closest I anticipate is being 25.
852 CHAIR WILLIAMSON: 25. You need 25. I want to make sure I'm
853 hearing you correctly.
854 MR. KRASNER: 25 for the setback.
855 MS. VALENTINO: Again, I haven't looked at it for a long time.
856 I don't know where the 22 came from.
857 MR. SCHWARZ: The application was for 22 feet. And the question
858 is within the context of this drawing, whether the 22 feet was
859 intended to provide essentially construction space, whether that
860 would be satisfied if we, for instance, asked for 24 and a half feet,
861 so that if there were some error in construction we would not have to

862 come back.

863 MS. VALENTINO: I would think it might be reasonable to just ask
864 for 24 to be safe since we're scaling off a plan and there's a slight
865 angle. It's not parallel.

866 CHAIR WILLIAMSON: Okay. I'm sorry, your name is?

867 MS. VALENTINO: My name is Linda Valentino, for the record. I'm
868 the architect who drew this.

869 And scaling off the plan is where we came to the 25 feet.
870 Since it's not parallel, it might be safe to just go with 24 to give
871 us a little wiggle room, since that's --

872 CHAIR WILLIAMSON: To Mr. Krasner's point, we would typically
873 give the least amount of relief required for your plan, so that's
874 very helpful.

875 MR. KRASNER: All right. I'll revise the motion.

876 I move that we approve Variance Application V1583-16 to allow a
877 rear yard setback of 24 feet instead of 40 feet for the purpose of
878 constructing a screened porch at 1307 Seaton Circle.

879 And again, I'll make some findings on the record.

880 I think that in this case, I think the hardship argument is not as
881 strong. The fact that the lot is shaped so unusually speaks to
882 language in State Code about adequate utilization of the property and

883 strictly applying the Zoning Ordinance I think in this case prevents
884 adequate utilization of the property.

885 I also would add the fact that this is in the rear of the
886 property, that the houses on to the south on Robinson Place are
887 actually still a good deal away from this. There's some intervening
888 vegetation. There will be additional vegetation planted.

889 Also, the height of the structure, it's only a single story
890 roofed structure. The grade also helps to mitigate that, the effect
891 on anyone to the rear.

892 We've had no objections tonight verbally or in writing from any
893 of the adjacent owners, and so that also is significant to note.

894 So for all those reasons I feel it meets the standards necessary
895 to grant the Variance and I move we approve.

896 CHAIR WILLIAMSON: In your motion, were you intending to add any
897 conditions?

898 MR. KRASNER: Right. As I mentioned earlier, conditioned on,
899 first of all, conditioned on being generally consistent with the
900 architectural drawings and plans presented as far as the application,
901 and requiring that the applicant provide screen, evergreen and/or
902 deciduous screening along the rear property line of Lot 47, subject
903 to review and consultation with the City arborist to help buffer and

904 mitigate the effect of the new construction on those properties.

905 CHAIR WILLIAMSON: Is there a second?

906 MR. JONES: I'll second the motion.

907 CHAIR WILLIAMSON: Roll call vote please.

908 RECORDING SECRETARY: Mr. Williamson.

909 CHAIR WILLIAMSON: Yes.

910 RECORDING SECRETARY: Mr. Krasner.

911 MR. KRASNER: Yes.

912 RECORDING SECRETARY: Mr. Calabrese.

913 MR. CALABRESE: Yes.

914 RECORDING SECRETARY: Mr. Jones.

915 MR. JONES: Yes.

916 CHAIR WILLIAMSON: Congratulations. You have your Variance.

917 Good luck with your property.

918

919 c. Variance application V1584-16 by Jason A. Brown, owner and
920 applicant, for a variance to Section 48-238(3)(a) to allow (1) a
921 front yard setback of 17.84 feet instead of 30 feet along the Jackson
922 Street frontage; and (2) a side yard setback of eight (8) feet
923 instead of 15 feet along the western property line for the purpose of
924 constructing a new single-family house on premises known as 1268

925 South Washington Street, RPC #52-501-001 of the Falls Church Real
926 Property Records, zoned R-1A Low Density Residential.

927

928 CHAIR WILLIAMSON: Moving on to Variance application V1584-16 by
929 Jason A. Brown, owner and applicant, for a variance to Section
930 48-238(3)(a) to allow (1) a front yard setback of 17.84 feet instead
931 of 30 feet along the Jackson Street frontage; and (2) a side yard
932 setback of 8 feet instead of 15 feet along the western property line
933 for the purpose of constructing a new single-family house on premises
934 known as 1268 South Washington Street, RPC #52-501-001 of the Falls
935 Church Real Property Records, zoned R-1A, Low Density Residential.

936 I see you are signing in there. Thank you very much.

937 Before we hear from the applicant, if we can please ask for a
938 report from staff, that will be helpful for the Board.

939 MR. BOYLE: Yes, Mr. Chair.

940 This item is before the Board for a setback Variance requesting
941 a front yard setback of 17.84 feet instead of 30 along Jackson and a
942 side yard setback of
943 8 feet instead of 15 along the interior side for construction of a
944 new single family house.

