

Docket Item #9
SPECIAL USE PERMIT #2005-0114

Planning Commission Meeting
November 1, 2005

ISSUE: Consideration of a request for a special use permit to construct a single family on a substandard lot.

APPLICANT: Brett D. Rice

LOCATION: 301 Laverne Avenue

ZONE: R-2-5/Single and two-family zone

PLANNING COMMISSION ACTION, NOVEMBER 1, 2005: On a motion by Mr. Komoroske, seconded by Mr. Leibach, the Planning Commission voted to recommend denial of the request. The motion carried on a 7 to 0 vote.

Reason: The Planning Commission found that the proposed development would impair an adequate supply of light and air to the adjacent properties, would somewhat impair the established property value in the surrounding area, would not be compatible with the existing neighborhood character, and found that other reasonable uses exist for the property.

Speakers:

Melinda Douglas, resident at 204 LaVerne, spoke in opposition to the request. Ms. Douglas was concerned about the loss of mature trees, the reduction of light and air, and that the eclectic character of the street should not be justification for the SUP.

Allen Flanigan, resident at 309 LaVerne, spoke against the request, discussing concerns about the loss of open space and mature trees, and that it is an investment property.

Ellen Pickering spoke against the request, citing that the property was nominated as a pocket park by 18 area residents, and suggested that the applicant could donate the property to the City for a tax deduction.

Jack Williams, resident at 211 LaVerne, spoke against the request, stating that the lot is small and that the modifications should not be permitted to develop the lot.

Sarah Pearson, resident at 210 LaVerne, spoke against the proposal, stating that she concurs with her neighbors, and that the property was used as the side yard for the adjacent property prior to this application.

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Amy Slack, Del Ray Land Use, spoke in support of the proposal, stating that the design and architecture were in character with the neighborhood, and that they support the installation of curb, gutter and sidewalk along Turner, which the applicant agreed to install and fund.

STAFF RECOMMENDATION: Staff recommends **denial** of this application. (If this application is approved by City Council, staff recommends the approval be subject to compliance with all applicable codes and ordinances and the recommended permit conditions found in Section III of this report).



SUP #2005-0114

11/01/05



I. DISCUSSION

REQUEST

The applicant, Brett D. Rice, requests special use permit approval to develop a single family home on a substandard lot at 301 Laverne Avenue.

SITE DESCRIPTION

The subject property is one lot with 35 feet of frontage on Laverne Avenue, 120 feet of depth and a total lot area of 4,200 square feet. The site is currently vacant, with a number of trees especially along the border of the property. The surrounding area is developed with single family homes, townhouses and semi-detached dwellings. Immediately adjacent to the lot is a semi-detached dwelling.

PROJECT DESCRIPTION

The applicant proposes to develop a single family house on what is now a vacant corner lot.



301 LaVerne (Subject Property)

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:

	<u>R-2-5</u> <u>Requirements</u>	<u>Existing lot</u> <u>Dimensions</u>
Lot area	6,500 sq ft	4,200 sq ft
Lot width	65 ft	35 ft (120 ft Turner front)

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, as at least 50% of the developed lots on the block face where the lot is located, and a special use permit is approved.

Staff has determined that the subject lot meets the threshold allowing it to proceed to request a special use permit. The subject lot contains at least the lot area and lot width of approximately 55% of the lots in the block face. It is the same size or larger than 23 out of the 42 lots. It may therefore seek a special use permit for development.

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:

- (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. The proposed house complies with the R-2-5 bulk and open space regulations in the following way:

Front Yard Setback:	25 ft	14 ft (Laverne Ave) 9 ft. (Turner Rd)
Side Yard Setback:	1:3 (8.34 ft)	7 ft
FAR:	.45	.36
Height:	35 ft	25 ft. 1/4 in.
Vision Clearance:	100 ft	63 ft 3.8in

MODIFICATIONS

The zoning ordinance recognizes that building a house on a lot that is not as large as the zone anticipates may require modifications of the standard zoning rules. Under section 12-404, Council may, in approving a special use permit to allow development of a substandard lot, modify minimum yard, coverage, or other minimum requirements of the zoning ordinance. In this case, the applicant requests a modification of the both required **front yards**, the **side yard**, and the **vision clearance** requirements.

