REGULAR MEETING OF THE BOARD OF ZONING APPEALS

City Council Chambers
300 Park Avenue
Falls Church, Virginia 22046
February 13, 2020
7:30 p.m.

1. CALL TO ORDER

MR. JONES: Good evening. I'd like to call to order the regular meeting of the Board of Zoning Appeals for February 13, 2020.

Could we have a roll call please.

2. ROLL CALL

RECORDING SECRETARY: Mr. Calabrese.

Mr. Calabrese is absent.

Mr. Jones.

MR. JONES: Here.

RECORDING SECRETARY: Mr. Misleh.

MR. MISLEH: Here.

RECORDING SECRETARY: Mr. Bartlett.

MR. BARTLETT: Here.

RECORDING SECRETARY: Mr. Kien.

MR. KIEN: Here.

RECORDING SECRETARY: Thank you.
MR. JONES: Before we get started for the evening, the Board would like to recognize Peter Kien, our newest member and thank him very much for volunteering to join us, so welcome.

MR. BOYLE: Thank you.

4. OLD BUSINESS:

MR. JONES: Do we have any Old Business?

MR. BOYLE: No, sir.

We have a suggestion for New Business however, regarding moving the third item, Item C on the agenda, the appeal, upfront to entertain a motion from the appellant's attorney.

MR. JONES: All right. Before we entertain that motion, if anybody is going to speak here before the Board tonight, I would like to take a moment to swear you in. And if you've come to present before the Board, you'll sign in up here.

(Witnesses sworn.)

NEW BUSINESS:

c. Appeal application A1612-20 by Rani Doyle, appellant, to appear a determination by the Zoning Administrator dated December 12, 2019, and amended and corrected in a letter dated December 13, 2019, in
response to a request for determination regarding the subdivision application for 807 Villa Ridge Road, RPC #53-207-048 of the Falls Church Real Property Records, zoned R-1A, Low Density Residential.

MR. JONES: As far as New Business, as Mr. Boyle alluded to, we'd like to move the appeal, Application A1612-20 by Rani Doyle to the first item of Business that way the applicant doesn't have to sit through the rest of the meeting.

So if you'd like to come up and sit and sign in.

And, sir, if you wouldn't mind stating your name for the record.

MR. WRIGHT: My name is Minturn Wright, that's spelled M-I-N-T-U-R-N, Wright with a W.

MR. JONES: John, before we get started, I understand there might be a motion to continue this but if you wouldn't mind, just provide a little bit of background for the record for the application.

MR. BOYLE: Yes. This involves an appeal of a request for a determination that I received, responded to, and then the appellant objects to some of the responses they received.
Subsequently they filed an appeal to raise their questions with this Board. You have a packet from myself responding to those. And we've now received a request from the appellants through their attorney to continue.

And it is the, I'd say, the tradition of this Board to grant one continuation, one continuance, and staff wouldn't object to that.

MR. JONES: Thank you, sir.

Mr. Wright.

MR. WRIGHT: That is what I've come here to request. I would request on behalf of my client, who is unable to be here because of a prior commitment, that there be a continuance to the next regular meeting.

MR. JONES: The next regular meeting is March 12, 2020.

MR. BOYLE: Yes, sir.

MR. JONES: Thank you.

I don't have any questions.

Is there a motion to vote?

MR. BARTLETT: I'll make a motion to approve the continuance of this appeal request to the March 12, 2020, meeting.

MR. JONES: Is there a second?

MR. MISLEH: Second.
MR. JONES: Roll call please.

RECORDING SECRETARY: Mr. Jones.

MR. JONES: Yes.

RECORDING SECRETARY: Mr. Misleh.

MR. MISLEH: Yes.

RECORDING SECRETARY: Mr. Bartlett.

MR. BARTLETT: Yes.

RECORDING SECRETARY: Mr. Kien.

MR. KIEN: Yes.

RECORDING SECRETARY: Thank you.

MR. JONES: Thank you very much, sir. We'll see you in March.

MR. WRIGHT: Thank you.

a. Variance application V1610-19 by David Ogden, applicant and owner, for a variance to Section 48-238(3)a, to allow rear yard setback of 37 feet instead of 40 feet, for the purpose of constructing a 1-story rear addition on premises known as 610 Oak Haven Drive, RPC #51-121-053 of the Falls Church Real Property Records, zoned R-1A, Low Density Residential.

