

1 REGULAR MEETING OF THE BOARD OF ZONING APPEALS

2 City Council Chambers

3 300 Park Avenue

4 Falls Church, Virginia 22046

5 March 12, 2020

6 7:30 p.m.

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9 1. CALL TO ORDER

10 MR. CALABRESE: We'll call the meeting of the March 12,
11 2020, meeting of the Board of Zoning Appeals to order.

12 Could we have a roll call please.

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14 2. ROLL CALL

15 RECORDING SECRETARY: Mr. Calabrese.

16 MR. CALABRESE: Here.

17 RECORDING SECRETARY: Mr. Jones.

18 MR. JONES: Here.

19 RECORDING SECRETARY: Mr. Misleh.

20 MR. MISLEH: Here.

21 RECORDING SECRETARY: Mr. Bartlett.

22 MR. BARTLETT: Here.

23 RECORDING SECRETARY: Mr. Kien.

24 MR. KIEN: Here.

25 RECORDING SECRETARY: Thank you.

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3. PETITIONS

MR. CALABRESE: Are there any petitions?

MR. BOYLE: No, sir.

4. OLD BUSINESS

MR. CALABRESE: And Old Business?

(No response.)

MR. CALABRESE: No.

5. NEW BUSINESS:

A. Appeal application A1612-20 by Rani Doyle, appellant, to appeal 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. CALABRESE: Well, we have two items under New Business. The first item, Appeal application A1612-20, is the party here to present on that?

MR. BOYLE: It does not appear so, sir.

MR. CALABRESE: Okay.

MR. BOYLE: The appellant's attorneys were here last month and requested a continuation.

51 According to your Rules of Procedure, the Board does
52 not have to grant a second continuation but I think for the
53 record, the Board should express its intent on a few questions
54 and at least call the matter and we'll see how that unfolds.

55 MR. CALABRESE: Just to clarify, they have requested a
56 second continuance?

57 MR. BOYLE: No, they have not. By attorney, she
58 requested a continuation last month and we have not received a
59 second one for this hearing and I do not see them present.

60 MR. CALABRESE: So, under the Rules, if they have not
61 requested a continuance and they're not here for their case to
62 be heard, what is the status under the Rules? Do we dismiss the
63 appeal application?

64 MR. BOYLE: Under your Rules, you can dismiss it.
65 Staff would request that the Board consider dismissing it with
66 cause or based on some procedural items we intend to raise.
67 Just in case they were to appear next month and ask for a
68 reconsideration, I believe it might be best if the Board went on
69 the record as to what -- staff is going to be making the case
70 that this should not be heard and I think we'd like that on the
71 record in case they do arrive next month and ask for a
72 reconsideration.

73 MR. BARTLETT: John, I'd like to read from the BZA's
74 Rules of Procedure, procedures regarding cases, 9, Failure to
75 Appear: The appellant or applicant and/or his or her agent does

76 not appear at the scheduled meeting, the Board shall grant one
77 continuance on the application or appeal. Failure to appear at
78 the second scheduled meeting may cause for the applicant or
79 appellant to reapply, reading our Rules into the record.

80 MR. CALABRESE: So what the Rules are saying, is that
81 they would have to restart the process, so the case would be
82 dismissed.

83 What staff is asking though, is some sort of statement
84 by the Board of some of the issues that were raised, some of the
85 procedural issues that were raised by the City staff.

86 MR. BOYLE: Yes. In my staff report, which you should
87 have, I've listed three specific reasons why this should not be
88 heard.

89 If the Board would entertain those, I would appreciate
90 a motion on that.

91 If you would like to hear from the appellant, perhaps
92 just dismiss it at this time in anticipation of another
93 application.

94 MS. MCCOSKRIE: I'm just going to note a couple of
95 things. First of all, this kind of appeal has to be filed
96 within 30 days of the action that was in determination. So I
97 think if it were dismissed, I think they wouldn't have the
98 ability to reappeal because they wouldn't be within their 30
99 days.

100 And it's also -- there is a presumption of correctness
101 for the Zoning Administrator's decision and so without any
102 evidence to overturn that presumption of correctness, you could
103 make a fairly simple decision.

104 MR. CALABRESE: I would suggest, and ask others for
105 their opinion, just to simply dismiss the appeal at this point.

106 MR. MISLEH: I agree with that position.

107 MR. CALABRESE: Any other comments from staff or the
108 City Attorney about that approach?

109 MR. BOYLE: No, sir.

110 MR. CALABRESE: So I would entertain a motion for
111 dismissal or ask for a motion on the dismissal.

112 MR. MISLEH: I move to dismiss Appeal application
113 A1612-20 for failure to appear by the applicant.

114 MR. CALABRESE: Is there a second?

115 MR. KIEN: I'll second that.

116 MR. CALABRESE: Any further discussion?

117 (No response.)