In support of the requested modifications, the applicant surveyed the setbacks of 35 existing corner houses within two to three blocks of the subject property and found that most have front setbacks that are less than the required 25 feet. Staff agrees that the front setbacks in the area are generally less than what zoning requires.

PARKING

According to Section 8-200 (A)(1) of the Zoning Ordinance, a single family residential dwelling requires two parking spaces. The applicant is proposing two surface parking spaces accessed from Turner Street. There is currently no curb, gutter, or sidewalk on the Turner Street side of the property. The applicant is proposing to install curb, gutter and sidewalk along the Turner Road frontage of the property.

SUP HISTORY

On November 18, 1995, City Council approved Special Use Permit #95-0129 allowing the construction of a single family dwelling on the same substandard lot with a modification to the front yard setback requirement and a reduction in the off-street parking requirement. Section 11-506(c) of the zoning ordinance requires that construction be commenced and substantially pursued within 18 months or the special use permit becomes void.

On May 15, 1997, prior to the expiration of 18 months, the applicant requested an SUP to extend the time of the original approval. On September 13, 1997, City Council denied Special Use Permit #97-0080 for the extension of the SUP. The Planning Commission recommended denial in both the original (1995) and the extension (1997) cases finding that the proposal was not in character with the neighborhood. At the Council hearing in 1997, Council members discussed the fact that the applicant had failed to pursue the project, and that neighbors objected to the development.

In 2003, the City received an application for development of this substandard lot and for a parking reduction. The Planning Commission recommended denial of the request based on the proposed house not being in character with the neighborhood. The City Council, at their November 13, 2004 meeting, denied the requested SUP, agreeing with the Planning Commission's recommendation, finding that the proposed house was too large for the property and would create too much density for the neighborhood, that a smaller house had been proposed and denied by the Commission two times before, and that there are only two other corner properties in the area that are developed with single family homes on lots of the same size or smaller.

MASTER PLAN

The proposed use is consistent with the Potomac West Small Area Plan chapter of the Master Plan which designates the property for residential use.

HISTORIC DISTRICT

The property is located in the Town of Potomac historic district.

II. STAFF ANALYSIS

Staff does not support the proposed single family house located at 301 Laverne Avenue. Staff finds the proposal not compatible with the character of the neighborhood.

The substandard lot regulations are one of the tools the city has by which to judge infill development in established neighborhoods. They incorporate two important policy elements. First, there is a complex test of basic neighborhood compatibility by which the lot size and width are compared to existing lots in the immediate neighborhood. In order to move forward in the process, the substandard lot must be similar in size to those around it. Second, such lots are then subjected to a discretionary process under which they are judged by staff, the planning commission and city council, against the primary standard of compatibility with the neighborhood character. In that process, the impacts of the proposal on its neighbors from a design, open space, parking perspective are all relevant. Modifications to otherwise applicable zoning regulations are allowed in order to make the proposed house similar to and in character with the established homes around it.

COMPATIBILITY WITH NEIGHBORHOOD CHARACTER

The existing character of the neighborhood includes a mix of single family, semi-detached, and townhouse developments of simple designs, developed in a grid street pattern. Single family homes are generally on lots of at least 5,000 square feet or more, while townhouses and semi-detached dwellings are on smaller lots of less than 5,000 square feet, often half that size. Dwellings are typically situated close to the street. Some properties have off-street parking accessed by a private driveway, and some have only on street parking. Staff's evaluation of whether the proposal is compatible with the existing neighborhood character included the following issues:

