

REGULAR MEETING OF THE BOARD OF ZONING APPEALS

Community Center, Teen Center

223 Little Falls Street

Falls Church, Virginia 22046

June 14, 2018

7:30 p.m.

1. CALL TO ORDER

MR. SPROUSE: Calling to order the meeting of the June 14th meeting of the Falls Church City Board of Zoning Appeals.

Can I have a roll call.

2. ROLL CALL

RECORDING SECRETARY: Mr. Williamson.

Absent.

Mr. Calabrese.

Absent.

Mr. Jones.

Absent.

Mr. Sprouse.

MR. SPROUSE: Here.

RECORDING SECRETARY: Mr. Misleh.

MR. MISLEH: Here.

RECORDING SECRETARY: Mr. Bartlett.

MR. BARTLETT: Here.

RECORDING SECRETARY: Thank you.

3. PETITIONS

MR. SPROUSE: So before we get to New Business, are there any Petitions?

MR. BOYLE: No, sir.

4. OLD BUSINESS

MR. SPROUSE: Is there any Old Business before the Board today?

MR. BOYLE: No, sir.

5. NEW BUSINESS

a. Variance application V1600-18 by Roy Wingrove, applicant and owner, for a variance to Section 48-238(3)(a) to allow (1) a front yard setback of 22 feet instead of 30 feet, and (2) a rear yard setback of 20 feet instead of 22.15 feet for the purpose of constructing a 2.5 story addition on premises known as 107 Jackson Street, RPC #52-501-040 of the Falls Church Real Property Records, zoned R-1A, Low Density Residential.

MR. SPROUSE: So the New Business is the variance for this application from Roy Wingrove.

Is there a comment from Zoning Administration?

MR. BOYLE: I'd just say that this was an item continued from the last meeting. It's Variance V1600-18 for a variance to allow (1) a front yard setback of 22 feet instead of 30 feet, and (2) a rear yard setback of 20 feet instead of 22.15 feet for the purpose of constructing a two and a half story addition on the premises known as 107 Jackson Street.

As I said, this was before the Board twice now and the Board, at the last meeting in particular, was requesting additional information and as we discovered, there appeared to be an issue with the amount of building coverage.

The applicant has submitted a couple of additional items and a clarification. You should have in your packet a document signed by several of the neighbors expressing support for the application.

Staff did go over the submission that you've received and we've confirmed that the building coverage now complies. They've reduced the proposed structure somewhat. So the total coverage is under the 25 percent maximum and they've also reduced the height to the maximum of 25 feet. And that's shown on the elevation and the plans that accompany your packet.

With that, I think given the number of Board members present, we should on the record give the applicant the opportunity to continue this evening or continue to a later meeting and explain the issues of how many votes -- on the record how many votes are required to carry the question.

MR. SPROUSE: Mr. Boyle, can you explain to the applicants the quorum and the voting requirements.

MR. BOYLE: Yes. A full Board is, I'm restating this for the record, for the minutes. A full Board is five members. We have three present. By Code and by their Rules of Procedure, it takes three affirmative votes to approve whatever the motion happens to be. So, motion to approve, motion to deny, it takes three votes.

So for your interest, you need to get three affirmative votes here tonight to get the variance that you're seeking. A 2-1 vote is a denial of the application.

And you have the option to request a continuation to the next meeting or continue with the hearing tonight.

So I think the Board needs to hear what your intent is.

MR. WINGROVE: Yeah, I would like to continue this evening.

MR. SPROUSE: You'd like to proceed this evening?

MR. WINGROVE: Yes, proceed, I'm sorry, this evening.

MR. SPROUSE: Swear him in then.

(Witness sworn.)

MR. BOYLE: Is there anyone else who intends to speak tonight?

(No response.)

MR. SPROUSE: John, I need the applicant to state his name.

MR. WINGROVE: Roy Wingrove.

MR. SPROUSE: Roy Wingrove. Okay.

MR. WINGROVE: Yes, sir.

MR. MISLEH: Mr. Wingrove, is anybody else in your party intending to speak this evening?

MR. BRONSTON: Yeah, I might speak. I'm David Bronston.

(Witness sworn.)

MR. BOYLE: Thank you, sir.

MR. MISLEH: Do we have a sign-in sheet?

MS. ROUZI: Yes, we've already got their signatures.

MR. DEARDOFF: I can do it just in case.

(Witness sworn.)

MR. SPROUSE: Could you state your name, sir.

MR. DEARDOFF: David Deardoff.

MR. BOYLE: We're going to repeat some things because the meeting secretary hears this only on the tape for the purpose of doing minutes. She's asked us to be clear about who's speaking. So that, plus the sign-in sheet will give her everything she needs to prepare the minutes for us. So if it sounds like we're repeating everything, that's why.

Hi, Ann.

MR. SPROUSE: All right. So the floor's yours.

MR. WINGROVE: So we made a lot of changes or some changes I should say.

Let me look at the sheet with the drawing out on it.

MR. MISLEH: Mr. Wingrove, before we get started, can we ask you to present your application as if we've never heard it before.

MR. WINGROVE: Absolutely. Yes, sir.

MR. MISLEH: That way, you can bring us up to speed on why you feel that this is an approvable package.

MR. WINGROVE: Absolutely.

The lot size of this particular lot where this house is set at is a substandard lot. And any improvements that I would like to do to the property would require a variance; whether I wanted to add any addition of a garage, build a second level up, because the house already sits withinside those variances, I have to get a variance to do anything to the house whatsoever.

So the hardship that we're dealing with here is that this is a substandard lot. It's a very small lot. It's rotated 90 degrees in a long, rectangular fashion, versus depth, which is what a lot of the lots have, they're usually a lot deeper where a house could sit 25, 30 feet back.

This one is a very shallow lot. The entire lot depth is 73.8 feet. Where the house is currently sitting right now is 27.8 feet back.

I'm sorry. 20 --

MR. SPROUSE: 27.8.

MR. WINGROVE: Yeah, 27.8. That's the existing house. I'm sorry. So it's already 2.2 feet into the variance on the front.

The back is 2.15 feet into the variance, on the back side of the house. So, we're not looking to change anything on the back. The addition that we'll put is going to be in the same line with the rest of the house. So we're not going to encroach any further back than that 22.15 feet, so we're going to keep that the exact same.

We're going to add a porch to the front, which you can go all the way up to 8 feet in front of the setback. So since it's already 2.2 feet in front of the setback at this point, we would only have 5.8 feet to do the porch itself which would still be plenty for the porch that we want to put on there.

And then the garage is going to go horizontally in line with the porch itself, so it would also be at that 5.8 feet in front of what the existing structure is.

