

City of Alexandria, Virginia

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3-11-03

MEMORANDUM

DATE: FEBRUARY 24, 2003
TO: THE HONORABLE MAYOR AND MEMBERS OF COUNCIL
FROM: PHILIP SUNDERLAND, CITY MANAGER ^{ps}
SUBJECT: 2002 ANNUAL REPORT, BOARD OF ZONING APPEALS

ISSUE: Acceptance of the Annual Report of the Board of Zoning Appeals, January 1, 2002, to December 31, 2002.

RECOMMENDATION: That City Council receive the report and thank the Board of Zoning Appeals for their efforts on behalf of the City.

DISCUSSION: The Board of Zoning Appeals Annual Report was submitted by Warren Almquist, Chairman. Statistical highlights of the report are as follows:

- During 2002 the Board decided 101 variances and 21 special exceptions; 91% of the variances and 95% of the special exceptions were approved.
- The Board approved:
 - 78 yard variances
 - 4 open space variances
 - 2 lot width variances
 - 1 lot frontage variance
 - 1 paving in required front yard variance
 - 1 back-up aisle variance
 - 1 curb cut variance
 - 4 fence over 6 ft high variances
 - 17 side yard setback special exceptions
 - 3 fence over 6 ft high special exceptions

ATTACHMENTS:

- Attachment 1. 2002 Annual Report of the Board of Zoning Appeals
- Attachment 2. List of BZA Members

STAFF:

Peter Leiberg, Urban Planner III, Department of Planning and Zoning
Emily Swenson, Planning Technician, Department of Planning and Zoning

City of Alexandria, Virginia

MEMORANDUM

DATE: JANUARY 9, 2003

TO: THE HONORABLE MAYOR AND MEMBERS OF COUNCIL

FROM: WARREN ALMQUIST, CHAIRMAN, BOARD OF ZONING APPEALS 

SUBJECT: BOARD OF ZONING APPEALS 2002 ANNUAL REPORT

The Board of Zoning Appeals convened monthly for 11 public hearings during 2002; there was no public hearing in August. On December 12, prior to the public hearing, the Board met for a workshop to discuss issues pertaining to the definition of hardship and review of appeal cases.

A total of 128 cases were docketed in 2002. The number of cases docketed in 2002 increased 33% from the number of cases docketed in 2001. Disposition of cases docketed is as follows:

Withdrawals	7
Deferrals	42*
Variances cases approved	53
Variances cases denied	5
Special Exception cases approved	16
Special Exceptions cases denied	1
Appeals	<u>4</u>
TOTAL CASES	128

*Many cases were deferred more than once. Of those cases that were deferred, 7 cases were approved, 4 cases were denied, and 5 cases were withdrawn by the applicants. These numbers are recorded above in the tally of approved, denied and withdrawn cases.

Many variance cases contained multiple variances. The Board reviewed a total of 101 variance requests and 21 special exception requests. A breakdown of the types of variances/special exceptions decided by the Board and actions taken are listed as follows:

Variations

Approvals for front yard setbacks	27
side yard setbacks	46
rear yard setbacks	5
open space	4
lot width	2
lot frontage	1
paving in required rear yard	1
back-up aisle	1
curb cut	1
fence over 6 ft high	<u>4</u>
	92
Denials for side yard setbacks	5
rear yard setbacks	1
paved parking pad	1
fence 6 ft high in primary front yard	1
vision clearance	<u>1</u>
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A total of 101 variances were decided by the Board last year. Of the variances heard by the Board 91% (92) were approved and 9% (9) were denied. Staff recommended denial approximately 98% of the time.

Special Exceptions

Approvals for side yard setbacks	17
fence over 6 ft high	<u>3</u>
	20
Denial for side yard setback	1

A total of 21 special exceptions were decided by the Board last year. Of the special exceptions heard by the Board 95% (20) were approved and 5% (1) were denied. Staff recommended denial approximately 15% of the time.

Appeals

Approved	0
Denied	4

During 2002 four appeals from Department of Planning & Zoning administrative decisions were considered by the Board of Zoning Appeals as follows:

1. The Mt. Jefferson Civic Association appealed an administrative decision that the proposed use of Wagonwork Collision at the former Bruton Auto site, 417-419 Clifford Avenue, will not be an intensification of the prior grandfathered use. The Board denied the appeal and affirmed the Director's decision. The applicant appealed this decision to Circuit Court, and later withdrew the court appeal.
2. William G. Anderson, 313 Wolfe Street, and the Historic Alexandria Foundation by Morgan Delaney appealed a determination from the Director of Planning & Zoning that the existing uses at the Old Presbyterian Meeting House, 323 South Fairfax Street, are grandfathered as to parking. The Board denied the appeal.
3. All USA Imports, Inc., represented by William C. Thomas, Jr., attorney, appealed a decision by the Director of Planning & Zoning that general automobile repair to the public is not within the grandfathered rights of the property at 406-408 East Glebe Road/3006 Jefferson Davis Highway. The appeal was denied.
4. Ace Temporaries, Inc. and ACH, LLC, owner and lessee, represented by Catharine Puskar, attorney, appealed a Director of Planning & Zoning determination that Ace Temporaries is a day labor agency as defined in section 12-215 and, therefore, subject to the nonconforming use provisions of the zoning ordinance. The Board denied the appeal, and Ace Temporaries has appealed the Board decision to the Circuit Court.