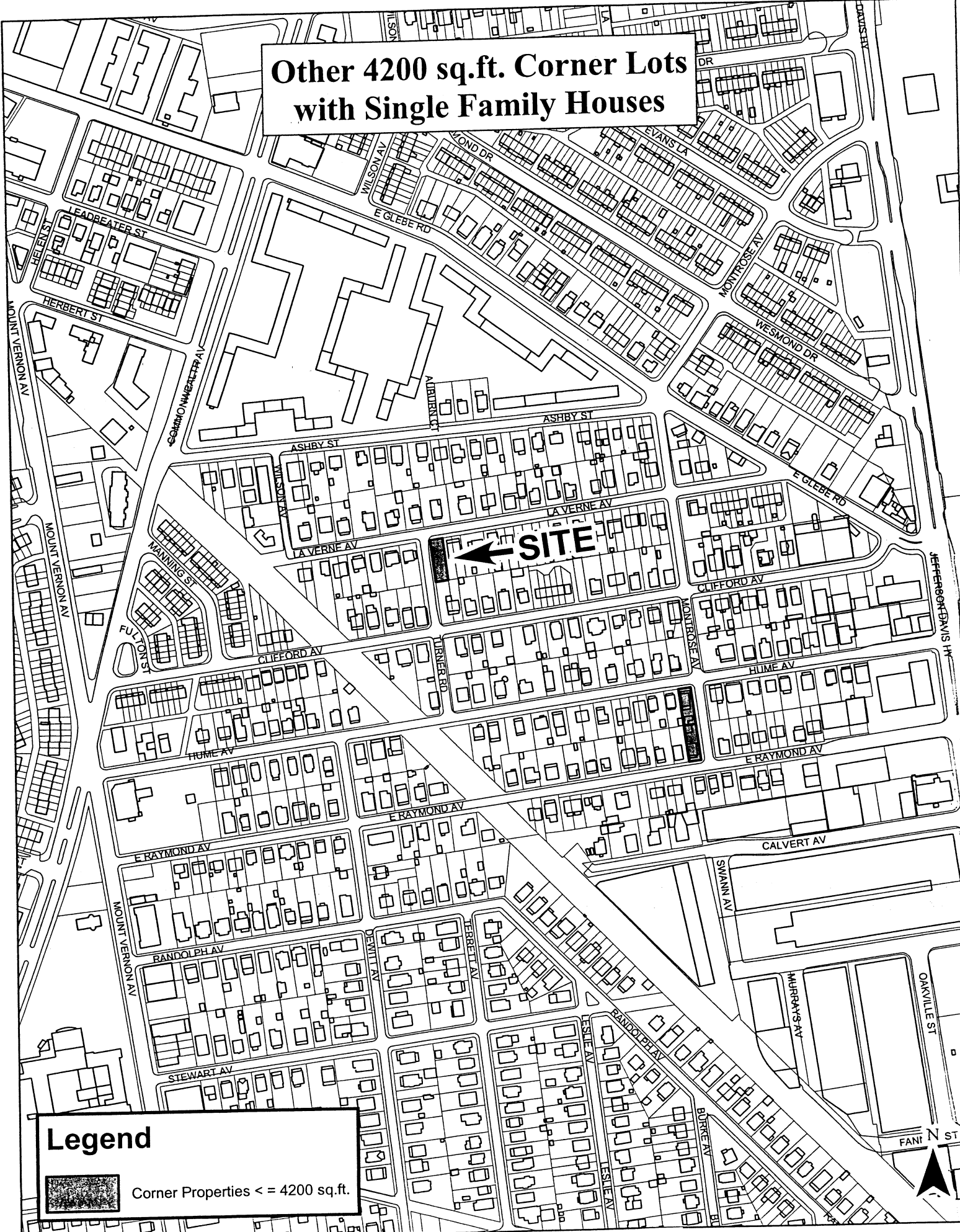
Lot Size:

The subject lot measures 4,200 square feet. Although there are a number of lots in the area that are this small, most of those are occupied by semi-detached or townhouse style structures which, under current zoning, require a minimum of 4,000 square feet. The small size of the lot makes it difficult to develop a single family home, and the problem is exacerbated because the property is a corner lot which, under the zoning ordinance, should be at least 6,500 square feet in size for a single family home.

Lot Size Relative to Other Corner Properties:


Staff conducted an analysis of the corner properties in the area of the subject property to find if there was an established pattern of single family homes developed on corner properties of this size in the neighborhood. Most of the lots in this part of the original St. Elmo subdivision were 25 feet wide and 2500 square feet in size. Many of the single family homes in the area have been developed on two combined lots. As shown on the map below, staff found that of all of the corner properties in this area, only two were developed with single family houses on properties of 4,200 square feet or less. The proposed single family house on a substandard corner lot of 4,200 square feet is not consistent with the existing corner development pattern in the neighborhood.

Other 4200 sq.ft. Corner Lots with Single Family Houses



← SITE

Legend

 Corner Properties \leq 4200 sq.ft.



