

DOCKET ITEM #2

Special Use Permit #2009-0046

29 East Walnut Street – Substandard Lot

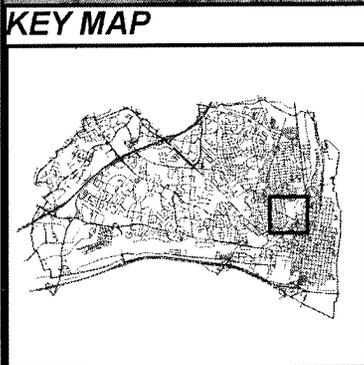
CONSENT AGENDA ITEM

If no one asks to speak about this case prior to the hearing, it will be approved without discussion as part of the Consent Agenda.

Application	General Data	
Request: Consideration of a request to construct a single-family dwelling on a substandard lot.	Planning Commission Hearing:	November 3, 2009
	City Council Hearing:	November 21, 2009
Address: 29 East Walnut Street	Zone:	R-2-5
Applicant: Mark R. Poskaitis	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: Colleen Rafferty, AICP colleen.rafferty@alexandriava.gov



SUP #2009-0046

11/05/09



I. DISCUSSION

REQUEST

The applicant, Mark Poskaitis, requests special use permit approval to develop a single family home on a substandard lot at 29 East Walnut Street. This request is actually to reapprove SUP2005-0019, which allowed precisely the same development as proposed here. The permit has expired for no action.

SITE DESCRIPTION

The subject property is one lot of record with 40 feet of frontage on East Walnut Street, 110 feet of depth and a total lot area of 4,400 square feet. The site is vacant, except for an existing shed that straddles the property line. The site has been used as an extended side yard for the adjacent residence at 31 East Walnut Street. There is an existing curb cut and driveway apron on the subject property. The surrounding area is developed with single family homes.

PROJECT DESCRIPTION

The applicant proposes to develop a single family house on what is now a vacant lot. Two parking spaces will be provided in a tandem configuration.

SUBSTANDARD LOT REGULATIONS

The subject lot was created prior to the enactment of zoning regulations for the R-2-5 zone in the City, and is smaller than the lot requirements of the R-2-5 zone. The R-2-5 regulations and the existing lot dimensions are as follows:

	R-2-5 Requirements	Existing Lot Dimensions
Lot Area:	5,000 sq. ft.	4,400 sq. ft.
Lot Width:	50 ft.	40 ft.

Pursuant to Section 12-402(A)(1) and (B) of the Zoning Ordinance, a substandard lot may be developed with a single family detached dwelling if it contains at least the lot area, and has at least the width at both the front lot line and building line, is at least 50% of the developed lots on the block face where the lot is located, and a special use permit is approved. In this case, 28 of the 30 lots in the block face contain 4,400 square feet or less of lot area and have 40 feet of frontage. The remaining two lots are corner lots and contain more than 4,400 square feet of lot area and more than 40 feet of frontage. The subject lot meets the threshold allowing it to proceed to request a special use permit.

Under Section 12-402 (C) of the Zoning Ordinance, City Council may approve a special use permit for a single family dwelling on a substandard lot if the lot meets the above threshold and if Council finds that the proposed development complies with the following:

- (1) Will not unreasonably impair an adequate supply of light and air to the adjacent property,
- (2) Will not diminish or impair established property values in the surrounding areas, and
- (3) Will be compatible with the existing neighborhood character.

BULK AND OPEN SPACE REGULATIONS

The applicant proposes to develop the property with a single family house (see attached drawings). The proposed house complies with the R-2-5 bulk and open space regulations in the following way:

	R-2-5 Required/Permitted	Proposed
Front Yard Setback:	25 ft	26ft
Side Yard Setback:	7ft	7ft
Rear Yard Setback:	7ft	35ft
FAR:	0.45	0.44
Height:	25 ft or the average height along the front of the building of the residential buildings existing on that block by more than 20 percent.	20 ft

INFILL REGULATIONS

The City recently adopted infill regulations in residentially zoned areas outside of the historic districts to ensure new homes and additions were compatible with existing neighborhoods. These regulations changed the setback requirements, building height, threshold height, and Floor Area Ratio (FAR) requirements as applied to this case.

The application complies with the infill regulations with regard to building height, threshold height, and FAR. The proposed building height of approximately 20 feet is within the average height of the existing residential buildings on the block and under the 25-foot stipulation. The overall FAR restriction of 0.45 has not changed, however the methods for calculating exclusions have, which has impacted the proposal; the applicant complies with FAR under the new calculation methods.

On the other hand, the new house that was approved several years ago does not comply with the required new setback line, which is to be the average setback of the existing houses on the blockface, or 16 feet back from the front property line. In this case, the proposed front yard setback is greater than that of the rest of the block, interrupting the continuous street wall that exists. Based on staff's review of the existing homes on the block, the average prevailing setback is approximately 16 feet. The two homes on either side of the subject property are positioned approximately 20 feet from the street.

PARKING

According to Section 8-200 (A)(1) of the Zoning Ordinance, a single family residential dwelling requires two parking spaces. In this case, the applicant is proposing two surface parking spaces, and proposes that they be tandem. There is an existing curbcut on the property, which will be used to access the proposed driveway and the two tandem parking spaces.

ZONING/MASTER PLAN

The property is located in the R-2-5/Single and two-family zone. The proposed use is consistent with the Potomac West Small Area Plan chapter of the Master Plan which designates the property for residential use.

II. STAFF ANALYSIS

In this case, there are two sets of rules impacting the proposal: the substandard lot requirements and the infill regulations. Staff supports the proposed development of this substandard lot, finding the proposal reasonable and compatible with the houses around it. The size of the property and its frontage are consistent with 28 of the 30 lots on the blockface that are currently occupied by single family houses. The orientation of the building does not unreasonably impair an adequate supply of light and air to the adjacent properties. The design of the house, including the front porch, is compatible with the existing character of the neighborhood.

As to the infill requirements, staff has worked with the applicant to find a solution to the front yard setback issue. To comply with the average prevailing setback on the blockface, the house should be located 10 feet forward of its proposed location. However, if the house is moved to that location, one of the two tandem parking spaces will be lost. Parking is only permitted on the south side of the street on this block of East Walnut, and some homes on the block only have one on-site space. Staff sought a solution to maintain the two space parking proposal in order to assist with the parking on the block.

Under the substandard lot rules, modifications to zoning may be made where required to make the house fit in its location. Section 12-404. Here, staff recommends the front porch depth be increased by four feet and the building is relocated two feet closer to East Walnut Street. The total shift will be six feet and the front setback line will be at 20 feet, a modification of four feet. This solution aligns the proposed house with the two adjacent houses, reduces the required setback under infill by four feet, preserves two parking spaces, and keeps the neighborhood character intact.

In addition to the recommendation regarding the front yard setback, staff recommends that the driveway be constructed of permeable material. Also, because of the importance of the front porch in making the house consistent with existing homes in the area, staff recommends that the front porch remain open.

Finally, staff has not included the SUP Streetscape Improvement Fund condition for street trees and trash cans in this case because this case is more like a development case than the typical SUP case, which involves a business. The City does not require trash infrastructure on residential streets; as to street trees, staff typically adds conditions requiring landscaping and trees where appropriate.

With these conditions, staff recommends **approval** of this special use permit.

