

City of Alexandria, Virginia

MEMORANDUM

DATE: AUGUST 31, 2022

TO: GLORIA SITTON, CITY CLERK
OFFICE OF THE CITY CLERK AND CLERK OF COUNCIL

THRU: KARL W. MORITZ, DIRECTOR
DEPARTMENT OF PLANNING & ZONING

FROM: LEE PERNA, CHAIR
BOARD OF ZONING APPEALS

SUBJECT: FY 2022 ANNUAL REPORT OF THE BOARD OF ZONING APPEALS
(BZA)

I. BACKGROUND

I am pleased to present this Annual Report for the Board of Zoning Appeals (BZA) for Fiscal Year 2022, as required by City Code section 2-4-7(i)(1). An attendance form is also attached.

The BZA is appointed by City Council and performs duties as specified under Section 15 of the State Code and Chapter 9 of the City Charter and Article 11 of the City's Zoning Ordinance. The BZA is charged with hearing and deciding Variances, Special Exceptions, and Appeals of Determinations by the Director of the Department of Planning & Zoning.

II. SUMMARY OF BOARD ACTIVITIES FOR FISCAL YEAR 2022 (JULY 1, 2021 – JUNE 30, 2022)

| FY 2022 | | FY 2021 | |
|-------------------------|-----------|-------------------------|-----------|
| Variance Cases | 8 | Variance Cases | 9 |
| Special Exception Cases | 9 | Special Exception Cases | 9 |
| Appeal Cases | 0 | Appeal Cases | 1 |
| Total Cases | 17 | Total Cases | 19 |

III. FY 2022 AND FY 2021 CASE COMPARISON

In Fiscal Year 2022, BZA decided a total of 17 applications: 8 Variances, 9 Special Exceptions, 0 Appeals. The Variance cases decreased from the previous year from 9 to 8.

The Special Exception cases remained the same at 9. The Appeals changed from 1 to 0. Overall, there was a 11 percent decrease in cases.

IV. FY 2022 CASE STUDIES

The following case studies from FY 2022 illustrate various complex issues that the BZA addressed:

Case Study #1: BZA Case #2021-00017, 707 South View Terrace, R-8/Residential single-family zone

In March 2022, the BZA upheld staff's recommendation of approval for the applicant's Variance request from the R-8 zone's front yard requirement. In the City's single-family zones, the front yard requirement is established by the front setbacks of the surrounding dwellings. The properties with the shallowest and deepest front yards establish the minimum and maximum front yard depth, respectively. The purpose of this requirement is to ensure that a dwelling provides an open front yard that is similarly sized to the front yards of the dwellings that surround it.

For the subject property, the minimum front yard was 14.90 feet, and the maximum front yard was 52.50 feet. The subject property's existing dwelling provided a front yard of 130.50 feet. The applicant proposed to demolish the existing dwelling and construct a new single-family dwelling with a front yard of 85.00 feet.

The applicant provided a soils report that indicated the presence of high groundwater in the area where the Zoning Ordinance would have required the new dwelling to be located. The report found that the groundwater was approximately three feet below the surface. Strict application would have required the new dwelling to be located within this area. Staff found that this would unreasonably restrict the use of the property because the dwelling's basement and foundation would be constantly exposed to groundwater. Such exposure could have eventually weakened the dwelling's foundation, among other consequences. Staff also found this groundwater constituted a hardship. The BZA agreed with staff's analysis.

Case Study #2: BZA #2021-00015, 1017 Oronoco Street, RB/Residential townhouse zone

In December, the BZA upheld staff's recommendation of denial for a special exception and variance request at 1017 Oronoco Street. The applicant proposed a very modest addition (24 square feet) on the second floor of the existing dwelling. The addition, and internal renovations would have increased the total floor area by 100 square feet. This would have exceeded the maximum square footage permitted by the Zoning Ordinance by 94 square feet. The addition also would not have met the RB zone's side yard requirement. Staff found that the variance request would not have met the required standards for approval. For one, strict application of the Zoning Ordinance would have allowed the existing dwelling, which already exceeded the maximum floor area permitted by the RB

zone, to remain. Therefore, the Zoning Ordinance did not unreasonably interfere with the use of the subject property as a dwelling. Further, the floor area ratio (FAR) establishes a building's maximum size relative to the square footage of the lot on which its located. In other words, FAR sets a maximum "density" in terms of a building's square footage compared to its lot's square footage. Granting the variance would have allowed for a building size in excess of that permitted by the RB zone. The only permissible way to increase a property's floor area beyond the maximum permitted would be to change the zoning classification (rezone) the property. Because the Board is not permitted to rezone properties, this criterion for approval was not met.

