

DOCKET ITEM #5
Subdivision #2009-0006
212 & 214 East Spring Street

Application	General Data	
Request: Consideration of a request for a subdivision.	Planning Commission Hearing:	March 2, 2010
Address: 212 & 214 East Spring Street	Approved Plat must be recorded by:	September 2, 2011
Applicant: Brett and Susan Thompson	Zone:	R2-5
	Small Area Plan:	Potomac West

Staff Recommendation: APPROVAL subject to compliance with all applicable codes and ordinances and the recommended permit conditions found in Section III of this report.
Staff Reviewers: Nathan Randall, nathan.randall@alexandriava.gov
<u>PLANNING COMMISSION ACTION:</u>



SUB #2009-0006

03/02/10



I. DISCUSSION

REQUEST

The applicants, Brett and Susan Thompson, request approval of a subdivision at 212 and 214 East Spring Street.

SITE DESCRIPTION

The subject site is two lots of record. 212 East Spring has 50 feet of frontage on East Spring Street, 100 feet of depth and a total lot area of 5,000 square feet. It is developed with a single-family dwelling. 214 East Spring has 37.5 feet of frontage on East Spring Street, 100 feet of depth and a total lot area of 3,750 square feet. It is developed with half of a two-family semi-detached structure.

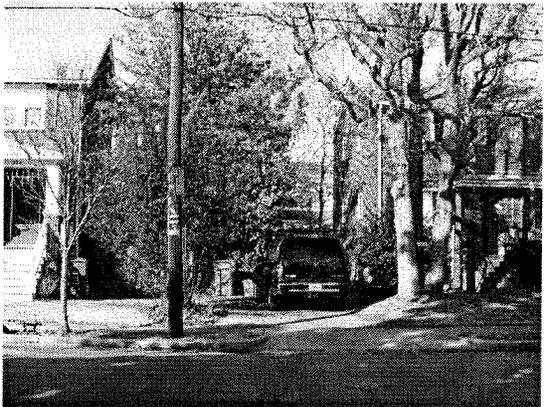
The surrounding area is occupied by residential uses consisting of mostly single-family dwellings with some semi-detached residential dwellings located to the north and south.

BACKGROUND

Both properties are owned by the applicants and are located within the Temple Park Section Two subdivision which was created in 1926. The property at 212 East Spring includes two lots from the original subdivision. Three original lots directly to the east were resubdivided into two lots in 1948 to create a semi-detached structure. The property at 214 East Spring includes half of that structure.

PROPOSAL

The applicants propose to subdivide the properties, as shown on the following page, in order to provide more outdoor space at 212 East Spring for the use and enjoyment of their family. No new structures are proposed in connection with this request. The property line between 212 and 214 East Spring would remain in its present location for its southernmost 29.4 feet. It would then jog-in 9.4 feet to the east, and proceed 70.6 feet to the north to join the existing rear property line. The applicants' request would result in a lot at 212 East Spring measuring 5,664 square feet in size and 50 feet wide at the front building line. The proposed lot at 214 East Spring would measure 3,086 square feet with a lot width of 37.5 feet at the front building line. The result of the subdivision is that 664 square feet of land will be moved from 214 E. Spring and added to 212 E. Spring.



ZONING

The properties are located within the R2-5 / Single and Two-Family Residential zone. The minimum lot area required is 5,000 square feet for single-family dwellings and 2,500 square feet per unit for two-family semi-detached. The minimum lot width is 50 feet and the minimum lot frontage is 40 feet for single-family dwellings. Both the minimum lot width and lot frontage is 37.5 feet for two-family semi-detached dwellings.

The proposed lots meet the minimum area, lot width and lot frontage requirements. In the case of lot width, which is measured at the front building line, the 214 East Spring lot complies because the property line jog-in occurs one-half foot behind the front building line.

The table below further illustrates the significant zoning elements associated with the proposed subdivision. Staff notes that the setbacks and FAR limits will remain in compliance with zoning for both homes after the proposed subdivision.

