

1 REGULAR MEETING OF THE BOARD OF ZONING APPEALS

2 City Council Chambers

3 300 Park Avenue

4 Falls Church, Virginia 22046

5 February 13, 2020

6 7:30 p.m.

7
8 1. CALL TO ORDER

9 MR. JONES: Good evening. I'd like to call to
10 order the regular meeting of the Board of Zoning Appeals
11 for February 13, 2020.

12 Could we have a roll call please.

13
14 2. ROLL CALL

15 RECORDING SECRETARY: Mr. Calabrese.

16 Mr. Calabrese is absent.

17 Mr. Jones.

18 MR. JONES: Here.

19 RECORDING SECRETARY: Mr. Misleh.

20 MR. MISLEH: Here.

21 RECORDING SECRETARY: Mr. Bartlett.

22 MR. BARTLETT: Here.

23 RECORDING SECRETARY: Mr. Kien.

24 MR. KIEN: Here.

25 RECORDING SECRETARY: Thank you.

26 MR. JONES: Before we get started for the
27 evening, the Board would like to recognize Peter Kien,
28 our newest member and thank him very much for
29 volunteering to join us, so welcome.

30 MR. BOYLE: Thank you.

31

32 4. OLD BUSINESS:

33 MR. JONES: Do we have any Old Business?

34 MR. BOYLE: No, sir.

35 We have a suggestion for New Business however,
36 regarding moving the third item, Item C on the agenda,
37 the appeal, upfront to entertain a motion from the
38 appellant's attorney.

39 MR. JONES: All right. Before we entertain
40 that motion, if anybody is going to speak here before
41 the Board tonight, I would like to take a moment to
42 swear you in. And if you've come to present before the
43 Board, you'll sign in up here.

44 (Witnesses sworn.)

45

46 NEW BUSINESS:

47 c. Appeal application A1612-20 by Rani Doyle,
48 appellant, to appear a determination by the Zoning
49 Administrator dated December 12, 2019, and amended and
50 corrected in a letter dated December 13, 2019, in

51 response to a request for determination regarding the
52 subdivision application for 807 Villa Ridge Road, RPC
53 #53-207-048 of the Falls Church Real Property Records,
54 zoned R-1A, Low Density Residential.

55

56

MR. JONES: As far as New Business, as Mr.
57 Boyle alluded to, we'd like to move the appeal,
58 Application A1612-20 by Rani Doyle to the first item of
59 Business that way the applicant doesn't have to sit
60 through the rest of the meeting.

61

So if you'd like to come up and sit and sign
62 in.

63

And, sir, if you wouldn't mind stating your
64 name for the record.

65

MR. WRIGHT: My name is Minturn Wright, that's
66 spelled M-I-N-T-U-R-N, Wright with a W.

67

MR. JONES: John, before we get started, I
68 understand there might be a motion to continue this but
69 if you wouldn't mind, just provide a little bit of
70 background for the record for the application.

71

MR. BOYLE: Yes. This involves an appeal of a
72 request for a determination that I received, responded
73 to, and then the appellant objects to some of the
74 responses they received.

75 Subsequently they filed an appeal to raise
76 their questions with this Board. You have a packet from
77 myself responding to those. And we've now received a
78 request from the appellants through their attorney to
79 continue.

80 And it is the, I'd say, the tradition of this
81 Board to grant one continuation, one continuance, and
82 staff wouldn't object to that.

83 MR. JONES: Thank you, sir.

84 Mr. Wright.

85 MR. WRIGHT: That is what I've come here to
86 request. I would request on behalf of my client, who is
87 unable to be here because of a prior commitment, that
88 there be a continuance to the next regular meeting.

89 MR. JONES: The next regular meeting is March
90 12, 2020.

91 MR. BOYLE: Yes, sir.

92 MR. JONES: Thank you.

93 I don't have any questions.

94 Is there a motion to vote?

95 MR. BARTLETT: I'll make a motion to approve
96 the continuance of this appeal request to the March 12,
97 2020, meeting.

98 MR. JONES: Is there a second?

99 MR. MISLEH: Second.

100 MR. JONES: Roll call please.
101 RECORDING SECRETARY: Mr. Jones.
102 MR. JONES: Yes.
103 RECORDING SECRETARY: Mr. Misleh.
104 MR. MISLEH: Yes.
105 RECORDING SECRETARY: Mr. Bartlett.
106 MR. BARTLETT: Yes.
107 RECORDING SECRETARY: Mr. Kien.
108 MR. KIEN: Yes.
109 RECORDING SECRETARY: Thank you.
110 MR. JONES: Thank you very much, sir. We'll
111 see you in March.
112 MR. WRIGHT: Thank you.
113
114 a. Variance application V1610-19 by David Ogden,
115 applicant and owner, for a variance to Section
116 48-238(3)a, to allow rear yard setback of 37 feet
117 instead of 40 feet, for the purpose of constructing a
118 1-story rear addition on premises known as 610 Oak Haven
119 Drive, RPC #51-121-053 of the Falls Church Real Property
120 Records, zoned R-1A, Low Density Residential.
121
122 MR. JONES: With that, we'll move to the next
123 item of New Business. This is Variance application
124 V1610-19, by David Ogden, applicant and owner, for a

125 variance of Section 48-238(3)a, to allow rear yard
126 setback of 37 feet instead of 40 feet, for the purpose
127 of constructing a 1-story rear addition on premises
128 known as 610 Oak Haven Drive, RPC #51-121-053 of the
129 Falls Church Real Property Records, zoned R-1A, Low
130 Density Residential.