118 MR. CALABRESE: If you could call the vote please.

119 RECORDING SECRETARY: Mr. Calabrese.

120 MR. CALABRESE: Yes.

121 RECORDING SECRETARY: Mr. Jones.

122 MR. JONES: Yes.

123 RECORDING SECRETARY: Mr. Misleh.

124 MR. MISLEH: Yes.

125 RECORDING SECRETARY: Mr. Bartlett.

126 MR. BARTLETT: Yes.

127 RECORDING SECRETARY: Mr. Kien.

128 MR. KIEN: Yes.

129 RECORDING SECRETARY: Thank you.

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131 B. Variance application V1613-20 by Margaret L. Schwartz,
132 applicant and owner, for a variance to section 48-238(3)a, to
133 allow rear yard setback of 36 feet instead of 40 feet, for the
134 purpose of constructing a 1-story addition on premises known as
135 313 Lincoln Avenue, RPC #51-116-031 of the Falls Church Real
136 Property Records, zoned R-1A, Low Density Residential.

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138 MR. CALABRESE: So the second item is Variance
139 application V1613-20.

140 Are the parties here for that matter?

141 MR. BOYLE: Mr. Chair, after posting this on the
142 agenda for the BZA, it came to staff's attention that this was a
143 historic property and we're obligated to send that to the
144 Historic Architectural Advisory Board for a recommendation to
145 this Board.

146 The applicant's aware of that so now they're scheduled
147 before that Board and they'll return next month to the BZA.

148 MR. CALABRESE: So there's no action for us to take
149 here?

150 MR. BOYLE: Correct.

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152 c. ELECTION OF OFFICERS

153 MR. CALABRESE: Okay. The only other matter it looks
154 like we have is the election of officers.

155 I think I finished my second term as chair so we would
156 be looking for someone who's interested in chairman and I guess
157 we elect the vice-chairman as well, is that correct?

158 MR. BOYLE: Yes, sir. And secretary.

159 MR. CALABRESE: Okay. And secretary.

160 So we'll open it up for anyone who's interested in any
161 of those positions for election for the next term.

162 Let's start with the secretary position. Is there any
163 interest in someone serving in that position?

164 MR. BOYLE: I would nominate Akida Rouzi.

165 MR. CALABRESE: Oh, it's staff.

166 MS. ROUZI: I don't think I have an option.

167 MR. CALABRESE: So we have a slate for the secretary
168 position. Are there any other nominations for secretary,
169 self-nominations?

170 We would like to talk about the vice-chair and the
171 chairmanship position. So I would open that up for anyone who
172 is interested.

173 MR. BOYLE: Either self-nominate or I think we've also
174 entertained nominations from the Board for others.

175 MR. BARTLETT: I'll self-nominate myself, Keith
176 Bartlett, as vice-chairman of the Board of Zoning Appeals. We
177 have a couple others who are more senior than I am on the Board
178 and it would be wonderful if one of them would step up as well.

179 MR. CALABRESE: Any other nominations, anyone would
180 like to nominate, self-nominate or otherwise nominate for
181 vice-chair?

182 MR. MISLEH: Mr. Calabrese, would you consider serving
183 as chair?

184 MR. CALABRESE: I would if others would like but I
185 would open it up if someone who wishes who hasn't had the
186 opportunity.

187 MR. MISLEH: I think we've enjoyed your leadership in
188 the past. If you'd consider doing it, I'd like to nominate you.

189 MR. CALABRESE: Thank you.
190 Any other nominations for chair?

191 (No response.)

192 MR. CALABRESE: Is that possible? Is it possible for
193 me to do that?

194 MR. JONES: We could amend the draft rules.

195 MR. BOYLE: Keith, could you read from the Rules.

196 MR. BARTLETT: Sure. The Board shall organize and
197 elect a chairman and vice-chairman from among its regular
198 members annually at the first meeting in the month of January.
199 It will be advertised in the public notice and the general

200 forum. The candidate receiving the majority vote shall be
201 declared elected and the new chairman shall take office
202 immediately and serve for one year and no more than two
203 consecutive terms, after which time she/he would be restrained
204 from service as chairman for at least a year.

205 MR. CALABRESE: Okay. Well, I appreciate my
206 colleagues' support and confidence in me but perhaps if there's
207 someone else who would like to self-nominate or if you have
208 another suggestion.

209 MR. JONES: I think Mr. Misleh would be an excellent
210 chair, having worked alongside him for over a year now, I think
211 he would make an excellent chairperson.

212 MR. MISLEH: You got to the mic before I did.

213 And I'd like to nominate Mr. Jones. For all the same
214 reasons.

215 MR. CALABRESE: Any other nominations?

216 MR. BOYLE: We'll have to call for a vote.

217 MR. MISLEH: Well, I would say, Mr. Jones, your grasp
218 of the law is very helpful in this matter and me being one of
219 the only non-lawyers on this bench, I would appreciate it if you
220 would take that lead.

