

EXHIBIT NO. 1

3
4-21-01

Docket Item #2
SPECIAL USE PERMIT #2000-0162

Planning Commission Meeting
April 3, 2001

ISSUE: Consideration of a request for a special use permit to operate a single family home with more than four unrelated persons.

APPLICANT: Bette Gorman

LOCATION: 433 North Peyton Street

ZONE: RB/Townhouse

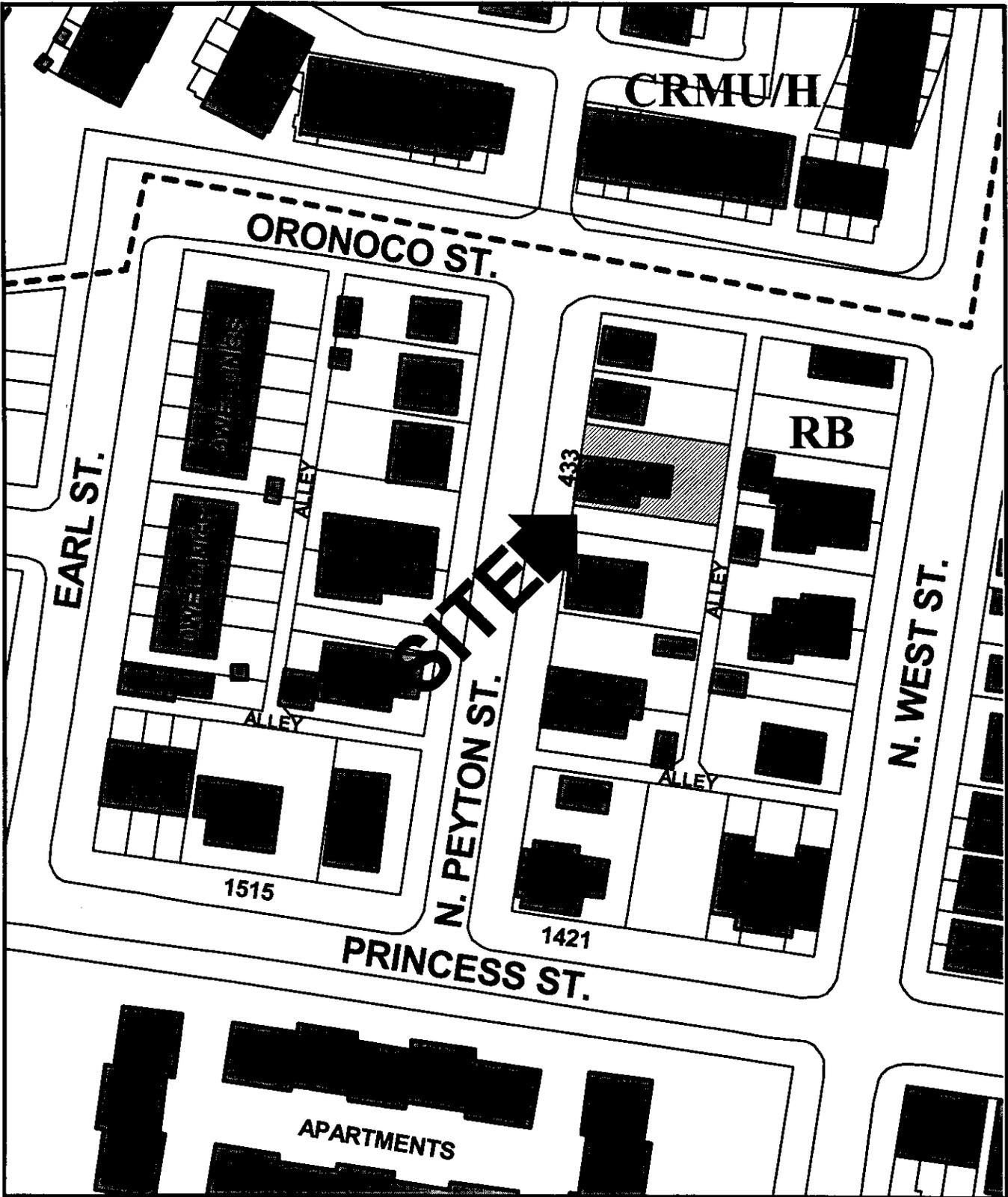
PLANNING COMMISSION ACTION, APRIL 3, 2001: On a motion by Ms. Fossum, seconded by Mr. Komoroske, the Planning Commission voted to recommend approval of the request, subject to compliance with all applicable codes, ordinances and staff recommendation and to add Condition #5. The motion carried on a vote of 7 to 0.

