

1 BOARD OF ZONING APPEALS MEETING

2 CITY COUNCIL CHAMBERS

3 Thursday, June 15, 2023

4 7:30 p.m.

5
6 1. CALL TO ORDER

7 MR. MISLEH: I'd like to call the meeting for
8 June 15th to order.

9
10 2. ROLL CALL

11 MR. MISLEH: Angel, if you could do the roll
12 call please.

13 RECORDING SECRETARY: Sure.

14 Ms. Christine Ward. Is present.

15 MS. WARD: Here.

16 RECORDING SECRETARY: Mr. Keith Bartlett.

17 MR. BARTLETT: Here.

18 RECORDING SECRETARY: Mr. Dale Eppler.

19 MR. EPPLER: Here.

20 RECORDING SECRETARY: Mr. Gene Gresko.

21 MR. GRESKO: Here.

22 RECORDING SECRETARY: Mr. Peter Kien is
23 absent.

24 And, Mr. John Misleh.

25 MR. MISLEH: Here.

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RECORDING SECRETARY: You have a quorum.

MR. MISLEH: Thank you.

3. PETITIONS

MR. MISLEH: Do we have any Petitions this evening?

RECORDING SECRETARY: No, we do not.

MR. MISLEH: Thank you.

4. OLD BUSINESS

MR. MISLEH: Any Old Business?

RECORDING SECRETARY: None.

MR. MISLEH: Thank you.

5. NEW BUSINESS

a. Variance application V1640-23 by 127 Broad Street, LLC, applicant and owner, for the following variances:

- Section 48-1265(1) to allow wall sign area and quantity above the maximum (50 square feet and two signs per tenant) permitted in the zoning district;
- Section 48-1265(1)(b) to allow a sign placement higher than 20 feet maximum above grade;
- Section 48-1265(2) to allow projecting sign area and quantity above the maximum (10 square feet and one sign

51 per tenant);
52 - Section 48-1269(b) to allow aggregate sign area and
53 quantity above the maximum (125 square feet and four
54 signs) permitted, for the Broad and Washington mixed-use
55 building and Whole Foods Market located at
56 premises known 111 E Broad Street, RPC #53-104-037 of
57 the Falls Church Real Property Records, zoned B-2,
58 Central Business.
59 - for the Broad and Washington mixed-use building and
60 Whole Foods Market located at premises known as 111 E
61 Broad Street, RPC #53-104-037 of the Falls Church Real
62 Property Records, zoned B-2, Central Business.
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64 MR. MISLEH: Then let's proceed to the New
65 Business this evening. We have variance application
66 V1640-23 by 127 Broad Street, LLC, applicant and owner,
67 for several variances. I'm going to spare everyone and
68 not read them, if that's okay.

69 Thank you, Akida.

70 So, those who plan to speak tonight on this
71 variance application, please step forward.

72 MR. STERN: Good evening.

73 If you wouldn't mind, please fill out your
74 information on the form and while you do that I'll have
75 staff go ahead and give us the rundown.

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MS. ROUZI: Thank you, Chair.

This is a sign variance application for the Broad and Washington mixed use project and the Whole Foods that's on the ground floor of that building.

We haven't had a sign variance for some time but this is a common request the Board sees for developments of this scale and a mix of uses.

As my predecessor always said, our sign code was written in the 60s for a suburban-style shopping strip. It was never updated to keep up with an evolving development industry, scale and current sign design standards. All of the recent mixed use projects in the City have come before the Board to get similar relief for our sign code restrictions for everything from area, quantity, aggregate, and placement, so that's why they're here tonight.

MR. MISLEH: Thank you, Akida.

Please state your name and if you wouldn't mind, please raise your right hand.

MR. STERN: Good evening. Maury Stern with Insight Property Group.

MR. MISLEH: Welcome, Mr. Stern.

(Witness sworn.)

MR. MISLEH: We'll open the floor to you.

100 MR. STERN: Sure. As Mrs. Rouzi said, this is
101 I think a fairly common variance we're asking for which
102 is for signs on the Broad and Washington project. And
103 in your attachment, I think it's the last two pages, we
104 showed what was approved in the Special Exception from
105 2021.

106 What we're asking for tonight is largely
107 exactly the same as what was approved in 2021 with one
108 exception. The project during site plan now has a
109 second garage entrance on Park Place that was not there
110 during the Special Exception. But during the site plan
111 we decided it was simpler to have a garage entrance for
112 the Whole Foods and a separate entrance for the retail
113 and residential. So what we're asking for tonight
114 includes signs over that garage entrance.

115 Other than that, it is exactly the same signs
116 that were approved in the Special Exception in 2021 but
117 as Mrs. Rouzi said, the Code really isn't up to date
118 with modern mixed use buildings, and the size and the
119 location. So we're asking for variances for the number,
120 couple of the size of the signs, and then also signs
121 above 20 feet above ground that are necessary for the
122 Whole Foods and for the parking garage.

123 I'm happy to take you through more details but
124 that's sort of the high level summary of the variance.

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MR. MISLEH: Thank you.

Members of the Board, please if anyone has questions, go ahead and lead off.

MR. EPPLER: I'll start. Thank you.

So I just want to clarify because I was a little confused. There's a total signage, you know, square feet or whatever. Is that because one of the signs is going to be particularly large beyond a particular size or is it just because the increased number of signs takes you beyond the maximum?

MR. STERN: I think that's just the number of signs, given it's a large project. There's a grocery anchoring the project, there's three parking entrances to the project and then there's a name for the building. All those signs in aggregate exceed the maximum square footage.

MR. GRESKO: Yes, Mr. Stern, am I correct that on this one, it says sheet 2 of 7, further up where it shows these circles, I think it's Signs A through G. Are these -- right there. Where it's circled A through G, are those the signs in question?

MR. STERN: Those are the Whole Food signs in question. In your packet, the last two pages I mentioned was what was approved in the Special Exception. I believe it's the first handful of pages

150 are Whole Foods specific signs as currently proposed and
151 then the third attachment is what was approved as part
152 of the site plan.

153 MR. GRESKO: So this A through G are strictly
154 Whole Foods --

155 MR. STERN: They're specific to Whole Foods,
156 yeah.

157 MR. GRESKO: I see. And they are the ones
158 that are too high, is that what the problem is on those?

159 MR. STERN: Correct. Especially I believe
160 it's D, E, B, A and C at the very least are too high.
161 The store itself is 20 feet tall. So the signs are
162 above the level of the store and so they're above the 20
163 foot maximum height.

164 MR. GRESKO: Okay. Thank you.

165 MR. BARTLETT: So, just to clarify -- thanks
166 for coming.

167 MR. STERN: Sure.

168 MR. BARTLETT: Are you just here for the Whole
169 Foods portion of the building?

170 MR. STERN: We're here for the whole building.

171 MR. BARTLETT: Are there no other signs for
172 the building?

173 MR. STERN: Yes. So the variance includes all
174 the signs for the building. So the building entrance
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176 for the residential, parking entrances at Broad Street,
177 and two parking entrances at Park Place and then all the
178 Whole Foods signs.

179 MR. BARTLETT: There's going to be no
180 advertising for the residential apartments, signs for
181 the apartments?

182 MR. STERN: Not at this time, no. There may
183 be some banners at some point but we are not at that
184 point of being able to identify what and if we would
185 need for marketing purposes. These are just the fixed
186 permanent signs on the building.

187 MR. EPPLER: Sir, just on that, on page, it
188 says 22, it looks like it has a sign on North Washington
189 Street, R-2, which is residential. Is that not the
190 residential property sign?

191 MR. STERN: Which page 22 of your attachment?

192 MR. EPPLER: It's the second to the last page.
193 There it is.

194 MR. BARTLETT: The R-2 sign?

195 MR. EPPLER: It says the R-2 sign is
196 residential.

197 MR. STERN: Correct. Yes. There's a
198 residential sign on Washington and then a residential
199 sign on Broad Street as well. R-2 and then I believe
200 it's R-1 at the bottom of page 21.

201 MR. BARTLETT: And I think that answers my
202 question too. I was curious, we've gone through this
203 before where, sort of like an iterative process, where
204 we have different vendors come in or responsible parties
205 for different parts of the structure. But you do have
206 three, it actually shows three different residential.

207 MR. STERN: Residential signs, that's correct.

208 MR. BARTLETT: One on North Washington and two
209 on Broad, right?

210 MR. STERN: Yes.

211 MR. BARTLETT: Thank you.

212 MR. MISLEH: And the T-1 and the T-2 are the
213 additional tenants other than Whole Foods?

214 MR. STERN: Yes. One of those is to be
215 (inaudible) and the other to be determined so we're just
216 showing generic signage that would be above the canopy
217 for those tenants that are to be determined.

218 MR. MISLEH: Okay. And for purposes of this
219 approval, we're approving the square footage that's
220 proposed for those signs?

221 Akida, I think that's maybe directed at you.

222 MS. ROUZI: I don't think so. I think we're
223 just looking at the Broad and Washington project signage
224 and the Whole Foods. We're not looking at anything
225 else. I think these are here as information.

226 Yeah, I don't think we're looking at the T
227 sign. Because each tenant will have their own
228 allowance, so if they were to come in within the Code
229 parameters, that's something staff can approve. But if
230 they come in with larger signs, then they would come in
231 for a variance.

232 MR. MISLEH: Got it. Thank you.

233 MS. WARD: Hi. Do you mind just talking a
234 little bit about the projecting signs that are over 10
235 square feet and where those are and how large they are.

236 MR. STERN: Sure. I think this is probably
237 the simplest way to see it. So it's R-2, which we just
238 talked about, which is a blade sign for the residential
239 both on Broad Street and North Washington, and then I
240 believe on the Whole Foods it would be -- I've forgotten
241 which one. Apologies.

242 B-2 and B-3, which are, I think it's on page
243 12 and 13 of 17 is one of them. Sorry, in the Whole
244 Foods- specific packet, pages 12 and 13, and then 14 and
245 15.

