

THE BOARD OF ZONING APPEALS
OF THE CITY OF ALEXANDRIA

BZA Case 2012-0003; BZA Case 2012-0004; BZA Case 2012-0005

Findings of Fact and Conclusions of Law

This matter came before the Board of Zoning Appeals (“BZA”) for hearing on April 12, 2012 on appeal by April Burke, Elizabeth Gibney and Marie Kux by Roy Shannon, attorney; Michael Peck by Benjamin Chew, attorney, and by Elizabeth P. Baldwin Trust by Benjamin Chew, attorney, from the Director of Planning and Zoning’s (“Director”) determination made on January 21, 2012 and issued in writing on January 24, 2012 (“Determination”).

At the conclusion of the public hearing on the matter, the BZA deliberated and voted to uphold the appeal and overturn the Director’s Determination after making the following findings of fact and conclusions of law:

1. Text Amendment #2011-0005 is a map amendment because the text amendment incorporates the Height District Map by reference.
2. Text Amendment #2011-0005 is a map amendment because it includes changes to height, density, and use for property zoned W-1.
3. Section 11-808 applies to text amendments generally, and specifically to Text Amendment #2011-0005, based on the plain meaning of Section 11-808.
4. The Director’s determination that the protest petition was invalid was unreasonable and should be reversed.