

EXHIBIT NO. 1

5

Docket Item # 5  
SPECIAL USE PERMIT #2001-0111

12-15-01

Planning Commission Meeting  
December 4, 2001

**ISSUE:** Consideration of a review of a special use permit and a request to change a condition regarding parking for an approved nonconforming artist studios with an accessory residential use.

**APPLICANT:** Andrew Wingfield and Tania Karpowitz

**LOCATION:** 201 Hume Avenue

**ZONE:** R-2-5/Residential

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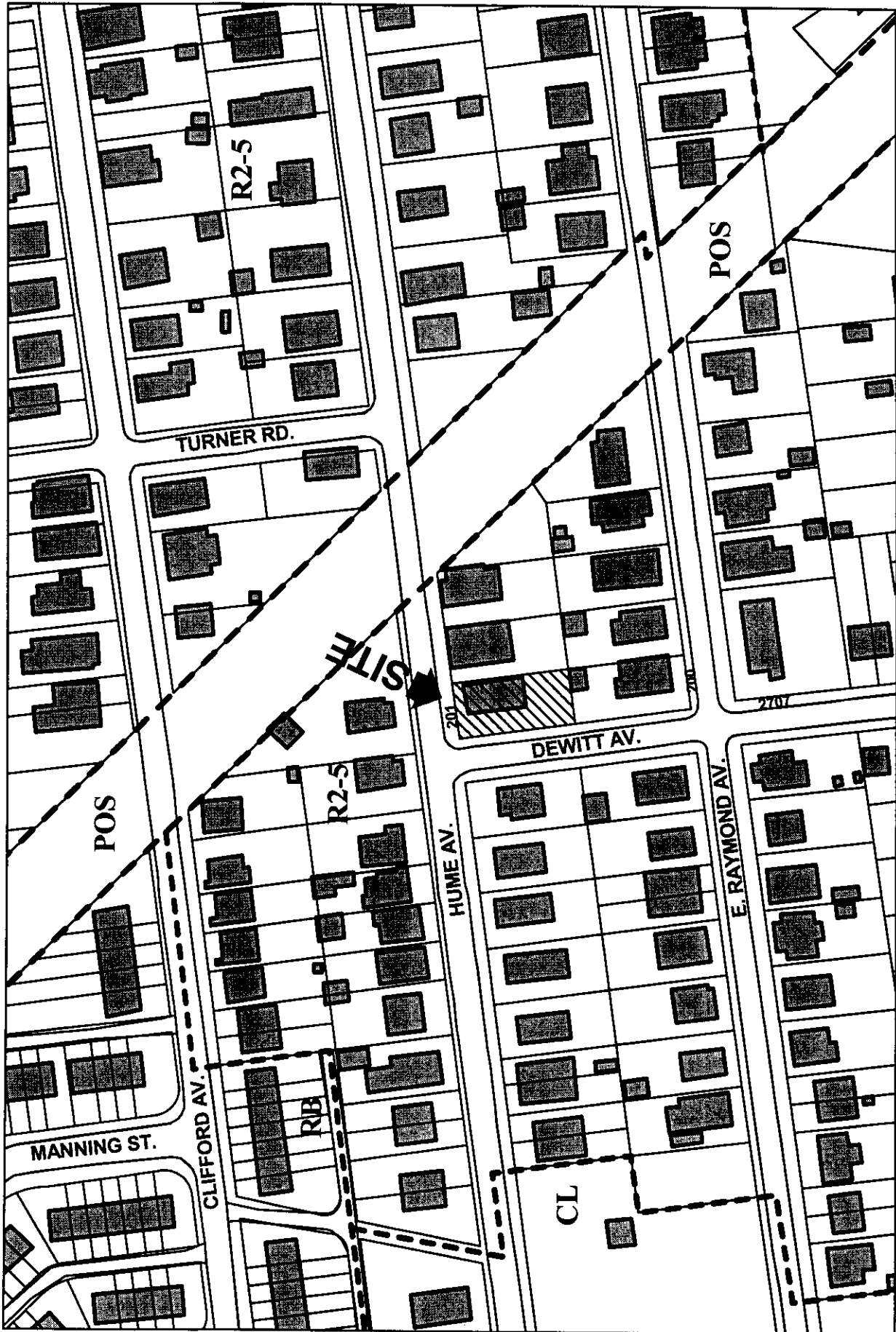
**PLANNING COMMISSION ACTION, DECEMBER 4, 2001:** On a motion by Mr. Dunn, seconded by Ms. Fossum, the Planning Commission voted to recommend approval of the request, subject to compliance with all applicable codes, ordinances and staff recommendations and to amend Conditions #3 and #5. The motion carried on a vote of 7 to 0.

