



BOARD OF ZONING APPEALS

Business Meeting: Tuesday, January 17, 2023, 7:00pm
Council Chamber, Town Hall, 25 West Market Street,
Leesburg, VA 20176

Board of Zoning Appeals Meetings are broadcast for public viewing as follows:

- a. Webcast: <https://www.leesburgva.gov/government/webcasts>
- b. Comcast Government Access Channel 67 and Verizon Channel 35

Please note that all Town Council, Board, and Commission meetings are recorded and can be found on the Town's website at www.leesburgva.gov/webcasts

Board Members

Peter Vanderloo, Chair
Susan Moffett, Vice Chair
Gregory Gutierrez
Tom Marshall
Martha Mason Semmes

Support Staff

Michael Watkins, Zoning Administrator
Vacant, Assistant Zoning Administrator
Deborah Parry, Preservation Specialist
Carmen Babonneau, Zoning Inspector
Shelby Miller, Planner – Zoning Administration
Ashleigh Goedeke, Zoning Analyst

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- I. Call to Order and Roll Call
 - II. Determination of Quorum
 - III. Approval of Meeting Minutes:
 - a. September 20, 2022 Meeting Minutes
 - IV. Public Hearings
 - V. Unfinished Business
 - VI. New Business
 - a. Election of Officers
 - b. Adoption of the 2023 BZA Meeting Calendar
 - c. 2022 BZA Annual Report
 - VII. Adjournment

NEXT SCHEDULED BUSINESS MEETING: February 21, 2023*

* The BZA holds regular business meetings in January and September of each year. Other meetings of the Board are held on an as needed basis.

Assisted Listening System devices are available at this meeting. If you require any type of reasonable accommodation to attend and/or participate in this meeting, please contact Debi Parry at dparry@leesburgva.gov or 703-737-7023. Three days advance notice is requested.



MINUTES OF THE BOARD OF ZONING APPEALS
Tuesday, September 20, 2022
25 West Market Street
Council Chamber

MEMBERS PRESENT: Chairman Peter Vanderloo, Vice Chair Susan Moffett, Gregory Gutierrez, and Martha Mason Semmes

MEMBERS ABSENT: None

STAFF: Assistant Zoning Administrator Mike Ruddy, and Preservation Specialist Deborah Parry

Call to Order and Roll Call

Chairman Vanderloo called the meeting to order at 7:00pm. Attendance was noted by roll call and a quorum of four voting members was deemed present.

Approval of Meeting Minutes

a. **April 19, 2022, Board of Zoning Appeals Meeting**

Ms. Mason Semmes noted a minor typo in the minutes.

On a motion by Vice Chair Moffett, seconded by Mr. Gutierrez, the minutes of April 19, 2022, were approved, as amended, by a 4-0 vote.

BZA Disclosures

None

Public Hearings

None

Unfinished Business

None

New Business

a. **Zoning Ordinance Updates**

Mr. Ruddy provided a brief overview of various Zoning Ordinance amendments which were currently under staff review.

There was discussion regarding proposed amendments related to light industrial uses, accessory dwelling units, homestays, and data centers.

Other items discussed included a request that BZA members consider sections of the Zoning Ordinance which may benefit from additional clarifications or definitions, a brief discussion regarding the ongoing BZA vacancy, and an announcement from Mr. Ruddy regarding his departure from Leesburg and acceptance of a new role with the City of Winchester.

Adjournment

On a motion by Vice Chair Moffett, seconded by Ms. Mason Semmes, the meeting was adjourned at 7:13pm by a 4-0 vote.

BZA Minutes – September 20, 2022

Peter Vanderloo, Chairman

Deborah Parry, Preservation Specialist

September 20, 2022 Board of Zoning Appeals Meeting

(Note: This is a transcript prepared by a Town contractor based on the video of the meeting. It may not be entirely accurate. For greater accuracy, we encourage you to review the video of the meeting that is on the Town's website – www.leesburgva.gov or refer to the approved Board of Zoning Appeals meeting minutes. The Board's meeting videos are retained for three calendar years after a meeting per Library of Virginia Records Retention guidelines.)