945 I think what is unusual about this particular property is the

946 plat that should be in your materials. It's labeled as Attached
947 Document One, five pages in.

948 There's some anomalies with all of our properties along South
949 Washington Street. First and foremost is when Washington was widened
950 both in front of the residential parcels and the commercial parcels
951 on South Washington, 15, 20 years ago, the street was widened but
952 they didn't move the property lines. And so you'll see this property
953 has its front yard setback out in the travel lane, in the curb lane
954 of South Washington.

955 And especially for residential properties that measure their
956 setbacks from the property line as opposed to the curb with
957 commercial, this tends to place the structures without even changing
958 anything or any work on their part, just simply by the widening of
959 the road, they're suddenly closer to the street than they were
960 originally. There was no dedication of that when the State widened
961 that road.

962 The other is, along the Jackson Street frontage, this is about
963 as wide a public right-of-way that's not been constructed as we see
964 in town. Usually there's four or five feet from the property line to
965 the street and this one is closer to ten.

966 Lastly, with corner lots in the City, this is another example of

967 what the Board sees commonly, where the Code previously had one front
968 yard setback, and then the other street, for corner lots would have
969 one front yard setback and then with the other street frontage that
970 would be considered a street side yard, essentially the same as what
971 we have now for side yard setbacks.

972 So, in reviewing this application and discussing it with the
973 applicants, we looked at what could be done in positioning this new
974 house and found all of those to be challenges with this particular
975 property.

976 Any time a corner lot is a narrow rectangle as you see here, we
977 have found that there's going to be setback challenges. What's
978 interesting in their application is that they're going to take this
979 house down, the existing house, and reposition the new one further
980 off the two frontages. So in that sense I think they're improving
981 the conformity of the property with this new construction.

982 So with that, I'll defer to the applicant.

983 CHAIR WILLIAMSON: Mr. Boyle, one question. When you make that
984 last comment about moving it off the frontages, that also will allow,
985 if I understand correctly, will allow for better -- I mean, South
986 Washington Street is a major thoroughfare, that will allow for better
987 ability to view traffic in either direction as well; is that also a

988 fair assessment?

989 MR. BOYLE: Yes, that's true. Again, in looking at the plat,
990 the City engineers like to place the stop bars for traffic signals
991 and stop signs a certain number of feet after the arc stops. So you
992 take the curvature of that curb at Washington and Jackson, it's a big
993 sweeping curb. And so the stop sign there is probably about where
994 the existing house is. And so when traffic pulls up to that stop
995 sign or traffic light and looks to the right, they're seeing a house.
996 So relocating it as they're proposing will assist with that.

997 CHAIR WILLIAMSON: Okay. Thank you.

998 Any other questions for staff?

999 Okay. If you'd state your name and please proceed with your
1000 presentation.

1001 MR. BROWN: I'm Jason Brown.

1002 MS. BROWN: Brooke Brown.

1003 CHAIR WILLIAMSON: Okay. Go ahead.

1004 MR. BROWN: Well, basically what we're proposing is there's
1005 several hardships, like he was discussing. And in my letter I wrote,
1006 first hardship is the lot is substandard area lot because of the
1007 improvement of the road, it went from 11,000 -- the standard 11,250,
1008 to what it is now, is 10,948. So it's actually smaller along with

1009 the, under the current building setbacks, the resulting building
1010 envelope of 28.8 foot wide house is the only thing you can put on
1011 this property. Also with the current setbacks, only a house with
1012 an extremely long footprint, which is almost like a townhouse look,
1013 can be built with this hardship with the current laws that are in
1014 place.

1015 Also -- I'm new at this.

1016 CHAIR WILLIAMSON: You're doing fine.

1017 MR. BROWN: Basically what we're proposing is, if you see on our
1018 Attachment No. 2, we're trying to set the house, like he was saying,
1019 it's improving on Jackson Street because it's further in, it's
1020 further in off of Washington so it's safer for people coming around
1021 the corner and we're trying to stay within the same type of setback
1022 that was originally there: 8 foot from the one property line, and
1023 then 17.84 from the other property line. But actually that is more
1024 than 17.84 like he was discussing because I actually measured it.
1025 It's almost 12 feet. So that would give you a setback of 29.84 from
1026 the street, and your guys' requirement is 30. So that's one of the
1027 constraints we want to do.

1028 And then also 12 feet, which I discussed.

1029 And then analyzing the current neighborhood, the majority of the

1030 houses are closer to the front property line than the current Zoning
1031 Ordinance. 47 percent of the homes, 17 properties, are less than or
1032 even to 20 feet from the street and currently right now we are, from
1033 one side of the street is 29.84 if you include the curvature; and
1034 then from the front, South Washington, we're 45 feet from the
1035 property line but from the street, it's probably like 35 feet.

1036 And the reasoning too, the hardship is that the 28.8 foot wide
1037 house you can build on there now with the current requirements, we
1038 feel that that won't match what's in the neighborhood as far as the
1039 housing. So we would like to increase the size of it like we
1040 proposed to be more in step with the houses that are in the
1041 neighborhood.

