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BOARD OF ZONING APPEALS MEETING  
VIRTUAL PUBLIC HEARING  
Thursday, January 13, 2022  
7:30 p.m.

1. CALL TO ORDER

MR. BARTLETT: I'm going to call to order the BZA meeting for Thursday, January 13, 2022.

If I could get a roll call from staff, that would be wonderful.

MR. BOYLE: Yes, sir.

2. ROLL CALL

MR. BOYLE: Mr. Bartlett.

MR. BARTLETT: Here.

MR. BOYLE: Mr. Calabrese.

MR. CALABRESE: Here.

MR. BOYLE: Mr. Misleh.

MR. MISLEH: Here.

MR. BOYLE: Mr. Kien.

MR. KIEN: Here.

MR. BOYLE: Mr. Eppler.

MR. EPPLER: Here.

MR. BOYLE: Ms. Ward.

MS. WARD: Here.

26

27

MR. BARTLETT: John, is Akida here as well?

28

29

MR. BOYLE: No. I should say Akida, we think, has come down with Covid. She's been off work the last two days. Was polite enough to sign in and show me a few tricks of this meeting software.

30

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She's home this evening. Our office has been decimated. We probably have 6 or 7 people out of 20 that have gone down so we're all working remotely.

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MR. BARTLETT: Good to hear and sorry to hear as well.

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So I'm just going to read a notice that this meeting will be held pursuant to and in compliance with the Virginia Freedom of Information Act, Section 2.2-3708.2 and state and local legislation adopted to allow for continued government operations during the COVID-19 declared emergency. All participating members will be present at this meeting through electronic means. All members of the public may view this electronic meeting via the meeting link listed above and in the City's website calendar.

48

49

Public comments may be submitted to our email address until 4:30 today. All comments received by the deadline were provided to the BZA.

50                   So this is our normal BZA meeting through  
51 Microsoft Teams online. It's as if same old, same old,  
52 just the normal meeting.  
53

54           3.    PETITIONS

55                   MR. BARTLETT:  So, John, are there any new,  
56 any Petitions that we're unaware of to the Board of  
57 Zoning Appeals today?

58                   MR. BOYLE:  No, sir.  
59

60           4.    OLD BUSINESS

61                   MR. BARTLETT:  And I don't see any Old  
62 Business as of right now.  
63

64           5.    NEW BUSINESS

65                   b.  Variance application V1629 by Karen Stoll and  
66 Scott Hiromoto, applicant and owner, for variances to  
67 Sections 48-238(3)a and 48-1102(e)(1)c, to allow:

68                   1.  A front setback of 25.2 feet instead of 30  
69 feet along the Jackson Street frontage and

70                   2.  A side setback of 10.1 feet instead of 15  
71 feet for the purpose of constructing a second story  
72 addition, and

73                   3.  A front porch setback of 18.7 feet instead  
74 of 22 feet for the extension of an existing porch  
75

76 extension on premises known as 600 Jackson Street, RPC  
77 #52-205-001 of the Falls Church Real Property Records,  
78 zoned R-1A, Low Density Residential.

79 MR. BARTLETT: So we'll just proceed to New  
80 Business.

81 There are two items on the Agenda for this  
82 evening. One is our annual Review of our Rules of  
83 Procedure and election of officers and one variance  
84 application from the public.

85 As my choice I'm going to switch those around  
86 and hear our variance application before we proceed to  
87 bore you with our own internal procedures and election  
88 of potentially new officers.

89 So I see that there are two folks on your  
90 video screen, Scott. Are there other folks in the  
91 public on the meeting tonight? I see Dean. Are there  
92 others?

93 And the reason I'm asking is that we are going  
94 to swear you in and so I want to make sure that I know  
95 who is online tonight so that I can then ask you a  
96 couple of questions and attest to those.

97 MR. HIROMOTO: Karen is the other, my mom,  
98 Karen, would be the other person who probably needs to  
99 be sworn in.

100 MR. BARTLETT: And who's Karen?

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MR. CRETSINGER: Karen Stoll.

(Witnesses sworn.)

MR. BARTLETT: So the New Business for tonight is variance application V1629-21 by Karen Stoll and Scott Hiromoto, applicant and owner, for variances to Section 48-238(3)a and 48-1102(e)(1)c, to allow:

1. A front setback of 25.2 feet instead of 30 feet along the Jackson Street frontage and
2. A side setback of 10.1 feet instead of 15 feet for the purpose of constructing a second story addition, and
3. A front porch setback of 18.7 feet instead of 22 feet for the extension of an existing porch extension on premises known as 600 Jackson Street, Residential Property Code, Real Property Code, #52-205-001, Falls Church City public records.

We received some information from you as far as your application is concerned. What do right now is we're going to ask staff or John Boyle to provide a quick little summary of the application and how it relates to our zoning codes. Then what I'll do is we'll ask you to present your need for a variance and why we should potentially grant your variance, and then the members of the Board of Zoning Appeals will confer, we'll ask you questions, we'll have some discussion,

126 conversation, and then we'll move forward with a motion  
127 to either approve or deny one, two, or three or all of  
128 your variances.

129           So at this point I'm just going to ask John to  
130 provide a summary of our variance in front of us  
131 tonight.

132           MR. BOYLE: Thank you, Mr. Chair.

133           As you described in the public advertisement,  
134 they're seeking front and side setback variances and  
135 then a recognition that that would include a porch that  
136 would require a variance into the front setback.

137           I usually like to describe why staff cannot  
138 administratively approve cases that come before the  
139 Board. There are some we do have authority to do that.

140           In this case front setbacks are always going  
141 to be a matter for the Board. Once staff identifies  
142 there's a setback issue in the front yard, that has to  
143 come to the BZA.

144           We have some authority on side yard setbacks  
145 but it deals with ground level additions projecting  
146 towards the rear. This one is making use of the side  
147 setback and going up as well.

148           So again, it's an area of Code that staff does  
149 not have authority to waive or consider allowing in some  
150 fashion.

151                   And then front porch again involves a front  
152 yard setback.

153                   You have a very complete package in front of  
154 you and what will jump out I think almost immediately is  
155 the unusual nature of this lot. It's our favorite  
156 variance application in the sense that it's a corner lot  
157 and many of those we see built to different front  
158 setbacks. At the time of construction the Code was  
159 different.

160                   In addition to that, this lot itself is  
161 unusually shaped and has a very prominent easement  
162 cutting across it.

163                   So with that, I'll defer to the applicant's  
164 presentation and I think I can share the screen here.

165                   Can you see the Agenda?

166                   MR. HIROMOTO: Yes.

167                   MR. BOYLE: Actually just in front of this is  
168 your justification letter. Would you like that?

169                   MR. CRETSINGER: Actually, we can just start  
170 with, if you don't mind, with the plat that you have  
171 shown. That's perfect.

172                   MR. BOYLE: Okay.

173                   MR. CRETSINGER: So, did you have anything  
174 else you wanted to say first, John? I didn't mean to  
175 cut you off.

176 MR. BOYLE: No, sir. In this case I think  
177 it's better for staff to be brief. It's such a, I  
178 think, an obvious collection of issues that I should  
179 defer to you straight away.

180 MR. CRETSINGER: Well, thank you Board members  
181 for being here tonight. And, John, thanks for your help  
182 both tonight and previously, in our previous  
183 conversations.

184 I just wanted to briefly introduce Scott and  
185 Diana here as homeowners as well as Karen Stoll. They  
186 are a truly multi-generational family who are looking to  
187 make this house into their own and to create a place in  
188 Falls Church that meets both their needs and works  
189 within the lot as it is currently.

190 Just to give a quick overview, and I know you  
191 guys have probably seen this lot before. It's a corner  
192 lot. It's about 9700 square feet. It's in a R-1A zone.  
193 As you can see from the existing plat here, it's  
194 irregularly shaped. The rear of it I would say is about  
195 half the size of the front.

196 So overall, currently the driveway is off  
197 Timber Lane with the front of the house not having any  
198 access to the street from cars.

199 The lot overall is relatively flat and there's  
200 an existing front porch in the lower left corner that  
201

202 you'll note. It's currently a one and a half story  
203 residence. It's small, to say the least. It's only  
204 about 32 feet wide. I want to say it's 24 feet deep and  
205 it has only about a little bit less than 1200 square  
206 feet of finished space inside.

207           So it's obviously not a large residence to  
208 start with and doesn't meet the needs of -- there's  
209 actually five people altogether. Both Scott and Diana  
210 have two children who also will be living there.

211           So sort of the big obvious thing here is not  
212 only do we have the front yard setback on both Timber  
213 Lane and on Jackson, but then we have the storm water  
214 easement that's going right through the middle of the  
215 lot, almost bisecting it from top to bottom.