131 MS. OGDEN: We're having a rough February.

132 MR. OGDEN: You'll have to bear with us. My
133 wife just had her appendix removed and I'm recovering
134 from the flu, so --

135 MR. JONES: We appreciate you being here.

136 Mr. Boyle, if you wouldn't mind, sir,
137 providing a report.

138 MR. BOYLE: Yes, sir.

139 You have a packet of information providing
140 some background. And of the applications we get, I
141 commend these folks. I think this is one of our
142 textbook examples of how to respond to the issues that
143 this Board considers.

144 But in that packet they directly responded to
145 each of the points that are raised by the Code of why
146 should the variance be considered. You have a plat
147 showing the layout of the property as well as the
148 footprint of the addition.

149 On that plat it's worth pointing out the very
150 irregular shape. All sides of the plat are unusual, all
151 sides of the property are unusual as well as the street
152 frontage which even has a nice cul-de-sac effect there.

153 And then on the property itself are two very
154 large utility easements that complicate the use of the
155 property and placement of any addition such as what
156 we're considering tonight.

157 They've provided a concept of the floor plan
158 to show the scale and the scope and how it would be
159 perceived by the neighbors, and they've included an
160 aerial photo showing the footprint and commentary,
161 letters of support from the neighbors that abut the
162 property.

163 I think in the packet, particularly the plat,
164 is of interest, because it shows if it weren't for the
165 utility easements, I believe this addition could
166 actually be placed in a location that would not trip
167 into the rear setback.

168 Having said that, I think I'll defer to the
169 applicants and their presentation and we're available
170 for questions.

171 MR. JONES: Thank you.

172 Please.

173 MS. OGDEN: I think we're basically just
174 asking for a rear yard reduction of three feet in order
175 to produce a logical-looking addition on the top of our
176 house.

177 As John has pointed out, we have provided
178 statements of support from all of the surrounding
179 property owners.

180 I mean, the lot itself is really the hardship
181 because of the unique nature of it, plus the utility
182 easements.

183 So I think we're happy to answer any questions
184 you guys might have about what we intend to do.

185 MR. JONES: Thank you.

186 With that, we're going to my colleagues for
187 any questions.

188 MR. BARTLETT: I would just say thank you so
189 much for this extensive packet of information trying to
190 justify what you're looking for and the drawings and the
191 research you've done and the outreach to your neighbors
192 especially.

193 I have a question about these -- maybe you can
194 discuss your planning versus what you're restricted by,
195 specifically the various utility easements and your
196 conversations with the City, if you've had any, and how
197 that sort of directed where you felt you could actually

198 build on your property because of it, one, two, three
199 easements that are on your property.

200 MS. OGDEN: So I believe our architect reached
201 out to somebody at the City inquiring about those
202 utility easements and was basically told there's no
203 indication that the City's going to abandon those.

204 So what we're trying to do is reasonably
205 expand the natural footprint of the house. I think we
206 included an existing layout of the house in there. And
207 so we're just trying to build off the back of the house
208 and expand those spaces so that we can modernize it for
209 the way families live now, which is not obviously the
210 way families lived in 1950 when that house was built.

211 You know, not looking to do palatial additions
212 like some of these McMansions, just trying to do
213 something that's -- allows for a reasonable floor plan
214 that people can actually live in, instead of being
215 squished on top of each other.

216 MR. BARTLETT: Technically, you couldn't go,
217 if you're looking at the house, you couldn't go
218 left-right because of --

219 MS. OGDEN: The utility easements.

220 MR. BARTLETT: The easement.

221 MS. OGDEN: Yeah.

222 MR. BARTLETT: But it prevented you from
223 drawing or coming up with a scenario that way but you
224 could go, to satisfy your planning, you need to go just
225 a little bit further back to fill in that needed space,
226 is that what you're saying?

227 MS. OGDEN: Yeah. So currently we do have a
228 sun porch back there that's a depth of 12 feet.
229 Unfortunately we've tried many different designs that
230 would work within the 12 feet and it just creates
231 basically either a galley kitchen or a seating area and
232 a living room where the couches would face each other
233 and it's just like basically on top of each other.
234 There's no real living space. It would just be a very
235 awkward addition.

236 I think anyone who would walk into it, would
237 be like, why did you spend all this money to have this
238 tiny little space on the back of your house.

239 So the architect determined that the least
240 amount of reduction we would need in order to make it
241 liveable would be three feet. That's why we're only
242 asking for the three feet.

243 MR. BARTLETT: Thank you.

244 MR. MISLEH: That expansion is only a single
245 story?

246 MS. OGDEN: Correct.

247

MR. OGDEN: Correct.