MR. JONES: With that, we'll move to the next item of New Business. This is Variance application V1610-19, by David Ogden, applicant and owner, for a
variance of Section 48-238(3)a, to allow rear yard setback of 37 feet instead of 40 feet, for the purpose of constructing a 1-story rear addition on premises known as 610 Oak Haven Drive, RPC #51-121-053 of the Falls Church Real Property Records, zoned R-1A, Low Density Residential.

MS. OGDEN: We're having a rough February.
MR. OGDEN: You'll have to bear with us. My wife just had her appendix removed and I'm recovering from the flu, so --
MR. JONES: We appreciate you being here.
Mr. Boyle, if you wouldn't mind, sir, providing a report.
MR. BOYLE: Yes, sir.
You have a packet of information providing some background. And of the applications we get, I commend these folks. I think this is one of our textbook examples of how to respond to the issues that this Board considers.

But in that packet they directly responded to each of the points that are raised by the Code of why should the variance be considered. You have a plat showing the layout of the property as well as the footprint of the addition.
On that plat it's worth pointing out the very irregular shape. All sides of the plat are unusual, all sides of the property are unusual as well as the street frontage which even has a nice cul-de-sac effect there.

And then on the property itself are two very large utility easements that complicate the use of the property and placement of any addition such as what we're considering tonight.

They've provided a concept of the floor plan to show the scale and the scope and how it would be perceived by the neighbors, and they've included an aerial photo showing the footprint and commentary, letters of support from the neighbors that abut the property.

I think in the packet, particularly the plat, is of interest, because it shows if it weren't for the utility easements, I believe this addition could actually be placed in a location that would not trip into the rear setback.

Having said that, I think I'll defer to the applicants and their presentation and we're available for questions.

MR. JONES: Thank you.

Please.
MS. OGDEN: I think we're basically just asking for a rear yard reduction of three feet in order to produce a logical-looking addition on the top of our house.

As John has pointed out, we have provided statements of support from all of the surrounding property owners.

I mean, the lot itself is really the hardship because of the unique nature of it, plus the utility easements.

So I think we're happy to answer any questions you guys might have about what we intend to do.

MR. JONES: Thank you.

With that, we're going to my colleagues for any questions.

MR. BARTLETT: I would just say thank you so much for this extensive packet of information trying to justify what you're looking for and the drawings and the research you've done and the outreach to your neighbors especially.

I have a question about these -- maybe you can discuss your planning versus what you're restricted by, specifically the various utility easements and your conversations with the City, if you've had any, and how that sort of directed where you felt you could actually
build on your property because of it, one, two, three easements that are on your property.

MS. OGDEN: So I believe our architect reached out to somebody at the City inquiring about those utility easements and was basically told there's no indication that the City's going to abandon those.

So what we're trying to do is reasonably expand the natural footprint of the house. I think we included an existing layout of the house in there. And so we're just trying to build off the back of the house and expand those spaces so that we can modernize it for the way families live now, which is not obviously the way families lived in 1950 when that house was built.

You know, not looking to do palatial additions like some of these McMansions, just trying to do something that's -- allows for a reasonable floor plan that people can actually live in, instead of being squished on top of each other.

MR. BARTLETT: Technically, you couldn't go, if you're looking at the house, you couldn't go left-right because of --

MS. OGDEN: The utility easements.

MR. BARTLETT: The easement.

MS. OGDEN: Yeah.
MR. BARTLETT: But it prevented you from drawing or coming up with a scenario that way but you could go, to satisfy your planning, you need to go just a little bit further back to fill in that needed space, is that what you're saying?

MS. OGDEN: Yeah. So currently we do have a sun porch back there that's a depth of 12 feet. Unfortunately we've tried many different designs that would work within the 12 feet and it just creates basically either a galley kitchen or a seating area and a living room where the couches would face each other and it's just like basically on top of each other. There's no real living space. It would just be a very awkward addition.

I think anyone who would walk into it, would be like, why did you spend all this money to have this tiny little space on the back of your house.

So the architect determined that the least amount of reduction we would need in order to make it liveable would be three feet. That's why we're only asking for the three feet.

MR. BARTLETT: Thank you.

MR. MISLEH: That expansion is only a single story?

MS. OGDEN: Correct.
MR. OGDEN: Correct.

MR. MISLEH: For the aerial view for the existing home and the addition, in that overhead view, is the addition part sort of the white --

MR. OGDEN: The light part.

MS. OGDEN: Yes. Sorry. It's not entirely clear.

MR. MISLEH: Thank you.

