

1 BOARD OF ZONING APPEALS MEETING

2 CITY COUNCIL CHAMBERS

3 Thursday, November 17, 2022

4 7:30 p.m.

5
6 1. CALL TO ORDER

7 MR. MISLEH: Good evening. I'd like to call
8 the Thursday, November 17th, 2022, Board of Zoning
9 Appeals meeting to order.

10 Akida, would you like to do a roll call
11 please.

12 MS. ROUZI: Sure.

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14 2. ROLL CALL

15 RECORDING SECRETARY: Mr. Bartlett.

16 MR. BARTLETT: I am here.

17 RECORDING SECRETARY: Mr. Misleh.

18 MR. MISLEH: Here.

19 RECORDING SECRETARY: Mr. Kien.

20 MR. KIEN: Here.

21 RECORDING SECRETARY: Mr. Eppler.

22 MR. EPPLER: Here.

23 RECORDING SECRETARY: Ms. Ward.

24 MS. WARD: Here.

25 RECORDING SECRETARY: Thank you.

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MR. MISLEH: Thank you, Akida.

3. PETITIONS

4. OLD BUSINESS

5. NEW BUSINESS

a. Variance Application V1634-22 by Nisha and Pradeep Sensharma, applicants and owners, for a variance to Section 48-238(3)a. to allow a rear setback of 28.12 feet instead of 40 feet for the purpose of constructing a screened porch on an existing deck at premises known as 621 Laura Drive, RPC# 52-604-009 of the Falls Church Real Property Records, zoned R-1A, Low Density Residential.

MR. MISLEH: John, would you like to tell us about the petition this evening.

MR. BOYLE: Yes, sir. And thank you to everyone for our return to in-person meetings. It's been an interesting couple of years for sure. Thank you for your diligence over this period and making yourselves available from your homes or wherever you join remotely.

Tonight we have a variance application for a setback and it's in one of our neighborhoods that seems

52 to have this peculiar issue where lots that would
53 otherwise meet the dimension requirements of width and
54 square footage are rotated 90 degrees. So the front and
55 rear setbacks for the R-1A zoning district really
56 complicate the use of the lots.

57 And the applicants here are looking to improve
58 an existing deck at the rear and you should have a
59 packet from them and a letter from one of the abutting
60 neighbors.

61 I always like to explain whether or not staff
62 has the authority to approve something like this, why is
63 this in front of the Board. This is not one of the
64 setback improvements or relaxations that the Code gives
65 to staff. So in order to seek relief from the position
66 of the setbacks as it relates to their house, they have
67 no choice but to come to the Board for relief.

68 So they're here tonight for -- if you'd like
69 I'll read the variance into the record.

70 This is Variance Application V1634-22 by Nisha
71 and Pradeep Sensharma, applicants and owners, for a
72 variance to Section 48-238(3)a. to allow a rear setback
73 of 28.12 feet instead of 40 feet for the purpose of
74 constructing a screened porch on an existing deck at
75 premises known as 621 Laura Drive, RPC# 52-604-009 of

76 the Falls Church Real Property Records, zoned R-1A, Low
77 Density Residential.

78 With that, I'll defer to the applicants for
79 their presentation.

80 MR. MISLEH: Thank you, John.

81 If you wouldn't mind, would you please have
82 all those that are going to be speaking tonight, sworn
83 in.

84 (Witnesses sworn.)

85 MR. MISLEH: Thank you very much and welcome.

86 Please if you'd like to go ahead and share
87 your application with the Board.

88 MS. SENSCHARMA: So we are requesting a
89 variance for the purpose of enclosing our existing deck
90 and converting it to a screened porch.

91 The reason we have to come to the Board is
92 because as Mr. Boyle just said, our lot is unusually
93 narrow and therefore the need for this setback variance.

94 The screened porch is something really
95 important for us just to be able to enjoy our backyard.
96 I am severely allergic to bee stings and we have a lot
97 of pollen in the backyard. So we are really looking
98 forward to having the screened porch.