The side is not going to change on the -- I guess that's the north side, which is inside the setback area. So that's already in the setback area and not encroaching on the boundary line at all.

And then the other side where the garage addition is, we've shortened up the house so it's not even coming close to what the side setback is.

And then the final thing, we're not going up any higher than what we were. We're going to keep that at the 25 feet or less which is what the Code states that we can go to. So it will be under the 25 foot.

The house already has a half story level on the upper, for the second level, but it's got the angled walls in with the roof because it's the type of house that it is. We're going to straighten those walls out and just make it a full level on the second level there. And again, in order to do even just that, we still have to get the variance because it's already within the setback area.

This is what a similar style is that we're looking at. And I say similar, the garage is pulled forward just a little bit. There's the full second level. We're just not going to have all the A frames on there. We want to utilize and do an open floor plan in there. So, it's a similar style.

This house in particular sits behind where my house sits right now. So this is the exact house that's there. It's not going to be exactly the same but it's a similar style.

I did go around the neighborhood. I talked to both side neighbors next to me and both were in full agreement with it. The neighbor across the street was in full agreement with

it. The three neighbors behind me, including the lady that sent in the email, they were in full agreement with me as well with the setbacks, what I was asking for in the variance.

And the lawn is cut now. I hired a lawn service. I actually hired a lawn service on Monday and that didn't pan out. But that's been taken care of.

Any questions?

MR. SPROUSE: Turn to the Board, are there any questions for the applicant?

MR. BARTLETT: I have a couple of questions.

MR. WINGROVE: Yes, sir.

MR. BARTLETT: In the package on page A-2 and then based on the comments you just made, you stated that you are planning on building up the second floor into a full second floor; however your drawings show that you're actually doing a second floor and a half. Is that correct?

MR. WINGROVE: No. Originally we were looking at doing maybe a gable and doing a full gable up there which we've talked about that and maybe just doing two individual gables. But that's still only going to be just that one floor, eight foot ceilings.

MR. BOYLE: I might be able to speak to that a little in how the Code measures heights and stories.

On page A-2, you see the large window under the peak. That peak above is the main roof structure and building height

is measured by the midpoint between the ridge and the eaves. So if you took that peak and went left and right down to the bottom of the slope of that roof, it forms essentially a triangle. You take half the height of that triangle, it's going to fall roughly in the center of the window under the peak. That's where height is measured from.

And then the Code doesn't speak to any dormers, what have you, that might break that roof plane. Some jurisdictions have a limit about how wide a dormer could go before it interferes with that height measurement. Ours does not.

So what you're looking at with this proposal on sheet A-2 is a two story house and the height would be measured to roughly to the middle of that window. And that's what they're depicting.

I know there's a lot of dormers and eaves to look at but that's how we apply the Code to determine how many stories we had and what the height was.

MR. BARTLETT: I appreciate you going to your neighbors and discussing your project with them.

I'm looking at the language that you used, the top portion of this letter, that the setback request is for the garage addition and a full second story addition instead of the half story that's currently there.

I'm just looking at the package that you're submitting. It just looks like the original where you're having

the second floor and then an additional half story, so I'm trying to clarify whether you actually are planning on building just the second floor or --

MR. WINGROVE: Just the second floor.

MR. BARTLETT: -- and nothing above the second floor other than attic space.

MR. WINGROVE: Yeah, there's no way to build any half level up there that exceeds the 25 feet.

When I went and talked to the neighbors, I took this entire packet to the neighbors and showed them this. So I showed them, this was the plans. I went through and said this is where the existing structure is, this is the garage we're putting in. Showed them this picture here. Showed them the height of what we're looking at. Every one of these pages is what I showed them.

Some had more interest than others. Gary, right next door to me, he said that his concern was, Well, how high are you going to build this. I said, It's going to stay pretty much the same height that it's at now. It won't exceed 25 feet, the 25 foot height restriction. He was perfectly fine with that.

Same thing with the neighbors on the back. They really didn't have any concerns on it.

The neighbor that sent in the email, they were actually builders, and when I showed them these, they said, yeah, that makes perfect sense. I have no qualms with that.

MR. BARTLETT: In addition, I would just like to state that your variance application is to construct a two and a half story addition on this lot.

MR. WINGROVE: The variance application?

MR. BARTLETT: In our Agenda, your variance application that was publicly noted says the variance application V1600-18, continues through, "for a rear yard setback of 20 feet instead of 22.15 feet, for the purpose of constructing a 2.5 story addition on premises known as 107 Jackson Street.

MR. WINGROVE: Yeah. That can be scratched because it is only a two story. I think that was when we had talked originally maybe?

MR. BOYLE: Yeah, because you were widening the house plus going up.

MR. WINGROVE: Right.

MR. BOYLE: When we advertise these, we try and capture what the scope of what it is we're looking at. I agree, that can be read to mean we're going to drop two and a half stories on top of the existing but it was originally to capture the new ground level addition that was going up two and a half stories.

MR. WINGROVE: The height restriction wouldn't even allow for a half story there.

MR. BRONSTON: Can I add something? We've changed our focus in this design. First of all, this is a conceptual because we've really been kind of on hold until we see exactly what we can do. But we changed our focus.

MR. SPROUSE: Can you explain what you mean by conceptual on this? That's a little bit alarming to hear.

MR. BRONSTON: Well, it's not a fully developed design. We have changed our focus from trying to maximize square footage on the lot to building a quality and aesthetically-pleasing house.

So the third story or the additional level up top is not a strong requirement and it's really not even a part of the program anymore.

Also I might add, I believe this is a false dormer here.

MR. WINGROVE: Most of the dormers on a lot of these houses are false dormers. They're just there for aesthetics.

And the back one, we may put a dormer on there. But we may not. But it would probably not be an active dormer. If there was an active one, it would just be in the master bedroom where the master bath would be.

MR. SPROUSE: Going back to the presentation being conceptual, what would be different about A-2?

MR. WINGROVE: I think what he was saying there is that these drawings aren't to spec. These are just for example

purposes to get kind of an idea. We didn't actually draw up the blueprints yet because we don't know what the dimensions are that we're working with at this point. So these are just for, kind of presentation purposes.

But as stated, there is no half story going above the second story. It will be the first level and the second level only.

MR. DEARDOFF: If I might interject or clarify. The windows in the attic, they're strictly just for aesthetic purposes. They're not -- nobody's going to be living in there.

MR. SPROUSE: Right. But this isn't actually a plan that's coming to bear. This is a concept.

MR. DEARDOFF: Yes.

MR. SPROUSE: Okay.

MR. MISLEH: I'm sorry, what's your relationship to the project?

MR. DEARDOFF: Construction aspect of it.

MR. WINGROVE: Contractor.

MR. DEARDOFF: Contractor, yes, sir.