216           And from a usability standpoint that just  
217 limits really what we can do with the lot.

218           John, if you can go to the proposed lot plan.

219           So there you can see the corner. We can go  
220 through the photos at the same time if you want.

221           Do the Board members have a package that has  
222 all the photos with them?

223           MR. BARTLETT: Yes.

224           MR. CRETSINGER: Perfect. If you want to just  
225 go right to the proposed plat, John, that would be  
226 great.

227                   There's the Jackson Street elevation.  
228                   That's the backyard.  
229                   That's the Timber Lane -- that's the driveway,  
230 the current driveway entrance, just to give orientation  
231 to everything.  
232                   You can keep scrolling through.  
233                   We have a couple of letters of no objection  
234 from several neighbors which we can discuss.  
235                   There should be a separate sheet, it's BZA 1.  
236 This is BZA 2, 3, 4. I think this got out of order a  
237 little bit.  
238                   MR. BOYLE: We're ruining the dramatic effect.  
239                   MR. CRETSINGER: There we go.  
240                   You can see what we're really proposing here  
241 is to try to accommodate both the corner lot nature of  
242 this property which requires a 30 foot setback on both  
243 street addresses.  
244                   In addition, you can see what the storm water  
245 easement does and that just cuts us off right near the  
246 rear of the house.  
247                   So what we are proposing is to essentially  
248 take the roof and lift it up roughly 6 and a half feet.  
249 So we're not increasing the size of the overall  
250 footprint. It is a proposal that respects the existing  
251 front edge of the house so the front setback doesn't

252 change from what the existing house is to what will be  
253 proposed, nor does the side yard setback change. In  
254 both cases they remain the same.

255           Essentially we are just lifting up the entire  
256 house by about 6 and a half feet in order to accommodate  
257 a full two bedroom on the second floor.

258           We are also, you'll see the second floor --  
259 the first floor porch there, the existing porch we are  
260 proposing to extend over the full width of the house.  
261 This provides both scale to the front facade, and  
262 particularly in these Covid times it also provides an  
263 opportunity for neighbors to interact in ways that they  
264 might not otherwise get if you just have a small little  
265 porch up there. And it allows for a way, as I  
266 mentioned, to scale the house appropriately.

267           Although, do bear in mind while this is an  
268 existing one and a half story residence, it will still  
269 maintain a one and a half story residence even after we  
270 raise the height of the roof.

271           So the overall effect from a design and from  
272 walking down the street if you're walking particularly  
273 down Jackson, it won't be a significant difference. It  
274 will still appear quite similar.

275           And there is a new addition off both the rear  
276 and you can see how we kind of tucked this in to  
277

278 accommodate along the storm water easement as well as  
279 the front on the right hand side where we've got the 30  
280 foot setback. And you'll see on the plans when we go  
281 back to that, there's essentially a garage on one side  
282 and a family room/kitchen on the rear.

283           So it overall keeps the massing very similar  
284 and accommodates the storm water easement which is  
285 really the crux of the problem here. It really just  
286 chopped off our whole weird extension here.

287           I would like to just note in case anybody  
288 picks up on this, I sent along and I see this is the old  
289 site plan that I sent over. And I only just mention  
290 this, it's more of a typo than anything else, the  
291 addition by right on the back side is required to be 15  
292 feet. For some reason that number came up as 14.8 on an  
293 earlier version of the plat that I sent over. That  
294 number there I sent over a corrected plat. That's  
295 actually 15 feet. So I apologize for that.

296           So you know, the two story addition that's in  
297 the back and on the right hand side of this drawing,  
298 they will both be by right. This is not part of the  
299 variance package.

300           If we can circle back, right to the first  
301 floor plan and we can run through those portions of it.

302                   And you can see one of the nice things that  
303 will be with this, the property, because it's so small,  
304 neither the house nor the property itself has been  
305 really well maintained over the years. This is a  
306 prominent corner lot, quite visible from multiple  
307 directions. It's been mostly a rental unit. So by  
308 Scott and Karen's purchasing of the house and developing  
309 it, it will be much better maintained both from a  
310 building perspective and from a landscaping perspective.

311                   So one more thing. So on the first floor,  
312 just so you can see, again we have the setback lines on  
313 the right hand side and along the rear. The right hand  
314 side one is the 30 foot setback, that's the natural  
315 zoning setback, but then it immediately has to  
316 accommodate the easement that's chopping off the whole  
317 rear of the property to us.

318                   It has a first floor bedroom suite, again to  
319 allow multi-generational living; with a living room,  
320 dining room, and kitchen all as one great room. A small  
321 little breakfast tucked into the back corner of the  
322 easement, and then a single car garage with a little  
323 bike storage area off to the side.

324                   And you can see how the covered porch really  
325 enhances the entire front elevation of the plan because  
326 it really centers everything and lets us align both the

327 entry and the stairs going up to it in a way that  
328 balances the whole front facade.

329           If we can take a quick look at the second  
330 floor.

331           The second floor simply has four bedrooms.  
332 It's got a hall bath.

333           I should mention, I don't have the existing  
334 plans in this set but the existing plans have two, the  
335 existing house because again, it's a one and a half  
336 story house, the existing house has two bedrooms  
337 upstairs and a hall bath. So it really hasn't changed  
338 dramatically what we're proposing as the use.

339           The bedrooms are, of course, much nicer now.  
340 They're more livable, shall we speak, the previous ones  
341 were very narrow, very low. Literally the spring point  
342 at each edge was I think at maybe 36 inches, something  
343 like that.

344           So this accommodates a nice bedroom, hall  
345 bath, we have a laundry space and then a main bedroom  
346 suite with a separate bedroom over the garage.

347           And then if we want to look at some of the 3-D  
348 here. So the front elevation you can see how the main  
349 portion of the house is proud of the garage so that the  
350 garage isn't sitting right on the front facade. It's  
351 actually recessed back. And also the front porch also

352 allows us to basically carry what is the existing  
353 massing and just make it a little bit taller but still  
354 keeping the same character that's always been there as  
355 part of the house.

356           And again you can see here, this is actually a  
357 nice view. If you look at the house from this angle  
358 currently and you just take that roof and move it down 6  
359 feet, you've got the existing house, minus the two  
360 dormers.

361           And then the rear, we really tried to make  
362 sure that the rear stayed low. It does not protrude  
363 past the front expanse so that you keep a low profile  
364 both on the front street of Jackson and on Timber Lane.

365           I should mention there's a little areaway  
366 there, the existing house right now is on a crawl space  
367 and so the areaway is to provide access down to that  
368 crawl space.

369           And again, in trying to keep a low profile,  
370 these are all still works in progress, you know, this is  
371 not a finished design in the sense of all the trim  
372 detailing and everything else going on to it. But it  
373 does give you an overall massing perspective. Even  
374 you'll see with the rear breakfast room and the rear  
375 study, those become much more transparent and break down  
376 the overall size and feel of the space.

377                   So just to kind of summarize, this really is a  
378 proposal for a multi-generational house for its current  
379 owners. The two story addition that we are proposing on  
380 the front and on the left hand side do not encroach any  
381 further than they do currently. So it's not as if we're  
382 pushing the house forward, it's not as if we're pushing  
383 the house sideways, we're really just pushing the house  
384 up. And even "up" is a very modest "up".

385                   The front porch, I think you saw from the  
386 design, the front porch really helps us balance the  
387 overall front aspect. So even though it has gone up  
388 higher, it still will look from its current size and  
389 configuration very similar.

390                   The rear portions as I mentioned before and  
391 the garage to the right, they all meet the current  
392 zoning codes so they're just by right.

393                   I would mention and I think John had the  
394 letters up there briefly before, the neighbor to the  
395 left who is 602 Jackson Street, has sent a letter  
396 stating that they don't object to the development.

397                   Scott was able to meet with them and discuss  
398 the project with them and they didn't see a problem with  
399 it.

400                   Obviously during Covid that's a very complex  
401 thing to be able to do at this point, trying to go  
402

403 around and talk to neighbors, but he was able to at  
404 least get the neighbor adjacent to the property and the  
405 one most affected by the redevelopment.

406           As I mentioned before, as a prominent corner  
407 lot both the house and landscaping will be better  
408 maintained as it has been primarily a rental before.

409           Relative to other construction projects in the  
410 neighborhood, I would say it's a project that we went  
411 out of our way to maintain sort of the character and  
412 feel of the existing house while increasing it in a way  
413 that both made it economically viable for the  
414 homeowners, practical for a living area, and was able to  
415 maneuver around what is obviously a very constricting  
416 storm water easement that has a public use. I mean,  
417 obviously storm water is a very vital issue to us all  
418 and that easement is not going anywhere.

