

1 BOARD OF ZONING APPEALS MEETING

2 CITY COUNCIL CHAMBERS

3 Thursday, January 12, 2023

4 7:30 p.m.

5  
6 1. CALL TO ORDER

7 MS. ARSENEAU: So now we're recording.

8  
9 2. ROLL CALL

10 MS. ARSENEAU: All right. Roll Call.

11 Mr. Bartlett.

12 MR. BARTLETT: Here.

13 MS. ARSENEAU: Mr. Misleh.

14 MR. MISLEH: Here.

15 MS. ARSENEAU: Mr. Kien.

16 MR. KIEN: Here.

17 MS. ARSENEAU: Mr. Eppler.

18 Mr. Eppler is not here.

19 MS. ARSENEAU: Ms. Ward.

20 MS. WARD: Here.

21 MS. ARSENEAU: Thank you.

22  
23 3. PETITIONS

24 MR. BARTLETT: Are there any Petitions to the Board  
25 this evening?

26 MS. ARSENEAU: No Petition.

27  
28 4. OLD BUSINESS

29  
30 5. NEW BUSINESS

31 a. Variance application V1635-22 by Maribel and Edwin  
32 Najera, applicants and owners, for a variance to Section  
33 48-263(3)a to allow side setbacks of 8.3 feet instead of 10 feet  
34 for the purpose of constructing a second story addition at  
35 premises known as 113 West Cameron Road, RPC #52-402-055 of the  
36 Falls Church Real Property Records, zoned R-1B, Medium Density  
37 Residential.

38 MR. BARTLETT: I'm going to skip Old Business and go  
39 right into New Business.

40 Tonight we have two variance applications. One is a  
41 variance application V1635-22 by Maribel and Edwin Najera, is  
42 that correct?

43 MS. NAJERA: Yes.

44 MR. BARTLETT: Applicants and owners for a variance to  
45 Section 48-263(3)a to allow side setbacks of 8.3 feet instead of  
46 10 feet for the purpose of constructing a second story addition  
47 at the premises known as 113 West Cameron Road, in the City of  
48 Falls Church.

49 Could I have applicant and anyone who is interested in  
50 speaking today to come forward and join us at the table here.

51           And as you're arriving at the table, I'd ask that you  
52 stand and I'm going to ask that you affirm your honesty tonight.

53           (Witnesses sworn.)

54           MR. BARTLETT: And just sign your name in the roll  
55 sheet there.

56           And, Laura and Akida, while the applicants are signing  
57 in, could you provide us with a staff summary and report on this  
58 project.

59           MS. ROUZI: Sure, Mr. Chair.

60           This is a R-1B lot and the requirement for a side  
61 setback is minimum of 10 feet. The applicant is seeking a  
62 variance to allow 8.3 feet on both sides. This is a fairly  
63 common variance request the Board sees where the existing house  
64 is non-conforming for setbacks. This one sits about 8 feet from  
65 the side property line.

66           The applicant is proposing a second story addition  
67 above the existing footprint of the house and this is a Code  
68 deviation staff cannot approve administratively and that's why  
69 the application is before the Board for consideration this  
70 evening.

71           Thank you.

72           MR. BARTLETT: Thank you, Akida.

73           I'll now ask the applicants to share your project and  
74 your need for a variance with us and then the Board will have a

75 discussion with you and ask questions to determine if it's  
76 appropriate to issue this variance for this project.

77           So at this point, just provide us with a basic summary  
78 of your plan and then we'll have a little conversation about  
79 your project.

80           MR. NAJERA: Thank you.

81           Well, the petition is we have a problem with the  
82 variance on the sides. The new Codes, the front lot it should  
83 be 60 feet, with 10 feet setbacks on each side. In our case the  
84 lot is only 50 feet and on the first floor, existing 8.3 feet  
85 setbacks on each side.

86           So if we follow the new Codes, our second floor it  
87 will be recessed on both sides two feet. It is critical for  
88 this because the lot is small.

89           We thought that the sizes of the rooms were -- we  
90 tried to gain as much possible full use of the floor but the  
91 difference two feet by 24, 25 feet, the depth, it's a great  
92 loss.

93           If you look specifically, the second floor, if you  
94 have on your screen, you will see the drawings 8202, on the  
95 right side is the proposed as we want to look like and on the  
96 left it's the same floor but I'm showing the area affected by  
97 the new setbacks which is reduced. And if you compare the  
98 bathrooms on both drawings, the master bathroom, it gets very  
99 small. The bathtub will disappear and only room for a shower

100 and a double sink. And if you look at the closet from the  
101 master bedroom walking through to go into the bathroom, it  
102 reduces very badly because it's very tiny.

103 On the other side if you see the closet itself, well,  
104 first of all the rooms get smaller and the closet, they get even  
105 smaller. That's the reason we want to go with the 8.3 feet on  
106 each side on this second floor.

107 MR. BARTLETT: Thank you.

108 I'm just going to open it up and have a conversation  
109 with the Board members and with you for now.

110 MR. MISLEH: Mr. Najera, thank you for presenting this  
111 evening.

112 Can you help us understand Slide A-700 with the  
113 elevations. So are you showing the one on the top as requested  
114 and then the one below is per the Code, is that how --

115 MR. NAJERA: One is showing the elevation ideally over  
116 the footprint but on the second elevation I'm showing how the  
117 addition will be from each side. The elevation itself looks  
118 kind of odd.

119 MR. MISLEH: Thank you.

120 And it appears that you included several pictures in  
121 your presentation. Can you give us a little background on the  
122 intent there. Is the intent to show us that the precedent has  
123 been set by other lots and can you explain please.

124 MR. NAJERA: Well the owners and myself we did some  
125 research in the neighborhood, comparing, talking with some  
126 neighbors and comparing our situation with other previous. Some  
127 they were approved and they were built on the footprint and the  
128 other ones showing that their recesses are kind of odd.  
129 Especially one of the pictures shows that the setback, it's only  
130 on the rail side but you can see that it gets smaller, the  
131 width, they're losing 2 feet on each side.

132 And there is a map where I'm showing mainly how many  
133 in this particular area are being affected or they will be in  
134 the future.

135 (Applicants conversing.)

136 MR. NAJERA: She's talking about the neighbor next  
137 door it's in the same situation as she is right now and in the  
138 near future will be the one to add a second floor. I assume  
139 they will be requesting a variance for the same condition.

140 MR. BARTLETT: I just have a question to staff: This  
141 statement of hardship states that this medium density  
142 residential requires a minimum front lot of 60 feet. Is that 60  
143 feet wide?

144 MS. ROUZI: That's correct, 60 feet.

145 MR. BARTLETT: And then the 10 feet is the side  
146 setbacks of the impermeable, the house structure itself.

147 MS. ROUZI: That's correct.

148 MR. BARTLETT: How long have you owned this property  
149 and do you plan to stay in this property?

150 MRS. NAJERA: We owned -- we've been living there for  
151 about 5 years. And we're planning to live in there. My  
152 daughter is in middle school right now so I'm planning for her  
153 to finish high school and my son has finished high school here  
154 in this area and he's going to college at VCU.

155 So it was one of the big changes that we did as a  
156 family because we used to live in Annandale. We used to have a  
157 three level townhouse and because of the schools, we wanted to  
158 live in this area. And at that time when we were looking for  
159 houses, that was the only house available to live -- to buy. So  
160 we bought it and for the three of us for the five years, we had  
161 to kind of rearrange the house because right now it's two rooms  
162 and the basement.

163 When we bought the house the basement was -- we  
164 couldn't live in the basement. My husband had worked very hard  
165 to remodel, paint everything to make it like a master room with  
166 a bath, with closet.