248

249

250

MR. MISLEH: For the aerial view for the existing home and the addition, in that overhead view, is the addition part sort of the white --

251

MR. OGDEN: The light part.

252

253

MS. OGDEN: Yes. Sorry. It's not entirely clear.

254

MR. MISLEH: Thank you.

255

256

MR. OGDEN: And then you had an additional statement of support, right?

257

MS. OGDEN: Yeah.

258

259

260

261

MR. BARTLETT: When you reached out to your neighbors, did any of your neighbors provide any concern or discontent with your plans? I see letters of support, just making sure.

262

263

264

MS. OGDEN: No, so their only concern was that you wouldn't grant the variance and somebody would come in and knock our house down and build a McMansion.

265

266

267

We actually have an additional support. It's not from an adjoining neighbor but everyone else was very much in favor of this plan.

268

MR. BARTLETT: Thank you.

269

270

MR. JONES: Any other questions upon this?

(No response.)

271 MR. JONES: We'll have a motion on -- sorry.
272 If you are done with your presentation, we'll just
273 discuss it real quick.

274 MS. OGDEN: Yeah.

275 MR. JONES: John, real quick, a procedural
276 question for you.

277 MR. BARTLETT: Regarding conditioning a
278 variance to a particular property owner and structure, I
279 think to your point is one of the concerns of the
280 neighbors was the issue, this variance, does the
281 variance run with the land, and basically if you sold
282 your house, would that variance exist for that next
283 property owner to tear the house down and utilize that
284 variance. So can we --

285 MS. OGDEN: Sorry, that wasn't their concern.
286 I maybe phrased that incorrectly.

287 I think their concern is that if we don't do
288 the addition, our house would be prime to just tear down
289 and build a McMansion. But if we did the addition, then
290 it's liveable for another family and no one would come
291 and build something taller or larger.

292 Does that make sense?

293 MR. MISLEH: It's the same question, can you
294 limit the variance to this expansion project?

295 MR. BOYLE: Yes, this Board has done that in the
296 past. And that is a concern. If a variance were
297 granted on a nonconforming lot and the house were
298 demolished, the variance would go away.

299 But for a lot of this size, it's conceivable a
300 future owner could use this variance to build to.

301 So, yes, you could condition it to these
302 applicants, this application number. Something of that
303 nature.

304 MR. BARTLETT: Thank you.

305 MR. BOYLE: Yes, sir.

306 (Discussion among Board members.)

307 MR. JONES: I think with that, we'll close our
308 discussion.

309 Is there a motion on the application for
310 variance V1610-19?

311 MR. BARTLETT: I'll make a motion to approve
312 variance application V1610-19 by David Ogden, applicant
313 and owner, for a variance to Section 48-238(3)a, to
314 allow a rear yard setback of 37 feet instead of 40 feet,
315 exclusively for the purpose of expansion of David
316 Ogden's property -- no. Strike that.

317 Exclusively for the purpose of expansion of
318 610 Oak Haven Drive, RPC 51-121-053 of the Falls Church

319 Real Property Records, zoned R-1A, Low Density
320 Residential.

321 MR. MISLEH: I'd like to amend that to add:
322 Consistent with the single story expansion as described
323 in the application.

324 MR. JONES: Do I have a second?

325 MR. KIEN: I'll second.

326 MR. JONES: Roll call please.

327 RECORDING SECRETARY: Mr. Jones.

328 MR. JONES: Yes, in accordance with the
329 conditions outlined by Mr. Misleh.

330 RECORDING SECRETARY: Mr. Misleh.

331 MR. MISLEH: Yes.

332 RECORDING SECRETARY: Mr. Bartlett.

333 MR. BARTLETT: Yes.

334 RECORDING SECRETARY: Mr. Kien.

335 MR. KIEN: Yes.

336 RECORDING SECRETARY: Thank you.

337

338 MS. OGDEN: Thank you.

339 MR. JONES: Congratulations and good luck with
340 your property.

341 MS. OGDEN: Thanks.

342

343 b. Variance application V1611-20 by Mill Creek
344 Residential Trust, applicant, for a variance to Section
345 48-1265 to allow the following:
346 1) Section 48-1265(1), to allow three (3)
347 wall signs instead of two (2);
348 2) Section 48-1265(1)a, to allow a total wall
349 sign area of 144 (rounded up) square feet instead of 50
350 square feet;
351 3) Section 48-1265(2), to allow two (2)
352 projecting signs instead of one (1);
353 4) Section 48-1265(2)a, to allow a total
354 projecting sign area of 303 (rounded up) square feet
355 instead of 20 square feet;
356 5) Section 48-1265(2)b, to allow placement of
357 projecting signs to extend above the lower sill line of
358 the second floor windows, and to project 16 feet from
359 the building instead of 4 feet.
360 6) Section 48-1265(10), to allow five (5)
361 building identification signs instead of one (1), with a
362 total sign area of 368 square feet instead of 80 square
363 feet, to be partially composed of non-individually
364 stylized lettering, and for two (2) of such signs to be
365 mounted on a non-street facing side of the building, on
366 premises known as 110 Founders Avenue, RPC #51-222-001

367 of the Falls Church Real Property Records, zoned B-1,
368 Limited Business.