Reason: The applicant asked the Planning Commission to allow removal of two parking spaces to provide more landscaping on the subject property. Additionally, he stated that there were only two artist studios, not three, that his family uses one of the studios in addition to living in the building's only apartment and that he did not need more than four parking spaces for his family and the occupant of the other artist studio space. The Planning Commission agreed with this position and amended conditions #3 and #5 to allow removal of two parking spaces instead of the one space recommended by staff. The Planning Commission otherwise agreed with the staff analysis.

Speakers:

Andrew Wingfield, applicant.

Amy Slack, Del-Ray Citizens Association, supported the application for removal of two parking spaces.



12/04/01

SUP #2001-0111



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 Andrew Wingfield and Tania Karpowitz only. (P&Z) (SUP #99-0115)
2. The artist studios may be open daily from 8:00 a.m. to 12:00 midnight. (P&Z)(SUP #99-0115)
3. **CONDITION AMENDED BY PLANNING COMMISSION:** The special use permit shall be limited to the operation of ~~three~~ two artists studios on the first floor of the existing building. (~~P&Z~~)(SUP #99-0115) (PC)
4. Exhibitions or receptions may be held not more than once a month and shall be limited to 49 occupants and shall end by 8:00 p.m. (PC) (SUP #99-0115)
5. **CONDITION AMENDED BY PLANNING COMMISSION:** The applicant shall maintain a minimum of ~~six~~ five ~~four~~ parking spaces on-site. (~~P&Z~~)(SUP #99-0115) (PC)
6. The applicant shall remove all existing Gibson's Korner signage. (P&Z) (SUP #99-0115)
7. Any signage for the proposed studios shall be approved by staff as appropriate for a commercial use in a residential zone. (P&Z) (SUP #99-0115)
8. The applicant shall control odors from the property to prevent them from becoming a nuisance to neighboring properties, as determined by the Department of Health. (Health) (SUP #99-0115)
9. The applicant shall contact the Crime Prevention Unit of the Alexandria Police Department for a security survey for the first floor of the building. (Police) (SUP #99-0115)

10. **CONDITION RETAINED BY STAFF:** 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. (P&Z) (~~SUP#2000-0130~~)
11. **CONDITION AMENDED BY STAFF:** The applicant shall be permitted to remove concrete, and install and maintain landscaping to the satisfaction of the Director of Planning and Zoning. The landscaping shall be generally consistent with the applicant's proposed plan, but shall reconsider the placement of landscaping and fencing in conjunction with staff. (P&Z) (~~SUP#2000-0130~~)
12. **CONDITION ADDED BY STAFF:** The applicant shall extend the existing, adjacent curb north along Dewitt Avenue until it is even with the edge of the adjacent wooden fence located on the subject property. This work shall be done to the satisfaction of the Director of the Department of Planning and Zoning and the Director of the Department of Transportation and Environmental Services. (P&Z)
13. **CONDITION ADDED BY STAFF:** Proposed landscaping and fencing shall be placed as not to obstruct vision clearance for vehicles and to the satisfaction of the Director of the Department of Transportation & Environmental Sciences. (T&ES)

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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.

DISCUSSION:

1. The applicant, Andrew Wingfield and Tania Karpowitz, requests special use permit approval to change a condition regarding parking for an approved nonconforming artist studio with accessory residential use located at 201 Hume Avenue. The special use permit is also before the Planning Commission for its one year review.
2. The subject property is one lot of record with 50 feet of frontage on Hume Avenue, 105 feet of frontage on Dewitt Avenue and a total lot area of 5,250 square feet. The site is developed with a two story brick building and surface parking lot. Vehicular access to the property is from Dewitt Avenue. The subject property stands at the intersection of Hume and Dewitt Avenues and is surrounded by residential uses.
3. On November 13, 1999, City Council granted Special Use Permit #99-0115 to the applicants allowing a change in the nonconforming use of the property from a grocery store known as Gibson's Korner to artists studios with an accessory residential use. On November 18, 2000, City Council conducted an annual review of the existing uses and granted Special Use Permit #2000-0130, allowing the use to continue despite violations of two conditions requiring the removal of a sign and the provision of landscaping.
4. The applicant has, since the November 2000 approval, removed the sign and planted landscaping at the rear of the subject building along Dewitt Street. The applicant has not yet landscaped the front of the property along Hume Avenue but is working to comply with the landscaping condition through the present special use permit request. Staff visited the subject property on November 13, 2001, to determine if the business was in compliance with the conditions of its special use permit. Other than the issue of landscaping in front of the building, there were no other violations.
5. The applicant is requesting special use permit approval to amend Condition #5 by reducing the on-site parking from six to four spaces. The applicant intends to use the former parking spaces in a landscaping program for the front and side yard area, and so comply with Condition #11. The applicant submitted a plan of the proposed landscaping (see attached).
6. Pursuant to Section 8-200 of the zoning ordinance, a minimum of one space per 400 square feet is required for the artist studios. The studios occupy 1,100 square feet, and require three parking spaces.