Chairman Vanderloo: Let's call the order, and we'll start the stopwatch. [laughs] Thank you, Debi. This September 20th, 2022, Town of Leesburg Board of Zoning Appeals meeting is hereby called to order. Debi, would you please take the roll?

Ms. Parry: We have Chairman Vanderloo.

Chairman Vanderloo: Present.

Ms. Parry: Vice Chair Moffett.

Vice Chair Moffett: Present.

Ms. Parry: Mr. Gutierrez.

Mr. Gutierrez: Present.

Ms. Parry: And Ms. Mason Semmes.

Ms. Mason Semmes: Present.

Chairman Vanderloo: All right. I determine that we have four voting members, we therefore have a quorum to conduct all business. The first item of business is actually the approval of our last meeting minutes from the April 19th, 2022 meeting, where we had a public hearing as well. Has everyone received those meeting minutes and had a chance to review them?

Ms. Mason Semmes: Yes.

Chairman Vanderloo: Very well. Are there any comments to the meeting minutes anyone would like to propose?

Ms. Mason Semmes: I just saw one typo. It was on-- I think it's the second page. There's a comma at the end of a sentence that should be a period. Yes, keep rolling.

Chairman Vanderloo: Okay, keep going.

Ms. Mason Semmes: Right here on the-- What page is that? Page 3, second paragraph-- Maybe 2. Page 2, second paragraph, there was a period, period-- Clarifying questions from the Board regarding the testimony provided by Mr. Pierce and Mr. Sevilla-- I think it's comma.

Chairman Vanderloo: Yes, it does look like a comma.

Ms. Mason Semmes: It should be a period.

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Vice Chair Moffett: It is a comma. I got my glasses on [crosstalk]--

Chairman Vanderloo: The cheat that I learned is make it big-- All right, there we go, now it is a comma.

Ms. Mason Semmes: It mentions that there was a period, so it should be a period.

Vice Chair Moffett: I'm impressed that you got that. I read them, but I [crosstalk]--

Chairman Vanderloo: There was a comma of clarifying questions, period, or a period [crosstalk]-- [chuckles] Are there any other eagle eyes among the Board who have comments?

Vice Chair Moffett: No.

Chairman Vanderloo: All right. I entertain a motion to adopt the meeting minutes as noted.

Vice Chair Moffett: I move to adopt the meeting minutes as presented.

Chairman Vanderloo: Any second?

Mr. Gutierrez: I'll second.

Chairman Vanderloo: All in favor, aye--

Board Members: Aye.

Chairman Vanderloo: All right. The meeting minutes from the April 19, 2022 meeting are hereby approved.

Ms. Mason Semmes: As amended.

Chairman Vanderloo: As amended. Thank you. Appreciate that. All right. We have a note, there is a public hearing, but I do not believe there's actually a public hearing on the agenda tonight.

Ms. Parry: No.

Chairman Vanderloo: All right, so we'll pass on to that. The next item on the agenda is, is there any unfinished business which should come before the Board tonight?

[silence]

I'm not aware of any, so not hearing any, we'll move to new business. Mr. Ruddy, we would appreciate if you could give us a Zoning Ordinance update, please.

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Mr. Ruddy: Thank you very much, Mr. Chair. I'll be quite brief with this and just identify some activities that are occurring in regard to The Town of Leesburg Ordinance Amendments. Some recent ones that have been initiated by the Planning Commission are highlighted on the screen behind you. They deal with the minor adjustments to the Doggie Daycare, the revisiting of the homestay ordinance-- It's been in place for about a year now, and looking to make some changes to that, depending upon the input of Council.

Some minor adjustments to business special events and temporary uses. Mr. Watkins is working on accessory structures, accessory dwelling units, to see if there's any more flexibility that can be provided for those. Most recently, I did a steps and landings amendment that is going through the process to clean up a problem in our Zoning Ordinance as it pertains to setbacks for steps and landings. Those are amendments that have been initiated by the Planning Commission.

In the upcoming several weeks, there are going to be several more that will be initiated, hopefully, by the Planning Commission and Town Council. The data center design districts was actually initiated by the Council, I apologize, this week, it was most currently updated, and that is to further define data centers, and perhaps look for additional performance standards for data centers, should they be permitted in a further area here within the Town. Looking to make some adjustments to the I-1 Light Industrial District and looking to evaluate the hotel parking ratios-- That's another item that's been brought forward. Those will be-- Again, with the exception of the data center design district, which was initiated by the council this week, the others will be coming forward through the process.

