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**REGULAR MEETING OF THE
BOARD OF ZONING APPEALS**
City Council Chambers
300 Park Avenue
Falls Church, Virginia 22046
March 11, 2010

1. **CALL TO ORDER:**

Chair Stoodley called the meeting to order at 7:30 p.m.

2. **ROLL CALL:**

Members Present:

Mr. Murphy
Mr. Stoodley
Mr. Taylor
Mr. Williamson arrived at 7:32:58

Members Absent with notice:

Mr. Castillo

City Staff Present:

Mr. John Boyle, Zoning Administrator
Ms. Karin Battle, Zoning (Recording Secretary)
Elizabeth Perry, Senior Planner
Debra Gee, Planning Specialist

3. **MINUTES AND RESOLUTIONS:**

a. **November 12, 2009 Meeting Minutes**

Chair Stoodley received various corrections to the Minutes from the Board.

MOTION: Mr. Murphy moved, and Mr. Taylor seconded, to approve the Minutes of November 12, 2009 as amended. Upon voice vote, the motion passed unanimously.

b. **Resolutions for Appeals A1498-09 (VA ICON, Inc.) and A1499-09 (Eden Center, Inc.)**

Chair Stoodley reviewed two resolutions from the October 2009 BZA meeting, as circulated via e-mail following the meeting. The unanimous yes votes on both appeals were affirmed; no corrections were offered by Board members.

MOTION: Mr. Murphy moved, and Mr. Taylor seconded, to approve Resolutions for Appeals A1498-09 and A1499-09. Upon voice vote, the motion passed unanimously.

c. **Draft Resolution V1497-09 Denial of Variance for 515 South Spring Street**

Chair Stoodley reviewed the draft resolution and received corrections regarding the vote: amend the 3rd vote to say Mr. Taylor voted yes, Mr. Williamson voted no, and Mr. Castillo had not yet arrived.

MOTION: Mr. Murphy moved, and Mr. Williamson seconded, to approve Resolution V1497-09 as amended. Upon voice vote, the motion passed unanimously.

4. **OTHER BUSINESS:**

a. **BZA Board Elections for Calendar Year 2010**

Chair Stoodley commended Vice Chair Murphy, stating that he had devoted a lot of

MINUTES OF THE 11 MARCH 2010 MEETING OF THE BOARD OF ZONING APPEALS
APPROVED 13 MAY 2010

56 time to the Board over the years and certainly has been a wonderful Vice Chair for
57 the two years he has been in that position.

58
59 **MOTION:** Chair Stoodley nominated Mr. Murphy for Chair of the Board of Zoning
60 Appeals, Mr. Taylor seconded. Upon voice vote, the motion passed unanimously. The
61 gavel was then passed to Mr. Murphy as the new Chair.

62
63 **MOTION:** Mr. Taylor nominated Howard Stoodley as Vice Chair, Mr. Williamson
64 seconded. Upon voice vote, the motion passed unanimously.

65
66 **MOTION:** Chair Murphy moved that the Board officially nominate John Boyle and the
67 Zoning staff as secretary of the BZA, Mr. Stoodley seconded. Upon voice vote, the
68 motion passed unanimously.

69
70 **MOTION:** Mr. Stoodley moved and Mr. Williamson seconded, to amend the Agenda
71 regarding the remainder of the Board's administrative items, moving Items 4b to 4e
72 to the end of the meeting, following Item 7 New Business. Upon voice vote, the
73 motion passed unanimously.

74
75 5. **OLD BUSINESS:** None.

76
77 6. **PETITIONS:** None.

78
79 7. **NEW BUSINESS:**

80
81 a. **U1488-08 Application for a Special Use Permit**

82
83 **Application by BB& T Bank for a bank drive-through facility as an accessory use**
84 **to proposed construction at 1230 West Broad Street**, such accessory use not
85 otherwise permitted by right and as provided by Code Sections 48-454(10) and
86 48-867(4), on the premises known as Lot 1 Broadwater Estate RPC #51-219-011 of
87 the Falls Church Real Property Map Zoned B-1, Limited Business. The Planning
88 Commission forwarded its recommendation for denial to the Board of Zoning
89 Appeals on September 8, 2009: the Board of Zoning Appeals had originally
90 scheduled the public hearing for September 17, 2009.

91
92 This item was previously advertised for the February 11, 2010 meeting which was
93 cancelled due to snow, and was re-advertised appropriately for this evening.

94
95 Chair Murphy observed that the full Board was not present, having four out of the
96 five members present, and noted that a Special Use Permit requires three
97 affirmative votes from the BZA. Chair Murphy offered to postpone the hearing until
98 a full Board could hear the item, since Mr. Castillo could not be present due to a
99 family emergency. The applicant indicated a desire to move ahead with the hearing.

100
101 Chair Murphy proceeded with the swearing-in of all speakers and witnesses related
102 to this application, and then called for a staff report by Zoning Administrator
103 John Boyle.