419           So it was our way of accommodating the  
420 easement and still providing a house that was  
421 comfortable for the owners and made economic sense.

422           So with that, that's basically our request for  
423 the approval of the variance based on primarily the  
424 storm water easement causing a hardship, the unique  
425 nature of the lot being triangular shaped on a corner.  
426 You take those two combinations and the lot becomes very  
427 restricted with that easement. But I think what we

428 tried to do was accommodate both the easement and the  
429 existing house in a way that keeps it with the  
430 neighborhood and works with everything else going on in  
431 the area.

432           So, I think, John, that's it for our  
433 presentation unless Scott or Karen, if you had anything  
434 you wanted to add.

435           MR. HIROMOTO: Yeah, I just wanted to mention  
436 the attempt to talk to the neighbor in the back on  
437 Timber. We did try to go over there more than 10 times.  
438 Sometimes they weren't there. Sometimes they didn't  
439 answer the door. It is tough in the current  
440 environment. So we made that effort.

441           Also, Diane does Covid testing at work. She's  
442 got a lot of contacts there so we didn't try to meet  
443 with a lot of the other neighbors in January when things  
444 were really spiking. So just kind of a context.

445           MR. CRETSINGER: And I would add to that, the  
446 neighbor in the rear, the adjacent neighbor to the left  
447 who is most affected by it is the neighbor who Scott and  
448 Diana were able to contact and did write in in support  
449 of the project.

450           The neighbor to the rear is probably most  
451 affected by the two story addition that's by right and

452 so is really not as much a factor in this variance  
453 application as the neighbor immediately adjacent.

454 MR. BARTLETT: Thank you very much for your  
455 presentation and your discussion.

456 At this point we'll let members of the Board  
457 ask questions of you and have a nice discussion about  
458 your request for a variance.

459 I have a question so I will start.

460 When did you buy this property?

461 MR. HIROMOTO: Towards the end of the summer  
462 last year.

463 MS. HIROMOTO: No, it was May. May of 2021.

464 MR. BARTLETT: When you bought the property,  
465 were you aware there was a storm water easement on the  
466 property?

467 MS. STOLL: Not initially.

468 MR. BARTLETT: Before you closed?

469 MS. STOLL: Yes.

470 MR. HIROMOTO: Yes.

471 MS. STOLL: I think so.

472 MR. BARTLETT: Can you share the footprint and  
473 square footage of the home with us please.

474 MR. CRETSINGER: The current square footage is  
475 on the first floor, 770 square feet. The second floor  
476 there is 415.

477 MR. BARTLETT: No, I'm asking about what it's  
478 going to be, what you're proposing.

479 MR. CRETSINGER: So the proposal for the first  
480 floor has it at 1470 square feet plus a garage that is  
481 approximately 370. And then the second floor would  
482 total 1840. So the total conditions square feet is  
483 3,310.

484 MR. BARTLETT: Okay. And what's your  
485 footprint, proposed footprint on the property?

486 MR. CRETSINGER: You know what? I don't have  
487 that immediately available.

488 MR. BARTLETT: The first floor is 1470 plus  
489 370 and then -- I just want to make sure you're aware of  
490 the 25 percent restriction on building on your buildable  
491 lot and to make sure you're aware of the potential  
492 ramifications of the 25 percent and 35 percent limits  
493 both on building envelope and impermeable space on your  
494 lot. And so you know that once you get to 25 percent,  
495 you can't expand, add a roof, covered structure; 35  
496 percent you can't add more impermeable space to your  
497 lot. And I'm just trying to visualize this and make  
498 sure that that's all right.

499 MR. CRETSINGER: I'll double check. I know I  
500 ran those calculations initially.

501                   Corner lots fortunately because of their  
502 nature have a lot of open space and this one is no  
503 exception to that. You can see, we have a fairly  
504 compact footprint and at almost 10,000 square feet, it  
505 would have to be almost 2500 square foot for the base  
506 footprint.

507                   MR. BARTLETT: Okay. I'm going to pause my  
508 questions now and defer to the rest of the members of  
509 the Board and see if they have any questions. I'll come  
510 back to you.

511                   MR. CALABRESE: I'll start, Mr. Chairman. I  
512 wanted to get on the first question that the Chairman  
513 mentioned was the easement.

514                   First of all just as a point to make for the  
515 record, you say the easement was a hardship. That's not  
516 correct. If anything, it's a self-imposed hardship.  
517 You purchased the property knowing there was an easement  
518 there. So I don't agree with the statement that it's a  
519 hardship. Again, it's something that was known. Just  
520 to start with that point.

521                   The second is I'm a little concerned, this is  
522 going to be a very large house, which is fine, however  
523 there is a neighbor that for whatever reason has not  
524 been consulted. And I know it sounds like you tried to  
525 make physical attempts to reach them but, perhaps

526 leaving a message on their porch or other means to  
527 contact them, that's another criteria we always look to,  
528 is making sure there are no negatively-affected  
529 neighbors.

530           So that would be very important for me,  
531 especially a house of this size and in that area.

532           So those are two points I'll just start with.  
533 I think those would be concerns that I would have.

534           MR. BOYLE: Dave, I can speak to some of that  
535 on the part of staff.

536           They were noticed. They did receive a  
537 notification of this as part of our public advertising  
538 and it was advertised. We didn't receive any comments  
539 back from any of the neighbors other than what's in the  
540 package. Sometimes we get emails or folks will ask to  
541 see the materials. We had no contact from the public.

542           One thing I might point out about the nature  
543 of corner lots, this is the neighbor up here that did  
544 not respond. The setback as you can see is 15 feet here  
545 for a corner lot. They have two fronts and two sides.  
546 Because of the pipe and other reasons, the easement,  
547 they're almost 43 feet off that line. I believe they  
548 would be hard pressed to make a case that they're  
549 negatively impacted by this, given that the setback was  
550 15. Just some points to consider.

551 MR. HIROMOTO: So the back is not part of the  
552 variance though, am I right on that?

553 MR. BARTLETT: To that point, Mr. Hiromoto, I  
554 hear in the presentation that the easement has some sort  
555 of impact on your request for a variance and I would say  
556 it has nothing to do with the variances requested. The  
557 variances requested are, Can I build up in the current  
558 non-conforming space and can I extend my front porch.  
559 It has nothing to do with the storm water easement.

560 But there are other questions to ask as far as  
561 what you're trying to build in the space that's  
562 available to you. And to me, when you're building a  
563 home, we see this all the time. You have two options,  
564 right, when you buy a house. A structure you bought,  
565 we'll just put it like that, it's either going to be  
566 torn down or it's going to be renovated. And if you  
567 built a brand new home on this lot, then that storm  
568 water easement might impact where and how big you could  
569 build a new home.

570 By asking for a variance to renovate and add  
571 on to your home, you are seeking to allow the continued  
572 use of your non-conforming space to build as a bigger  
573 home than you could or a larger footprint on the lot if  
574 you had just built a brand new home on this space.

575                   And I'm not necessarily going to make a  
576 judgment as to whether one is the right decision for you  
577 but the easement would only impact the size of the house  
578 you can build, but it's not associated right now with  
579 the variance application in front of us.

580                   MR. MISLEH: So I have a question for the  
581 applicant. I'll just first echo the comments from the  
582 other Board members regarding the letter for 402 Timber  
583 Lane. That's one thing this Board looks for on almost  
584 every application similar to this, is overwhelming  
585 support from all of the impacted neighbors.

586                   Whether some of us believe they're impacted or  
587 not, everyone that surrounds the property will have some  
588 level of impact and so we'd like to see them considered  
589 and have their support reflected in the package.

590                   The question I have for you is I notice that  
591 there's an access to a basement level but there was no  
592 discussion from the architect regarding the basement and  
593 how it impacts the existing structure and what the  
594 layout will be.

595                   I'll say this in two parts. That's one  
596 question. The second part is there's some concern on  
597 the part of this Board where an applicant will attempt  
598 to salvage the existing structure and build on to it and  
599 then partial way through the project they'll scrap the

600 existing house for one reason or another and build a  
601 whole new house. So that's the basis or some of the  
602 background to that question.

603 MR. CRETSINGER: I can answer the basement  
604 question at this point.

605 The existing basement that's in it really  
606 isn't a basement, it's a crawl space underneath the  
607 house. You actually can physically stand in one small  
608 section of it but I would say probably 75, 80 percent of  
609 it is literally about 3 feet high. So you can crawl  
610 around fairly easily under it.