MR. OGDEN: And then you had an additional statement of support, right?

MS. OGDEN: Yeah.

MR. BARTLETT: When you reached out to your neighbors, did any of your neighbors provide any concern or discontent with your plans? I see letters of support, just making sure.

MS. OGDEN: No, so their only concern was that you wouldn't grant the variance and somebody would come in and knock our house down and build a McMansion.

We actually have an additional support. It's not from an adjoining neighbor but everyone else was very much in favor of this plan.

MR. BARTLETT: Thank you.

MR. JONES: Any other questions upon this?

(No response.)
MR. JONES: We'll have a motion on -- sorry.

If you are done with your presentation, we'll just discuss it real quick.

MS. OGDEN: Yeah.

MR. JONES: John, real quick, a procedural question for you.

MR. BARTLETT: Regarding conditioning a variance to a particular property owner and structure, I think to your point is one of the concerns of the neighbors was the issue, this variance, does the variance run with the land, and basically if you sold your house, would that variance exist for that next property owner to tear the house down and utilize that variance. So can we --

MS. OGDEN: Sorry, that wasn't their concern. I maybe phrased that incorrectly.

I think their concern is that if we don't do the addition, our house would be prime to just tear down and build a McMansion. But if we did the addition, then it's liveable for another family and no one would come and build something taller or larger.

Does that make sense?

MR. MISLEH: It's the same question, can you limit the variance to this expansion project?
MR. BOYLE: Yes, this Board has done that in the past. And that is a concern. If a variance were granted on a nonconforming lot and the house were demolished, the variance would go away.

But for a lot of this size, it's conceivable a future owner could use this variance to build to.

So, yes, you could condition it to these applicants, this application number. Something of that nature.

MR. BARTLETT: Thank you.

MR. BOYLE: Yes, sir.

(Discussion among Board members.)

MR. JONES: I think with that, we'll close our discussion.

Is there a motion on the application for variance V1610-19?

MR. BARTLETT: I'll make a motion to approve variance application V1610-19 by David Ogden, applicant and owner, for a variance to Section 48-238(3)a, to allow a rear yard setback of 37 feet instead of 40 feet, exclusively for the purpose of expansion of David Ogden's property -- no. Strike that.

Exclusively for the purpose of expansion of 610 Oak Haven Drive, RPC 51-121-053 of the Falls Church
MR. MISLEH: I'd like to amend that to add: Consistent with the single story expansion as described in the application.

MR. JONES: Do I have a second?
MR. KIEN: I'll second.
MR. JONES: Roll call please.
RECORDING SECRETARY: Mr. Jones.
MR. JONES: Yes, in accordance with the conditions outlined by Mr. Misleh.
RECORDING SECRETARY: Mr. Misleh.
MR. MISLEH: Yes.
RECORDING SECRETARY: Mr. Bartlett.
MR. BARTLETT: Yes.
RECORDING SECRETARY: Mr. Kien.
MR. KIEN: Yes.
RECORDING SECRETARY: Thank you.
MS. OGDEN: Thank you.
MR. JONES: Congratulations and good luck with your property.
MS. OGDEN: Thanks.
b. Variance application V1611-20 by Mill Creek Residential Trust, applicant, for a variance to Section 48-1265 to allow the following:

1) Section 48-1265(1), to allow three (3) wall signs instead of two (2);

2) Section 48-1265(1)a, to allow a total wall sign area of 144 (rounded up) square feet instead of 50 square feet;

3) Section 48-1265(2), to allow two (2) projecting signs instead of one (1);

4) Section 48-1265(2)a, to allow a total projecting sign area of 303 (rounded up) square feet instead of 20 square feet;

5) Section 48-1265(2)b, to allow placement of projecting signs to extend above the lower sill line of the second floor windows, and to project 16 feet from the building instead of 4 feet.

6) Section 48-1265(10), to allow five (5) building identification signs instead of one (1), with a total sign area of 368 square feet instead of 80 square feet, to be partially composed of non-individually stylized lettering, and for two (2) of such signs to be mounted on a non-street facing side of the building, on premises known as 110 Founders Avenue, RPC #51-222-001.
of the Falls Church Real Property Records, zoned B-1, Limited Business.

Prior to the BZA public hearing, this item will be reviewed at a public meeting by the Architectural Advisory Board (AAB) on February 5, 2020, for recommendation to the Board of Zoning Appeals.