The residential use, an apartment on the second floor, predates the parking requirements set forth in the zoning ordinance and so is a “grandfathered use” that has no parking requirement.

9. Zoning: The subject property is located in the R-2-5/Single and two-family zone. The existing grocery store is a nonconforming use. Section 12-210(C) of the zoning ordinance allows a change of nonconforming use with a special use permit.
10. Master Plan: The proposed use is inconsistent with the Potomac West small area plan chapter of the Master Plan which designates the property for residential use.

#### STAFF ANALYSIS:

Staff has no objection to the continued operation of the nonconforming artists studio and accessory residential use located at 201 Hume Avenue. With the exception of the landscaping violation noted above, staff knows of no other complaints from residents or other City departments regarding the operation of the use.

Staff does have concerns about the proposed parking reduction from six to four spaces. Staff appreciates that the applicant is seeking to remove the parking to create a green landscaped area, but staff also realizes that the uses of the building necessitate a certain number of parking spaces. Three parking spaces are required under the zoning ordinance for the three artist studios on the first floor. There is no parking requirement for the residential use under the zoning ordinance, however the use if constructed today would require two parking spaces. The existing parking complies with this standard. Staff finds it reasonable to maintain a complying situation where it already exists and supports the retention of five parking spaces. Staff thus supports the removal of only one parking space, not two.

Staff has also reviewed the applicant’s landscape proposal for the front and side yards and believes that the proposed removal of the concrete and the addition of grass and trees or other plants are vast and sufficient improvements for the site and cause greater consistency between the subject site and the neighborhood — which has a character of detached homes with front, side and rear yards. Additionally, the proposed landscaping plan adequately addresses the comments neighbors made during the November 2000 special use permit hearing. At that time neighbors stated that they wanted landscaping in the front yard. Staff recommends approval of the plan generally and will work with the applicant to ensure that it complies with the vision clearance section of the zoning ordinance (Section 7-800) (see attached plan). Conditions to this effect have been added.

Staff also recommends that the applicant continue the curb and grass strip, located on the Dewitt Avenue side of the subject property, north along the street until it is even with the edge of the adjacent wooden fence. A photograph of the area is attached.

Staff retains the language of Condition #10 to require another review one year after this approval in order to ensure that the applicants comply with the permit conditions. With this and the other recommended conditions, staff recommends approval of the special use permit.

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

CITY DEPARTMENT COMMENTS

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

Transportation & Environmental Services:

- F-1 No objection to the applicant's proposal to eliminate two of six spaces.
- R-1 Proposed landscaping and fencing shall be placed as not to obstruct vision clearance for vehicles and to the satisfaction of the Director of T&ES.

Code Enforcement:

- F-1 No comments.

Health Department:

- F-1 No comments.

Police Department:

- F-1 No objection to the amendment.



APPLICATION for SPECIAL USE PERMIT # 2001-0111

[must use black ink or type]

PROPERTY LOCATION: 201 Hume Avenue

TAX MAP REFERENCE: 24.02-09-11 ZONE: R25

APPLICANT Name: Andrew Wingfield and Tania Karpowitz

Address: 201 Hume Avenue

PROPERTY OWNER Name: Andrew Wingfield and Tania Karpowitz

Address: 201 Hume Avenue

PROPOSED USE: no change (see SUP 2000-0130; SUP 99-0115)  
amendment to change a condition  
Re: parking reduction

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.

