

1 BOARD OF ZONING APPEALS MEETING AGENDA

2 VIRTUAL PUBLIC HEARING

3 Thursday, April 15, 2021

4 7:30 p.m.

5
6 1. CALL TO ORDER

7 MR. BARTLETT: Okay. I'd like to call to order the
8 April 15, 2021, meeting of the Board of Zoning Appeals for the
9 City of Falls Church.

10 Akida, will you do a roll call of the members of the
11 Board of Zoning Appeals.

12 MS. ROUZI: Sure. Before I do a roll call, I'm
13 required to read this notice, so I'll go ahead.

14 This meeting will be held pursuant to and in
15 compliance with the Virginia Freedom of Information Act, Section
16 2.2-3708.2 and state and local legislation adopted to allow for
17 continued government operation during the COVID-19 declared
18 emergency. All participating members will be present at this
19 meeting through electronic means. All members of the public may
20 view this electronic meeting via the meeting link listed above
21 and in the City's website calendar.

22 Thank you.

23 2. ROLL CALL

24 RECORDING SECRETARY: Mr. Bartlett.

25 MR. BARTLETT: Here.

26 RECORDING SECRETARY: Thank you.

27 Mr. Eppler is absent.

28 Mr. Calabrese is absent.

29 Mr. Kien.

30 MR. KIEN: Here.

31 RECORDING SECRETARY: Thank you.

32 Mr. Misleh.

33 MR. MISLEH: Here.

34 RECORDING SECRETARY: Thank you.

35

36 3. PETITIONS

37 MR. BARTLETT: Akida and John, are there any new
38 Petitions besides the applications today?

39 MR. BOYLE: No, sir.

40

41 4. OLD BUSINESS

42 MR. BARTLETT: Is there any Old Business to address
43 from prior meetings? I don't believe so.

44 MR. BOYLE: No.

45 5. NEW BUSINESS

46 a. Variance application V1621-21 by Sajeel Ahmed,
47 applicant and owner, for a variance to Section 48-238(3)a, to
48 allow 1) a front setback of 25.4 feet instead of 30 feet along
49 the South Oak Street frontage, and (2) a front setback of 15
50 feet instead of 30 feet along the Timber Lane frontage, and a
51 variance to Section 48-1102(e)(1)c to allow a porch to extend
52 3.5 feet into the setback established by this variance
53 application for the purpose of reconstructing a fire damaged
54 single family home on existing foundations on premises known as
55 400 South Oak Street, RPC #52-206-064 of the Falls Church Real
56 Property Records, zoned R-1A, Low Density Residential.

57 MR. BARTLETT: Then we'll go on to our next Agenda
58 item which is New Business. I'm going to do this really
59 quickly. What I'd like to do is have everyone who is going to
60 speak or plans to speak or possibly could speak, to take their
61 computers off of mute and I'm going to swear you into the
62 meeting.

63 (Witnesses sworn.)

64 MR. BARTLETT: So now we will move on to variance
65 application V1621-21 by Sajeel Ahmed, applicant/owner of 400
66 South Oak Street for a variance to Section 48-238(3)a, to (1)

67 allow a setback of 25.4 feet instead of 30 feet along South Oak
68 Street, (2) a front setback of 15 feet instead of 30 feet along
69 Timber Lane, and (3) a variance to Section 48-1102(e)(1)c, to
70 allow a porch to extend 3.5 feet into the setback established by
71 this variance application for the purpose of reconstructing a
72 fire damaged single family home.

73 At this point I would like to ask John or Akida to
74 provide a staff report on the application and the status of the
75 building permit as well.

76 MR. BOYLE: Thank you, Mr. Chair.

77 Usually during the summation of an application before
78 this Board, I explain why it's before the Board. This one's
79 fairly obvious but I wanted to reiterate that what happened
80 here was basically a total loss of a single family home down to
81 the foundation and the family's been in a lengthy working
82 process with the City and building officials to try and reclaim
83 their property.

84 And during the application process it was discovered
85 that the original house was sitting in two of its front yard
86 setbacks which in and of itself is not unusual in Falls Church
87 but what is unusual is the house was essentially destroyed by

88 fire and now the question comes, what is the family allowed to
89 do by right constructing on the property.

90 They have opted to rebuild the house in its original
91 footprint and with a minor extension of a porch and an addition
92 off the back which is not subject to this process, it's by
93 right.

94 Staff, in reviewing its authority and comparing the
95 application to what the Code permits, staff did not have the
96 authority to approve a reconstruction of a demolished house
97 where non-conforming setbacks were involved.

98 So, at the risk of piling on this family's ongoing
99 challenge of getting their home back in order, staff was
100 compelled to bring this matter back before the Board.

101 So what you have before you tonight is an application
102 to essentially rebuild that house on its original footprint with
103 a modest extension of the porch as indicated on one of the
104 plats.

105 With that, I'll defer to the applicant who I believe
106 has counsel present and they've got their side of this incident
107 plus some photographs and things that I think will help
108 illuminate what the issues are to the Board.

109 So with that, I'll defer to Sajeel and his group.

110 It might also be helpful to know who's here to comment
111 on this matter, if they could identify themselves.

112 MR. AHMED: Yes. So, John, thank you. This is Sajeel
113 Ahmed. I have with me my counsel, Mr. Chronis, and I also have,
114 if there are any questions, the builder, Mr. Sam Brodus
115 (phonetic) is online also along with my architect and engineer
116 if you really need to go into the details.

117 But I'll ask Mr. Chronis to talk and then I will talk
118 afterwards.

119 MS. ROUZI: I'm on the slides so, anyone, if you want
120 to speak and tell me to flip the slides, I'm happy to do that.

121 MR. CHRONIS: As I was mentioning, my name is
122 Aristotelis Chronis. I'm here as the attorney for the
123 owner/applicant Sajeel Ahmed and Humaira Ahmed, and we're here
124 requesting the variance to Section 48-238(3)a, to allow the
125 front yard setback of 25.4 feet instead of 30 feet on South Oak,
126 the front setback of 15 feet instead of 30 on Timber Lane, and a
127 variance to Section 48-1102(e)(1)c, to allow a modest extension
128 of the porch 3.5 feet into the setback, which would be
129 established by this variance.

130 As you've read in the statement of justification,
131 applicants have owned and resided at the property with their

132 three children since 2006. On February 10, 2020, their home was
133 severely damaged with fire, water, and smoke, leaving the
134 applicants and their family homeless and destruction of their
135 property and they've been living in other housing since.