III. RECOMMENDED CONDITIONS

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 only or to any corporation in which the applicant has a controlling interest. (P&Z)
2. The applicant shall provide tandem parking for two vehicles for the house. (P&Z)
3. The driveway and walk surfaces shall have minimal paving and be constructed of mostly permeable elements. (P&Z)
4. The porch shall remain an open porch. Screens, windows, walls, or any other type of enclosure material on the porch shall be prohibited. (P&Z)
5. The size and design of the house shall be consistent with the attached drawings, except that the front porch depth shall be increased by four feet and the building shall be located approximately two feet closer to East Walnut Street to the satisfaction of the Director of Planning and Zoning. Two parking spaces shall be provided. (P&Z)
6. The applicant shall provide a survey conducted by a licensed surveyor or professional engineer to verify the average prevailing setback on the blockface. (P&Z)
7. The applicant shall coordinate all civil and architectural drawings to reflect any changes. (P&Z)
8. A plot plan showing all improvements and alterations to the site must be approved by T&ES and P&Z prior to issuance of a building permit. (T&ES, P&Z)
9. Applicant shall be responsible for repairs to the adjacent City right-of-way if damaged during construction activity. (T&ES)
10. An erosion and sediment control plan must be approved by T&ES prior to any land disturbing activity greater than 2,500 square feet. (T&ES)

11. If construction of the residential unit(s) result in land disturbing activity in excess of 2,500 square feet. The applicant is required to comply with the provisions of Article XIII of the City's Zoning Ordinance for stormwater quality control. (T&ES)
12. City Code Section 8-1-22 requires that roof, surface and sub-surface drains be connected to the public storm sewer system. Where storm sewer is not available applicant must provide a design to mitigate impact of stormwater drainage onto adjacent properties and to the satisfaction of the Director of Transportation & Environmental Services. (T&ES)
13. Address should be clearly marked in the front and back for emergency response purposes. (Police)
14. Prior to the issuance of building permits for the house, the applicant shall remove or relocate the existing shed from the property, in compliance with Code requirements and to the satisfaction of the Director of Planning and Zoning. (P&Z)

STAFF: Barbara Ross, Deputy Director, Department of Planning and Zoning;
Colleen Rafferty, AICP, Urban Planner.

Staff Note: 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.

IV. CITY DEPARTMENT COMMENTS

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

PLANNING & ZONING:

- C-1 The proposed redevelopment of the lots must comply with the following rules of the Residential Infill Ordinance No. 4558.
- Submit prevailing setbacks of residential block face of front building façade. The “average” is considered the new required setback for proposed house.
 - Submit front door threshold height of residential block face. First floor threshold height shall not exceed the threshold height of existing buildings along the block face by more than 20 percent.
 - Height of building cannot exceed 20 percent above average height of block face or 25 feet, whichever is the greater.
- A Special Use Permit may be required if proposed dwelling/addition does not meet requirements.
- C-2 Submit Floor Area Ratio Calculation sheet with next plot plan submission. FAR calculations shall be approved prior to release of plot plan and included with all construction drawings submitted for building permit. Covered porches are counted in allowable floor area. Deductions from floor area may only include basements (less than 4.00’ above grade), mechanical rooms, elevators and stairways per section 2-145 of the zoning ordinance.
- C-3 Submit height of dwelling/addition at the eave and ridge lines and dimensions on all construction drawings submitted for building permits.
- C-4 Indicate all fence heights on plot plan and on all construction drawings submitted for building permits.
- C-5 Indicate location of all HVAC equipment in compliance with applicable setbacks on plot plan and all construction drawings submitted for building permits.
- C-6 Indicate any off-street parking. If providing off-street parking and there is no curb cut, applicant must apply for a curb cut with the Department of Transportation and Environmental Services prior to the release of the grading plan and should be shown on next submission. Percentage of paved area in the required (front, side or rear) yard cannot exceed more than 50% of a required yard.
- C-7 Per section 7-2307, any construction that requires a grading plan, the applicant must provide minimum of 25 percent canopy cover from existing or planted trees.

- C-8 Zoning will require a survey plat confirming building footprint, setbacks, and building height compliance from average existing grade from a licensed surveyor prior to the release of a certificate of occupancy.
- C-9 Zoning will require a certification of Floor Area calculation from a licensed architect or engineer after construction and prior to release of certificate of occupancy.

TRANSPORTATION & ENVIRONMENTAL SERVICES:

- R-1 The applicant shall contribute \$500 to the SUP Streetscape Improvement Fund for street trees and trash cans. Monetary contribution shall be submitted to the Department of Transportation & Environmental Services, Room 4130, 301 King Street prior to the issuance of the Special Use Permit Certificate. Reference SUP number and condition number on all correspondence. (T&ES, RP&CA)
- R-2 A GRADING PLAN showing all improvements and alterations to the site must be approved by T&ES prior to issuance of a building permit. (T&ES)
- R-3 Applicant shall be responsible for repairs to the adjacent city right-of-way if damaged during construction activity. (T&ES)
- R-4 An erosion and sediment control plan must be approved by T&ES prior to any land disturbing activity greater than 2500 square feet. (T&ES)
- R-5 If construction of the residential unit(s) result in land disturbing activity in excess of 2500 square feet. The applicant is required to comply with the provisions of Article XIII of the City's Zoning Ordinance for stormwater quality control. (T&ES)
- R-6 City Code Section 8-1-22 requires that roof, surface and sub-surface drains be connected to the public storm sewer system. Where storm sewer is not available applicant must provide a design to mitigate impact of stormwater drainage onto adjacent properties and to the satisfaction of the Director of Transportation & Environmental Services. (T&ES)
- C-1 The applicant shall comply with the City of Alexandria's Solid Waste Control, Title 5, Chapter 1, which sets forth the requirements for the recycling of materials (Sec. 5-1-99).
- C-2 The applicant shall comply with the City of Alexandria's Noise Control Code, Title 11, Chapter 5, which sets the maximum permissible noise level as measured at the property line.
- C-3 Roof, surface and sub-surface drains be connected to the public storm sewer system, if available, by continuous underground pipe. Where storm sewer is not available applicant

must provide a design to mitigate impact of stormwater drainage onto adjacent properties and to the satisfaction of the Director of Transportation & Environmental Services. (Sec.8-1-22)

- C-4 All secondary utilities serving this site shall be placed underground. (Sec. 5-3-3)
- C-5 Pay sanitary sewer tap fee prior to release of Grading Plan. (Sec. 5-6-25)
- C-6 Any work within the right-of-way requires a separate permit from T&ES. (Sec. 5-3-61)

CODE ENFORCEMENT:

- C-1 All exterior walls within 5 feet from an interior property line shall have a fire resistance rating of 1 hour, from both sides of the wall. As alternative, a 2 hour fire wall may be provided. This condition is also applicable to skylights within setback distance. Openings in exterior walls between 3 and 5 feet shall not exceed 25% of the area of the entire wall surface (This shall include bay windows). Openings shall not be permitted in exterior walls within 3 feet of an interior lot line.
- C-2 Prior to the issuance of a demolition permit or land disturbance permit, a rodent abatement plan shall be submitted to Code Enforcement that will outline the steps that will taken to prevent the spread of rodents from the construction site to the surrounding community and sewers.
- C-3 Roof drainage systems must be installed so as neither to impact upon, nor cause erosion/damage to adjacent property.
- C-4 A soils report must be submitted with the building permit application.
- C-5 New construction must comply with the 2006 edition of the Uniform Statewide Building Code (USBC).
- C-6 Construction permits are required for this project. Plans shall accompany the permit application that fully details the construction as well as layouts and schematics of the mechanical, electrical, and plumbing systems.
- C-7 Permission from adjacent property owners is required if access to the adjacent properties is required to complete the proposed construction. Otherwise, a plan shall be submitted to demonstrate the construction techniques utilized to keep construction solely on the referenced property.