1042 So basically one of the main concerns is that, hardships, is
1043 that this lot is very substandard with the current setbacks, two side
1044 yards, and two front yards, so it's hard to put a rectangular-shaped
1045 house on here. You're going to end up with more of a -- I'm
1046 repeating myself. I don't know much more to comment on.

1047 MS. BROWN: I'd like a back yard.

1048 MR. BROWN: And lastly, overall, the Attached Document No. 2
1049 footprint, which is this one in your paperwork, utilizes the best
1050 amount of space for the substandard rectangular-corner lot shaped

1051 property.

1052 It also provides ample amount of back yard space for my family along
1053 with outdoor activity home.

1054 And if you view this paragraph, Attached Document No. 2 again,
1055 basically illustrates our new proposed house placement which would
1056 utilize the property in more of a liberal manner, provide a large
1057 backyard for family outdoor activities, along with more open space
1058 and improve on the aesthetics of the current neighborhood.

1059 CHAIR WILLIAMSON: Do I understand this correctly, from Jackson
1060 Street versus where the current house is, what you're proposing would
1061 be further off from Jackson Street?

1062 MR. BROWN: Yes. If you look at Attachment Document No. 2, the
1063 red line is the existing house that's currently there.

1064 CHAIR WILLIAMSON: And you're moving it further off of South
1065 Washington Street.

1066 MR. BROWN: Correct.

1067 CHAIR WILLIAMSON: And you're not making it any closer to the
1068 neighbor further down South Washington Street.

1069 MR. BROWN: Correct.

1070 CHAIR WILLIAMSON: They're staying at 8 feet.

1071 MR. BROWN: Right. And then it's further off from Jackson too.

1072 Basically the reason we wanted the house as shaped is so we
1073 would have a substantial back yard and utilize the space as best as
1074 possible. And also we want to set it off from South Washington
1075 Street because it's a busy street, and get it off the road a little
1076 more, with fencing and stuff.

1077 CHAIR WILLIAMSON: We rarely see a Variance application moving
1078 further away from two streets at the same time.

1079 MS. BROWN: I was concerned about the front, with a small child.

1080 CHAIR WILLIAMSON: Right.

1081 MR. BROWN: And I met with the neighbors and the neighbors
1082 behind us signed two petitions, they agree. The neighbors to the
1083 left with the 8 foot requirement, we're still in conversation with
1084 them. One of their concerns was the vegetation along that side yard
1085 because they have some pretty large growth, trees. And the arborist
1086 came out and I believe they said most of the plantings would be okay.
1087 However, there's one tree there that has like a 15 foot canopy that
1088 could possibly be a problem.

1089 MR. KRASNER: Are you talking about the townhouses?

1090 MR. BROWN: Yes.

1091 MR. KRASNER: What are those called, the Rosemary Townhouses or
1092 something?

1093 Anyhow, you're talking to the HOA there?

1094 MR. BROWN: Yeah, yeah. I probably should have done this weeks
1095 earlier but I've been talking to them and I'm trying to come up with
1096 a resolution because hopefully with this the way it is now we can
1097 keep everything that's there and then if one tree does not make it,
1098 we could probably plant something new, some sort of barrier along
1099 that area.

1100 MR. CALABRESE: So, these are to the left on this map, these are
1101 the ones on the --

1102 MR. BROWN: Because I know that was their concern, about keeping
1103 the vegetation there, the separation.

1104 MR. CALABRESE: So you're saying they have not agreed to your
1105 plan as of yet.

1106 MR. BROWN: They have not, no.

1107 MR. KRASNER: Those are townhouses there that abuts along that
1108 side.

1109 MR. CALABRESE: Have you been dealing with a certain townhouse
1110 owner or with the Homeowners Association?

1111 MR. BROWN: It's the --

1112 MR. CALABRESE: That's okay. It's one townhouse you're saying?

1113 MR. KRASNER: It should be the HOA.

1114 MR. BROWN: It's one townhouse that I was dealing with and they
1115 were talking to the HOA. But their main concern was they wanted to
1116 keep the line of vegetation and the buildup of the trees there. That
1117 was their main concern.

1118 Because we've been emailing back and forth. The last email I
1119 got, I was so busy at work I was unable to respond. But one concern
1120 was the canopy being 15 feet into my yard. But I have to measure
1121 that because I don't think it's necessarily 15 feet and that's one
1122 thing I want to do this weekend is go over and talk with them and
1123 show -- I just can't imagine it being 15 feet.

1124 MR. CALABRESE: Well, thank you for your honesty on that. I
1125 think that's something we need to address. I don't know if it's
1126 something similar to the condition that we had done on the previous
1127 approval. We may need to do that.