Modifications:

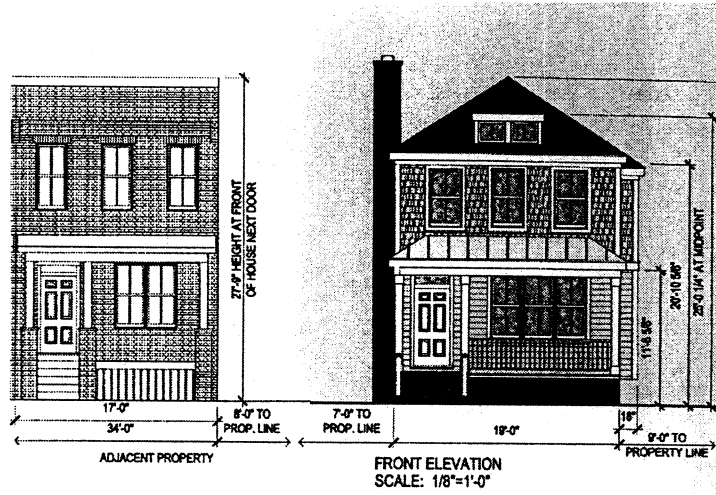
The zoning ordinance recognizes that building a house on a lot that is not as large as the zone requires may necessitate modifications of the standard zoning rules. Staff can support modifications when they help create development in a way that is more consistent with its immediate surroundings and with the established pattern in the neighborhood than strict compliance with the zoning ordinance would allow. In the subject case, some of the modifications are supportable however, others show how difficult it is to build the proposed house on this small lot.

The applicant in this case surveyed the front setbacks of a number of corner properties in the vicinity of the subject property and found that the majority have setbacks less than what the zoning currently requires. The area was built, in the main, prior to the adoption of the current zoning requirements, so the applicant's findings are not surprising. In addition, the surveyed properties are larger than the subject parcel, and in some cases are developed with semi-detached dwellings, discounting their relevance to the requested modifications for the subject property. However, staff agrees that as to the front setback requirement on Laverne, the proposed modification is desirable so as not to have a new house out of character with the others nearby. On the Turner Street frontage however, the small setback (9 feet to the building wall) is problematic, as it allows a structure very close to the street, and out of character with the setback of the house behind it.

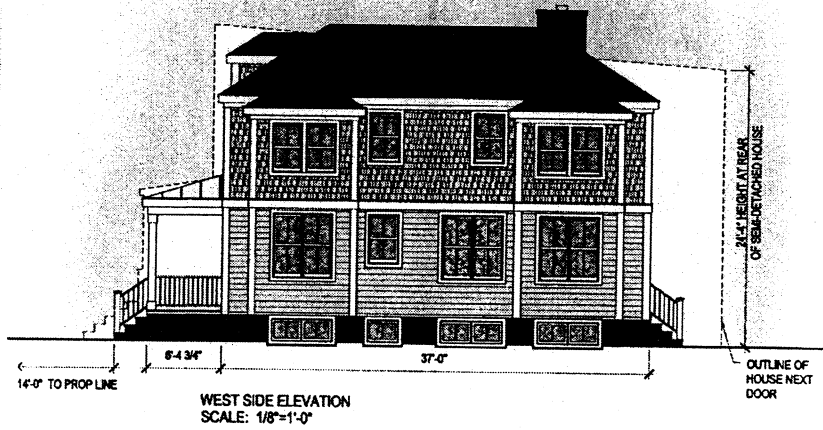
Staff does not object to a vision clearance modification, in that the streets affected are neighborhood, residential streets, with relatively slow traffic, and because there is a stop sign at Turner Road.

Size and Height of proposed building:

The proposed dwelling is to be developed at an FAR of 0.36. Up to a 0.45 FAR is allowed in the R-2-5 zone. The house would be two and a half stories in height (25 feet, 1/4 inch to the midpoint of the roof, and 28 feet, 1 3/4 inches to the ridge of the roof). The size of the house has been reduced somewhat from the previous proposal, however, the height of the house has increased somewhat.



LaVerne Avenue Facade



Turner Road Facade

Design:

The Town of Potomac historic district has a large concentration of residential architecture from the 1890s through 1941. The 200 and 300 blocks of Laverne Avenue have a number of structures on the Town of Potomac Historic District Inventory of contributing buildings. The style of these structures are predominantly Four Squares, but also includes Bungalows, Folk Victorians, and simplified New-Colonials.