136 According to the insurance company and the builders,
137 what needed to be done was removal and replacement of the
138 interior of the structure which at that point had been unstable,
139 including the roof, damaged studs, electrical, mechanical,
140 plumbing, those types of things.

141 On or about August of 2020, the applicants did receive
142 a building permit based on plans to rebuild the home using the
143 existing foundation within the existing footprint while
144 retaining a portion of the outer brick walls which at the time
145 were thought to be salvageable.

146 The applicants' contractor began the reconstruction at
147 the time pursuant to these approved building permits.
148 Unfortunately what happened during the course of reconstruction,
149 the contractor was working on removing the water, smoke damage
150 to the building, structures and some of the studs and bricks
151 from the top of the structure fell down. The existing
152 foundation remained, the base bricks remained, but unfortunately
153 based on this sort of an unintended consequences, the builder

154 basically continued to build to complete the walls from the
155 existing foundation and the brick base that remained and at that
156 point had actually finished construction on the framing for both
157 the first and second floors, almost finished construction at
158 that point before the City actually issued a stop work order and
159 required that the applicants come in and apply for the variance.

160 What Mr. Ahmed addressed, sort of the initial side of
161 what they've been dealing with. We're hopeful at the end of the
162 hearing the BZA will vote to approve the variance so the stop
163 work order can be lifted and the house can be completed.

164 For the most part, what this application is seeking to
165 do is just really put these folks back where they started with a
166 home rebuilt on the existing foundation with a minor
167 modification to the length of the front porch, all of which,
168 frankly, would have been permitted by right had the
169 non-conforming structure not been destroyed by the fire.

170 So to get into the specifics of the variance
171 requested, as we mentioned it's the front setback along South
172 Oak and also along Timber Lane as well, which we're seeking to
173 be modified and then the extension of the porch along South Oak
174 Street.

175 What we're asking for today is really a reasonable
176 deviation from those provisions that regulate the size, height,
177 area, bulk, and location of the building or structure and what
178 we're really going to be able to show is that the applicants
179 acquired the property in good faith and because of the essential
180 narrowness, shallowness, core shape of the property, and other
181 conditions that exist, that the strict application of the zoning
182 ordinance in this case would prohibit or unreasonably restrict
183 the use of the property to the point where we're hoping that
184 this Board will be satisfied based on the evidence that we'll
185 hear today, that granting this variance would alleviate a
186 clearly demonstrable hardship which would approach confiscation
187 and that otherwise it would meet the sort of harmony with the
188 intent and spirit of the purposes of the chapter.

189 Just going into the individual elements for the
190 variance, first thought is that the property was acquired in
191 good faith. As we mentioned before, the applicants purchased
192 this property in 2006, resided there as a single family house
193 until it was destroyed in February 2020.

194 We go next to the second criteria, being the
195 narrowness, shallowness, or shape of the property. As we
196 mentioned, this is a corner lot with two frontages. So applying

197 the standard setbacks would severely limit the building
198 footprint and unreasonably restrict the use of the property,
199 particularly now that we're looking at this as a single family
200 home for a family of five.

201 As the non-conforming structure that it was, that home
202 would have been permitted to have been built after the fire, had
203 enough of the structure survived. And again, it's notable that
204 these building permits were issued before the remaining parts of
205 the walls came down at that point.

206 So even the extension of that front porch along South
207 Oak Street would similarly have been permitted by the Zoning
208 provisions based on non-conforming uses.

209 We move on to the next criteria, the granting of the
210 variation would alleviate a clearly demonstrable hardship
211 approaching confiscation. As we said, if we're not granted this
212 variance what would be required, would be the complete
213 demolition of an existing structure and now a reestablishment of
214 a new foundation in an attempt to sort of try to restore the
215 dimensions of the original home.

216 As I mentioned earlier, the contractors already
217 finished constructing the first and second floors to almost the
218 tune of \$250,000 worth of construction. So, given the

219 additional time, expense, and work that would need to be done,
220 not granting the variance would actually be a demonstrable
221 hardship approaching confiscation.

222 Finally, the last criteria that we'd be looking at is
223 whether or not the variance would be in the harmony with the
224 intent and spirit and purposes of the Zoning Ordinance.

225 Again, what we're asking for here is simply the
226 reconstruction of a single family house. It existed in that
227 same location for decades and this would be something that would
228 be permitted by right on an interior lot, just really the fact
229 that unfortunately we're dealing with a corner lot here and
230 we're dealing with a non-conforming structure.

231 So at this point I'll turn over the presentation to
232 Mr. Ahmed and to any of the design professionals that he has on
233 hand to answer any additional questions and then I'll wrap up
234 sort of at the end. Thank you.

235 MR. AHMED: All right, Mr. Chronis. Thank you very
236 much.

237 Just a few points. My name is Sajeel Ahmed. Me, my
238 wife and my three children have been living in Falls Church City
239 for about 20 years now, since 2001. I've been living in this
240 house for about 15 years before it was destroyed. All my

241 children have gone to the City schools over here. We have paid
242 all our property taxes, we have done everything which the City
243 has required for the past 20 years.

244 So if you'll go to the next slide please. Can you go
245 to the slide with the pictures please.

246 So on 2020, 10 February, was an uneventful day as it
247 started out but it became a stressful, eventful day for us.
248 What you see up on the top is when the fire started, where the
249 smoke of the fire itself and you'll see on the left is where
250 actually my mother-in-law was in the house alone. So when she
251 saw the smoke she actually ran out. She opened the door. And
252 then that pictures shows that. So she survived the fire. She
253 had smoke -- she got injured with smoke and fire. She was in
254 ICU for a while but she survived the fire fortunately.

255 One of the neighbors, one of the Falls Church City
256 resident who was happening to drive by in the red car which you
257 see over there, stopped and called 911. So by doing that, on
258 the right hand side, we had a number of firefighters who came in
259 to put the fire out and as they're putting the fire out they
260 basically, with water and smoke, pretty much the whole house was
261 destroyed. Everything in the house was destroyed.

262 The below pictures, and I put some pictures, I have
263 hundreds of pictures, but just some pictures just to see what
264 the impact was of the destroyed house. Exterior walls, inside,
265 bathrooms, furniture, clothes, everything we had was destroyed.

266 So we basically, when we saw what we had, the only
267 thing we had left was what we were wearing that day. So I was
268 at my job at Department of Defense, so I came in and I was
269 wearing what we have, that's all we had pretty much left.