1128 MR. BROWN: Yeah, I mean we can get the arborist out there to
1129 take a look and --

1130 MR. KRASNER: Are those trees on your property or are they on
1131 the townhouse property?

1132 MR. BROWN: Some trees are on mine and some trees are on theirs.

1133 MR. KRASNER: Right on the line?

1134 MR. BROWN: Yeah.

1135 MR. BOYLE: That's actually a very good point. If this is
1136 approved, when they come in for their grading plan, the arborist is
1137 going to take an interest in the screening of that adjacent
1138 development. That townhouse complex no doubt has a 10 foot landscape
1139 buffer around it and the 8 feet may be a concern for the preservation
1140 of their buffer. So the arborist will no doubt set a condition that
1141 they take care in setting this foundation, to not damage the
1142 landscape buffer off their site.

1143 It's actually a very common problem. Somebody has a tree on
1144 their property and the foundation is going to cut and damage the root
1145 system of a neighbor's tree. So if the Board chose to approve this,
1146 it would be helpful to call that out, to the arborist's attention,
1147 when this comes in for review to preserve the site plan required
1148 landscape buffer of the adjacent property.

1149 Having said that, we haven't received any objections from that
1150 site.

1151 MR. BROWN: We definitely want the privacy too.

1152 I took a couple of pictures here. This is what the vegetation
1153 is. This goes into the townhouse area.

1154 MR. CALABRESE: Is that looking from Washington Street, to the
1155 left?

1156 MR. BROWN: It's to the left of us. If you look at the paper,
1157 it's to the left. So this vegetation right here is the line here.

1158 CHAIR WILLIAMSON: Is that the view from your yard?

1159 MR. BROWN: No, from their yard.

1160 CHAIR WILLIAMSON: They look into that, right?

1161 MR. CALABRESE: You're on the other side of that.

1162 MR. BROWN: This is the townhouse side.

1163 CHAIR WILLIAMSON: They look into that. You're on the other
1164 side.

1165 MR. BROWN: Yeah, on their side.

1166 Like a lot of these trees, I guess the arborist said they could
1167 survive but I guess there's one back here, the 15 foot.

1168 MR. CALABRESE: Are those trees on your property? I can't see
1169 the --

1170 MR. BROWN: These are on theirs, the townhouse.

1171 MR. KRASNER: You said the arborist has already been out there?

1172 MR. BROWN: Yeah, they had the arborist come out and look at it.
1173 I think they said most of the trees would be okay.

1174 MR. KRASNER: The City arborist came out? Did they write a
1175 memo? Is there anything in writing from the City arborist on that?

1176 MR. BOYLE: We don't. We definitely have a site plan for that

1177 property next door and it's going to have its own requirements for
1178 their landscape buffers.

1179 Do you know, is there a fence between you and them? Do they
1180 have a fence on their property, a screening fence in addition to the
1181 trees?

1182 MR. BROWN: There is a fence. There's a fence on my property
1183 but I'm going to take that down.

1184 MR. BOYLE: I haven't seen anything from the arborist.

1185 MR. CALABRESE: Are they okay with you taking the fence down?

1186 MR. BROWN: It's on my property. The fence is not very long.

1187 MS. BROWN: It's not an aesthetically pleasing fence either.
1188 It's covered in vegetation. So, anything would be sort of an
1189 improvement.

1190 MR. BROWN: Actually there is a fence there that's well built
1191 that we're going to keep but there's another fence on our side that's
1192 -- like this fence is going to stay.

1193 MR. KRASNER: There's a frame fence. The plat shows a frame
1194 fence on your property, a wood fence, and I don't know what's on
1195 theirs.

1196 I'll be honest with you. I think some of the drawings are a
1197 little confusing for me. Some of them are small and hard to read.

1198 So I'm trying to get a handle on -- on the one hand, the dimensions
1199 are extremely precise. I mean, you're measuring precisely 70.84 feet
1200 off the front. You're working with an architect or engineer right
1201 now?

1202 MR. BROWN: I did it.

1203 MR. KRASNER: You did it. You scheduled very precisely, that's
1204 exactly what you're looking to build.

1205 I just ask because I want to make sure, if we order something, I
1206 don't know if we're going to do that tonight or not, 70.84 is very
1207 precise and if you're a few inches off, you have to potentially ask
1208 for a new Variance. If somehow that 70.84 turns out to be not enough
1209 for what you're trying to build.

1210 Another question. That was more of a comment. Looks like you're
1211 intending to have the front of the house alongside Washington. I'm
1212 just curious, obviously South Washington is an extremely busy street.
1213 Jackson is quieter. Although I know there's like an office building
1214 next to you on the other side, right?

1215 MR. BROWN: Those are condos.

1216 MR. KRASNER: I'm sorry. That's right. There's apartments.
1217 It's another block.

1218 What led to your rationale for wanting to continue to front on

1219 Washington as opposed to fronting on Jackson? I'm just curious,
1220 based on the fact the lot is long along the Jackson Street frontage.
1221 And that probably needs a Variance there as well. But again, is it
1222 to have more, like you said, a back yard, is that why, because it's a
1223 corner lot, you want to have the back yard space?

1224 MR. BROWN: Yeah.

1225 MR. KRASNER: Right now there's a lot of overgrown tall
1226 vegetation along the Jackson Street frontage. Are you going to take
1227 that down, what are your plans?