Andrew Wingfield and Tania Karpowitz  
Print Name of Applicant or Agent

Andrew Wingfield  
Signature  
T. Karpowitz

201 Hume Avenue  
Mailing/Street Address

(703) 535-8259  
Telephone # Fax #

Alexandria VA 22301  
City and State Zip Code

9/25/01  
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.

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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)

We are petitioning for a change to ~~condition~~ <sup>part of the</sup> #5 of SUP 2000-0130. We plan to remove concrete apron from front and side of building in order to install landscaping in compliance with condition #11 of SUP 2000-0130. This will require removal of two of six off-street parking spaces (see plan). The four remaining spaces leave us with one more than we are required to have pursuant to section 8-200 (A) of the zoning ordinance.

**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).

no change (see SUP 2000-0130 ; 99-0115)

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

no change

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

Day: no change

Hours:

_____	_____
_____	_____
_____	_____
_____	_____

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

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

no change

B. How will the noise from patrons be controlled?

no change  
\_\_\_\_\_  
\_\_\_\_\_

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

no change  
\_\_\_\_\_  
\_\_\_\_\_

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?

no change  
\_\_\_\_\_  
\_\_\_\_\_

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

no change  
\_\_\_\_\_  
\_\_\_\_\_

C. How often will trash be collected?

no change  
\_\_\_\_\_  
\_\_\_\_\_

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

no change  
\_\_\_\_\_  
\_\_\_\_\_

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

Yes.  No. *no change*

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

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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. *no change*

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?

*no change*

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### ALCOHOL SALES

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

Yes.  No. *no change*

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.

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**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?

3

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

4

Standard spaces

\_\_\_\_\_ 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:

\_\_\_\_\_

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? no change

B. How many loading spaces are available for the use? no change

C. Where are off-street loading facilities located? no change

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

no change

~~no change~~

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

no change

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?

no change

**SITE CHARACTERISTICS - No change**

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) + \_\_\_\_\_ 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: \_\_\_\_\_



**PARKING REDUCTION SUPPLEMENTAL APPLICATION**

Supplemental information to be completed by applicants requesting special use permit approval of a reduction in the required parking pursuant to section 8-100(A)(4) or (5).

1. Describe the requested parking reduction. (e.g. number of spaces, stacked parking, size, off-site location)

two of six off-street parking spaces will be eliminated.

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2. Provide a statement of justification for the proposed parking reduction. We plan to

remove part of the concrete apron from front and side of building to install landscaping per condition #11 of SUP-2000-0130.

Our plan adds needed greenery to DeWitt Avenue side of property while maintaining four parking spaces, one more than the 3 required by section 8-200 (A) of the zoning ordinance.

3. Why is it not feasible to provide the required parking? this is a question of

aesthetics rather than of feasibility.