167 But it's very humid because of the area. We have to  
168 put a lot of machines in there to withdraw the water and  
169 sometimes you can smell so that's why we wanted to at least wait  
170 five years to do the second level because we want to live more  
171 comfortable and, you know, we're getting old. Living in the  
172 basement there, it's not healthy.

173                   So that's why we wanted to have that opportunity to do  
174 a second floor for us to live more comfortable.

175                   And I had changed my work to work from home and I'm  
176 lucky that my son had to go to college so I'm using his room as  
177 an office. And you know, working 8, 9 hours, 10 hours from  
178 home, you have to kind of be more comfortable. And right now  
179 it's -- I can survive but I would like to be in a better -- live  
180 in a more comfortable since I'm going to be --

181                   MR. NAJERA: More comfortable, yes.

182                   MRS. NAJERA: Exactly.

183                   MR. BARTLETT: Thank you.

184                   MR. NAJERA: And especially the kids, they're going to  
185 college, they need --

186                   MRS. NAJERA: More space, yeah.

187                   MR. BARTLETT: Thank you.

188                   Does the Board have any more questions?

189                   MS. WARD: Just one over here. I see you have some  
190 letters of support from neighbors. Can you just speak a little  
191 bit to who you've spoken to and just talk about the letters of  
192 support a little bit.

193                   MRS. NAJERA: Yeah, one of our -- I talked to our  
194 right -- right side, the neighbor, she has the same size as our  
195 house and I had talked to her that I was planning to do a second  
196 floor and I told her what were the issues that we were having



197 that I needed a support from her. I explained them what was the  
198 situation and they gave me 100 percent support.

199 They said, Maribel -- because one of the two neighbors  
200 that I had asked, they did remodeling too on their home and they  
201 said, yeah, you need to do it, because it's -- I mean all of  
202 us, we love the neighborhood. We wouldn't want to move so we  
203 would rather invest in where we're living. And they had support  
204 me, yeah.

205 But the neighbor said they know me since I move in  
206 there, they are the ones who give me the welcome. One of our  
207 left neighbor, he's the military, I couldn't ask his signature  
208 because he had to move to D.C. so he didn't really know my plans  
209 because he's renting the house now. But we never had any issues  
210 with them. All of us in the neighborhood, we always have a good  
211 relationship. That's why we wanted to see if we could do this  
212 second level in the house.

213 MS. WARD: Okay. Thank you.

214 MRS. NAJERA: You're welcome.

215 MR. BARTLETT: Does the Board have any other questions  
216 for the applicants at this point?

217 MR. MISLEH: I have a question for staff: Did we  
218 receive any other correspondence from neighbors other than  
219 what's been provided?

220 MS. ROUZI: No, we did not.

221 MR. MISLEH: Thank you.

222 MR. BARTLETT: Do you have anything else you'd like to  
223 share? If you don't, that's fine. We're just going to  
224 deliberate amongst ourselves for a couple of quick minutes and  
225 then share some motions potentially on your variance  
226 application.

227 MR. NAJERA: Because it's self-explanatory, I think  
228 that's pretty much what we're asking, the setbacks to go back to  
229 8.3 feet on each side.

230 MR. BARTLETT: Thank you very much.

231 I'll just start. I see this as a fairly common  
232 application for a variance. When I look back to our City Code  
233 and dealing with the fact that the strict application of the  
234 terms of our side setbacks and the lot limits and applying those  
235 to a home like this that was built prior to those City Codes  
236 being in place, I definitely see how you're unreasonably  
237 restricted from the use of your property.

238 Going straight up and not increasing the size of your  
239 footprint to me is a reasonable request at this time.

240 MR. MISLEH: Mr. Bartlett, I agree. I've continuously  
241 said that I feel that this should be able to be a staff-level  
242 decision and we appreciate you coming this evening but hopefully  
243 in the future we can get that amended so the staff doesn't have  
244 to put you through this effort. Thank you.

245 MR. KIEN: I would agree. You took the words out of  
246 my mouth, Mr. Misleh. So I do see this as fairly standard and  
247

248 straightforward and would just that go, what John said with  
249 regard to staff's ability to save our citizens the time and  
250 effort sometime in the future.

251 MS. WARD: Yes, I agree as well.

252 MR. BARTLETT: I'll just simply make a motion to  
253 approve variance application V1635-22 by Maribel and Edwin  
254 Najera, applicants and owners, for a variance to Section  
255 48-263(3)a to allow side setbacks of 8.3 feet instead of 10 feet  
256 for the purpose of constructing a second story addition at  
257 premises known as 113 West Cameron Road.

258 MR. MISLEH: I'll second that motion.

259 MS. ARSENEAU: All right. I'll go through for the  
260 vote.

261 Ms. Ward.

262 MS. WARD: Yes.

263 MS. ARSENEAU: Mr. Bartlett.

264 MR. BARTLETT: Yes.

265 MS. ARSENEAU: Mr. Misleh.

266 MR. MISLEH: Yes.

267 MS. ARSENEAU: Mr. Kien.

268 MR. KIEN: Yes.

269 MS. ARSENEAU: Mr. Eppler is not here.

270 Thank you.

271 MR. BARTLETT: Congratulations. Your variance is  
272 approved. Good luck with your construction.

273 MR. NAJERA: We greatly appreciate your consideration.

274 MR. BARTLETT: Absolutely.

275 MR. NAJERA: I'm a retired architect but I'm still  
276 doing some work so this won't be the last time you see me.

277 MR. BARTLETT: Good luck.

278 MRS. NAJERA: Thank you so much.

279

280 b. Variance application V1636-22 by John Tokizawa,  
281 applicant and owner, for a variance to Section 48-238(3)a to  
282 allow 1) front setback of 24.5 feet instead of 30 feet for the  
283 purpose of constructing a two-story front addition, and 2) side  
284 setback of 9.8 feet instead of 13 feet for the purpose of  
285 constructing a one-story rear addition at premises known as 514  
286 Timber Lane, RPC #52-601-026 of the Falls Church Real Property  
287 Records, zoned R-1A, Low Density Residential.

288 MR. BARTLETT: The next item on the agenda is variance  
289 application V1636-22 by John Tokizawa, applicant and owner, for  
290 a variance to Section 48-238(3)a to allow a front setback of  
291 24.5 feet instead of 30 feet for the purpose of constructing a  
292 two-story front addition, and 2) a side setback of 9.8 feet  
293 instead of 13 feet for the purpose of constructing a one-story  
294 rear addition at premises known as 514 Timber Lane.

295 And before we proceed, I just want to ask that you  
296 sign into the roll there, and if you plan to speak, to raise  
297 your right hand.

298 (Witnesses sworn.)

299 MR. BARTLETT: Thank you.

300 And while the applicant is signing in, staff, could  
301 you provide a quick summary for us for this variance  
302 application.

303 MS. ROUZI: Yes. This is zoned R-1A, and the  
304 requirement for a front setback is 30 feet and side setback is  
305 13 feet. Similar to the previous application, the existing  
306 house footprint is non-conforming for side and front setbacks.  
307 The applicant is working around the existing footprint and  
308 proposing a rear addition that's aligned with the existing side  
309 elevation with a current setback of 9.8 feet there. The front  
310 addition is aligned with the existing front elevation with a  
311 current setback of 24.5 feet there.

312 MR. BARTLETT: Thank you, Akida.

313 At this time I'd like to ask the applicant to provide  
314 a summary of your project and your plans and your justification  
315 for a request for a variance.

316 MR. HUANG: I'm the consultant and the professional  
317 engineer service for Mr. Tokizawa and I try to summarize what is  
318 the variance for.

319 Can you see the lot here? You can see here. The  
320 existing house, you can see this existing house right there and  
321 the garage in the back side.