Reason: The Planning Commission agreed with the staff analysis but believed that the special use permit should be subject to a one year review and recommended the standard review language as a new condition.

Speakers:

Lorraine Dawkins, who lives next door to the applicant's residence, requested that the applicant be required to make an annual application to the City for approval of the residence and asked that the aluminum siding and porches at the applicant's residence be cleaned.

Bette Gorman, applicant and property owner, stated that she has a contract to have the siding cleaned this spring when the weather permits it.



SUP #2000-0162

04/03/01



STAFF RECOMMENDATION:

Staff recommends **approval** subject to compliance with all applicable codes and ordinances and the following conditions:

1. The special use permit shall be granted to the applicant. (P&Z)
2. No more than five persons shall reside in the dwelling. (P&Z)
3. The applicant shall be responsible for the peace and good order of the premises, and shall at all times see that the premises does not become a public or common nuisance by reason, among others, of the congregation of disorderly persons, inebriates, or persons using or selling controlled substances. (P&Z)
4. The applicant shall contact the Crime Prevention Unit of the Alexandria Police Department regarding a security survey. (Police)
5. **CONDITION ADDED BY PLANNING COMMISSION: The Director of Planning and Zoning shall review the special use permit one year after approval and shall docket the matter for consideration by the Planning Commission and City Council if (a) there have been documented violations of the permit conditions, (b) the director has received a request from any person to docket the permit for review, or (c) the director has determined that there are problems with the operation of the use and that new or revised conditions are needed. (PC)**

In accordance with section 11-506(c) of the zoning ordinance, construction or operation shall be commenced and diligently and substantially pursued within 18 months of the date of granting of a special use permit by City Council or the special use permit shall become void.

DISCUSSION:

1. The applicant, Bette Gorman, requests special use permit approval to allow a single family home with more than four unrelated persons living as a housekeeping unit at 433 North Peyton Street.
2. The subject property is two lots of record with a combined frontage of 64 feet on North Peyton Street, 85 feet of depth and a total lot area of 5,400 square feet. The site is developed with a two story residence and is located in the Parker-Gray Historic District. A ten foot wide alley runs behind the property. The property is surrounded by residences.
3. The applicant is the property owner and requests permission to continue to operate the home as she has since October 1979 when she bought the house.

Section 2-143(D) of the zoning ordinance sets out the definition of a “family” for purposes of determining the legal occupants of a single family dwelling. For example, a group of no more than four unrelated persons is permitted. However, a group of more than four people is allowed with a special use permit and then only if the people live together as a single housekeeping unit. A maximum of nine people is permitted in this type of living arrangement.

4. According to the applicant, the residence is configured to provide a total of five bedrooms, with one person per room. Two of the five rooms are located on the first floor of the residence; the remaining rooms are located on the second floor (see attached drawing). A living room, kitchen, and a bathroom are also provided and shared among all residents. The applicant states that several of the current occupants of the house have lived there more than 15 years.
5. The rooms are furnished; however, no linen or laundry service is provided. Although some residents have microwaves in their rooms, all residents are permitted to access the kitchen for food preparation.
6. The applicant has advised staff that all residents share the responsibility for both cleaning the common areas inside the residence and maintaining the property and landscaping.
7. On November 28, 2000, Planning staff visited the subject property in conjunction with Code Enforcement staff. Some code violations were found and the applicant is working to correct them. See attached Code Enforcement comments.

8. Staff has determined that the house was built in 1912, prior to the zoning ordinance requirements; it is therefore grandfathered as to the parking requirement. No off-street parking is required.
9. Zoning: The subject property is located in the RB/Townhouse zone. Section 2-143 of the zoning ordinance allows not more than nine people living together as a housekeeping unit in the RB zone only with a special use permit.
10. Master Plan: The proposed use is consistent with the Braddock Road Metro Station small area plan chapter of the Master Plan which designates the property for medium density residential use.

STAFF ANALYSIS:

Staff has no objection to the continued use of the property as a single family home with five unrelated people and believes the applicant in this case has demonstrated a high degree of concern regarding the management and operation of the residence. In addition, except for a recent inquiry regarding the home, Planning staff has received no complaints about the use at this location.