MR. BOYLE: It might be helpful if I added that the Code does allow up to two and a half stories but there is a height restriction because of the substandard nature. So if he could engineer something that would get two and a half stories in under 25 feet, that would be permissible and he's no longer asking for the height variance.

But our evaluation of what's been presented is that's not a proposed occupied half story up although he could conceivably do one.

MR. SPROUSE: That's right. But we're also talking about the aesthetic of the home and the justification for moving the garage forward beyond the existing setback or beyond the existing building. So it's a little misleading when we're presented with drawings that are conceptual.

MR. BRONSTON: Well, to answer your question --

MR. SPROUSE: I know that's not your intent.

MR. WINGROVE: I was not intending on being misleading at all.

MR. SPROUSE: I know.

MR. WINGROVE: I've been through this forward and backwards. We're trying to make sure every single thing on there to the numbers that were accurate.

I actually just told John that when you add up the numbers under the gross building area, the 1812, it's actually, when you add those numbers it's 1813 because of the rounding process.

MR. SPROUSE: That's right. But the variance in front of us right now would give you, that porch right now if we approve this variance as is, that porch right now could go away. It could be actual building construction and you could build

another porch beyond that because you'd be changing that setback line to match the garage.

MR. WINGROVE: Essentially that makes sense.

MR. SPROUSE: So that's why it's a little alarming when we look at variances compared to the design. Because when you look at the design and the aesthetic, you make a great argument. Okay, it makes sense. We're trying to build something that matches the neighborhood.

You've got a terrific picture here showing the neighbors' setback, if I can find it, and kind of showing where your existing house is versus the neighbors down the line.

MR. WINGROVE: Yes, sir.

MR. SPROUSE: But, again, when we're granting a variance or we're considering a variance, we're considering the plans in front of us. And what you just said is that these plans are not plans, they're concepts.

MR. WINGROVE: The whole idea with the garage in front, the addition on the back at the 7.8 feet by 22 feet, there's not a lot I can do with that.

MR. SPROUSE: Sure.

MR. WINGROVE: The only thing I can utilize that for is a mudroom or something like that. The idea was for the aesthetics of the garage being bumped forward. It's a very appealing aspect there. So that's why I did that that way.

MR. SPROUSE: Sure.

MR. WINGROVE: If the Board feels that having that option there, that I change the porch and make that living space because the variance is approved and that, I would be more than happy to eliminate the addition on the back and make the garage consistent with the rest of the front and the rear setbacks, where they're at now.

MR. SPROUSE: And, John, you can clarify if I'm wrong on this but I believe we actually have the ability as a Board to make a motion amending this motion to do something along the lines of requiring that porch or something like that, is that correct?

MR. BOYLE: Yes. Where this Board has done that very thing is where, say a house is in the front yard setback and the second story goes straight up, the question always comes, does that establish a new front setback from which a porch can project 8 feet in.

So the Board historically has wanted to know, are we moving the front setback for all intents and purposes for all other matters. And so usually the motion will state, you know, not to include any other projections into the front yard or as depicted in the plan. Something like that. That's a very good point.

MR. WINGROVE: So it would state basically except for the garage, no other setback is being approved for moving any further other than where the porch is at.

MR. SPROUSE: If a motion like that were made, would that be something you all could work with in terms of this footprint?

MR. WINGROVE: Absolutely.

MR. BOYLE: For staff purposes, that porch is covered with a roof. It would be helpful to know, would there be a restriction against enclosing that, a roof supported by columns or walls is considered the same as a room addition. This Board in the past has approved screened-in porches with conditions that they not be enclosed into four season heated spaces. Screened porch going up to a neighbor is not as much of an encumbrance as a full room addition.

So if the Board is considering something in that direction, what would be helpful to staff is whether or not this porch could ever be enclosed when the concept comes up for plans.

MR. WINGROVE: I would be okay with that, that exception being put in as well.

MR. BARTLETT: I would just like to say a few things.

MR. WINGROVE: Yes, sir.

MR. BARTLETT: I would like to say, one, that it seems that originally you were intending to come and seek a variance from the Zoning Code so that you could maximize your square footage as you have just stated a few minutes ago. And you then

said that you are instead trying to build a quality home based on the aesthetics of the home.

I don't think those two motivations are mutually exclusive. I feel that you've mentioned that you would like a garage in that it's appealing and that it's important for you to sell the home. Most homes or many homes in that area do not have garages.

I feel that if you had come to us with a design that almost fit into the zoning requirements and that was final and that you needed some sort of leeway, I would be much more interested in considering a variance to accommodate that.

But from my perspective and I've been paying attention to this process for many years in the City of Falls Church, from my perspective it seems that you are trying to build as big a house as you can and instead of coming to us seeking a variance for a very particular reason, and I feel like that very particular reason would be considered your hardship. And what I'm not seeing is any specific hardship other than you can't build as big a house as you want.

MR. WINGROVE: So I probably wouldn't have used the word "quality". Because we're going to build a quality house regardless. So I would not have used that.

In terms of trying to maximize the space there, what I was looking to do is build something that was comparable to what's already there. The neighbor next to me has a 4000 square

foot house. The neighbors all behind me have 3500 to 4200 square foot homes. So I'm trying to put something there that is similar to what's already there.

MR. BARTLETT: Can I pause you for a second?

MR. WINGROVE: Yes, sir.

MR. BARTLETT: Those statements are correct. And those new homes that are built in that area are built on lots that are much larger than yours. And there are so many homes in the area that aren't those 4000 square foot homes.

MR. BRONSTON: I don't believe that the -- excuse me.

MR. BARTLETT: Sure.

MR. BRONSTON: I don't believe that the lots are all that much different. The problem here is that this one is rotated 90 which restricts us in the front and rear setbacks especially.

MR. SPROUSE: The neighboring lot's very similar to you'all's.

MR. BARTLETT: And I would say the entirety of Jackson Court has rectangular lots. Those are 12 homes right next to you.

MR. BRONSTON: Right. Some of them do. Similar size.

MR. BARTLETT: The one right next to you is rectangular.

I understand but I'm just clarifying facts instead of picking on -- I'm just trying to clarify facts today, the information in the neighborhood itself.

MR. WINGROVE: So that's why what I did was scale the house back to doing nothing more than basically the garage. Adding the garage allows me to put a master suite above it. Everybody wants a master suite in the house. I can't do that with the current house that's there.

With the current house that's there, the space is 910 square feet. It's very, very limited. So anything that I want to do to the house is going to require a variance.

So I would just like to straighten out the walls on the second level to be able to put a level there and to do a master suite above the garage and then make the house aesthetically pleasing to what's already currently in the neighborhood.