246 MR. MISLEH: Mr. Stern, just for the benefit
247 of the Board, it might be helpful if we go down the list
248 of the variances and just point them out to us. That
249 way when we vote, we understand what we're voting on.

250 MR. STERN: Absolutely. It's between a bunch
251 of different pages. If you have a suggestion on the
252 best way to show them, on the screen or page by page.

253 MR. MISLEH: On the screen would be great. I
254 guess the first one would be B-1 --

255 MR. STERN: B-1 and B-4.

256 MR. MISLEH: The first one states 50 square
257 feet and two signs per tenant.

258 MR. STERN: Those are I believe for parking.
259 I think it's the -- after the Whole Foods, page 3 of
260 that attachment.

261 On that page, page 3 of the site-plan approved
262 signs, B-1 is parking entrance on Broad Street, that's
263 where the main parking emphasis is on Broad Street. And
264 then B-4 is the parking entrance on Park Place which is
265 the second residential or retail entrance to the garage.

266 So those are two projecting signs instead of
267 one and over 10 square feet.

268 MR. MISLEH: Thank you.

269 MR. STERN: So the next one would be B-2 and
270 B-3 which are Whole Foods-specific signs. B-2 is the
271 blade sign on North Washington identifying Whole Foods
272 and then B-3 is their parking entrance which is also on
273 Park Place above their entrance to the garage.

274 And so the next one is ENT-1 and ENT-3 which
275 are signs over the residential and retail parking
276 entrances. A blade sign that identifies as parking and
277 then a sign over the entrance that also identifies the
278 parking. So the first one, ENT-1 is at Broad Street and
279 ENT-3 is on Park Place.

280 And then the last grouping, ENT-2 is similarly
281 for Whole Foods. The sign over the entrance in addition
282 to the blade sign that's there. And then A, B, C, D
283 and E are back to, this is where I pointed out on page 2
284 of 17 for the Whole Foods package, those are all of the
285 Whole Foods-specific signs identifying the store.

286 So, A, B and C, page 2 of 17 of that
287 attachment, A, B, and C are along Broad Street and D and
288 E are along North Washington.

289 MR. MISLEH: Thank you.

290 MR. STERN: And then the last two, the
291 aggregate square footage and the number of signs and
292 then the aggregate.

293 MR. MISLEH: I think there was a question
294 regarding the aggregate.

295 MR. GRESKO: Yeah, John.

296 All of those that are not aggregate, you were
297 able to say this is for that, this is for that, going
298 down, which is great. But this aggregate, which is sort

299 of a -- it's not talking to any one thing per se, but
300 it -- I mean, we know what it's doing, right? But one
301 could interpret it to say, just goes to the extreme of,
302 Well, we're approving over 125 square foot. Well, are
303 we saying, we're approving Times Square, we are
304 approving Piccadilly Circus?

305 Again, it's the extreme but this is one area
306 where it doesn't point to a specific sign, right? I
307 don't think it's a show stopper but it's kind of a
308 variance which is not assigned to a certain thing.

309 MR. MISLEH: Akida, correct me if I'm wrong
310 but I think we've addressed issues like this by just
311 qualifying the motion to reflect the documents have been
312 provided.

313 MS. ROUZI: That's correct.

314 MR. STERN: I have no objection to identifying
315 the signs be called out in one group four as the
316 aggregate inclusive of only those survey signs.

317 MR. MISLEH: Thank you.

318 Were there any other questions this evening?

319 MS. ROUZI: Mr. Chair, I forgot to mention
320 earlier, as part of the variance process, the
321 application is required to be reviewed by the AAB and
322 they have rendered their recommendation and they've
323 recommended approval of the packet.

324 I forgot to mention that earlier. Sorry about
325 that.

326 MR. MISLEH: Thank you.

327 And I forgot to ask, is there anyone else here
328 this evening that would like to speak on this matter?

329 (No response.)

330 MR. MISLEH: No. Hearing none, we're going to
331 close the comments for this evening and open it up for
332 Board deliberation. Thank you.

333 MR. STERN: Thank you.

334 MR. BARTLETT: I don't really have any
335 problems with the application and I appreciate the other
336 Board members noting the sort of unlimited approval
337 potential but I'm glad that we can qualify the motion as
338 the applicant has provided.

339 MR. EPPLER: It does sound like as they get
340 more tenants, we're more likely to see others coming
341 back but that makes sense rather than trying to do it
342 all now.

343 MR. MISLEH: So, would someone like to make a
344 motion?

345 MR. EPPLER: Are we doing these one at a time
346 or are we doing it as a package?

347 MR. MISLEH: I'd suggest done as a package.

348 MR. EPPLER: Which was the one we wanted to
349 limit the -- which is the aggregate now because I'm
350 looking at the Insight Group Page which has the various
351 sections in it.

352 Which was the aggregate one? Number 3,
353 variance to --

354 MR. BARTLETT: There are a couple that go
355 above.

356 MR. EPPLER: Over 50 feet.

357 MR. BARTLETT: If you can qualify the whole
358 variance application as provided by the applicant.

359 MR. EPPLER: All right. We'll give it a try.

360 So I will propose approval of variance
361 application V1640-23 by 127 Broad Street, LLC, for a
362 variance to Section 48-1265(2) to allow two projecting
363 signs instead of one; for a variance to
364 Section 48-1265(2)a to allow projecting sign blades over
365 10 square feet -- I'm sorry.

366 Okay. Let me start over.

367 So I will move for approval of variance
368 application V1640-23 by 127 Broad Street for a variance
369 to Section 48-1265(1) to allow a wall sign area and
370 quantity above the maximum 50 square feet and two signs
371 per tenant permitted in the zoning district; limited to
372 the signs in the application;

373 To a variance to Section 48-1265(1)(b) to
374 allow a sign placement higher than 20 feet maximum above
375 grade, again limited to the application signage
376 requested;

377 A variance to Section 48-1265(2) to allow
378 projecting sign area and quantity above the maximum (10
379 square feet and one sign per tenant) as cited in the
380 application;

381 To Section 48-1269(b) to allow aggregate sign
382 area and quantity above the maximum, again limited to
383 the specific signage written in the application.

384 And for the Broad and Washington mixed-use
385 building and Whole Foods Market located -- no, no.
386 That's it. Those four.

387 Thank you.

388 MR. MISLEH: We need a second.

389 MS. WARD: I'll second.

390 MR. MISLEH: Thank you.

391 RECORDING SECRETARY: Mr. Bartlett.

392 MR. BARTLETT: Yes.

393 RECORDING SECRETARY: Mr. Misleh.

394 MR. MISLEH: Yes.

395 RECORDING SECRETARY: Mr. Gresko.

396 MR. GRESKO: Yes.

397 RECORDING SECRETARY: Ms. Ward.

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MS. WARD: Yes.

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RECORDING SECRETARY: And, Mr. Eppler.

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MR. EPPLER: Yes.

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RECORDING SECRETARY: Motion passes.

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MR. MISLEH: Thank you.

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Thank you, Mr. Stern, for coming this evening.

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Good luck with your project.

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b. Variance application V1641-23 by Joe Larson and

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Ann Marie Rosas, applicants and owners, for a

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variance to Section 48-238(3)a. To allow a front setback

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of 24 feet instead of 30 feet minimum to construct

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a second story addition, located at premises known as

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310 Shadow Walk, RPC #51-110-083 of the Falls

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Church Real Property Records, zoned R-1A, Low Density

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Residential.

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MR. MISLEH: Next we have variance application

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V1641-23 by Joe Larson and Ann Marie Rosas.

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Please come forward and sign your name on the

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sheet on the table please.

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Everyone who will be speaking this evening,

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please raise your right hand.

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(Witnesses sworn.)

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MR. MISLEH: Akida, please give us the staff

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report.

423 MS. ROUZI: This is an R-1A property with a
424 very wide frontage on a public street. The applicant is
425 proposing a second story addition with a small corner
426 bump-out that protrudes into the front yard setback.

427 On the ground level on the first floor there's
428 no change proposed to the corner of the structure so
429 there's no encroachment to the setback at grade level.

430 That's all I have to share tonight and I'll
431 defer to the applicant for their presentation.

432 MR. MISLEH: Thank you.

433 Thank you for coming this evening. If you'd
434 like to take us through your request.

435 MS. ROSAS: I've lived within Falls Church
436 City since 2016 and then we just bought this house "as
437 is" and moved in after Thanksgiving. So we just moved a
438 few blocks over.

439 As part of purchasing it we've decided to fix
440 a lot of things that are wrong with it. One of the
441 things that we would like to do is turn it from a three
442 bedroom home into a five bedroom home. The way we want
443 to do that is by renovating one of the upstairs bedrooms
444 and then finishing the over-garage attic, to turn that
445 into from one bedroom into three bedrooms.

446 Right now the way that the first floor is
447 designed, we would ask for a corner to overhang on the
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449 second story and that would add -- it's about a 36
450 square foot ask of overhang. That overhang is what goes
451 into the offset.

452 So if you look at that picture that she has
453 up, that picture 2, that diagonal on the right-hand side
454 is a door into the garage and where that roof overhangs
455 would be where the second story would be.

456 So from an aerial perspective there wouldn't
457 be a difference and we're not adding any foundation or
458 impervious coverage to the lot which is important
459 because there is Trammel Branch is on the lot so we
460 don't want to go off the back, if possible, which would
461 be within the offset but then that would involve adding
462 more foundation and impervious covering.

463 So our goal is to raise the roof, turn one
464 bedroom into three, finish the attic and have the
465 squared-off overhang there.

466 MR. LARSON: As supporting documentation,
467 we've added letters of support from the neighbors, both
468 the neighbors on both sides and the neighbor across the
469 street as addendums or appendixes to the application.

470 MS. ROSAS: So the two neighbors across the
471 street, the two on the side, signed letters of support
472 and a couple other neighbors asked if we needed more
473 letters but we weren't sure, so.

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MR. MISLEH: Thank you.

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Is there a pending question?

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Akida, is there a picture that shows an

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elevation?