369 Prior to the BZA public hearing, this item
370 will be reviewed at a public meeting by the
371 Architectural Advisory Board (AAB) on February 5, 2020,
372 for recommendation to the Board of Zoning Appeals.

373

374 MR. JONES: The next item under New Business
375 is Variance application V1611-20 by Mill Creek
376 Residential Trust, applicant, for a variance to Section
377 48-1265 to allow the following:

378 1) Section 48-1265(1), to allow three (3)
379 wall signs instead of two (2);

380 2) Section 48-1265(1)a, to allow a total wall
381 sign area of 144 (rounded up) square feet instead of 50
382 square feet;

383 3) Section 48-1265(2), to allow two (2)
384 projecting signs instead of one (1);

385 4) Section 48-1265(2)a, to allow a total
386 projecting sign area of 303 (rounded up) square feet
387 instead of 20 square feet;

388 5) Section 48-1265(2)b, to allow placement of
389 projecting signs to extend above the lower sill line of
390 the second floor windows, and to project 16 feet from
391 the building instead of 4.

392 And the last item is 6) Section 48-1265(10),
393 to allow five (5) building identification signs instead
394 of one (1), with a total sign area of 368 square feet
395 instead of 80 square feet, to be partially composed of
396 non-individually stylized lettering, and for two (2) of
397 such signs to be mounted on a non-street facing side of
398 the building, on premises known as 110 Founders Avenue,
399 RPC #51-222-001 of the Falls Church Real Property
400 Records, zoned B-1, Limited Business.

401 And just a note to that, John, did you confirm
402 that this was, in fact, reviewed at a public meeting by
403 the Architectural Advisory Board on February 5th?

404 MR. BOYLE: Yes, sir, and you should have a
405 recommendation from that Board. You should have that in
406 front of you.

407 MR. JONES: Yes, I'm see that. Thank you.

408 John, if you don't mind reading off of the
409 report.

410 MR. BOYLE: Yes, sir.

411 As this Board has seen in the past with the
412 recent construction of the larger buildings constructed
413 by way of special exceptions, we have found that the
414 sign ordinance which really arose in the 1950s and 60s
415 and amended in the 1980s, does not take into
416 consideration the mass of these buildings.

417 This particular site will be the largest
418 development in the City when it's completed.

419 That issue with Code, not taking into
420 consideration the size of these buildings, plus a
421 feature of the zoning ordinance that allows this Board
422 to consider variances for signs at a lesser threshold,
423 than the burden is placed on other commercial
424 residential variances, it's more of a conversation about
425 what fits, what works with the intent of the ordinance
426 in the neighborhood and what have you.

427 Those two factors I think are worth
428 considering as you hear this presentation from the
429 applicant tonight.

430 At first glance, it's a lot of variances
431 they're asking for, a lot of signs, but again, given the
432 scope of this building, it does not appear to be out of
433 scale or contrary to the intent of the ordinance as far
434 as impacts on the community and the neighborhood.

435 You should have quite a packet of information
436 in front of you that has some staff letterhead at the
437 beginning, recommendations from staff, from the Planning
438 Director, as well as Akida here, her function as a
439 planner and deputy zoning administrator.

440 You have a table that summarizes very nicely
441 the application that's being heard tonight. This was
442

443 put together by Akida which is I think a remarkable
444 summary of some very complicated information and
445 numbers.

446 Some of this has changed slightly in that one
447 of the wall signs is now becoming a building
448 identification sign. We can explain that very detail
449 when we get to that portion.

450 But this table lays out what the Code allows,
451 what's being asked for, and a description of the
452 variance. That's very helpful.

453 Then you've got a communication from the
454 applicant and a diagram of the property showing the
455 actual location, placement of each of these signs.

456 You can see the scope of this project which is
457 currently under construction and going up quickly at the
458 corner of West and Broad.

459 Then you've got several pages of color
460 renderings showing the signs themselves and where
461 they're being placed on the buildings and on the
462 property. And you'll note these signs range, everything
463 between simple vehicle directional signs all the way up
464 to very, very large building identification signs. So
465 quite a variety of signs being encompassed by this
466 application.

467 I think the applicant can explain better than
468 I just how much scrubbing this project has gone through
469 with public hearings and meetings with the neighbors,
470 and work sessions with Council and Planning Commission
471 and Architectural Advisory Board.

472 So what you have before you now is kind of the
473 icing on the cake. They've been through a hard road and
474 now they're just here to get the signage that they feel
475 is necessary for this building.

476 With that, we'll defer to the applicant's
477 presentation.

478 MR. JONES: Thank you, Mr. Boyle. Again, a
479 nice job on this. This was very thorough and well done.

480 With that, sir, if you wouldn't mind, stating
481 your name for the record and you may begin your
482 presentation.

483 MR. MUFFLER: Sure. Absolutely. My name is
484 Gerald Muffler. I'm with Mill Creek Residential Trust.
485 We are the project owner and developer of Founders Row.

486 And that's a hard act to follow. I really
487 appreciate the support and the introduction there. I
488 think they really set the stage for kind of what we're
489 requesting here tonight.