I don't know what the total square footage is of this is but it's about 23, 2400 square feet I think once everything's finished. So it's a very scaled down version of what I was originally looking at, yes, when I came to here I hadn't been through this process here. I had never done anything in Falls Church before so I wasn't up to speed as to what the circumstances or what the requirements were.

I've done a lot of homework and a lot of research since then. So I think what we've got here is very similar to what you would see in the neighborhood now.

We're not asking for a height variance. We're not going any further back than what's already currently there. And we're doing a porch and it's going into that front variance for the garage itself.

MR. SPROUSE: Anything else?

MR. MISLEH: Yes.

So I see you had this petition signed by a number of people.

Has staff verified whether or not these are the actual owners of the lots adjacent to this property?

MR. BOYLE: We have not. But we can do that, I think, while we wait.

MR. MISLEH: I think that's important for us to know that they're not renters but they're the true owners of the lots adjacent.

So you're stating that you have signatures from all four surrounding properties directly adjacent and across the street from yours?

MR. WINGROVE: There was one property that did not sign. And that was -- I'm trying to find my better map. These are not real clear.

So where my lot sits right here, this was the only person that did not sign here. I did speak to them. They had no objections. They simply said --

MR. MISLEH: Where is that?

MR. WINGROVE: My lot's right here. They're over at the end of this court over here. He signed, he signed, this person signed, this house here which is the one that sent the email in signed. They signed. He signed. And I think one or two other people back in here signed.

MR. SPROUSE: Would you mind marking it on here for me.

MR. WINGROVE: Yes, sir.

MR. SPROUSE: It's too hard to see across the table. Can you outline the person that didn't sign.

MR. WINGROVE: This person did not sign. When I knocked on the door, a bird flew into the house. He asked me if I could come back and I said it wasn't pressing, it's not a big deal.

MR. SPROUSE: Are there any other questions for the applicant?

MR. MISLEH: Yes. The question about, Keith asked a question specific, Mr. Bartlett asked a question specific to, you know, you've come to this Board several times. Just gauging on what the art of the possible is, did you not take the time to

actually visit the City offices to work with staff to determine what would be approvable under the existing Code?

MR. WINGROVE: Yeah, I've been working with John for the last four months I guess it is on this, sending him over what I'm looking at, he's been the go-to person, him and Akida, on everything. I've asked him multiple questions. I've got multiple emails back on what we can do and what we cannot do. So I've tried to gauge everything with that and John can certainly verify that.

MR. BARTLETT: Can I ask a follow-up question?

MR. WINGROVE: Yes, sir.

MR. BARTLETT: So have you submitted a -- have you built a house or developed plans for a house that would actually comply with the Code?

MR. WINGROVE: Not yet.

MR. BARTLETT: So you're trying to reduce the amount of variance you can get such that you may get approved and then you'll design the house based on a potential variance to then go design the house.

MR. WINGROVE: We've looked at probably about a half a dozen designs. Again, the long rectangular shaped house with the 90 degree turned lot, there's a limited amount of floor plans that you can utilize for that.

So we've been looking at the floor plans. The floor plans have not been as important at this point because we don't

know if we even have the variance to work with because if we don't have the variance, then there's virtually nothing we can do with the upstairs. The upstairs is going to be a very small, limited half level like it is because I can't even straighten the walls out for that. Nor could I even build a garage or any sort of a master suite above the garage.

Did that answer your question, I think?

MR. BARTLETT: I think that answers the question whether or not you're actually facing a hardship.

MR. WINGROVE: Yes, sir.

MR. BARTLETT: And I think the answer is no. Because you don't know what you're going to build. You're coming to us seeking a variance, which should be based on you having a hardship to build the house that you can or could build on this lot, and you're trying to add so many things to this hypothetical house that you think people may want to buy instead of a house that could almost fit into the allowable setback lines.

MR. SPROUSE: I think you're right on that. I'm not convinced that there's not a hardship. But I don't think this presentation presents a hardship.

MR. WINGROVE: Okay. But what can I do with the house without a variance?

The hardship is that I have a substandard lot that I can't do anything to the house except put some carpet and paint

on it. The hardship is I can't do anything there. I can't put a garage on here. I can't even make it a nicer level on the top.

MR. BARTLETT: Our job isn't to be real estate consultants to you.

MR. WINGROVE: I understand that.

MR. BARTLETT: But I would just point out that there are many homes in the City of Falls Church and elsewhere that fit into this space.

MR. WINGROVE: Okay.

MR. MISLEH: Even new homes that are built.

MR. BRONSTON: I'd like to add something to address your questions, your concerns.

This Craftsman style that we're going for, one of the prominent features of that is the offset in the front and there's no way we can do that with the limited depth we have available within the setback restrictions.

Also, the front porch is a very standard. It's a very important feature of a Craftsman-style house. The front porch, the sloping columns, the wide eaves, those are all features that we're looking for. So we'd never get rid of the front porch. We want to maintain the low slope roof with wide eaves. We want offsets on the front and to achieve those offsets.

MR. SPROUSE: I fully understand that and I appreciate that. The variance that's in front of us though is asking for

all intents and purposes, for a box. For a new box. For a new building envelope with a 27.8 front setback, and a 22.15 rear setback which is the existing, and encroaching about 5 and a quarter, 5 and a half feet, something in that range, further.

MR. WINGROVE: Yes.

MR. SPROUSE: It's already encroaching but it's adding an extra 5 and a half feet.

So, what's in front of us is a box. And, you know, you've got it Craftsman designed with a front porch but the variance isn't going to limit you to a Craftsman. It's limiting you to a box if we were to make a motion to approve it. So you could do whatever you'd want with that space.

So it's not, like I say, I'm not convinced that there's not a hardship. I fully appreciate the 21.68 feet depth and the fact that if you did anything to this home, anything at all, you'd require another variance.

But that's not what we're talking about. We're talking about a concept, to Mr. Bartlett's point, to create a new box. So that's not a hardship.

Let me ask you: Is this going to be a spec home built without a purchaser or will construction come after you have a purchaser?

MR. WINGROVE: It will be -- hopefully we'll get a purchaser before I begin but I'm not going to wait. I want to build a spec home and put it back on the market immediately.

MR. SPROUSE: Right. You understand why I'm asking.

MR. WINGROVE: Yes, sir.

MR. SPROUSE: Like how much of that, how much of the design goes into having the purchaser --

MR. WINGROVE: Yes. Absolutely.

Ideally we're already looking at drawing up a sign to put in the front yard: "Coming soon, Inquiries, call us. So they can participate in the design.

MR. SPROUSE: Sure.

MR. WINGROVE: That is part of the aspect there.

MR. SPROUSE: Are there any more comments for the applicant or questions for the applicant?