Staff recommends a condition requiring the applicant to be responsible for maintaining the peace and good order of the residence and to ensure that it does not become a public or common nuisance. With this condition, staff recommends that the special use permit be approved. The permit will be unique to this applicant; a new permit will be required if a new owner or operator wishes to take over the use.

STAFF: Eileen P. Fogarty, Director, Department of Planning and Zoning;
Barbara Ross, Deputy Director;
Kathleen Beeton, Urban Planner.

CITY DEPARTMENT COMMENTS

Legend: C - code requirement R - recommendation S - suggestion F - finding

Transportation & Environmental Services:

F-1 No objections or recommendations.

Code Enforcement:

C-1 As inspection was performed at the referenced property with the following building code violations noted:

- The hot water heater needs to be repaired so that it can operate in a safe manner.
- The fire extinguisher needs to be serviced.
- Hardwired, interconnected smoke detector are required in this facility.
- The plaster in rooms 3, 4, 5, & 6 is in need of repair.

Health Department:

F-1 No comments.

Police Department:

R-1 Security survey for the home.

APPLICATION for SPECIAL USE PERMIT # 2000-0162

[must use black ink or type]

PROPERTY LOCATION: 433 N. Peyton St, Alexandria, VA

TAX MAP REFERENCE: 064.01 09 17 and 064.1-09-18 ZONE: RB

APPLICANT Name: Bette Gorman

Address: 412 S. Royal St, Alexandria, VA 22314

PROPERTY OWNER Name: Bette Gorman

Address: 412 S. Royal St, Alexandria, VA 22314

PROPOSED USE: Rooming house

HOUSEKEEPING UNIT, NOT SPECIFIED IN ORD. SEC. 2-143.

THE UNDERSIGNED hereby applies for a Special Use Permit in accordance with the provisions of Article XI, Section 11-500 of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.

THE UNDERSIGNED, having obtained permission from the property owner, hereby grants permission to the City of Alexandria to post placard notice on the property for which this application is requested, pursuant to Article XI, Section 11-301(B) of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.

THE UNDERSIGNED hereby attests that all of the information herein provided and specifically including all surveys, drawings, etc., required to be furnished by the applicant are true, correct and accurate to the best of their knowledge and belief. The applicant is hereby notified that any written materials, drawings or illustrations submitted in support of this application and any specific oral representations made to the Planning Commission or City Council in the course of public hearings on this application will be binding on the applicant unless those materials or representations are clearly stated to be non-binding or illustrative of general plans and intentions, subject to substantial revision, pursuant to Article XI, Section 11-207(A)(10), of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.

Bette Gorman

Print Name of Applicant or Agent

412 S. Royal St.

Mailing/Street Address

Alexandria, VA 22314

City and State

Zip Code

Bette Gorman

Signature
(703) 836-548-3700 (w)

(703) 836-0084 (703) 548-8955

Telephone # (703) 585-2235 (cell)

12/13/00

Date

DO NOT WRITE BELOW THIS LINE - OFFICE USE ONLY

Application Received: _____ Date & Fee Paid: _____ \$ _____

ACTION - PLANNING COMMISSION: _____

ACTION - CITY COUNCIL: _____

All applicants must complete this form. Supplemental forms are required for child care facilities, restaurants, automobile oriented uses and freestanding signs requiring special use permit approval.

1. The applicant is (check one) the Owner Contract Purchaser
 Lessee or Other: _____ of the subject property.

State the name, address and percent of ownership of any person or entity owning an interest in the applicant, unless the entity is a corporation or partnership in which case identify each owner of more than ten percent.

I own 100% of the property

If property owner or applicant is being represented by an authorized agent such as an attorney, realtor, or other person for which there is some form of compensation, does this agent or the business in which the agent is employed have a business license to operate in the City of Alexandria, Virginia?

- Yes. Provide proof of current City business license
 No. The agent shall obtain a business license prior to filing application, if required by the City Code.

2. Submit a floor plan and a plot plan with parking layout of the proposed use. One copy of the plan is required for plans that are 8½" x 14" or smaller. Twenty-four copies are required for larger plans or if the plans cannot be easily reproduced. The planning director may waive requirements for plan submission upon receipt of a written request which adequately justifies a waiver. This requirement does not apply if a Site Plan Package is required.