99 Now, we will not be adding any impervious
100 surface to our property because we're building on an
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102 existing deck and as it is our footprint is really much
103 smaller than other properties on our street, new
104 developments especially.

105 We don't expect to add to the storm water or
106 anything like that.

107 And so that is, the hatched portion is the
108 existing deck that we'd like to convert. So I think the
109 next stage is a picture of the deck, the photo of the
110 backyard. So that is kind of the deck when it is done.

111 And then we can go to the next one please.

112 So that's the plan and then just a sketch of
113 what it would look like. We're working with the design.

114 But then we thought it would be useful to have
115 views from the -- so this is looking out from the deck
116 all around so from left to clockwise is just going to
117 the whole back yard.

118 And then the next page would be from the two
119 corners of our property. So as you can see from this
120 side, you see the tent. So that's what we're using
121 right now. It's like a screened-in on the deck. We are
122 hoping to have a screened porch there instead.

123 And the next two pages are letters of support,
124 one from Linda Chandler, who lives at 623 Laura Drive.
125 And then on the other side an email from Marian and Tim
126 Skully, 619 Laura. We shared the plan with them.

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MR. MISLEH: Thank you very much.

John, do you have any staff comments to share with the Board?

MR. BOYLE: Only that the Board has seen I'd say identical applications from this same neighborhood before. All the houses that front on the street on that side have this odd 90 degree rotation to them. The subdivider, the builder, whoever subdivided the lots, must have tried to make one more row of houses out of the available land. Perhaps it predates the Code at that time.

But this is something the Board has seen before and I think generally it's viewed as not a self-imposed hardship.

MR. MISLEH: For the purpose of kicking off the conversation, trying to just bring everybody up to speed on what the setback should be for that.

I notice on the picture that the Sensharmas are proposing, it didn't look like there is a roof on this screened porch.

MS. SENSHARMA: No, there isn't one. There's a deck.

MR. BOYLE: Yeah, it's just a deck and they're using it with a tent essentially now.

151 MR. MISLEH: On the picture that was shown on
152 one of the slides, it appeared that what's being
153 proposed does not even have a roof.

154 MS. SENSHARMA: Yeah, it doesn't. This is
155 just what I drew.

156 MR. BOYLE: Oh, I see.
157 Would the finished screened room have a roof?

158 MS. SENSHARMA: Yes, the screened --

159 MR. BOYLE: You wouldn't just have screens,
160 you'd have a roof over your deck.

161 MS. SENSHARMA: Oh, yeah.

162 MR. MISLEH: It's not just going to be just a
163 screen on top.

164 MS. SENSHARMA: No, no.

165 MR. MISLEH: Okay. So, John, can you tell us
166 what are the setbacks.

167 MR. BOYLE: It's 40 -- the rear setback is 40
168 and on the plat in their presentation they're showing
169 the house sits at 28 feet point 12, so that's the
170 variance they're asking for. They're asking to make the
171 location of the house good as far as the setback.

172 MR. MISLEH: Thank you.

173 Any other staff comments?

174 MR. BOYLE: No, sir.

175 MR. MISLEH: Thank you.

176 At this time I'd like to open it up to members
177 of the Board for discussion.

178 MR. EPPLER: Good evening. I just wanted to
179 make sure because in the picture, the porch looks much
180 larger than the existing porch. You're actually only
181 talking about building on the existing porch.

182 MS. SENSARMA: Yeah. Not at all. Yeah, not
183 at all.

184 MR. KIEN: John, the existing deck is not
185 considered impervious, correct, for the City?

186 MR. BOYLE: Correct.

187 MR. KIEN: So we would be increasing the
188 impervious, right, by putting the roof over the top,
189 just to be clear.