MR. MISLEH: I just want to chime in and say that I felt like throughout this process, I missed the first meeting, throughout this process I feel like what's been presented has continued -- it may have been half-baked at first but it's still par-baked and I don't feel like you've taken the full advantage of the staff and the resources that are provided by the City to come before this Board with a fully materialized plan that you're looking to approve based on the hardship that you can clearly articulate.

That's just the way that I view what's been presented today and presented throughout.

MR. BOYLE: If I could, we did confirm the names on the list of neighbors that signed and are the owners as indicated.

MR. WINGROVE: And to speak on what you've stated, I've been in constant contact with Mr. Boyle and with Akida and showing them what I'm looking at. They've sent emails back to me saying these are the guidelines, this is what your hardship is. We've already approved three dozen of these things, you know, throughout Falls Church or what have you.

Even asked them right before the meeting, does anything on here look like it's outside the norm of what anybody else is doing.

I've got a substandard lot. From what I've been told, because you have a substandard lot, that is what your hardship is. You can't do anything to this house without a variance approval.

So, that is the hardship here. I can't do anything to this house without a hardship.

MR. SPROUSE: That's right. I understand that.

I think that what we're talking about is the variance in front of us.

MR. WINGROVE: Yes, sir.

MR. SPROUSE: Not necessarily the fact that you have it.

MR. WINGROVE: So let me propose this: If we were to take and stay within the existing structure of what's here and not move the garage forward. We'll put a porch on the front to the limit of what we're allowed, and we won't have the addition but it allows me to put the garage on here. I'm not going any further forward with the building than what's already there. I'm not going any further back. And just keeping the second level to where that is.

MR. BARTLETT: Like Mr. Misleh has already stated, we would encourage you to reach out to staff on that proposal and then come to us with an actual request for what you're planning to build and if that's approved, then it's approved.

MR. WINGROVE: But Mr. Boyle said we --

MR. BARTLETT: We can't give you hypothetical variances.

MR. WINGROVE: No, no, no, I'm not saying hypothetical. All you would be approving on a variance is the 2.2 feet in the front and the 2.15 in the back which is what's already there. That just allows me to do this and Mr. Boyle said we can already do an amendment to that tonight.

MR. SPROUSE: So we can amend our approval. Their variance as applied is as applied, is that right?

MR. BOYLE: Yeah. You could approve something less than what's been advertised but not greater. There may be a

neighbor out there that's not opposed to this but it could go beyond this.

MR. BARTLETT: Can you show us where in the Code that's allowed.

MR. SPROUSE: It's part of Chapter 42. It's Section 6 on page 67 in the Code.

MR. MISLEH: We've done, we've amended the conditions, approvals.

MR. SPROUSE: We're allowed to set limits, condition it, yeah.

MR. WINGROVE: And we can also do the amendment -- well, the porch wouldn't matter at that point because we would be --

MR. SPROUSE: You have by right.

MR. WINGROVE: Yes, sir.

MR. SPROUSE: Any further questions for the applicant?

(No response.)

MR. SPROUSE: Let's move to discussion amongst the Board.

Any thoughts?

MR. BARTLETT: And how do we do that discussion?

MR. SPROUSE: Any thoughts, any comments?

MR. BARTLETT: I'm a little uncomfortable doing that if we're going to amend, with just the three of us without full consideration of a full Board. But that's just my reservation.

MR. SPROUSE: John?

MR. MISLEH: I share your reservation in that we are only representing a minority here of less than a full Board tonight.

MR. SPROUSE: It has to carry unanimously.

MR. MISLEH: Yeah, it has to carry unanimously. I'm not certain that the -- I did have one more question. Am I able to ask that question to the applicant?

Did you, Mr. Wingrove, did you review any other options on how to place the garage within the limits provided, like on the side or in the rear --

MR. WINGROVE: Like a side entrance or something?

MR. MISLEH: Or detached?

MR. SPROUSE: You get 5 and 5.

MR. MISLEH: Some of your neighbors who had limiting conditions chose to go that route.

MR. WINGROVE: Yeah. Gary right next door, they did the detached garage on his. It's not a full -- he took me back there and showed me. You can't even put a car in there though. That's his lot. And I understood that.

We looked at that option. We just felt aesthetically and so forth with the house it would look much nicer. Most people, if they have a garage, would like a garage that's connected. You drive in, park, walk right into the kitchen or what have you.

MR. BRONSTON: We looked at a detached garage but it has to be three feet off the property line and has to have a 15 foot separation distance between the existing house. And that limits the available space more severely than the current plan.

I might have misspoke when I called this "concept." It's a schematic design which represents about a 50 percent completion. So it's not just some concept. We're not floating around. We've considered many designs. We've looked at a lot of houses and we're trying to approach something here, so.

MR. BOYLE: The Zoning Code would allow it to be as close as 3 feet but the Building Code would make it less than 5. It has to be a fire-rated wall.

MR. SPROUSE: Okay.

MR. MISLEH: Less than 5 from the home structure?

MR. BOYLE: No. Less than 5 from the property line. And it's a 10 foot separation from the house.

MR. SPROUSE: So for all intents and purposes, it's a 5 foot setback.

MR. BOYLE: Yeah.

MR. BARTLETT: You might have a lot coverage issue with a detached garage. Additional driveway space for impervious space as well. So that would be another drawback to having a detached garage.

MR. WINGROVE: Yes. We talked about that.

MR. BRONSTON: Yeah, we considered that, the impervious.

MR. BOYLE: Would the Board entertain a suggestion from staff?

MR. MISLEH: Absolutely.

MR. BOYLE: At this point in the discussion.

We do have a house that's sitting in both front and the rear setbacks. When plans come to staff that want to expand, if they go straight up and don't encroach any further, we take the position that that new floor space of the second story that's occupying the setback requires a variance. So we do not have the authority to approve a straight up addition. Although that's a very minimal impact.

What we have here is not just going straight up but a garage going forward and a porch going forward.

Would the applicant entertain, would the Board consider going straight up so you're getting the variance for the second floor that's occupying the setback, removing the garage that projects and then allowing a reasonable porch projection from the existing house? So straight up, no garage coming forward, with a porch projection.

MR. SPROUSE: So just to be clear, that would look like a motion that changes it from a two and a half story to a two story addition on premises, and instead of a 22 foot

setback, we're talking about a 27.8 foot setback, is that correct?

MR. BOYLE: Correct. So the existing wall is at 27.8.

MR. SPROUSE: And the back setback remains the same at the existing 22.15. Creating a -- giving a variance, creating a variance for the back setback because it is nonconforming currently and then the front setback staying in line with the existing house.

MR. BOYLE: Yeah. I think the rear is at 20 right now. But it's --

MR. SPROUSE: The porch is by right anyway. They get 8 feet off the front.