322           Now, what the problem is, the existing house right  
323 here on the back side they have two story, front side look like  
324 Cape Cod, you know, like one story slanted up to the top. And  
325 the proposal to get this, to brace up, brace up the front here,  
326 this half here, it's a two story here, and up to here two  
327 stories on the back side and the front side is a Cape Cod, one  
328 story. And now we want to extend this, everything up to the two  
329 story.

330           All right. So under the footprint, this extended this  
331 side even with the existing building there, all right. You got  
332 it?

333           On the back side there become a three car and then sun  
334 room there. All right. You follow that picture? If not, later  
335 the architectural planning will show you the elevation, much  
336 clearer than this.

337           The elevation, here. Next, keep going. Front. Right  
338 here. You see this? Actually this is the back side -- yeah,  
339 this is the front side. Before we up to this level and now we  
340 extend it. We want this elevation. That's right. Thank you.

341           Before it's up to here. Now, we extend it up to fully  
342 second floor, that's what we're planning to do. And you look at  
343 this side, side view from the right hand side, front end side of  
344 the house, you can see this side, the original, we have two  
345 story up here like this coming down there, the original. Now,  
346 we extend it up to the top and the back side there, will become

347 the sun room and the garage. From the right hand side up to the  
348 house renovation, up to that elevation down, that's a side view.

349 And this side, from the left hand side of the house,  
350 you look at this, it becomes a three car garage there, and this  
351 side, you know, before it's this height. Right now we have  
352 extended up to the two story under the same footprint.

353 So this is the left hand side, this is right hand  
354 side, and this is front view. The front view, and there's also  
355 a back view here. You can see the front door.

356 Is that clear for the picture now?

357 You look at this side, original house is like this,  
358 up, down right there. Now, we going to extend it up under the  
359 footprint. So the second floor front, does not meet the front  
360 setback requirement. That's what happened on this side.

361 MR. BARTLETT: I want to ask a quick question as  
362 you're discussing this.

363 MR. HUANG: Yes.

364 MR. BARTLETT: Are you saying that the height of the  
365 new proposed structure is going to be the same as the existing  
366 structure?

367 MR. HUANG: The new and old, the height of this roof,  
368 this roof would be higher than the old one because we're  
369 reducing the attic space, extra bonus room there, they can use  
370 that. And the height right from top to the grade level, it's

371 about 35 feet. If you look at midline to the grade level, it's  
372 about 32 feet in height.

373 MR. BARTLETT: Do you have anything else at this point  
374 to share? We can jump into questions, but if you have more to  
375 share.

376 MR. HUANG: Yes. I just want to explain to you that  
377 this lot is very unusual they have found. 65 width in the back  
378 side all the way to 109 feet, 8 feet, and the house was built in  
379 1942. City Code not the same as when they build the house, so  
380 that's arbitrary at that point to meet that, the City Code for  
381 the setback requirement.

382 MR. BARTLETT: The City Code is what?

383 MR. HUANG: City Code for the setback requirement  
384 won't be the same as today's because it was built in 1942, the  
385 house.

386 MR. MISLEH: Can you please explain the front setback.  
387 I'm having a hard time following the -- on the plat it appears  
388 you're pushing the house forward.

389 MR. HUANG: Here, you see that, the existing one is  
390 right here, this line. We didn't change this line. The house  
391 already built that. If you extend it out to two story, but we  
392 still stay in the front line but right now it is 23 on the front  
393 setback -- right now the current is 24.5 feet but the  
394 requirement is 30 feet.



395 MR. MISLEH: So the significance of the red line on  
396 there is, that doesn't indicate where you're --  
397  
398 MR. HUANG: No, this is the -- we didn't change this  
399 line. This stay there.  
400  
401 MR. MISLEH: I think what's throwing us off, sir, is  
402 the red line that's running across the front.  
403  
404 MR. HUANG: Yeah, this one run over that extension,  
405 even with the existing footprint from the back side building  
406 there, the existing building coming down there.  
407  
408 MR. MISLEH: Got it.  
409  
410 MR. HUANG: The problem is the front setback, this  
411 part, extended out, this addition extended out to that left  
412 side.  
413  
414 MS. ROUZI: Mr. Misleh, I think you might be referring  
415 to the dimension line that -- yeah, that's not the extent of the  
416 addition.  
417  
418 MR. MISLEH: Thank you.  
419  
420 MR. BARTLETT: Just to clarify, the existing house is  
421 24.5 feet from the setback.  
422  
423 MS. ROUZI: Correct.  
424  
425 MR. BARTLETT: Okay.  
426  
427 MS. WARD: And the porch is being I guess removed then  
428 completely?  
429  
430 MR. HUANG: Say again?

419 MS. WARD: The porch is being removed completely with  
420 the new design.

421 MR. HUANG: No, the porch is there. We don't touch  
422 the porch. The porch is still there. We don't touch anything.  
423 It's just the second floor up. That's all we need.

424 MR. MISLEH: So the existing porch will remain the  
425 same size?

426 MR. HUANG: Yes, we don't touch anything. Just extend  
427 it up two floors, that's it.

428 MR. BARTLETT: I just want to point out that this  
429 variance request is not simply to add a second floor to an  
430 existing non-conforming space in that you are actually asking  
431 for a setback -- a variance to the setback of new, disturbed  
432 land with a front setback extending the footprint of the house  
433 towards lot 64. You're actually increasing the non-conforming  
434 space by adding new footprint to where the existing -- it looks  
435 like a sidewalk or some sort of path where you label it as in  
436 writing "addition". And adding non-conforming space to the rear  
437 of the house labeled as "sun room," so 430 feet. That number is  
438 -- you're actually adding, the sun room would be an extension  
439 and new non-conforming space.

440 Everyone seeing what I'm --

441 MR. MISLEH: Yeah.

442 MR. HUANG: That back side, the back side for the sun  
443 room, on that part, violated the current side setback. The back  
444 side.

445 MR. BARTLETT: So the one and a half story concrete  
446 siding, number one -- number 514 on that diagram where the  
447 dimensions are 32.2 by 40.1 feet, the 40.1 feet by 32.2 feet  
448 that is, what it seems to me, like 3 feet 4 inches or .2 feet --  
449 a little over 3 feet of non-conforming space that's currently  
450 occupying the setback.

451 What you're asking for is to add 32 more feet into the  
452 side yard setback to build the sun room.

453 MR. HUANG: Yes, 32 feet, yes, that's correct. 32  
454 feet in the back and proposed 9.8 versus the -- 9.8 versus the  
455 13 is the problem for 3 point -- let me see. That would be --

456 MR. BARTLETT: It's almost 100 square feet into new  
457 non-conforming space.

458 MR. HUANG: Yes. About 3 -- about 100 square feet.  
459 Yeah, that's correct, for that back side, yes.

460 MR. MISLEH: The addition on the left, the space  
461 labeled as "addition", that is not in the side setback, right?  
462 You have 14.9 feet on that side, so I just want to be clear.

463 MR. HUANG: Yeah.

464 MR. MISLEH: Are you planning to tear the house down  
465 or are you going to maintain the existing structure?

466 MR. HUANG: Um --

467 MR. MISLEH: Are you planning to tear the home, the  
468 existing home down?

469 MR. HUANG: No, no, no.

470 MR. MISLEH: You're going to use the existing  
471 structure.

472 MR. HUANG: No, we use the footprint there. And we  
473 follow what the footprint, original from there, we make the  
474 building look nice from every direction. See that, the original  
475 existing there, we continue straight this line. This is  
476 addition there. And the front line, we don't change anything.  
477 In fact, we square away to there, you know, straight to the  
478 back.

479 Yeah, so make the building look more better, you know,  
480 uniform.

481 100 square foot in the back in the sun room, that's a  
482 violation -- that's the petition of that Board for this  
483 variance. And the front side, only this one, you can see the  
484 front side addition will be this side, extension here, and then  
485 the second floor up, yeah.