270 Since we lost all our belongings, we lost all of our
271 treasured memories, since then we have lived in hotels. We have
272 lived in rental homes. And started the process for getting the
273 building permits, finding a contractor, dealing with insurance,
274 which hopefully you don't have to deal with but when you do, you
275 know how stressful that is. Okay.

276 And dealing with getting the permits and finally
277 starting to work the house. To start to do the construction of
278 the house.

279 It's been more than a year-long process for us. And
280 on top of that, we have COVID. I have two children who goes to
281 college at JMU, and as you might note, most of the colleges are
282 virtual, but due to the arrangements we have over here while we
283 were waiting for the house to be built, they are now staying in

284 the apartments over there at JMU instead of staying at home
285 doing virtual work. Because we don't have enough space. We
286 don't have enough place for them to study, okay. That adds to
287 the stress of what we have going on right now.

288 What we are looking at is from the hardship of what we
289 have been going through. We started the construction as soon as
290 we got the permit in August. Unfortunately due to the fire, due
291 to what we had, the amount of damage, when the contractor, when
292 the builder opened up the walls and started to carefully bring
293 down the damaged studs, the place fell down.

294 So all I'm asking for is to build back on the same
295 structure. I am not moving the foundation. I'm not asking for
296 extending the foundation. I'm not asking for any of the
297 variances for expanding the house on the South Oak side or on
298 the Timber Lane side. All I'm asking for, all I'm looking for
299 is to just use the same foundation, same footprint in the front
300 and build the house up on that.

301 We already have the house built from the framing
302 perspective. We already have that built. Some of you might
303 have traveled on South Oak Street. If you did, you would see
304 it. So it's already up there.

305 So, for me as I'm dealing with all the stresses to go
306 with that, now, now with the delays, now with the stop work
307 order, now I have to deal more with the insurance in trying to
308 ask them to now extend more because as you know, they will stop,
309 at some point from the perspective of what they could support.
310 So any more delays, any of that stuff, it adds more to the
311 stress, adds more to the cost itself. I have already spent more
312 than \$250,000 on this house.

313 All I'm asking you to consider and please approve, is
314 to allow me to build on the same structure, on the same
315 foundation so we can build it up and we can move back into our
316 house and be good citizens of Falls Church.

317 Thank you.

318 MR. BARTLETT: Thank you so much, Mr. Ahmed. I
319 appreciate your presentation and we do certainly understand and
320 feel for your plight that you've gone through.

321 I just have a couple of questions and then I'll ask
322 the other members of the BZA if they have any questions as well.
323 And this is a question to John for the City.

324 At what point was there a difference of opinion as to
325 why they were allowed to build and reconstruct and then the
326 walls fall down and then all of a sudden, is it considered a

327 different type of build at that point? Because it seems the
328 building permits were issued based on the status of the
329 structure. Was it a change of the status of structure that
330 forced the City to stop construction, because they issued a
331 building permit in August?

332 MR. BOYLE: Yes. At some point during the use of the
333 building permits, the rest of the above-grade features were
334 demolished or a sufficient amount were demolished to an extent
335 where it was no longer habitable and satisfied the definition of
336 a demolition under the Zoning Code.

337 So I think after they got in there and started
338 working, there was much more damage to more areas of the house
339 than even our building inspectors were aware. So, it
340 transitioned from a rebuild to a demolition and a rebuild and
341 that was the tipping point for the Zoning Code.

342 MR. BARTLETT: So that makes me ask some followup
343 questions as far as, Is this deemed a new construction at this
344 point?

345 MR. BOYLE: Well, there's a couple definitions. The
346 Zoning Code considers it a demolition when it's lost to I
347 believe it's 80 percent of its market value, which it certainly
348 was.

349 The building official has a different definition for
350 demolition. I think they consider that totally removed and the
351 hole filled.

352 So for Zoning purposes, I think since some of the
353 foundation was remaining, it's not an entirely new build and
354 they are making use of some of the original structure.

355 Put it this way: We had a case that went to the
356 Supreme Court a number of years ago where they applied for a
357 second story addition and staff went out a few weeks later and
358 found that the entire structure was removed, including the
359 foundation walls. There was just a hole in the ground.

360 So at that point we made a decision that the variance
361 was void and they had to come back and get variances for an
362 entire new structure.

363 In this case the foundation has been retained and some
364 of the original structure's retained, so on that basis staff
365 believes they're within their rights to seek a variance to build
366 back on that foundation.

367 I don't know if that answers your question.

368 MR. BARTLETT: It does sort of, John. I'd like to
369 sort of follow up on that. In this scenario, if I have a, I'm
370 just going to create a new plot right now, a new property or an

371 analogous property where I have an existing non-conforming
372 structure and the owner wants to build up. We have scenarios
373 like that where they are required to obtain a variance to build
374 up even though the structure is non-conforming because the
375 building of that second story is in the setback.

376 So we've had scenarios like that, and I'm trying to
377 make this analogous to that where I am, even though my
378 construction is occurring in the setback, it's technically,
379 there might be some nuance here, but it's an existing structure,
380 in a current and existing non-conforming structure in the
381 setback.

382 MR. BOYLE: I see. I would say this is a more extreme
383 example of that very common variance where an existing structure
384 is in the setback and they want to build back. They've retained
385 a significant portion of this structure and they're asking to
386 build it back the way it was.

387 I think that's in the same conversation as what this
388 Board sees for a second story addition. In fact, I think it's
389 our second agenda item tonight.

390 MR. BARTLETT: I will pause and let other members of
391 the BZA speak. I have other questions though.

392 MR. MISLEH: John, this is John Misleh.

393 To follow up on Mr. Bartlett's question about the
394 structure, so the front facade, the proposed front facade or the
395 design front facade, I don't see any drawings for the new house,
396 but is it comparable in scale to the house that was removed?

397 MR. BOYLE: I believe it was but it's been a while
398 since I've seen the plans.

399 MR. MISLEH: And a followup question to that before
400 you answer, John, and if it is comparable in scale, would the
401 porch -- if the porch were just being added to the pre-existing
402 home, would the porch had been approved by staff or would that
403 have been required to get a variance?

404 MR. BOYLE: What they're asking for, had the house not
405 been damaged could have been approved by right. You'll note,
406 it's not an 8 foot projection. It's taking in the math of the
407 actual footprint, minus 8 feet from 30.

408 So, yes, what they're asking for could have been built
409 by right. Why we included it in this variance is we don't know
410 where this Board's going to set the front yard setback at. We
411 wanted it noted that should it be approved, then they would be
412 permitted to move forward with the modest porch that they've
413 shown on the plans.