1228 MR. BROWN: Yeah, take some of that down. You're talking about
1229 along Jackson, right?

1230 MR. KRASNER: Right.

1231 MR. BROWN: Yeah, there's some that needs to come down.

1232 MR. KRASNER: Do you have any kind of preliminary like
1233 architectural, like renderings or elevations of what the house may
1234 look like or thinking as far as -- not that that's absolutely
1235 required but typically we get some type of a conceptual rendering
1236 that gives us a sense of what it might look like, if it's going to be
1237 built.

1238 MR. BROWN: Well, it's going to be like a Craftsman style.

1239 As far as a rendering, I didn't draw anything up. But right now

1240 working with an architect, and once we get these dimensions
1241 finalized, then we can finish the house design.

1242 But it's going to be like a Craftsman style looking house.

1243 MR. CALABRESE: Mr. Krasner raises a good point. Typically we
1244 do get Petitioners coming in with a design in. If we were to grant
1245 this with the setbacks that you've designed, then you're locked in
1246 now. And maybe if your architect comes back and says, well, wait a
1247 minute, that doesn't work for our design, you're going to have to
1248 then come back to us.

1249 MR. BROWN: That's okay.

1250 MR. CALABRESE: We'd prefer not to.

1251 MR. KRASNER: Well, it may be okay but more time and expense for
1252 you to have to come back and amend something. You have to go through
1253 the process again.

1254 I don't know how my colleagues feel, but I feel like I'd like a
1255 little more detail. I'd like to hear from the arborist. These are
1256 open to the public, I don't know if anyone else is going to testify,
1257 I want to hear from members of the public, folks who want to testify.
1258 I'm feeling like there's more information. To me, the concept just
1259 seems a little vague as far as what you're looking to do.

1260 The drawings, like I said, I'm having trouble kind of picturing

1261 what's going to be here.

1262 Is your driveway going to continue to be off of Washington
1263 Street or are you going to access off of Jackson?

1264 MR. BROWN: Off of Jackson.

1265 MR. KRASNER: And like pull in the back? I mean, and again,
1266 some of these details don't necessarily relate to the records of the
1267 Variance, but typically, for example, the first application heard
1268 tonight was also to construct a new home and they had a number of
1269 drawings and some additional detail that made it easier for us to
1270 understand what it is that we were potentially approving.

1271 Here, I understand the setback request but it helps us to
1272 understand if we had some idea roughly of what the house is going to
1273 look like. Not that we're going to hold you to paint color and
1274 siding color and materials necessarily but to give us a sense of what
1275 the bulk of it is going to be and what it's going to look like.

1276 MR. CALABRESE: I would just add, I think this Board is
1277 sympathetic to your request so I'd like to make that statement.

1278 But I agree. I assumed these were architectural designs. It
1279 does appear you've done some very good homework but we typically do
1280 get a bit more backup.

1281 MR. BROWN: This footprint is based off of what we have so far

1282 with the architect in development stages.

1283 MR. KRASNER: Right. And maybe the architect can do full blown
1284 plans for you, that I understand there's a lot of expense involved in
1285 that, but perhaps that person can help to do more conceptual
1286 renderings and drawings and just again double check the dimensions.
1287 Maybe give us a plat that's scaled by a licensed professional to make
1288 sure that the scaling is right.

1289 MR. CALABRESE: Yeah. I understand you're willing to come back
1290 in. I think from our standpoint we'd like to handle these matters,
1291 rather than a second or third meeting, I'd rather just have it done
1292 once and right. I think we're sympathetic to what you're trying to
1293 do here. It seems reasonable. We just want to make sure it's done
1294 correctly.

1295 MR. BROWN: Okay. So you'd like an elevation?

1296 MS. BROWN: You mean architectural renderings?

1297 MR. KRASNER: Yes, renderings and/or elevations.

1298 We also want to hear from the City arborist. The City arborist went
1299 out there, maybe they can present us with a memo about what they saw,
1300 what their special opinion was on how this might affect any offsite
1301 trees or just what's going on out there.

1302 But let's hear from the public first and see if anybody wants to

1303 testify.

1304 That's what my thoughts are. Again, the lot's undersized. The
1305 house there today is nonconforming. To build just about anything
1306 there will probably need some kind of relief. So I think you've done
1307 some basic foundation for a Variance request but you need to have a
1308 little more detail. That's where I am at this point.

1309 But again, let's hear from everybody.

1310 CHAIR WILLIAMSON: Any other questions from the Board?

1311 MR. BROWN: Can I make one comment?

1312 CHAIR WILLIAMSON: Please.

1313 MR. BROWN: So basically you want a house elevation and then a
1314 plat location from an engineer with the house setting out the exact
1315 dimensions.

1316 MR. KRASNER: Yes.

1317 MS. BROWN: Did you want the architectural rendering, some sort
1318 of idea visually of what it would look like is what you're also
1319 asking for?

1320 MR. KRASNER: Exactly right.

1321 MS. BROWN: I think the reason we waited was because again, the
1322 additional cost to see what the setbacks were going to be and if the
1323 Variance was going to be allowed.