MR. JONES: The next item under New Business is Variance application V1611-20 by Mill Creek Residential Trust, applicant, for a variance to Section 48-1265 to allow the following:

1) Section 48-1265(1), to allow three (3) wall signs instead of two (2);

2) Section 48-1265(1)a, to allow a total wall sign area of 144 (rounded up) square feet instead of 50 square feet;

3) Section 48-1265(2), to allow two (2) projecting signs instead of one (1);

4) Section 48-1265(2)a, to allow a total projecting sign area of 303 (rounded up) square feet instead of 20 square feet;

5) Section 48-1265(2)b, to allow placement of projecting signs to extend above the lower sill line of the second floor windows, and to project 16 feet from the building instead of 4.
And the last item is 6) Section 48-1265(10), to allow five (5) building identification signs instead of one (1), with a total sign area of 368 square feet instead of 80 square feet, to be partially composed of non-individually stylized lettering, and for two (2) of such signs to be mounted on a non-street facing side of the building, on premises known as 110 Founders Avenue, RPC #51-222-001 of the Falls Church Real Property Records, zoned B-1, Limited Business.

And just a note to that, John, did you confirm that this was, in fact, reviewed at a public meeting by the Architectural Advisory Board on February 5th?

MR. BOYLE: Yes, sir, and you should have a recommendation from that Board. You should have that in front of you.

MR. JONES: Yes, I'm see that. Thank you.

John, if you don't mind reading off of the report.

MR. BOYLE: Yes, sir.

As this Board has seen in the past with the recent construction of the larger buildings constructed by way of special exceptions, we have found that the sign ordinance which really arose in the 1950s and 60s and amended in the 1980s, does not take into consideration the mass of these buildings.
This particular site will be the largest development in the City when it's completed.

That issue with Code, not taking into consideration the size of these buildings, plus a feature of the zoning ordinance that allows this Board to consider variances for signs at a lesser threshold, than the burden is placed on other commercial residential variances, it's more of a conversation about what fits, what works with the intent of the ordinance in the neighborhood and what have you.

Those two factors I think are worth considering as you hear this presentation from the applicant tonight.

At first glance, it's a lot of variances they're asking for, a lot of signs, but again, given the scope of this building, it does not appear to be out of scale or contrary to the intent of the ordinance as far as impacts on the community and the neighborhood.

You should have quite a packet of information in front of you that has some staff letterhead at the beginning, recommendations from staff, from the Planning Director, as well as Akida here, her function as a planner and deputy zoning administrator.

You have a table that summarizes very nicely the application that's being heard tonight. This was
put together by Akida which is I think a remarkable summary of some very complicated information and numbers.

Some of this has changed slightly in that one of the wall signs is now becoming a building identification sign. We can explain that very detail when we get to that portion.

But this table lays out what the Code allows, what's being asked for, and a description of the variance. That's very helpful.

Then you've got a communication from the applicant and a diagram of the property showing the actual location, placement of each of these signs.

You can see the scope of this project which is currently under construction and going up quickly at the corner of West and Broad.

Then you've got several pages of color renderings showing the signs themselves and where they're being placed on the buildings and on the property. And you'll note these signs range, everything between simple vehicle directional signs all the way up to very, very large building identification signs. So quite a variety of signs being encompassed by this application.
I think the applicant can explain better than I just how much scrubbing this project has gone through with public hearings and meetings with the neighbors, and work sessions with Council and Planning Commission and Architectural Advisory Board.

So what you have before you now is kind of the icing on the cake. They've been through a hard road and now they're just here to get the signage that they feel is necessary for this building.

With that, we'll defer to the applicant's presentation.

MR. JONES: Thank you, Mr. Boyle. Again, a nice job on this. This was very thorough and well done.

With that, sir, if you wouldn't mind, stating your name for the record and you may begin your presentation.

MR. MUFFLER: Sure. Absolutely. My name is Gerald Muffler. I'm with Mill Creek Residential Trust. We are the project owner and developer of Founders Row.

And that's a hard act to follow. I really appreciate the support and the introduction there. I think they really set the stage for kind of what we're requesting here tonight.

I do have a presentation that we can go through fairly quickly. I think it's fairly
self-explanatory, especially given that everything is right there.

Really what this presentation is, is a comparison of what we're proposing today versus what was, as Mr. Boyle pointed out, disgust ad nauseam throughout the public process and the three years it took to go through all the approvals for this.

Signage specifically was debated and questioned and negotiated over and over again with neighbors, with Councils, with commissions. Quantities, location, some people wanted more, some people wanted less, here, there.