190 MR. BOYLE: Yeah, a roof supported by columns
191 or walls is defined as a building in our Code so it
192 would be as substantial as a room addition. So it would
193 increase the impervious and the building coverage. I
194 haven't computed that but I'd say they're nowhere near
195 exceeding that.

196 MR. KIEN: No, and I was going to say that as
197 well. Just based on the square footage of the house
198 itself the proposed looks like there's a deck and even
199 estimating the design involved as far as that.

200 MR. BOYLE: Correct.

201 MR. MISLEH: Do we have dimensions of the
202 proposed room?

203 MS. SENSHARMA: The dimensions, yeah, they're
204 on the fourth page, on the plat.

205 MR. MISLEH: Thank you.

206 MS. WARD: It shows the deck, just so I'm
207 clear, that's already existing, right?

208 MS. SENSHARMA: Yes. This is one deck.

209 MR. MISLEH: So was the deck existing when you
210 purchased the home?

211 MS. SENSHARMA: Yes.

212 MR. MISLEH: So it was an existing deck.

213 MS. SENSHARMA: Yes, it was existing.

214 MR. MISLEH: Thank you.

215 Any other questions from the Board for the
216 applicant?

217 (No response.)

218 MR. MISLEH: Do you have any additional
219 comments to the Board before we close out the
220 discussion?

221 MS. SENSHARMA: No, not really. I mean you
222 mentioned the impervious surface, I'd just like to point
223 out that we have been reducing the grass area. We have
224 very little grass area. Other than that redesigned
225 stretch. We have a rain garden in front. We have a

226 butterfly garden all the way down in the front and as
227 you saw there's lots of trees as well.

228 MR. SENSCHARMA: I mean we have planted a lot
229 of native --

230 MS. SENSCHARMA: Native plants, a lot of native
231 plants.

232 MR. SENSCHARMA: -- native plants, right. So
233 we see a lot of bees. They're good for native plants
234 and we want that. But unfortunately she has been
235 several times stung by bees. So I mean that's why we
236 have the tent right now because that's the only way to
237 enjoy the backyard. (Inaudible.)

238 MR. MISLEH: Thank you very much.

239 At this time I'd like to open it up for Board
240 discussion.

241 MR. EPPLER: So given the size of the lot and
242 the house itself, it doesn't seem like this is much of a
243 significant issue. The issue is the impervious surface
244 and it doesn't seem (inaudible).

245 MR. KIEN: Yes, I agree with that. Just in
246 view of the rough estimates I think the physical
247 condition is essentially a hardship in this case. The
248 standards probably would be in conflict. I'm going to
249 approve this request.

250 MS. WARD: Yes, I agree.

251 MR. MISLEH: I'd like to also add that I think
252 the fact that the deck was an existing condition at the
253 time of purchase, it's fair to assume that they
254 understood that to be covered. I can appreciate that
255 their request to enclose it, to be adding any additional
256 lot coverage.

257 So I would agree with the other Board members
258 in this case.

259 MS. WARD: You know the only thing, I know you
260 have neighbors on your side, this was publicized also
261 with Fairfax County neighbors, that would be in the
262 rear.

263 MS. ROUZI: The notices go out to within 175
264 feet of the subject property so everyone around would
265 have gotten notices.

266 MS. WARD: Thank you.

267 MS. SENSHARMA: We had also sent notice of the
268 plan.

269 MR. BOYLE: Does Mr. Bartlett have any
270 comments?

271 MR. BARTLETT: No, I don't have any comments
272 or questions at this time. Thank you.

273 MR. MISLEH: So, at this time would anybody
274 like to make a motion?

275 MR. KIEN: I will make a motion to approve
276 variance application V1634-22 by Nisha and Pradeep
277 Sensharma for a variance to Section 48-238(3)a. to allow
278 a rear setback of 28.12 feet instead of 40 feet for the
279 purpose of constructing a screened porch on an existing
280 deck at premises known as 621 Laura Drive.