V. FY 2022 MEMBERSHIP, PUBLIC HEARINGS FORMAT, AND BYLAWS AND ATTENDANCE

Membership:

The Membership and Officers changed throughout the year due to several resignations and term limits. Chair Laurence Altenburg's last meeting was December 13, 2021. Vice Chair Mark Yoo assumed the role of Acting Chair at the February 14, 2022 meeting. Elections were held at the March 14, 2022 meeting where the BZA unanimously elected Lee Perna as Chair, Tim Foley as Vice Chair, and Quynn Nguyen as Secretary. In February 2022, Paul Liu was appointed to the BZA. In April 2022, Erich Chan and Mark Yoo resigned from the BZA. In June 2022, Dawn Bauman and Raj Patel were appointed to the BZA. Lee Perna, Tim Foley, Quynn Nguyen and John Wacławski continued to serve on the Board in FY2022.

Number and Format of Public Hearings:

The BZA met in 8 of the 12-months during Fiscal Year 2022, extending from July 1, 2021, through June 30, 2022. The August 2021 meeting is the normal month in which the BZA is recessed. The other 3 months in which a Public Hearing was not held due to a lack of cases submitted.

In terms of the format of the Fiscal Year 2022 Public Hearings, the three BZA Public Hearings held in 2021 on July 12, 2021, October 18, 2021, and December 13, 2021, were virtual, along with the February 14 and March 14, 2022, BZA Public Hearing. The three remaining BZA Public Hearings Public held in 2022 on April 11, 2022, May 9, 2022, and June 13, 2022, were in person. Virtual Public Hearings utilized the Zoom Platform and in-person Public Hearings were held in Council Chambers, City Hall.

Bylaws:

At the April 11, 2022, BZA Public Hearing, the Board approved an amendment to the BZA Rules of Procedures (Bylaws) to insert a section titled "Announcements" between the "Call of Roll" and the "Unfinished" business sections. The amendment was approved unanimously.

Attendance:

See Attachment I for Attendance .

ATTACHMENT 1

**CITY OF ALEXANDRIA
BOARDS AND COMMISSIONS
MEETING ATTENDANCE REPORT**

JULY 1, 2021 THROUGH JULY 30, 2022

COMMISSION: Board of Zoning Appeals (BZA)

CHAIRPERSON: Lee Perna, Chair

| Board Member (With listed Officers as of 3.14.2022) | 2021 | | | | | | 2022 | | | | | | | | |
|---|-----------|----------|-----------|-----------|----------|-----------|-----------|-----------|-----------|-----------|----------|-----------|-----|-----|-----|
| | Jul 12 | Aug | Sep 21 | Oct 18 | Nov 8 | Dec 13 | Jan 10 | Feb 14 | Mar 14 | Apr 11 | May 9 | Jun 13 | | | |
| Lee Perna, Chair | X | Recessed | Canceled | X | Canceled | X | Canceled | X | X | X | X | X | | | |
| Laurence Altenburg | A | | | A | | X | | N/A | N/A | N/A | N/A | | | | |
| Dawn Bauman | N/A | | | N/A | | N/A | | N/A | N/A | N/A | N/A | N/A | N/A | X | |
| Erich Chan | X | | | X | | X | | X | A | A | A | N/A | N/A | | |
| Tim Foley, Vice Chair | X | | | X | | X | | X | X | X | X | X | X | X | |
| Paul Liu | N/A | | | N/A | | N/A | | N/A | N/A | N/A | X | X | A | X | X |
| Quynn Nguyen, Secretary | X | | | X | | X | | X | X | X | A | X | X | X | A |
| Raj Patel | N/A | | | N/A | | N/A | | N/A | N/A | N/A | N/A | N/A | N/A | N/A | X |
| Jon Waclawski | A | | | X | | X | | X | X | X | X | X | A | X | A |
| Mark Yoo | A | | | X | | X | | X | X | X | X | X | X | N/A | N/A |


INDICATE: X - FOR PRESENT; A – ABSENT ; N/A- Not Yet Appointed or Former Member at the time.

Notes:

1. The BZA was in recess during August 2021.
2. Three (3) Meetings were cancelled due to a lack of cases submitted.
3. Mr. Altenburg, who served as Chair, announced at the December 13, 2021 meeting that it would be his last meeting.
4. Mr. Yoo, who served as Vice Chair, began in January 2022 serving as Acting Chair.
5. Mr. Chan and Mr. Yoo resigned in April 2022.
6. Elections occurred at the March 2022 Meeting and Mr. Perna was elected Chair; Mr. Foley was elected Vice Chair and Ms. Nguyen was elected Secretary.
7. Council appointed Paul Lui (February 2022), Dawn Bauman (June 2022) and Raj Patel (June 2022) to the Board of Zoning Appeals for four-year terms.

LIST OF THOSE WHO DID NOT ATTEND 75% OF MEETINGS: **0**

APPROVED:



Lee Perna, Chair