The new design is shorter than the previous design submitted to the Planning Commission last year, although, about on par with what was presented to the City Council last year. The use of a hip roof rather than gable with th end oriented to the street reduces the visual impact of the roof. The height and length of the house as shown are more in keeping with the adjacent structure. The use of bay windows may be somewhat unusual for historic houses of this type, but it is not inappropriate for the proposed house and serves to add interest to the elevation and breaks up the massing.

TREES

The subject property includes 11 mature trees, with most of them located along the Turner Road side. There are three less trees than were present on the property when the application was heard last year. The applicant indicated that these trees had died and had to be removed. Staff had previously discussed with the applicant the importance of preserving trees as part of any development. The trees are an important element of the property, and saving them would make a development of the property more favorable. During review of the previous application, heard last year, the City Arborist concluded, and the applicant's arborist agreed, that it would be difficult to save the trees with any development on the property. The current proposed development would require removal of an 8 inch pin oak, and a 22 inch pin oak on the property and several trees in the area where a sidewalk is proposed. The applicant does propose to install 11 new trees to mitigate the loss of the mature trees. The applicant does not indicate a caliper size of these trees. In any event, staff finds that the removal of the mature trees on this small site is a significant loss to the community, even with new replacement plantings, and should not be supported when accommodating the development of a substandard lot that is not in character with the neighborhood.



Trees along the Turner Road frontage of the property

PARKING:

The applicant proposes to install two surface parking spaces at the rear of the house. While the proposed driveway will provide the two required spaces, it will impact two existing trees, which will have to be removed.

RECOMMENDATION:

Staff cannot support this request, finding that the development of the proposed single family house on this corner lot of only 4,200 square feet is not in character with the neighborhood. The development causes a number of mature trees to be lost. In the event that the application is approved, staff has included a number of conditions intended to soften the significant impacts of the proposed development.

III. RECOMMENDED CONDITIONS

Staff recommends **denial** of this application. If this application is approved by City Council, staff recommends the approval be subject to compliance with all applicable codes and ordinances and the following conditions:

1. The applicant shall install at least 11 new trees on the property of at least a 4" caliper, the majority of which shall be placed along the street frontages. (P&Z)
2. The driveway and walk surfaces shall have minimal paving and be constructed of mostly permeable elements. (P&Z)
3. Modifications for the front yards, vision clearance and side yard requirements are granted. (P&Z)
4. In order that the existing trees may be preserved, the applicant shall not install sidewalk on the Turner Road frontage. (P&Z)
5. The applicant is to contact the Crime Prevention Unit of the Alexandria Police Department at 703-838-4520 regarding security hardware for the new home. This is to be completed prior to the commencement of construction. (Police)
6. A PLOT PLAN showing all improvements and alterations to the site must be approved by T&ES prior to issuance of a building permit. (T&ES)
7. Applicant shall be responsible for repairs to the adjacent city right-of-way if damaged during construction activity. (T&ES)
8. All improvements to the city right-of-way such as curbing, sidewalk, driveway aprons, etc. must be city standard design. (T&ES)
9. 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)
10. 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. (T&ES)

11. The applicant must comply with the Chesapeake Bay Preservation Act in accordance with Article XIII of the City's zoning ordinance for storm water quality control which includes requirements for pollutant load reductions and treatment of the Water Quality Volume Default (WQV). (T&ES)
12. The applicant must comply with the City of Alexandria, Erosion and Sediment Control Code, Section 5, Chapter 4.
13. No permanent structure may be constructed over any existing private and/or public utility easements. It is the responsibility of the applicant to identify any and all existing easements on the plan. (T&ES)
14. 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)

STAFF: Eileen Fogarty, Director, Department of Planning and Zoning;
Rich Josephson, Deputy Director.

IV. CITY DEPARTMENT COMMENTS

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

Transportation & Environmental Services:

- F-1 Where the construction of a residential unit that results 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. The applicant may request, in writing to the Director of T&ES, a waiver from the requirements of the ordinance. Contact the Division of Environmental Quality, T&ES (703/519-3400, ext. 219) for information. A PLOT 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-1 A PLOT PLAN showing all improvements and alterations to the site must be approved by T&ES prior to issuance of a building permit. (T&ES)

Staff did not recommend the following condition because, if the application is approved, installing sidewalk, curb, and gutter will make the ability to save the trees more difficult.