MR. BOYLE: Yeah. If you formalize the existing front line of the house as its new front setback, then the Code provides that a porch can go 8 feet in. So perhaps that's a point of discussion where again, we allow going straight up and maybe not 8 feet into that front yard but they're proposing 5.8 from the existing house.

MR. BRONSTON: Yeah. We tried to stay 8 feet from the by-right line.

MR. SPROUSE: Yeah, but that's adding to this variance so I'm not comfortable adding to the variance.

MR. BOYLE: In the past, and again, it's a policy and there is some Code language that I'd have to find for you, but

if you advertise a 100 percent and end up approving 80, that's been a past practice of this Board.

So just in the spirit of moving this along and I don't mean to argue your application for you --

MR. WINGROVE: No, no, absolutely.

MR. BOYLE: But had you come to me with plans that said we want to go straight up, can we get a porch too, I would have said I can't approve straight up for the pieces that are in the setback up in the air. The setback goes straight up. I can't approve that. So that's a variance. The variance, then you'd have to ask the Board, could you then project your porch in. Do they intend to approve that new front setback.

So again, to summarize this, would the Board entertain, would the applicant consider a variance that describes a second story directly above the existing footprint with no other projections into the setback other than a porch.

MR. WINGROVE: A porch. So the garage and everything would be as where the existing is, no further forward than the setbacks now.

MR. BOYLE: Right. You're showing 24 deep plus 7.8. You have to build the garage within the existing footprint.

MR. MISLEH: You have width, correct?

MR. WINGROVE: Yes, sir.

MR. SPROUSE: But this garage, all of it requires a variance at this point.

So, Mr. Bronston, would you be able to design something in that more limited envelope?

MR. WINGROVE: Absolutely.

MR. BRONSTON: Yes, of course. The porch generally doesn't project in the Craftsman style. It's more incorporated with the whole facade.

MR. SPROUSE: Yeah.

MR. BRONSTON: But, yeah, I can make it work. I mean, I will make it work obviously. Of course we will.

MR. SPROUSE: Yeah. That would basically eliminate your mud room on the first floor.

MR. WINGROVE: So in other words, this is what we're looking at with the second story wall straight up from where they're at now. Is that correct, what you were stating?

MR. BOYLE: Yes, I see the garage now is proposed to come forward.

MR. MISLEH: Exactly.

MR. SPROUSE: It just changes the box.

MR. DEARDOFF: Keeping the front and the back wall of the garage the same as the front and back wall of the house. So it's all continued.

MR. MISLEH: The limitation on the width is the square footage.

MR. BOYLE: The coverage.

MR. SPROUSE: The coverage ratio, yes.

MR. BOYLE: So whatever you pulled in on the garage could be added to the side.

MR. SPROUSE: You could actually turn the garage.

MR. WINGROVE: Yes, sir. I would absolutely.

MR. BRONSTON: I'm not sure we have enough turning room there for a side load.

MR. SPROUSE: You've got it signed. You figure it out.

MR. WINGROVE: Absolutely. I would be 100 percent okay with that.

MR. BOYLE: The logic behind that is you're just formalizing or legitimizing the existing footprint. It's there. We didn't build it, you didn't build it. It's there. However it got there, it's there.

So, just legitimizing what's there, you're not asking to project any further than what's there with the exception of the porch.

MR. WINGROVE: Okay. Absolutely.

MR. BOYLE: Perhaps a condition could be placed on the porch for not being enclosed. A porch can have a roof and post and rails but it's a real challenge for staff even when screens go up and then walls go up.

MR. WINGROVE: Yup. Certainly would be okay with that stated as well.

MR. SPROUSE: But that's already Code, is that correct, John?

MR. BOYLE: Yes.

MR. WINGROVE: No screens or enclosures.

MR. SPROUSE: Well, non enclosure of a porch.

MR. WINGROVE: Non enclosure.

MR. SPROUSE: Cantilevered as well, so it can't be supporting.

MR. BOYLE: I'm always thinking in terms of what is the intent of the Board next year or five years from now. Or when I look at variances that were approved 40 years ago, what were they thinking, what was the intent of the finding.

What would be helpful to me and staff in the future is something, And to allow a porch to project X number of feet, whatever's agreed to, on the condition that it remain open. A roof and columns, unenclosed.

MR. MISLEH: I'd be careful not to limit the porch size beyond what the Code limits it to, because I think they may have to change the design from whatever the design is now to a design that's going to work within the footprint.

MR. WINGROVE: Yeah, I'm already looking at that.

MR. MISLEH: So if you decide to go with a smaller, like a not a full width porch --

MR. SPROUSE: Or not a Craftsman.

MR. MISLEH: Or if it needs to project a full eight feet but be smaller, I would suggest to my colleagues here that if that was a motion to be made, that we not condition it other than having it non-enclosed.

MR. BOYLE: So just the standard 8 foot porch projection.

MR. BARTLETT: Or just to Code.

MR. MISLEH: I would leave that up to the Zoning, to staff to determine what's approvable at the time that the permit is approved, with a set of plans.

MR. SPROUSE: It could be a different design. The property as well.

MR. MISLEH: Do you agree with that?

MR. SPROUSE: Yeah, I'm in agreement with you.

MR. BARTLETT: I agree.

MR. SPROUSE: So it sounds like we're close to a motion. Is there a motion?

MR. MISLEH: John, you made some comments and some recommendations. Do you have any other, anything else to add?

MR. BOYLE: Circling back on what does this mean as far as what was advertised, the existing house is at 20 feet, correct, in the rear?

MR. BRONSTON: On the rear, yes. Twenty feet, yes.

MR. BOYLE: So it sits at 20. The red box is where Code wants the setback. The 22.15 is because of the substandard nature of the lot.

MR. BRONSTON: You're saying 30 percent of the lot depth.

MR. BOYLE: What the motion would look like then is to approve a rear yard setback of 20 instead of 22.15 which is the way I think --

MR. SPROUSE: That's number two.

MR. BOYLE: Yeah, it's currently worded that way.

A front setback of -- I guess it would be worded the same.

MR. SPROUSE: 27.8.

MR. BOYLE: 27.8 instead of 30. And a porch -- was the Board interested in saying unenclosed or just a porch to project from the 27.8; is that what we're looking at, to just allow a porch to Code projecting from 27.8. Is that -- yeah, that's the existing.

And then not even mention the garage that's proposed because he'd have to work within that setback, and to allow a second story addition straight up from the existing footprint. Something to that effect.

I don't mean to write your --

MR. SPROUSE: No, no, no. The clarity is actually important.