Then finally, Mike Watkins is going to be working on some batch amendments this year, again, to clean up a few crossings of T's and dotting I's, and things that have been identified as being problematic within the Ordinance. Those will be coming through throughout these next several months. That's a very brief overview of the ordinance amendments that are being worked through the Town presently, and I'd certainly be happy to speak with you any time you feel you want more information on any of those items.

Chairman Vanderloo: I did have a question for you, and really, the data center design districts could have brought it forward. A recent news item about the Town initiating a boundary line adjustment with the County to bring in an area that would include an existing data center, a Microsoft data center. I'm just curious how that would be zoned. Assuming that the boundary line adjustment was successful and that was brought into the Town, would the Town impose new zoning on that, or would it retain the existing County zoning?

Mr. Ruddy: I believe that will be based upon the ultimate agreement between the Town and the County once they determine the best course through the boundary line adjustment or annexation process. I think that's an ongoing discussion and ongoing negotiation, but I would assume a Town zoning district ultimately, because if it were

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to be successfully included within the Town, then obviously, the Town zoning would apply.

Chairman Vanderloo: Okay, so that's a negotiated process. It's not necessarily either Town or County, it's to be determined?

Mr. Ruddy: I think to be determined, and this would apply to other areas within the Town perhaps that have been identified for, again, the data center use. Much like that has occurred within the County, different design standards have been presented to hopefully make such facilities fit in certain areas of the locality.

Chairman Vanderloo: Thank you. Any other questions for Mr. Ruddy?

Ms. Mason Semmes: I did. Mike, I had a question about the homestay. What are the issues you're trying to address with those amendments? Just curious, with the amendments you've initiated to that section.

Vice Chair Moffett: That's an Airbnb-type situation, is that we're talking about?

Ms. Mason Semmes: Yes.

Vice Chair Moffett: Okay.

Mr. Ruddy: That's right. The short-term rental here in the Town is homestays, and we developed a program for that to bring people through the permitting process for compliance. I think the Town Council was interested in looking at a couple of things. Ultimately, what they decide to change, we shall see, but one of them was the residency requirement of 180 days, if that was appropriate to maintain that.

The second thing was inspections, was it appropriate to go out and inspect these properties? Then finally, would it be appropriate to have them in accessory dwelling units, not just the principal structure? There are many of those accessory dwelling units that are here in and around Town that may well support such a use, but presently, it's not permitted within an accessory dwelling unit. Those were three of the bigger items that were identified, and why it was brought back. We'll see what they ultimately decide that they want to change.

Ms. Mason Semmes: That'll be interesting to follow. Do the amendments to the accessory dwelling structures have any relationship to that or not?

Mr. Ruddy: They're two separate things, but obviously, they're intertwined, if you will. If you're fortunate to have an accessory dwelling unit permitted, then there's the potential there for that to be a homestay. I think that's going to be evaluated throughout this process.

Mr. Gutierrez: Mr. Ruddy, going back to the industrial, light industrial, can you expand on that please for me?

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Mr. Ruddy: I'm not the one following this through, but my understanding is it's just looking at those permitted uses within the I-1 District to make sure that those permitted uses are accommodating the type of uses that the Town is looking for. I should point out, each of these are also being evaluated based upon the new Town Plan for Town of Leesburg which was recently approved. It has some guidance in there, so that's an evaluation that occurs through these amendment processes.

Vice Chair Moffett: Just some examples of light industrial-- I'm just learning about that term. What would be-- What kinds of businesses?

Mr. Ruddy: Flexible manufacturing, warehousing. Sycolin Road is a good example, perhaps the Leesburg Business Park. There are some great examples out there, there's a variety of different industrial type uses. There are some other larger industrial manufacturing uses out in that area too, and of course, data centers is also a particular type of use that may be appropriate in that district.

Mr. Gutierrez: What was that?

Mr. Ruddy: The data centers, that would be a good location.

Mr. Gutierrez: Data centers, okay. Is that classified as light industrial, data centers, or?