104
105 Mr. Boyle reminded the Board of its authority under the Code, using the recodified
106 Chapter 48 numbers. For this item, the Board's power to hear and decide the
107 application for a Special Use Permit is in section 48-172. In general, items deemed
108 accessory to primary uses not allowed by right are denoted in the Code as eligible
109 to obtain a Special Use Permit. The process starts with the Planning Commission for
110 consideration, where they decide whether there are any adverse impacts on adjacent
111 properties and consider all aspects of the application. The Planning Commission

MINUTES OF THE 11 MARCH 2010 MEETING OF THE BOARD OF ZONING APPEALS
APPROVED 13 MAY 2010

112 then considers whether any mitigating conditions apply to the use: finally, they
113 vote and send a recommendation to the BZA. Mr. Boyle acknowledged Elizabeth Perry
114 from the Planning staff, who was present to provide the Planning Staff report.
115

116 Mr. Boyle pointed out that the BZA has the options to approve without conditions,
117 to approve with conditions to mitigate any concerns, or to deny. The term of the
118 permit can be for one year or any length of time: typically, this Board has set a
119 term of one year with a return for renewal.
120

121 Elizabeth Perry of the Planning staff addressed the Board, reminding them of her
122 written disclosure, previously provided to the Board and to the City Clerk, that
123 her husband is a Vice President for BB&T. She stated that she was able to
124 participate in this matter fairly, objectively and in the public interest.
125

126 Ms. Perry provided an overview, relating that the applicant is the BB&T Bank and
127 the Special Use Permit for a drive-through located in the 1200 block of West Broad
128 Street in the Falls Plaza, in what is commonly referred to as the vacant Chicken
129 Out building. The property is zoned B-1 and a bank is permitted by right in a B-1
130 District. A Special Use Permit is required for the drive-through, and one drive-
131 through lane is being requested. The application is consistent with criteria for
132 Special Use Permits. In terms of evaluation criteria, Ms. Perry stated that the
133 proposed development is consistent with the Comprehensive Plan; the use is
134 appropriate to a shopping center; and the bank will have hours consistent with the
135 shopping center hours of operation. Final architecture will be reviewed and decided
136 at Site Plan. At this time, the architectural style appears to be consistent and
137 compatible with surrounding uses.
138

139 Ms. Perry said that potential adverse impacts such as noise seem to be minimal,
140 given the site's proximity to a commercial corridor along Broad Street. A clear
141 delineation of the drive-through aisle is achieved through the use of pavement
142 materials, pavement markings and landscaping. Minimizing conflict between vehicular
143 and pedestrian traffic is addressed through pavement treatments, crosswalks and
144 signage.
145

146 Through a proposed development condition, the applicant is committing to a design
147 intended to mitigate the one traffic impact that was identified by the Traffic
148 Impact Analysis (TIA) required as part of the application. When the application
149 was presented to the Planning Commission, staff recommended that the Planning
150 Commission recommend BZA approval with development conditions. However, the
151 Planning Commission recommended that the BZA deny the application, citing concerns
152 over the location of handicapped accessible parking spaces and Route 7 traffic
153 congestion.
154

155 In response to Planning Commission concerns, Ms. Perry explained, BB&T revised its
156 application by moving the location of the accessible parking spaces. The proposed
157 layout now before the BZA is a revision. With regard to the congestion on Route 7,
158 Ms. Perry commented that the TIA data and analysis did not identify any traffic
159 impacts that are not proposed for mitigation by the applicant through development
160 conditions. Therefore the staff recommendation is that the BZA approve the Special
161 Use Permit with the development conditions proposed in the staff report.
162

163 Chair Murphy called for a presentation by the applicant.
164

165 Ms. Jenifer Hornback, land planner with Walter Phillips, Inc. located in the City
166 at 207 Park Avenue, spoke first. Ms. Hornback expressed appreciation for the
167 opportunity to present this Special Use Permit application. She reiterated that it

168 is for a drive-through associated with the proposed stand-alone BB&T branch located
169 at the West Falls Plaza Shopping Center, in the building known as the Chicken-Out
170 building. Tonight's hearing marks the end of a process which began in mid-2008 and
171 which has undergone several revisions, based on meetings and recommendations from
172 the City staff as well as consultants. Ms. Hornback thanked City staff for working
173 so closely with the applicant throughout the process, indicating that the applicant
174 believes they are now presenting an improved layout.

175
176 Ms. Hornback introduced Dick Prosser, with BB&T, as well as John Tschiderer with
177 Federal Realty Investment Trust, the owner of the property. She also introduced
178 Chad Baird and Felice Brytchta with Grove/Slade Associates, the traffic engineers
179 for the project. Ms. Hornback stated that the proposal is fairly straightforward,
180 for BB&T's construction of a new free-standing branch with one drive-through. The
181 proposed branch is to be approximately 2800 SF and will replace the existing 2900
182 SF in-line branch currently occupied in the shopping center.