490 I do have a presentation that we can go
491 through fairly quickly. I think it's fairly

492

493 self-explanatory, especially given that everything is
494 right there.

495 Really what this presentation is, is a
496 comparison of what we're proposing today versus what
497 was, as Mr. Boyle pointed out, disgust ad nauseam
498 throughout the public process and the three years it
499 took to go through all the approvals for this.

500 Signage specifically was debated and
501 questioned and negotiated over and over again with
502 neighbors, with Councils, with commissions. Quantities,
503 location, some people wanted more, some people wanted
504 less, here, there.

505 So again, we'll go through it. You'll see
506 that what we're proposing today, with the exception of a
507 few small ones, is very much in line with what was
508 approved with the site plan, having gone through Council
509 and Planning Commission.

510 If you look at the screen right now, what
511 you're seeing right now, this is kind of our best
512 rendering if you're standing on Broad Street looking at
513 where the entrance to the project will be, at the main
514 entrance of Founders Avenue.

515 You can see a lot of the signage I'm talking
516 about in kind of a 3D form, with the blade signs, you've
517 got the logos on the buildings that identify what the

518 buildings are, and we'll go through and talk about that
519 a little bit more in detail.

520 So if you don't mind, Akida.

521 It would be a page down.

522 So the signage map you've already seen so you
523 can go to the next one.

524 MR. BARTLETT: Can you go back one. I want to
525 ask questions.

526 MR. MUFFLER: Sure.

527 MR. BARTLETT: These are comparative to
528 Attachment 1 that you put together, Akida.

529 MS. ROUZI: Yeah.

530 MR. BARTLETT: So these are labeled, the
531 signs, where they are, what ones are actually going to
532 request a variance and which ones are by-right. Is that
533 correct?

534 MR. MUFFLER: Yes. I think so.

535 MR. BARTLETT: We need to go back and forth, I
536 know this might be annoying.

537 MR. MUFFLER: Whatever you need.

538 MR. BARTLETT: But A is that big Founders Row.

539 MR. MUFFLER: Yeah, the two As are vertical
540 blade signs, one internal and one external.

541 MR. BARTLETT: There's two.

542 MR. MUFFLER: Yeah, there's two. There's one
543 on the bottom left corner, if you will, along Broad
544 Street, and there's one internal on the Founders Avenue
545 itself.

546 MR. BARTLETT: I see. It's the actually sign
547 on these drawings in here.

548 MR. MUFFLER: Correct.
549 We'll go through all the allegations.

550 MR. BARTLETT: Right, I wanted to understand
551 what I'm looking at.

552 MR. MUFFLER: Absolutely. Happy to go through
553 them.

554 MR. BARTLETT: Thank you.

555 MR. MUFFLER: No, of course.

556 This elevation right here is if we're standing
557 on Broad Street to the right of Founders Avenue, so this
558 is the southeast, if you will, portion of the project.

559 Again, remember there's essentially three
560 buildings. Two of the three are connected, the other
561 one is stand alone which is the active adult building.

562 So what this building is looking at right
563 here, is there's two entrances to parking, one is off of
564 Broad Street, so we've got a parking sign there. We've
565 got a Founders Row blade sign which is internal on the
566 project on the Founder's Row side, so as you enter the

567 project or as you're coming down Broad, you're able to
568 see where you're pulling into, and the third sign here
569 is the Mill Creek, our brand for our apartment
570 communities is the Modera brand. This is our logo.

571 If you go to Mosaic, Avenue Place, any number
572 of communities in the area that we've developed, you'll
573 see the Modera M.

574 So the Modera M is the only sign -- actually
575 if you flip to the next elevation, the only sign that
576 we're proposing that's new from the Planning Commission
577 and that's just because otherwise it's very difficult to
578 understand maybe what the relationship of these
579 buildings are as you're coming down Broad. It's 322
580 apartments and we want to make sure people understand
581 what they're looking at.

582 So as you can see the original elevations,
583 you're got the Founders Row blade sign and you've got
584 the parking sign.

585 MR. MISLEH: May I stop you?

586 MR. MUFFLER: Yeah, of course.

587 MR. MISLEH: You said the Modera M is the only
588 new sign?

589 MR. MUFFLER: On that elevation, sorry.

590 MR. BARTLETT: Is that the same view?

591 MR. MUFFLER: Same view.

592 MR. BARTLETT: Is the updated view going to be
593 -- this is not a BZA question. If you go back to your
594 updated view.

595 MR. MUFFLER: We do not have the retail.

596 MR. BARTLETT: Is it going to look like that?

597 MR. MUFFLER: No. I would not assume that
598 those would be the colors anyone chose.

599 So we do have retail storefront design
600 guidelines.

601 MR. BARTLETT: I didn't want to begrouse,
602 saying, we're going to see Blade Runner walls on Broad
603 Street.

604 MR. MUFFLER: No, it will active -- if you've
605 been to Mosaic District --

606 MR. BARTLETT: Yeah, yeah.

607 MR. MUFFLER: Same guidelines. Same
608 guidelines as Mosaic. So you'll have those kind of
609 active, unique storefronts, but not looking like they're
610 out of Blade Runner or something.

