1. CALL TO ORDER

MR. CALABRESE: We'll call the meeting of the March 12, 2020, meeting of the Board of Zoning Appeals to order. Could we have a roll call please.

2. ROLL CALL

RECORDING SECRETARY: Mr. Calabrese.
MR. CALABRESE: Here.
RECORDING SECRETARY: 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.
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 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. 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.
According to your Rules of Procedure, the Board does not have to grant a second continuation but I think for the record, the Board should express its intent on a few questions and at least call the matter and we'll see how that unfolds.

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

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

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

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

MR. BARTLETT: John, I'd like to read from the BZA's Rules of Procedure, procedures regarding cases, 9, Failure to Appear: The appellant or applicant and/or his or her agent does
not appear at the scheduled meeting, the Board shall grant one continuance on the application or appeal. Failure to appear at the second scheduled meeting may cause for the applicant or appellant to reapply, reading our Rules into the record.

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

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

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

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

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

MS. MCCOSKRIE: I'm just going to note a couple of things. First of all, this kind of appeal has to be filed within 30 days of the action that was in determination. So I think if it were dismissed, I think they wouldn't have the ability to reappeal because they wouldn't be within their 30 days.
And it's also -- there is a presumption of correctness for the Zoning Administrator's decision and so without any evidence to overturn that presumption of correctness, you could make a fairly simple decision.

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

MR. MISLEH: I agree with that position.

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

MR. BOYLE: No, sir.

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

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

MR. CALABRESE: Is there a second?

MR. KIEN: I'll second that.

MR. CALABRESE: Any further discussion?

(No response.)

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

RECORDING SECRETARY: Mr. Calabrese.

MR. CALABRESE: Yes.

RECORDING SECRETARY: Mr. Jones.

MR. JONES: Yes.

RECORDING SECRETARY: Mr. Misleh.

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

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

Are the parties here for that matter?

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

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

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

c. ELECTION OF OFFICERS

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

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

MR. BOYLE: Yes, sir. And secretary.

MR. CALABRESE: Okay. And secretary.

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

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

MR. BOYLE: I would nominate Akida Rouzi.

MR. CALABRESE: Oh, it's staff.

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

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

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

MR. BOYLE: Either self-nominate or I think we've also entertained nominations from the Board for others.
MR. BARTLETT: I'll self-nominate myself, Keith Bartlett, as vice-chairman of the Board of Zoning Appeals. We have a couple others who are more senior than I am on the Board and it would be wonderful if one of them would step up as well.

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

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

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

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

MR. CALABRESE: Thank you.

Any other nominations for chair?

(No response.)

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

MR. JONES: We could amend the draft rules.

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

MR. BARTLETT: Sure. The Board shall organize and elect a chairman and vice-chairman from among its regular members annually at the first meeting in the month of January. It will be advertised in the public notice and the general
forum. The candidate receiving the majority vote shall be declared elected and the new chairman shall take office immediately and serve for one year and no more than two consecutive terms, after which time she/he would be restrained from service as chairman for at least a year.

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

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

MR. MISLEH: You got to the mic before I did. And I'd like to nominate Mr. Jones. For all the same reasons.

MR. CALABRESE: Any other nominations?

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

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

MR. JONES: Okay.

MR. BARTLETT: I have great confidence in you, Mr. Jones.
MR. CALABRESE: Do we still have two candidates or do we have one candidate?

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

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

RECORDING SECRETARY: Mr. Calabrese.

MR. CALABRESE: Yes.

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.

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

RECORDING SECRETARY: Mr. Calabrese.

MR. CALABRESE: Yes.

RECORDING SECRETARY: Mr. Jones.

MR. JONES: Yes.

RECORDING SECRETARY: Mr. Misleh.

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

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

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

6. APPROVAL OF MINUTES

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

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

So let's review February 13th.

(Minutes reviewed.)

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

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

MR. CALABRESE: I'll do that.
MR. JONES: Looks like everybody has had the opportunity to review the meeting minutes of the Board of Zoning Appeals of February 13, 2020. Is there a motion to approve the minutes?

MR. KIEN: So noted.

MR. MISLEH: Second.

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

RECORDING SECRETARY: Mr. Calabrese.

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

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.

7. OTHER BUSINESS

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

MR. BOYLE: I would like to recall for the Board and note the passing of past BZA Chair Howard Stoodley who I think served on this Board for over twenty years, virtually my entire career here.
I respected Mr. Stoodley greatly. He had a wonderful career in the Navy as a pilot and in reading his obituary in the paper, he accomplished many altitude and speed records in aircraft that weren't designed to go high or fast or propeller-driven.

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

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

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

And that's all the business for this evening.

8. ADJOURNMENT

MR. JONES: Thank you.

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