- R-2 Section 8-1-17 of the City Code requires that curb, gutter and sidewalk be installed at the property owner's expense whenever construction or alteration of a building site will increase the fair market value of the property by more than 50 percent. However, the City Manager has the authority to waive this requirement upon finding that installation of the public improvements will not be compatible with the character of the neighborhood or serve a substantial useful purpose. Provide a design for the missing curb/gutter and sidewalk to be installed as part of this project or seek waiver for same. (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 All improvements to the city right-of-way such as curbing, sidewalk, driveway aprons, etc. must be city standard design. (T&ES)
- R-5 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-6 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. (T&ES)

- R-7 The applicant must comply with the Chesapeake Bay Preservation Act in accordance with Article XIII of the City's zoning ordinance for storm water quality control which includes requirements for pollutant load reductions and treatment of the Water Quality Volume Default (WQV). (T&ES)
- R-8 The applicant must comply with the City of Alexandria, Erosion and Sediment Control Code, Section 5, Chapter 4.
- R-9 No permanent structure may be constructed over any existing private and/or public utility easements. It is the responsibility of the applicant to identify any and all existing easements on the plan. (T&ES)
- R-10 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 All utilities serving this site shall be placed underground. (Sec. 5-3-3)
- C-2 Pay sanitary sewer tap fee prior to issuance of a building permit. (Sec. 5-6-25.1)
- C-3 Any work within the right-of-way requires a separate permit from T&ES. (Sec. 5-3-61)
- C-4 Roof drains and sub-surface drains shall be connected to the city storm sewer system, if available, by continuous underground pipe. (Sec. 8-1-22)
- C-5 Change in point of attachment or removal of existing overhead utility services will require undergrounding or a variance. (Sec. 5-3-3)

Code Enforcement:

- C-1 All exterior walls within 3 feet from an interior property line shall have a fire resistance rating of 1 hour, from both sides, with no openings permitted within the wall. As alternative, a 2 hour fire wall may be provided. This condition is also applicable to porches with roofs and skylights within setback distance.
- 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 current edition of the Uniform Statewide Building Code (USBC).
- C-6 Alterations to the existing structure must comply with the current edition of the Uniform Statewide Building Code (USBC).
- C-7 Construction permits are required for this project. Plans shall accompany the permit application that fully detail the construction as well as layouts and schematics of the mechanical, electrical, and plumbing systems.
- C-8 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-9 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 Crime Prevention Unit of the Alexandria Police Department at 703-838-4520 regarding security hardware for the new home. This is to be completed prior to the commencement of construction.

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2005-0114

APPLICATION for SPECIAL USE PERMIT # _____

(must use black ink or type)

PROPERTY LOCATION: 301 Laverne Street, Alexandria, Virginia

TAX MAP REFERENCE: 24.02 04 09 ZONE: R-2-5

APPLICANT Name: **Brett D. Rice**
Address: 5421 Waycross Dr., Alexandria, Virginia 22310

PROPERTY OWNER Name: **Brett D. Rice**
Address: 5421 Waycross Dr., Alexandria, Virginia 22310

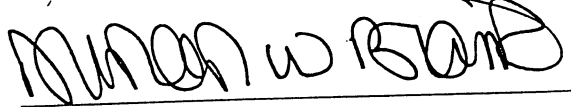
PROPOSED USE: Special Use Permit to construct a single family dwelling on a substandard lot pursuant to Section 12-400 of the Alexandria Zoning Ordinance, 1992, as amended (the "Ordinance").

THE UNDERSIGNED hereby applies for a Special Use Permit in accordance with the provisions of Article XI, Section 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.

Duncan W. Blair, Esquire
Print Name of Applicant or Agent


Signature

524 King Street, Alexandria, Virginia 22314
Mailing/Street Address Telephone #

(703) 836-1000 (703) 549-3335
Fax #

Alexandria, Virginia 22314
City and State Zip Code

dclair@landclark.com
March 29, 2005
Date

- Reusing application submitted in March per applicant.

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

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

ACTION - PLANNING COMMISSION: _____

ACTION - CITY COUNCIL: _____

NARRATIVE DESCRIPTION:

The Applicant, Brett Rice, is the owner of 301 Laverne Avenue, an unimproved lot on the 300 block Laverne Avenue in the Emma P. Hume Subdivision ("Property"). This application differs in substantial and material ways from the application considered in 2003 (SUP 2003-0115). This Application is for a single family dwelling with a smaller footprint, different roofline, different building materials and different architecture and public improvements on the Turner Road frontage including sidewalk and curb and gutter.