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MR. LARSON: The survey?

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MS. ROSAS: What are you trying to look for?

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MR. MISLEH: The left elevation, the top left

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corner.

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MS. ROSAS: Yes, the part over the door from

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the top. The picture in the top left corner is from the

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side of the house and then the turret is the front door

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and then that overhang over the garage is the overhang

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that we're asking for.

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It's on a cul-de-sac so if you look at the

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plat that's included, it's a curved street so it's

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really hard to know where the offset is so we just went

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with what we felt was the conservative 30 foot offset

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and then are requesting the offset from there. Yeah,

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you can see on the floor plan better, the corner.

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MR. BARTLETT: I have a question for staff.

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My understanding is that there are allowances for

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cantilevered areas over and into a setback, is that

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correct?

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MS. ROUZI: Yes, that is correct.

498 MR. BARTLETT: Is there like a percentage-wise
499 or a square footage-wise?

500 MS. ROUZI: There are specific architectural
501 features but not floor space. So the Code section that
502 allows certain projections lists the elements that can
503 project and I don't think a second floor space can
504 project into the setback.

505 I can take a look at the Code.

506 MR. EPPLER: Could I ask while she's doing
507 that just a quick question.

508 So you're basically planning on building up,
509 but you're not going to build down. It's just going to
510 be from that projected roof, basically that area going
511 up.

512 MS. ROSAS: Yeah.

513 MR. EPPLER: Thank you.

514 MS. ROSAS: Yeah, so the before picture and up
515 above and then that little clouded area is the remodel
516 of the existing bedroom and the attic over the garage.

517 Currently within that space there is a bedroom
518 and a bathroom and a large, unfinished attic.

519 MS. WARD: And just for clarification, the
520 existing structure I see you have it pointed at on the
521 second floor, the existing first story structure is
522 remaining the same.

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MS. ROSAS: Yes.

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MS. ROUZI: Mr. Bartlett, I have that Code section pulled up now and it says, Buildings and projections allowed in yards. It says the following, so the list is cornices, eaves or other architectural features can project 2 feet 6 inches; uncovered stairs or fire escapes can project 4 feet; terraces, steps, uncovered porches and landings not higher than the entrance floor of the building, six feet; and then the last one is bay windows and balconies occupying not more than one third of the wall length can project three feet.

So it doesn't really say building floor space and that's why I brought -- I did look to see if I could just administratively approve it because it's such a small, so we're more comfortable bringing it to you.

MR. GRESKO: And again, basic to any of our agreement of a variance and it's always -- to use your land, without affecting your neighbors and also to address any issues that would preclude doing something else.

And I think you said somewhere in here that there's a stream or something in the back that could potentially -- because you could go back but the issues of going back are then compounded by the stream and as

548 we know in Falls Church, water and run-off, etcetera.
549 Can you just talk a little about that.

550 MS. ROSAS: Sure. Yeah, when we purchased it
551 we were very excited about the stream because the
552 children can play in it. And then we understand and
553 we're also excited about it is that there's a storm
554 water project happening that's approximately, I don't
555 know, about 2 millions dollars to replace the culvert
556 along the stream and the underground pipes.

557 So this house backs up to WO&D trail, so
558 they're starting on the other side of our house and
559 they're going to start replacing the piping I guess that
560 goes underneath the trail and then there's a culvert
561 that's actually on our property that they're expanding
562 by three feet because some of the houses on the
563 cul-de-sac ended up with completely flooded basements
564 during that big storm.

565 So in talking to our neighbors, one of the
566 things, and I think it's even in a letter or two, that
567 we talked to them about is doing this allows us not to
568 build an addition off the back because we don't want to
569 add a lot of foundation to the lot. We would rather
570 have the drainage there.

571 MR. LARSON: And just to be clear on the
572 geography, as you look at the photo, the stream is on
573

574 the left-hand side of the house, that side of the house
575 where the turret is in the middle on the left hand side
576 will be unperturbed by the renovation we're proposing.
577 We're limiting activities to the right-hand side which
578 is the side of the house that's on the other side from
579 the stream.

580 MR. GRESKO: Thank you. That's an important
581 consideration.

582 MR. MISLEH: Do we have any other questions?
583 (No response.)

584 MR. MISLEH: No.

585 All right. I just have one question. The
586 property behind you, the neighbors behind you, are they
587 aware of this project?

588 MR. LARSON: Because of the -- so our house
589 backs up to the WO&D trail. Then there's a fairly
590 significant offset before you see another house. I
591 would guess several hundred feet.

592 MS. ROSAS: They were within I think the
593 notice of the letter.

594 MR. LARSON: Yes.

595 MS. ROSAS: We haven't met them. We didn't go
596 over to introduce ourselves.

597 MR. MISLEH: I may have misunderstood the plat
598 when I asked that question. Thank you.

599 MS. ROSAS: Yeah, if you ever walk on the
600 trail, it's the Tudor-looking house.

601 MR. MISLEH: Mr. Bartlett, did you have
602 another question?

603 MR. BARTLETT: No, I do not.

604 MR. MISLEH: All right. If there's nothing
605 else from the applicant this evening, we'll close the
606 comment and we'll open it up for Board discussion.

607 Thank you.

608 Would anybody like to pick it up?

609 MR. GRESKO: Yes, sure.

610 I don't see a big issue with this in terms of
611 not adding any more foundation. You know, there's
612 currently a little bit of overhang already with the roof
613 but now you're building up which we do a lot, things
614 that I've seen, of building over existing. And it's to
615 me, minimal, with no issues from neighbors. And again,
616 that issue of not going, building, expanding their home
617 back given all the water issues in this area in the
618 City, I think it's more than appropriate what they're
619 trying to do.

620 MR. MISLEH: Thank you.

621 Any other comments?

622 MR. BARTLETT: I agree with what you just
623 said. Thank you.

624 MR. EPPLER: I would agree on the basis of the
625 water issue. I think that's the more important. I'm a
626 little worried about the idea of, we've always had the
627 idea if you have an existing structure you can build
628 straight up. But this isn't really a structure. So to
629 me the more important issue is that doing this allows
630 them to not mess with the water drainage problem.

631 MS. WARD: Yes, I agree. And there's no
632 disruption to the existing first floor structure. So
633 I'm, yup, I'm in support of this.

634 MR. MISLEH: Would someone like to make a
635 motion?

636 MR. BARTLETT: Sure. I would make a motion to
637 approve variance application V1641-23 by Joe Larson and
638 Ann Marie Rosas, applicants and owners, for a
639 variance to Section 48-238(3)a. to allow a front setback
640 of 24 feet instead of 30 feet minimum to construct
641 a second story addition, located at premises known as
642 310 Shadow Walk.

643 MR. EPPLER: I'll second.

644 MR. MISLEH: Thank you.

645 RECORDING SECRETARY: Mr. Gresko.

646 MR. GRESKO: Yes.

647 RECORDING SECRETARY: Mr. Misleh.

648 MR. MISLEH: Yes.

649 RECORDING SECRETARY: Mr. Eppler.
650 MR. EPPLER: Yes.
651 RECORDING SECRETARY: Mr. Bartlett.
652 MR. BARTLETT: Yes.
653 RECORDING SECRETARY: Ms. Ward.
654 MS. WARD: Yes.
655 RECORDING SECRETARY: Motion passes.
656 MR. MISLEH: Thank you.
657 Congratulatlons. Good luck with your project.
658

659 c. Variance application V1642-23 by David and Phoebe
660 Hilde, applicants and owners, for a variance to
661 Section 48-238(3)a. to allow a side setback of 10 feet
662 instead of 15 feet minimum to construct a second
663 story addition with an open porch over the existing
664 garage, located at premises known as 312 Forest Drive,
665 RPC #53-207-026 of the Falls Church Real Property
666 Records, zoned R-1A, Low Density Residential.
667

668 MR. MISLEH: Next we have variance application
669 V1642-23 by David and Phoebe Hilde.

670 Would the applicant please step forward.

671 Good evening. If you'd please sign in.

672 While you do that, I'll ask staff to give us
673 the staff report.

674 MS. ROUZI: This is also an R-1A property and
675 it is substantially sub-standard for minimum lot area
676 requirement for the zoning district.

677 The required side setback is 15 feet and the
678 existing house is non-conforming for that setback. It
679 sits approximately 10 feet from the property line on the
680 left side facing the house.

681 The applicant is proposing an addition that's
682 over and around that existing part of the house and
683 garage and they're requesting relief to the side setback
684 requirement.

685 The Code provides some flexibility for
686 expansion of non-conforming structures like this and
687 gives staff the authority to administratively approve
688 ground floor additions within certain parameters. But
689 when the expansion involves upper story space, as
690 policy, staff has to defer to the Board for their
691 consideration. And that's why they're here.

692 I'll defer to the applicant for their
693 presentation. Thank you.

694 MR. MISLEH: Thank you.

695 Good evening. All of those speaking, please
696 raise your right hand.

697 (Witnesses sworn.)

698 MR. MISLEH: Welcome. And please take us
699 through your project.

700 MR. HILDE: Good evening. Thank you for your
701 time and consideration this evening.

702 I'm David Hilde. My wife and I this evening
703 are seeking to expand our home which we bought in 2016
704 to support our growing family, three girls now under 5.

705 We engaged Moore Architects, Charlie Moore and
706 Tim Cress here with me, to figure out a thoughtful plan
707 that with our goals, to preserve the historic character
708 of the house and then also, preserve, we have several
709 beautiful big trees on our property that we don't want
710 to touch.

711 So we set them out with that goal and I think
712 they developed a really thoughtful plan that achieves
713 those goals. And with the constraint that Akida
714 mentioned, the sub-standard lot.

715 And to do that, our plan involves converting
716 the existing attached garage into useable space and then
717 adding a second story addition around that.

718 And as she said, our house is currently
719 non-conforming with the setback of 10 feet to the
720 garage. And so that's where the addition will be built
721 and we're seeking a variance to allow that 10 foot
722 setback for the rest of the two story addition.