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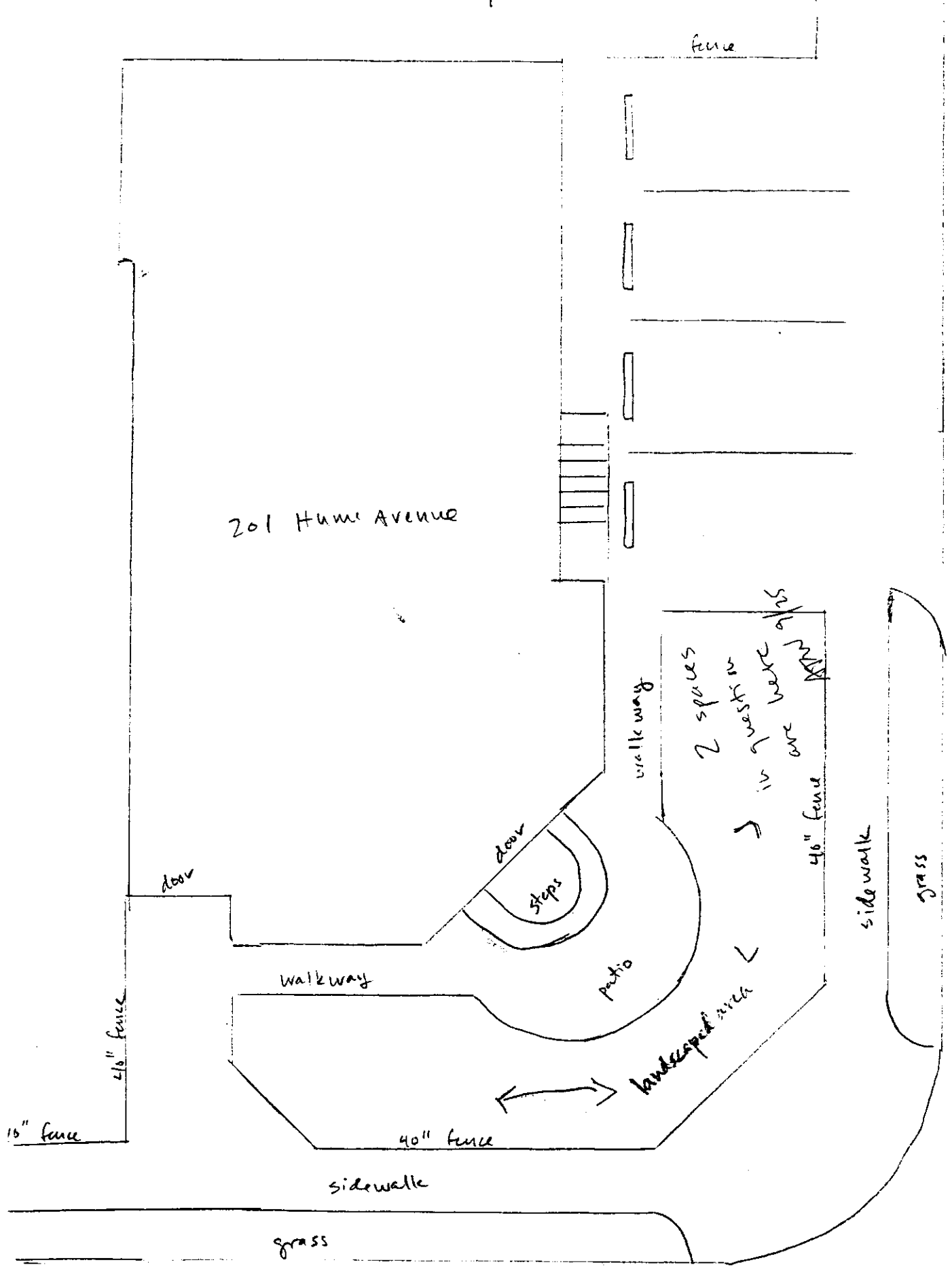
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4. Will the proposed reduction reduce the number of available parking spaces below the number of existing parking spaces?  Yes.  No.

5. If the requested reduction is for more than five parking spaces, the applicant must submit a Parking Management Plan which identifies the location and number of parking spaces both on-site and off-site, the availability of on-street parking, any proposed methods of mitigating negative affects of the parking reduction.

6. The applicant must also demonstrate that the reduction in parking will not have a negative impact on the surrounding neighborhood.