Mr. Ruddy: There's also a couple of other districts where it might be appropriate, given a couple of zoning amendments, property re-zonings that have some uses that could accommodate that too, a couple of land bays in Compass Creek.

Mr. Gutierrez: Just one last question, is automotive repair considered light industrial, or is that a specific---

Mr. Ruddy: That's a specific use. In some cases, it's appropriate, in other cases, there might be a special exception if there's any storage that goes with those. Generally, in the industrial area, that's a little heavier, so it might be more appropriate there.

Mr. Gutierrez: Thank you. I don't have any more questions.

Ms. Mason Semmes: I assume these are all available to see online if anybody wanted to look at the text?

Mr. Ruddy: Certainly, the ones that have been initiated are. Then the ones that are to be initiated, they're in various levels of completeness, but they should be available through the process. If anybody's interested, we can certainly make them available to the extent that they are.

Chairman Vanderloo: One just comment really to the Board, which was related to batch amendments. As we go through and have public hearings, we sometimes get

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to portions of the Zoning Ordinance where we say, "Hmm--" I was talking to James David about this, and to the extent that you all can maybe put on your thinking caps when we've had some recent "Hmm" moments, maybe we want to think about clarifying-- Adding a definition around this, or perhaps clarifying this or that. That was something that he had suggested that we might want to start to think about a little bit more formally.

Vice Chair Moffett: Yes. We're certainly in a position to see those things.

Chairman Vanderloo: Right, so just a word to the wise, as you guys are thinking about things, maybe we can-- Next hearing, if we have a situation like that, we might want to pause and go, "Hey, what would we-- If there was a way to look at this, what would we want to suggest that—A draft or kind of review and consider as they're taking this fact pattern and running it through the zoning ordinance?" Okay, thank you for that little soliloquy. No other questions from me. If there's no other questions, then I think that's probably it on this agenda item. Thank you.

Mr. Ruddy: Just two last items, if I could, I want to reiterate that the Board of Zoning Appeals is looking for an additional member. If anybody knows anybody that is interested, or anybody paying attention, then we look forward to receiving their application. Then secondly, from my own perspective, I'm actually moving on to the City of Winchester as the Community Development Director. It's been a wonderful experience being with the Board of Zoning Appeals for the last year and a half, and I really appreciate working with you [crosstalk]--

Chairman Vanderloo: Well, congratulations [crosstalk]--

Mr. Ruddy: Thank you for all your help in the short period that we're here.

Ms. Mason Semmes: Thank you. [chuckles] Yes, really good luck to you, Mike.

Chairman Vanderloo: Let's have a round of applause for Mr. Ruddy.

[applause]

Mr. Ruddy: Thank you very much.

Chairman Vanderloo: We'll definitely miss you.

Mr. Gutierrez: When is your date of transition?

Mr. Ruddy: September 30th will be my last day with the Town, and I'll be starting there on October 19th. In the meantime, one of my daughters and I will be going to England to have a little visit with the family.

Chairman Vanderloo: Fantastic.

Ms. Mason Semmes: Wonderful.

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Chairman Vanderloo: Awesome. Have a great trip.

Mr. Ruddy: Thank you.

Chairman Vanderloo: Thank you. All right. Well, that's a lot to process. I'll just call for any additional new business not otherwise on the agenda. Anyone want to raise any item?

[silence]

All right, then I think I'm happy to entertain a motion to adjourn.

Vice Chair Moffett: I move that we adjourn the meeting.

Chairman Vanderloo: All right. Second?

Ms. Mason Semmes: I'll second.

Chairman Vanderloo: All in favor?

Board Members: Aye.

Chairman Vanderloo: Okay. We stand adjourned.

The meeting was adjourned at 7:13pm.