NARRATIVE DESCRIPTION

3. The applicant shall describe below the nature of the request in detail so that the Planning Commission and City Council can understand the nature of the operation and the use, including such items as the nature of the activity, the number and type of patrons, the number of employees, the hours, how parking is to be provided for employees and patrons, and whether the use will generate any noise. (Attach additional sheets if necessary)

I have owned 433 N. Peyton St., Alexandria, VA since October 1979, and it has always been used as a rooming house. Up until 1986 I had gotten each year a city inspection, permit and business license. I still obtain a business license yearly, but in 1986 the City stopped calling me for inspections. The house is used by five unrelated people as their home. Many of the current occupants have lived in the house for more than fifteen years. They maintain a respectful house hold in the neighborhood.

USE CHARACTERISTICS

4. The proposed special use permit request is for: (check one)

- a new use requiring a special use permit,
- a development special use permit,
- an expansion or change to an existing use without a special use permit,
- expansion or change to an existing use with a special use permit,
- other. Please describe: _____

5. Please describe the capacity of the proposed use:

A. How many patrons, clients, pupils and other such users do you expect? Specify time period (i.e., day, hour, or shift).

5 people currently live at the property address.

B. How many employees, staff and other personnel do you expect? Specify time period (i.e., day, hour, or shift).

none

6. Please describe the proposed hours and days of operation of the proposed use:

Day:

Hours:

Every day and all hours of the day
it will be used as a residence
for 5 people.

7. Please describe any potential noise emanating from the proposed use:

A. Describe the noise levels anticipated from all mechanical equipment and patrons.

none

B. How will the noise from patrons be controlled?

no

8. Describe any potential odors emanating from the proposed use and plans to control them:

none

9. Please provide information regarding trash and litter generated by the use:

A. What type of trash and garbage will be generated by the use?

Normal trash and garbage generated by a house hold

B. How much trash and garbage will be generated by the use?

2 trash cans

C. How often will trash be collected?

Once a week by the city of Alexandria

D. How will you prevent littering on the property, streets and nearby properties?

no

10. Will any hazardous materials, as defined by the state or federal government, be handled, stored, or generated on the property?

Yes. No.

If yes, provide the name, monthly quantity, and specific disposal method below:

11. Will any organic compounds, for example paint, ink, lacquer thinner, or cleaning or degreasing solvent, be handled, stored, or generated on the property?

Yes. No.

If yes, provide the name, monthly quantity, and specific disposal method below:

12. What methods are proposed to ensure the safety of residents, employees and patrons?

ALCOHOL SALES

13. Will the proposed use include the sale of beer, wine, or mixed drinks?

Yes. No.

If yes, describe alcohol sales below, including if the ABC license will include on-premises and/or off-premises sales. Existing uses must describe their existing alcohol sales and/or service and identify any proposed changes in that aspect of the operation.

PARKING AND ACCESS REQUIREMENTS

14. Please provide information regarding the availability of off-street parking:

A. How many parking spaces are required for the proposed use pursuant to section 8-200 (A) of the zoning ordinance?

None

B. How many parking spaces of each type are provided for the proposed use:

2 Standard spaces - trandem

_____ Compact spaces

_____ Handicapped accessible spaces.

_____ Other.

C. Where is required parking located? on-site off-site (check one)

If the required parking will be located off-site, where will it be located:

na

Pursuant to section 8-200 (C) of the zoning ordinance, commercial and industrial uses may provide off-site parking within 500 feet of the proposed use, provided that the off-site parking is located on land zoned for commercial or industrial uses. All other uses must provide parking on-site, except that off-street parking may be provided within 300 feet of the use with a special use permit.

D. If a reduction in the required parking is requested, pursuant to section 8-100 (A) (4) or (5) of the zoning ordinance, complete the PARKING REDUCTION SUPPLEMENTAL APPLICATION.

15. Please provide information regarding loading and unloading facilities for the use:

A. How many loading spaces are required for the use, per section 8-200 (B) of the zoning ordinance? na

B. How many loading spaces are available for the use? na

C. Where are off-street loading facilities located? na

D. During what hours of the day do you expect loading/unloading operations to occur?

na

E. How frequently are loading/unloading operations expected to occur, per day or per week, as appropriate?

na

16. Is street access to the subject property adequate or are any street improvements, such as a new turning lane, necessary to minimize impacts on traffic flow?

na

SITE CHARACTERISTICS

17. Will the proposed uses be located in an existing building? Yes No

Do you propose to construct an addition to the building? Yes No

How large will the addition be? _____ square feet.