	212 East Spring Street			214 East Spring Street		
	Required	Existing	Proposed	Required	Existing	Proposed
Lot Size	5,000 SF Min	5,000 SF	5,664 SF	2,500 SF Min	3,750 SF	3,086 SF
Lot Width	50' Min	50'	50'	37.5' Min	37.5'	37.5'
Lot Frontage	40' Min	50'	50'	37.5' Min	37.5'	37.5'
Side Yard Setback	9' Min	12.6'	12.6'	8' Min	19.4'	10'
FAR	0.45 Max	0.38	0.34	0.45 Max	0.27	0.33

SUBDIVISION STANDARDS

In addition to a series of technical land and plat requirements (Sections 11-1706 and 11-1709) and a general requirement that all lots meet zoning requirements (11-1710(D)), the Zoning Ordinance also includes two requirements that are relevant in this case:

- Section 11-1710(I) requires that side lot lines generally meet streets at right angles (11-1710(I)).
- Section 11-1710 requires that every subdivision lot be consistent with the character of other lots in the subdivision and the area, and specifically “of substantially the same character as to suitability for residential use and structures, lot areas, orientation, street frontage, alignment to streets and restrictions...”

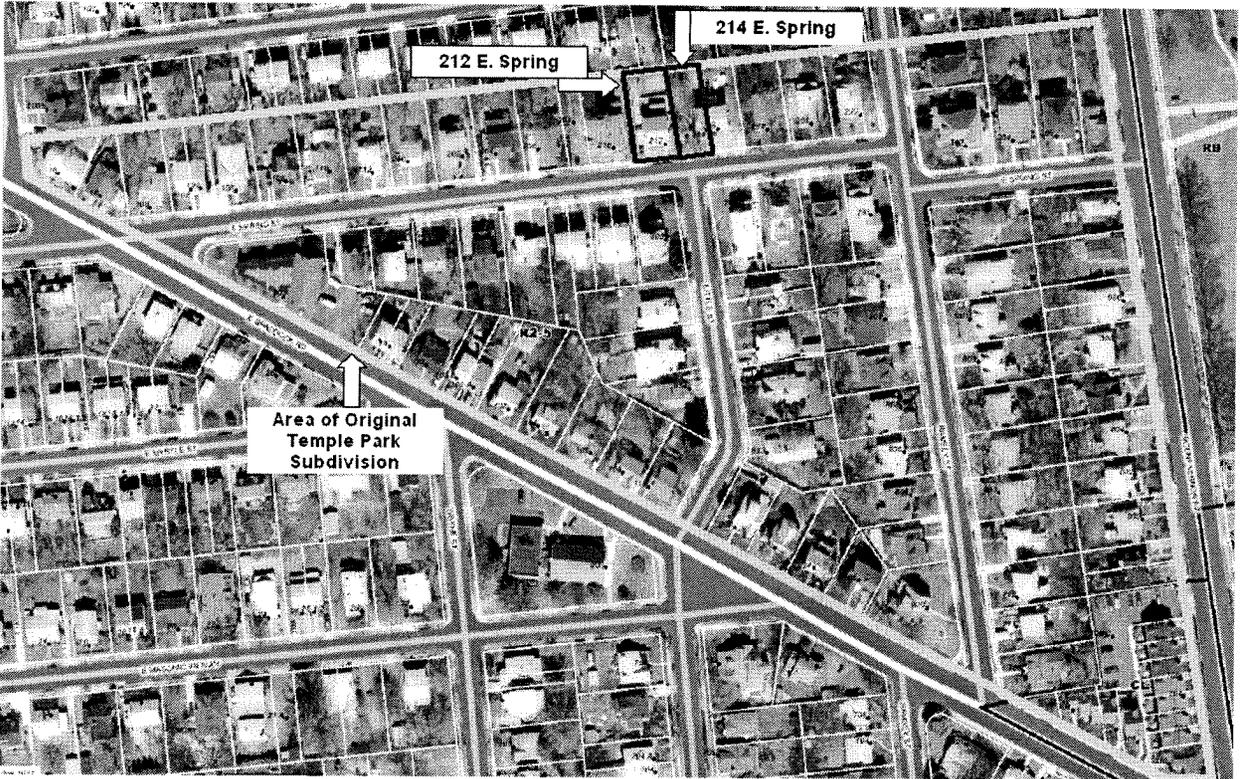
II. STAFF ANALYSIS

Staff does not object to this subdivision request. While it is less than enthusiastic about the subdivision, it has worked with the applicants and the community to find solutions and, on balance, finds this proposal to be a reasonable one.