So again, we'll go through it. You'll see that what we're proposing today, with the exception of a few small ones, is very much in line with what was approved with the site plan, having gone through Council and Planning Commission.

If you look at the screen right now, what you're seeing right now, this is kind of our best rendering if you're standing on Broad Street looking at where the entrance to the project will be, at the main entrance of Founders Avenue.

You can see a lot of the signage I'm talking about in kind of a 3D form, with the blade signs, you've got the logos on the buildings that identify what the
buildings are, and we'll go through and talk about that a little bit more in detail.

So if you don't mind, Akida.

It would be a page down.

So the signage map you've already seen so you can go to the next one.

MR. BARTLETT: Can you go back one. I want to ask questions.

MR. MUFFLER: Sure.

MR. BARTLETT: These are comparative to Attachment 1 that you put together, Akida.

MS. ROUZI: Yeah.

MR. BARTLETT: So these are labeled, the signs, where they are, what ones are actually going to request a variance and which ones are by-right. Is that correct?

MR. MUFFLER: Yes. I think so.

MR. BARTLETT: We need to go back and forth, I know this might be annoying.

MR. MUFFLER: Whatever you need.

MR. BARTLETT: But A is that big Founders Row.

MR. MUFFLER: Yeah, the two As are vertical blade signs, one internal and one external.

MR. BARTLETT: There's two.
MR. MUFFLER: Yeah, there's two. There's one on the bottom left corner, if you will, along Broad Street, and there's one internal on the Founders Avenue itself.

MR. BARTLETT: I see. It's the actually sign on these drawings in here.

MR. MUFFLER: Correct.

We'll go through all the allegations.

MR. BARTLETT: Right, I wanted to understand what I'm looking at.

MR. MUFFLER: Absolutely. Happy to go through them.

MR. BARTLETT: Thank you.

MR. MUFFLER: No, of course.

This elevation right here is if we're standing on Broad Street to the right of Founders Avenue, so this is the southeast, if you will, portion of the project.

Again, remember there's essentially three buildings. Two of the three are connected, the other one is stand alone which is the active adult building.

So what this building is looking at right here, is there's two entrances to parking, one is off of Broad Street, so we've got a parking sign there. We've got a Founders Row blade sign which is internal on the project on the Founder's Row side, so as you enter the
project or as you're coming down Broad, you're able to see where you're pulling into, and the third sign here is the Mill Creek, our brand for our apartment communities is the Modera brand. This is our logo.

If you go to Mosaic, Avenue Place, any number of communities in the area that we've developed, you'll see the Modera M.

So the Modera M is the only sign -- actually if you flip to the next elevation, the only sign that we're proposing that's new from the Planning Commission and that's just because otherwise it's very difficult to understand maybe what the relationship of these buildings are as you're coming down Broad. It's 322 apartments and we want to make sure people understand what they're looking at.

So as you can see the original elevations, you're got the Founders Row blade sign and you've got the parking sign.

MR. MISLEH: May I stop you?

MR. MUFFLER: Yeah, of course.

MR. MISLEH: You said the Modera M is the only new sign?

MR. MUFFLER: On that elevation, sorry.

MR. BARTLETT: Is that the same view?

MR. MUFFLER: Same view.
MR. BARTLETT: Is the updated view going to be
-- this is not a BZA question. If you go back to your
updated view.

MR. MUFFLER: We do not have the retail.

MR. BARTLETT: Is it going to look like that?

MR. MUFFLER: No. I would not assume that
those would be the colors anyone chose.

So we do have retail storefront design
guidelines.

MR. BARTLETT: I didn't want to begrouse,
saying, we're going to see Blade Runner walls on Broad
Street.

MR. MUFFLER: No, it will active -- if you've
been to Mosaic District --

MR. BARTLETT: Yeah, yeah.

MR. MUFFLER: Same guidelines. Same
guidelines as Mosaic. So you'll have those kind of
active, unique storefronts, but not looking like they're
out of Blade Runner or something.

MR. BARTLETT: Thank you.

MR. MUFFLER: Of course.

If you flip to the next elevation, I think
this is the second side of Broad Street. This is now
the stand alone building to the left of Founders Avenue,
so southwest corner. Again, you've got the one blade
sign here, so as you're coming east-west on Broad Street, again it's indicating what you're looking at. And then very, very small.