back yard



SUP 2001-0111

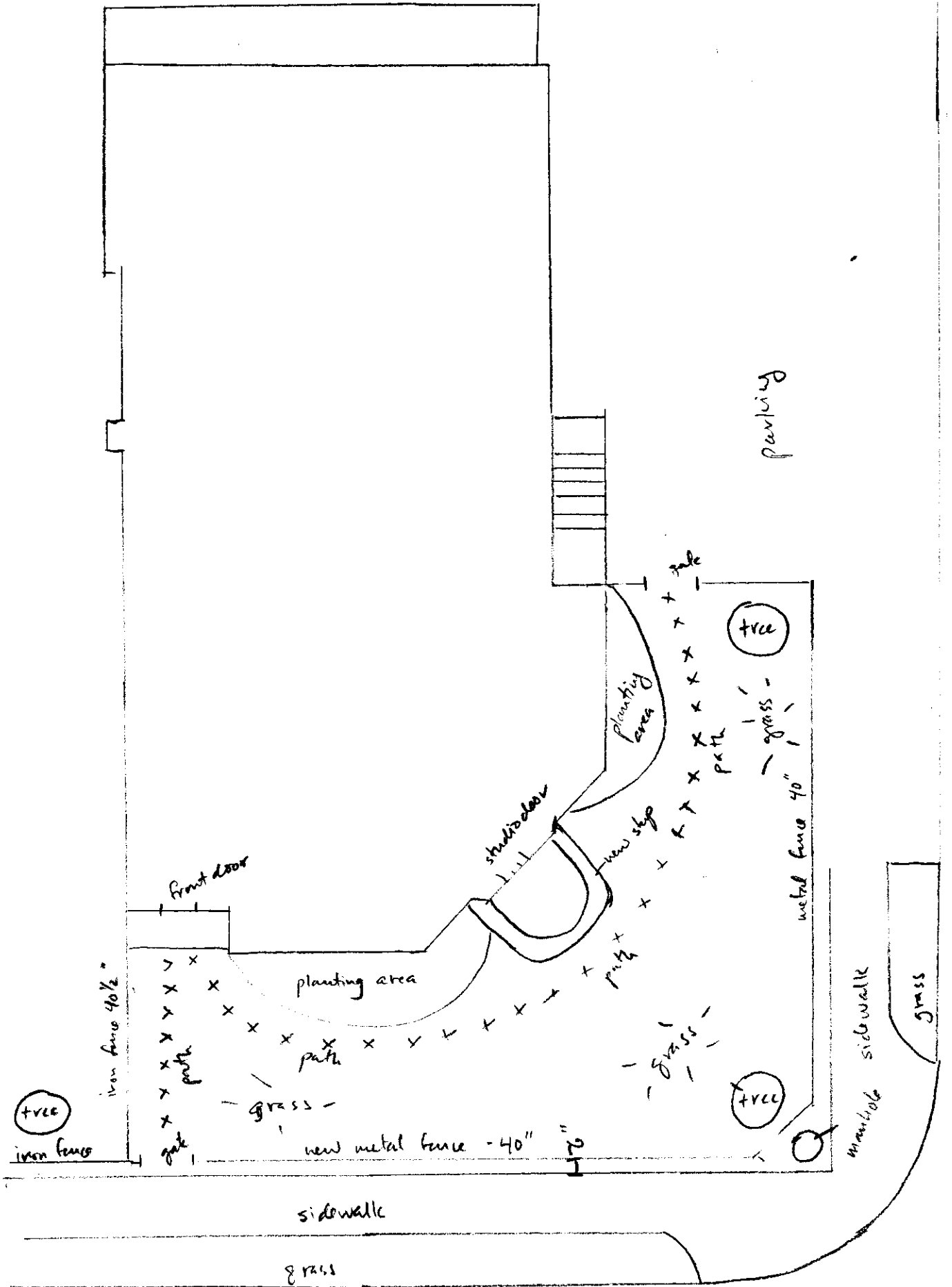
DeWitt Avenue

Hume Avenue

18

PROPOSED

SUP 2001-0111



corner tree limbed up to 6'  
we can saw cut w/ out permit

19

line of curb to back of sidewalk + 6"  