This variance has a two and a half story addition and we had some discussion on that with Mr. Bartlett. And the Code allows on this lot 25 feet, correct?

MR. WINGROVE: Yes, sir.

MR. SPROUSE: So two and a half stories is also the Code for Falls Church City.

MR. BOYLE: Yes.

MR. SPROUSE: So, you know, I think when we were originally talking about what we could do here, I said moving that to two stories. I think if Code is two and a half, my opinion is that we leave it at two and a half.

MR. MISLEH: I don't disagree with that.

MR. BARTLETT: I encourage us to not even reference it.

MR. MISLEH: Yeah, I wouldn't reference it if it's Code.

MR. SPROUSE: But it is the variance that's in front of us. So we're talking about amending the variance in front of us in a more limiting fashion.

MR. BARTLETT: We cannot state to the applicant --

MR. SPROUSE: We cannot create a variance, right.

MR. BARTLETT: -- that they cannot build a two and a half story addition if they're allowed.

MR. SPROUSE: We could.

MR. BARTLETT: We could?

MR. SPROUSE: We could limit that.

MR. BARTLETT: Because it's into a variance, because it needs a variance.

MR. SPROUSE: But I don't see the reason why to do that.

MR. BOYLE: If I could, it might raise the issue of what can he do by right if --

MR. SPROUSE: Right, that's what I'm saying.

MR. BOYLE: If the Code's going to cap it at 25 feet, period, because of the calculations done off of the nonconforming size of the lot, if their cap is at 25, they should be allowed to build two and a half stories if they can fit it in somehow.

So that actually fell out of the variance request -- no, you had proposed something over 25 that needed a variance; now you're proposing to comply with the height.

So height, height I don't think needs to be a consideration of the motion.

MR. SPROUSE: Right. So the question is we don't change this 2.5 story in our proposed motion.

MR. BOYLE: No, that's simply restating the Code.

MR. SPROUSE: Any further questions for discussion?

(No response.)

MR. SPROUSE: Is there a motion?

MR. BARTLETT: Are we still in discussion?

MR. SPROUSE: Sure.

MR. BARTLETT: It seems like we are amending this variance obligation quite a bit. And just for the record I would like to say that we still don't have a design in place for this specific variance that they're requesting and they are still requesting a variance so that they can design a house.

With that being said, I don't believe that still qualifies as a hardship at this point under the circumstances and in this meeting.

I do recognize the need in the interest of moving this project along but I don't think that outweighs the basic need to demonstrate a hardship with a specific project in mind.

I'm not saying that I wouldn't be interested in seeing a specific design based on our discussion today, but I would just leave it at that at this point.

MR. WINGROVE: Could I interject one thing?

MR. SPROUSE: Go ahead.

MR. WINGROVE: Would that be part of the permit process of approving the permits itself, the design, the layout, the whole aspect of the house, that's part of the whole permit process.

MR. SPROUSE: Sure.

MR. WINGROVE: Because that's what I'm thinking. The variance is just the limitations of what we can do.

MR. SPROUSE: Yeah, and I think we've covered this. That was the point earlier about the design itself not presenting the hardship.

Like I said, I'm a little bit different from Keith on this point, is that I do understand how a hardship can be done or can be found here. But I don't think this specific design demonstrates it.

But I think we're at the point where we're kind of belaboring so I'd like to see if there is a motion or not.

MR. DEARDOFF: I have one question for him in particular from the construction aspect of it.

MR. SPROUSE: Sure.

MR. DEARDOFF: The current house does sit outside the zone.

MR. BOYLE: The setback.

MR. DEARDOFF: If there was a structural problem on the front or the rear wall which require permits to be drawn to repair it, would this provide a problem getting approval in the permits because it's non-conforming.

MR. BOYLE: There's a point at which it would be considered a demolition of the entire house and then it would have to meet the current Code. So it's possible to do some significant repairs. We've had instances where trees fell across houses and walls had to come down.

To answer your question, we have to do an evaluation to see if the house is considered demolished. A demolished house can't be built back to non-conforming setbacks.

MR. DEARDOFF: That's where exactly I was going with this. If the Board would be so kind to approve the current footprint of the house, the front and back primarily, for the setbacks because it's already there.

MR. SPROUSE: Right. That's what we've just discussed.

MR. DEARDOFF: Then there won't be any problems in the future, repairing or fixing or anything, nothing, no matter what.

MR. SPROUSE: That's what we just discussed.

So, is there a motion? A motion to approve, a motion to deny, a motion to amend?

MR. MISLEH: Do you have any thoughts? You've spoken.

MR. SPROUSE: Yeah. I mean, I've shared mine at the previous iteration of this particular parcel.

And just to remind applicants, that you all do have the ability to postpone before we go to a vote because it does have to carry unanimously.

So if you'd like to postpone until next month, you could do so, but you'd have to do so before I think we make a motion.

MR. BOYLE: Yes.

MR. WINGROVE: No. I'd like to go forward if we could.

MR. SPROUSE: So, I can't make a motion. So if someone has a --

MR. BARTLETT: You say you cannot?

MR. SPROUSE: I cannot make a motion.

MR. BARTLETT: I know we have three options in front of us. However, based on what's in front of us and the information we've received, I would like to make a motion to deny the variance application V1600-18 for a variance to the Code to allow a front yard setback of 22 feet instead of 30 feet, and a rear yard setback of 20 feet instead of 22.15 feet for the purpose of constructing a 2.5 story addition at 107 Jackson Street.

MR. SPROUSE: Is there a second?

(No response.)

MR. SPROUSE: Okay. Is there another motion?

MR. MISLEH: What happens if we are stuck on center?

MR. BOYLE: I think the Chair can make a motion.

MR. SPROUSE: Okay. So I make a motion to approve the variance application V1600-18 by Roy Wingrove with the amendments at, No. 1, a front yard setback of 22 feet instead of 30 feet be changed to a front yard setback of 27.8 feet which matches the existing, and No. 2, a rear yard setback of 20 feet instead of 22.1 feet for the purpose of constructing a two and a

half story premises remain the same for the property at 107 Jackson Street, RPC #52-501-040.

MR. BOYLE: And if approved, would allow a porch.

MR. SPROUSE: Yes.

MR. BOYLE: As provided by Code.

MR. SPROUSE: As provided by Code. That's correct.

If approved, it will allow a porch as provided by Code.

MR. MISLEH: Unenclosed.

MR. SPROUSE: Unenclosed porch, yeah.

So let me restate that for the record.

I make a motion to approve the application V1600-18 with the following amendments: (1) a front yard setback of 22 feet be amended to 27.8 feet instead of 30 feet, and that a porch is built to Code, unenclosed.

Is there a second?

MR. BARTLETT: Can I ask a clarifying question?