The entrance to that age-restricted building is actually internal to the project. So, a lot going on in that space. You've got the Market Square, you've got all the retail, you've got 400 apartments. We're just asking for a sign that indicates where to go to enter into that building.

If you flip to the next elevation, this is what was approved. Again, blade sign, and you're going to have that little hanging sign but that's more of a directional.

This is the east elevation, so this is if you're standing at St. James looking east on the building or coming west on Broad Street. It's a tower logo.

What you see in that big blank box right there, kind of to the right where it's the checkerboard pattern, that's actually a mural that will be going in. That is a whole separate conversation and separate process that we'll be going through after we go through the signage process. So that's just checkerboard for placeholder.
MR. BOYLE: And that's the projection of a movie theater, correct?

MR. MUFFLER: Correct. The movie theater cantilevers like 12 feet I think.

So this Board heard a variance request regarding that. So now you see the work from that process actually being put into plans.

Correct. And then that's the original approved. Which was again, placeholder for the art on the movie theater and the logo up on the tower.

These are now all internal to the site, and frankly we went through the site plan, we didn't really have a ton of elevations internal. So this is all on Founders Avenue. Here you can see we've got a loading dock. This is facing west, if you're on Founders Avenue, facing west. You've got a loading dock. You've got one tower logo.

You can go to the next one. This is now facing east towards the main building, the main residential building. We have a canopy sign that we're proposing, again Modera Founders Row will be the name of the main apartment building. You have another parking entrance.
The blade sign that we first showed on the first side is also there, but it's just not highlighted. It's where we showed it.

And then the third angle from the interior, this is now facing south, this is the age-restricted sign and then the directional that was proposed earlier.

It should be noted, that unlike -- this would be Mill Creek's first active adult property. We are creating a brand for that similar to what we've created for Modera. So that's why this is a placeholder, in terms of the sign will say age-restricted sign, it will say whatever the brand is on that sign, but that location, dimensions, etcetera.

Literal is better in marketing but maybe not that literal.

And then last elevation again, second part of the tower logo facing north from the Market Square.

One more, this was the only approved elevation, internal, which again just shows that logo on the tower.

And that might be it. If you go down another one. This is just showing another rendering internal to Market Square. The building, the kind of clear storefronts on the corner, that's the entrance to the age-restricted building. And then Market Square.
So again, a lot of information, a lot of signage. This is a four and a half acre site. Signage is crucial in a development like this to make sure that you have people coming from out of the City to see this.

Again, neighbors, signs were eliminated. Some neighbors wanted movie theater signage everywhere. Some neighbors wanted signage around the back but ultimately this was kind of the package as determined through all the Council's, Commissions, meetings that would be appropriate for a project of this size.

I'll be happy to answer any questions you guys have.

MR. KIEN: I have a question. If I'm reading the plan right, there are no signs on North West Street and Park Avenue, is that right?

MR. MUFFLER: That's correct. These are facing the neighborhood. We had signage and it was ultimately reduced.

Now Founders Avenue connects essentially north-south with North West Street as it turns the corner. So as you're coming south on North West Street, say from McLean or from North Falls Church, you will see that Founders Row blade sign.

Well, actually that's not true. You won't see that because there's a bridge going there. I'm just
thinking out loud. So there's not really much signage
there, coming from that way. You won't be able to
mistake the project in front of you though.

    MR. MISLEH: So, Mr. Muffler, you made a few
    comments that this has already been approved or this was
    what was contemplated through the Planning Commission.
    MR. MUFFLER: Correct.
    MR. MISLEH: What here specifically is
different that they didn't contemplate in that package?
    MR. MUFFLER: The Modera M is the only
external logo that was not shown, as you can see on the
elevations. It was never discussed. Again, nothing was
shown internal so like our canopy signage was never --
it was just assumed. So it's really that Modera M is
the only thing.

    Speaking with the AAB, I think from an
architectural perspective, they were fine with it, given
the height.

    But it's an opportunity to show, like, hey,
this is where the apartment buildings are.
    MR. MISLEH: And the lit blade signs were in
the original packet?
    MR. MUFFLER: Correct.
MR. BOYLE: A question if I could. Are the large blade signs internally lit or are lights shining on them?

MR. MUFFLER: No, everything is internally lit. In fact, I think these drawings, if not they're in the -- yeah, so the shop drawings do kind of show, blade sign, push through acrylic, internal LED lighting. So if you flip through it, it'll show you how they're doing it.

MR. BARTLETT: I just have one question about the New Modera sign. Is it lit or is it just a black M?