curve around corner

tree trimmed 3/2  
3/2' fence open up to or on prop. line

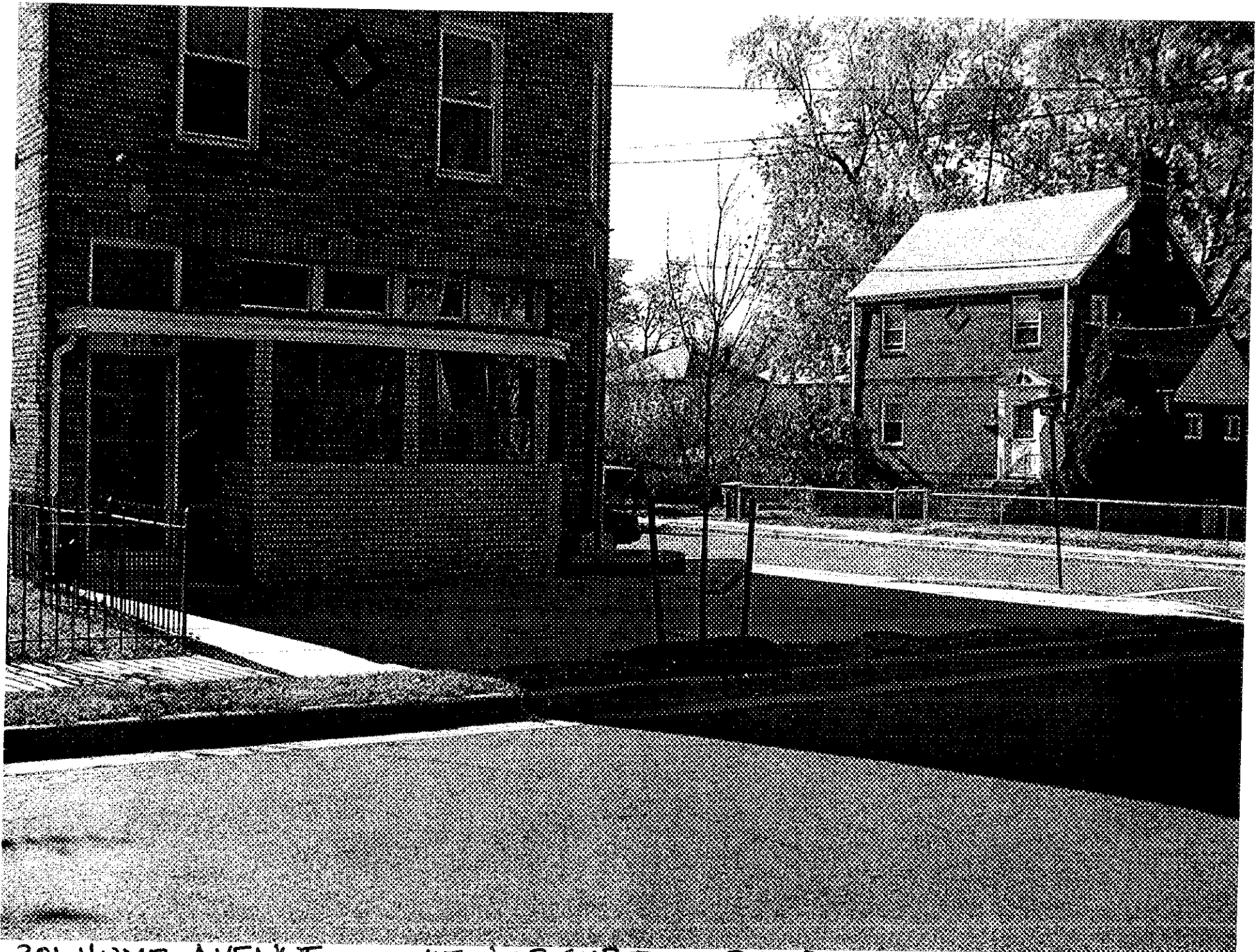


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201 HUME AVENUE  
SUP # 2001-0111