183
184 Last fall, the Planning Commission did recommend denial based on the location of
185 the handicapped spaces. Ms. Hornback stated that the handout provided to the BZA
186 was revised to relocate those ADA spaces further from the entrance to the site from
187 Broad Street and to eliminate potential conflicts that they felt may occur. The
188 Planning Commission also had concerns about transportation and questions about
189 traffic impacts, and therefore the traffic engineers were present tonight to answer
190 questions. The bank is also offering several green features and environmental site
191 improvements outlined in their justification. Ms. Hornback said that staff has
192 been provided with architectural elevations showing the intention to have
193 architectural compatibility with the rest of the shopping center.

194
195 Chair Murphy called for any questions from the Board. After Mr. Stoodley indicated
196 he desired to hold his questions, Chair Murphy opened the issue to the public.
197 Seeing no one from the public who wished to speak, Chair Murphy closed the meeting
198 to the public and re-opened to the Board, for any questions for the staff or the
199 applicant.

200
201 Mr. Stoodley called on traffic engineer Chad Baird, stating that everybody wants
202 the applicant and the shopping center to be successful, so that's not an issue: Mr.
203 Stoodley commented that the issue is traffic. He expressed his concern, explaining
204 that he had been to the site at least three times since this matter came before the
205 Board, and that he is still concerned about the right turn off the internal lane of
206 Broad Street, going west. He requested to hear the traffic engineer's analysis.

207
208 Chad Baird responded that he would go through the bullets and slides on the
209 PowerPoint presentation handout provided to the Board. He stated that Grove/Slade
210 Associates sat down with the City and the City's transportation engineer to scope
211 out a traffic study based on the industry standards, what they want to see in the
212 study, which intersections, what needed to be analyzed. They incorporated these
213 requirements, and completed traffic counts for the AM, PM and Saturday peak hours.
214 Those are the typical three time periods for counts which were done in June 2007
215 and May 2008. The traffic study was submitted to the City for review; the City and
216 its traffic consultant had some comments. Grove/Slade addressed those comments and
217 resubmitted: the City and the City's traffic consultant then accepted it based on
218 the conclusions of the study.

219
220 Mr. Baird said that one of the things not included in the traffic study was more of
221 a baseline of what is going on at the site. There was a Chicken Out on that site, -
222 - a retail establishment, a restaurant. So from a baseline standpoint of what is
223 there versus what is proposed, a trip generation comparison can be done on existing

224 versus proposed use. This is based on ITE, which is the Institute of Transportation
225 Engineers, -- a manual that looks at data across the country to help compute how
226 many trips would be generated for each specific use. For a fast food place with no
227 drive-through, the average size in ITE is 3000 SF, roughly what this building is.
228 It shows the trips that would be generated by this site, whether a bank is there or
229 not, something is going to go into that site, this is the baseline. A bank with a
230 drive-through based on the same square footage, it would actually be comparable or
231 less trips than that site which was there.

232
233 Mr. Baird said that the next slide showed a by-right use comparison. If BB&T did
234 not get approved and move forward, the developer or owner would do something else
235 at this location. The chart shows other comparable uses which could go in. Looking
236 at traffic impact, some traffic is going to the site. Some of the uses listed are a
237 convenience store, coffee or donut shop (like a Starbucks with no drive-through),
238 and bagel shop. These are comparables pulled out of ITE which could just go into
239 this building and start operating. The chart shows the trips with a substantial
240 increase over what the bank would generate. Mr. Baird reiterated that they are
241 trying to show what could go into the location versus what is proposed, and that
242 the proposed drive-through is either comparable or slightly less from a traffic
243 standpoint.

244
245 Mr. Stoodley asked if this was about half, and Mr. Baird responded yes, -- more
246 than, or about half the number of trips.

247
248 Mr. Baird continued, in conclusion, that the proposed bank has a negligible impact.
249 Explaining that when he says negligible, there are some increases in traffic if
250 looking at a baseline where there is no Chicken Out there as is the case today. He
251 is not saying that they are not adding traffic, it's the differential, the net
252 increase: it's a matter of a second or two in each direction. On direction had a
253 little bit more, but again, it is within the acceptable levels allowed by the City.

254
255 Finally, Mr. Baird stated that the ITE has actually seen a decrease in the traffic
256 volume going to banks in recent history. The newest edition (8th edition) of ITE has
257 seen this decrease in traffic, which Mr. Baird personally attributes to online
258 banking. A bank drive-through has significantly less traffic than what's allowable
259 by right. The traffic increase that the BB&T bank would have on Route 7 would be
260 0.2% in the AM and PM peak hours and slightly higher on Saturday, 1.2%.

261
262 Transportation mitigation is proposed by the applicant: one observation at the site
263 was that people try to turn left into the access between the gas station and the
264 site. Mr. Baird said that people turn left in and left out. In talking with City
265 staff, there are supposed to be some restrictions there: the applicant is trying to
266 implement some things to enforce those restrictions. One way is with a moundable
267 raised curb, something to help guide traffic, to say, "You're not supposed be
268 turning left here." Mr. Baird said that this measure is intended to help make it
269 more "right in, right out." This mitigates this intersection and also the left in,
270 by getting rid of that: people aren't sitting there, queued in Broad Street.