(There were also three appeals concerning 1100 and 1110 Francis Hammond Parkway as to construction of a house on the property. All three appeals were withdrawn by the applicant prior to being heard by the Board.)

During 2002 Warren Almquist served as Chairman of the Board of Zoning Appeals, Mary Lyman served as Vice Chairman, and Stephen Koenig served as Secretary. Linda Kung, Michael Curry, Mark Allen and Frank Putzu continued to serve as Board members.

BOARD OF ZONING APPEALS

The Board of Zoning Appeals hears and decides appeals requesting variance from provisions of the Zoning Code.

The Board meets on the second Thursday of each month at 7:30 p.m. Approximately five hours per month are required of Board members.

7 Members

4-YEAR TERM



CITY STAFF PETER LEIBERG, DEPT. OF PLANNING AND ZONING, 838-4688

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BOARD OF ZONING APPEALS

<u>MEMBER</u>	<u>PHONE</u>	<u>OCCUPATION</u>	<u>ORIGINAL APPOINTMENT</u>	<u>CURRENT APPOINTMENT</u>	<u>OATH</u>	<u>EXPIRATION OF CURRENT APPOINTMENT</u>
MARK ALLEN 207 JEFFERSON STREET ALEXANDRIA, VA 22314 CITIZEN	Res: 703-549-6959 Bus: 703-836-8787 Fax: 703-836-7459 E-Mail: landlaw301@aol.com	REAL ESTATE ATTORNEY	03/23/1999	04/25/2000	05/11/2000	04/25/2004
WARREN ALMQUIST 201 EAST MONROE AVENUE ALEXANDRIA, VA 22301 CITIZEN <u>Chair</u>	Res: 703-684-3657 Bus: 703-836-3275 Fax: E-Mail:	ARCHITECT	02/09/1993	02/28/2001	06/11/2001	02/28/2005
HAROLD CURRY 1418 JULIANA PLACE ALEXANDRIA, VA 22304 CITIZEN	Res: 703-836-3232 Bus: 202-775-6579 Fax: 202-862-8622 E-Mail: curry-eiffert@erols.com	COMPLIANCE COORDINATOR NATIONAL GEOGRAPHIC	01/27/1998	01/26/1999	02/09/1999	10/26/2003
STEPHEN KOENIG 231 EAST SPRING STREET ALEXANDRIA, VA 22301 CITIZEN	Res: 703-548-9231 Bus: 703-519-3727 Fax: 703-519-9604 E-Mail: swk@hkarchitects.com	PARTNER, THE AVENUE GROUP ARCHITECTS	11/26/1996	01/28/2003		01/28/2007
LINDA KUNG 323 SOUTH COLUMBUS STREET ALEXANDRIA, VA 22314 CITIZEN	Res: 703-683-6378 Bus: 703-508-3871 Fax: - E-Mail: lmkung@starpower.net	REAL ESTATE AGENT	02/11/1997	02/28/2001	03/08/2001	02/28/2005

BOARD OF ZONING APPEALS

<u>MEMBER</u>	<u>PHONE</u>	<u>OCCUPATION</u>	<u>ORIGINAL APPOINTMENT</u>	<u>CURRENT APPOINTMENT</u>	<u>OATH</u>	<u>EXPIRATION OF CURRENT APPOINTMENT</u>
MARY LYMAN 1617 MT. EAGLE PLACE ALEXANDRIA, VA 22302 CITIZEN	Res: 703-845-1510 Bus: 202-371-9770 Fax: 202-371-6601 E-Mail: mslyman@erols.com	TAX COUNSEL AND PROJECT MANAGER CHAMBERS ASSOCIATES	01/24/1995	01/26/1999	02/10/1999	10/26/2003
FRANK PUTZU 1423 JULIANA PLACE ALEXANDRIA, VA 22304 CITIZEN	Res: 703-823-8324 Bus: 703-602-1248 Fax: 703-602-0255 E-Mail: sputzu@aol.com	ATTORNEY	02/28/2001	02/28/2001	03/07/2001	04/25/2004*

* FILLING UNEXPIRED TERM