723 Thank you for your consideration. We'll take
724 questions and between us, we'll answer them.

725 MR. MISLEH: Thank you. I also have three
726 daughters, so good luck.

727 So if we can bring up the package.

728 Thank you. So I see we have a number of
729 letters of support. Thank you for including those. I
730 assume --

731 MR. HILDE: Thank my 5 year old daughter.
732 She's the mayor of our street. We walked around. We
733 did talk to at least -- tried to talk to everybody and
734 got those letters of support.

735 MR. MISLEH: Great. Thank you.

736 So if you can pull up the plat for us.

737 Maybe you can walk us through and help us
738 understand exactly what.

739 MR. MOORE: I'll be happy to walk you through.
740 If you can go to BZA.2, that might be the next sheet.

741 So, as Akida said, this is a R-1A lot on
742 Forest Drive. There's this first section of Forest
743 Drive on the left as you come in from East Columbia
744 that's got three or four lots that are all
745 non-conforming, all below the quarter acre, 11,250.

746 That's because when they developed it, Van
747 Buren on back side shortened all those lots. So we have
748

749 an interesting lot with 9,173 square feet, so over 2000
750 square feet below the minimum quarter acre lot.

751 And that manifests itself with the side yard
752 setbacks. The right, we're just a smidgeon over but on
753 the left we have a deficit of about five feet.

754 One thing that's interesting is if this lot
755 had been the proper width, the depth is already
756 conforming, we don't have a front or back yard setback
757 issue, it's only the width. Had the lot been 11,250,
758 there would have been or could have been 8 and a half
759 feet of space on either side, additional setback or
760 additional land. And had they done it to the standard
761 11,250, we'd have setbacks of 16 feet on one side and 20
762 something on the other, so we wouldn't be in this
763 situation.

764 So clearly this is an application that comes
765 before you because of building a house in the 1940s on
766 what is a sub-standard lot.

767 So all of the things that we're looking at,
768 we're fully renovating the house but one of the goals as
769 David said was to not make it too big. Take care of all
770 the functional issues in an appropriate aesthetic way
771 but keep it a cottage basically.

772 So, because it's got a short back yard,
773 there's not a lot of space to build in back. What we
774

775 chose to do is really to build on just the left side and
776 take the garage that's not used, turn it into habitable
777 space and build above it.

778 So we really have four components: One is
779 building above the existing garage, the second floor
780 that's exactly on the footprint of the existing space
781 below it; and then building a two story space in front
782 of the garage with a foot and a half setback further in
783 from the non-conformance of the existing garage so not
784 creating more of a setback issue but less; then also
785 building a projecting bay on the back of which a little
786 corner of the bay projects into that setback but again,
787 not greater than the current garage; and then the fourth
788 is we're proposing an open, covered porch on the left
789 side which we think meets Code but we put it on the list
790 just in case there was any discussion.

791 So it's those four components. The key is the
792 language in 48-143(3)a,b,c, that talks about building on
793 top of something and not making the condition worse than
794 what it is.

795 So we stayed within all of that and ask for
796 consideration based on those points.

797 We're happy to take questions.

798 MR. MISLEH: Thank you.

799

MR. GRESKO: Yeah, Charlie, I'm looking at the
800 request as a, b and c. But isn't a, the request for 10
801 foot setback, really on the left side? Aren't we really
802 talking about the left side as you're facing the house?

803

MR. MOORE: Only the left side.

804

MR. GRESKO: Okay. Because this isn't clear
805 in that regard. It could be interpreted as either side.

806

So we're talking about the left side.

807

MR. MOORE: Well, yeah. Thank you, Gene. On
808 the plan, it is all the left side. We thought it was
809 sort of smart to just focus our request on one area of
810 the house and not more than that one area.

811

MR. GRESKO: The other question I have, if you
812 could pull up Chart A201, I don't know where that is in
813 the whole deck. There it is.

814

So again, looking at the left side, right, I'm
815 trying to understand and again, look at the left side
816 where it's the dark line, right? Are we saying that
817 that is all the current foundation of the garage?

818

MR. MOORE: Correct. So everything that's
819 black in this image is existing and everything that's
820 white is new. So the piece on the far upper left, that
821 is the garage foundation.

822

MR. GRESKO: Okay.

823 MR. MOORE: The dotted line there in the back,
824 that's the projecting, cantilevered bay. And then the
825 area in front, that little rectangle on the left, far
826 left, that's the porch, that's open porch. The main
827 block there just above the hand, that is the two story
828 addition that we're proposing of which a small portion
829 of that is in the setback but not greater than the
830 existing non-conformance.

831 MR. GRESKO: So there's second floor above
832 that porch?

833 MR. MOORE: No, there's nothing above the
834 porch. The porch is only an open covered porch and it's
835 allowed in the setback, but it can't be enclosed, it
836 can't be built above. It's only a porch.

837 MR. GRESKO: So again, we're not adding any
838 new foundation, other than maybe piers for the porch,
839 right?

840 MR. MOORE: We're showing the rectangle on the
841 far left in white, that is the foundation for the open
842 covered porch. It's a concrete foundation so there are
843 no piers and it will have a stone walking surface
844 because it's very close to grade at that point.

845 MS. WARD: But to that point, part of the
846 house foundation that you're showing the larger square

847 that's new, part of that does go into the setback so
848 there is new foundation being added.

849 MR. MOORE: Yes. Yes, and that shows up on
850 BZA.2. In the floor plans we didn't project the
851 setbacks but you can see the setbacks in the previous
852 drawing.

853 MR. BARTLETT: I think we're just trying to
854 clarify.

855 MR. MOORE: This drawing, the diagonal line in
856 the center, that's in the existing garage. So it's less
857 than half of the garage is in the setback. The rest of
858 the garage is all conforming. And then the sliver, the
859 narrow piece where it says 7 feet, the narrow piece with
860 the diagonal lines, that's a portion of the two story
861 addition. Most of the two story addition is conforming.
862 We only have a little bit of it that's not conforming.

863 And then the little diagonal lines at the very
864 top, that's a portion of the bay. The vertical line,
865 you can see the 15 foot setback there, the dimension at
866 the bottom of the page on the left, that is our 15 foot
867 setback. And you can see that the garage, which is the
868 biggest of the diagonal rectangles, that's where the
869 non-conformance is. That's where the house is built
870 within the 15 foot setback leaving us 10 feet, so it's 5
871 feet into the setback.

872 MR. GRESKO: Again, back to the question of,
873 with the exception of the foundation for the porch, the
874 only thing that we're going into above it is foundation
875 that's currently there for the garage and no new
876 foundation for that.

877 MR. MOORE: There's no new foundation for the
878 garage piece, for the second floor for the garage piece.
879 There's no new foundation for that, building on top.

880 MR. EPPLER: But in front of the garage
881 there's going to be new foundation to go up. In the
882 cross-hatch where it says 7 feet, you're going to be
883 building new foundation there going up.

884 MR. HILDE: I guess these guys drew it as --
885 yeah, the diagonal going this is new. Yeah. We had to
886 kind of align it with the other side of the house to
887 make it feel like it's always there and align the roof
888 line. So, yeah, that would be new foundation in the
889 driveway.

890 MR. MISLEH: Can you zoom in please?

891 So I think we were saying is where it says new
892 two story addition, that's from grade.

893 MR. MOORE: That's new foundation, two story
894 addition, no basement, nothing below that.

895 MR. MISLEH: Okay.

896 MR. MOORE: The area above that, it says
897 existing garage with new second floor, that's new second
898 floor completely on top of the existing. No projections
899 off that other than trim and eave.

900 So that's why I was indicating that there's
901 four components, not to make it complicated, it's just
902 that there are four pieces. They're all driven really
903 by the garage that's the non-conforming piece.

904 So for that reason, everything else that we're
905 adding, we're adding further back from that
906 non-conformance.

907 MR. MISLEH: So I see this as three pieces.
908 What's the --

909 MR. MOORE: Well, the porch, we have it on the
910 list. I believe that it's by right, the seven foot
911 setback on that side, that's been the reading with Falls
912 Church for 20 years. But we put it on the list just in
913 case there was any discussion there.

914 MR. MISLEH: Okay. Thank you. I think this
915 clarifies the question. It's a matter of part of it is
916 going above the existing structure, just going straight
917 up, and then you have two segments that are new within
918 the existing infringement of the setback.

919 MR. EPPLER: Akida, could you clarify the rule
920 on the porch. You were nodding your head, but just to
921 make it on the record.

922 MS. ROUZI: Yeah, Charlie is correct. An open
923 porch can extend six feet into the side setback by
924 right.

925 MR. EPPLER: And this one goes seven,
926 therefore they need the exception?

927 MS. ROUZI: Did you say seven?

928 MR. MOORE: I think it's seven.

929 MR. BARTLETT: How far is the porch going to
930 be from the property line?

931 MR. MOORE: The porch will be eight feet,
932 yeah.

933 MR. BARTLETT: And just to clarify, the
934 non-conforming space is simply a garage?

935 MR. MOORE: The current non-conforming is a
936 portion of the existing garage today.

937 MR. BARTLETT: Right. Some of it's not.

938 MR. MOORE: Some of it is conforming, sure. A
939 little bit more than half of it is conforming.

940 MR. EPPLER: The five feet of the garage are
941 non-conforming.

942 MR. MOORE: Five feet of the garage is
943 non-conforming, yeah.

944 MR. MISLEH: Will there still be off-street
945 parking?
946 MR. MOORE: Yeah, we still have I think easily
947 two spaces.
948 MR. MISLEH: That's a question the community
949 will want us to ask. Thank you.
950 MS. ROUZI: Mr. Misleh, I have the section up
951 and it is again under "Buildings and projections in
952 yards". Minimum front rear or street side yard,
953 interior side yard -- I am seeing six feet and actually
954 in the interior side yard I'm seeing three feet.
955 Charlie, do you know the Code section where it
956 says seven feet?
957 MR. MOORE: Not off the top of my head. We've
958 done projects recently with side yard setbacks for open
959 porches at seven.
960 MS. ROUZI: Yeah. The projections allowed in
961 side setback section says for side yard, an open porch
962 can project three feet; for front yard and rear yard,
963 open porch can extend six feet.
964 Unless my predecessor had a different policy
965 that Charlie's used to. Charlie's been working with the
966 City Code for 20 some years so I wouldn't be surprised
967 if he was correct. But what's in front of me says three

968 feet and six feet, depending on which yard. I don't see
969 a seven feet.