271
272 Mr. Stoodley asked how people coming from the direction of Tysons Corner are going
273 to get into the bank. Mr. Baird responded that they would turn left at Birch, and
274 then turn back into the parking lot.

275
276 Mr. Stoodley asked if they would not be allowed to turn directly into it.

277
278 Mr. Baird stated that it's an existing condition. They are supposed to turn at
279 Birch or they can turn at Haycock and go through the development, by Giant.

280
281 Mr. Stoodley asked about the location of parking for people who do business at the
282 bank, but do not use the drive-through, stating that it is difficult to find
283 parking at the shopping center lately.
284
285 Ms. Hornback responded that the overall delta with the parking before and after, is
286 based on this layout and is at about 308 parking spaces. However, the site has
287 some areas that are no longer striped as they were with an approved site plan.
288 There's an opportunity to get back up to 313 or 315 parking spaces through re-
289 striping on some areas where parking has not been striped since the 1980's. On the
290 last approved site plan, about 312 spaces were provided. Ms. Hornback thought 308
291 spaces were approved as part of a parking reduction by the Planning Commission last
292 time. She stated that there will be five convenience spaces, and the intent is
293 also to draw pedestrians in by locating the bank orientation along Broad Street.
294 The bank's front door will be located here [as shown on the diagram]. Ms. Hornback
295 continued on to say that there is not a great pedestrian connection from Broad
296 Street to bring one into the shopping center, so they've created a better
297 connection. Some pavement markings will be done, and perhaps another textured
298 material will be used. So then it will link up to a main spine pedestrian
299 circulation in the shopping center.
300
301 Mr. Taylor asked if the five parking spaces are to be located over proposed porous
302 pavers, and Ms. Hornback responded that yes, they are.
303
304 Mr. Williamson remarked that the plan looks good, and asked about the parking lot
305 which people use to go out and come in, to go to the gas station and to the coffee
306 shop. He asked if there is a risk of traffic actually lining up at a busy time of
307 day in the drive-through line and blocking that major cut-through for the parking
308 lot itself. He asked how many cars could be queued up before they could go out into
309 the lot, essentially if there could be a backup of cars in that main cut-through.
310
311 Mr. Baird replied that he estimated three to four cars. Ms. Hornback clarified and
312 stated that in the actual slot for the drive-through, there is space for one car at
313 the window and then there are five queuing spaces. Mr. Williamson responded that
314 that is plenty of space. Mr. Boyle added that this is the number called for in the
315 Code, and that if this were a fast food establishment, it would be double that
316 amount, a much longer stacking space. BB&T is providing what the Code requires.
317
318 Mr. Stoodley mentioned that BB&T has another facility in town, and he had never
319 seen more than two cars there at a time. Dick Prosser of BB&T observed that the
320 earlier comment about traffic being down at most branches is typical. His opinion
321 was that this is due to 1) the tremendous use of debit cards -- people don't cash
322 checks as much as they used to, high transactions and 2) the use of online banking.
323 He said that one thing about a branch bank, unlike a McDonald's or a 7-Eleven or a
324 Burger King, is that BB&T serves only its customers, it doesn't pull people off the
325 street to come in and cash checks or make deposits. It's really just BB&T client
326 service.
327
328 Chair Murphy asked if there was going to be an ATM facility at this bank and where
329 it would be located on the structure.
330
331 Mr. Hornback replied that there will be a 24-hour ATM available and it will be
332 walk-up along the frontage of the building. Mr. Prosser said that BB&T has not set
333 the exact location yet but that it will probably be at the end of the building so
334 that it could be serviced from both the Broad Street and the shopping center sides.
335

MINUTES OF THE 11 MARCH 2010 MEETING OF THE BOARD OF ZONING APPEALS
APPROVED 13 MAY 2010

336 Chair Murphy asked for confirmation that there is no planned entrance from the
337 parking lot, so that people will have to go around the building to get into it. Ms.
338 Hornback responded yes. Mr. Murphy then asked the number of ADA spaces, recalling
339 that there were originally two spaces but just one was shown on the plan now before
340 the BZA. Mr. Hornback clarified that there will be one ADA space.

341
342 Mr. Murphy stated that he had further questions about the queuing and the drive
343 aisle, because it is fairly tight between the proposed site and the gas station.
344 In particular, he said, it looked like one of the queuing spaces includes the cross
345 walk. Mr. Murphy commented that if drivers are polite (and certainly in the City
346 of Falls Church, all drivers are polite), they won't be queuing up on top of the
347 cross walk, which will then move them back out into that lane of traffic a bit
348 more. It appears to have the minimum 22 feet, but if people give each other lots of
349 room, he asked if all five queuing spaces will actually fit within that aisle,
350 without bumping out into the road. Also, at the entrance, there's a bump-out with a
351 dark shaded area at the end, and he wondered if that was painted or raised.