486 MR. KIEN: So I've got two questions.

487 MR. HUANG: Yes.

488 MR. KIEN: Starting with the addition on the front  
489 left corner of the home, can you tell me why the additional  
490 encroachment into the front setback is critical to the design of  
491 the second floor.

492 MR. HUANG: You mean the left hand side?

493 MR. KIEN: Correct.

494 MR. HUANG: Okay. I tell you what. This old design  
495 is very strange. They have a heating/cooling on the center of  
496 the house. They have crawl space, they cannot put the heater  
497 there. What we put on the left hand side there, we get the  
498 basement down, the heating/cooling system will be in the  
499 basement there. That's very critical to have that, otherwise  
500 you don't have any improvement at all for the existing building  
501 because you have a hood, you have a chimney in the middle.  
502 That's terrible. You don't have hallways that go straight. And  
503 upstairs you have limited that use of the space. So that  
504 live-in side addition, very critical.

505 MR. KIEN: Okay. And then can you explain to us why  
506 the single story rear addition is critical to be in that space  
507 and not moved to where it wouldn't be additional frontage into  
508 the right setback, since it's a single story.

509 MR. HUANG: Yeah, because the support, the 100 square  
510 foot would become this way then, very narrow, the sun room  
511 there, you know. So that's not work out any good, so we need  
512 that 100 square foot, approximately 90 square foot area, it's  
513 very critical.

514 And also the back side there, we tried to fit a three  
515 car, they have room there. And this street, you know, lot of

516 off street car. It's better there, better to have a car garage  
517 there to have a more accepting street, you know.

518 MR. KIEN: So is there a reason why the entire  
519 footprint that you're proposing to be added could not shift as  
520 opposed to slimming the sun room? Is there a reason  
521 structurally or in design, why it could not shift the requisite  
522 three plus feet to the left and still fall within the project?

523 MR. HUANG: Yeah, because if you go the left-hand side  
524 there, the critical area, the basement is used for the  
525 heating/cooling, and the top to make the room bigger, you know,  
526 more light on the side, and then if you cut that, if you cut  
527 like 23 -- let me see. 24.5 versus 30, you know, that would be  
528 about 5.5 feet. 5.5, about 5.5 multiply by 8, about 50 square  
529 feet, you have to cut in this way, very hard for the front  
530 because they have a circular stairway to the second floor.

531 Right now they are very tiny, very hard to get up  
532 there. So we need a space for that circular stairway to the  
533 second floor.

534 MR. MISLEH: I think the question is the rear  
535 addition, right now on the right side it's encroaching by 3.2  
536 feet, according to the plan into the right setback.

537 MR. HUANG: Yeah.

538 MR. MISLEH: Correct me if I'm wrong, but I think Mr.  
539 Kien is asking why you can't shift the sun room over the 3.2

540 feet so that you're in conformance for the rear addition and  
541 then we're only talking about the front setback.

542 MR. KIEN: That's correct. I mean moving the garage  
543 and the sun room three feet. You know, in looking at this,  
544 three feet this way, right, so because it's only a single story  
545 there's nothing above it, was there something that allowed that  
546 not to happen in the design?

547 MR. HUANG: It can be done but it's just strange  
548 compared to the neighbors' house. Notch in there, you know, for  
549 the house, this is kind of strange.

550 Yeah, this one, notch in three feet like that?

551 MR. KIEN: Correct.

552 MR. HUANG: It can be done but for the overall design,  
553 it's kind of strange. You've got angle there. That's very  
554 strange construction for a sun room.

555 MR. KIEN: Isn't the left side notched over?

556 MR. HUANG: Huh?

557 MR. KIEN: Isn't the left side shown as being notched  
558 over?

559 MR. HUANG: On that side because you need the space,  
560 you want to keep as clear as more for the car to turn. That's  
561 no choice. We can push this out there and sit over but it's not  
562 right for the car has to back up.

563 MR. KIEN: Then I think that answers my question, is  
564 that to have adequate space to be able to back out of the  
565 garage, you've got 20 feet right now to do that.

566 MR. HUANG: Yeah.

567 MR. KIEN: An average car length of about 16 feet, 14  
568 feet, somewhere in that range.

569 MR. HUANG: Yeah, 16.

570 MR. KIEN: That is why you need that clearance.

571 MR. HUANG: Yes. I need 20 feet. 16 is kind of  
572 tight, you know, for the people to drive.

573 MR. KIEN: Sure. Okay.

574 MR. BARTLETT: I'm going to ask a question. You said  
575 that having 72 straight feet of wall on -- I think I know what  
576 direction this is -- towards lot 66 would be consistent with the  
577 rest of the neighborhood.

578 MR. HUANG: Yes.

579 MR. BARTLETT: Have you been to this area of the  
580 neighborhood and looked at the different houses in this area?

581 MR. HUANG: Yeah, I looked at that.

582 MR. BARTLETT: Because I actually think that this  
583 house is -- would not be consistent with the rest of the homes  
584 in the area. I know that the house next to you is a brand new  
585 construction and they didn't need a variance. And then the  
586 house, 66 or 67, they did an expansion, an addition on that  
587 house as well and they went back without having to get a



588 variance into the space behind the existing and reconstructed  
589 Cape Cod that was built at the same time as yours.

590 My concern is that you're asking us to give you a  
591 variance of 100 additional non-conforming space to accommodate a  
592 three car garage and in the back of the home a nice additional  
593 sun room when having a different type of garage would still  
594 provide the same sort of use for the property.

595 And I don't necessarily think that at this point I'm  
596 concerned that the way that you're asking for a variance isn't  
597 -- your property isn't unreasonably restricted from what you  
598 actually want to accomplish and I'm concerned about the idea of  
599 having to ask for additional non-conforming space in the front  
600 to accommodate something internally.

601 And then can you answer a question about -- you said  
602 you're putting in a basement?

603 MR. HUANG: Yes.

604 MR. BARTLETT: You're adding a crawl space or a  
605 basement?

606 MR. HUANG: This addition there. This addition on the  
607 side --

608 MR. BARTLETT: That yellow highlighted area?

609 MR. HUANG: Yeah, that's right. See this one, that's  
610 a basement, and also trying to expand a little bit here for the  
611 stairway go down to the basement.

612 MR. MISLEH: How do you plan to -- are you planning to  
613 demo the existing house?

614 MR. HUANG: The first floor is more or less not much  
615 different, only the --

616 MR. MISLEH: No, I asked you a very specific question,  
617 sir. Are you going to demolish the existing house?

618 MR. HUANG: No, no.

619 MR. MISLEH: How do you plan to get the basement?

620 MR. HUANG: Okay. First floor, we start from the side  
621 there, nothing over there, and the existing structure, we're  
622 going to underpin.

623 MR. MISLEH: Okay.

624 MR. HUANG: Underpin structure operation, so you can  
625 have existing structure support by the underpin and then we take  
626 that dirt out, that kind of operation, yeah.

627 MR. MISLEH: Thank you.

628 I have a question regarding the letters of support and  
629 the explanation of the hardship. It's probably a question  
630 better for the owners, owner/applicant.

631 We see that there's one letter provided by the  
632 neighbor to the left who I guess is less impacted by this  
633 request. Do we have a letter of support from the neighbors to  
634 the right?

635 MR. HUANG: Yes, there are two.

636 MRS. TOKIZAWA: We have two.

637 MR. MISLEH: Did I miss that?

638 MR. HUANG: From 516 and 512.

639 MR. MISLEH: Thank you.

640 And then the second question is to the  
641 owner/applicant: How long have you lived in the home and what's  
642 the hardship? Can you explain to us a little bit about what the  
643 reason for your request and anything else you'd like to share?

644 MR. TOKIZAWA: Yes, sir. We have been living there  
645 for 10 years. And the thing is, since my daughters they were  
646 both in high school and of course that we joined the  
647 neighborhood because, you know, well-established community and  
648 with big trees and everything.