970 MR. MISLEH: Thank you. So there's the fourth
971 item.

972 MR. EPPLER: Mr. Hilde, just a quick question.
973 Your letters all refer to the ten foot as opposed to 15
974 foot. Was the porch section of that also in what you
975 were showing to your neighbors so they all have seen
976 that there was also going to be the porch.

977 MR. HILDE: Yeah, we showed them the full
978 plans. We walked these plans around to everyone.

979 MR. EPPLER: Thank you.

980 MS. WARD: Akida, I wanted to just touch on
981 sub-standard lots and I see this lot is 75 feet wide and
982 deep it's 122. So by what's allowed in the Code, that
983 would still only permit them 15 foot setbacks on each
984 side, is that correct?

985 MS. ROUZI: That's correct.

986 MS. WARD: But the rear setback could be
987 lowered from 40 to 36.6 I think, is that correct?

988 MS. ROUZI: It would be 30 percent of the lot
989 depth so whatever that math yields. I can -- is that
990 36, did you do that?

991 MS. WARD: I think so. So I guess just based
992 on the sub-standard lot I just wanted to bring that up,
993

994 that they are allowed to protrude further in the rear
995 just by Code but not on the side by Code currently,
996 correct?

997 MS. ROUZI: Yes.

998 MR. GRESKO: And again, just to belabor it,
999 where you see the 7 foot thing, so the second story does
1000 project over part, like half of the open porch, is that
1001 not correct?

1002 MR. HILDE: No. Nothing projects over that.

1003 MR. GRESKO: Because the seven, what's the
1004 dashed piece there? I see it saying -- what does it
1005 say?

1006 MR. MOORE: It's just illustrating that it's 7
1007 feet from the setback line to the outside face of the
1008 porch.

1009 MR. HILDE: The porch is only in the
1010 non-dashed area. The porch does not go under into that
1011 dashed area.

1012 MR. GRESKO: It's a little porch then.

1013 MR. HILDE: Well, it's not a porch. It's an
1014 awning cover to our mudroom, yeah. It's just an awning,
1015 yeah.

1016 MR. MOORE: We do have elevations of the whole
1017 house, if you want to see that.

1018 MR. BARTLETT: You say porch, I don't see on
1019 your first floor plan on A200, I think that's what Gene
1020 is getting at, I'm not sure about porches anywhere. I
1021 see more of a step.

1022 MR. MOORE: Right there is the porch.

1023 MR. EPPLER: On BZA-2 it says "new side
1024 porch."

1025 MR. MOORE: That's the correct drawing.

1026 MR. HILDE: A porch is maybe not the right
1027 way, it's only three, four feet.

1028 MR. MOORE: It's a porch whether it's two
1029 feet. It's a covered porch so the covered porch falls
1030 within that category, versus an open deck or stairs. So
1031 you can see in this one, there's nothing built above the
1032 porch. It's a narrow porch but it's an entrance kids
1033 enter into a mudroom. It's not a sitting porch, so it's
1034 functional porch.

1035 MR. GRESKO: Okay. But looking at that, so on
1036 the right is the first story, correct?

1037 MR. MOORE: Yeah.

1038 MR. GRESKO: So if you point the pointer, see
1039 where that little porch entryway, etcetera, is with the
1040 door, right there. And to its right of that door,
1041 correct me if I'm wrong, but that is new area, is it
1042 not?

1043

MR. MOORE: Yeah.

1044

1045

1046

1047

1048

MR. GRESKO: Because before it went all the way to that downward piece, but we are sort of adding that. So it's not just adding second story above the old garage, we are actually adding space before the garage and above it, are we not?

1049

1050

1051

1052

1053

1054

MR. MOORE: Correct. That's item 2 in our list of items that we're adding. Item 1 is the addition over the garage, Item 2 is the addition in front of the garage. That's all within our application and in our drawing, it's in the crosshatch of the previous drawing.

1055

1056

But again, that block that we're adding in front of the existing garage, only a portion of it is within the setback.

1057

1058

1059

1060

1061

MR. GRESKO: Well, I'm looking at this, Charlie, of the request, A, B, C, and I don't see anything in A, B, or C that talks to the first floor, a new first floor being added that is also closer than the 15.

1062

1063

1064

I'm looking at the request A, B, C, it doesn't talk anything about first floor, unless I'm missing something.

1065

1066

1067

MR. MOORE: So it says under Item 2, addition in front of former garage, the proposed two story masonry frame addition, so two story means first floor

1068 and second, will be set back 1.5 feet behind the current
1069 non-conforming existing garage. So not behind, into the
1070 site, but left to right, from the side yard setback.

1071 MR. GRESKO: Thanks for the clarification. I
1072 was looking at the request items, A, B, and C, not the
1073 proposed items, 1, 2, 3, 4.

1074 So in the request items, A, B, C, it doesn't
1075 talk to the first floor, that would be a non-conforming.

1076 MR. MOORE: So in Item B under request, 11.5
1077 feet, that's the setback from the property line to that
1078 new face, 11.5 feet. It's a foot and a half behind the
1079 10 foot line which is the existing garage. And it says
1080 to the wall of the proposed two story addition. So the
1081 two story addition is what we mean by --

1082 MR. GRESKO: But to me it would be, the right
1083 way to say it is proposed two story addition slash first
1084 floor.

1085 MR. MOORE: Well, there's a second floor above
1086 it that's directly above it. It's the first and the
1087 second floor. So it's not just the first floor.

1088 MR. GRESKO: I understand, Charlie, but I'm
1089 just saying, my apologies, I didn't read 1, 2, 3 and 4
1090 correctly. I was just focusing on A, B, C, where I
1091 didn't see that first floor is now also being added that
1092 was never there before, unlike the garage, it was never

1093 there before but it's now also being added both up and
1094 down non-conforming.

1095 MR. MOORE: Correct, correct. But the key for
1096 Section 42 is that it doesn't exacerbate the condition
1097 that's there today which is a 10 foot setback so we're
1098 setting that at 11.5. And that's something's that's
1099 really important in the Code. Is that an applicant
1100 doesn't come and say, well, I've got a non-conformance,
1101 I want that. Oh, and I also want to project a foot and
1102 a half into my non-conformance.

1103 So what we're saying is we're going in the
1104 other direction. We're going to make it less
1105 non-conforming, if you will. Which is what that section
1106 of the Code is talking about. It's talking about not
1107 making it worse.

1108 MR. GRESKO: I understand.

1109 MR. BARTLETT: Are you saying you're reducing
1110 non-conforming space?

1111 MR. MOORE: We're reducing, with the addition
1112 it will be less non-conforming because instead of it
1113 being 10 feet which is what the non-conformance is
1114 today, it will be 11 and a half.

1115 MR. BARTLETT: So only the garage portion, not
1116 that new section.

1117 MR. EPPLER: In front of the garage.

1118 MR. MOORE: The garage is at 10 feet so that's
1119 our non-conforming. That's our worst condition, 10
1120 feet. We're going to go 11 and a half feet for the two
1121 story addition.

1122 MR. GRESKO: But this is where again, we get
1123 to this gray area, Akida, of where this little bit of
1124 new, in front of the garage is, I don't know how much,
1125 ten feet maybe, roughly. What if it was 20 feet? What
1126 if it was, you know, how much is too much in the -- if
1127 it went further forward, right? If it went all the way
1128 to where the current house ends in the front.

1129 MR. MOORE: Well, that's a very valid point.
1130 In this case we did something that's very modest. It's
1131 a very small block of addition. It's a part of an
1132 overall addition, most of which is conforming.

1133 So because we already have a non-conforming
1134 lot we are at a disadvantage. That's why we come before
1135 the BZA, we have a disadvantaged lot. So we are making
1136 a proposal that adds space above an existing
1137 non-conformance, that's number one, with number two and
1138 number three being additions of new space, very modest
1139 blocks of space that reduce the non-conformance. They
1140 are further back, further into or further away from the
1141 side yard setback.

1142 As an understanding and a realization that we
1143 don't want to be asking for more, we want to ask for
1144 less, in fact.

1145 MR. MISLEH: I have a couple of questions if
1146 it's okay.

1147 So I'm looking at plan BZA.2. I just want to
1148 point out or be clear, it refers to the part that's not
1149 in the setback as existing main house. Is there a plan
1150 that shows the existing structure and the new structure?

1151 MR. MOORE: Yes, 1.1, we have a full set of
1152 as-built plans and elevations of the existing house.
1153 You can see what's there today.

1154 MR. BARTLETT: Can we see that?

1155 MR. MISLEH: What's the document, Mr. Moore?
1156 What document are we looking for?

1157 MR. MOORE: It should be EX 1.1.

1158 MR. MISLEH: I think that's the reason why --

1159 MR. MOORE: We have photos of the existing
1160 house as well.

1161 MR. HILDE: It's the basement where you have
1162 the solid lines.

1163 MR. MOORE: I thought we submitted all of the
1164 existing, we have all of the existing drawings as well.
1165 But David is right, if you go back to the basement, one
1166 sheet further --

1167 MR. EPPLER: Akida, can you pull up that
1168 A-000? I think that shows perhaps what we're looking
1169 for.

1170 MR. MISLEH: Okay. This will work.
1171 So all of the white perimeter line is new
1172 construction?

1173 MR. MOORE: With the existing garage. We're
1174 working with the existing garage block. So this drawing
1175 has some white where we're just showing walls at the
1176 same location. I mean the basement drawing is a little
1177 bit better to show what the existing footprint is.