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 Sixty Five (65') feet. The lot width of the Property at the front of the building line is thirty five (35') feet along the Laverne Avenue frontage and one hundred twenty (120') feet along Turner Road. The required lot area for corner lots in the R-2-5 zone regulations is six thousand five hundred (6,500) square feet. The Property, which is actually an original St. Elmo lot and a half, contains four thousand two hundred (4,200) square feet of land. The Emma P Hume subdivision was recorded plat 1894 when this part of the City was Arlington County.

The Property has contains at least the lot area and lot width identical in size and shape as the majority of lots on the "Blockface" as defined in the Ordinance and is consistent with lots in the Emma P, Hume subdivision St. Elmo. As such, the lot complies with the 12-402(C) Ordinance as being of a size that qualifies it for a Special Use Permit to construct a single family dwelling. Once qualified as a lot that can be developed, the review criteria are:

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

The Applicant submits:

1. The construction of the proposed single family dwelling is set back seven (7') feet from the east lot line as required by the R-2-5 Zone regulations. As such proposed construction will not unreasonably impair an adequate supply of air and light to the adjacent residential property at 303 Laverne Avenue. The set backs on Laverne Avenue and Turner Road are consistent with the setbacks of other corner houses in the neighborhood and will not unreasonably restrict air and light to properties located on the other sides of the rights-of-way. The Applicant is requesting modification of the front yard set backs on Laverne Avenue and Turner Road to site the lot on the Property consistent with the character of the neighborhood.

2. The proposed 1485 square foot dwelling (1360 sq. ft. and 125 sq. ft. porch) has been sited on the Property and designed to be consistent with the established pattern of development in the neighborhood and of rich architecture using quality materials consistent character of the neighborhood. As such, the proposed construction should enhance rather than diminish or impair established

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2005-0114

property values in the surrounding area.

3. The proposed 1485 square foot dwelling (1360 sq. ft. and 125 sq. ft. porch) has been sited on the Property and designed to be consistent with the established pattern of development in the neighborhood and compatible with the existing eclectic character of the neighborhood. As such the proposed construction will be compatible with the existing neighborhood character.

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.

Brett Rice is the sole owner of the property. Mr. Rice's address is 5421 Waycross Drive, Alexandria, Virginia 22310.

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.

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: **To construct a single family dwelling on a substandard lot.**

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).

The dwelling to be constructed on the Property will be occupied as a single family dwelling in accordance with the occupancy regulations of the City of Alexandria, Virginia.

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

Not Applicable.

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

Day:

Hours:

Not Applicable.

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

The applicants will select mechanical equipment and locate it on the Property to insure compliance with the noise levels permitted by the Alexandria City Code.

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:

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

 Compact spaces

 Handicapped accessible spaces.

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.

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.

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

_____ sq. ft. (existing) + 1485 net sq. ft. = 1485 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: _____



"Flanigan, Allen"
<Allen.Flanigan@USPTO.GOV
>

11/01/2005 01:04 PM

To <pcccomments@alexandriava.gov>

cc

bcc

Subject Planning Commission Comments SUP application
2005-0114

PC Docket Item #9
SUP 2005-0114

11/1/2005

To the members of the Planning Commission

Regarding SUP Application #2005-0114

301 Laverne Ave.

Applicant Brett Rice

As a neighbor and 14-year resident of Laverne Ave., I have followed the attempts to develop this corner lot with a great deal of interest. I am grateful to the Planning Commission staff for the time and effort they have invested in considering this proposal, including holding meetings with all concerned parties. I have reviewed the latest staff report recommending denial of Mr. Rice's application, and I must concur with their recommendation.