281 MR. MISLEH: If it's okay with the other Board
282 members, I'd like to qualify the dimensions of the
283 approved roof because I believe that the 28.12 would
284 stretch across the entire length of the property and
285 what's being asked for today is to build a deck on the
286 existing porch. So if someone would be okay with
287 amending that motion.

288 And I propose that the motion be amended to
289 include to build an enclosed screened porch with the
290 dimensions of 12 feet 2 inches by roughly 25 feet 6
291 inches.

292 MR. BOYLE: So basically the footprint of the
293 deck as it exists.

294 MR. MISLEH: Correct.

295 MR. BOYLE: Okay.

296 MR. MISLEH: Is that okay?

297 MS. SENSHARMA: Yes.

298 MR. EPPLER: No, I think we can just say
299 within the footprint of the existing deck.

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MR. MISLEH: Existing deck, okay.
Akida, do you have that?
MS. ROUZI: Yes, I do.
MR. MISLEH: Can somebody second?
MR. BARTLETT: I'll second that motion.
MR. BOYLE: Mr. Bartlett.
MR. MISLEH: I think we're ready for a roll
call.
MS. ROUZI: Roll call.
RECORDING SECRETARY: Ms. Ward.
MS. WARD: Yes.
RECORDING SECRETARY: Mr. Bartlett.
MR. BARTLETT: Yes.
RECORDING SECRETARY: Mr. Misleh.
MR. MISLEH: Yes.
RECORDING SECRETARY: Mr. Kien.
MR. KIEN: Yes.
RECORDING SECRETARY: Mr. Eppler.
MR. EPPLER: Yes.
RECORDING SECRETARY: Thank you.
MR. MISLEH: Congratulations.
MS. SENSHARMA: Thank you.

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6. APPROVAL OF MINUTES

a. Approval of the July 14, 2022, Meeting Minutes

MR. MISLEH: Our next order of business is the approval of the minutes from July 14, 2022.

(Minutes reviewed.)

MS. ROUZI: I need to mention, we apologize but this is a synopsis of the meeting instead of verbatim because we did not record that meeting. So I had to just go off of my notes to put this together. Sorry.

MR. MISLEH: Would someone like to make a motion to approve the minutes?

MR. EPPLER: I will make a motion to approve the minutes of the virtual Board hearing of July 14th.

MS. WARD: I second.

MR. MISLEH: Thank you.

Akida.

RECORDING SECRETARY: Ms. Ward.

MS. WARD: Yes.

RECORDING SECRETARY: Mr. Bartlett.

MR. BARTLETT: I'll abstain because I wasn't present for that meeting.

RECORDING SECRETARY: Mr. Misleh.

MR. MISLEH: Yes.

RECORDING SECRETARY: Mr. Kien.

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MR. KIEN: Yes.

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RECORDING SECRETARY: Mr. Eppler.

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MR. EPPLER: Yes.

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RECORDING SECRETARY: Thank you.

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7. OTHER BUSINESS

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MR. MISLEH: At this time do we have any Other

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Business?

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Certificate of appreciation for Mr. Calabrese.

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MS. ROUZI: We might be doing that in January.

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I don't think he's available for the December meeting

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and we might have applications for December meeting.

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We're still coordinating with Mr. Calabrese. He travels

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a lot to Japan.

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MR. MISLEH: Is John going to be with us for

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the January meeting?

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MR. BOYLE: As a civilian.

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MR. MISLEH: We'll continue that until Mr.

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Calabrese is available in person so we can recognize

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him.

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8. ADJOURNMENT

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MR. MISLEH: So at this time if there's no

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other business, we'll go ahead and adjourn the meeting.

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MR. BOYLE: Motion to adjourn.

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MR. EPPLER: Move to adjourn.

MR. BOYLE: All in favor say "aye".

(Chorus of "ayes.")

MR. BOYLE: Any opposed?

(No response.)

MR. BOYLE: We're adjourned.

MR. MISLEH: Thank you.