1178 MR. MISLEH: Mr. Moore, is walls at the
1179 existing location mean you're going to tear down the
1180 existing walls and build new?

1181 MR. MOORE: We actually don't know at this
1182 point because it's existing brick and we actually need
1183 more brick. So with some of the openings we may take
1184 some of the brick or we may -- we'll have to see what
1185 the state of the wall is.

1186 MR. MISLEH: I think this is a common
1187 challenge that we see at this Board where, my personal
1188 opinion I think it makes sense to tear down and start
1189 with new walls but I think when folks are coming in and
1190 asking for a variance leading with the existing
1191 structure and adding to the existing structure and then

1192 with a plan to tear it down, it makes it hard for us to
1193 evaluate the project.

1194 MR. MOORE: If you could define that a little
1195 bit more. The existing garage sits out of the ground on
1196 the back side probably 7 or 8 feet. And we have
1197 foundation wall so the intent is to use the footprint.

1198 If the Board wants to stipulate that we don't
1199 take down any of the wall of the existing garage, then
1200 the Board can stipulate that.

1201 MR. MISLEH: Akida, do you want to chime in
1202 on --

1203 MS. ROUZI: Are you asking if you can have
1204 conditions in your approval?

1205 MR. MISLEH: No.

1206 MR. EPPLER: Is the variance specific to
1207 working with the existing wall or is the variance just
1208 dealing with the existing footprint I think is the
1209 question.

1210 MR. ROUZI: I don't think we specify that in
1211 the description. So if you're approving the variance,
1212 it would be tied to the drawings that's before you.
1213 Does that make sense?

1214 MR. MISLEH: Thank you.

1215 MR. MOORE: We're basing it on the footprint,
1216 whether or not the masonry wall that's there survives or
1217

1218 not. It's still the footprint. We're not going past
1219 any of those lines. So the net result per the Code is
1220 still the same. It doesn't say in the Code that if a
1221 wall is in bad shape, you can't take it down.

1222 This is not a case of demolishing a house
1223 except for a piece of foundation and building a new
1224 house. This is a sliver of non-conformance in which we
1225 would like to build on top of it.

1226 It is today a garage so we have some
1227 conditions that we have to deal with. It has a sloping
1228 concrete floor but we're going to work within that
1229 space. We're not going to make that space at all
1230 bigger. We're going to use that foundation.

1231 MR. HILDE: If you go to the end just to show
1232 the existing, I think that helps. There's a lot of
1233 grade on this side. The photos, sorry, on the back.

1234 MR. EPPLER: And, Mr. Moore, you've already
1235 determined that the existing house, the walls will take
1236 the second story, so you don't have to worry about that.

1237 MR. MOORE: Yes.

1238 MR. EPPLER: You don't know about the garage
1239 walls yet.

1240 MR. MOORE: Well, it's a brick and block
1241 house. One thing in our elevations, we've designed the
1242 additions to all be brick. The brick is called

1243 Baltimore brick. It's much more difficult to match. So
1244 wherever a wall is being covered, we want to harvest
1245 that brick and reuse it.

1246 So we sort of see the brick that's available
1247 to harvest, we see that as a benefit because we can
1248 reuse all that material. So that's really the only
1249 benefit other than just leave it. We can just leave it
1250 all in place but we sort of see a very beneficial
1251 material and we want to recycle that. We can't easily
1252 buy it.

1253 MR. HILDE: To point out here, if you look at
1254 the bottom right drawing, really where the bottom of
1255 that garage window is right now, that's kind of the
1256 first floor. We are going to have to go up from the
1257 slab. So that whole structure is staying at a minimum.

1258 Like Charlie said, we haven't determined if
1259 we're going to keep the rest of it. I just know the
1260 contractor this morning said it's cheaper to keep it.
1261 We're still determining that. But the structure itself
1262 is very substantially staying.

1263 MR. MOORE: Also we come before you in Smak
1264 design. We try not to go further than Smak design for
1265 BZA review. We're not coming before you with
1266 construction drawings. Some of those decisions we

1267 haven't made. Some of it is cost and some of it is
1268 availability of materials.

1269 David's comment is interesting from one
1270 contractor who says way cheaper to keep it, that's all
1271 germane information.

1272 MR. MISLEH: Thank you.

1273 Another question I have is, can you walk us
1274 through the letters of support and where they are in
1275 context to your lot.

1276 MR. HILDE: Behind us in support to our left
1277 in support, the most effective property to our, I guess
1278 to the left, we actually bought that property last year
1279 so we're adjacent to where we're building this addition.

1280 And then beyond that support, across the
1281 street support, two houses down across the street,
1282 support, so we really kind of hit everyone. And we
1283 talked to everyone else around us but they weren't
1284 opposed, they just didn't sign the documents.

1285 MR. MISLEH: So you own the property to the
1286 left?

1287 MR. HILDE: We own the property right adjacent
1288 to this addition, yeah.

1289 MR. EPPLER: You're the most affected
1290 neighbor.

1291 MR. HILDE: Right.

1292 MS. WARD: Can you guys speak a little bit to
1293 why you need to encroach into -- not about above the
1294 garage but encroach into that area in front of the
1295 garage. Like why can't you go backwards, or can you
1296 talk a little bit to why you need that extra area.

1297 MR. HILDE: I can talk about it because my
1298 wife and I studied this for four years and I don't know
1299 if Charlie knew this, we worked with two other
1300 architects who couldn't figure this out. Charlie
1301 figured it out.

1302 Again, our goal here is we want it to read as
1303 like it's always there. We're very sensitive to like,
1304 we love this old house, we want to preserve it as much
1305 as possible.

1306 We kind of gave that to Charlie and this idea
1307 of the roof line stays the same because without that, it
1308 gets kind of a weird condition. The garage is pretty
1309 far set back. I think our neighbors appreciated that
1310 too. That was one of the things when we walked around,
1311 wow, this is thoughtful and nice. That's a credit to
1312 them.

1313 If you think about it, we're pulling it
1314 forward just to match the other side of the house. Just
1315 so it reads as one bar with the mast coming forward
1316 that's existing. We told Charlie we want to work

1317 outside in to make this look appropriate for the
1318 neighborhood. Really for us, where we wanted to go is
1319 let's make that work and Charlie did that with this
1320 plan.

1321 MS. WARD: Is there any hardship or anything
1322 that you can speak to beside the aesthetics?

1323 MR. HILDE: Well I think to your point with
1324 the rear setback, we're at the rear setback in a lot of
1325 these areas. Again, I mention, I don't know if this is
1326 a hardship but we have two beautiful maples in the
1327 backyard that anything back there is going to kill those
1328 two trees. We didn't want to go back.

1329 I guess we do have forward setback but I don't
1330 think the neighbors would appreciate that. So really we
1331 were left with the side as the place to go.

1332 MR. MOORE: It did seem like a natural spot.
1333 It's the kind of utilitarian part portion of the house.
1334 We're really eliminating the attached garage as a
1335 feature to the house which architecturally I think is
1336 not a bad thing.

1337 And I think the key as David said, is the
1338 addition that we're doing on the left of the projecting
1339 gable is even with and on the same plane as the main
1340 mass of the house. So we didn't pull that forward, even
1341 though we have lots of front yard setback, that's the

1342 one place where we have lots of setback, is the front
1343 yard.

1344 The rear yard, as David said, the goal was
1345 don't eliminate our rear yard. And even with the 30
1346 percent rule, we're still at basically 40 feet. The 30
1347 percent rule at 122 doesn't give us really any
1348 dimension.

1349 So building in the back yard was not a
1350 consideration for a bunch of reasons, one of which is
1351 there isn't very much space in the back yard.

1352 Where a lot of these 1940s houses need help is
1353 with function. Because they have the classic spaces but
1354 they don't have any of the spaces that we need in houses
1355 today. And we design mudrooms and pantries and first
1356 floor bathrooms and the things that support all the
1357 great spaces.

1358 So when you look at the house, where do you
1359 put that? You don't put it in the living room or the
1360 dining room. You find the leftover spot that can
1361 support that and is also functionally where people enter
1362 the house and where the trash can will eventually go and
1363 close to the car.

1364 So it's as much of a functional Rubik's Cube
1365 as anything. So that's why it ends up up there.

1366 Really the hardship is that we have a
1367 non-conformance on both the left and right side of this
1368 house because we have basically a 9000 square foot lot
1369 in a R-1A area that requires 11,250. That's really the
1370 hardship.

1371 MR. BARTLETT: Can we take another look at
1372 either, go to BZA.2 please.

1373 And before I proceed, I have a question.
1374 Akida, would the City approve construction of
1375 this garage today?

1376 MS. ROUZI: If it's in the setback? No, we
1377 would not administratively approve if it's in the side
1378 setback.

1379 MR. BARTLETT: If it was not attached to the
1380 house, could they build a garage in that general
1381 vicinity?

1382 MS. ROUZI: If it's a detached garage?

1383 MR. BARTLETT: Uh-huh.

1384 MS. ROUZI: No, not in the setback. In the
1385 rear, maybe in the rear setback but not in the side
1386 setback. And not in the front setback.

1387 MR. BARTLETT: So when you build a garage in
1388 the rear of a house, it has to be 15 feet from the side
1389 setback?

1390 MS. ROUZI: Correct.

1391 MR. BARTLETT: Or 5 feet from the rear,
1392 detached.
1393 MS. ROUZI: If it's detached, it can be 3 feet
1394 from all property lines if it's in the rear setback,
1395 yeah.
1396 Is that what you're asking?
1397 MR. BARTLETT: Couple of those questions.
1398 My concern is that you're not just building a second
1399 story above a garage. You're removing the garage and
1400 building a side addition, two story addition.
1401 And if you look at BZA.2, I just want to
1402 clarify a couple of things, because a lot of this
1403 material that you presented is confusing to us. Just
1404 sharing.
1405 Okay. So your cursor, that little front
1406 rectangle, if you can hover over that, the existing
1407 front.
1408 That's existing space. That's the existing
1409 left side of the house, correct?
1410 MR. MOORE: That is the existing kind of
1411 center of the house because the garage is to the left of
1412 that.
1413 MR. BARTLETT: Right, but I'm not talking
1414 about the garage right now.