414 MR. MISLEH: Understood.

415 Mr. Ahmed, please go ahead with the explanation of the
416 facade in relation to the pre-existing home.

417 MR. AHMED: Sure. So the facade for the pre-existing
418 home and the new one we're building, we're putting that on the
419 same foundation. So basically we are not extending it on the
420 front at all. So what you see in the picture itself is when the
421 home is built, pretty much it's going to be on the same size,
422 same foundation, similar structure to what we had before.

423 MR. MISLEH: And scale from side to side, it's going
424 to be the same length or depth on lot, depending on which way
425 you're looking at the lot from side to side, the foundation is
426 not being expanded in either direction. It's in the rear.

427 MR. AHMED: That is correct. Foundation is not
428 expanded on the Timber Lane side or on the Oak Street side. The
429 only foundation expanded is into the back. But on the two front
430 sides, no foundation expanded, just building on exactly what we
431 had.

432 So as I mentioned before, all I'm doing is just
433 building it on existing foundation. The burned house, just
434 going to build it back up on the same place.

435 MR. MISLEH: Great. Thank you. And from the height
436 standpoint, how much higher, how much taller is the new
437 structure going to be versus the pre-existing structure?

438 MR. AHMED: I believe it's about the same but let me
439 see if I could have my engineers speak up to that. We had a two
440 story house, so we're putting the second story back in again.
441 So from that perspective, we are not really changing that
442 extensively but the specific exact height piece, the exact, how
443 many inches or feet, I don't have that information in front of
444 me.

445 So, Fayyadh, do you have that information? Can you
446 speak? Or Sam?

447 MR. FAYYADH: Hi, this is Fayyadh. I'm the one who
448 designed this house.

449 In present I don't have the drawings. I believe there
450 is no changes in the height. Should be a couple, maybe a foot,
451 due to the structure trusses. I need to go back and check the
452 drawings.

453 MR. MISLEH: Thank you.

454 John, was this something that was reviewed by the City
455 in their consideration for issuing the initial building permit?
456 I assume that that was.

457 MR. BOYLE: Yes, sir. And what's unusual about this
458 lot is that it's actually complying with the minimum square
459 footage which is what controls the height. They would have 35
460 feet by right. It's the odd shape of the lot and the original
461 location, the construction location that's the issue.

462 So I think height is an interesting question but they
463 do have 35 feet by right and then it would enter that category
464 of variance that Mr. Bartlett was mentioned, second stories in
465 the setback.

466 MR. MISLEH: Also, one additional question. I looked
467 at the letters of support from the neighbors. I was unable to
468 ascertain if there was one from the neighbor on Oak, 402 Oak.
469 Is that one of the ones that's included in the package?

470 MR. AHMED: So I am currently living in 402 Oak. So
471 from my perspective, I recommend you approve it.

472 MR. BARTLETT: I understand that's a rental property,
473 correct?

474 MR. AHMED: Yes.

475 MR. BARTLETT: Very strategic there.

476 MR. AHMED: Absolutely. Thanks.

477 MR. MISLEH: Last question. With the initial building
478 permit, was the brick being salvaged a condition to issue the

479 original permit and is that why once it fell, is that why there
480 was a stop work order? Can you reexplain that, John?

481 MR. BOYLE: Yes, that's exactly it. Staff is all
482 working remotely so we were working with this project in
483 snapshots throughout the review process. And it was staff's
484 directive and our understanding that all of the existing walls
485 that were there would remain and the building inspectors
486 believed that they were sufficiently sound to remain.

487 And then you've heard from I think the builder's
488 testimony, that as soon as they jostled them for the
489 reconstruction, they all came down.

490 I think they believed they could proceed at that point
491 because they had the building permits but that's actually a key
492 threshold for Zoning. If the house is gone except for
493 foundation, then setbacks become a problem.

494 But, yes, that was a precondition and I think it took
495 the actual reconstruction to begin to actually bring out how
496 damaged the rest of the property was.

497 In a sense, that's probably a good thing. Because our
498 building inspectors have a lot of stories of going in and doing
499 inspections of additions and finding burned sub-structures and

500 wood framing from fires that nobody knew existed and they've
501 been covered up with drywall and what have you.

502 So we would prefer that this be a structure that meets
503 Code and is safe and is not going to crumble but to get there is
504 the process that staff has presented to this Board.

505 MR. AHMED: So from the owner's perspective, we would
506 prefer the same thing. That it's a safe house and it doesn't
507 crumble because we didn't see the whole damage itself. So
508 again, I'm looking for just building a safe house in the same
509 footprint.

510 MR. MISLEH: Thank you.

511 MR. BARTLETT: Are there any other questions from
512 members of the BZA?

513 MR. KIEN: Yeah, I have one for John actually.

514 So just to be clear, as part of the permitting
515 process, John, the City sent out inspectors to gauge the
516 soundness of the existing structure ahead of any issuing of
517 permits for the construction to begin, is that correct?

518 MR. BOYLE: Yes. Any time there's a fire, especially
519 to one of this extent, both the fire marshal and the building
520 official and our trades inspectors go out and do an assessment.
521 And they issued something like a -- they declared the building

522 uninhabitable obviously and build it back to meet Code. Very
523 generic overall terminology. And I think there were some
524 instructions to leave interior walls and those are some of the
525 walls that came down when reconstruction began.

526 So, yes, this was inspected in the field by our trades
527 and building official.

528 MR. KIEN: Okay. Thank you.

529 MR. MISLEH: John, I have one more question. Peter,
530 if it's okay.

531 Since it's now a new build, does the criteria for
532 storm water management and other considerations change?

533 MR. BOYLE: That was evaluated by our engineers and I
534 don't believe it met the threshold which is ground disturbance
535 of more than 2500 square feet.

536 Sajeel, you didn't go through the grading plan
537 process, did you?

538 MR. AHMED: We did not because it did not meet the
539 threshold. We are not doing more than 2500 square feet of
540 disturbance.

541 And by the way, we were looking at this and still
542 looking at this as existing the rebuild, not as a new structure.

543 And also just to let you know, you had the question
544 before about height. Height is 30 feet 5 inches.

545 MR. BARTLETT: Thank you very much.

546 Are there any members of the public that have any
547 questions or comments on this variance application?

548 (No response.)

549 MR. BARTLETT: Seeing none, do you have any more
550 comments or statements, Mr. Ahmed?

551 MR. AHMED: Well, I think the only thing I would say
552 is thank you for listening to us. Thank you for giving us the
553 opportunity. As I mentioned before, long time Falls Church
554 resident and your neighbor for the 20 years over here. And I'm
555 looking forward to just building the house back on the same
556 structure, built back on the same foundation so that we can move
557 back into the house and continue to be good citizens of Falls
558 Church.