352
353 Ms. Hornback responded that the dark shaded area is painted. She further stated
354 regarding the last queuing space, there is 20 feet between the crosswalk and the
355 end of the queuing space. This is not including the cross walk, so 20 feet beyond
356 the cross walk.

357
358 Chair Murphy continued, observing that the north side appears pretty tight, the
359 minimum aisle width of 22 feet. He wondered if there might be any problems with
360 pickup trucks or others making that turn, stating that he knew of one drive-through
361 in the City where the turn is "just plain too tight."

362
363 Ms. Hornback stated that it should be OK, that the traffic engineers as part of the
364 full Traffic Impact Analysis included a truck turn analysis with a variety of box
365 trucks, pickup trucks, SUVs etc.

366
367 Mr. Baird added that in the traffic study, they used an analysis tool called
368 "AutoTURN" which looks at AASHTO (a standard size car), and they are able to make
369 it within the dimensions shown.

370
371 Chair Murphy wondered if there was going to be a shared parking agreement between
372 the two sides of the shopping center, to work out all of the parking numbers.

373
374 Ms. Hornback responded that yes, there is currently one in place, part of the
375 approval by the Planning Commission back in 1998, to do a shared parking ratio
376 between the two sides. She added that the west side actually has more parking than
377 the east side. She continued on to add a comment to Mr. Baird's previous answer,
378 explaining that the end of the drive-through aisle is wider than a standard drive
379 aisle. On the drawing, where it is labeled drive-through with the arrow, it starts
380 at about 30 feet at the intersection of Broad and tapers back, so it is slightly
381 oversized to allow for some more maneuverability room.

382
383 Chair Murphy remarked that there were eight conditions included with the staff
384 recommendation and wanted to know if the applicant had any concerns with any of
385 those recommended conditions.

386
387 Ms. Hornback stated that BB&T has worked through these conditions with staff and
388 agrees to them. The only one that "raises pause" is the one year time frame,
389 because this is a significant financial investment on behalf of BB&T.

390
391 Chair Murphy stated that it has been the Board's process since he has been on the

392 Board to grant these permits for one year and then applicants return for
393 evaluation. He indicated that he would certainly be amenable to one year from the
394 period of opening. This would, for analysis purposes, provide a full year of the
395 site in action, to have a better idea of any other impacts. Otherwise by the time
396 an applicant gets through construction, it might be three or four months before
397 coming back and requesting renewal.

398
399 **MOTION:** Mr. Stoodley moved to **approve the Special Use Permit as requested with the**
400 **conditions suggested by the Planning staff for a period of one year.**

401
402 Mr. Stoodley interjected that if there were 25 accidents on Route 7, that would be
403 serious. After serving on the Board for 17 years, Mr. Stoodley thinks they've only
404 turned an applicant down one time for the second and subsequent years. He said
405 that if the analysis is correct, if the traffic is not excessive, and if people
406 don't get killed, -- the applicant should not worry too much.

407
408 Dick Prosser of BB&T added that for both the shopping center owner and BB&T, if
409 there is an issue, it's in everyone's best interest too to mitigate this.

410
411 Mr. Stoodley said absolutely, and expressed that the Board is delighted to have
412 BB&T as tenants there and they want the shopping center to be successful.

413
414 Mr. Stoodley then **modified his motion to add one year "from the opening."**

415
416 Mr. Williamson seconded the motion and a roll call vote was taken:

417
418 **ROLL CALL VOTE:**

419 Mr. Stoodley: Yes.

420 Mr. Murphy: Yes.

421 Mr. Williamson: Yes.

422 Mr. Taylor: Yes.

423

424 Chair Murphy congratulated the applicant, stating that the Board of Zoning Appeals
425 had granted the Special Use Permit.

426

427 **b. U1495-09 Application for a Special Use Permit**

428

429 **An application for a Special Use Permit for a Group Home not otherwise**
430 **permitted by right and as permitted by special use permit at 209 East Broad**
431 **Street**, as provided by Code Section 48-236(9), on the premises known as Lot
432 74A, RPC #53-116-2010 of the Falls Church Real Property Map Zoned R-1A (Low
433 Density Residential), property owner Falls Church Presbyterian Church. The
434 Planning Commission considered this matter on February 16, 2010.

435

436 Chair Murphy addressed the applicants and reminded all those present that there was
437 not a full board tonight. Four of five members were present, and the fifth member
438 Mr. Castillo had a family emergency. He explained that the granting of a Special
439 use permit requires three affirmative votes, and offered the applicant an
440 opportunity to delay the hearing and return to the next meeting (hopefully with a
441 full board), or to move forward with the four members now.

442

443 Ms. Tina Frundt indicated that the applicant desired to move forward this evening.

444

445 Chair Murphy proceeded with the swearing-in of the witnesses related to this item,
446 and then called for a Staff report by Zoning Administrator John Boyle.

