

January 30, 2025

To: Town of Vienna Board of Zoning Appeals

From: Sean Sharifi and Rouhi Motlagh

Re: Variance Request for 205 Berry St SE

Dear Board of Zoning Appeals,

My name is Sean Sharifi and I have been a resident of the Town of Vienna since 1986. I reside at 205 Berry St SE where my grandparents, Amir and Rouhi Motlagh built a house for our family in 2005. At the time of building a house, one must consider their current needs, and at the same time anticipate their future needs. My grandparents did mostly a good job of anticipating future needs, but twenty years later and with the benefit of hindsight, there are some things we would have done differently in order to meet our current needs without having to submit a Variance Request to the BZA.

For example, at the time of construction the policy in the Town of Vienna was that permeable pavers count as 60% lot coverage (not 100% as it is now). If we had known this policy would be removed we would have built the driveway we needed in 2005 with permeable pavers.

Another example is that at the time of construction there was not allowed an additional 5% lot coverage for single story uncovered decks. Decks were considered as part of the 25% lot coverage so we decided to make our deck two levels and covered since it would be counted the same as a single level uncovered deck. If we had known that in the future the lot coverage around decks would change we would have built a one level uncovered deck to enjoy this benefit.

Along the same lines, the recent change that allows 400 sf of covered decks to not count towards lot coverage does not help us as our deck is two levels. Again, if we knew 20 years ago that this change was coming we would have done things differently.

As a result of the current zoning code and our current needs, my family is facing a hardship. We have a growing family of four generations, seven residents live at the house, and six cars. Both of my grandparents (as a side note my grandfather Amir passed away peacefully in 2023 at 93 years old) made the decision in recent years that they want to age in place in our house (and not move to a retirement home). As a result we have a constant stream of additional cars parking at our house that includes doctors, nurses, physical therapists, and caregivers. At any given time we have an average of 4-7 cars parked in the driveway, and sometimes as many as 10 cars.

We can fit 10 cars in the existing driveway, however the hardship occurs when MetroAccess Paratransit arrives to pick up and drop off my grandmother.

Metrobus Paratransit is a shared-ride, door-to-door, paratransit service for those with disability that prevents them from using bus or rail.

Metrobus follows certain guidelines including a pull through with turnaround driveway in order to accommodate door-to-door service, as Metrobus drivers are discouraged from backing up in reverse due to safety reasons.

The additional 5% lot coverage I am requesting is for additional driveway to allow Metrobus to drive through the carport to the side door where my grandmom's ramp is located, and then turn around without backing up.

My grandmother Rouhi, 88 years old, is wheelchair bound and we use a ramp to bring her down from the main floor of the house to street level (driveway level) where Metrobus greets her near the entrance of the house to minimize exposure to the elements that would be harmful for her health (for example freezing and extreme heat temperatures, high wind, rain, snow, and ice). I have included pictures of Metrobus picking her up as part of this variance request.

My father, John Russo (77 years old), and my mother, Yasmin Motlagh Russo (71 years old and also wheelchair bound), have also decided to age in place in our house (and not move to a retirement home). So looking ahead, our family's need for Metrobus Access will continue for many years to come.

The strict application of the terms of the lot coverage ordinance unreasonably restricts the utilization of the property by my grandmother, Rouhi Motlagh, as she requires Metrobus Access for transportation, and a granting of our variance request will alleviate this hardship.

I have addressed the hardship in narrative form above but will also address in bullet points below so as not to leave anything out -

**A. The property interest for which the variance is being requested was acquired in good faith and any hardship was not created by the applicant for the variance;**

The property was acquired and built by my grandparents in good faith to live with their family in their town which they love, not knowing that there would be a future hardship of needing ADA access.

**B. The granting of the variance will not be of substantial detriment to adjacent property and nearby properties in the proximity of that geographical area;**

205 Berry St is surrounded on all sides by properties owned by our family (201 Berry St, 209 Berry St, and 411 Pine St). There is no detriment to the surrounding properties by granting an additional 5% lot coverage for driveway.

C. The condition or situation of the property concerned is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to the ordinance.

The ordinance is strictly written and was recently reviewed and upheld in the new zoning code. The only amendment that was made was for 400 sf of covered deck which does not help the situation of our property.

If the BZA disagrees and thinks the situation is of recurring nature and that an amendment to the ordinance is the solution, then may I suggest the following for the BZA to recommend to the Town Council - "That the 5% additional lot coverage for decks be amended to be 5% additional lot coverage for decks, patios, or driveways, or any combination thereof, as homeowner sees fit." The current ordinance gives preference to decks, when all three (decks, patios, and driveways) are counted equally in the 25% lot coverage. Logically, all three should be allowed in the additional 5% lot coverage. Such an amendment would empower the homeowner to make decisions that best suit their families, as every homeowner's situation is different. Some may need a deck, while others may need a patio or, as in our case, driveway. And if there is a concern that such an amendment would result in bigger houses being built, then an additional amendment can be included that states "The maximum lot coverage for the house is 22%" (or whatever percentage is the largest house in Vienna so as to be grandfathered in, it is my understanding that the largest house in Vienna is at 22% lot coverage).

D. The granting of the variance does not result in a use that is not otherwise permitted on such property or a change in the zoning classification of the property; and,

The variance does not change the use or zoning classification of the property.

E. The relief or remedy sought by the variance application is not available through the Conditional Use Permit process or, when permitted by this Chapter, determination by the Zoning Administrator.

The Zoning Administrator, Andrea West, informed me that the remedy sought is only available through a Variance Request and not through any other means.

Thank you sincerely for considering our request,

  
Sean Sharifi

01-30-2025

  
Rouhi Motlagh

01-30-2025

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