611 Right now the plan was not -- it's kind of up  
612 in the air as to whether or not to put a full basement  
613 down there. We've had a number of discussions, I've had  
614 a number of discussions with the homeowners. Haven't  
615 quite come to a conclusion as to whether or not there  
616 will be a full basement down there. It may just be just  
617 like the existing house, an existing crawl space or a  
618 condition crawl space. So hence, the areaway on the  
619 side is to allow access down into the existing one down  
620 below.

621 And obviously on the right hand side we would  
622 not have the -- there wouldn't be a basement underneath  
623 the garage. There is no intent to do that.

624                   And I certainly hear you about getting through  
625 a project and having it change as the contractors go. I  
626 can assure you that these are the homeowners who are  
627 very interested in preserving the house and the outside  
628 shell of the walls will stay where they are where it's  
629 applicable. We plan just to build right on top of it.

630                   The exterior walls are actually in fairly good  
631 condition on the inside. We've had a look through the  
632 foundation. The foundation seems to be in good  
633 condition. Technically we're not really even putting a  
634 whole other story on top of it. It has a story  
635 currently. And again, this is not -- this is a one and  
636 a half story house. We really tried to minimize the  
637 height of this house relative to what other houses in  
638 the neighborhood are which are often two stories or two  
639 and a half story houses. This is still just a one and a  
640 half story house.

641                   So the overall size and scale of it is such  
642 that the existing structure can easily take it because  
643 it's already what's built there.

644                   MR. HIROMOTO: I think we have an economic  
645 incentive to keep it like this. We're not really  
646 looking to build something completely new anyway.

647                   MR. EPPLER: If I could, you refer to the  
648 letter of the non-objection from the neighbors to the  
649

650 left but I believe there were at least two letters in  
651 the packet that you had, other neighbors that you spoke  
652 with.

653 MR. HIROMOTO: Yeah, the other neighbor was  
654 across the street, across Timber, so almost directly  
655 across Timber and we were able to get that signed in  
656 December.

657 In terms of all of the adjacent neighbors, I  
658 think just, Diane's occupation, the current environment  
659 just kind of constrains that quite a bit.

660 MR. CRETSINGER: Yeah, the blow-up of Omicron  
661 has really -- people don't want to open their doors to  
662 neighbors. It really -- it would make it very  
663 difficult.

664 MR. CALABRESE: But aren't there other ways of  
665 communicating with them?

666 MR. HIROMOTO: How would I do that?

667 MR. CALABRESE: You could mail a letter to  
668 them.

669 MR. HIROMOTO: I was under the impression that  
670 that was going to happen when they got notified.

671 MR. BARTLETT: So there's a notice requirement  
672 by the City in our Code to provide notice to adjacent  
673 property owners that there's a variance application to  
674 be presented to the Board of Zoning Appeals. It's a

675 little bit different than a new property owner reaching  
676 out to their neighbors to say, this is actually what  
677 we're planning on doing; do you have any issues with  
678 that, I'm showing you, I'm presenting you, I'm providing  
679 you an opportunity to have a conversation, versus just  
680 legal notice. There's a distinction between the two.

681           And the legal notice I believe is 14 days,  
682 John, 15 days?

683           MR. BOYLE: Yes.

684           MR. BARTLETT: So your neighbors would have  
685 received a letter from the City December 27th or so  
686 about today's meeting letting them know that you have a  
687 variance application in front of us and they can go to  
688 the City's -- I don't even know where they would see the  
689 materials. They would have to request them from the  
690 City instead of being pro-active from the applicant to  
691 have a conversation about that.

692           Usually when we see situations like this, the  
693 property owner has reached out pro-actively to their  
694 neighbors to have a conversation.

695           So specifically, when you did, were able to, I  
696 don't know how you were able to have a conversation with  
697 the two people that signed the notice, because they were  
698 available and willing, but did you share materials with  
699 them as to what you're planning on doing or just that

700 you are seeking to add on to the home and request a  
701 variance.

702 MR. HIROMOTO: At that time it was in  
703 December, it was a little better of a situation, so I  
704 went over with these materials and showed them  
705 specifically what was going to be done as part of the  
706 variance and with the construction in the back. So we  
707 were able to sit down and explain it fully.

708 MR. BARTLETT: Can we talk specifically about  
709 your request for an extension, an enlargement of your  
710 covered front porch.

711 I live in the area. I see similar existing  
712 structures to the one that's existing on your current  
713 home in the area. I'm a little concerned about the idea  
714 of allowing an extension of both non-conforming  
715 structure and an enlargement of a non-conforming  
716 structure that is inconsistent with your neighbors for  
717 an aesthetic benefit.

718 So if there is something you can share with me  
719 as to why there is some sort of reason that justifies us  
720 granting a variance such that you can't enjoy the  
721 property or that Code limits your ability to enjoy it  
722 because your front porch is too small, I would love to  
723 hear some more information on that.

724 MR. CRETSINGER: I can provide some insight  
725 into that. In order to make the house work both as a --  
726 we needed a first floor/main bedroom suite as part of  
727 this so that we can limit the amount of stairs up and  
728 down and also that kind of required that we shift the  
729 entry over. The entry obviously currently is over,  
730 approximately where you see that window on the far left  
731 side is there.

732 And when we started doing that, it seemed to  
733 make a lot more sense to try to enhance the entire  
734 facade in such a way that would provide the symmetry we  
735 were looking for both the upper and lower levels.

736 But really it's more or less if we --  
737 basically if we just limit it to a small stoop, a front  
738 porch equivalent to what we currently have, it would  
739 have been just taking it and shifting it over rather  
740 than keeping it is where it is currently.

741 The entry where it was, was for a house of  
742 that size, perhaps worked on the floor plan but with the  
743 new floor plan and everything, really shifting the door  
744 over was of great benefit to both the plan and the use  
745 of the house.

746 So the overall size of the porch kind of  
747 reflected that. Once we were thinking that we could  
748 extend the existing porch over to capture the new

749 location of the front door, it seemed to make sense to  
750 also try to keep the same symmetrical look to it on the  
751 opposite side.

752           So that's kind of the rationale for it.

753           And as I said, in Covid times and everything,  
754 having an exterior space where people can meet and greet  
755 and see neighbors and everything seemed to be a great  
756 benefit.

757           MR. CALABRESE: Just to clarify, the documents  
758 here are dated 12-21. The signatures are dated 12-11,  
759 12-14. So what were they looking at when they signed  
760 the letters of no objection?

761           MR. CRETSINGER: It would have been the same  
762 drawings. When I submitted the drawings to the Zoning  
763 Office, I dated them the day that we actually submitted  
764 them.

765           MR. HIROMOTO: So it was this whole package, I  
766 showed both the 3D drawings, and then the aerial view.

767           MR. CRETSINGER: Yeah, so what they saw and  
768 what these are were the same drawings.

769           MS. WARD: You mentioned you submitted updated  
770 drawings recently. Can you just give some details of  
771 what was updated in those drawings.

772           MR. CRETSINGER: It was the one drawing and  
773 that's the proposed site plan and the only thing that  
774

775 changed on that proposed site plan was the typo. It  
776 says 14.8 feet. I think on the current site plan you  
777 have in front of you and the one I sent over that was  
778 updated corrects that to the 15 feet, which is what's  
779 required for the Code on that side.

780           So the 14.8, I just apologize. I'm not quite  
781 sure how that got there.

782           But that's the one and only drawing that was  
783 updated and it was the one and only change on that  
784 drawing.

785           MS. WARD: Okay. Thanks.

786           This is, I'm not sure exactly how to ask this,  
787 if it's to staff or -- but for an easement, are they  
788 permitted to build any rear structures like decks or  
789 rear porches on the back of properties when there's an  
790 easement? I'm guessing no. I just wanted to get  
791 clarification.

792           MR. BOYLE: That's correct. They could not  
793 build anything into the easement. And we've already  
794 cautioned them that the pipe needs to be located, I'm  
795 not certain if that's been done yet, but we had seen  
796 some pipes meander outside the center line of the  
797 easement so the actual location of that pipe may have an  
798 impact on this.

799

But, yes, no structures in the easement. And  
800 the engineer's pleased that the driveway is coming out  
801 of the easement.

802

MR. CRETSINGER: To follow up on that, I did  
803 talk to the Public Works Department. I talked to a Mr.  
804 Andre Prince over there. I guess he's the senior  
805 engineer. And he basically confirmed what John just  
806 said.

807

He did mention, he said that you can put a  
808 driveway there even now, across the easement, not just  
809 the existing one but we could have moved it anywhere  
810 along that line.

811

Again, I'll just reiterate, he was happy that  
812 we were moving it because it's just that many fewer  
813 things that could possibly be impacted if they ever  
814 needed to do work on the pipes below.

815

MR. BARTLETT: Yeah, it would be your  
816 responsibility to fix it if they had to access it.