1324 CHAIR WILLIAMSON: I think what we're hearing, as Mr. Calabrese
1325 pointed out, we're sympathetic. It's rare we get requests further
1326 away from the road.

1327 I think these would be steps you would be taking in any event so
1328 I think that you may find it might save you some time.

1329 MS. BROWN: Okay.

1330 CHAIR WILLIAMSON: But I think Mr. Krasner is right, I'd like to
1331 see if there's anyone from the gallery that cares to comment on this
1332 this evening. I thought when I saw the word HOA, I saw someone
1333 raise their hand.

1334 If there is someone here, if you would sign in please. And I
1335 believe you were sworn in earlier, correct?

1336 MR. YOUNGER: That's right.

1337 CHAIR WILLIAMSON: If you could state your name.

1338 MR. YOUNGER: Good evening. I'm Matt Younger. I'm the
1339 president of the homeowners association for the Rosemary Court
1340 townhomes. I have Bill Wanlund with me. Bill is the owner of the --
1341 we have six townhouses in that grouping and Bill's house is adjacent
1342 to the property.

1343 To sort of summarize, we're enthusiastic about the prospect of
1344 improving that property. The house that's there now is very

1345 dilapidated and it needs to go. But as you say, we rarely see a
1346 Variance request to move back in two directions at once. We're just
1347 concerned that that doesn't come at the expense of Bill's and our
1348 screen, our vegetation screen there.

1349 The City arborist, Kate Reich, was there last Thursday and she
1350 met with Martha and Bill and explained the consequences of
1351 construction activities, basically with the drip line of the trees.

1352 The gist of our desire for a vegetation screen, is that about
1353 halfway back on his property, on the dividing line between his
1354 property and ours off of Washington, you run into a set of hollies,
1355 four or five hollies, that are about 40 feet tall that are pretty
1356 much irreplaceable.

1357 So Kate Reich's opinion was, although I was not there, this is
1358 what Martha and Bill told me, is that construction activity will
1359 damage them potentially beyond repair.

1360 So that is sort of the gist of our concern. We were supportive
1361 I think of a Variance about halfway back where those mature hollies
1362 start, but where they start will not necessarily assist with an eight
1363 foot Variance which we were told is within the 15 foot drip line
1364 because we measured it of the trees which is the outer edge of the
1365 vegetation of the holly trees. Just going off of what Kate Reich

1366 told us, that's a hazard for those trees.

1367 Is that clear? About halfway back, we're supportive of the
1368 request for the Variance to 8 feet, but beyond that with the new
1369 trees, we're not. We're not supportive of that.

1370 MR. CALABRESE: Halfway back from where?

1371 MR. YOUNGER: Halfway back off of Washington Street. We have
1372 sort of less mature trees, less mature vegetation. But starting
1373 about halfway at the edge of his lot, those trees become a major
1374 screen. He's also going to have to remove all the trees on his side
1375 of the property I think is what Kate told Bill and Martha and that
1376 invites a big screen as well.

1377 MR. CALABRESE: Just to clarify. Looks like halfway at the back
1378 of the lot is the edge of the new house. Are you saying though
1379 something that will be still --

1380 MR. YOUNGER: I'd say about 70 feet. If you can see the current
1381 structure, it's kind of a lighter outline. That's about where the
1382 mature hollies start.

1383 MR. CALABRESE: So the edge of the house is like 90 -- I see
1384 what you're saying.

1385 MR. YOUNGER: 90, about halfway. It says the existing structure
1386 in a lighter outline, that's about where those hollies start.

1387 The other thing I just noticed, if there is sports -- again, so
1388 I told them I would support him having a back yard play area for the
1389 kids, but if he's going to have a sports court back there or
1390 basketball court or something, then that screen becomes even more
1391 important.

1392 MR. KRASNER: Is that court existing? That's probably there
1393 today.

1394 MR. BROWN: Yeah, that's existing today.

1395 MR. KRASNER: You're taking that out.

1396 MR. BROWN: Yeah, we're taking that out.

1397 MR. YOUNGER: That's not an issue then.

1398 CHAIR WILLIAMSON: Mr. Boyle, how is this typically handled?
1399 You described earlier the process where this Board could approve a
1400 Variance and then there is a step in the City's process where the
1401 City arborist may set conditions on the grading plan, is that right?

1402 MR. BOYLE: Correct. If this were approved and plans were
1403 submitted, the engineers are going to require a grade plan in
1404 addition to the building permit. And the grading plan includes an
1405 arborist's survey of all of the existing trees and her evaluation of
1406 any harm to trees that might be offsite and she has the authority to
1407 approve or deny or impose conditions to preserve those trees.

1408 If the Board chose to make a motion to approve, I'd ask that you
1409 call that out, that it be contingent on the arborist investigating
1410 the impacts of offsite trees.

1411 MR. KRASNER: I think I'd rather get her in at the front end, is
1412 my point of view. Since she's already been out there, I think there
1413 are conditions -- there are various things that can be done to
1414 minimize damage to tree roots. There are things you can do in
1415 foundation construction that can help to minimize that, depending on
1416 exactly where they are.