649 We enjoyed very much with that house, although it is a  
650 little bit old but to a point like today, the outside is raining  
651 and the inside is raining as well. And here rains and here,  
652 there rain. So we fixed one area and then comes another area.  
653 And it has been continuously like that.

654 And besides that, both of my daughters they will  
655 finish their graduate school and then they plan to return here.

656 When they were younger in high school, their rooms  
657 were small, you know. I think it's okay for them. But right  
658 now you can see that it's obviously very small and the leakage  
659 and then the floor is getting old. In the winter it's very  
660 cold, I guess because the house is getting old and again, places  
661 are cracked and cold air comes in.

662           So we decided that maybe it's the right time to just  
663 renovate it for a better condition so when my daughters, when  
664 they come back they can have a place to stay.

665           MR. MISLEH: Thank you.

666           MS. WARD: I had just a quick question about the  
667 letters provided to the neighbors. Did you guys include the  
668 entire packet when you sent the information to the neighbors?  
669 In the letter it indicates as shown in the picture the two story  
670 addition, you'll have the same wall, the same footprint as the  
671 existing house without additional renovation except for a  
672 different height.

673           I just wanted to make sure they are aware of the  
674 extension on the back.

675           MR. TOKIZAWA: Yes, we showed them the drawings.  
676 Yeah, we showed them the drawings and tell them exactly how the  
677 additions will be. And they understood that, yeah.

678           MS. WARD: All right. Thank you.

679           MR. BARTLETT: I actually have the same question. So  
680 to confirm, you're saying that you showed them -- I'm holding up  
681 a picture of the entirety of the drawings with the three car  
682 garage and the sun room extending all the way back into the  
683 yard; you showed them that, not just the picture?

684           MR. TOKIZAWA: No.

685           MRS. TOKIZAWA: No.

686 MR. TOKIZAWA: In fact, that they want to see it.  
687 They want to see how the building and -- yeah.

688 MR. BARTLETT: What's your current liveable square  
689 footage?

690 MR. TOKIZAWA: I think 2000 -- I cannot remember  
691 exactly. 2000 something.

692 MR. BARTLETT: And what's the proposed square footage  
693 of this new two and a half story?

694 I guess another follow-up question to that, are you  
695 ready to submit permits, permit applications at this point and  
696 start construction?

697 MR. HUANG: It's already -- we already submitted.

698 MR. BARTLETT: You already submitted your permit  
699 applications?

700 MR. HUANG: Yes, you know, pending on the variance.  
701 Everything in the file, yeah.

702 MR. BARTLETT: So this is considered -- staff, is it  
703 considered a final complete permit application or --

704 MS. ROUZI: I've asked for some additional information  
705 to be included in the building permit application packet. If  
706 the variance is approved, they would have to supplement that  
707 packet with additional information.

708 MR. BARTLETT: Thank you.

709 Did you find your proposed square footage? I mean I'm  
710 just confused that you don't know that.

711 MR. TOKIZAWA: The original one or --

712 MR. BARTLETT: No, what's the proposed square footage

713 of your new, of this addition, of this construction?

714 MR. HUANG: Roughly 40 by 40. 40 by 40, 1600, that's

715 what the area is, 3200 square foot.

716 MR. BARTLETT: The total square footage will be 3200

717 square feet?

718 MR. HUANG: Yes, that's right.

719 MR. BARTLETT: Including the sun room?

720 MR. HUANG: No, not including, just the living space.

721 No sun room.

722 MR. BARTLETT: Is the sun room a screened-in porch or

723 is it four season?

724 MR. HUANG: Four season.

725 MR. BARTLETT: So, living space, right?

726 MR. HUANG: Try to be four season, yeah, trying to be

727 designed for the four season but so far we're going to have like

728 a sun room without heating/cooling. That's what the plan is.

729 MR. MISLEH: It appears that you're building a room

730 above it. How are you going to have an -- a room below with no

731 heating and cooling and you're going to have living space above,

732 please explain.

733 MR. HUANG: No, which one is that?

734 MR. MISLEH: In the rear expansion there's a room

735 upstairs shown in the plan.

736 MR. HUANG: Yeah, become two units. Two zone control.  
737 One control in the attic to take care of the second floor area  
738 and then one in the new basement will take care of the first  
739 floor area. So two zone control, heating/cooling system.

740 MR. MISLEH: Maybe I misunderstood the plan. The area  
741 that's shown as "study room", are you saying that's  
742 unconditioned space?

743 MR. HUANG: Yeah, it's not even there.

744 MR. MISLEH: There's no air conditioning in that  
745 space?

746 MR. HUANG: Air conditioned, yes.

747 MR. MISLEH: Got it. But the space below it will be  
748 not conditioned.

749 MR. HUANG: Right.

750 MR. MISLEH: Okay.

751 MR. HUANG: That will be garage. You know, they don't  
752 need any heating/cooling.

753 MR. BARTLETT: Can you share the total square footage  
754 of your proposed driveway and other space? What I'm seeing here  
755 is that your proposed lot cover calculation for the new -- I'm  
756 just going to call it the new home -- is 24.5 percent --

757 MR. HUANG: Yes.

758 MR. BARTLETT: -- which is just under the limit for  
759 your home.

760 MR. HUANG: Yes.

761 MR. BARTLETT: What is the area that will be  
762 considered impermeable which is a 35 percent limit. I'm seeing  
763 probably a 90 foot driveway. Just curious.

764 MR. HUANG: In the submittal I have this, 40.3, and  
765 40.1. That's just the area for the house and garage. 32, 31.2,  
766 including that sun room. These two together is 24.55. I  
767 including that 12 by 20, you know, 12 by 20 square foot, 240  
768 square foot and another 140, the existing tool shed and divide  
769 by lot size, 12,758. So it turn out to be 24.55.

770 MR. BARTLETT: Yes, that's the lot coverage of the  
771 home but I'm asking about the coverage of your total impermeable  
772 surfaces which include your driveway. So if you can't build a  
773 driveway to accommodate your three car garage because it adds  
774 another 10 percent to your permeable surface.

775 MR. HUANG: We can get this 150 out, another tool  
776 shed, we can take it out, existing. Existing tool shed.

777 MR. BARTLETT: I'm asking what your proposed numbers  
778 are.

779 MR. HUANG: My proposed number is 24.55.

780 MR. BARTLETT: For the house.

781 MR. HUANG: Yes -- no -- including that tool shed.

782 MR. BARTLETT: Correct. Yes.

783 MR. HUANG: Tool shed, yes.



784 MR. BARTLETT: So I'm hearing you don't have that  
785 information. You don't know the size of your driveway necessary  
786 to reach this three car garage.

787 MR. HUANG: I can give the numbers. I can calculate.

788 MR. BARTLETT: Was that part of -- that was probably  
789 something you needed in the permit application I'm sure.

790 MS. ROUZI: Yeah, actually I had to look into the  
791 status of the application through the Department of Public  
792 Works. They're looking to see if they need a grading plan. If  
793 they do need a grading plan, then Zoning is required to look at  
794 impervious lot coverage. If the grading plan is not needed,  
795 then we are required only to look at building lot coverage.

796 So depending on what the determination is from Public  
797 Works, they may need to show that calculation on their plans as  
798 well.

799 MR. BARTLETT: Thank you.

800 We can take some time if the Board has any more  
801 questions. I know we're -- I'm just going to share that this  
802 is, this application is very difficult to read and the  
803 information is very difficult to look at. So we're sort of  
804 scrutinizing really small details here on the actual submitted  
805 information so it's just taking us some time.