817

MR. CRETSINGER: That's absolutely correct.

818

MR. BARTLETT: So, Kristine, the actual answer  
819 to your question is they could build a deck, or some  
820 other structure, not like a roof structure or permanent  
821 structure on the easement but they could put a deck over  
822 the easement, but if the City had to access the  
823 easement, then the homeowners would be responsible for

824 any repairs to that structure if they had to demo it or  
825 move it.

826 MS. WARD: Okay. Gotcha. Thanks.

827 MR. BARTLETT: You can use the land, you just  
828 can't prohibit access to it.

829 MR. MISLEH: Mr. Chair, I was just going to  
830 say, do we need to close the questions portion?

831 MR. BARTLETT: If no one else has any  
832 questions, then, yes, we can.

833 Does anyone else have any questions?

834 MR. KIEN: Keith, this is Peter.

835 One question in looking at this, the porch is  
836 what's standing out to me is the most relevant topic  
837 based on where the current structure is and would remain  
838 if there was no improvement.

839 You had said there was a necessity to create a  
840 first floor bedroom. Was that a generational issue that  
841 was trying to be mitigated? Because when I look at  
842 this, if you push the porch back to where the existing  
843 structure was or something along those lines so it's not  
844 protruding as much, I guess my question would be what  
845 impact would that have on the ability to continue to  
846 have a usable first floor floor plan?

847 MR. CRETSINGER: Yeah, and Scott, I don't know  
848 if you want to jump in here as well, but the necessity  
849

850 of a first floor bedroom is what makes this a  
851 multi-generational house. We can't function without it.  
852 For what their programatic needs are, it's necessary  
853 that we have a good first floor basement.

854 And I'm sorry, the second part of your  
855 question about the location of the porch?

856 MR. KIEN: I guess what I was really asking  
857 was is that if you were to push the location of the  
858 porch say kind of north to south on what we're looking  
859 at here into the footprint of the existing property,  
860 does that make that generational first floor floor plan  
861 not doable? Is that part of why the construction is the  
862 way it is in asking for the placement of the porch where  
863 it is? That's what I'm trying to understand.

864 MR. BARTLETT: Peter, I think if that  
865 happened, then they would have to remove the existing  
866 front wall of the home.

867 MR. KIEN: Correct.

868 MR. BARTLETT: And they're telling us they're  
869 not.

870 MR. KIEN: I guess my question is why not move  
871 the front wall of the home back to meet or have less of  
872 an encroachment or is that not possible based on making  
873 it a truly useable first floor floor plan?

874 MR. CRETSINGER: Well, there's kind of multi  
875 points to that question. If we were to push the front  
876 wall back, essentially we have only 24 feet of wall left  
877 in the house, on the exterior portion of the house. For  
878 all intents and purposes, this is a completely new house  
879 at that point.

880 And from a structural standpoint it would  
881 require us to basically put a whole new foundation in.  
882 So it's more digging, it's just more everything from  
883 that perspective.

884 Could we make the plan work? I doubt it. I  
885 honestly doubt it. And financially I'm not sure that it  
886 would make sense at that point because of the amount of  
887 structural work we'd have to do.

888 Our whole idea was to try to preserve as much  
889 of the house as we can without increasing, basically  
890 taking that roof and lifting it up 6 feet and calling it  
891 a day.

892 If we were then to push that whole wall back,  
893 there would basically be almost no house left.

894 MR. BARTLETT: And if you could just freeze  
895 that picture right there, John.

896 This is my heartburn. If you look at that  
897 white house behind you and if they can't come to us and  
898 tell us they're raising the roof of that house and

899 they're going to be, well, we want a front porch too  
900 because it looks better. And so I'd have to consider a  
901 variance request to allow further encroachment into the  
902 front yard setback because that little portico that they  
903 have doesn't align with the aesthetic of a second floor.

904 We've seen other properties where we have  
905 allowed extension of the setback up but not forward.  
906 And if you were just renovating this home going up,  
907 that's all we're really looking at. We're just looking  
908 at the existing home. We really have no concern about  
909 your by-right addition other than how it impacts and  
910 flows with this "up" increase in your home.

911 So if you were just going to take this  
912 structure that you have, this home that you have, and  
913 raise the roof 6 feet, I wouldn't see a justification  
914 for adding a full front porch to your existing home  
915 because you're raising the second floor six and a half  
916 feet.

917 MR. CRETSINGER: Would it be -- and I'm just  
918 tossing this out there as a thought, if we took  
919 essentially the footprint of the existing front porch  
920 and moved it to the middle, would that be a more  
921 acceptable solution? It wouldn't be a full, grand first  
922 floor porch, but it wouldn't be substantially changing

923 the current encroachment, meaning the existing front  
924 porch that's there now is just being shifted over.

925 MR. MISLEH: I think we're getting into the  
926 weeds of your design. I think we need to respect the  
927 fact that the porch needs to be extended to cover the  
928 new location of the front door. It does make a dramatic  
929 aesthetic improvement to the existing house.

930 The applicant does have additional lot  
931 coverage that they could have used in the carve outs of  
932 the expansion portion of the building; they're just  
933 choosing not to utilize them to create additional  
934 architectural character of that other side of the house.

935 So if we're looking at the porch just from a  
936 lot coverage standpoint, there are other places where  
937 they could have captured additional lot coverage that  
938 they didn't. So I think we shouldn't harp too much on  
939 that one particular issue.

940 MR. CALABRESE: One of the issues that I have  
941 is under the law we judge these variances by the fact  
942 that if but for the setbacks, you could not build a  
943 house, you could not enjoy the property. Whenever we  
944 start getting into conversations about preferences,  
945 well, we could have done it this way, but we decided not  
946 to, we could have done it this way, but we decided not

947 to, that takes us out of the realm of a true hardship.  
948 It's just now to the realm of a preference.

949           And it's very hard for me to think positively  
950 of a variance application where I'm hearing from the  
951 designer that you could have done it a number of  
952 different ways, but you just chose not to. And maybe  
953 they're legitimate reasons.

954           But when we approve a variance it's based upon  
955 a true hardship. You cannot build a house, you cannot  
956 enjoy the property if but for -- unless we're granted  
957 the variance. And I'm hearing lots of other options  
958 here.

959           I always ask that question: Could you have  
960 done it another way? And a true approved variance, the  
961 answer will be no. It wasn't possible. Here, it sounds  
962 like there's many permutations that could have been  
963 considered.

964           So I'm having a problem, I must say.

965           MR. CRETSINGER: Just to reply to that  
966 quickly, there weren't a lot of options, if any. On the  
967 front porch, is there an option not to build it all the  
968 way across? Yes, that's certainly true. But from a  
969 standpoint on the interior of the building, this really  
970 was the only option we had in order to get a typical  
971 layout of the master, you know, the bedroom on the first

972 floor which would allow the multi-generational living  
973 that was required.

974           And I'm not quite sure, honestly, we've taken  
975 as far as lot occupancy, with the exception of a couple  
976 of little triangles everywhere, we built out just about  
977 every square inch of the allowable space. So the need,  
978 the moving in of the wall, the front wall or the side  
979 wall, would not be equivalent to those little bits of  
980 triangles that are left over.

981           But, yes, I would say on the front porch,  
982 there are another option. You know, just making it a  
983 single front porch. But from a planning perspective of  
984 the floor plan, the first floor and second floor plan,  
985 this was really the only solution.

986           MR. BARTLETT: Does anyone have any further  
987 comments or questions for the applicants from the Board?

988           MR. EPPLER: Not from me.

989           MR. MISLEH: No.

990           MR. CALABRESE: Nothing from me.

991           MR. BARTLETT: Thank you very much for your  
992 presentation.

993           At this point the Board's going to deliberate  
994 and have some conversations amongst ourselves. It's  
995 obviously still public. But we're just going to share

996 some of our thoughts and then proceed with potentially  
997 making a motion on your variance application.

998 MR. CALABRESE: I'll just start. I mean I  
999 think another issue I mentioned is I'm still concerned  
1000 about the other neighbor. I understand where that  
1001 neighbor is located may not be directly abutting the  
1002 area where the variance is, but it is one of the  
1003 criteria we judge this and it's an important factor.  
1004 And I do think more of an effort could be made to  
1005 contact them.

1006 So that would perhaps help in the decision for  
1007 me.

1008 I do have problems as I've mentioned earlier.  
1009 I don't have to repeat those. But that's one that seems  
1010 to be hanging that hasn't been resolved that I think  
1011 more of an effort could be made. There are other means  
1012 to contact people.

1013 And I agree we all need to stay safe under  
1014 Covid but there are ways, non-contact ways of contacting  
1015 people, communicating with people.