1417 It also might be helpful if we knew precisely where some of
1418 those offsite trees are. I don't know again, if your architect or
1419 engineer can locate some of those significant trees. At the grading
1420 plan stage, you need to do that.

1421 At a minimum, before I'm comfortable supporting it, I'd like to
1422 know from the arborist specifically what trees she feels are
1423 potentially threatened and what steps can be taken, whether there's
1424 also construction techniques that can be done to try to minimize
1425 that, even as far as using more hand tools as opposed to big, heavy
1426 machinery, and running machines back along that property line. It
1427 seems like it could be done.

1428 I'd rather hear from her now before I'm comfortable about

1429 precise dimension along that frontage based on the concern that the
1430 neighboring property owners are expressing, especially since she's
1431 already been out there.

1432 So I'd like to hear from her specifically. I don't know if she
1433 can present us with a memorandum that summarizes her observations
1434 there.

1435 MR. BOYLE: Yes, we've shared information on other matters so
1436 I'm sure that's no problem.

1437 I'd also point out the survey is relatively recent. It's 2009,
1438 is that correct?

1439 MR. BROWN: Yeah.

1440 MR. BOYLE: And on the survey, the surveyor noted that they
1441 located the iron pipes at those two corners so you're going to end up
1442 doing a whole new property, a building location survey and boundary
1443 survey. But as an intermediate step I think it would be a simple
1444 matter for a surveyor to go out and using this plat, locate the trees
1445 on your side and their side, without doing a full survey of the
1446 property.

1447 Those iron pipes at your corners there are in the ground, so a
1448 surveyor could go out and snap a line between those two --

1449 MR. KRASNER: I think that would be very helpful. I agree with

1450 Mr. Boyle, and I think it would be very helpful for us to see where
1451 those trees are in relation to your proposed footprint. And then we
1452 can get a sense of what the impacts may or may not be. So that's
1453 another thing perhaps to think about.

1454 It sounds like we're looking at a deferral as we talked about in
1455 which time you can do all this.

1456 MR. BOYLE: We can convey that to the arborist.

1457 Do you understand what I was referencing?

1458 MR. BROWN: Yeah.

1459 MR. BOYLE: So rather than do an entire full blown site
1460 inspection, which you'll eventually have to do if you move forward
1461 with new construction, a nice intermediate step would be to have a
1462 surveyor go out, locate those two pipes, snap a line and then it's
1463 clearly where are the trees.

1464 On a related matter, if the Board is looking at continuing this,
1465 you mentioned having some renderings come in on elevation or concept
1466 drawings. As you pointed out, that 17.84 is very specific. If in
1467 your conversations with your architect, it's important at least for
1468 our continuity that that number not become less or we have to
1469 readvertise.

1470 So you advertised at 17.84. In your conversations with the

1471 architect to produce additional information for this Board, if they
1472 decide to push it to 17, say, then we have to readvertise and go
1473 further out. So it's best if doing the renderings that they go
1474 further back or right to what's been advertised.

1475 So work within or be conservative and go further off so we don't
1476 have to readvertise the issue.

1477 MR. BROWN: So try and stay within this.

1478 MR. BOYLE: Yes. No closer than that.

1479 CHAIR WILLIAMSON: We'll start on next steps and we have one of
1480 the members of the gallery still making comments.

1481 Did you have any further comments that you wanted to make?

1482 MR. YOUNGER: No.

1483 CHAIR WILLIAMSON: Any questions?

1484 (No response.)

1485 CHAIR WILLIAMSON: Thank you for your comments.

1486 So if we resume here then, I think, Mr. Boyle, you were starting
1487 to lay out a few next steps as you see them.

1488 MR. BOYLE: Yeah. I think staff will be able to locate the site
1489 plan for that adjacent site.

1490 When was that constructed, do you know, those townhouses?

1491 MR. YOUNGER: '86 maybe.

1492 MR. BOYLE: So we'd have a very good site plan showing what
1493 their plantings are and their location.

1494 Your surveyor will be assisted by that information as well.

1495 So staff can locate that site plan. If the applicant would
1496 provide additional information for that common property line and
1497 locate the trees and any fences, that would help us preserve the
1498 advertising moving forward, combined with any renderings that you
1499 might produce.

1500 CHAIR WILLIAMSON: Mr. Boyle, in regard to Mr. Krasner's
1501 interest in getting something in writing from the arborist, do you
1502 think that can be accomplished by our next meeting?

1503 MR. KRASNER: There's a series of drawings that will now have to
1504 be produced. You should talk to them about what date would work.
1505 Maybe a two month deferral.

1506 MS. BROWN: We would like a timeline just for school reasons and
1507 things like that also too so that's a concern.

1508 MR. KRASNER: We meet once a month so we're talking increments
1509 of a month. The date can always slide again, but if you know right
1510 now there's no way you can get all these materials prepared for the
1511 October meeting, then we can put it to November.