VIEW OF SUBJECT BUILDING FRONTING DEWITT  
AVENUE, AREA FOR PROPOSED CURB EXTENSION

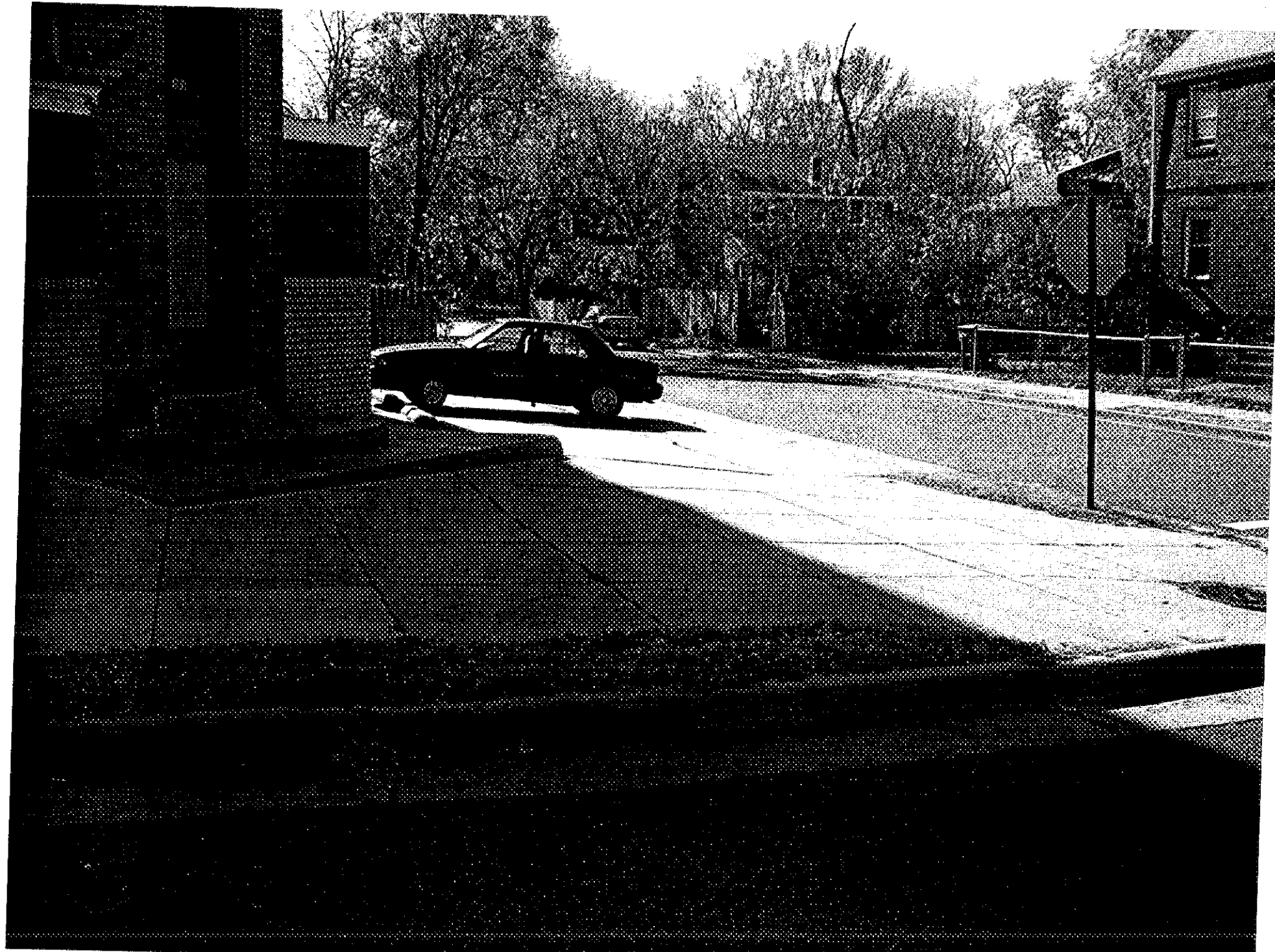
21



201 HOME AVENUE  
SUP #2001-0111

VIEW OF SUBJECT BUILDING FRONTING  
HOME AVENUE, AREA OF PROPOSED LANDSCAPING

22



201 HUME AVENUE  
SUP # 2001-0111

VIEW OF SUBJECT BUILDING FRONTING HUME AND  
DEWITT AVENUES, AREA OF PARKING AND PROPOSED

APPLICATION for SPECIAL USE PERMIT # 2001-0111

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Andrew Wingfield and Tania Karpowitz  
Print Name of Applicant or Agent

Andrew Wingfield  
Signature  
T. Karpowitz

201 Hume Avenue  
Mailing/Street Address

(703) 535-8259  
Telephone # Fax #

Alexandria, VA 22301  
City and State Zip Code

9/25/01  
Date

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

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

ACTION - PLANNING COMMISSION: 12/4/01 Recommend Approval 7-0

ACTION - CITY COUNCIL: 12/15/01PH--See attached (Separate Motion)

4. Councilman Speck identified that Condition #17 has some new language, **"and shall direct them to use the 17 on-site garage spaces dedicated for retail uses when available."** which goes beyond the standard language of employees who drive to work are required to use off-street parking. He related his concern that if employees are directed to use the retail parking space, doesn't that mean that the retail spaces are being used by employees rather than by shoppers.

Planning and Zoning Deputy Director Ross responded to questions from Councilman Speck and Councilwoman Woodson, and they participated in the discussion.

City Council approved the Planning Commission recommendation. **(Separate Motion)**

5. Councilman Speck requested that the standard language about violations be added to Condition #10.

City Council approved the Planning Commission recommendation. **(Separate Motion)**

6. City Council approved the Planning Commission recommendation.

7. City Council approved the Planning Commission recommendation.

8. City Council approved the Planning Commission recommendation.

9. Councilman Speck requested that the standard condition which we impose that employees who drive to work must use off-street parking be added.

**For the record**, Cathy Puskar, 3422 Old Dominion Boulevard, attorney for the applicant, stated that the amendment to Condition #17 was a matter of some debate, but we did come to an agreement and were satisfied with the agreement.

City Council approved the Planning Commission recommendation. **(Separate Motion)**

Council Action: \_\_\_\_\_

#### **REPORTS AND RECOMMENDATIONS OF THE CITY MANAGER**

10. Public Hearing on and Consideration of Report on the Closing of a Public Way Consisting of South Royal and South Streets, from Jones Point Drive to South Washington Street. (#14 12/11/01)

Transportation and Environmental Services Director Baier gave a brief overview and participated in the discussion on this item.

In response to Councilwoman Eberwein's question about delaying the formal vacation until such time as we can see the final effects, City Attorney Pessoa responded that Council has ample discretion to defer or deny the request for a vacation.