18. What will the total area occupied by the proposed use be?

_____ sq. ft. (existing) + 0 sq. ft. (addition if any) = _____ sq. ft. (total)

19. The proposed use is located in: (check one)

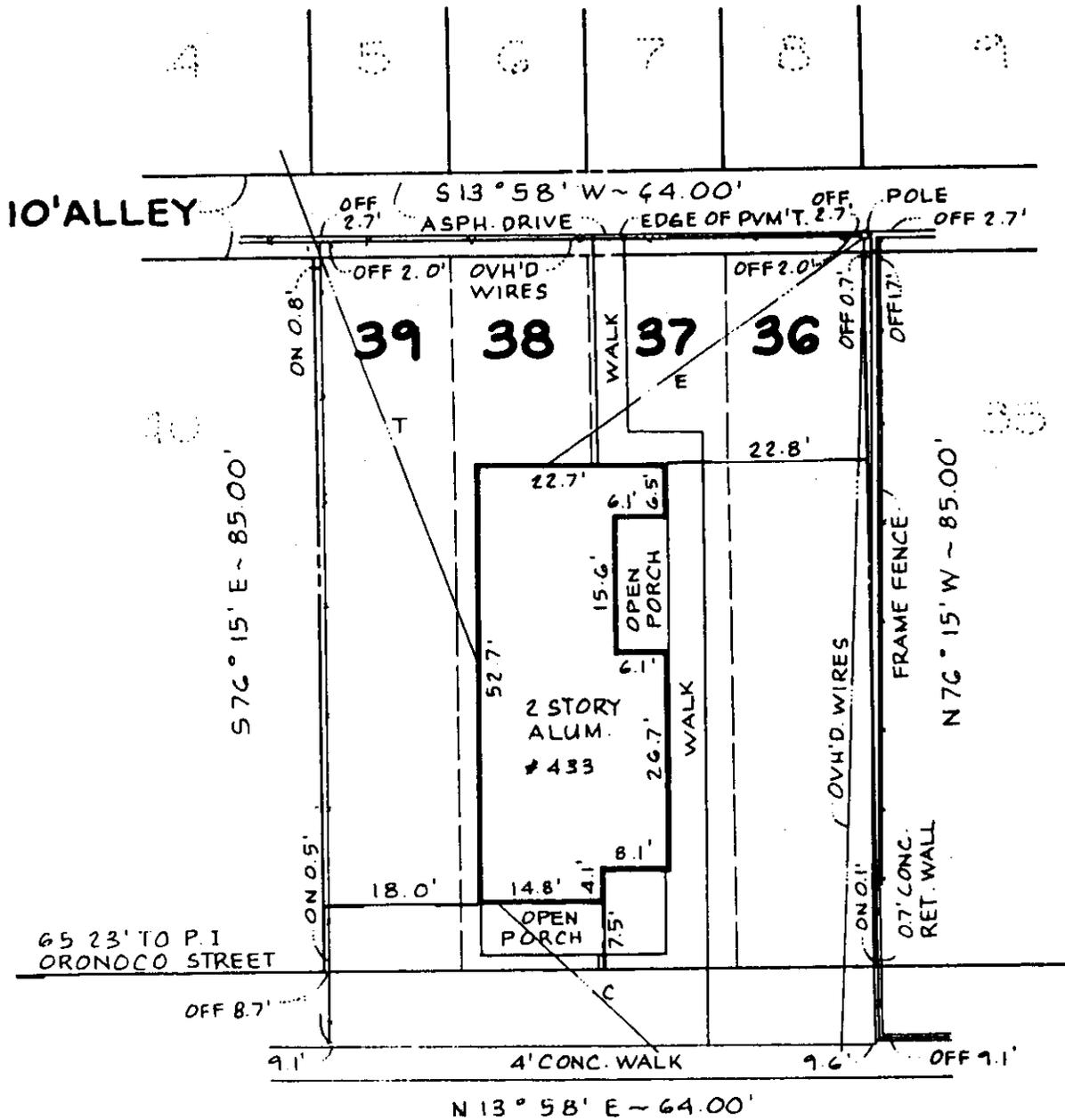
a stand alone building a house located in a residential zone a warehouse

a shopping center. Please provide name of the center: _____

an office building. Please provide name of the building: _____

other, please describe: _____

NOTE: FENCES ARE WIRE UNLESS NOTED.