2023 BOARD OF ZONING APPEALS MEETING SCHEDULE

Application Deadline	Meeting Dates	Notice Dates Placard & Written	Newspaper Notice Publication Date
December 13, 2022	*Tues, January 17	January 2, 2023	January 5, 2023
January 17, 2023	Tues, February 21	January 6, 2023	January 12, 2023
February 14, 2023	Tues, March 21	February 6, 2023	February 9, 2023
March 14, 2023	Tues, April 18	February 10, 2023	February 16, 2023
April 11, 2023	Tues, May 16	March 6, 2023	March 9, 2023
May 16, 2023	Tues, June 20	March 10, 2023	March 16, 2023
June 13, 2023	Tues, July 18	April 3, 2023	April 6, 2023
July 11, 2023	Tues, August 15	April 7, 2023	April 13, 2023
August 15, 2023	*Tues, September 19	May 1, 2023	May 4, 2023
September 12, 2023	Tues, October 17	May 5, 2023	May 11, 2023
October 17, 2023	Tues, November 21	June 5, 2023	June 8, 2023
November 14, 2023	Tues, December 19	June 9, 2023	June 15, 2023
		July 3, 2023	July 6, 2023
		July 7, 2023	July 13, 2023
		July 31, 2023	August 3, 2023
		August 4, 2023	August 10, 2023
		September 4, 2023	September 7, 2023
		September 8, 2023	September 14, 2023
		October 2, 2023	October 5, 2023
		October 6, 2023	October 12, 2023
		November 6, 2023	November 9, 2023
		November 10, 2023	November 16, 2023
		December 4, 2023	December 7, 2023
		December 8, 2023	December 14, 2023

January 01

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October 10

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November 11

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December 12

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BZA Meetings begin at 7pm on the 3rd Tuesday of the month in the Council Chamber, 2nd Floor of Leesburg Town Hall, 25 West Market Street. All applicants or representatives are requested to attend the meeting for which they have been scheduled. * Indicates regular business meetings. ** Indicates dates moved for holidays.

Applications must be filed by 4pm, 5 weeks prior to the scheduled meeting date.
 BZA minutes and agenda materials can be viewed by visiting www.leesburgva.gov/bza

Tuesday, January 17, 2023*	Tuesday, February 21, 2023
Tuesday, March 21, 2023	Tuesday, April 18, 2023
Tuesday, May 16, 2023	Tuesday, June 20, 2023
Tuesday, July 18, 2023	Tuesday, August 15, 2023
Tuesday, September 19, 2023*	Tuesday, October 17, 2023
Tuesday, November 21, 2023	Tuesday, December 19, 2023

* denotes regularly scheduled business meetings.

Town of Leesburg Department of Planning & Zoning
 25 W. Market Street, Leesburg, VA 20176
www.leesburgva.gov/planning

Board of Zoning Appeals

Leesburg

2022 Annual Report



The Leesburg Board of Zoning Appeals (BZA) is pleased to present its annual report for the 2022 calendar year. The information contained within this report is a summary of work produced by the Board during the previous year.

2022 BZA Members

Board Members	
Peter Vanderloo,	Susan Moffett, Vice
Joseph Carter (resigned 8/22)	Gregory Gutierrez
Martha Mason Semmes	
Staff Liaisons	
Michael Ruddy Assistant Zoning Administrator	Debi Parry, Preservation Specialist



BZA 2022 Overview

The BZA, a quazi-judicial body appointed by the Loudoun County Circuit Court, meets on an as needed basis. There was one case heard in 2022 and two business meetings were held..

TLZV-2021-0001, 2 Pershing Avenue NW

On April 19, 2022, the Board of Zoning Appeals heard case TLZV-2022-0001, 2 Pershing Avenue NW, request for a variance to Section 5.4.3 of the Zoning Ordinance to reduce the rear yard setback from the required twenty (20) feet to approximately nine (9) feet along the rear property line. The purpose of the proposed variance was to allow the construction of an addition , incorporating an existing accessory structure into the principle structure.



The property is located at the corner of West Market Street and Pershing Avenue NW within the Fairview Subdivision and surrounding R-4 single family cluster residential properties.

The applicant's representative presented their findings that the Zoning Ordinance unreasonably restricts the use of the property due to the orientation of the home setting the location of the rear yard and the location of accessory buildings on the corner lot which inhibit the ability to construct an addition to allow for addition living space for the residents.

The Board discussed the location of the lot and the orientation of the dwelling as well as alternative locations where an addition could be constructed to meet the required setbacks. There was also discussion regarding the attributes of this lot in comparison with other lots in the neighborhood. Further, it was the finding of the Board that this request did not meet all of the approval criteria established under section 3.13.9 of the Zoning Ordinance and therefore, the request was denied.