559 Thank you.

560 MR. BARTLETT: Thank you very much.

561 At this point I will turn it to the Board for any
562 discussion or comments --

563 MR. BOYLE: Mr. Chair.

564 MR. BARTLETT: Yes.

565 MR. BOYLE: We should advise the applicant about the
566 necessary three votes and the quorum we have.

567 MR. BARTLETT: Obviously. Great point.

568 Mr. Ahmed, there are three members present which is
569 sufficient for a quorum. However, I will point out that for
570 approval of your variance request, you need at least three
571 affirmative votes. So if at this point you feel that you may
572 not get three affirmative votes or you might want to wait until
573 there are more members of the Board present to get three votes,
574 it is your right to request a continuance to the next BZA
575 meeting.

576 You can wait. You don't have to give me an answer
577 right now because I think we can also go to our discussion
578 amongst the Board which is we will be sharing as well with
579 everyone on this call. It is open forum.

580 MR. AHMED: Okay. I'll wait. Thanks.

581 MR. BARTLETT: Good idea. Thank you.

582 Mr. Misleh, would you like to start us off?

583 MR. MISLEH: Mr. Chair, I did most of the talking I
584 think in the question and answer period, so I'm going to defer
585 to you two to kick it off.

586 MR. BARTLETT: Sounds good to me.

587 I think what I'm seeing and hearing is a
588 reconstruction of a structure that burned down unfortunately and
589 the applicant is seeking to rebuild the same structure in the
590 same existing footprint on its property, not looking to expand
591 beyond what they previously had.

592 I had one concern about that statement where they were
593 also going to be adding a porch, but Mr. Misleh asked the right
594 question about whether or not that front porch addition would
595 have been allowed by or approved by staff or allowed by right
596 without this scenario present and that answer satisfied me in
597 that regard.

598 I'm usually very supportive of people that are not
599 trying to take advantage of the system. You're certainly not
600 looking to do that. And I'm leaning towards saying "yes" and
601 approving you and getting you back into your home.

602 It's unfortunate that you have to go through this but
603 I understand the practical reasons for it.

604 So I will allow others to speak at this point as well.

605 MR. KIEN: Yeah, Keith. Well said.

606 This is Peter. Yes, the hardship definition here in
607 its purest form I think has been met and then some by this
608 family unfortunately maybe multiple times over.

609 The construction that has come to date was done in
610 good faith based on both sides having come to and agree, the
611 City and the family and the permitting process I think kind of
612 bore that out.

613 Involuntarily demolishing your home, you know, an
614 accident like this, like a fire, I don't think is something that
615 the family should be held in any way accountable for is at all
616 appropriate. So, the reconstruction of the home on the existing
617 footprint, the way they're asking and the fact that really the
618 minimal amount of changes that they would have made to an
619 existing structure had this not happened could have been
620 approved outside of this Board likely leads me to agree with
621 you, Keith. I don't see any reason why I couldn't support this
622 variance.

623 MR. MISLEH: I agree with everything you've both said.
624 I think the fact that the brick came down is a blessing because
625 I think restoration always leaves something to be desired after
626 the fact.

627 So I think the idea that the permit was issued, that
628 consideration, and then a stop work order was issued after the
629 fact for a home that was still being constructed within the same
630 footprint and overall interior and structural characteristics

631 minus the facade I think is a hardship in and of itself. We
632 should have a way for the City to be able to work around that.

633 So, that's all I've got.

634 MR. BARTLETT: All right. At this point I'm going to
635 go back to the applicant and give you the opportunity to defer
636 since there are only three members this month at this meeting.

637 Would you like to continue this to the next meeting?

638 MR. AHMED: No. If I could please have a vote so we
639 could move on with this one.

640 And again, thank you to all three of you for your kind
641 words and understanding what we have been going through. Thank
642 you.

643 MR. BARTLETT: You're welcome. Thank you very much.

644 At this point I would make a motion to approve
645 variance application V1621-21 by Sajeel Ahmed, applicant/owner
646 for a variance to Section 48-238(3)a, as posted in the Agenda,
647 to save time, please just "as is" move to approve this variance.

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

649 MR. BARTLETT: Akida, could we get a roll call.

650 RECORDING SECRETARY: Sure. Mr. Misleh.

651 MR. MISLEH: Yes.

652 RECORDING SECRETARY: Thank you.

653 Mr. Kien.

654 MR. KIEN: Yes.

655 RECORDING SECRETARY: Mr. Bartlett.

656 MR. BARTLETT: Yes.

657 RECORDING SECRETARY: Thank you.

658 MR. BARTLETT: Mr. Ahmed, congratulations. Thank you
659 very much for your time.

660 MR. AHMED: Again, thank you very much to all of you
661 and to City staff for working with us. Looking forward to
662 starting construction now. Well, not tonight.

663 MR. KIEN: Good luck.

664 MR. BOYLE: Sajeel, please first thing in the morning,
665 contact John Russell. I'm sure you're acquainted. I will as
666 well. He has to lift the stop work order but I'm sure he will.

667 MR. AHMED: Okay. And do you know how long that
668 takes, John?

669 MR. BOYLE: He can do that verbally.

670 MR. AHMED: Got it.

671 MR. BOYLE: If he happens not to be in, his deputy
672 will be.

673 MR. AHMED: Okay. Will do. Great. Thank you, all.

674

675 b. Variance application V1622-21 by Nisha
676 Thirumurthy, applicant and owner, for a variance to Section
677 48-238(3)a, to allow 1) a front setback of 26.1 feet instead of
678 30 feet and (2) a side setback of 9.1 feet instead of 12 feet,
679 for the purpose of constructing a second story addition on
680 premises known as 702 Berry Street, RPC# 53-124-013 of the Falls
681 Church Real Property Records, zoned R-1A, Low Density
682 Residential

683 MR. BARTLETT: Moving on to New Business, b, variance
684 application V1622-21 by Nisha Thirumurthy, applicant and owner,
685 for a variance to Section 48-238(3)a, to allow 1) a front
686 setback of 26.1 feet instead of 30 feet and (2) a side setback
687 of 9.1 feet instead of 12 feet, for the purposes of constructing
688 a second story addition on premises known as 702 Berry Street.

689 At this point I will request that staff provide a
690 brief summary of the building permit request and the need for a
691 variance.