1415 So that's the existing front of the house. If
1416 you move that cursor towards the rear of the house a
1417 little bit and then move it towards the left, that is
1418 new construction, correct?

1419 MR. MOORE: That's correct.

1420 MR. BARTLETT: So the idea that you're
1421 extending your space is fine, I have no worry about
1422 that, but what you're doing is you're saying that new
1423 space isn't enough. I need to go and extend this new
1424 two story addition which it really is, a full new two
1425 story addition into the setback because I need more
1426 space, right?

1427 So what I'm concerned about is I like the
1428 idea, well, I want to make the space linear and I want
1429 to extend the front facade to mirror the right side with
1430 the left side. Well, you have the ability to do that
1431 and you want to add all these new and additional things.
1432 I understand that too. The market demands a lot of
1433 these things. And these are "wants."

1434 But I just want to clarify, that is all, if
1435 you go straight from that cursor all the way back to the
1436 rear setback, that is all available space to build your
1437 two story addition without a variance. Is that correct?

1438 MR. MOORE: Just to be clear, we're building a
1439 13 foot wide addition, two story addition, only 4 feet
1440 of it is in the setback.

1441 MR. HILDE: To answer your question, yes.

1442 MR. BARTLETT: Thank you. I understand the
1443 dimensions of it. I'm just going back to try to
1444 understand your arguments about why you need a variance
1445 versus what you're actually asking for.

1446 MR. HILDE: We did look at that, of like not
1447 coming, that dashed area, don't do that. You get a
1448 really awkward looking building and an awkward interior
1449 space.

1450 So, yes, to answer your question, yes, we
1451 could have stopped there and we did look before them
1452 with other architects that stopped there but we just
1453 couldn't get to a plan, again, like Charlie said, it was
1454 so tight, it was just hard to make it function and
1455 actually looked pretty bad. No one could make it look
1456 good.

1457 So that's why we asked them. They made it
1458 look good. And that's what it took.

1459 Yeah, it's a design. I mean, your point is
1460 right and I appreciate that.

1461 MR. MISLEH: And I think to that note and I
1462 want to point this out again on this BZA.2, it states
1463

1464 "existing main house into the portion of new
1465 construction" and I think that was an oversight on the
1466 part of this application.

1467 MR. HILDE: Could you explain that one more
1468 time.

1469 MR. MOORE: Yeah, I didn't hear all that.

1470 MR. MISLEH: If you zoom in to where it says
1471 "existing main house."

1472 MR. EPPLER: He's basically saying where it
1473 says "7 feet to the right," it's intentionally
1474 misleading.

1475 MR. HILDE: This is the new footprint.

1476 MR. EPPLER: So some of that area to the right
1477 of this 7.0 feet is actually now currently driveway.

1478 MR. MISLEH: And that was the cause of a lot
1479 of the confusion leading up to these questions.

1480 MR. MOORE: It wasn't meant to be misleading.
1481 It's only showing what's in the setback. So everything
1482 to the right of the 7 foot dimension that's white, a
1483 portion of that is new but it's by right new space.
1484 We're only asking for the 4 foot swath.

1485 MR. EPPLER: But your diagram says that's
1486 "existing house." That's the part we were --

1487 MR. HILDE: If not, we'll stop there and
1488 acknowledge --

1489 MR. MOORE: There should have been a block
1490 that said -- but that's why we provided the floor plans.

1491 MR. BARTLETT: I'll just clarify that the
1492 materials that we have is different than what's on the
1493 screen. Our BZA.2 doesn't look like that. You have all
1494 this additional information on this new stuff on here,
1495 the new two story addition, existing garage, like that's
1496 not on our forms unfortunately.

1497 So that's part of our confusion. We don't see
1498 what you're looking at.

1499 MR. EPPLER: We have that one. The one on the
1500 screen, we do.

1501 MR. BARTLETT: BZA.2?

1502 MR. EPPLER: Yeah, isn't that the same as the
1503 one that's on screen?

1504 MR. BARTLETT: No, mine's different. Yeah,
1505 yours is like mine.

1506 New information on yours. This looks like all
1507 existing.

1508 I appreciate your responses and what you
1509 shared with me makes me a lot more comfortable with how
1510 this all comes together. Just the materials and the
1511 information that is provided is a little inconsistent to
1512 me.

1513 And the actual language of the variance
1514 application, I don't think it's complete. Because to
1515 me, if I'm just reading this in the News Press or me as
1516 a long term member of the BZA, I'm looking at this and
1517 I'm reading this as you want a variance over the area of
1518 an existing garage and you're actually asking for more.

1519 So therein lays a lot of my consternation and
1520 confusion about what you were actually asking for.

1521 MR. EPPLER: Yeah, I have to agree that the
1522 variance application as presented here on the Agenda
1523 would not cover what we're talking, the project that
1524 we're discussing.

1525 MR. BARTLETT: Even though I look now at the
1526 proposed improvements requiring BZA review and the
1527 request, they all do like fall into a side yard setback
1528 of 10 feet instead of 15 feet but not necessarily the
1529 new portion, so that's just another confusion.

1530 MR. MOORE: In our statement we tried to be
1531 very clear about exactly what we're asking for and
1532 that's where we went through all of the language for the
1533 four areas. We're not trying to be unclear. On the
1534 application there's one line to fill in so in that one
1535 line we focus on the non-conformance which is the 10
1536 foot side wall of the garage.

1537 But we use really the statement and we just
1538 assume that the statement is what carries all of the
1539 information and that's where we went to much more detail
1540 as well as with the package of drawings that we
1541 submitted at the last deadline that have all of the
1542 drawings that show all of the areas.

1543 MR. MISLEH: I think the statement's clear. I
1544 don't want to belabor this. I'll just say that the
1545 statement, oftentimes we're provided with a plat and it
1546 highlights sometimes in red or in a delineating color
1547 the new construction and we had to dig real hard to
1548 figure out how the new construction connects with the
1549 variance request from a plan perspective.

1550 MR. EPPLER: Akida, did we determine, does the
1551 porch need a variance as well?

1552 MS. ROUZI: I believe so, yeah. But it is
1553 part of the packet and legal description on the Agenda
1554 says "with an open porch." In the past we have left out
1555 "a porch" from the advertisement but in this case I saw
1556 that the porch was extending beyond the addition and
1557 that's why we included the porch in the variance.

1558 MR. EPPLER: Right, but according to the
1559 variance as it's written that would have to do within
1560 the 10 feet. If it's not within the 10 feet, it's
1561 further than the 10 feet.

1562 MS. ROUZI: That's true. But if you set the
1563 side setback and approve a side setback, it can extend
1564 from that side setback another 3 feet. It becomes by
1565 right if you were to approve the variance today.

1566 MR. EPPLER: Got it. Thank you.

1567 MR. MOORE: One of the things that we should
1568 have done, this is actually where we started and we
1569 should have just submitted this.

1570 MR. MISLEH: That's what we were looking for.

1571 MR. MOORE: Yeah, but we thought that it was
1572 hard to read so we didn't submit it. Look at it, it's
1573 got all the color. And this is what we reviewed with
1574 Akida and we should have just --

1575 MR. MISLEH: I think that's what we were all
1576 looking for.

1577 Thank you.

1578 MS. ROUZI: We can pass that one around if
1579 you'd like.

1580 MR. MISLEH: I think we understand now the
1581 full request and I think we understand what you
1582 presented.

1583 Is there anything else you'd like us to
1584 consider before we close the comments?

1585 MR. HILDE: Just other than, you know, again
1586 the conversations with neighbors, I know they got the
1587

1588 notice and we talked. They were a little confused by
1589 that too but we walked through plans with all of them so
1590 they all got it. Once we walked through, they were all
1591 like, "Ah, got it. This looks good."

1592 Even the ones who didn't sign the letters of
1593 support, I believe we got to almost everyone in the
1594 notice area.

1595 MR. MISLEH: Does anyone have any other
1596 questions for the applicant?

1597 MR. BARTLETT: I have no further questions.

1598 MR. MISLEH: Hearing none, we're going to
1599 close the comments and open it up for Board discussion.

1600 Thank you.

1601 MR. HILDE: Thank you.

1602 MR. MISLEH: Who would like to go first?

1603 MR. EPPLER: I'll start with, at least to the
1604 I think the easiest part which is the garage, the
1605 existing footprint I think we're done similar variances
1606 in the past basically. You're building up, converting
1607 the ground floor to a different purpose but I mean
1608 they're going straight up and I think in the past that's
1609 been something we've routinely approved.

1610 What we do with the addition, the addition in
1611 front of it, I'm not so sure about. I don't remember
1612 a case like this before.

1613 MR. BARTLETT: Just to that point, Mr. Eppler,
1614 I do recall a recent variance application on Timber
1615 where the applicant had actually asked for a variety of
1616 things, asked for a large garage in the back yard and
1617 because of some of the awkwardness of their existing
1618 structure they wanted to go up as well but they needed
1619 this corner in the front, like a 40 square foot or 30
1620 square foot piece of non-conforming space that we
1621 allowed them to add into their new construction to
1622 accommodate the second story because of a basement issue
1623 and some space issues.

1624 And listening to the applicant I felt a little
1625 bit more comfortable with the idea of this additional
1626 front space. I do admit I had a lot of confusion early
1627 on but it is a little bit different than what we
1628 normally do but there are situations where not only that
1629 Timber location but in the past even on Grove and some
1630 other corner lots and non-conforming and sub-standard
1631 lots we've allowed a little extra space to accommodate
1632 some of these projects.

1633 MR. GRESKO: Yeah, I think we're revolved in
1634 sticking Ms. Ward and Mr. Bartlett and the whole members
1635 here is that little piece in front of the garage which,
1636 yes, it's not as non-conforming as the existing garage
1637 but it's still not with the 15 feet, right? So we're

1638 actually adding a little more non-conforming first floor
1639 that never existed and it's associated upstairs.