- C-8 A wall location plat prepared by a land surveyor is required to be submitted to this office prior to requesting any framing inspection.

POLICE DEPARTMENT:

- R-1 The applicant is to contact the Community Relations Unit of the Alexandria Police Department at 703-838-4520 regarding a security assessment for any construction trailer(s) as soon as they are in place.

- F-1 The Police Department has no objections.

PARKS AND RECREATION:

- R-1 The applicant shall contribute \$500 to the SUP Streetscape Improvement Fund for street trees and trash cans. Monetary contribution to be submitted to the Department of Transportation & Environmental Services, Room 4130, 301 King Street prior to the issuance of the Special Use Permit Certificate. Reference SUP number and condition number on all correspondence. (TES, RP&CA)

- F-1 The applicant has removed two trees that were designated to be preserved in the previous SUP application, SUP2005-00019, Condition #3.

- C-1 Property owner shall control weeds along public sidewalks, curb lines and within tree wells which are within 12 feet of the owner's front property line. (City Ord. No. 2698, 6/12/82, Sec. 2; Ord. No. 2878, 11/12/83, Sec. 1)



APPLICATION
SPECIAL USE PERMIT

Existing Special Use Permit # 2005-001

SPECIAL USE PERMIT # 2009-0044

PROPERTY LOCATION: 29 East Walnut Street, Alexandria, VA 22301

TAX MAP REFERENCE: 54.04 09 16 **ZONE:** B-2-5

APPLICANT:

Name: Mark B. Poskaitis

Address: P.O. Box 7469, Alexandria VA 22307

PROPOSED USE: Special Use Permit to construct a single family dwelling on a substandard

lot pursuant to Section 12-400 of the Alexandria Zoning Ordinance, 1992, as amended (the "Ordinance")

THE UNDERSIGNED, hereby applies for a Special Use Permit in accordance with the provisions of Article XI, Section 4-11-500 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 staff and Commission Members to visit, inspect, and photograph the building premises, land etc., connected with the application.

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 IV, Section 4-1404(D)(7) 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 Director of Planning and Zoning 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.

Mark B. Poskaitis
 Print Name of Applicant or Agent

[Signature] 7/20/09
 Signature Date

P.O. Box 7469, Alexandria VA 22307
 Mailing/Street Address

703-930-2519 703-299-9959
 Telephone # Fax #

Alexandria VA 22307
 City and State Zip Code

mark@gempro.com
 Email address

ACTION-PLANNING COMMISSION: _____	DATE: _____
ACTION-CITY COUNCIL: _____	DATE: _____

PROPERTY OWNER'S AUTHORIZATION

As the property owner of 29 East Walnut Street, Alexandria VA 22301 I hereby
(Property Address)
grant the applicant authorization to apply for the renewal of SUP use as
(use)
described in this application.

Name: Mark B. Poskaitis
Please Print

Phone 703-930-2519

Address: P.O. Box 7469, Alexandria, VA 22307

Email: mark@gcmpro.com

Signature: 

Date: 7/20/09

1. Floor Plan and Plot Plan. As a part of this application, the applicant is required to submit a floor plan and plot or site plan with the parking layout of the proposed use. The SUP application checklist lists the requirements of the floor and site plans. The Planning Director may waive requirements for plan submission upon receipt of a written request which adequately justifies a waiver.

Required floor plan and plot/site plan attached.

Requesting a waiver. See attached written request.

2. The applicant is the (check one):

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 or owner, unless the entity is a corporation or partnership, in which case identify each owner of more than ten percent.

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.

Mark R. Poskaitis purchased the property for his personal residence. Mark Poskaitis' address is P. O. Box 7469, Alexandria, Virginia 22307.

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)

SEE ATTACHED.

NARRATIVE DESCRIPTION:

The Applicant, Mark R. Poskaitis, is the owner of 29 East Walnut Street, an unimproved lot on the south side of the unit block of East Walnut Street in Section Four (4) of the Rosemont Subdivision ("Property").

The Property is defined as a substandard lot under the provisions of §12-400 of the Ordinance by virtue of its noncompliance with the lot width and lot area requirements of the R-2-5/Single Family and Two Family zone regulations. Pursuant to §3-500 of the Ordinance, the required lot width at the front building line is forty (40) feet. The lot width of the Property at the front of the building line is fifty (50) feet. The required lot area for lots in the R-2-5 zone regulations is five thousand (5,000) square feet. The Property contains four thousand four hundred (4,400) square feet of land. The lot was created by subdivision in 1913. The Property is identical in size and shape as all lots on the Blockface as defined in the Ordinance and in Section Four (4) of the Rosemont Subdivision. When created, the lot complied with the then applicable zone regulations.

We are applying for a renewal of our approved SUP, with only three changes as follows:

1. Removal of the 14" tree in the front right corner of the property next to 29 E. Walnut driveway. The sap and falling debris from the tree have destroyed the paint coats on vehicles.
2. The 24" tree located on the front right corner of 31 E. Walnut has been removed for an approved curb cut for off-street parking for 31 E. Walnut Street property. This tree was located on the property of 31 E. Walnut Street.
3. Mark Poskaitis is now the property owner, not the purchaser.

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

It is not anticipated that offensive odors will emanate from the use of the Property as a single family residence.

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?

The type and volume of trash and garbage will be that generally associated with a single family residence.

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

The type and volume of trash and garbage will be that generally associated with a single family residence.

C. How often will trash be collected?

Weekly City pick-up of trash and recyclables.

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

Not Applicable.

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:

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

Not Applicable.

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?

Two (2) parking spaces.

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

 2 Standard spaces - Tandem spaces

 Compact spaces

 Handicapped accessible spaces.

 Other.

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

The parking spaces will be accessed off East Walnut Street by using the existing curbcut on the Property.

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

Not Applicable.

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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? **NONE**

B. How many loading spaces are available for the use? **None.**

C. Where are off-street loading facilities located? **Not Applicable.**

D. During what hours of the day do you expect loading/unloading operations to occur?
Not Applicable.

E. How frequently are loading/unloading operations expected to occur, per day or per week, as appropriate?
Not Applicable.

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?

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? N/A square feet.

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

_____ sq. ft. (existing) + 1938 net sq. ft. = 1938 net sq. ft. (total)

See attached Floor Area and Open Space Computation Sheet.