1016 MR. HIROMOTO: I don't know if I can respond  
1017 to that, or I'm allowed to respond.

1018 MR. CALABRESE: Not at this point but thank  
1019 you.

1020 MR. BARTLETT: Anyone else on the Board have  
1021 information or comment?

1022 MR. KIEN: I have less of an issue with the  
1023 contact probably, based on what I think would be  
1024 considered reasonable best efforts. But I do continue  
1025 to have issue with sizing of the front porch. It looks  
1026 as though it couldn't have been located anywhere else  
1027 but does it need to be the size that it is into that  
1028 encroachment? And from what I have garnered thus far  
1029 the answer to that is the sizing of the front porch is  
1030 more of a preference than a necessity.

1031 I think we could all agree that some level of  
1032 front porch is probably necessary but for me to get  
1033 comfortable with approving that key part of this  
1034 variance I think proving that sizing out would need to  
1035 be necessary which is not something that I've seen in  
1036 this presentation.

1037 MR. EPPLER: I would also reference the porch  
1038 just from purely the precedential point of view. As  
1039 Keith pointed out, as much as it would probably make a  
1040 great impact on the house, it would look very nice, if  
1041 we approve it for this house, we have to come up with a  
1042 reason why we therefore would not have to do the same  
1043 for every other house that has a similar situation,  
1044 wants to build into the setback.

1045                   So with that said, I don't see a problem with  
1046 simply moving something the same size as it was over to  
1047 the middle. It doesn't seem to have any more impact  
1048 than the existing house.

1049                   MR. MISLEH: I agree with the other Board  
1050 members regarding the lack of response from the rear  
1051 neighbor but at the same time we have to rely on the  
1052 City to notify the residents and the residents had an  
1053 opportunity to represent themselves if they did have an  
1054 issue or needed more information. In this particular  
1055 case they didn't. So we have to assume that they've  
1056 been properly notified.

1057                   It sounds to me like the other Board members  
1058 are agreed that the footprint of the existing house  
1059 going up with the exception of the porch is a pretty  
1060 standard request that we see as a Board and it's  
1061 something that is a function of staff just not having  
1062 the ability to approve that and having it come to this  
1063 Board.

1064                   So I think what it seems like is everybody's  
1065 hung up and I would agree with Mr. Eppler, that the  
1066 porch, even if they moved it and it was the same size,  
1067 it would still require that variance. So at what level  
1068 or at what reasoning would this Board be willing to  
1069 grant that porch variance?

1070 MR. BARTLETT: And procedurally, I am not sure  
1071 how -- so I'll just start actually with variance 1,  
1072 Front yard setback of 25.2 feet and then going up  
1073 utilizing the existing non-conforming structure. I  
1074 don't have a problem with that.

1075 I don't have a problem with utilizing the  
1076 non-conforming use to the west on Jackson. I actually  
1077 am thankful that you chose not to request a further  
1078 extension of that non-conforming use further back into  
1079 your property.

1080 But regarding 3, I am uncomfortable with  
1081 allowing a full front porch into the front setback even  
1082 though it looks nice. And so procedurally I believe you  
1083 would have to amend your variance request to not allow  
1084 the full front porch but allow a transition from that  
1085 left front porch to the middle of the front porch.

1086 But I'm hearing a lot of questions and a lot  
1087 of statements that don't seem to be completely resolved,  
1088 especially regarding where you're actually going to be  
1089 able to build your by-right addition in that you don't  
1090 know exactly where these pipes are and you don't know  
1091 exactly what the dimensions of your house will be.

1092 So do you want to come back with more detailed  
1093 information and a revised variance application? That's

1094 a question that I'm asking to John Boyle and to the  
1095 applicants.

1096 MR. HIROMOTO: I don't have enough knowledge  
1097 to answer that.

1098 MR. CRETSINGER: I can say that the storm  
1099 water easement has been very carefully calculated,  
1100 meaning our CPOs went out there with their survey crew,  
1101 it was one purpose pretty much besides the obvious, of  
1102 trying to get the overall footprint correct. But that  
1103 storm water easement was very accurately located upon  
1104 their records. So I'm fairly confident that's exactly  
1105 where it is.

1106 So until we actually get out there and dig  
1107 down, it would probably be one of the first things we  
1108 would do as part of the new construction, is to  
1109 ascertain exactly where they are. We know they are  
1110 about 7 feet down below grade, depending on where you  
1111 are on the lot, they're sloping from the front to the  
1112 back, so depending on where you are on the lot,  
1113 obviously they vary in depth.

1114 But the pipes are, we're very confident that  
1115 they're within that easement, it's just where exactly  
1116 they are is the big question. But we will certainly do  
1117 all our due diligence to locate them prior to it but  
1118 again, it only affects the by-right construction and if

1119 we had to tweak that a few inches or something like  
1120 that, that's fine. It's not an overly big concern for  
1121 us.

1122           And in regards to the porch, can I just ask  
1123 the Board for guidance here, would it be acceptable to  
1124 take the -- basically the existing footprint and move it  
1125 over to the center, aligning it on the front door? Is  
1126 that a possible acceptable solution?

1127           MR. BARTLETT: If that was the request to the  
1128 Board today, I would not have much concern with that.  
1129 But what I'm seeing is not that right now. So that's  
1130 why I'm asking John Boyle for procedural guidance from  
1131 the City on can we consider the first two and then have  
1132 them come back for the third as a separate and distinct  
1133 variance request. And maybe Mr. Misleh and Mr.  
1134 Calabrese have some guidance on that as well.

1135           MR. MISLEH: I think we could make a motion to  
1136 limit the size of the porch to not greater than the  
1137 existing. That may be more limiting to the applicant  
1138 than postponing the application to the next hearing.

1139           MR. BOYLE: I'd agree and I think the Board  
1140 has the authority to approve something less than what  
1141 was advertised. I don't think you have the authority to  
1142 say let's go further into the setback than was  
1143 advertised. But you can certainly approve an 8 by 8

1144 stoop centered on the center of the house, something  
1145 along those lines.

1146 MR. CALABRESE: I'd prefer to see a new plan  
1147 with the new dimensions and the new design and just  
1148 approve it all at once. The applicant will have to come  
1149 back anyway. I would just as soon do it all at once.

1150 MR. BARTLETT: And I think from a design  
1151 perspective, and it's not my job, but I believe it would  
1152 be better for you to come back and do a revamp of that  
1153 look and space and dimension so that we do it properly,  
1154 I agree.

1155 MR. EPPLER: So is the question whether we  
1156 approve the first two and hold the third or do we just  
1157 hold all three?

1158 MR. BOYLE: You'd entertain a motion to  
1159 continue.

1160 If the Board wishes to approve the first two,  
1161 I wasn't sure if they're kind of contingent on each  
1162 other.

1163 MR. BARTLETT: I believe that they are  
1164 logically distinct and if the other members of the Board  
1165 agree, we could proceed with the first two and then ask  
1166 for a continuance on the third or deny. But if we deny,  
1167 then they would have to come back with a different  
1168 variance request, isn't that correct?

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MR. BOYLE: Yes, sir.

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MR. CALABRESE: I think it would just be simpler if the applicant wanted to just agree that they would come back.

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MR. BARTLETT: For the whole thing, Dave?  
MR. CALABRESE: That would seem simpler to me, but yeah, that's what I was thinking, just come back for the whole thing. Unless there's a benefit to approving partially.

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MR. CRETSINGER: My only comment on that would be that it would be a benefit to us to approve at least the second floor, the front and rear of the second floor use simply because we did get started sort of on those drawings, albeit because they take time obviously. And then we could also come back with a revised front porch addition that would be harmonious with the now approved rear portion or the existing portion of the house.

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And if it's a continuation on that third item, the continuation I guess would mean based on an assumption of a resubmittal of the porch, we would be more than happy to do that.

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MR. MISLEH: How big is the existing porch?

It's not really referenced on any of the --

MR. CRETSINGER: It's 8.5 feet wide and 6.5 feet deep.

1194 MR. MISLEH: And what's the proposed width of  
1195 the new porch total?

1196 MR. CRETSINGER: It is just shy of 32 feet.  
1197 It's about 31.6.

1198 MR. MISLEH: Okay. So it's 24 feet. It's  
1199 four times the original size.

1200 MR. CRETSINGER: Yes, that's correct.

1201 MR. MISLEH: Okay. I think what we're hearing  
1202 is that most of the Board -- I would be comfortable if  
1203 somebody made a motion to limit the porch to the  
1204 existing size. I think for the applicant that may be  
1205 more restrictive than coming back with a better -- with  
1206 an actual drawing and reasoning behind the updated or  
1207 amended request. And maybe a note from the neighbor.