447

MINUTES OF THE 11 MARCH 2010 MEETING OF THE BOARD OF ZONING APPEALS
APPROVED 13 MAY 2010

448 Mr. Boyle stated that this is a special use permit, to approve a use not otherwise
449 permitted by right. This matter was heard by the Planning Commission, whose report
450 was supplied and contains considerable information from the applicant as well as a
451 staff report. Mr. Boyle reminded the Board of its authority is to hear this, and to
452 approve, deny, and/or set conditions as seen fit to make this work with the
453 community at that location. He said that Debra Gee from Planning Division would
454 also speak to how this matter was considered by the Planning Commission.
455

456 Debra Gee stated that the subject site is a 15,534 SF parcel owned by the Falls
457 Church Presbyterian Church and is zoned R-1A, low density residential district.
458 The City's comprehensive plan classifies the subject's site as "private
459 institution," which is its current use. The site is abutted by the church, two
460 church-owned parking lots, a single family residence, and East Broad Street. The
461 site has been used for variety of group homes since the mid-1970's: the latest
462 group home use was by Homestretch and the Falls Church Housing Corporation, who
463 used the property for transitional housing for single women from 2004 through 2009.
464

465 Ms. Gee explained that the subject site contains a two-story historical residential
466 structure known as the Ives House, which was built in 1855 and is protected under
467 the City's Historic and Cultural Conservation District. However, the HCC Ordinance
468 does not rule the uses on the property. The applicant proposes to operate a group
469 home for up to eight young women between the ages of 12 and 18, who have been
470 trafficked. The purpose of the group home is to provide a safe environment in which
471 the clients would receive school lessons, life skills, and job training. Initially
472 the residents would not leave the group home except for medical or other
473 specialized treatment and the Courtney's House staff will transport clients and
474 accompany them to off-site treatment appointments.
475

476 Ms. Gee stated that establishing a group home for victims of human trafficking is a
477 very new endeavor nationally and particularly for minor age females. The home
478 itself will be secured and monitored by cameras inside and out. The proposed use,
479 because there are minors involved, requires special licensing from the Commonwealth
480 of Virginia. The applicant must provide information to the State that satisfies all
481 regulations before that state license is issued. Tina Frundt is the executive
482 director and founder of Courtney's House. She is a member of the Washington DC
483 Anti-trafficking Task Force and provided most of the information in the staff
484 report.
485

486 Ms. Gee continued on to say that as is customary for any new applications for a
487 special use permit, the staff had recommended to the Planning Commission an initial
488 one year period of approval, with the opportunity for additional annual renewals.
489 Staff recommended a few conditions, mainly related to obtaining all necessary state
490 and local licenses, an annual inspection of the premises, submission of financial
491 and operational information after one year of operation, no signage on the
492 premises, and no alterations to the historic structure without City review and
493 approval. Upon receipt of an application for renewal of this special use permit,
494 staff will provide the BZA with any information it might need on the operation of
495 the group home during this initial year, and any City services that have been
496 provided during that time. The Planning Commission considered this application on
497 February 16th and unanimously recommended approval with six separate Conditions
498 which are listed in the staff report.
499

500 Ms. Tina Frundt, executive director and founder of Courtney's House, introduced
501 herself and explained that she has been working on the issue of trafficking since
502 about 2000. She has assisted other organizations open shelters for both US and
503 foreign national transitional housing programs, in the Washington DC area as well

504 as in Chicago and consulting in Florida. She stated that this is her passion and
505 the reason she is before the Board. The organization has a DC-based office but
506 works in Virginia, and most of their clientele is from Virginia. Ms. Frundt said
507 that they work very closely with Fairfax County police and having a safe space for
508 youth is much needed for the healing process.

509
510 In describing the group home's program, Ms. Frundt said that it will have six beds
511 and we can max to eight, but there are six rooms and we will start at six. Staff
512 will be on the premises at all times: the program has to follow Virginia state
513 local child and family services law, which is closely monitored. Staff has gone
514 through training, and because they had most of the information completed for the
515 state, it was an easier process. Because it will be the first of its kind in the
516 area, Ms. Frundt expressed appreciation for the support from the communities as
517 well. It will be a confidential location. Home schooling will be present, the
518 program will have teachers, and will follow Code and regulations for home schooling
519 requirements for the State of Virginia.

520
521 Chair Murphy thanked Ms. Frundt and requested any questions from the Board.
522 Receiving none, he opened this agenda item to the public. Hearing no one, Mr.
523 Murphy closed the item to the public and opened to any discussion by the Board.

524
525 Mr. Stoodley commended the applicants for their fabulous work and Ms. Frundt
526 expressed appreciation. Mr. Taylor and Mr. Williamson echoed Mr. Stoodley's
527 comments and commendation of the work being done.