1512 MR. BROWN: I think we can do it by October.

1513 MR. KRASNER: You think you can do October?

1514 MS. BROWN: Yes.

1515 CHAIR WILLIAMSON: That would be 30 days, so 30 days
1516 approximately.

1517 MR. BROWN: When you say renderings, just sketch of what --

1518 MR. KRASNER: Right, just a central sketch of what you have.

1519 The reason for the drawings, something that shows us the bulk
1520 and the massing. Because a building close to the property line, it
1521 can have a very different effect visually if it's a big modern box
1522 versus a house with a very steep pitched roof. So it helps us to get
1523 a sense of what the setbacks are going to feel like.

1524 CHAIR WILLIAMSON: So it will be a 30 day continuance I think
1525 we're coming around to and we'll get the information from the
1526 arborist as well.

1527 MR. BOYLE: That shouldn't be a problem.

1528 CHAIR WILLIAMSON: As you work with the architect, as you heard,
1529 the dimensions or the Variance would not get any larger or else you
1530 need to readvertise.

1531 MR. BROWN: When is the next meeting?

1532 CHAIR WILLIAMSON: October 13th.

1533 Seeing nothing further from the gallery, doesn't sound like

1534 there would be anything further from the applicants at this time, is
1535 there a motion for continuance from someone on the Board?

1536 MR. CALABRESE: I'll make a motion to continue.

1537 CHAIR WILLIAMSON: To October 13th.

1538 MR. CALABRESE: To October 13th.

1539 MR. WILLIAMSON: Is there a second?

1540 MR. KRASNER: Second.

1541 CHAIR WILLIAMSON: Roll call vote.

1542 RECORDING SECRETARY: Mr. Williamson.

1543 CHAIR WILLIAMSON: Yes.

1544 RECORDING SECRETARY: Mr. Krasner.

1545 MR. KRASNER: Yes.

1546 RECORDING SECRETARY: Mr. Calabrese.

1547 MR. CALABRESE: Yes.

1548 RECORDING SECRETARY: Mr. Jones.

1549 MR. JONES: Yes.

1550 CHAIR WILLIAMSON: We'll see you next month. Thank you very
1551 much for your patience this evening as well as the members of the
1552 gallery who commented on this. See you next month.

1553

1554 6. NEW BUSINESS:

1555 a. Certificate of Appreciation to Mr. Gareth Howell

1556 CHAIR WILLIAMSON: I have one final matter of New Business which
1557 we deferred. Before we get to that, I just want to make a comment
1558 that our alternate, Mr. Theologis, moved out of the City and so
1559 needed to resign his position. And we also learned that Mr. Gareth
1560 Howell needed to resign as well.

1561 I would like to read a Resolution of Appreciation to Mr. Gareth
1562 L. Howell for his service on the Falls Church Board of Zoning
1563 Appeals. Whereas Mr. Howell served with distinction on the City of
1564 Falls Church Board of Zoning Appeals as an alternate and full Board
1565 member for over three years, and whereas Mr. Howell's diverse
1566 knowledge and experience in international development made him a
1567 unique Board member which allowed him to bring creative and
1568 innovative solutions to the Board of Zoning Appeals in its decisions
1569 and zoning issues, inclusive of Variances, Special Permits and
1570 Special Exceptions, and whereas Mr. Howell has distinguished himself
1571 by his strong commitment to public service and dedication to the City
1572 he served; and whereas Mr. Howell always strived to bring his
1573 personal commitment and professionalism in all that he undertook as a
1574 Board member to making the City of Falls Church a vibrant and
1575 aesthetically pleasing community; and whereas Mr. Howell benefited

1576 all of his sense of commitment to the Board of Zoning Appeals and
1577 therefore, to the City of Falls Church with his preparation for each
1578 meeting and with his understanding of all issues; and whereas it has
1579 been a distinct honor and pleasure to work with Mr. Howell. Now
1580 therefore be it resolved that the City of Falls Church Board of
1581 Zoning Appeals hereby expresses its deeply felt appreciation Mr.
1582 Gareth L. Howell, for his devoted service to the City and extends to
1583 him a sincere best wishes in his future endeavors. Adopted
1584 unanimously today, the 15th day of September, 2016.

1585 I would just like to personally wish Mr. Howell very well and
1586 thank him for his service.

1587

1588 8. ADJOURNMENT

1589 And with that, I think there is no more business before the
1590 Board this evening, I will seek a motion of adjournment from the
1591 Board of Zoning Appeals.

1592 MR. KRASNER: Did we do Other Business? Did I miss that?

1593 CHAIR WILLIAMSON: We did Other Business.

1594 MR. KRASNER: Okay.

1595 CHAIR WILLIAMSON: Roll call vote.

1596 RECORDING SECRETARY: Mr. Williamson.

1597 CHAIR WILLIAMSON: Yes.

1598 RECORDING SECRETARY: Mr. Krasner.

1599 MR. KRASNER: Yes.

1600 RECORDING SECRETARY: Mr. Calabrese.

1601 MR. CALABRESE : Yes.

1602 RECORDING SECRETARY: Mr. Jones.

1603 MR. JONES: Yes.

1604

1605 CHAIR WILLIAMSON: This meeting is adjourned.

1606