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: _____

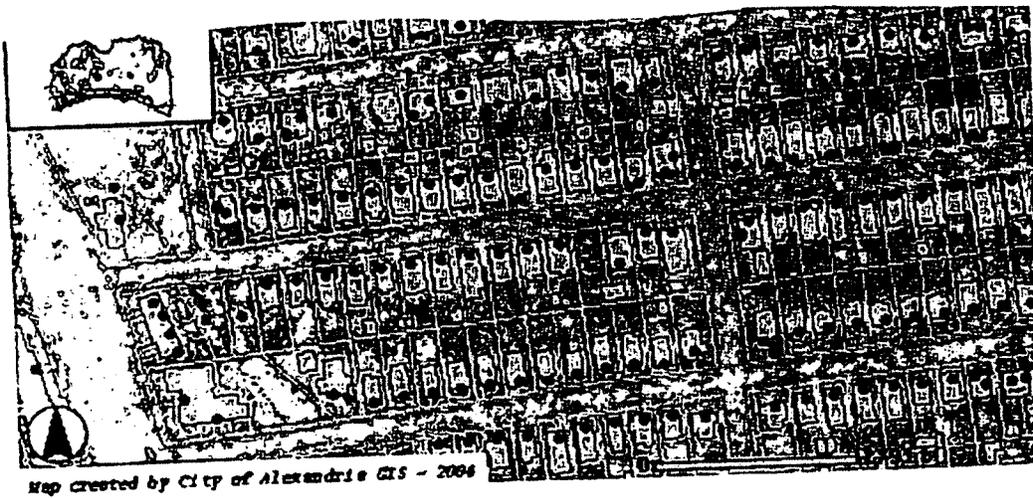
other, please describe: _____

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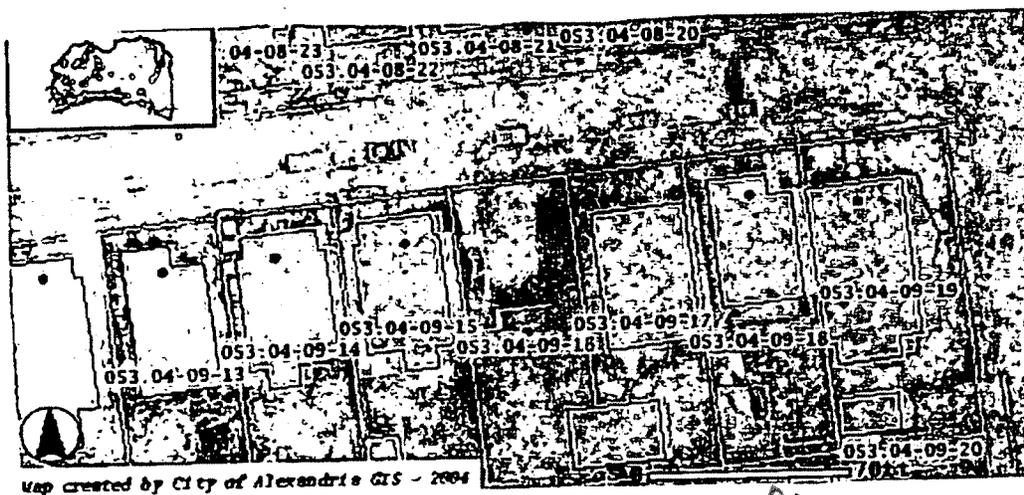
AREA MAP



AERIAL PHOTOGRAPH OF BLOCKFACE



AERIAL PHOTOGRAPH OF 29 EAST WALNUT STREET



1/10/2005



Correct

DEPARTMENT OF PLANNING AND ZONING FLOOR AREA RATIO AND OPEN SPACE CALCULATIONS FOR SINGLE AND TWO-FAMILY RESIDENTIAL OUTSIDE HISTORIC DISTRICTS

A. Property Information

A1. Street Address 29 E. WALNUT Zone R-2-5
 A2. 4,400 x .45 = 1,980
Total Lot Area Floor Area Ratio Allowed by Zone Maximum Allowable Floor Area

B. Existing Gross Floor Area

Existing Gross Area *		Allowable Exclusions	
Basement		Basement**	
First Floor		Stairways**	
Second Floor		Mechanical**	
Third Floor		Porch/ Garage**	5
Porches/ Other		Attic less than 5**	
Total Gross *		Total Exclusions	

B1. Existing Gross Floor Area *
 _____ Sq. Ft.
 B2. Allowable Floor Exclusions**
 _____ Sq. Ft.
 B3. Existing Floor Area minus
 Exclusions _____ Sq. Ft.
 (subtract B2 from B1)

C. Proposed Gross Floor Area (does not include existing area)

Proposed Gross Area*		Allowable Exclusions	
Basement	1,401	Basement**	1,401
First Floor	992	Stairways**	197
Second Floor	1,079	Mechanical**	96
Third Floor		Porch/ Garage**	220
Porches/ Other	408	Attic less than 5**	—
Total Gross *	3,880	Total Exclusions	1,914

C1. Proposed Gross Floor Area *
3,880 Sq. Ft.
 C2. Allowable Floor Exclusions**
1,914 Sq. Ft.
 C3. Proposed Floor Area minus
 Exclusions 1,966 Sq. Ft.
 (subtract C2 from C1)

D. Existing + Proposed Floor Area

D1. Total Floor Area (add B3 and C3) 1,966 Sq. Ft.
 D2. Total Floor Area Allowed by Zone (A2) 1,980 Sq. Ft.

*Gross floor area for residential single and two-family dwellings in the R-20, R-12, R-8, R-5, R-2-5, RB and RA zones (not including properties located within a Historic District) is the sum of all areas under roof on a lot, measured from exterior walls.

**Refer to the zoning ordinance (Section 2-145(A)) and consult with zoning staff for information regarding allowable exclusions.

If taking exclusions other than basements, floor plans with excluded areas illustrated must be submitted for review. Sections may also be required for some exclusions.

F. Open Space Calculations Required in RA & RB zones

Existing Open Space	
Required Open Space	
Proposed Open Space	

The undersigned hereby certifies and attests that, to the best of his/her knowledge, the above computations are true and correct.

Signature: [Signature] Date: 10.23.09

29 E. Walnut, Substandard Lot Calculations

PROPERTY	LOT AREA	FRONTAGE	LOT WIDTH @ FRONT BLD LINE	IS SUBJECT LOT AT LEAST AS LARGE?
R-2-5 ZONING REQUIREMENTS	5000	40	50	-
SUBJECT (29 E. WALNUT)	4400	40	40	-
7 WALNUT	4400	40	40	Y
9	4400	40	40	Y
11	4400	40	40	Y
13	4400	40	40	Y
15	4400	40	40	Y
17	4400	40	40	Y
19	4400	40	40	Y
21	4400	40	40	Y
23	4400	40	40	Y
25	4400	40	40	Y
27	4400	40	40	Y
31	4400	40	40	Y
33	4400	40	40	Y
35 (CORNER)	5500	50	50	N
34 (CORNER)	5000	50	50	N
32	4000	40	40	Y
30	4000	40	40	Y
28	4000	40	40	Y
26	4000	40	40	Y
24	4000	40	40	Y
20	4000	40	40	Y
18	4000	40	40	Y
16	4000	40	40	Y
14	4000	40	40	Y
12	4000	40	40	Y
10	4000	40	40	Y
8	4000	40	40	Y
6	4000	40	40	Y
4	4000	40	40	Y