806 MR. MISLEH: I have a question again for the builder.  
807 The referenced wood floor joists over the expanded basement, it  
808 does not reference that as existing. So I just want to

809 understand, how do you plan to install new, what is that, 2 by 8  
810 floor joists in that area when the statement was made that  
811 you're going to retain the existing structure.

812 MR. HUANG: I'll tell you what. When we -- let me  
813 just explain to you. We went -- because the 2 by 8 structure  
814 can carry over to about 14 feet, one side to the other. Your  
815 question about 2 by 8, we're going to carry from the existing  
816 footing, extend it out to wherever our basement is. You know,  
817 we have basement, so we have to enforce the structure because  
818 the existing structure, they have pier structure, so the pier  
819 will be gone so we have to get enforcement for that. Of course  
820 we have to have a beam, not just the 2 by 8, just a joist and  
821 we're going to elevate the structure being there too, yeah.

822 In other words, from pier to pier, when you mention  
823 that pier, it's got to be beam to support that structure on top  
824 for the joist.

825 MR. MISLEH: So your statement is that you're going to  
826 do that sub-grade; you're going to dig out and underpin --

827 MR. HUANG: Underpin, yeah.

828 MR. MISLEH: -- and install those joists all from  
829 underneath the existing structure.

830 MR. HUANG: Yeah, that's right. You have to pin first  
831 before you install the footing and then pin together on the  
832 wall, yeah. Every four feet, pin, every four feet you have pin,

833 and in between you have 14 and block up to support a structure  
834 on the top.

835 MS. WARD: And then the main level, I'm showing 8  
836 feet. Is the main level the same height as existing?

837 MR. HUANG: Basement will be 7 and a half feet. First  
838 floor would be 8 feet.

839 MS. WARD: Is that the same as existing?

840 MR. HUANG: Yeah, that's right, yeah.

841 MS. WARD: Okay.

842 MR. MISLEH: So, Akida, in the event that Public Works  
843 comes back and requires a civil drawing or a grading plan, how  
844 would that impact whatever decision is made tonight if the  
845 applicant had to adjust their lot coverage to accommodate the  
846 driveway?

847 MS. ROUZI: It would depend on the changes they're  
848 making to the drawings and the design. If the setbacks are  
849 going to remain the same, it probably wouldn't have an impact on  
850 the variance as approved. If setbacks they're asking now  
851 changes, then they would have to come back here for an  
852 amendment.

853 MR. MISLEH: Thank you.

854 MR. BARTLETT: Does the Board have any further  
855 questions at this time?

856 (No response.)

857 MR. BARTLETT: I'm just going to ask if you have  
858 anything additional before -- ask the applicants if you have  
859 anything additional you'd like to share before the Board starts  
860 to deliberate on your variance application.

861 (No response.)

862 MR. BARTLETT: Okay. Thank you.

863 I will just start. I understand that homeowners would  
864 like to renovate or build new in the City of Falls Church and  
865 that there are existing hurdles to doing that on their property.  
866 I recognize that some of the zoning that we all face places  
867 hindrances on what we would like to do or what we can do.

868 When I looked at this application for the first time  
869 and I saw the pictures of what you presented, it looked to me  
870 like you were planning on elevating the home, adding an  
871 additional story to the existing home and that you are going to  
872 utilize the existing non-conforming space to add a second floor  
873 to your home.

874 And if that was the situation, I would have no  
875 problem. But that's not what you're asking for. You're  
876 actually asking for a tremendous amount of new non-conforming  
877 space that doesn't necessarily alleviate a hardship or a  
878 situation where you're unable to use your property.

879 So I have a heart-burning concern about giving you a  
880 variance for the sun room space to accommodate a three car  
881 garage on the back of your home. I understand that if you

882 wanted to add a sun room, you could add a sun room without  
883 requiring a variance. If you want to add a garage to the back  
884 of your home, you can add a garage to the back of your home  
885 without seeking a variance.

886 But unfortunately what you're asking for is both and  
887 I'm uncomfortable with that at this point.

888 MR. KIEN: I would agree with those comments. Looking  
889 at the front addition and expansion on there, the existing  
890 footprint, from what I understand of the application, I could  
891 see how that could potentially be an issue in expanding the  
892 second floor. Although not completely clear, somewhat  
893 understanding the internal mechanisms of the home and the need  
894 to relocate them to allow for additional space so that you and  
895 your daughters can use it, I find that compelling.

896 But again, to my questions earlier in regards to the  
897 garage and the sun room, I don't understand what the hardship is  
898 other than potentially in the opinion of some that it could  
899 maybe look awkward, which is not generally something --  
900 aesthetics are not something we consider as a hardship when  
901 granting variances for projects such as this.

902 So I share the same concerns.

903 MS. WARD: Yeah, and I'll echo similar feelings. I  
904 think there's some alternative that could be explored for the  
905 rear of the house that would very well meet the Code

906 requirements. It's a really large lot in the rear, and I think  
907 with some creativity you could get what you want out of it.

908 But having that large of a variance request with just  
909 that continuous straight shot of so many feet, yeah, I can't see  
910 that as being something that I feel comfortable with.

911 The front, yeah, I do think that I understand the  
912 front as well. I think it would be helpful to I guess indicate  
913 a little more about the actual hardship for the front portion.  
914 If you guys do come back for that, I think that I could be  
915 supportive of the front portion.

916 MR. MISLEH: I'll agree with the fellow Board members.  
917 I think there are plenty of examples of expansions, rear  
918 expansions on Timber Lane that conform that I don't see the  
919 hardship in the rear setback.

920 The front, I do agree, that if we're building up, if  
921 you're going up on the existing structure, that's a pretty  
922 standard request that we see and I could get behind that as  
923 well.

924 MR. HUANG: Yeah, I can make comment on this?

925 I think we can get by on that. On the back side we  
926 can meet the requirement offset by another three feet. It  
927 doesn't matter, the sun room, you know, you can have it, you  
928 cannot have it. The front is definitely we need, yeah.

929 MR. MISLEH: So I'm open to having a motion to approve  
930 the front if the Board's open to that.

931 MR. BARTLETT: I am open to the concept of recognizing  
932 the need for an additional -- I'm looking at the actual existing  
933 footprint when there is 5.5 feet by 8 feet that currently is  
934 unoccupied that you are asking to include in future  
935 non-conforming space in the front. That's like what, 44 feet,  
936 44 additional square feet of non-conforming space in the front.

937 I'm comfortable with extending the front  
938 non-conforming space to allow a front yard setback of 24.5 feet  
939 straight across any new construction area which has been  
940 designated as -- where you plan to include this new basement and  
941 is listed as "addition" on this form.

942 But again, I'm only comfortable with that as a  
943 variance.

944 MR. KIEN: I'm sorry, Keith. I'm not following your  
945 math, just to be clear, on what we're decisioning here.

946 Am I reading this wrong, in that that new addition is  
947 8 feet one inch by 23.7 inches, so it's a slightly larger amount  
948 of square footage, that's why it has such an impact on the upper  
949 level or am I looking at the drawings incorrectly?

950 MR. BARTLETT: You're looking at it correctly, Mr.  
951 Kien, but the non-conforming space only goes to 30 feet of the  
952 front setback and so I'm just referring to --

953 MR. KIEN: Got you.

954 MR. BARTLETT: -- the area what's considered a  
955 variance. The total new space is 23.7 by 8.1 feet but the  
956 non-conforming space is only an additional 5.5 by 8.

957 MR. KIEN: Thank you for that clarity.

958 MS. WARD: I just had one point of clarification. I  
959 thought the side setbacks were supposed to be 15 feet, not 13  
960 feet for R-1A.

961 MS. ROUZI: It is but this one is substandard for lot  
962 width. So it becomes 20 percent of the lot width which is about  
963 13 feet.