528
529 Chair Murphy also applauded the applicants for their efforts. He stated that he had
530 a couple of technical questions, relating to some issues in the materials. He
531 stated there was a letter provided by Courtney's House referencing ages 12 to 17,
532 whereas the application said ages 12 to 18. He wanted to be sure that the ages are
533 appropriately listed in the record.

534
535 Ms. Frundt replied that per Virginia law, they changed it, so it is actually 12 to
536 18, because the clients "transition out" at 18. The description in the application
537 is correct.

538
539 Chair Murphy requested clarification about another item. The staff report referred
540 to rotating staff in the house 24-7 and also mentioned a residential manager. Mr.
541 Murphy was unclear as to whether that residential manager would be a resident in
542 the home, or just a manager of the home itself.

543
544 Ms. Frundt clarified that the residential manager will be a manager of the home.
545 However, the program will have staff throughout the night, 24 hours a day. She
546 stated that by Virginia regulations are for five staff. The residential manager is
547 one, then there will be a director of the house, an assistant director, and
548 residential manager.

549
550 Mr. Murphy wondered how many bedrooms and baths were available in the house.

551
552 Mr. Frundt responded that there are six bedrooms and three full baths, -- one
553 downstairs, one in the hallway, and one in the master bedroom.

554
555 Chair Murphy had a final question related to the staff report, referring to the
556 conditions recommended by the staff and by the Planning Commission. He asked if
557 the six conditions listed in the materials are amenable to the applicant, but also
558 asked if as a condition there was any opposition to adding language specifically
559 stating 1) that this is for a maximum of eight females between the ages of 12 and

560 18, and 2) that the permit would be issued for a period of one year, and then be up
561 for renewal as noted in the later conditions.

562
563 Ms. Frundt responded, yes, the applicant could definitely do that.

564
565 **MOTION:** Mr. Stoodley moved to **approve the special use permit with the six**
566 **conditions recommended by the Planning Commission, for one year from opening.**

567
568 **Mr. Williamson moved to amend the motion,** to include the additional language that
569 Mr. Murphy just added as the 7th Condition.

570
571 Chair Murphy clarified that the 7th **condition would be that group home would be for**
572 **a maximum of eight females between the ages of 12 and 18.**

573
574 Mr. Murphy summarized the motion, then Mr. Taylor seconded the motion and a roll
575 call vote was taken.

576
577 **ROLL CALL VOTE:**
578 Mr. Stoodley: Yes.
579 Mr. Murphy: Yes.
580 Mr. Williamson: Yes.
581 Mr. Taylor: Yes.

582
583 Chair Murphy, addressing the applicant, expressed his congratulations and stated
584 that the Board of Zoning Appeals had granted the Special Use Permit.

585
586 **4. OTHER BUSINESS:**

587
588 **b. Draft Annual Report**

589
590 Chair Murphy called for comments on the Draft Annual Report which was previously
591 circulated; Board members agreed it was a great job and offered no changes.

592
593 **MOTION:** Mr. Stoodley moved to approve the Annual Report for 2009. Mr. Williamson
594 seconded the motion. Upon voice vote, the motion passed unanimously.

595
596 Mr. Boyle asked if the Board would present the Annual Report to Council, if the
597 Board would like staff to distribute it, or how they would like to proceed.

598
599 Chair Murphy said he would ask staff to schedule this for an upcoming Council
600 meeting. And if the chair is in the country, he will present the report to the
601 Council, or the Vice Chair or one of the other members may present to Council.

602
603 **c. Rules of Procedure**

604
605 Mr. Murphy called for a review of the BZA's Rules of Procedure, explaining that to
606 the best of his knowledge, there were no substantive changes. However, the Board
607 requested that the Code References be changed from Chapter 38 to Chapter 48.

608
609 **MOTION:** Mr. Taylor moved to accept the Rules of Procedure as amended, recodifying
610 from Chapter 38 to Chapter 48, and Mr. Williamson seconded. Upon voice vote, the
611 motion passed unanimously.

612
613 **d. Status of recording secretary**

614
615 CHair Murphy turned the discussion over to Zoning Administrator John Boyle, who

616 introduced Karin Battle of the City staff, office manager of Zoning and development
617 services, who will serve as the Board's recording secretary. Mr. Boyle explained
618 that as a direct result of budget constraints, the excellent consulting services
619 provided to the BZA by Ann Hieber are no longer possible. The Zoning Administrator
620 has been directed to use staff for both the Board and the Architectural Advisory
621 Board. Mr. Boyle said that efforts were being made to try to obtain that funding
622 back, if only for BZA, as this is a considerable burden for staff to have done
623 correctly, accurately and timely. So the matter is in transition but for time
624 being, staff will be preparing the Board's minutes.

625
626 Chair Murphy welcomed Ms. Battle and expressed agreement that transcript type BZA
627 minutes are very important for a variety of parties -- for the Board of Zoning
628 Appeals itself, sometimes for the City, for the Zoning Administrator, sometimes for
629 an aggrieved party through an appeal or an application. He emphasized that it is
630 going to be important if the BZA does not have the verbatim minutes available on
631 timely basis, that the meeting recordings are safeguarded carefully as well.