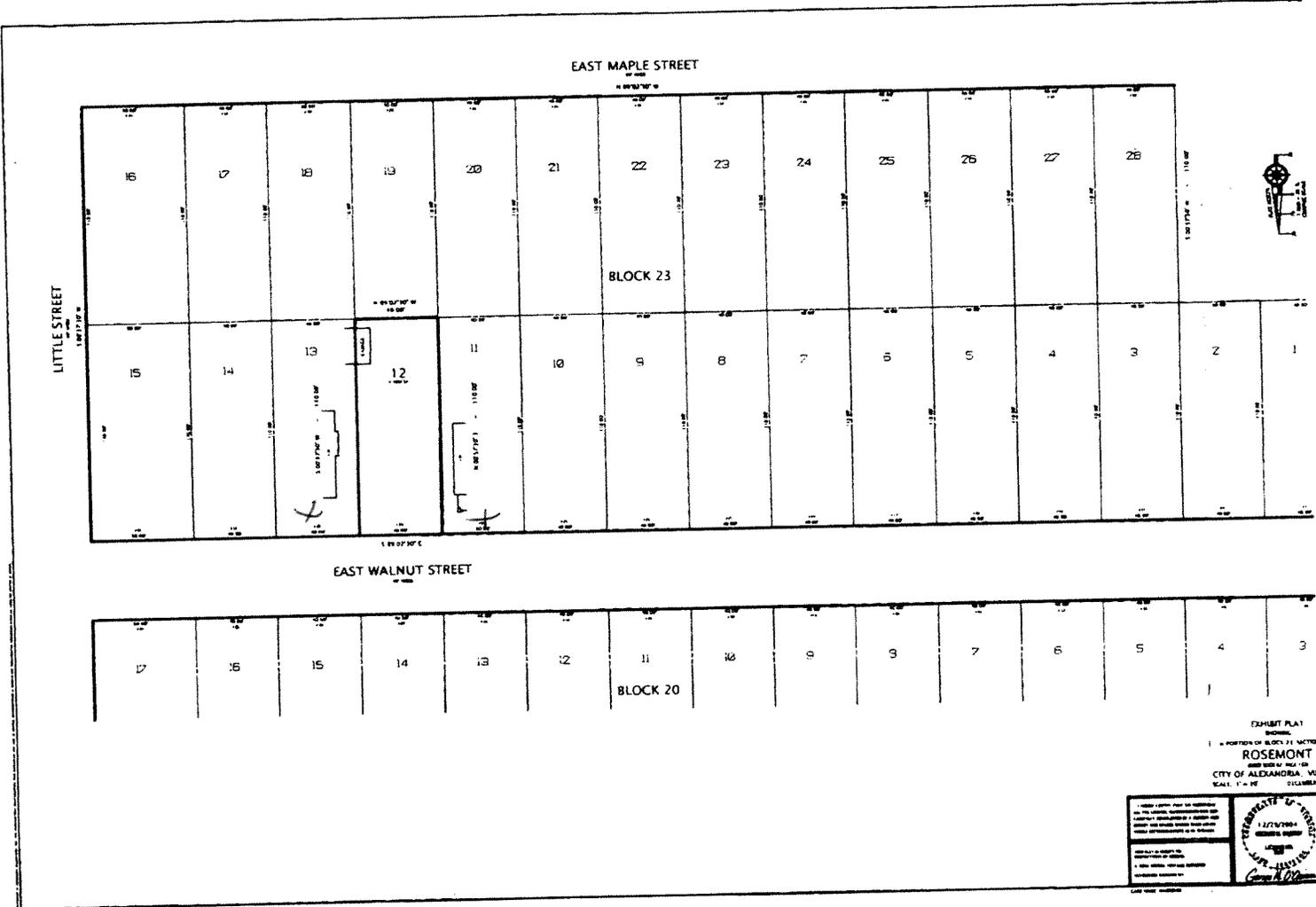
29 E. Walnut, Substandard Lot Calculations

Section 12-402 (A) (1)

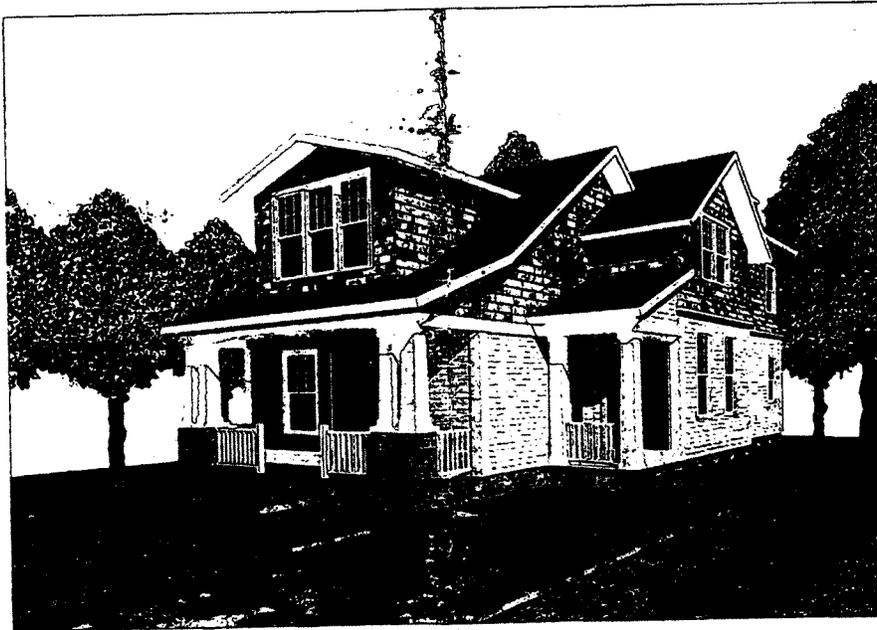
The substandard lot contains at least the lot area, and has at least the lot width at both the front lot line and front building line as exhibited by more than 50 percent of the developed lots on the [block face] in which the substandard lot is located.

YES (93%)

NO



POSKAITIS RESIDENCE



SUP #2005-0019
29 E. WALNUT ST.
SINGLE FAMILY
RESIDENCES OF A SUB. LOT

**PRELIMINARY
PLAN**

RECEIVED
FEB 28 2005
PLANNING & ZONING



**JAMES L. BOYCE
AND ASSOCIATES
ARCHITECTS PC**

124 NORTH WEST STREET
ANNAPOLIS, MARYLAND 21401
(410) 293-7844
FAX (410) 293-7847

POSKAITIS BUNGALOW
29 EAST WALNUT STREET
ANNAPOLIS, MD

COVER SHEET

DATE: 04/01/05
BY: JLB
SCALE: 1/8"=1'-0"

AS NOTED

205
C

NOT TO SCALE. THIS IS A PRELIMINARY PLAN. IT IS SUBJECT TO CHANGE WITHOUT NOTICE. THE ARCHITECT ASSUMES NO LIABILITY FOR THE ACCURACY OF THE INFORMATION PROVIDED HEREON. THE ARCHITECT'S SERVICES ARE LIMITED TO THE DESIGN OF THE BUILDING AND THE PREPARATION OF THE ARCHITECTURAL DRAWINGS. THE ARCHITECT DOES NOT PROVIDE ENGINEERING, MECHANICAL, ELECTRICAL, OR PLUMBING SERVICES. THE ARCHITECT'S LIABILITY IS LIMITED TO THE ARCHITECT'S NEGLIGENCE.



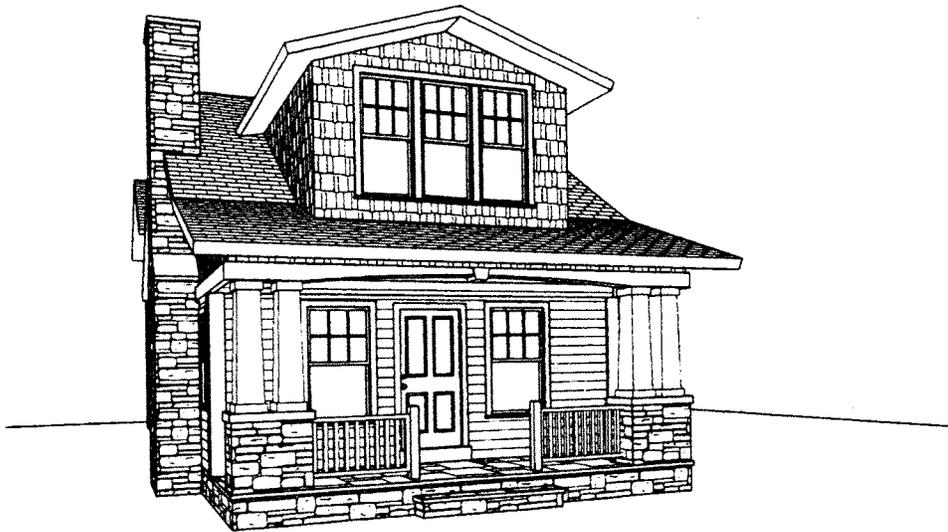
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POSKAITIS RESIDENCE
 2009-0046