692 MR. BOYLE: Yes, sir. I would summarize this
693 application as the classic "going straight up in the setback
694 variance" that this Board very commonly sees.

695 The existing house was built in the setbacks. Again,
696 a very common thing in Falls Church, not sure how these things

697 happened over the years. Sometimes the Code changed, sometimes
698 it's a bit more of a mystery.

699 But the applicant came in to staff to talk about doing
700 a second story addition and it was revealed that the existing
701 house does sit a small portion in two of the setbacks and again,
702 exceeded staff's ability to approve by our authority under the
703 Code.

704 Those are always going to be cases where the front
705 yard setback is in play. Staff has some authority going towards
706 the rear and on the sides but not in the front yard.

707 In this case this house has a what used to be a porch
708 but many years ago was fully enclosed and looks like a front
709 addition that projects into the front yard a small distance and
710 then they're looking to go straight up over the existing house
711 and out over that enclosure in front which might as well be
712 called the room addition now, the extent to which it's been
713 finished.

714 So with that, we'll defer to the applicant's
715 presentation. I think looking at the plat will be very helpful
716 in this case.

717 MS. THIRUMURTHY: Yes, thank you so much. My name is
718 Nisha and I'm also here with my husband who is somewhere. He's
719 on the participant list.

720 So, yes, so we've been living in Falls Church since
721 2012. We moved in. We had one child and then our family grew
722 and one of the things I love most about Falls Church was the
723 sense of community and we definitely love the schools and our
724 neighbors and just want to continue to live here.

725 So when we first moved in we had decided that, yeah,
726 we would at some point want to build a second story or expand
727 the second story. And actually I'm speaking to you from my
728 front porch which is actually my study. We've been using it
729 since we moved in. It was fully enclosed and as far as I was
730 concerned it was living space.

731 So we could go down to the plat.

732 Oh, I do have letters from my neighbors as well, as
733 you page down.

734 So this was the plat that we received on page 5 that
735 shows the enclosed porch. This was done in 2012 when we moved
736 in. And the setback on there shows a 25 foot BRL.

737 One thing, sorry, one thing I wanted to mention and it
738 was in our cover letter but just to reiterate, our lot size is

739 7500 square feet and the house itself as you know, the way it
740 was built it doesn't quite meet the requirements of the Code
741 which is I guess R-1A that we're in. But given that it showed
742 25 foot BRL in the original plat that we received, I don't know
743 if this would have been an R-1B at some point. But certainly
744 the lot size and the size of the building are more in line with
745 R-1B. We found that that's probably -- R-1A seems to be a
746 little bit too restrictive. If we looked at the front setback
747 requirements based on R-1B, we would actually not be violating
748 it since that's 25 feet.

749 And I think if you page down to the next one, this was
750 done by our architect and it looks like, obviously the original
751 house, the side setback is 9.1 feet but the front porch is
752 actually at 12 feet, so we wouldn't be violating anything on the
753 front porch if we built right above, above that.

754 Where we would be violating, of course, is if we
755 looked at the R-1A standards, then we would be about by about 4
756 feet, the front setback.

757 So I guess we're requesting to build directly above
758 and really what that does is our kids' bedrooms are upstairs and
759 I have pictures of it.

760 I don't know, should I go through the architectural
761 plans or should we skip to the pictures? Is there a preference,
762 I guess?

763 MR. BARTLETT: Maybe if we need to go through those
764 details during our discussion, we can look at them.

765 MS. THIRUMURTHY: Okay. So that's really, I guess,
766 the core of the presentation, is given our lot size, given the
767 size of the house, given how it's currently built, we think that
768 the current requirements, the Code requirements are possibly a
769 little bit too restrictive and if we apply the R-1B standards,
770 we would actually not be violating the front setback
771 requirement.

772 The original house, of course, is at the 9.1 feet
773 setback but the enclosed porch would, I think, meet the
774 requirements for the setback that's applied to sub-standard
775 lots.

776 So, there is my presentation.

777 MR. BARTLETT: Thank you very much.

778 MR. KIBLIN: This is Gabriel Kiblin, the other owner.

779 So what we want to do is, so the kids' rooms are at
780 the front of the house and they are limited by the angle of the
781 roof coming down in the rooms so they're already bumping their

782 heads against that at 7 and 10 years old. So we want to give
783 them more room to grow in their rooms so that we don't have to
784 move them around. So that was the basis for our expanding of
785 the front and wanting to put it over the already existing
786 footprint.

787 MR. BOYLE: Mr. Chair, if I could interject.

788 MR. BARTLETT: Gladly.

789 MR. BOYLE: In looking at the assessor's database,
790 this house was constructed in 1937 which predates the Code. So
791 I think that answers the question of why it was built where it
792 is.

793 That 25 foot building restriction line that we see on
794 many subdivision plans from the 20s and 30s that were approved
795 by Fairfax County at the time, so no doubt the builder at that
796 time simply built to that 25 foot building restriction line.
797 And what you're looking at is actually a classic R-1B lot. It's
798 exactly the square footage and exactly the width that Code
799 requires. However, as the years went on this got zoned by the
800 City of Falls Church as an R-1A which requires much more square
801 footage, 75 feet of width.

802 So as it sits, the applicant makes a good point. Had
803 this been R-1B, side setbacks would only be 10 feet, front would

804 be 25, and we would be looking at a very (inaudible) lot in
805 Falls Church.

806 So I do believe this thing got built as something like
807 an R-1B and that over the years changed, including the
808 completion of the house front there. So that casts this
809 application in a little different light.

810 I don't think it's a self-imposed situation and we're
811 looking at Code that changed out from underneath the structure
812 that's been there since 1937.

813 MR. BARTLETT: Thank you very much, Mr. Boyle.

814 Could I just ask everyone to mute your lines if you're
815 not speaking. There's a bunch of feedback coming in.

816 Thank you very much.

817 I also see how the house has sort of shifted to the
818 north because you have a shared driveway and I believe they
819 probably built that other house to your south, a little bit
820 towards its south side of its lot as well to allow that driveway
821 to go all the way in the back.

822 I just have a couple of questions.

823 You obviously bought the house with an enclosed
824 existing front porch that looks like it's an addition. I would

825 have probably thought the same way. But I have a question about
826 the proposed build.

827 Are you expanding the width of your enclosed space on
828 the front of the house?

829 MS. THIRUMURTHY: No.

830 MR. BARTLETT: So you're literally going straight up.

831 MS. THIRUMURTHY: Yes.

832 MR. BARTLETT: And then obviously back --

833 MS. THIRUMURTHY: Yes, in fact that was initially what
834 we wanted but then when we saw the Zoning laws, we were like,
835 you know, let's just keep the existing footprint. So we
836 actually decided not to request that.