1208 MR. BARTLETT: That's where we as a Board have  
1209 to decide, do we want to separate it out and does  
1210 someone want to make a motion to separate it out?

1211 MR. MISLEH: John, can the applicant choose to  
1212 hold just one third of the variance request or do they  
1213 need to request to postpone the entire application?

1214 MR. BOYLE: They can request a continuation at  
1215 any time up until the vote. So I think Mr. Bartlett's  
1216 correct, we're at the stage now where someone should  
1217 propose a motion and see how that carries. It sounds  
1218 like there's two motions being considered. So up until

1219 the time of the vote on those motions, the applicant can  
1220 ask for a continuation and then we'd have whatever  
1221 motions the Board is entertaining.

1222 I think the Board should frame a motion or  
1223 two, take a vote, and see what it looks like at that  
1224 point.

1225 MR. BARTLETT: Thank you, John Boyle.

1226 MR. EPPLER: I will make a motion that we  
1227 approve the first two of the variance requests and that  
1228 we reject or we extend until the next meeting a decision  
1229 on the third, pending a resubmission of a front porch  
1230 design.

1231 MR. BARTLETT: So just to clarify, Mr. Eppler,  
1232 you are making a motion to approve variance application  
1233 b(1) and b(2) and continue variance application b(3).

1234 MR. EPPLER: That is correct. Thank you.

1235 MR. BARTLETT: Does anyone want to second that  
1236 motion or revise that motion?

1237 MR. CALABRESE: Are we clear -- well, I guess  
1238 we need a second before I can ask the question, so.

1239 MR. MISLEH: Second.

1240 MR. CALABRESE: Are we clear that we have all  
1241 the information we need? There were some other  
1242 questions about details that you had yet to be  
1243 determined, even on the other parts of the house. Do we

1244 feel confident that we have all the information we need,  
1245 because the architect was saying, Well, I'll get back to  
1246 you on that, I need to look into that further. Do we  
1247 feel we have everything that is necessary to make a  
1248 decision on those first?

1249 I'm not saying we don't but in all the  
1250 discussion it appeared to me there were still some  
1251 questions.

1252 If it is, it's fine, but could someone answer  
1253 that.

1254 MR. BARTLETT: I believe I'm fine with the  
1255 information regarding the first two.

1256 MR. EPPLER: Yes, it's basically they're  
1257 building and this is something we've run into several  
1258 times before and they are staying within the existing  
1259 footprint for the first two variances.

1260 MR. CALABRESE: Okay.

1261 MR. BARTLETT: Mr. Boyle, we received a second  
1262 for that motion. Can we do a roll call vote on that  
1263 motion?

1264 MR. BOYLE: Yes, sir.

1265 Mr. Misleh.

1266 MR. MISLEH: Yes.

1267 MR. BOYLE: Mr. Kien.

1268 MR. KIEN: Yes.

1269 MR. BOYLE: Mr. Eppler.  
1270 MR. EPPLER: Yes.  
1271 MR. BOYLE: Mr. Calabrese.  
1272 MR. CALABRESE: Yes.  
1273 MR. BOYLE: Mr. Bartlett.  
1274 MR. BARTLETT: Yes.  
1275 MR. BOYLE: And it's been a long time since  
1276 we've had a full Board plus alternate, let's have, for  
1277 her trouble, let's have Kristine vote and I'll determine  
1278 whether that has effect or not.  
1279 Ms. Ward.  
1280 MS. WARD: Yes.  
1281 MR. BOYLE: Thank you.  
1282 MR. BARTLETT: So, Ms. Stoll and Mr. Hiromoto,  
1283 congratulations and thank you for coming to present your  
1284 application to us. We just request that you submit a  
1285 new variance application for a revised variance  
1286 application for b(3) regarding your request for a  
1287 setback to move or enhance or enlarge the porch on this  
1288 new structure.  
1289 John, can you clarify as to when they need to  
1290 submit that so they know.  
1291 MR. BOYLE: I just gave someone that  
1292 information today for the February meeting. February  
1293 17th is the cutoff. February 17th.

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Let's see. No, I'm sorry.

MR. BARTLETT: That would be our meeting date I believe.

MR. BOYLE: The cutoff date would be January 27th for the February 17th meeting.

MR. BARTLETT: So there's your information regarding when you need to submit that information to the City so that we can consider it at our next Board of Zoning Appeal meeting in February.

MR. HIROMOTO: Okay. And what specifically would we need to -- I just want to make sure. Do we need to have the entire packaging again or is it basically just the one drawing with the porch?

MR. MISLEH: You can connect with Mr. Boyle offline and I think he'll be able to assist you.

MR. BOYLE: That's correct.

MR. BARTLETT: Thank you very much.

a. ELECTION OF OFFICERS AND ADOPTION OF THE RULES OF PROCEDURE

MR. BARTLETT: So moving on New Business a, Election of Officers, and adoption of the Rules of Procedure.

I believe we were provided copies of the BZA Rules of Procedure in our Agenda and I just want to make

1320 sure that before we move to approve them that no one has  
1321 any issues or concerns with the existing Rules of  
1322 Procedure for the Board of Zoning Appeals.

1323 MR. CALABRESE: No, no objections.

1324 MR. MISLEH: I have no objection.

1325 MR. BOYLE: Mr. Chair, I think the last major  
1326 change here was participation in meetings through  
1327 electronic means and if the Board recalls when we  
1328 adopted those changes we had no idea what was in our  
1329 future.

1330 Is everybody comfortable with how we've been  
1331 administering these meetings?

1332 MR. CALABRESE: Yes, I'd say using the Teams  
1333 has been much better too. It's clearer and fewer  
1334 problems than the previous software.

1335 MR. BOYLE: Yes, it's been very convenient for  
1336 staff.

1337 MR. BARTLETT: I agree. And it's interesting  
1338 though, and I think regarding the rules of our  
1339 electronic use, our use of electronic means to attend, I  
1340 think the Covid issues in the state parameters and rules  
1341 regarding public meetings trumps our rules, in that it  
1342 says here, No member participates by electronic means  
1343 more than two times, etc, etc.

1344                   So there are some limits here on our rules but  
1345 I think we should retain those rules as they are because  
1346 the intent of the rules in this provision is to attend  
1347 in person when we all can attend in person.

1348                   But it's great to know we have the ability to  
1349 meet remotely even if we're under normal circumstances  
1350 and someone is out of town and would like to  
1351 participate. So I don't see the need to amend our  
1352 rules.

1353                   MR. BOYLE: We'll update the notes on that and  
1354 redistribute them.

1355                   MR. CALABRESE: So I just make a motion to  
1356 approve the Board of Zoning Appeals Rules of Procedure,  
1357 if that's necessary.

1358                   MR. EPPLER: And I will second, if that's  
1359 necessary.

1360                   MR. BOYLE: How about if we do an "All in  
1361 Favor"?

1362                   (A chorus of "ayes.")

1363                   MR. BOYLE: Any objections?

1364                   (No response.)

1365                   MR. BOYLE: Hearing none.

1366  
1367                   MR. BARTLETT: So moving on to election of  
1368 officers which is Rule i in our Rules of Procedure, We  
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1370 shall organize and elect a chair and vice chair from  
1371 among its regular members annually at our first meeting  
1372 in January. The new chairman shall take office  
1373 immediately and serve for one year and no more than two  
1374 consecutive terms after which time they would be  
1375 restrained from service for at least one year.

1376           Great. I had to read it, Dave. I had to read  
1377 it out loud.

1378           So then there's a chair and a vice chair.  
1379 Currently I'm the chair and Dave is the vice chair. A  
1380 vice chair will serve in the absence of the chair, the  
1381 chair is not in attendance. If neither of us are there,  
1382 the ranking member in terms of service will serve as  
1383 chairman.

1384           So we just need to make motions to nominate a  
1385 chair and a vice chair.

1386           MR. CALABRESE: I would just say if Mr.  
1387 Bartlett is interested in continuing, I think you do a  
1388 great job. I would encourage you to do that. But I  
1389 understand if it's not something you're able to do.  
1390 That would be my comment.

1391           MR. EPPLER: I would have made exactly the  
1392 same comment, again, if you're willing to do so.

1393           MR. CALABRESE: Let me make another comment,  
1394 that I would be willing to have someone else serve in  
1395

1396 the vice chairman slot. I mean there's lots of others  
1397 that have joined and perhaps others want to get the  
1398 experience. I would be very happy to not run for that  
1399 and I think it would be good for someone else to get the  
1400 experience. So that would be my other comment.