PERSPECTIVE VIEW

1



JOHN A. BROWN & ASSOCIATES ARCHITECTS INC. 1000 WEST 10TH AVENUE SUITE 200 DENVER, CO 80202
 JOHN A. BROWN & ASSOCIATES ARCHITECTS INC. 1000 WEST 10TH AVENUE SUITE 200 DENVER, CO 80202
 JOHN A. BROWN & ASSOCIATES ARCHITECTS INC. 1000 WEST 10TH AVENUE SUITE 200 DENVER, CO 80202

JOHN A. BROWN & ASSOCIATES ARCHITECTS INC.
 ARCHITECTS

JOHN A. BROWN & ASSOCIATES ARCHITECTS INC.
 1000 WEST 10TH AVENUE SUITE 200
 DENVER, CO 80202
 TEL (303) 555-1000

POSKALITIS RESIDENCE
 1000 WEST 10TH AVENUE SUITE 200 DENVER, CO 80202

PERSPECTIVE VIEW

DATE	DRAWN BY
0-01	JAB
2/22/09	JAB
SCALE	SCALE
AS NOTED	AS NOTED
SHEET NO.	SHEET NO.
2	2

Sup 2009-0046



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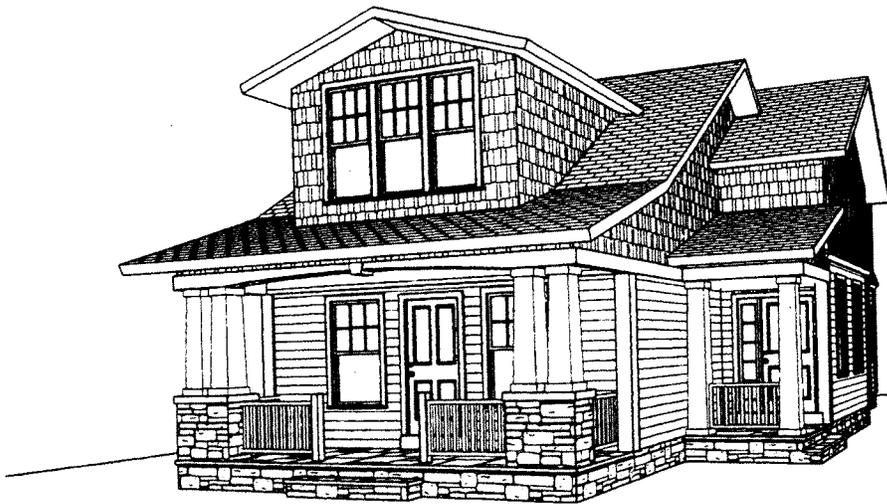

**JAMES L. BROWN
AND ASSOCIATES
ARCHITECTS, INC.**
 1000 WEST 10TH STREET
 SUITE 200
 DENVER, CO 80202
 TEL: 303.733.1100
 FAX: 303.733.1101

POSKAITIS RESIDENCE
 1000 WEST 10TH STREET, DENVER, CO

PERSPECTIVE VIEW

PROJECT NUMBER	0481
DATE	2/22/08
SCALE	AS NOTED
SHEET NUMBER	3

29



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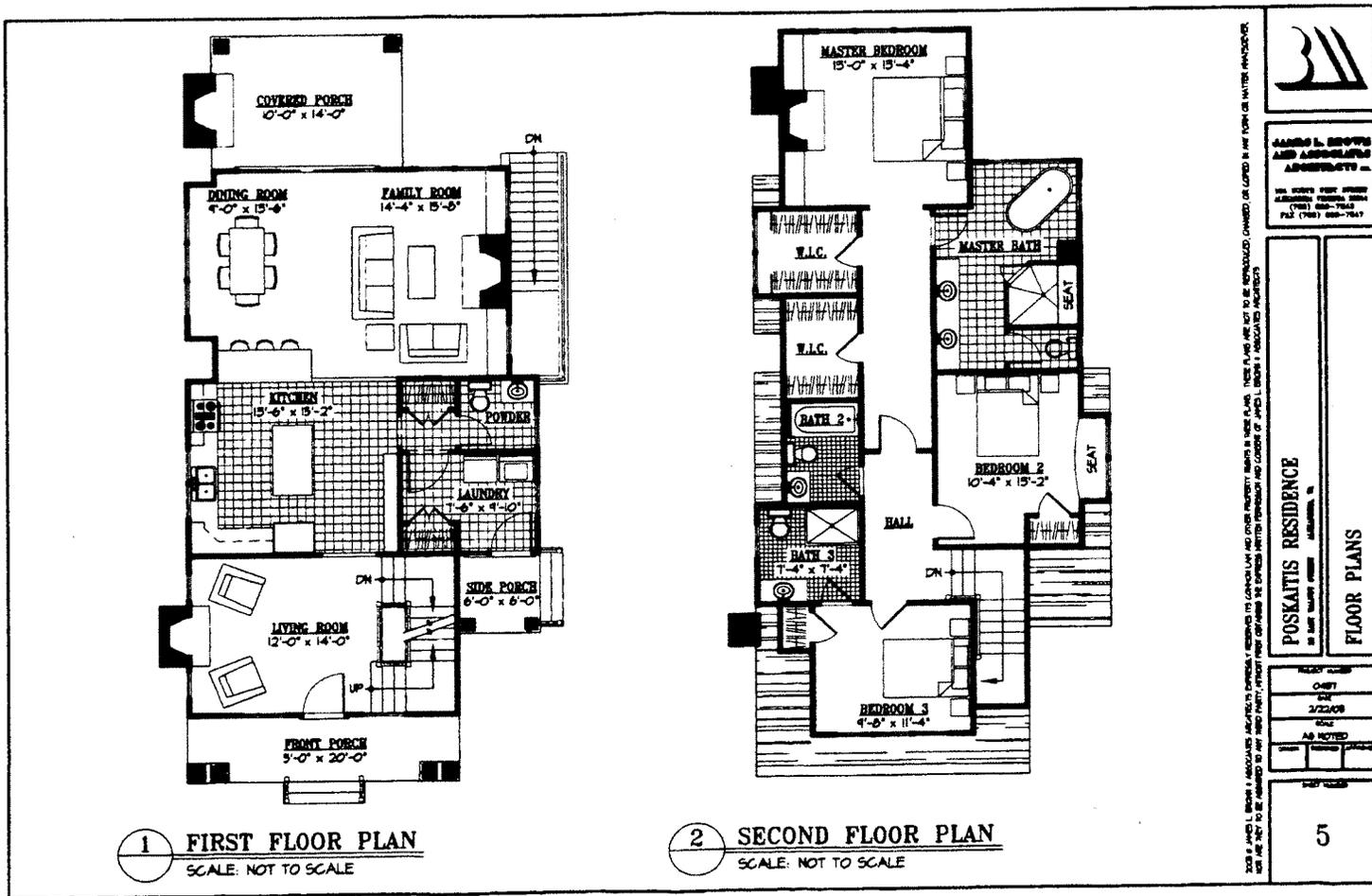


**JAMES L. BRONKHORST
AND ASSOCIATES, INC.**
ARCHITECTS
1000 N. 10TH ST., SUITE 200
MILWAUKEE, WI 53233
TEL: 778.888.7888
WWW.JLBASOCIATES.COM