837 MR. BARTLETT: Okay. Thank you.

838 So the request to have a 9 foot 1 inch side yard
839 setback variance is because you're building over the space
840 that's in the current setback, the main portion of the house?

841 MS. THIRUMURTHY: Correct. The original house, yes.
842 The original house is in the 9.1 but the porch is in the 12
843 foot, yes.

844 MR. BARTLETT: But you would be building over the
845 original main house within the 9 to 12 foot section, that area?

846 MS. THIRUMURTHY: Correct.

847 MR. BARTLETT: I don't have any questions at this
848 point. If other members have any other questions.

849 (No response.)

850 MR. MISLEH: Hello. This is John Misleh. I may need
851 just some help understanding the drawings. I reviewed them, and
852 so am I to understand that this is an entire second floor
853 addition, it's not just an addition above the front, what is the
854 existing front porch, right? It's a full second story addition,
855 a reconfiguration.

856 MR. KIBLIN: It's the front half of the house. If you
857 see on the drawing there the line in the hash marks, so that
858 section will be bumped because the roof slants at that area so
859 that part will be bumped up a little bit and over the existing
860 enclosed porch.

861 MR. MISLEH: So it's just the front half, the addition
862 over.

863 MR. KIBLIN: Yes.

864 MR. MISLEH: Okay. Understood. Will you be removing
865 the front porch in its existing construct and rebuilding that
866 entire section, or are you going straight up over what's
867 existing?

868 MS. THIRUMURTHY: Straight up over what's existing.
869 We're not going to be -- I don't know if we might change the
870 siding and stuff like that, but no, the foundation, everything
871 is going to stay the same. We're going to use the existing
872 concrete slab or whatever. They're going to use everything
873 that's there and then build straight up. Make sure there's
874 structural integrity and then build straight up.

875 MR. MISLEH: Thank you.

876 Mr. Chair, I have no more questions.

877 MR. KIEN: Yeah, I have no questions either at this
878 time.

879 MR. BARTLETT: Okay. I will provide you the same
880 information as we provided to the prior applicant, that there
881 are only three members of the Board of Zoning Appeals present
882 for this meeting. While sufficient for a quorum, for an
883 approval of your variance you need three votes or more.

884 So, I'll give you time to consider while we discuss
885 but be prepared to answer whether or not you would like to have
886 a continuance to the next meeting where there might be more
887 members of the BZA present to vote or rule on your variance
888 application.

889 At this point I would just like to open it up to
890 discussion amongst the members of the BZA. I will start and say
891 that this is seemingly a common occurrence that we see. I do
892 always want to make sure that when we see variance applications
893 like this that the applicant is doing its best to minimize the
894 impact of any variance provided, that they have support of their
895 neighbors, that they are trying to construct something that is
896 similar to the local area that is not inconsistent or stands
897 out.

898 I also feel that the situation that you were presented
899 with, that you acquired your home in good faith, that the -- I
900 would look at your structure and feel that that is an addition,
901 that's living space, and I don't see a problem with this project
902 or this variance request and I will open it to other Board
903 members as well, to their perspective.

904 MR. KIEN: So, Chair, this is Mr. Kien.

905 I echo those comments. It seems like a very
906 reasonable request with regard to the use of your property for
907 the expansion of your family with minimal change for maximum
908 result, for quality and use of the property.

909 So I feel that what has been presented is certainly
910 something that I could support.

911 MR. MISLEH: I agree that the request is simply to
912 construct within the confines of the existing footprint of the
913 home and therefore it's within what is the existing setback and
914 this is something that we commonly see, given the age of the
915 properties and some of the Zoning nuances, I think that the
916 request is reasonable and I would support it.

917 MR. BARTLETT: Seeing no more comments from the Board,
918 do the applicants wish to proceed or would you like to have a
919 continuance to our next scheduled meeting in May?

920 MS. THIRUMURTHY: We would like to proceed. Thank you
921 so much for hearing us out.

922 MR. KIBLIN: Yes, thank you.

923 MR. BARTLETT: Would any member like to provide a
924 motion on this variance application?

925 MR. MISLEH: I'll make the motion, Keith.

926 I move to approve variance application V1622-21 by
927 Nisha Thirumurthy, applicant and owner, for a variance to
928 Section 48-238(3)a, to allow 1) a front setback at 26.1 feet
929 instead of 30 feet and (2) a side setback of 9.1 feet instead of
930 12 feet, for the purpose of constructing a second story addition
931 on premises known as 702 Berry Street, RPC# 53-124-013 of the

932 Falls Church Real Property Records, zoned R-1A, Low Density
933 Residential.

934 MR. KIEN: I'll second that.

935 MR. BARTLETT: Akida, can we have a roll call on that
936 motion?

937 RECORDING SECRETARY: Mr. Bartlett.

938 MR. BARTLETT: Yes.

939 RECORDING SECRETARY: Mr. Kien.

940 MR. KIEN: Yes.

941 RECORDING SECRETARY: Mr. Misleh.

942 MR. MISLEH: Yes.

943 RECORDING SECRETARY: Thank you.

944 MR. BARTLETT: Thank you very much.

945 MS. THIRUMURTHY: Thank you so very much.

946 MR. KIBLIN: Thank you.

947 MR. BARTLETT: Good luck with everything.

948 MR. BOYLE: I'm sorry, Mr. Chair.

949 Applicants, you're free to apply for those building
950 permits at your leisure. The variance needs to be acted on
951 within one year.

952 MS. THIRUMURTHY: Will do. We're excited. Thank you
953 so much.

954 6. APPROVAL OF MINUTES

955 a. Approval of the December 17, 2020, and January 14,
956 2021, Meeting Minutes

957 MR. BARTLETT: At this point I'd like to move to review and
958 approve the minutes of the Board of Zoning Appeals from the
959 December 17, 2020, meeting and the January 14, 2021, meeting.

960 If you will take some time to review and if there are
961 any issues, please raise them. I'll give you a few minutes on
962 your own to review them.

963 (Minutes reviewed.)

964 MR. BARTLETT: And just to confirm, John and Akida, we
965 just need a quorum to approve these minutes?

966 MR. BOYLE: That's a good question. I think it's a
967 majority. You might just say, "All in favor, any opposed,"
968 something like that.