The applicants have modified their original subdivision proposal in an effort to address staff and the community's concerns. In their first submission, they proposed to simply move the entire east property line to the east some 9.4 feet, expanding their single family lot and removing sufficient land area from the adjacent semi-detached lot to make it substandard as to lot size and frontage requirements. A variation would have been required. Staff was reluctant to support a variation in that case because the applicants' stated desire to have more open space for their children and pets did not appear to staff to rise to the substantial injustice standard required for variation applications. Furthermore, the resulting deficiency in lot width and frontage was particularly problematic because those requirements for semi-detached dwellings in the R2-5 zone were purposefully changed in the 1992 Zoning Ordinance from 25 feet to 37.5 feet. While the purpose of that change was to avoid converting additional single family lots to semi-detached, the reduction of the lot width dimension here struck a negative note for the neighborhood. Finally, the original proposal would have required shifting the driveway to the east, which raised concerns with community members about consistency with neighborhood character in terms of the existing evenly spaced driveways.

Staff and the community reviewed a series of alternatives with the applicants, given that they own both properties. For example, the applicants could simply erect a new fence at 214 East Spring that would have the effect of giving 212 East Spring more open space. Another suggestion was the potential for the creation of an easement running to the 214 East Spring Street lot, again having the effect of adding land to it. The applicants have rejected both options, explaining the potential for a future sale of the semi-detached unit. In the case of a sale, the fence would be only a temporary solution, and they believed that the easement would negatively affect the property value of 214 East Spring. The current proposal, with the irregular side property line, was suggested by members of the Del Ray Land Use Committee.

The new subdivision proposal does not require approval of a variation because both lots meet the zoning requirements. As to the subdivision regulations, Section 11-1710(I) requires side lot lines to meet the street at right angles "in general." Here the side lot line does meet the street at a right angle generally, and as a technical matter. Beyond the technicalities, however, the irregular lot line raises issues regarding consistency with neighborhood character. There are some irregularly shaped properties within the original Temple Park subdivision and the nearby neighborhood, particularly in the southern portion of the subdivision closest to East Braddock Road. While none of those lots contains the precise type of irregularity proposed here, it does demonstrate a neighborhood with less than perfectly shaped rectangular lots. Furthermore, the resulting lots are consistent with the remaining elements of "character" for subdivision purposes: lot size, suitability for residential use, street frontage, and orientation to the street.



The applicants state that there are no plans to build any new structures or additions as a result of the proposal. To ensure that the subdivision itself would not create the possibility of building alterations inconsistent with neighborhood character in the future, staff has included condition language prohibiting the applicant from using the additional land created by this subdivision at 212 East Spring toward setback, building height, or FAR requirements on the property.

In conclusion, although staff has some concern, it does not object to the subdivision request and finds that it is an improved solution to meet the applicant's stated need for additional outdoor space compared to the previous proposal. Subject to the conditions contained in Section III below, staff recommends approval of the subdivision request.

III. RECOMMENDED CONDITIONS

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

1. The final subdivision plat shall comply with the requirements of Section 11-1709 of the Zoning Ordinance. (P&Z) (T&ES)
2. The additional 664 square feet of land created on Lot 623 shall not be used for the purposes of complying with minimum yard, maximum building height, or maximum floor area ratio (FAR) requirements for any future additions or new structures on the property. (P&Z)

STAFF: Barbara Ross, Deputy Director, Department of Planning and Zoning;
Nathan Randall, Urban Planner.

Staff Note: This plat will expire 18 months from the date of approval (September 2, 2011) unless recorded sooner.

IV. CITY DEPARTMENT COMMENTS

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

Transportation & Environmental Services:

F-1 OEQ has no objections to the proposed subdivision.

R-1 The final subdivision plat shall comply with the provisions of Section 11-1709 of the City's Zoning Ordinance. (T&ES)

Code Enforcement:

F-1 No Comment

Real Estate:

F-1 No Comment

Police Department:

F-1 No Comment

Archeology:

F-1 There is low potential for significant archaeological resources to be disturbed by this project. No archaeological action is required.