964 MS. WARD: Okay. Thanks for your cooperation.

965 MR. MISLEH: Yeah, I just want to add that I  
966 understand the hardship of relocating the HVAC to the -- and  
967 adding that basement space, that all makes sense. So I think  
968 the addition, although you are adding new space into the  
969 existing non-conforming setback, I understand the hardship in  
970 that request and so I'll agree with Mr. Bartlett.

971 MR. BARTLETT: So, Akida, just to clarify, we have the  
972 authority to amend a variance request at this time and make a  
973 motion to limit that variance request based on a conversation  
974 that we're having on the Board but also if it's amenable to the  
975 applicant.

976 MS. ROUZI: Yes, sir, you can do that.

977 MR. BARTLETT: Thank you.

978 MR. MISLEH: I'll take a stab at this.



979 I make a motion to approve variance application  
980 VI636-22, Section 1 of that request, to allow the front setback  
981 of 24.5 instead of 30 feet for the purpose of constructing a two  
982 story front addition.

983 We will strike Section 2 of that variance request for  
984 purposes of this approval.

985 Additionally I'd like to condition that approval upon  
986 the approval of Department of Public Works and Zoning to confirm  
987 that the proposed addition and total square footage meets  
988 whatever lot coverage requirements, impervious lot coverage  
989 requirements that are currently in place with the City.

990 MR. BARTLETT: Mr. Misleh, I need to amend your motion  
991 because they are still going to need a variance for the existing  
992 non-conforming side yard setback. Just not an additional side  
993 yard setback variance, sorry.

994 MR. MISLEH: Maybe, Mr. Bartlett, I'll let you re-read  
995 that into the record.

996 MR. BARTLETT: So I'm going to have to make a motion  
997 to -- or, there's no second on that motion.

998 Is that correct?

999 (No response.)

1000 MR. BARTLETT: All right. No second on that motion.  
1001 Moving forward, I'll try to read this into the record.

1002 I will make a motion to approve variance application  
1003 VI636-22 by John Tokizawa, applicant-owner, for a variance to  
1004

1005 Section 48-238(3)a to allow a front setback of 24.5 feet instead  
1006 of 30 feet for purposes of constructing a two-story front  
1007 addition, and 2) a side yard setback of 9.8 feet instead of 13  
1008 feet for the purposes of constructing a two-story front  
1009 addition on the existing footprint at premises known as 514  
1010 Timber Lane, RPC #52-601-026 of the Falls Church Real Property  
1011 Records, zoned R-1A, Low Density, conditioned on the City of  
1012 Falls Church Bureau, Department of Public Works approval of the  
1013 permit application for this renovation, that it does not need a  
1014 grading plan.

1015 Further, this variance does not include further  
1016 additional non-conforming space beyond the current existing  
1017 footprint.

1018 MR. MISLEH: Akida, does that read okay?

1019 MS. ROUZI: Yes, plus we have the recording so we'll  
1020 go back and listen to it.

1021 MR. MISLEH: I'll second that motion.

1022 MS. ROUZI: Did you second it, Mr. Misleh? Sorry.

1023 Oh, he did.

1024 MS. ARSENEAU: All right. So call the vote.

1025 Mrs. Ward.

1026 MS. WARD: Yes.

1027 MS. ARSENEAU: Mr. Bartlett.

1028 MR. BARTLETT: Yes.

1029 MS. ARSENEAU: Mr. Misleh.

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MR. MISLEH: Yes.

MS. ARSENEAU: Mr. Kien.

MR. KIEN: Yes.

MS. ARSENEAU: Motion carries, 4 to 0.

MR. MISLEH: Congratulations.

MR. BARTLETT: Thank you for your time.

MR. HUANG: Thank you.

MR. TOKIZAWA: Thank you.

c. APPROVAL OF 2023 BZA RULES OF PROCEDURES

MR. BARTLETT: Moving on to approval of the 2023 Board of Zoning Appeals Rules of Procedure, thank you, Laura and Akida, for providing us an updated Board of Zoning Appeals Rules and Procedure document.

I would just like to take up a minute and make sure that everyone has had a chance to have reviewed them and then bring up any questions or comments on the Rules of Procedure.

MS. WARD: Were there any updates to it?

MS. ROUZI: We do not make updates to the previous.

MS. WARD: Okay. Thanks.

MR. MISLEH: I'll move to approve the Rules of Procedure for the Board of Zoning Appeals of Falls Church adopted in 2023.

MR. BARTLETT: I'll second that motion.

MS. ARSENEAU: Calling the motion.

1055 Ms. Ward.  
1056 MS. WARD: Yes.  
1057 MS. ARSENEAU: Mr. Bartlett.  
1058 MR. BARTLETT: Yes.  
1059 MS. ARSENEAU: Mr. Misleh.  
1060 MR. MISLEH: Yes.  
1061 MS. ARSENEAU: Mr. Kien.  
1062 MR. KIEN: Yes.  
1063 MS. ARSENEAU: Motion carries, 4 to 0.  
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1065 d. APPROVAL OF 2023 BZA ANNUAL MEETING CALENDAR

1066 MR. BARTLETT: Moving on to the next item on our  
1067 Agenda, Approval of the 2023 Board of Zoning Appeals Annual  
1068 Meeting Calendar. Consistent with practice, we will have our  
1069 Board of Zoning Appeals meeting on the second Thursday of each  
1070 month. There is no August meeting scheduled.

1071 As you can see on the provided list, there is both the  
1072 meeting dates and the Agenda cutoff for the receipt of  
1073 application, fees, and materials.

1074 Does anyone have any comments or concerns on the  
1075 proposed calendar?

1076 MR. MISLEH: Do we need to approve?  
1077 I'll make a motion to approve the BZA calendar for  
1078 2023.

1079 MR. KIEN: I'll second that motion.

1080 MS. ARSENEAU: All right. Call the vote.  
1081 Ms. Ward.  
1082 MS. WARD: Yes.  
1083 MS. ARSENEAU: Mr. Bartlett.  
1084 MR. BARTLETT: Yes.  
1085 MS. ARSENEAU: Mr. Misleh.  
1086 MR. MISLEH: Yes.  
1087 MS. ARSENEAU: Mr. Kien.  
1088 MR. KIEN: Yes.  
1089 MS. ARSENEAU: Motion carries, 4 to 0.  
1090 MR. MISLEH: Mr. Bartlett, may I ask a question to  
1091 staff?  
1092 Correct me if I'm wrong, did we send out calendar  
1093 invites for the meeting dates last year, is that --  
1094 MS. ROUZI: We did last year because it was virtual.  
1095 If that's something you'd like, we can do that this year too.  
1096 MR. MISLEH: I think that would be very helpful.  
1097 MS. ROUZI: Yes. Okay.  
1098 MR. MISLEH: Yes, please. Thank you.  
1099 Also, while I'm on a roll, in prior lifetimes we had a  
1100 list of all of the members of the Board and their contact  
1101 information. Is it possible that we can update that list?  
1102 MS. ROUZI: Absolutely. Actually for the next  
1103 meeting, we'd like to give you all a packet of the new Zoning  
1104 Code, Rules of Procedure, everything we have, yes, finally. And

1105 then we'll get you some variance standards. Albemarle County  
1106 has a really good handbook. We'll try to include all of that  
1107 including the contact information.

1108 MR. MISLEH: Thank you very much.

1109 MR. BARTLETT: Thank you very much, Akida.

1110

1111 e. APPROVAL OF THE 2022 BZA ANNUAL REPORT

1112 MR. BARTLETT: Moving on to the Approval of the 2022  
1113 BZA Annual Report.

1114 Thank you to staff for putting this together. This is  
1115 a memorandum from the Board of Zoning Appeals to the City  
1116 Council and the mayor, Mayor Tarter. It outlines some of the  
1117 experiences we had, it talks about the number of variances we  
1118 considered and approved; and it includes attendance and the  
1119 members of the Board. It does show that we have a vacancy for  
1120 an alternate in the future. Hopefully we can find someone to  
1121 fill that space.