632
633 **e. Status of pending Circuit Court case CL09-1531**

634
635 Mr. Boyle stated that there was no court date to announce. The judge called for the
636 record and that staff has assembled it. The Board is aware that the City attorney
637 has asked that the Board certify the record and deliver to Arlington.

638
639 Mr. Stoodley clarified that Chair Murphy has certified the record, and stated that
640 the record has to be delivered tomorrow. He confirmed with Mr. Boyle that he would
641 pick it up and deliver it to Arlington County courthouse; Mr. Boyle stated that Ms.
642 La Taunya Hall in the City Attorney's office could possibly advise with details
643 regarding the filing.

644
645 Chair Murphy offered that he has seen some dates but is uncertain whether they are
646 official. One is in April for motions, possibly April 19th in the Circuit Court
647 information system. Mr. Murphy will be out of the country on that date. He added
648 that the potential trial date included in circuit court documents is in June,
649 around the week of the 20th -- at which time Chair Murphy will also be out of the
650 country. Mr. Stoodley stated that he should be available. However, he wished to
651 know that if he could not be present, would one of the other Board members be able
652 to represent the BZA in court? Mr. Murphy suggested that the Board speak with
653 Susan Earman, when she returns to town.

654
655 Mr. Murphy reported on another update for the Board, regarding the Zoning Ordinance
656 Advisory Committee (ZOAC). He said that the ZOAC is continuing to work through the
657 process and now has all three Modules from the consultant. ZOAC members are hoping
658 to have comments back on Module 3 for the consultant within the next couple weeks.

659
660 Mr. Stoodley asked what ZOAC is seeing as far as "big changes."

661
662 Chair Murphy responded that it is somewhat hard to tell. He explained that many of
663 the issues under discussion are issues commonly understood to be problems with our
664 Zoning Code. What types of development are allowed by right in the business
665 districts . . . Whether Parking requirements are too high, too low, too flexible,
666 or not flexible enough. . . The issues of substandard lots in residential
667 neighborhoods.

668
669 Mr. Murphy explained that staff has done an excellent job with preparing maps that
670 mix zoning with GIS information so ZOAC can get approximate sizes. The ZOAC has
671 looked at possible text amendments to the Zoning Lot sizes which might bring a

672 large numbers of lots into conforming status without creating too many new by-right
673 subdivisions. They've looked at the possibility of a new zoning district in the
674 residential area and several new districts in the business area. In general, ZOAC
675 is working through how to take the massive amount of paper and details that have
676 come from the consultant and try to wind that together into something hopefully
677 more up-to-date than what we currently have, that meets the planning goals of the
678 City in all the various areas, and is somewhat easier to use. Mr. Murphy concluded
679 that it is not as easy a task as it may seem.

680
681 Mr. Williamson asked if there is any risk that budget cuts will impact the ZOAC
682 project, or whether funding for the consultants might be terminated.

683
684 Chair Murphy responded that he was not aware of any such concerns. This money was
685 budgeted and effectively obligated in 2008. His opinion was that the bigger issues
686 are how to get the City's buy-in -- meaning elected officials, staff, residents,
687 business owners -- to a change in the Zoning Code that could impact almost everyone
688 in one way or another, depending on how far the ZOAC recommendations go. He said
689 that there are entire neighborhoods that are substandard, so if there is a
690 recommendation to change lot sizes, that could affect many people and require
691 notices. Text amendments are one thing: actual rezoning of properties would then
692 have to take place, and that's a process that the ZOAC won't handle. It would
693 involve the Planning Commission, the City Council and others. Mr. Murphy stated
694 that once a work product is presented to the public and discussions are held, it
695 will be up to "the will of the people" as to whether or not anything is actually
696 done in the long run. Right now it is not at a point where Mr. Murphy believes that
697 there are enough details to put something out there without causing substantial
698 confusion.

699
700 Mr. Williamson stated that Mr. Murphy's comments were very helpful, to give a sense
701 of the realistic timing, which is "well out there."

702
703 Mr. Murphy clarified that it is not "well out there," that the City has requested
704 comments back on Module 3 and to try to pull the whole thing together during the
705 Spring, which he hopes is the end of Spring. He said that he thinks the plan is to
706 get this before the public and actually bring it up for a vote in the Fall, -- so
707 it is actually not so far off.

708
709 **8. Adjournment**

710
711 **MOTION:** Mr. Williamson moved to adjourn, and Mr. Murphy seconded it. Upon voice
712 vote, the motion passed unanimously.

713
714
715 Respectfully Submitted,

716
717
718 Karin U. Battle
719 Recording Secretary

720
721 The City of Falls Church is committed to the letter and spirit of the Americans
722 with Disabilities Act. This document will be made available in an alternate format
723 upon request. Call 703.248.5040, TTY711.