APPLICATION for SUBDIVISION

SUB # 2009-0006

[must use black ink or type]

PROPERTY LOCATION: 212 and 214 E. Spring St., Alexandria, VA 22301

TAX MAP REFERENCE: #053.02-02-29 + #053.02-02-30 ZONE: R-2-5

APPLICANT'S NAME: Brett and Susan Thompson

ADDRESS: 212 E. Spring St., Alexandria, VA 22301

PROPERTY OWNER NAME: Brett and Susan Thompson

ADDRESS: 212 E. Spring St., Alexandria, VA 22301

SUBDIVISION DESCRIPTION: Property line adjustment

THE UNDERSIGNED hereby applies for a Subdivision in accordance with the provisions of Section 11-1700 of the 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 also attests that all of the information herein provided and specifically including all surveys, drawings, etc., required of the applicant are true, correct and accurate to the best of their knowledge and belief.

Brett Thompson / Susan Thompson
Print Name of Applicant or Agent

[Signature]
Signature

212 E. Spring St.
Mailing/Street Address

202-253-1480
Telephone #

202-551-9966
Fax #

email: Brett.L.Thompson@gmail.com

Alexandria, VA 22301
City and State Zip Code

10/20/09
Date

=====**DO NOT WRITE BELOW THIS LINE - OFFICE USE ONLY**=====

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

ACTION - PLANNING COMMISSION: _____

Subdivision # 2009-0006

All applicants must complete this form.

1. The applicant is the (check one):

- Owner Contract Purchaser
 Lessee Other: _____

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.

None

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.**

N/A

Subdivision # 2009-0006

2. Please describe the existing and proposed use of the property(ies). Include a description of any structures, trees and landscaping, or other elements that occupy the property(ies).

As owners of both lots, we wish to adjust the property line to allow for open space for a usable backyard for children. The proposed lots are consistent with the character of the neighborhood, consistent with pre-1992 lot rules for semi-detached and single family lots, and consistent with existing lots in the neighborhood (see attached analysis). Existing houses will continue to comply with current F.A.R., setback and open space requirements if subdivision is approved.

~~We are applying under the variation rule - please see attached narrative and justification. Revised 2/3/10~~

This 2nd amendment to our initial application for 212 and 214 E. Spring Street reflects the compromise proposed in our discussions with the Del Ray Citizens Association Land Use Committee and the City of Alexandria. This compromise is a "win-win" because it complies with all zoning requirements, reflects the character of the neighborhood and is consistent with our initial application as follows:

As owners of both lots, we wish to adjust the property line to allow for open space for a usable backyard for children. The proposed lots are consistent with the character of the neighborhood, consistent with current rules for semi-detached and single family lots, and consistent with existing lots in the neighborhood (see attached analysis). Existing houses will continue to comply with current F.A.R., frontage, width, setback and open space requirements if subdivision is approved.

Subdivision # 2009-0006

WAIVER OF RIGHT TO AUTOMATIC APPROVAL

SUBMITTED TO
THE DEPARTMENT OF PLANNING AND ZONING
CITY OF ALEXANDRIA, VIRGINIA

SUBDIVISION # _____

Project Name: 212 and 214 E. Spring St., Alexandria, VA 22301

Project Address: 212 and 214 E. Spring St., Alexandria, VA 22301

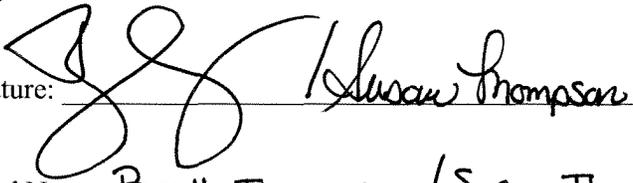
Description of Request: Adjust property line to allow for
open space to accomodate a
growing family.

The undersigned hereby waives the right to the 45 day automatic approval provision of Section 11-1708 (B)(2) of the Zoning Ordinance of the City of Alexandria, Virginia, for the application stated above.

Date: 10/20/09

Applicant

Agent

Signature:  Susan Thompson

Printed Name: Brett Thompson / Susan Thompson

* 14

SUBDIVISION #2009-0006
212 AND 214 EAST SPRING STREET

BRETT AND SUSAN THOMPSON

REQUEST AND STATEMENT OF JUSTIFICATION FOR VARIATION FROM THE STRICT ADHERANCE TO THE R-2-5 ZONE LOT FRONTAGE AND LOT WIDTH REQUIREMENTS SET FORTH IN SECTIONS 3-500 (B) AND (C) OF THE ALEXANDRIA ZONING ORDINANCE, 1992, AS AMENDED (THE "ORDINANCE") PURSUANT TO SECTION 11-1713 (E) OF THE ORDINANCE.