221 MR. JONES: Okay.

222 MR. BARTLETT: I have great confidence in you, Mr.
223 Jones.

224 MR. CALABRESE: Do we still have two candidates or do
225 we have one candidate?

226 MR. BOYLE: Sounds like we have one and we need a roll
227 call vote.

228 MR. CALABRESE: So the first one we'll do is the
229 nomination of Mr. Bartlett for vice-chairman.

230 RECORDING SECRETARY: Mr. Calabrese.

231 MR. CALABRESE: Yes.

232 RECORDING SECRETARY: Mr. Jones.

233 MR. JONES: Yes.

234 RECORDING SECRETARY: Mr. Misleh.

235 MR. MISLEH: Yes.

236 RECORDING SECRETARY: Mr. Bartlett.

237 MR. BARTLETT: Yes.

238 RECORDING SECRETARY: Mr. Kien.

239 MR. KIEN: Yes.

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241 MR. CALABRESE: And the second is the nomination of
242 Mr. Jones for the chairmanship position.

243 RECORDING SECRETARY: Mr. Calabrese.

244 MR. CALABRESE: Yes.

245 RECORDING SECRETARY: Mr. Jones.

246 MR. JONES: Yes.

247 RECORDING SECRETARY: Mr. Misleh.

248 MR. MISLEH: Yes.

249 RECORDING SECRETARY: Mr. Bartlett.

250 MR. BARTLETT: Yes.

251 RECORDING SECRETARY: Mr. Kien.

252 MR. KIEN: Yes.

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254 MR. CALABRESE: Okay. I don't think we need to have a
255 vote. It was unanimous.

256 Good. Congratulations to the new leadership. Look
257 forward to working under, serving under you.

258 MR. JONES: I would like to recognize my colleagues.
259 They're very, very helpful and I appreciate their confidence.

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261 6. APPROVAL OF MINUTES

262 a. Approval of the February 13, 2020, Meeting Minutes

263 MR. CALABRESE: It looks like the only other item we
264 have is the approval of the minutes.

265 So let's review February 13th.

266 (Minutes reviewed.)

267 MR. CALABRESE: One point of process, Mr. Boyle. Is
268 Mr. Jones now officially the chair? Should we switch the
269 chairing of this meeting?

270 MR. BOYLE: Yes, that's correct. That's how we've
271 handled it in the past. If you'll hand over the gavel in
272 mid-review of the minutes.

273 MR. CALABRESE: I'll do that.

274 MR. JONES: Looks like everybody has had the
275 opportunity to review the meeting minutes of the Board of Zoning
276 Appeals of February 13, 2020. Is there a motion to approve the
277 minutes?

278 MR. KIEN: So noted.

279 MR. MISLEH: Second.

280 MR. CALABRESE: Can we have a roll call please again.

281 RECORDING SECRETARY: Mr. Calabrese.

282 MR. CALABRESE: I'll abstain since I was absent.

283 RECORDING SECRETARY: Mr. Jones.

284 MR. JONES: Yes.

285 RECORDING SECRETARY: Mr. Misleh.

286 MR. MISLEH: Yes.

287 RECORDING SECRETARY: Mr. Bartlett.

288 MR. BARTLETT: Yes.

289 RECORDING SECRETARY: Mr. Kien.

290 MR. KIEN: Yes.

291 RECORDING SECRETARY: Thank you.

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293 7. OTHER BUSINESS

294 MR. JONES: Mr. Boyle, do we have any Other Business?

295 MR. BOYLE: I would like to recall for the Board and
296 note the passing of past BZA Chair Howard Stoodley who I think
297 served on this Board for over twenty years, virtually my entire
298 career here.

299 I respected Mr. Stoodley greatly. He had a wonderful
300 career in the Navy as a pilot and in reading his obituary in the
301 paper, he accomplished many altitude and speed records in
302 aircraft that weren't designed to go high or fast or
303 propeller-driven.

304 And he was noted for being very prompt with the
305 starting of the minutes because he set his watch by the Naval
306 Observatory. And he wouldn't watch the clock in Council
307 chambers, he would start the meeting by his watch. And holds
308 the record for the quickest meeting which I think was 12 minutes
309 and was very proud of that.

310 He was a tremendous person and served our country very
311 well and I know he'll be missed. I miss him.

312 So for the record, just note the passing of former
313 chair, Captain Howard Stoodley.

314 And that's all the business for this evening.

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316 8. ADJOURNMENT

317 MR. JONES: Thank you.

318 And that concludes the March 12, 2020, meeting of the
319 Board of Zoning Appeals.

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