POSKATIS RESIDENCE
3000 N. 10TH ST., SUITE 200
MILWAUKEE, WI 53233
PERSPECTIVE VIEW

DATE	04/07
BY	JLB
DATE	2/22/08
BY	JLB
DATE	AS NOTED
BY	JLB

SUP 2009-0046



311

JAMES L. BROWN AND ASSOCIATES ARCHITECTS P.C.
200 SOUTH WEST STREET
LAURENS, SOUTH CAROLINA 29550
(703) 888-7888
FAX (703) 888-7887

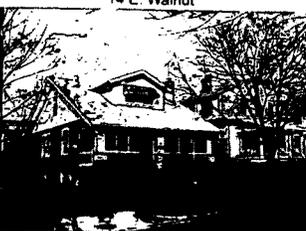
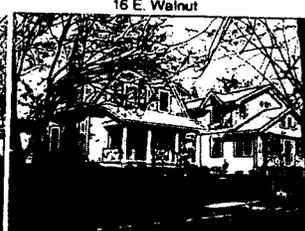
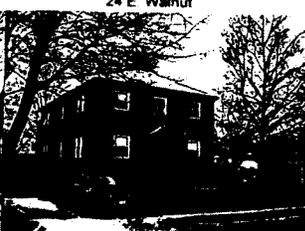
POSKAITIS RESIDENCE
1000 W. BROAD STREET
JACKSONVILLE, FL

FLOOR PLANS

DATE	08/07
BY	JLB/MB
SCALE	AS NOTED
NO.	5

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31

			
10 E Walnut	12 E Walnut	14 E Walnut	16 E Walnut
			
18 E Walnut	20 E Walnut	22 E Walnut	24 E Walnut
			
26 E Walnut	28 E Walnut	32 E Walnut	34 E Walnut



**JAMES L. BOYD
AND ASSOCIATES
ARCHITECTS, INC.**
100 NORTH HIGH STREET
ANNAPOLIS, MARYLAND 21401
TEL: (410) 293-7800
FAX: (410) 293-7847

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POSKAITIS RESIDENCE
10 EAST WALNUT STREET
ANNAPOLIS, MD

EAST WALNUT STREET NORTH SIDE

DATE: 0-4-07
BY: JLB
2/22/08
AS NOTED

6

			
7 E. Walnut	33 E. Walnut	31 E. Walnut	Lot for 29 E. Walnut
			
27 E. Walnut	27 E. Walnut	25 E. Walnut	23 E. Walnut
			
21 E. Walnut	19 E. Walnut	15 & 17 E. Walnut	13 E. Walnut



JAMES L. BROWN AND ASSOCIATES ARCHITECTS P.C.
 100 BRIDGE STREET
 WASHINGTON, DC 20002
 FAX (703) 888-7837

POSKAITIS RESIDENCE
 IN EAST WALNUT STREET
 WASHINGTON, DC

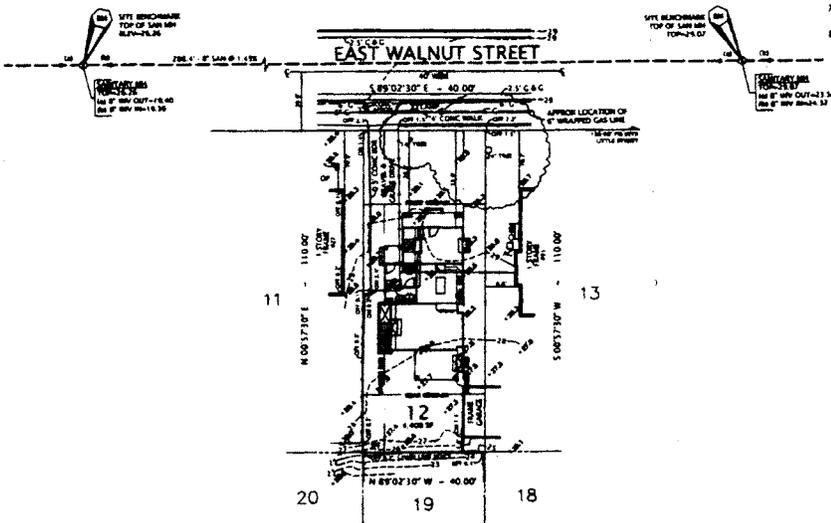
EAST WALNUT STREET SOUTH SIDE

DATE: 3/22/09
 BY: [Signature]
 AS NOTED

SHEET NUMBER
 7

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S4P 2009-0046



NOTES:

1. THE PROPERTY DELINEATED HEREON IS SHOWN ON TAX MAP # 053.04-09-16 AND IS ZONED R-2-5
2. OWNER JOHN CHESTER WARRENER
516 KINGS HIGHWAY
LEWES, DELAWARE 19958-1458
3. NO TITLE REPORT FURNISHED.
4. THIS PROPERTY IS SUBJECT TO RESTRICTIONS OF RECORD.
5. ELEVATIONS ARE BASED ON CITY DATUM.
6. THIS PROPERTY IS NOT LOCATED WITHIN A RESOURCE PROTECTION AREA.
7. FENCES ARE FRAME PICKET UNLESS OTHERWISE NOTED.
8. TOTAL AREA - 4,400 SQUARE FEET.

**THIS PLAN FOR REFERENCE
ONLY, REFER TO FULL
SIZE SHEET**

TOPOGRAPHIC SURVEY
ON
LOT 12, BLOCK 23, SECTION NO. 4
ROSEMONT
(DEED BOOK 67, PAGE 152)
CITY OF ALEXANDRIA, VIRGINIA
SCALE: 1" = 20' DECEMBER 29, 2004
FEBRUARY 18, 2005 (ADDED HOUSE FOOT PRINT)

	<p>DOMINION Surveyors Inc. •</p> <p>8808-N PEAR TREE VILLAGE COURT ALEXANDRIA, VIRGINIA 22309 703-619-6555 FAX 703-799-6412</p>
SHEET 1 OF 1	441201603 325-04

34

Locker Item #2
Sup 2009-0046



Colleen Rafferty/Alex
11/04/2009 09:16 AM

To Kendra Jacobs/Alex@Alex
cc Barbara Ross/Alex@ALEX
bcc
Subject Fw: SUP2009-0046 29 East Walnut Street

-----Forwarded by Colleen Rafferty/Alex on 11/04/2009 09:15AM -----

To: "Mark Poskaitis" <mark@gcmpro.com>, curlycoat1@verizon.com, Mark Shiner <mark.shiner@yahoo.com>
From: Colleen Rafferty/Alex
Date: 10/29/2009 04:36PM
cc: Barbara Ross/Alex@ALEX, Peter Leiberg/Alex@Alex, Dirk Geratz/Alex@ALEX
Subject: SUP2009-0046 29 East Walnut Street

Dear Mr. Poskaitis, Mr. Williamson, and Mr. Shiner:

Several of you have asked whether the lot at 29 East Walnut Street is suitable for processing as a substandard lot in that Mr. Poskaitis owns both 29 East Walnut Street and 31 East Walnut Street.

Under the provisions of the Zoning Ordinance in Section 12-400, Substandard Residential Lots, the application may proceed. Section 12-402(A) provides:

No person has, at any time from and after September 16, 1988, held any present or future freehold estate, except as trustee only, or any equitable interest of like quantum, or held any interest as contract purchaser, in the substandard lot and in any contiguous undeveloped or unimproved lot of record.

Even though Mr. Poskaitis is the owner of both 29 and 31 East Walnut Street, which are contiguous lots, 31 East Walnut Street is not undeveloped or unimproved, as its house was constructed in 1918 (according to City Real Estate Records), prior to adoption of this section of the Zoning Ordinance. The properties were purchased by Mr. Poskaitis after September 16, 1988. Therefore, Section 12-402(A) allows for the potential development of 29 East Walnut Street.