969 MR. MISLEH: I was absent in December, so I'll abstain
970 from that one.

971 MR. BARTLETT: So at this point I'd like to make a
972 motion to approve the meeting minutes from the January 14, 2021,
973 Board of Zoning Appeals meeting.

974 MR. KIEN: I second that motion.

975 MR. BARTLETT: Could we do a roll call vote please.

976 RECORDING SECRETARY: Mr. Bartlett.

977 MR. BARTLETT: Yes.

978 RECORDING SECRETARY: Mr. Kien.

979 MR. KIEN: Yes.

980 RECORDING SECRETARY: And Mr. Misleh abstains.

981 MR. MISLEH: Not from January. I approve January's.

982 RECORDING SECRETARY: Oh, okay. Sorry.

983 So, Mr. Misleh, that's a "yes" vote then.

984 MR. MISLEH: Yes.

985 RECORDING SECRETARY: Thank you.

986 MR. BARTLETT: Then I'll move to continue approval of
987 the meeting minutes of the December 17, 2020, meeting until our
988 next Board meeting in May.

989

990 7. OTHER BUSINESS

991 MR. BARTLETT: So at this point I would just like to
992 move on to Other Business. If there is any Other Business to
993 discuss, does anyone have any issues to bring up?

994 MR. BOYLE: I'll just mention that it does look like
995 we're going to have an Agenda for May, a couple of interesting
996 cases. So we'll get that information out to you.

997 MR. BARTLETT: Thank you very much.

998 I have a point to make for Other Business and I'm not
999 necessarily sure how to articulate this but I'm going to try.

1000 I would like to request that there is a renewed effort
1001 to post meeting minutes to the public website and to post final
1002 approved variances to the public website as well.

1003 If there's anything we need to do to our process or
1004 procedures to make that happen, we can have that conversation as
1005 well. But I would just like to make sure that the public is
1006 aware of and sees a record of our actions on applications for
1007 variances and the final disposition of those applications.

1008 MR. BOYLE: That's a good point, Mr. Chair. And we'll
1009 look and see what that process is.

1010 It's strange. When we were all hands working in the
1011 building, it was easier to walk down the hall and hand them a
1012 copy of our minutes or post them on the board.

1013 Now that we're all working remotely, many of our
1014 processes work very, very well and we've discovered new ones
1015 that we're probably going to retain. But some of those other
1016 processes that we used to walk down the hall with aren't working
1017 so well any more and they fall through the cracks. But we'll
1018 definitely follow up on that.

1019 MR. BARTLETT: Thank you very much.

1020 Is there also a way, I'm not sure how we do this, but
1021 when we approve a variance, I know there's a 30 day window for
1022 appeal from the public for our decision in the affirmative and
1023 from the applicant in the negative. Is there a way to include
1024 those final variances in our, as like what it looks like, the
1025 final version in the minutes or is that sufficient as our review
1026 for reviewing the minutes?

1027 Mr. Misleh, I don't know how long you were on the
1028 Board before me, but was this ever an issue where you weren't
1029 sure of what you actually approved? I think I know what I'm
1030 doing but sometimes I see the final product and I'm like, is
1031 that really what we approved?

1032 So I'm just trying to make sure that what's captured
1033 in the variance is accurate and in permanent record, I don't
1034 know.

1035 MR. MISLEH: I think we have to rely on City staff to
1036 interpret the ruling by the Board in its practical
1037 implementation and execution. I don't know that that's within
1038 our responsibility or our capacity to oversee or to back-check
1039 projects once they're executed.

1040 MR. BARTLETT: Sure, sure. I just want to make sure
1041 they're captured accurately, that's all.

1042 MR. BOYLE: I can give a little background on it.

1043 I started with the City in 2002 and my predecessor at that time
1044 had been on board for the previous 25 years, so between the two
1045 of us that's about 45 years' worth of history with the Board.

1046 By the way, I haven't aged a bit. My kids are getting
1047 older but I'm as dashing as ever.

1048 But hearing no objection, we're going to go with that,
1049 by the way.

1050 MR. BARTLETT: That's right.

1051 MR. BOYLE: Right about the time I came in, the BZA
1052 used to actually have an agenda item where they would approve
1053 Minutes and Resolutions. And it was found that staff couldn't
1054 bring the Resolution to approve ahead of the time as accurately
1055 as the City Attorney was pleased with and what have you and
1056 things change.

1057 And then State law I believe at that time changed to
1058 make approval of Resolutions publicly, the final form an option.
1059 And what was happening was the Board would approve the
1060 Resolution and then staff would bring it back at the next
1061 meeting and they would approve its final form and the applicants
1062 were being forced to wait essentially two months to get their
1063 final product.

1064 So that fell out of the Agenda item for the BZA a
1065 decade ago or so.

1066 But what we can do, we produce a very sharp, concise,
1067 professional-looking official Resolution that we give to each of
1068 the applicants. We encourage them to add those to their house
1069 papers and share them with the bank. And we often see them
1070 coming back to us when someone purchases a house and they want
1071 to know is this still in effect and what have you and here's a
1072 Resolution that was approved five years ago.

1073 So what we can do is share that final draft -- it's
1074 not a draft, it's going to be the final version, the final form
1075 of the Resolution with the Board as soon as it's produced.
1076 We're sharing it with the applicants, we might as well share it
1077 with the Board. At least let you look it over and make sure we
1078 heard what you said.

1079 MR. BARTLETT: Yeah, I understand what Mr. Misleh is
1080 saying too. We're not looking for an opportunity to wordsmith
1081 or make changes to or amend our decision, because that would
1082 require us to have another open, public forum to change
1083 something.

1084 I just want to make sure that -- yeah, it's hard.
1085 It's hard.

1086 I appreciate that effort, John. I appreciate that.

1087 MR. MISLEH: Yes, thank you, John.

1088 MR. BARTLETT: Okay. Any Other Business, any other
1089 issues to bring up?

1090 MR. MISLEH: No.

1091

1092 8. ADJOURNMENT

1093 MR. BARTLETT: Okay. I call to adjourn the meeting of
1094 the Board of Zoning Appeals for April 15, 2021.

1095 MR. MISLEH: Second.

1096 RECORDING SECRETARY: Mr. Bartlett.

1097 MR. BARTLETT: Yes.

1098 RECORDING SECRETARY: Mr. Kien.

1099 MR. KIEN: Yes.

1100 RECORDING SECRETARY: Mr. Misleh.

1101 MR. MISLEH: Yes.

1102 RECORDING SECRETARY: Thank you, everyone.

1103

1104

1105

1106

1107