Brett and Susan Thompson (the "Applicants") are requesting a plat of resubdivision and boundary adjustment of the existing lot line between their single-family residence at 212 East Spring Street (City of Alexandria Tax Parcel 053.03 02 29) and an adjacent semi-detached dwelling unit they own at 214 East Spring Street (City of Alexandria Tax Parcel 053.03 02 30). Both properties are composed of lots created by the 1926 subdivision of a triangular tract of land generally bounded on the south by E. Braddock Road, the north by the lots on the north side of East Spring Street, and on the east by Mount Vernon Avenue and designated as Section Two TEMPLE PARK dedicated, platted and recorded in Deed Book 86 at page 377 among the Land Records of the City of Alexandria, Virginia (a copy of the subdivision plat is attached). As planned, all of the lots in the Temple Park Subdivision are twenty-five (25') feet wide and, on East Spring Street, one hundred (100') feet deep; the exceptions being due to the geometry of the tract of land requiring different dimensions; for instance, see lot 103 on the south side of East Spring Street. The depths of lots on other blocks vary based on the geometry of the particular block, but the twenty-five (25') foot lot width is consistent throughout the entire subdivision. The lots on the North West corner of E. Braddock Road and Mount Vernon Avenue were resubdivided into smaller townhouse lots in the 1980s.

The single-family lot at 212 East Spring Street consists of lots 22 and 23 of the original Temple Park Subdivision and the semi-detached unit at 214 East Spring Street consists of lot 24 and ½ of lot 25 of the original Temple Park Subdivision. The semi-detached lot was created by a 1948 subdivision of three original Temple Hill lots; 24, 25 and 26. When created, and until the adoption of the Ordinance, single family lots required fifty (50') feet of frontage and semi-detached units required twenty-five (25') feet of lot frontage and width. The majority of the Temple Park Subdivision was developed as an eclectic community of single-family dwellings on fifty (50') foot home sites and semi-detached dwellings on twenty-five (25') foot lots. There are anomalies to this pattern, including the semi-detached dwelling at 214 East Spring on a thirty-seven and a half (37.5') foot lot and 210 East Spring Street, a single family dwelling on three (3) original twenty five (25') foot lots.

The Applicants are requesting that the boundary between their properties be adjusted by shifting the common line east by nine (9' 6") feet six inches, increasing the lot area, lot frontage and width of the of the single-family lot and reducing the lot area, frontage and width of the semi-detached dwelling lot. The resulting lots meet or exceed the lot size, FAR, open space and setback requirements of the R-2-5 zone regulations with the exception of the current semi-detached lot frontage and width requirements. If approved, the resulting semi-detached lot would be consistent with pre 1992 lot rules and would still exceed the historic lot frontage and width of the other semi-detached dwellings in the original Temple Park Subdivision by three (3') feet.

Section 11-1713 of the Ordinance permits the Planning Commission to approve this request through the variation process to address specific circumstances where the application of the general rules creates a substantial injustice. Specifically, under 11-1713 (E), in this case where the lots that are the subject of the application were subdivided prior to 1952, and the subdivision created a scheme of development where zoning requirements for single family and semi-detached dwellings were the same as today, but for a subsequent change in regulations affecting lot frontage and width not envisioned in 1929 and 1948, makes adherence to the Ordinance a substantial injustice.

The strict adherence to the frontage and lot width requirements of the R-2-5 Zone regulations would result in a substantial injustice and unreasonable burden on the use and enjoyment of the Applicants' property - a burden that is greater than the benefit to the public if such regulations were strictly enforced. As stated, the general character of the lots in the Temple Park Subdivision are single-family and semi-detached dwelling units constructed on twenty-five (25') foot lots. The fundamental character of the Temple Park Subdivision and the surrounding subdivision of Brenton to the north are not changed by the adjustment of the lot line between the Thompsons' two properties, but it would transfer additional land to their home creating additional open and usable space for their family. In this instance, the quality of life for the Thompsons is enhanced and there is no corresponding public detriment. The resulting use of both parcels is consistent with the character of the neighborhood and the immediate area – meeting all requirements for the Planning Commission to approve a variation under 11-1713 (E).