MR. MUFFLER: No, it's lit.

MR. JONES: Can you speak a little bit about the Modera signage logo, on how the size of it was determined in relation to the building.

MR. MUFFLER: There's no real science behind it, it's more art. Engaging a signage designer to say what would fit in this space without being ostentatious or overwhelming. Relationally, that's what it would look like. So it's more just how it felt.

MR. MISLEH: John, did you say there was a letter from the AAB in this packet or just a recommendation to them?

MR. BOYLE: Just the recommendation. Their letter back to this Board.
MS. ROUZI: Their recommendation on the variance. And they recommended approval of the variance to the Board of Zoning Appeals.

MR. BOYLE: Do you have that?

MR. MISLEH: I think I'm missing that page.

MS. ROUZI: Here, I have a copy.

MR. MISLEH: Oh, I got it.

MS. ROUZI: Mr. Misleh, there's also a letter from the Planning Director supporting the application. Do you have that?

MR. MISLEH: I saw that. Thank you.

MR. JONES: All right. Do we have anymore questions from the Board?

With that, we'll close the presentation and we'll discuss internally. Thank you for your presentation.

MR. MUFFLER: Thank you.

MR. MISLEH: So I'd just like to say I think it's pretty straightforward and I don't see anything that would limit us from approving this package.

MR. JONES: I tend to agree and I appreciate the fact that there's no lighted signage on the west and closer to the residential area side. I appreciate that. But I don't have any comments or questions.
MR. BARTLETT: I would second all those statements as well, but I would also like to thank you for the cleanliness and the appropriateness of the use of signage. I know there's a lot of interpretations about what's appropriate but I feel like you've done a great job of creating an appropriate blend of size and space with the signage.

MR. MUFFLER: Thanks.

MR. BOYLE: Mr. Chair, if I could ask a question of the Board. Does the Board have a preference as far as limiting these variances to what's proposed tonight or is there flexibility in allowing, say, a swap-out for future tenants?

It doesn't happen often but buildings get purchased and the names get changed. Do you want to see that those future owners and applicants come back before you or can we use -- can staff have discretion to replace them as they're mounted in the dimensions that they're presented tonight?

Does the Board have a preference on that?

MR. JONES: I think we can just take a moment and discuss.

MR. KIEN: I don't really think it's consistent with what we approve tonight.
MR. BARTLETT: We're going to deal with swap-out design here, the colors they choose.

MR. MISLEH: It's more of a logo. They're talking about the canopy name, you're not going to replace. The blade sign, that brand is not going to change. I wouldn't assume down the road it would change, even though you changed ownership. Where there's exposure is in the canopy and the logo, the Modera logo.

MR. MUFFLER: One wouldn't think so but, yeah.

MR. MISLEH: So I'll do whatever you guys think.

MR. BARTLETT: I'm not sure if that's a consistent path for the BZA to provide future protection from requests for variance in the future for new owners.

So, if there's a new request that comes in for a change in sign or a new sign, it won't be a burden to the BZA in the future. So I'd rather not have to add that layer of complexity, even though it's not that complex.

MR. JONES: I agree with Mr. Bartlett. I don't think it would be too difficult to look at any different signage that would be proposed in the future.
MR. BOYLE: Okay. It would be helpful to staff if you would condition this approval on this presentation for this evening though.

MR. JONES: We can do that.

MR. MISLEH: So when we make the motion, John, do we have to read all six of these items or are we just making the motion on the variance application number?

MR. BOYLE: On something that's this lengthy, you usually make a motion to have staff add the item to the record, having quoted in the record. So, as listed in this application, that text will be added to the record.

And we can also -- we do it already but you can refer directly to the presentation, the application that was made tonight.

So, As described in the agenda and as presented in the applicant's materials, something like that.

MR. MISLEH: Okay. I make a motion to approve variance application V1611-20 by Mill Creek Residential Trust, applicant, for variance to Section 48-1265 to allow the following six items as described in the agenda for the regular meeting of the Board of Zoning Appeals on February 13, 2020, at 7:30 p.m.
And further, consistent with the package provided by the applicant in a letter dated January 16, 2020, to John Boyle, zoning administrator.

MR. JONES: Do I have a second?

MR. BARTLETT: I'll second that motion.

MR. JONES: Roll call please.

RECORDING SECRETARY: Mr. Jones.

MR. JONES: Yes.

RECORDING SECRETARY: Mr. Misleh.

