

1 BOARD OF ZONING APPEALS MEETING

2 CITY COUNCIL CHAMBERS

3 Thursday, May 11, 2023

4 7:30 p.m.

5  
6 1. CALL TO ORDER

7 MR. MISLEH: I'd like to call to order the May 11,  
8 2023, meeting of the Falls Church Board of Zoning Appeals.

9  
10 2. ROLL CALL

11 MR. MISLEH: Roll call please.

12 RECORDING SECRETARY: Mr. Misleh.

13 MR. MISLEH: Here.

14 RECORDING SECRETARY: Ms. Ward.

15 MS. WARD: Here.

16 RECORDING SECRETARY: Mr. Kien.

17 MR. KIEN: Here.

18 RECORDING SECRETARY: Mr. Eppler.

19 MR. EPPLER: Here.

20 RECORDING SECRETARY: Mr. Bartlett.

21 MR. BARTLETT: Here.

22 RECORDING SECRETARY: Mr. Gresko.

23 Mr. Gresko is not present.

24

25

26 3. PETITIONS

27 MR. MISLEH: Do we have any Petitions this evening?

28 MS. ROUZI: No, we do not.

29 MR. MISLEH: Thank you.

30

31 4. OLD BUSINESS

32 MR. MISLEH: Any Old Business?

33 MS. ROUZI: No.

34

35 5. NEW BUSINESS

36 a. Cases

37 i. Variance application V1639-23 by Mitch Gershman,  
38 applicant and owner, for a variance to Section 48-263(3)a. To  
39 allow a second-story addition above a non-conforming side-yard  
40 setback of 8.1 feet instead of the required 10 feet maximum at  
41 premises known as 305 Rollins Street, RPC #52-309-099 of the  
42 Falls Church Real Property Records, zoned R-1B, Medium Density  
43 Residential.

44 MR. MISLEH: All right. Let's proceed to the New  
45 Business. Looks like we have a variance application V1639-23 by  
46 Mitch Gershman, applicant and owner, for a variance to Section  
47 48-263(3)a. to allow a second-story addition above a  
48 non-conforming side-yard setback of 8.1 feet instead of  
49 requiring the 10 feet at premises known as 305 Rollins Street.

50 So, is the applicant present?

51           Please step forward to the table and if you could  
52 please fill out the sheet on the table with your name and  
53 information.

54           Is there anyone else this evening that will be  
55 speaking on behalf of this application?

56           MR. MITCHELL: No.

57           MR. MISLEH: Thank you.

58           Sir, if you would please raise your right hand.

59           (Witness sworn.)

60           MR. MISLEH: Please introduce yourself.

61           MR. MITCHELL: My name is Chris Mitchell. I'm a  
62 partner with Urban Cottage Design. We have three partners,  
63 Mitch Gershman, myself, and Nancy Hubacher. We purchased the  
64 house at 305 Rollins Street and we want to do a second story  
65 addition and we found out that the house is non-conforming by  
66 1.8 feet.

67           MR. MISLEH: All right. Thank you.

68           Would you go ahead and please walk us through the --  
69 or I'm sorry, Akida, if the staff wouldn't mind walking us  
70 through the application.

71           MS. ROUZI: Sure. Good evening.

72           This property is zoned R-1B and the required side  
73 setback is 10 feet minimum. However, the existing house is  
74 non-conforming for a side setback and sits 8.1 feet from the  
75 property line on the right side facing the house.

76           The applicant would like to construct a second story  
77 addition above the existing footprint of the house and that  
78 would require a variance for the non-conforming side setback on  
79 the right side.

80           This is a fairly common condition in this City with  
81 upper story additions on non-conforming structures and requires  
82 the Board's approval this evening.

83           Thank you.

84           MR. MISLEH: Thank you, Akida.

85           Sir, if you wouldn't mind just elaborating on the  
86 request for the Board.

87           MR. MITCHELL: So basically what we want to do is we  
88 want to kind of keep essentially the look of the front of the  
89 house and kind of make the addition towards the back. We're not  
90 a tear-down and build new company. We kind of work off the  
91 existing structure.

92           In order to build the house we want to do, we want to  
93 do 10 foot floors on the main level so we want to raise the  
94 brick facade of the house and then put a gable on the front and  
95 in order to do so we'd have to raise the entire floor. So we  
96 would want to avoid a two foot bulkhead essentially in our  
97 bathroom and office is on the lower level.