MR. SPROUSE: Sure. You can amend the motion as well.

MR. BARTLETT: Does that allow a second story on the rear setback that is not to Code as it is right now?

MR. SPROUSE: No. It would allow anything to Code.

MR. BARTLETT: Would your amended variance be required to include a rear yard setback of 20 feet?

MR. SPROUSE: There's no amendment to their application.

MR. BARTLETT: So you're not changing that?

MR. SPROUSE: I'm not changing their application. I'm only changing Section 1, a front yard setback of 22 feet to 27.8 feet, which is conforming to the existing property.

MR. BARTLETT: Okay. Thank you.

MR. MISLEH: Is there a discussion?

MR. SPROUSE: Is there a second?

MR. MISLEH: What happens if we don't have a motion that's fits right in on --

MR. SPROUSE: We actually have the ability to table it to the next meeting, don't we?

MR. BOYLE: You can. Or if both motions fail for lack of a minimum vote of three, which is as good as a denial.

MR. SPROUSE: All right. So there is no second.

MR. MISLEH: At this point I think that the applicant's better off waiting for a full Board based on the discussion that I've heard tonight. I'm not sure if it's too late for them to make that decision but --

MR. BOYLE: They would have the option to reconsider. They could appear next month and ask the Board to reconsider.

So it wouldn't be a -- splitting hairs a little bit but it wouldn't be them requesting a continuation before the vote, it would be them coming back and because they failed to get three votes tonight, that's a denial.

So they have the option to appeal in 30 days to Arlington Circuit Court or come back at the next meeting and ask the Board to reconsider.

It's a little unusual, especially if the members that are not here tonight see the minutes and know why it got to that point, I think they'll essentially give it the weight of a continuation. They'll sense that the Board's -- the members that are here tonight, if I'm hearing you correctly, are a little concerned about following precedent and restructuring advertised variances.

But as it stands, in my experience, because there was a lack of three votes, that serves as a denial. So by the letter of the Code, they could come back next month and ask the Board to reconsider.

And then they would need three votes of the members who were here tonight to grant the rehearing, the reconsideration.

MR. MISLEH: So, I can say from my standpoint that I can appreciate Mr. Sprouse's decision and staff's recommendation, but again, I didn't believe that this was the platform for negotiation of the setbacks or negotiation of what the Board will allow. I think that the applicant and staff should work together to make that recommendation, just like the recommendation that John made tonight, which within his recommendation is something the Board has granted several times

since I've been involved. I understand it to be somewhat of a precedent with applicants that can prove or show that they have a legitimate hardship.

So I would suggest that the applicant make the effort to present the package that staff recommended and that some members of this Board have shown that they may be willing to approve.

MR. WINGROVE: Well, I think that through the process of everything that I've submitted to you, we've had multiple discussions about this. I've worked with John from day one when I reached out to him. So there's been tremendous discussion.

I understand what you're asking me to do. I'm not sure, if staff is telling me that this is what they would recommend, that's what I've put down. The other option was, you know, move the garage back and stay within the existing footprint. When we had that discussion last month after we had our Board meeting last month, it was basically stated you can advertise it and the Board can make a motion to drop the setback to the 22.15 feet.

MR. BOYLE: Well, I think what the Board is telling you, and correct me if I'm wrong, they're not comfortable with the number of members who are missing of amending your application and making a vote on that.

MR. WINGROVE: I appreciate that. I understand that.

MR. BOYLE: And so they're instructing you to come back with something that approximates what I described, and I'm not a member of the Board and I don't make motions. However, I'm hearing that that was a move in the right direction but they're uncomfortable approving that based on what was advertised and the balance of the Board not being present.

So if you wanted, you can leave here tonight, come back with something that complies with Code, and then it's handled at staff level or ask this Board next month for a reconsideration because this was a denial because there was a lack of three votes. Ask this Board for a reconsideration of that denial and then that would take procedurally three votes because we'd be back to needing three votes to approve a motion to reconsider.

MR. SPROUSE: To note that for reconsideration you need to come back with something a little bit different. It would have to either have more information or a change to this plan, to something maybe along the lines we discussed.

So that's just the fact of getting a reconsideration.

MR. WINGROVE: Sure. It makes sense.

MR. BOYLE: Right. And then you'd have the advantage then of something like a new hearing and then the members who are not here tonight, if we do end up with a full Board, they'd be able to hear that discussion and not have to abstain.

So if they simply brought this question back to them next month, they would undoubtedly feel obligated to abstain. If you come back with a revised plan that approximates something like you were hearing tonight, that's a new presentation that the full Board can hear. And then you'd be looking at five members.

I'll have to check the Rules of Procedure. Reconsiderations might be a simple majority. But I'll confirm that.

MR. MISLEH: You may want to -- I don't know how much advance time, you would have to advertise that a month in advance?

MR. BOYLE: I'll check with the City attorney. As long as we're pulling back within what was advertised and not going greater, anyone who was interested would have received their notice and been present.

There's always the question of when there's a continuation, do we have to readvertise. We've played it on the safe side with this one and readvertised. But I don't think that's necessary. The neighborhood was notified that the full extent was being asked for. If something less than that gets approved or gets proposed, I don't think that requires a new advertisement.

MR. MISLEH: So that gives the applicant time to present whatever they intend to present to staff and makes sure it aligns somewhat with the recommendation that was presented.

MR. BOYLE: Even if the City Attorney decides we should readvertise, they still have a couple of weeks to prepare something for us.

MR. SPROUSE: True.

6. APPROVAL OF MINUTES

a. Approval of the May 17, 2018 meeting minutes

MR. SPROUSE: Okay. So moving along, Approval of Minutes from the May 17th meeting. If you'd all take a few minutes and review.

(Minutes reviewed.)

MR. SPROUSE: Do I have a motion to approve the minutes?

MR. BARTLETT: I'll make a motion to approve the minutes of the Board of Zoning Appeals from the May 17, 2018, meeting.

MR. MISLEH: Second.

MR. SPROUSE: With a slight amendment to that, with the noted changes.

Is there a second?

MR. MISLEH: I second.

MR. SPROUSE: Roll call vote.

RECORDING SECRETARY: Mr. Sprouse.

MR. SPROUSE: Yes.

RECORDING SECRETARY: Mr. Misleh.

MR. MISLEH: Yes.

RECORDING SECRETARY: Mr. Bartlett.

MR. BARTLETT: Yes.

RECORDING SECRETARY: Thank you.

7. OTHER BUSINESS

MR. SPROUSE: Is there any Other Business before the Board?

(No response.)

8. ADJOURNMENT

MR. BARTLETT: I make a motion to adjourn the meeting.

MR. MISLEH: Second.

MR. SPROUSE: We are adjourned.