1640 So, yes, I've seen others where we just go
1641 above the existing what's there and it's like nox-nix.
1642 But this is actually doing that plus this little space.

1643 I do understand and respect that we want to
1644 get more space for the resident to fully utilize their
1645 space. They're very consistent, consistent with the
1646 neighborhood which is great.

1647 And maybe the other thing which just puts it
1648 over where I'm going, okay, let's do it, is because
1649 where it's actually impacting is something that's
1650 impacting you. Having been in the unusual situation
1651 where you're both the impactor and the impacted and
1652 you're obviously good with it.

1653 Unusual situation, and if it wasn't that, I
1654 don't know. But with that, I'm like saying, okay, it's
1655 a little bit of the unusual but I think it fits of
1656 something that a BZA could go forward with.

1657 MR. MISLEH: I think it's important to
1658 consider that it's not just the front but it's also a
1659 small portion of addition behind the existing garage as
1660 well. So we have to consider the entirety of the
1661 request.

1662 I do think it's important that we consider the
1663 fact that it is a sub-standard lot and the existence of
1664 already an existing non-conformance, the respect of the
1665 tree canopy and wanting to work within the existence of
1666 those mature trees, so I think there are a number of
1667 variables to this request that are important as we
1668 consider what to do.

1669 MR. BARTLETT: I just want to add one more
1670 thing, regarding new space. Even though the earlier
1671 applicant wasn't asking for a new space on the first
1672 floor, we granted them new space on the second floor,
1673 not maybe totally similar, they said about 36 square
1674 feet, but it's like the triangle of that, right, half of
1675 that 18 square feet in that triangle. We just did that.
1676 Not that I'm pushing.

1677 MR. MISLEH: I will also say that I think that
1678 the fact that it comes forward is not really a pertinent
1679 detail because it's still within the front setback so
1680 it's really the other question of are you accepting of
1681 adding to the existing non-conformance.

1682 MR. EPPLER: I guess I would also note that
1683 they've obviously done a lot of work on this. They've
1684 had a couple of architects and they've come up with a
1685 plan that all the neighbors seem to agree with. It
1686 seems like it will match the existing character of the

1687 neighborhood and it's not going to damage the tree
1688 canopy so it seems like it's a hard puzzle that they've
1689 found a solution for.

1690 MS. WARD: I'm kind of torn on this one. I
1691 know we've in the past seen an example where the
1692 applicant wanted to extend in the rear about, I don't
1693 know, was it like 30 feet that one, keeping the existing
1694 non-conforming and going back really far. And we denied
1695 that request.

1696 So, yeah, I'm having a little trouble with
1697 this one. I know it isn't as significant as that but
1698 that was in the rear of the house, this is in the front
1699 of the house. So in some ways the rear is almost less
1700 impactful to -- I mean everyone except the side neighbor
1701 of course.

1702 And I'm concerned about some of the
1703 precedents. I know that we have approved small portions
1704 in the past.

1705 I also know that they do have the ability to
1706 build to the back. I know it says 40 here but it's 36.6
1707 in reality that they're allowed because they have a
1708 sub-standard lot, which I know they don't want to go in
1709 the back, but they do have other options as well as in
1710 the front, that little box.

1711 I guess that's just what's kind of going
1712 through my mind.

1713 MR. MISLEH: Do we have any other comments?
1714 (No response.)

1715 MR. MISLEH: No.

1716 I think I'd like to point out, Ms. Ward, I
1717 think the application you were referring to that wanted
1718 to go straight to the back was for the purposes of
1719 building a garage and an apartment unit above the
1720 garage. It was a very different I think hardship than a
1721 growing family that's looking to satisfy the needs of
1722 their, really just their use of their property.

1723 I think it's important that when we do
1724 consider that we look at it from that perspective.

1725 So, any other comments?
1726 (No response.)

1727 MR. MISLEH: No.

1728 Would someone like to make a motion this
1729 evening?

1730 MR. GRESKO: Can I try?
1731 MR. MISLEH: Please.

1732 MR. GRESKO: You correct me, I would just like
1733 to clarify, so let me try with this proposal.

1734 I propose the approval of variance application
1735 V1642-23 by David and Phoebe Hilde, applicants and
1736

1737 owners, for a variance to Section 48-238(3)a. to allow a
1738 side setback of 10 feet instead of 15 feet minimum to
1739 construct the proposed improvements 1 through 4 as
1740 presented at the premise known as 312 Forest Drive.

1741 The only reason I changed it a little bit, I
1742 just want to refer back to those four items that they're
1743 doing that just clarifies what they're doing, the
1744 addition of a former garage, the front of the garage,
1745 rear window, open side porch, that to me is more, I
1746 think more clarifying than as it's written here in that
1747 one sentence.

1748 MR. MISLEH: Thank you.

1749 Would someone like to second or amend?

1750 MR. BARTLETT: Akida, could you capture that
1751 appropriately? And when we say 1 through 4, you can
1752 reference the --

1753 MS. ROUZI: -- the letter, justification
1754 letter under the proposed improvements requiring BZA
1755 review?

1756 Yeah, when they file their building permit
1757 application, staff will look at all of this packet and
1758 the resolution and your minutes to make sure they're in
1759 line with what's approved.

1760 MR. BARTLETT: And then to the applicant, does
1761 that work for you to make sure that your variance

1762

1763 application is actually conforming to your actual
1764 statements in your letter?
1765 MR. HILDE: Yeah.
1766 MR. BARTLETT: I'll second that motion.
1767 MR. MISLEH: Thank you, Mr. Bartlett.
1768 Angel, will you please take the roll and as
1769 the chair, I'd like to be called last.
1770 RECORDING SECRETARY: Mr. Eppler.
1771 MR. EPPLER: Yes.
1772 RECORDING SECRETARY: Mr. Bartlett.
1773 MR. BARTLETT: Yes.
1774 RECORDING SECRETARY: Ms. Ward.
1775 MS. WARD: No.
1776 RECORDING SECRETARY: Mr. Gresko.
1777 MR. GRESKO: Yes.
1778 RECORDING SECRETARY: Mr. Misleh.
1779 MR. MISLEH: Yes.
1780 RECORDING SECRETARY: Motion passes.
1781 MR. MISLEH: Thank you.
1782 Good luck with your project. Thank you for
1783 coming this evening.
1784
1785 6. APPROVAL OF MINUTES
1786 a. Approval of the April 13, 2023 Meeting Minutes

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b. Approval of May 13, 2023 Meeting Minutes

MR. MISLEH: So we're on to Agenda Item No. 6, approval of the minutes. It looks like we have two sets of meeting minutes this evening that we need to review and approve, minutes from April 13, 2023, and the minutes from May 11, 2023.

If you'd like to scroll through the first set and if everyone has had an opportunity to review the minutes, we're open to take a motion.

MR. GRESKO: Just because I wasn't at the last one, I don't want to vote on that one but I was at the first one so I don't know how you want to structure the vote.

MR. MISLEH: We're talking about the April 13th first.

(Minutes reviewed.)

MR. BARTLETT: I make a motion to approve the Board of Zoning Appeals minutes from Thursday, April 13, 2023.

MR. MISLEH: Thank you.

MS. WARD: I'll second.

MR. MISLEH: Angel, please call the roll.

RECORDING SECRETARY: Mr. Gresko. Is abstaining.

1812 MR. GRESKO: Yes.

1813 RECORDING SECRETARY: Mr. Eppler.

1814 MR. EPPLER: Abstain.

1815 RECORDING SECRETARY: Mr. Misleh.

1816 MR. MISLEH: Abstain.

1817 RECORDING SECRETARY: Ms. Ward.

1818 MS. WARD: Yes.

1819 RECORDING SECRETARY: Mr. Bartlett.

1820 MR. BARTLETT: Yes.

1821 RECORDING SECRETARY: Motion fails.

1822 MR. MISLEH: So now on to the meeting minutes

1823 from May 11th.

1824 MS. ROUZI: Just to clarify, did we only have

1825 two "Yes" votes for the April minutes?

1826 MR. EPPLER: No, you had three.

1827 MS. ROUZI: Three. Okay.

1828 RECORDING SECRETARY: I have abstains from Mr.

1829 Misleh, Mr. Eppler, and Mr. Gresko.

1830 MR. EPPLER: No.

1831 MR. GRESKO: I was there. I did say yes.

1832 RECORDING SECRETARY: Did he say yes?

1833 MR. GRESKO: I did say yes. Sorry.

1834 MR. BARTLETT: He'll be abstaining from the

1835 next one.

1836 RECORDING SECRETARY: My apologies.

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(Minutes reviewed.)

MR. MISLEH: All right. Would someone like to make a motion to approve?

MR. EPPLER: I will make a motion to approve the Board of Zoning Appeals minutes for Thursday, May 11, 2023.

MR. MISLEH: Thank you.

Would someone like to second?

MS. WARD: I'll second.

MR. MISLEH: Thank you.

RECORDING SECRETARY: Mr. Bartlett.

MR. BARTLETT: Yes.

RECORDING SECRETARY: Mr. Misleh.

MR. MISLEH: Yes.

RECORDING SECRETARY: Mr. Eppler.

MR. EPPLER: Yes.

RECORDING SECRETARY: Mr. Gresko.

MR. GRESKO: Now I abstain.

RECORDING SECRETARY: Thank you.

Ms. Ward.

MS. WARD: Yes.

RECORDING SECRETARY: Motion passes.

MR. MISLEH: Thank you.

7. OTHER BUSINESS

1862 MR. MISLEH: Is there any Other Business this
1863 evening?

1864 MS. ROUZI: No, sir.

1865

1866 8. ADJOURNMENT

1867 MR. MISLEH: Thank you. With that said, I
1868 think we should have a motion to adjourn.

1869 All in favor?

1870 (A chorus of "ayes".)

1871 MR. MISLEH: Thank you, everyone.

1872