If you have any questions or concerns, please feel free to contact me.

Thanks so much,
Colleen

PC
BR

Docket Item # 2
SUP 2009-0046



Colleen Rafferty/Alex
11/04/2009 09:13 AM

To Kendra Jacobs/Alex@Alex
cc Barbara Ross/Alex@ALEX
bcc

Subject Fw: RE: SUP2009-0046 29 East Walnut Street

Here is Mr. Williamson's letter and request for the item to be removed from the Consent Docket.

Colleen Rafferty, AICP
Urban Planner, Development Division
City of Alexandria Department of Planning & Zoning
301 King Street, Room 2100
Alexandria, Virginia 22314
New Direct Phone Line: 703.746.3817
colleen.rafferty@alexandriava.gov

-----Forwarded by Colleen Rafferty/Alex on 11/04/2009 09:13AM -----

To: <Colleen.Rafferty@alexandriava.gov>
From: "Jones - Williamson" <curlycoat1@verizon.net>
Date: 11/02/2009 08:11AM
Subject: RE: SUP2009-0046 29 East Walnut Street

Thank you Colleen.

Attached is a statement opposing the SUP application.

Would you please confirm that this statement will be made part of the record and presented to the Commission prior to their consideration of this matter.

Also, kindly confirm that this matter will be removed from the consent docket.

Please let me know if there is anything else I need to do to ensure that this statement and my concerns are considered.

Thank you very much for your assistance.

Best regards,

David M. Williamson
22 E. Walnut Street
Alexandria, VA 22301
(202) 256-6155
(703) 519-0076 (fax)
curlycoat1@verizon.net

-----Original Message-----

From: Colleen.Rafferty@alexandriava.gov
[mailto:Colleen.Rafferty@alexandriava.gov]
Sent: Thursday, October 29, 2009 4:41 PM
To: curlycoat1@verizon.net
Subject: Fw: SUP2009-0046 29 East Walnut Street

**Prepared Statement of David Williamson and Leslie Jones
(owners of 22 East Walnut Street)**

**Special Use Permit #2009-0046
Thursday, October 5, 2009
City of Alexandria Planning Commission Hearing**

- The application for a Special Use Permit must be denied for the following reasons:
- We are owners of neighboring property at 22 E. Walnut in the Rosemont neighborhood.
- We reluctantly speak against the applications; however, in this case the developer's conduct raises important issues concerning the integrity of the zoning process.
- We want the Commission to know that we contacted the developer in an effort to resolve our concerns, but were unable to reach any satisfactory resolution.
- For 3 reasons, this SUP application must be denied. First:
 - It is in actuality a request to sub-divide.
 - Since 1918, this parcel has been owned by one owner and continuously treated as one property.
 - A free-standing garage is built across both "halves" of the combined 29-31 E. Walnut parcel.
 - For many years, a fence has enclosed both halves of the parcel emphasizing that the property is one parcel; in fact, the developer recently rebuilt the fence around the entire parcel, with only one gate.
 - It is the applicant's burden to submit evidence that title has not merged.
 - Before considering this SUP, the Commission should obtain a legal opinion from the City Attorney regarding the legal doctrine of merger of title in light of the continuous historic use as one parcel.
- As a second matter, this application cannot be considered as a "re-application" since the developer has already violated the conditions of SUP 2005-0019, which was approved on May 3, 2005:
 - The developer is now asking that the conditions – which he has already violated – be waived.
 - The 2005 SUP contained several essential and proper conditions:
 - First, the 2005 SUP required the owner to preserve two mature shade trees on the property.
 - However, subsequent to the 2005 SUP being granted, the owner cut down the larger of the two trees, apparently without seeking permission from the City.
 - In fact, prior to the 2005 SUP, the owner cut down a large shade tree, a fact that was omitted in the application.
 - The missing trees leave a gap in the tree canopy along Walnut Street.
 - The owner's current application is misleading, in that he suggests that the tree was removed for a curb cut, when in fact, the tree was destroyed at least a year prior to the curb cut.

- The application is also misleading when it states the destroyed tree was on the 31 E Walnut “half” of the property, when in fact the tree straddled both sides and one can still see the bare spot on 29 E Walnut where the tree once stood. Applicant has failed to submit any evidence of his assertion, and in any event, the 2005 SUP condition was blatantly violated regardless of the tree’s location.
- The Staff Report notes this flagrant violation (F-1 at p. 11) but fails to address it, and imposes no consequence or condition.
- The message sent to developers in this City is this: if you don’t like a condition of an SUP, violate it with impunity, and re-apply to the Commission.
- As a third problem, the 2005 SUP also required permeable materials and minimal paved surfaces; however, the owner recently poured a large concrete slab on the 31 E Walnut side of the property, which will exacerbate flooding and runoff problems in the neighborhood:
 - The SUP certificate dated July 14, 2005 requires the owner to “adhere to the conditions approved by the City Council” subject to revocation.
 - The owner accepted these conditions and by not appealing the 2005 decision agreed to abide by them.
 - However, the owner/applicant violated both the letter and spirit of the SUP conditions.
 - The City is being paved over foot-by-foot, causing more runoff and flooding of basements, and more damage to our streams and ecosystems.
 - Because the applicant has demonstrated a disregard for the permit conditions and the welfare of the City, the application should be denied and the prior SUP revoked.
- The applicant’s manipulation of the zoning process threatens the integrity of the Commission’s decisions, and demonstrates a lack of regard for the values of the City and neighborhood.
- The proposed “shoehorning” of a large structure on this substandard lot would stress an already closely built area with limited parking.
- The proposed structure will be **twice as large** as its neighbors on either side, and has only 40’ of frontage.
- This structure will “**dominate**” its neighbors contrary to Zoning Ordinance Section 11-504.
- The project will block **light and air**, contrary to Section 12-400.
- The project will also exacerbate **parking**, in a neighborhood that is already saturated. Although two tandem parking spaces are proposed, there is no condition ensuring that the spaces will be used rather than parking vehicles on the street.
- In fact, the applicant is a commercial developer and routinely parks commercial vehicles, construction equipment and dumpsters on the property, which undermines the residential character of the neighborhood.

- Finally, the project will **impair property values** by crowding the block with oversized structures and inadequate parking, in contravention of Section 12-400.
- The attached photos show how close the houses are on either side of the proposed project.
- In sum, this is not a matter of a homeowner seeking to build an addition, but involves a commercial real estate developer building for profit and who has shown little regard for the SUP requirements or the values of the City and neighborhood, particularly preservation of the tree-lined character of the neighborhood and watershed-protection values that make Alexandria an award-winning “Eco-City”.
- If the Commission were to approve the SUP despite the applicant’s disregard for the process, and although approval would be contrary to law, the Commission should impose (and enforce) the following conditions:
 - The developer should plant appropriate mature shade trees, which must be cared for.
 - The developer should mitigate loss of open space, habitat and watershed protection by installing the following:
 - (1) a green roof on the built structure;
 - (2) driveway and walk surfaces with minimal paving and mostly permeable elements;
 - (3) rainwater capture and reuse systems; and
 - (4) a rain garden to manage run-off, including from the recently-installed concrete slab.
 - Design of stormwater management features should be subject to Chesapeake Bay review and input and approval by adjacent property owners.
 - To address parking exacerbated by adding another family to the block, the residence should be issued only 1 on-street residential parking permit, and the SUP should prohibit parking of commercial vehicles or construction equipment after the structure is completed.