1122 I'll just let everyone take a quick second to take a  
1123 look at the report and report any comments or motion to  
1124 approves.

1125 MS. WARD: Just one small thing. You have for the  
1126 meeting attendance my name spelled wrong.

1127 MS. ARSENEAU: My apologies. I'll fix it.

1128 MS. WARD: No worries. I get that a lot.

1129 MR. BARTLETT: Just a quick, quick summary. In 2022  
1130 we approved three variances and denied one variance in all of  
1131 '22.

1132 MR. MISLEH: I'll move to approve the annual report as  
1133 amended with Ms. Ward's name corrected.

1134 MR. BARTLETT: I'll second that.

1135 MS. ARSENEAU: All right. Call the vote.

1136 Mrs. Ward.

1137 MS. WARD: Yes.

1138 MS. ARSENEAU: Mr. Bartlett.

1139 MR. BARTLETT: Yes.

1140 MS. ARSENEAU: Mr. Misleh.

1141 MR. MISLEH: Yes.

1142 MS. ARSENEAU: Mr. Kien.

1143 MR. KIEN: Yes.

1144 MS. ARSENEAU: Motion carries 4 to 0.

1145

1146 6. APPROVAL OF MINUTES

1147 a. Approval of the November 17, 2022, Meeting Minutes

1148 MR. BARTLETT: Moving on to the Approval of the  
1149 November 17, 2022, minutes. The printed minutes are available  
1150 and please take a moment to review them and if there's any  
1151 questions or concerns, please raise them before someone makes a  
1152 motion.

1153 (Minutes reviewed.)

1154 MR. BARTLETT: I'll make a motion to approve the  
1155 November 2022 meeting minutes of the Board of Zoning Appeals.

1156 MS. WARD: I'll second.

1157 MS. ARSENEAU: All right. Call the vote.

1158 Ms. Ward.

1159 MS. WARD: Yes.

1160 MS. ARSENEAU: Mr. Bartlett.

1161 MR. BARTLETT: Yes.

1162 MS. ARSENEAU: Mr. Misleh.

1163 MR. MISLEH: Yes.

1164 MS. ARSENEAU: Mr. Kien.

1165 MR. KIEN: Yes.

1166 MS. ARSENEAU: 4 to 0, motion carries.

1167

1168 7. OTHER BUSINESS

1169 a. Zoning Administrator John Boyle's Retirement

1170 MR. MISLEH: Well, Mr. Bartlett, I'd like to just  
1171 congratulate Akida and Laura on taking the roles and leading  
1172 this Board. Thank you and we look forward to working with you  
1173 this year.

1174 And I think we should maybe go on record just thanking  
1175 John, even though I know he's not able to attend.

1176 And lastly, Mr. Calabrese. Did we still need to  
1177 present him with a plaque?



1178 MS. ROUZI: Yeah, so we put him on the Agenda for  
1179 January 12th and then he unexpectedly had travel plans so we're  
1180 now changing it to a future date. We're not sure, so he's going  
1181 to let us know.

1182 We may not have a February meeting, but if we do,  
1183 we're thinking that February meeting might be it.

1184 And thank you, we are also looking forward to working  
1185 with you in the new year.

1186 MR. BARTLETT: I'll reiterate Mr. Misleh's kind words  
1187 to both you, Akida, and to Laura.

1188 And while Mr. John Boyle was on our Agenda for special  
1189 recognition for his retirement and also his years of dedicated  
1190 service to both the City as Zoning Administrator and as our lead  
1191 staff contact for the Board of Zoning Appeals, he was a great  
1192 resource and he will be missed. But we're happy for him.

1193  
1194 So every January we get the distinct honor of electing  
1195 a new chair and vice chair to the Board of Zoning Appeals. And  
1196 I'm not going to say I'm happy but the Rules of Procedures are  
1197 very clear that a chair cannot serve more than two years in a  
1198 row. So I have served as chair for the BZA for the last two  
1199 years and so I can no longer serve.

1200 So at this time we will have to make nominations to  
1201 appoint a new chair and potentially a new vice chair. Mr.  
1202 Misleh has served as the vice chair for the last year and did a

1203 wonderful job. I would just ask that we take a quick moment to  
1204 contemplate our future.

1205 MR. MISLEH: Mr. Bartlett, you're going to leave big  
1206 shoes to fill. And, you know, maybe we should wait until Mr.  
1207 Eppler is present to have this vote; what do you think?

1208 MR. BARTLETT: Procedurally I'm not sure if we can do  
1209 that. I think we have competent members here tonight that would  
1210 fill those shoes.

1211 MR. KIEN: So in the interest of full disclosure,  
1212 before we decide and nominate folks, I do have an active  
1213 application to another Board in the City right now which would  
1214 require me to leave this Board. And they may or may not select  
1215 me but I think that everyone should know that before they decide  
1216 who we plug in where so that in the event that I did have to  
1217 depart, it's not disruptive.

1218 But I'm happy to serve in any role that anyone has  
1219 confidence in me to do so.

1220 MR. BARTLETT: Thank you, Mr. Kien.

1221 MS. WARD: I can make a motion if you'd want. I'd  
1222 like to make a motion for Mr. Misleh to be chair. I think he's  
1223 done a great job as vice chair for the year and would do an  
1224 amazing job.

1225 MR. MISLEH: Thank you for your confidence.

1226 MR. BARTLETT: I will second that motion for Mr.  
1227 Misleh as the new chair of the Board of Zoning Appeals.

1228 MS. ARSENEAU: Call the vote.  
1229 Ms. Ward.  
1230 MS. WARD: Yes.  
1231 MS. ARSENEAU: Mr. Bartlett.  
1232 MR. BARTLETT: Yes.  
1233 MS. ARSENEAU: Mr. Misleh.  
1234 MR. MISLEH: Sure.  
1235 MS. ARSENEAU: Mr. Kien.  
1236 MR. KIEN: Yes.  
1237 MS. ARSENEAU: Motion carries 4 to 0.  
1238 MS. ROUZI: Congratulations.  
1239 MR. MISLEH: Thank you.  
1240 So who would like to serve as vice chair?  
1241 MR. KIEN: I will make a motion to nominate as our  
1242 vice chair Kristine Ward.  
1243 MR. BARTLETT: I'll be happy to second that motion.  
1244 MS. ARSENEAU: All right. Call the vote.  
1245 Ms. Ward.  
1246 MS. WARD: Sure.  
1247 MS. ARSENEAU: Mr. Bartlett.  
1248 MR. BARTLETT: Yes.  
1249 MS. ARSENEAU: Mr. Misleh.  
1250 MR. MISLEH: Yes.  
1251 MS. ARSENEAU: Mr. Kien.  
1252 MR. KIEN: Yes.

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MS. ARSENEAU: Motion carries 4 to 0.

MS. ROUZI: Congratulations, Ms. Ward.

MR. BARTLETT: Yes, congratulations, Ms. Ward and Mr. Misleh. You're doing a fine job.

I just ask if at this point if there's any other business to address.

MS. ROUZI: I think we have to formally appoint the BZA clerk every year. So maybe you can do that with an "aye" vote.

MR. BARTLETT: I'll make a motion to appoint Ms. Laura Arseneau as the clerk for the Board of Zoning Appeals for the year 2023.

MR. MISLEH: Second.

MS. ROUZI: Everyone say "aye."

(A chorus of "ayes.")

8. ADJOURNMENT

MR. BARTLETT: And considering that there's no other official business at this time, I move to adjourn the Board of Zoning Appeals meeting for Thursday, January 12, 2023.

MS. WARD: Second.

MR. BARTLETT: Hearing no objections, the meeting is adjourned.