98           MR. MISLEH: Understood.

99           Akida, would you please put the photo of the side  
100 elevation.

101           So while they pull that up, just to be clear, what  
102 you're requesting is the same plane all the way from front to  
103 back and from top to bottom.

104           MR. MITCHELL: Yes. Both sides and the front, nothing  
105 would change. Only thing that would go out would be the rear  
106 where we're putting the addition on the kitchen and the screened  
107 porch.

108           MR. MISLEH: Got it.

109           MR. MITCHELL: And we spoke with both neighbors and  
110 the neighbor to the side that it does affect is very pro-build  
111 and he's the one that has the letter that you guys see tonight.

112           I also have a letter from the adjoining neighbor that  
113 I picked up today. But he signed it but he wrote our address in  
114 the line here and then crossed his name out. I'm not sure why  
115 he did that but he was also very pro what we're doing because  
116 they have, on this street there's one other house that was  
117 purchased and torn down and built new and they were not happy  
118 with that process.

119           So they're happy that we're keeping the look of the  
120 neighborhood.

121           MR. MISLEH: Anything else to add?

122           MR. MITCHELL: I don't think so.

123           MR. MISLEH: Okay. Thank you.

124           I'd like to go ahead and open it up to the Board to  
125 ask questions.

126 MR. BARTLETT: Thank you very much. I have a question  
127 for you.

128 On this plat where you have the new structure in red,  
129 there's a green line and I'm just curious what that green line  
130 is. Is that like a silt fence that you're planning on?

131 MR. MITCHELL: I believe that's what that is. Oh, no,  
132 that's the setback for the entire lot property.

133 MS. ROUZI: I'm sorry, just to jump in to clarify.  
134 There are two different plats with two different green lines.  
135 This is the setback.

136 And then, Mr. Bartlett, I think the one you were  
137 holding in your hand, the solid green line, is that the one  
138 you're asking?

139 MR. BARTLETT: Yes.

140 MS. ROUZI: Okay. I believe that's the limits of  
141 disturbance, no?

142 MR. MITCHELL: Okay.

143 MR. BARTLETT: Okay. And just to clarify, there's no  
144 need for a variance on the left side facing of the property, is  
145 that correct?

146 MR. MITCHELL: Just the right side.

147 MR. BARTLETT: And so the variance is limited to the  
148 area of the existing, basically the existing first floor that is  
149 currently 8.1 feet and you're just asking to build straight up  
150 on top of that current non-conforming structure.

151 MR. MITCHELL: Yes.

152 MR. BARTLETT: Okay.

153 MS. WARD: And then just to confirm the rear addition,  
154 the new portion of the house will keep the 10 foot setback?

155 MR. MITCHELL: Yes. Definitely. We're going back on  
156 the side that conforms and then the side that doesn't conform  
157 will have the screened porch which will be set back in 2 feet  
158 from the edge of the house.

159 MS. WARD: Okay. Thank you.

160 MR. EPPLER: Even though it looks in the photos that  
161 the "after", it looks like there's a second floor, but it's  
162 actually just going to be a high ceiling with a gable on it.

163 MR. MITCHELL: No, there will be a second floor. In  
164 the front it will have a gable so there will be 3 feet I believe  
165 of dead space where -- because the ceiling will be sloped down  
166 the front to keep the Cape Cod look. So there will be about a 3  
167 foot knee wall there where it will start off at about 7 feet for  
168 the front wall. So it will be a sloped ceiling along the front  
169 edge of the house but the side with the large dormer will have  
170 higher ceilings in it.

171 MR. EPPLER: Got it.

172 MR. MISLEH: Any other questions?

173 MR. BARTLETT: I have no further questions.

174 MR. MISLEH: All right. Thank you, sir.

175           At this point we'll close the presentation and we'll  
176 open it up for internal Board discussion.

177           MR. KIEN: I'll start.

178           Thank you again. This is thoughtful. It's very  
179 thorough. I personally think I wish it wasn't necessary based  
180 on the variance that you're seeking and within the existing  
181 footprint but it is and we really appreciate the time and effort  
182 that went in to providing all this information for us today.  
183 Thank you for that.

184           MR. EPPLER: So at least as I understand, we have a  
185 fairly longstanding policy of approving straight-up additions  
186 that don't extend out and don't add additional variance issues  
187 and this seems to fall directly within that. So I think you've  
188 done a very good job of laying this out in such a way that  
189 follows as best you can given that, where the footprint you're  
190 given, but you've not extended beyond that. You're not asking  
191 for lots of additional exceptions. So thank you.