MR. MISLEH: Yes.

RECORDING SECRETARY: Mr. Bartlett.

MR. BARTLETT: Yes.

RECORDING SECRETARY: Mr. Kien.

MR. KIEN: Yes.

RECORDING SECRETARY: Thank you.

MR. JONES: Thank you very much. Good luck with your project.

MR. MUFFLER: Thank you.

d. Election of Officers

MR. JONES: Based on my colleagues' anxiousness, if there are no objections I think we have to have a motion on deferring election of officers. I think it might be helpful to have Mr. Calabrese present for any election of officers.
So I would speak with my colleagues and see if there's any recommendation as to postpone the election of officers to the March 12th meeting of the Board of Zoning Appeals.

MR. MISLEH: I agree.

MR. KIEN: I agree.

MR. JONES: We have a proposal to move the election of officers for the Board of Zoning Appeals to the March 12, 2020, meeting.

Akida, can we have a roll call please.

RECORDING SECRETARY: Sure.

Mr. Jones.

MR. JONES: Yes.

RECORDING SECRETARY: Mr. Misleh.

MR. MISLEH: Yes.

RECORDING SECRETARY: Mr. Bartlett.

MR. BARTLETT: Yes.

RECORDING SECRETARY: Mr. Kien.

MR. KIEN: Yes.

RECORDING SECRETARY: Thank you.

e. 2020 BZA Annual Calendar

MR. JONES: I think the last two items are the Annual Calendar which everybody has been provided. I don't know if we need to do anything with that.
6. Approval of Minutes

a. Approval of the October 17, 2019 Meeting Minutes.

MR. JONES: With that, we'll approve the minutes of October 17, 2019.

We can take five minutes to read through it and then we can move to approve it.

(Minutes reviewed.)

MR. BARTLETT: I move to approve the minutes of the October 17, 2019, minutes of the Board of Zoning Appeals.

MR. JONES: Do I have a second?

MR. MISLEH: I second.

MR. JONES: Roll call please

RECORDING SECRETARY: Sure.

Mr. Jones.

MR. JONES: Yes.

RECORDING SECRETARY: Mr. Misleh.

MR. MISLEH: Yes.

RECORDING SECRETARY: Mr. Bartlett.

MR. BARTLETT: Yes.

RECORDING SECRETARY: Mr. Kien.

MR. KIEN: Yes.

RECORDING SECRETARY: Thank you.
7. OTHER BUSINESS

MR. JONES: I don't believe we have any Other Business.

MR. BOYLE: If the Board wanted to consider, we usually also approve the Rules of Procedure for the BZA and we'd offer that under Other Business for the Board to either review and approve or continue that also to the next meeting.

MR. JONES: Have there been any substantial changes since the last?

MR. BOYLE: No.

MR. JONES: I'll speak to my colleagues but I don't have any objections to approving the Rules of Procedure.

MR. MISLEH: I move to approve the Rules of Procedure for the Board of Zoning Appeals for Falls Church, Virginia, based on the draft dated February 13, 2020.

MR. KIEN: Second.

RECORDING SECRETARY: Mr. Jones.

MR. JONES: Yes.

RECORDING SECRETARY: Mr. Misleh.

MR. MISLEH: Yes.

RECORDING SECRETARY: Mr. Bartlett.

MR. BARTLETT: Yes.
958  RECORDING SECRETARY: Mr. Kien.
959  MR. KIEN: Yes.
960  RECORDING SECRETARY: Thank you.
961  MR. JONES: Gentlemen and Akida, I don't believe we have any Other Business. We moved the election of officers to the March 12th meeting. I'm not aware of any Other Business.
962  MR. BOYLE: No, sir. Motion to adjourn.
963  8. ADJOURNMENT
964  MR. JONES: Do I have a motion to adjourn?
965  MR. KIEN: Motion to adjourn.
966  MR. BARTLETT: I'll second that motion.
967  MR. JONES: Roll call.
968  RECORDING SECRETARY: Mr. Jones.
969  MR. JONES: Yes.
970  RECORDING SECRETARY: Mr. Misleh.
971  MR. MISLEH: Yes.
972  RECORDING SECRETARY: Mr. Bartlett.
973  MR. BARTLETT: Yes.
974  RECORDING SECRETARY: Mr. Kien.
975  MR. KIEN: Yes.
976  RECORDING SECRETARY: Thank you.
MR. JONES: With that we will conclude the February 13, 2020, Board of Zoning Appeals.