611 MR. BARTLETT: Thank you.

612 MR. MUFFLER: Of course.

613 If you flip to the next elevation, I think
614 this is the second side of Broad Street. This is now
615 the stand alone building to the left of Founders Avenue,
616 so southwest corner. Again, you've got the one blade

617 sign here, so as you're coming east-west on Broad
618 Street, again it's indicating what you're looking at.
619 And then very, very small.

620 The entrance to that age-restricted building
621 is actually internal to the project. So, a lot going on
622 in that space. You've got the Market Square, you've got
623 all the retail, you've got 400 apartments. We're just
624 asking for a sign that indicates where to go to enter
625 into that building.

626 If you flip to the next elevation, this is
627 what was approved. Again, blade sign, and you're going
628 to have that little hanging sign but that's more of a
629 directional.

630 This is the east elevation, so this is if
631 you're standing at St. James looking east on the
632 building or coming west on Broad Street. It's a tower
633 logo.

634 What you see in that big blank box right
635 there, kind of to the right where it's the checkerboard
636 pattern, that's actually a mural that will be going in.
637 That is a whole separate conversation and separate
638 process that we'll be going through after we go through
639 the signage process. So that's just checkerboard for
640 placeholder.

641 MR. BOYLE: And that's the projection of a
642 movie theater, correct?

643 MR. MUFFLER: Correct. The movie theater
644 cantilevers like 12 feet I think.

645 So this Board heard a variance request
646 regarding that. So now you see the work from that
647 process actually being put into plans.

648 Correct. And then that's the original
649 approved. Which was again, placeholder for the art on
650 the movie theater and the logo up on the tower.

651 These are now all internal to the site, and
652 frankly we went through the site plan, we didn't really
653 have a ton of elevations internal. So this is all on
654 Founders Avenue. Here you can see we've got a loading
655 dock. This is facing west, if you're on Founders
656 Avenue, facing west. You've got a loading dock. You've
657 got one tower logo.

658 You can go to the next one. This is now
659 facing east towards the main building, the main
660 residential building. We have a canopy sign that we're
661 proposing, again Modera Founders Row will be the name of
662 the main apartment building. You have another parking
663 entrance.

664 The blade sign that we first showed on the
665 first side is also there, but it's just not
666 highlighted. It's where we showed it.

667 And then the third angle from the interior,
668 this is now facing south, this is the age-restricted
669 sign and then the directional that was proposed earlier.

670 It should be noted, that unlike -- this would
671 be Mill Creek's first active adult property. We are
672 creating a brand for that similar to what we've created
673 for Modera. So that's why this is a placeholder, in
674 terms of the sign will say age-restricted sign, it will
675 say whatever the brand is on that sign, but that
676 location, dimensions, etcetera.

677 Literal is better in marketing but maybe not
678 that literal.

679 And then last elevation again, second part of
680 the tower logo facing north from the Market Square.

681 One more, this was the only approved
682 elevation, internal, which again just shows that logo on
683 the tower.

684 And that might be it. If you go down another
685 one. This is just showing another rendering internal to
686 Market Square. The building, the kind of clear
687 storefronts on the corner, that's the entrance to the
688 age-restricted building. And then Market Square.

689 So again, a lot of information, a lot of
690 signage. This is a four and a half acre site. Signage
691 is crucial in a development like this to make sure that
692 you have people coming from out of the City to see this.

693 Again, neighbors, signs were eliminated. Some
694 neighbors wanted movie theater signage everywhere. Some
695 neighbors wanted signage around the back but ultimately
696 this was kind of the package as determined through all
697 the Council's, Commissions, meetings that would be
698 appropriate for a project of this size.

699 I'll be happy to answer any questions you guys
700 have.

701 MR. KIEN: I have a question. If I'm reading
702 the plan right, there are no signs on North West Street
703 and Park Avenue, is that right?

704 MR. MUFFLER: That's correct. These are
705 facing the neighborhood. We had signage and it was
706 ultimately reduced.

707 Now Founders Avenue connects essentially
708 north-south with North West Street as it turns the
709 corner. So as you're coming south on North West Street,
710 say from McLean or from North Falls Church, you will see
711 that Founders Row blade sign.

712 Well, actually that's not true. You won't see
713 that because there's a bridge going there. I'm just
714

715 thinking out loud. So there's not really much signage
716 there, coming from that way. You won't be able to
717 mistake the project in front of you though.

718 MR. MISLEH: So, Mr. Muffler, you made a few
719 comments that this has already been approved or this was
720 what was contemplated through the Planning Commission.

721 MR. MUFFLER: Correct.

722 MR. MISLEH: What here specifically is
723 different that they didn't contemplate in that package?

724 MR. MUFFLER: The Modera M is the only
725 external logo that was not shown, as you can see on the
726 elevations. It was never discussed. Again, nothing was
727 shown internal so like our canopy signage was never --
728 it was just assumed. So it's really that Modera M is
729 the only thing.