1401 MR. BARTLETT: I think it's been really great  
1402 serving as chair and it's certainly not as intimidating  
1403 as I thought it was going to be. And I say that humbly  
1404 in that you all are very supportive and egalitarian in  
1405 the way of we all just take the reins and speak our mind  
1406 and speak our truth to what we're facing and I can  
1407 handle the procedural starting of meetings and opening  
1408 and discussing things. I have no problem for doing this  
1409 for another year if that's what you would like.

1410 But I do like the idea of, I know, Dave,  
1411 you've been doing this for a long time, and if someone  
1412 would be interested in serving as vice chair, it would  
1413 be a great stepping stone to next year when I can no  
1414 longer serve as chair and I know Dave has served as  
1415 chair for years before. So it might be a great  
1416 opportunity for somebody to do something a little  
1417 different.

1418 MR. CALABRESE: I agree.

1419 MR. BARTLETT: And I know there's a lot of  
1420 procedure here, but is there someone that's not

1421

1422 interested in serving as vice chair? Or is there  
1423 someone interested in serving as vice chair?

1424 MR. MISLEH: Dave, if you want to be relieved,  
1425 I would be willing to take over the vice chair position,  
1426 but only if you were looking for relief.

1427 MR. CALABRESE: Yeah, I am.

1428 MR. MISLEH: Because I do value, both of you  
1429 being well-educated lawyers, it's very helpful when it  
1430 comes to interpreting the actual law in these matters.

1431 MR. CALABRESE: Thank you and I'd be very  
1432 happy to have you -- I'd be very happy to step down or  
1433 to have you accept the position. I think it would be  
1434 great, so yeah, I would fully support that.

1435 MR. BARTLETT: I'll make a motion for John  
1436 Misleh to serve as vice chair for the Board of Zoning  
1437 Appeals for the calendar year 2022.

1438 MR. KIEN: I would second that motion.

1439 MR. BOYLE: All in favor?

1440 (A chorus of "ayes.")

1441 MR. BOYLE: Any opposed?

1442 (No response.)

1443 MR. EPPLER: And I will make a motion that  
1444 Keith Bartlett serve a second year as chairman of the  
1445 Board of Zoning Appeals.

1446 MR. MISLEH: I second that motion.

1447 MR. BOYLE: All in favor?  
1448 (A chorus of "ayes.")  
1449 MR. BOYLE: Any opposed?  
1450 (No response.)  
1451 MR. BARTLETT: Sounds good.  
1452 Thank you very much. Thank you, John, for stepping up.  
1453 You'll do a great job.  
1454 MR. MISLEH: Thank you, Dave.  
1455  
1456 6. APPROVAL OF MINUTES  
1457 a. APPROVAL OF THE SEPTEMBER 16, 2021 MEETING  
1458 MINUTES  
1459 MR. BARTLETT: Moving on to Approval of  
1460 Minutes. We have a couple months to approve.  
1461 The September 16, 2021, meeting minutes were  
1462 provided. These were related to the application for a  
1463 special use permit.  
1464 MR. EPPLER: I was going to ask what happened.  
1465 MR. BOYLE: The property owner withdrew their  
1466 support. The Boys Club, Scout House.  
1467 MR. BARTLETT: So I would just take a few  
1468 minutes, if you have any issues.  
1469 (Minutes reviewed.)  
1470 MR. BARTLETT: These are a lot of  
1471 conversations about the Scout House.

1472 I know there's some sort of ad libbing here,  
1473 that whole application and the meetings we had were a  
1474 great example of our ability as a Board to ask really  
1475 good questions and make sure that we're serving in the  
1476 best interest of the City. Through no fault of theirs,  
1477 it did happen but it was just a great example of our  
1478 ability to serve as a board.

1479 So I'll make a motion to approve the minutes  
1480 of the Board of Zoning Appeals for September 16, 2021.

1481 MR. CALABRESE: Second.

1482 MR. BOYLE: All in favor?

1483 (A chorus of "ayes.")

1484 MR. BOYLE: Any opposed?

1485 Hearing none.

1486 MR. MISLEH: John, I abstained.

1487  
1488 c. APPROVAL OF THE NOVEMBER 18, 2021 MEETING  
1489 MINUTES

1490 (Minutes reviewed.)

1491 MR. MISLEH: I'll make a motion to approve the  
1492 meeting minutes of the Board of Zoning Appeals from  
1493 November 18, 2021.

1494 MR. EPPLER: Second.

1495 MR. BOYLE: All in favor?

1496 (A chorus of "ayes.")

1497

MR. BOYLE: Any opposed?

1498

(No response.)

1499

MR. BOYLE: Hearing none.

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b. BZA RESOLUTION V1626-21

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MR. MISLEH: John, do we need to do anything  
with the Resolution?

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MR. BOYLE: Akida and I were trying to recall,  
the Board seemed to have some questions on this  
particular Resolution and so we brought the finished  
version. But that's the discretion of the Board. We  
weren't sure if there were any outstanding issues with  
the wording.

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MS. WARD: Wasn't it missing the text, there  
was an issue with the minutes, wasn't it something along  
those lines?

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MR. EPPLER: Is this the one where some of the  
minutes, the transcription didn't work?

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MS. WARD: That's what I think, yeah.

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MR. BOYLE: You're right. I think the  
recording -- who's waiting?

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MR. BARTLETT: Sorry about that.

1519

1520

MR. BOYLE: Keith, we're discussing the  
Resolution, the question the Board may have had, we're

1521 wondering if it was the lack of recording at the  
1522 beginning, was that this matter?

1523 MR. BARTLETT: Right. So I just closed the  
1524 meeting and wasn't participating for a few minutes.  
1525 Sorry.

1526 My understanding is that when this was not  
1527 captured in the meeting minutes, it was just that the  
1528 variance was approved and I wanted to make sure that the  
1529 discussion and the variance was captured accurately  
1530 based on the meeting minutes from that variance  
1531 application.

1532 So we don't necessarily have to make a motion  
1533 to approve this. We just wanted to make sure that it  
1534 was captured properly, because the recording was jumbled  
1535 at one point when Akida provided the notes to us.

1536 MR. BOYLE: Akida and I both through  
1537 recollection, we knew there was an issue with the  
1538 recording, we sat down the next day or thereafter and  
1539 collected our notes and we erred on the side of being a  
1540 little more verbose with this motion from what we could  
1541 recall of the Board's discussion, but I believe it  
1542 captured it.

1543 MR. CALABRESE: I apologize but I have to  
1544 leave the meeting. I hope you have enough votes without  
1545 me. I'm sorry but I have to leave.

1546 MR. BARTLETT: Thanks, Dave. Have a good  
1547 night.

1548 MR. BOYLE: No pressure on Kristine.

1549 MS. WARD: I think I can handle this one.

1550 MR. BARTLETT: So, John, we do not need to  
1551 make a motion on this.

1552 MR. BOYLE: No, it was just an FYI. We think  
1553 we captured everything. And if you're happy, we don't  
1554 need a motion. We'll leave it as is.

1555 MR. BARTLETT: Perfect. Thank you so much.

1556 MR. EPPLER: Much more than we actually were  
1557 so that makes us look good.

1558

1559 7. OTHER BUSINESS

1560 a. 2022 BZA ANNUAL CALENDAR

1561 MR. BARTLETT: So back to the Agenda.

1562 Is there any Other Business besides Approval  
1563 of the 2022 BZA Calendar?

1564 MR. BOYLE: None from staff.

1565 MR. BARTLETT: Okay. So I'll make a motion to  
1566 approve the Board of Zoning --

1567 MR. EPPLER: It says no August meeting but  
1568 there's a meeting on August 25th.

1569 MR. BARTLETT: The August 25th is a cutoff  
1570 date for submission of materials for the September 15th  
1571 meeting.

1572 MR. EPPLER: Sorry. Okay.

1573 MR. BARTLETT: It's the same calendar every  
1574 year.

1575 MS. WARD: Is June 16th, is that the new  
1576 holiday? I don't know if the City celebrates that. Is  
1577 that correct, Juneteenth?

1578 MR. BOYLE: We better find that out.

1579 MR. BARTLETT: It's the 19th anyways.

1580 MS. WARD: Sorry.

1581 MR. KIEN: The public holiday is the 20th for  
1582 that.

1583 MS. WARD: Perfect.

1584 MR. BARTLETT: Do I have a second?

1585 MR. KIEN: I'll second.

1586 MR. BOYLE: All in favor?

1587 (A chorus of "ayes.")

1588 MR. BOYLE: Any opposed?

1589 (No response.)

1590 MR. BOYLE: Hearing none.

1591

1592 8. ADJOURNMENT

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MR. BARTLETT: So I'll move to adjourn the

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Board of Zoning Appeal meeting for Thursday, January 13,

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2022. Thank you very much.

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