192           MR. MITCHELL: No problem. We try to keep it very  
193 straight with the neighborhood.

194           MR. BARTLETT: I'll just reiterate that. Thank you  
195 for remaining in your current non-conforming space and not  
196 asking for more.

197           MR. MITCHELL: No problem.

198           MR. BARTLETT: It makes it a lot easier.

199 MS. WARD: Yeah, I'll echo the others. I see this as  
200 pretty standard from what we get for staying within the setback.  
201 So anyway, I'm supportive of this.

202 MR. MISLEH: Thank you, everyone.

203 I'd also like to just go on record as usual stating  
204 that I believe that this type of variance should be within  
205 staff's authority to approve.

206 And so thank you for taking the time and putting forth  
207 the effort to come here tonight and to present this package.

208 So if someone would like to go ahead and make a  
209 motion.

210 MR. KIEN: I will make a motion to approve variance  
211 application V1639-23 by Mitch Gershman, applicant and owner, for  
212 a variance to Section 48-263(3)a. to allow a second-story  
213 addition above a non-conforming side-yard setback of 8.1 feet  
214 instead of the required 10 feet maximum.

215 MR. EPPLER: I will second that motion.

216 MR. MISLEH: Thank you.

217 Laura, if you could please call the vote.

218 RECORDING SECRETARY: Sure.

219 Mr. Misleh.

220 MR. MISLEH: Yes.

221 RECORDING SECRETARY: Ms. Ward.

222 MS. WARD: Yes.

223 RECORDING SECRETARY: Mr. Bartlett.

224 MR. BARTLETT: Yes.

225 RECORDING SECRETARY: Mr. Eppler.

226 MR. EPPLER: Yes.

227 RECORDING SECRETARY: And, Mr. Kien.

228 MR. KIEN: Yes.

229 RECORDING SECRETARY: Thank you.

230 MR. MISLEH: Thank you for coming this evening and  
231 good luck with your project.

232 MR. MITCHELL: Thank you very much. Appreciate it.

233 MR. MISLEH: I'd like to make sure we note for the  
234 record that it's the 8.1 minimum -- I mean, sorry.

235 MR. EPPLER: It's 10 feet maximum.

236 MR. MISLEH: Yeah, that's what I meant.

237 MS. ROUZI: Yes, that's correct. It should be  
238 minimum. Thank you for saying that on the record. We'll make  
239 those corrections.

240 MR. MISLEH: Thank you.

241

## 242 6. APPROVAL OF MINUTES

243 a. Approval of the March 12, 2023, Minutes

244 MR. MISLEH: So let's go ahead and review the meeting  
245 minutes from March 12.

246 (Minutes reviewed.)

247 MR. MISLEH: Would someone like to make a motion?

248 MR. EPPLER: I will make a motion to approve the  
249 minutes of the Board of Zoning Appeals meeting on Thursday,  
250 March 16th.

251 MS. WARD: I'll second.

252 RECORDING SECRETARY: Mr. Misleh.

253 MR. MISLEH: Yes.

254 RECORDING SECRETARY: Ms. Ward.

255 MS. WARD: Yes.

256 RECORDING SECRETARY: Mr. Bartlett.

257 MR. BARTLETT: I'll abstain. I was not here.

258 RECORDING SECRETARY: Mr. Eppler.

259 MR. EPPLER: Yes.

260 RECORDING SECRETARY: And, Mr. Kien.

261 MR. KIEN: I will too abstain because I was not here.

262 RECORDING SECRETARY: Thank you.

263

264 7. OTHER BUSINESS

265 MR. MISLEH: Do we have any Other Business this  
266 evening?

267 MS. ROUZI: No, we do not.

268

269 MR. MISLEH: Do we have the April minutes?

270 MS. ROUZI: We got it after this packet was posted so  
271 we'll bring it for the next meeting.

272 MR. MISLEH: Thank you.

273 8. ADJOURNMENT

274 MR. MISLEH: So if there's nothing else this evening,  
275 go ahead and move to adjourn.

276 RECORDING SECRETARY: Those in favor of adjournment?

277 (A chorus of "ayes.")

278 RECORDING SECRETARY: Thank you.

279 MR. MISLEH: Thank you.

280