NO. PEYTON STREET

66'R/W

PLAT

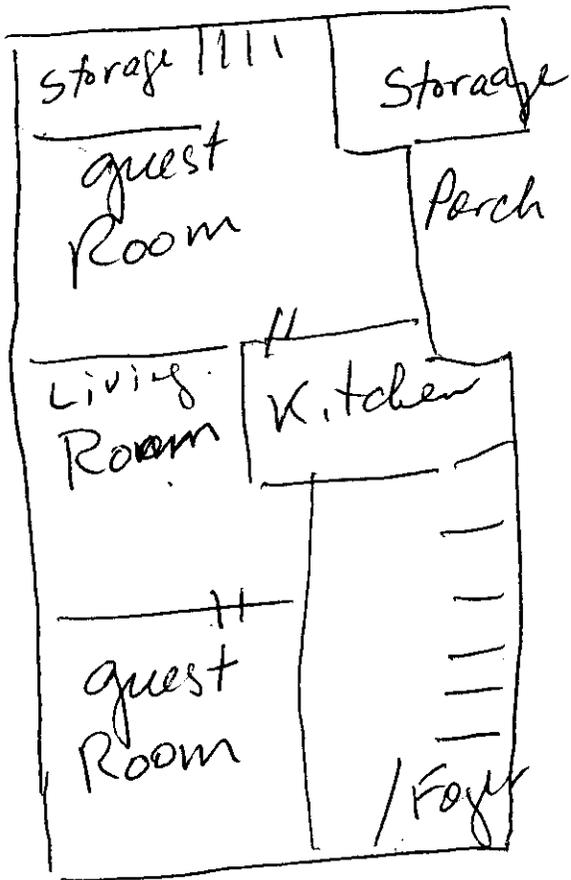
SHOWING HOUSE LOCATION ON
LOTS 36, 37, 38 & 39 BLOCK 1
WHEAT AND SUTER'S ADDITION TO

ALEXANDRIA VIRGINIA

CITY OF ALEXANDRIA, VIRGINIA

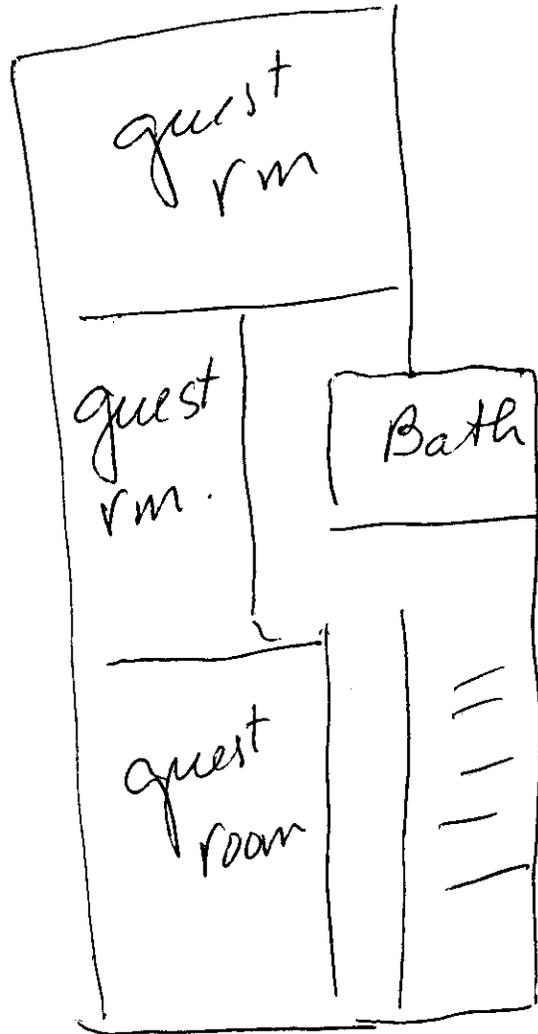
SCALE: 1" = 20'

JUNE 16, 1993



1st flr.

433 N Peyton



2nd fl.

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Bette Gorman
Print Name of Applicant or Agent
412 S. Royal St.
Mailing/Street Address
Alexandria, VA 22314
City and State Zip Code

Bette Gorman
Signature
(703) 836-518-3700 (w)
703) 836-0084 703) 548-8955
Telephone # Fax #
12/13/00
Date

DO NOT WRITE BELOW THIS LINE - OFFICE USE ONLY

Application Received: _____ Date & Fee Paid: _____ \$ _____

ACTION - PLANNING COMMISSION: 4/3/01 RECOMMEND APPROVAL 7-0

ACTION - CITY COUNCIL: 4/21/01PH-- CC approved the Planning Commission recommendation.