730 Speaking with the AAB, I think from an
731 architectural perspective, they were fine with it, given
732 the height.

733 But it's an opportunity to show, like, hey,
734 this is where the apartment buildings are.

735 MR. MISLEH: And the lit blade signs were in
736 the original packet?

737 MR. MUFFLER: Correct.

738 MR. BOYLE: A question if I could. Are the
739 large blade signs internally lit or are lights shining
740 on them?

741 MR. MUFFLER: No, everything is internally
742 lit. In fact, I think these drawings, if not they're in
743 the -- yeah, so the shop drawings do kind of show, blade
744 sign, push through acrylic, internal LED lighting. So
745 if you flip through it, it'll show you how they're doing
746 it.

747 MR. BARTLETT: I just have one question about
748 the New Modera sign. Is it lit or is it just a black M?

749 MR. MUFFLER: No, it's lit.

750 MR. JONES: Can you speak a little bit about
751 the Modera signage logo, on how the size of it was
752 determined in relation to the building.

753 MR. MUFFLER: There's no real science behind
754 it, it's more art. Engaging a signage designer to say
755 what would fit in this space without being ostentatious
756 or overwhelming. Relationally, that's what it would
757 look like. So it's more just how it felt.

758 MR. MISLEH: John, did you say there was a
759 letter from the AAB in this packet or just a
760 recommendation to them?

761 MR. BOYLE: Just the recommendation. Their
762 letter back to this Board.

763 MS. ROUZI: Their recommendation on the
764 variance. And they recommended approval of the variance
765 to the Board of Zoning Appeals.

766 MR. BOYLE: Do you have that?

767 MR. MISLEH: I think I'm missing that page.

768 MS. ROUZI: Here, I have a copy.

769 MR. MISLEH: Oh, I got it.

770 MS. ROUZI: Mr. Misleh, there's also a letter
771 from the Planning Director supporting the application.
772 Do you have that?

773 MR. MISLEH: I saw that. Thank you.

774 MR. JONES: All right. Do we have anymore
775 questions from the Board?

776 With that, we'll close the presentation and
777 we'll discuss internally. Thank you for your
778 presentation.

779 MR. MUFFLER: Thank you.

780 MR. MISLEH: So I'd just like to say I think
781 it's pretty straightforward and I don't see anything
782 that would limit us from approving this package.

783 MR. JONES: I tend to agree and I appreciate
784 the fact that there's no lighted signage on the west and
785 closer to the residential area side. I appreciate that.
786 But I don't have any comments or questions.

787 MR. BARTLETT: I would second all those
788 statements as well, but I would also like to thank you
789 for the cleanliness and the appropriateness of the use
790 of signage. I know there's a lot of interpretations
791 about what's appropriate but I feel like you've done a
792 great job of creating an appropriate blend of size and
793 space with the signage.

794 MR. MUFFLER: Thanks.

795 MR. BOYLE: Mr. Chair, if I could ask a
796 question of the Board. Does the Board have a preference
797 as far as limiting these variances to what's proposed
798 tonight or is there flexibility in allowing, say, a
799 swap-out for future tenants?

800 It doesn't happen often but buildings get
801 purchased and the names get changed. Do you want to see
802 that those future owners and applicants come back before
803 you or can we use -- can staff have discretion to
804 replace them as they're mounted in the dimensions that
805 they're presented tonight?

806 Does the Board have a preference on that?

807 MR. JONES: I think we can just take a moment
808 and discuss.

809 MR. KIEN: I don't really think it's
810 consistent with what we approve tonight.

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MR. BARTLETT: We're going to deal with swap-out design here, the colors they choose.

MR. MISLEH: It's more of a logo. They're talking about the canopy name, you're not going to replace. The blade sign, that brand is not going to change. I wouldn't assume down the road it would change, even though you changed ownership. Where there's exposure is in the canopy and the logo, the Modera logo.

MR. MUFFLER: One wouldn't think so but, yeah.

MR. MISLEH: So I'll do whatever you guys think.

MR. BARTLETT: I'm not sure if that's a consistent path for the BZA to provide future protection from requests for variance in the future for new owners.

So, if there's a new request that comes in for a change in sign or a new sign, it won't be a burden to the BZA in the future. So I'd rather not have to add that layer of complexity, even though it's not that complex.

MR. JONES: I agree with Mr. Bartlett. I don't think it would be too difficult to look at any different signage that would be proposed in the future.

834 MR. BOYLE: Okay. It would be helpful to
835 staff if you would condition this approval on this
836 presentation for this evening though.

837 MR. JONES: We can do that.

838 MR. MISLEH: So when we make the motion, John,
839 do we have to read all six of these items or are we just
840 making the motion on the variance application number?

841 MR. BOYLE: On something that's this lengthy,
842 you usually make a motion to have staff add the item to
843 the record, having quoted in the record. So, as listed
844 in this application, that text will be added to the
845 record.

846 And we can also -- we do it already but you
847 can refer directly to the presentation, the application
848 that was made tonight.

849 So, As described in the agenda and as
850 presented in the applicant's materials, something like
851 that.

852 MR. MISLEH: Okay. I make a motion to approve
853 variance application V1611-20 by Mill Creek Residential
854 Trust, applicant, for variance to Section 48-1265 to
855 allow the following six items as described in the agenda
856 for the regular meeting of the Board of Zoning Appeals
857 on February 13, 2020, at 7:30 p.m.

858 And further, consistent with the package
859 provided by the applicant in a letter dated January 16,
860 2020, to John Boyle, zoning administrator.
861 MR. JONES: Do I have a second?
862 MR. BARTLETT: I'll second that motion.
863 MR. JONES: Roll call please.
864 RECORDING SECRETARY: Mr. Jones.
865 MR. JONES: Yes.
866 RECORDING SECRETARY: Mr. Misleh.
867 MR. MISLEH: Yes.
868 RECORDING SECRETARY: Mr. Bartlett.
869 MR. BARTLETT: Yes.
870 RECORDING SECRETARY: Mr. Kien.
871 MR. KIEN: Yes.
872 RECORDING SECRETARY: Thank you.
873 MR. JONES: Thank you very much. Good luck
874 with your project.
875 MR. MUFFLER: Thank you.
876
877 d. Election of Officers
878 MR. JONES: Based on my colleagues'
879 anxiousness, if there are no objections I think we have
880 to have a motion on deferring election of officers. I
881 think it might be helpful to have Mr. Calabrese present
882 for any election of officers.

883 So I would speak with my colleagues and see if
884 there's any recommendation as to postpone the election
885 of officers to the March 12th meeting of the Board of
886 Zoning Appeals.

887 MR. MISLEH: I agree.

888 MR. KIEN: I agree.

889 MR. JONES: We have a proposal to move the
890 election of officers for the Board of Zoning Appeals to
891 the March 12, 2020, meeting.

892 Akida, can we have a roll call please.

893 RECORDING SECRETARY: Sure.

894 Mr. Jones.

895 MR. JONES: Yes.

896 RECORDING SECRETARY: Mr. Misleh.

897 MR. MISLEH: Yes.

898 RECORDING SECRETARY: Mr. Bartlett.

899 MR. BARTLETT: Yes.

900 RECORDING SECRETARY: Mr. Kien.

901 MR. KIEN: Yes.

902 RECORDING SECRETARY: Thank you.

903

904 e. 2020 BZA Annual Calendar

905 MR. JONES: I think the last two items are the
906 Annual Calendar which everybody has been provided. I
907 don't know if we need to do anything with that.

908

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6. Approval of Minutes

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a. Approval of the October 17, 2019 Meeting Minutes.

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MR. JONES: With that, we'll approve the minutes of October 17, 2019.

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We can take five minutes to read through it and then we can move to approve it.

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(Minutes reviewed.)

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MR. BARTLETT: I move to approve the minutes of the October 17, 2019, minutes of the Board of Zoning Appeals.

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MR. JONES: Do I have a second?

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MR. MISLEH: I second.

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MR. JONES: Roll call please

922

RECORDING SECRETARY: Sure.

923

Mr. Jones.

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MR. JONES: Yes.

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RECORDING SECRETARY: Mr. Misleh.

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MR. MISLEH: Yes.

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RECORDING SECRETARY: Mr. Bartlett.

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MR. BARTLETT: Yes.

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RECORDING SECRETARY: Mr. Kien.

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MR. KIEN: Yes.

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RECORDING SECRETARY: Thank you.

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7. OTHER BUSINESS

MR. JONES: I don't believe we have any Other Business.

MR. BOYLE: If the Board wanted to consider, we usually also approve the Rules of Procedure for the BZA and we'd offer that under Other Business for the Board to either review and approve or continue that also to the next meeting.

MR. JONES: Have there been any substantial changes since the last?

MR. BOYLE: No.

MR. JONES: I'll speak to my colleagues but I don't have any objections to approving the Rules of Procedure.

MR. MISLEH: I move to approve the Rules of Procedure for the Board of Zoning Appeals for Falls Church, Virginia, based on the draft dated February 13, 2020.

MR. KIEN: Second.

RECORDING SECRETARY: Mr. Jones.

MR. JONES: Yes.

RECORDING SECRETARY: Mr. Misleh.

MR. MISLEH: Yes.

RECORDING SECRETARY: Mr. Bartlett.

MR. BARTLETT: Yes.

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RECORDING SECRETARY: Mr. Kien.

MR. KIEN: Yes.

RECORDING SECRETARY: Thank you.

MR. JONES: Gentlemen and Akida, I don't believe we have any Other Business. We moved the election of officers to the March 12th meeting. I'm not aware of any Other Business.

MR. BOYLE: No, sir. Motion to adjourn.

8. ADJOURNMENT

MR. JONES: Do I have a motion to adjourn?

MR. KIEN: Motion to adjourn.

MR. BARTLETT: I'll second that motion.

MR. JONES: Roll call.

RECORDING SECRETARY: Mr. Jones.

MR. JONES: Yes.

RECORDING SECRETARY: Mr. Misleh.

MR. MISLEH: Yes.

RECORDING SECRETARY: Mr. Bartlett.

MR. BARTLETT: Yes.

RECORDING SECRETARY: Mr. Kien.

MR. KIEN: Yes.

RECORDING SECRETARY: Thank you.

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MR. JONES: With that we will conclude the

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February 13, 2020, Board of Zoning Appeals.

984