It seems that the process regarding this lot has reached a point of entrenched positions; Applicant seems determined to build a single family dwelling of substantial size on a substandard lot, and the changes made to the proposal over the last two years seem to have focused primarily on cosmetics, i.e. the design of the proposed house. Several of my neighbors on the street have consistently opposed the planned structure. I tend to agree with the characterization of the proposed structure as being disproportionately large for the lot size; my single family detached house, for example, has 1700 square feet interior space and is on a lot of 7800 square feet. Mr. Rice proposes a house of only 300 fewer square feet on a lot that is little more than half the size of our lot. Mr. Rice has pointed repeatedly to other small lots with large dwellings on them as justification for being permitted to build his proposed house on this lot, but I think it would be a mistake to use such existing structures as a blueprint for future infill development. The whole point of having zoning rules and SUP requirements and review processes is to discourage such "mistakes", i.e. disproportionately large structures on substandard lots, from being replicated. I think staff's analysis of the totality of lots in the area summarized in their report is an appropriate way to judge the appropriateness of the size and other characteristics of the proposed house, rather than singling out a corner lot here or there that was built decades ago and hold it up as a template for what should be acceptable today.

It has been frustrating dealing with Mr. Rice and his partner Mr. Bonomi; they obviously want to obtain approval for their plans but seem willing to be less than candid if they feel it will help them. As an example, there have been misrepresentations made regarding the rate at which the currently empty lot has been taxed, Mr. Rice complaining that it was unfair to be taxed at the same rate as an improved lot with a house on it if he is not permitted to build his proposed house. Mr. Rice's representative, Mr. Blair, confirmed that in fact the 301 lot is being taxed at a reduced rate since it is an unimproved lot at a recent meeting with the Del Ray Citizens' Association Land Use Committee. Last year, during a meeting with neighbors and Planning Commission staff, I expressed concern that one of the letters Mr. Rice offered in support of his proposal from a "neighbor" in fact came from his business partner, Victor Bonomi, who had recently purchased the adjacent property at 303 and apparently works with Mr. Rice to flip houses in Del Ray. I pointed

out that Mr. Bonomi was listed as the owner of at least 3 properties in Northern Virginia, and felt that assurances that he had no objections to the proposed house and did not feel it would unduly limit the supply of light and air to his property seemed irrelevant given his relationship with Mr. Rice. I was assured by Mr. Rice and Mr. Bonomi that Victor Bonomi had every intention of living at 303 Laverne and becoming my neighbor. Shortly after the City Council turned down Mr. Rice's previous proposal for this lot, Mr. Bonomi sheepishly admitted to me that he had in fact sold the property at 303 Laverne back to Mr. Rice. As you can understand, such experiences tend to paint Mr. Rice and his attempts to develop this property in a less than favorable light.

I don't ask the Commission to look favorably or unfavorably on Mr. Rice's application in light of such things, or in light of how well or poorly the property at 301 Laverne has been maintained by Mr. Rice during the past couple of years. Mr. Rice, like all applicants, deserves to have his application decided on the merits, and I can see no error or prejudice in the conclusions of the Staff report, whose conclusions and concerns I share and whose recommendation I concur in.

Allen Flanigan
309 Laverne Ave.
Alexandria, VA

Del Ray Citizens Association

PO BOX 2233

ALEXANDRIA VA 22301

ESTABLISHED 1954

To: Members of Alexandria Planning Commission
Eileen Fogarty, Director, Office of Planning and Zoning

From: Amy Slack, Land Use Committee Co-Chair
Sarah Haut, Land Use Committee Co-Chair
Laurie MacNamara, President

Date: October 27, 2005

Subject: SUP#2005-0114, 301 La Verne Ave.
Consideration of a request for construct a single-family residence on a sub-standard lot with modifications of the both required front yards, the side yard and the vision clearance requirements.
Zoned: R2-5 Applicant: Brett Rice

The applicant, Mr. Brett Rice, and his attorney Mr. Duncan Blair attended the Land Use committee meeting of October 20, 2005 to discuss the proposal. Notice of the meeting was announced in the Association newsletter and to the membership in September. Rich Josephson, Deputy Director of Planning & Zoning and several neighbors attended the meeting.

The meeting began with a brief summary of previous discussions and decisions supported by the committee, the Executive Board and/or the general membership to; support a smaller design proposal in keeping with the architectural character of the neighborhood that includes an open front porch 7ft minimum in depth, uses the prevailing setback of Laverne Avenue, provides common public amenities e.g. curb, gutter, and sidewalk along Turner Road, replaces unhealthy and/or an undesirable variety of existing trees with desirable trees of like kind, provides the required off-street parking that is constructed to minimize the amount of paving, and to not unreasonably impair an adequate supply of air and light to the adjacent property. We understood that relief from the required second front yard setback and the vision clearance requirements would be necessary. Our position in this case is based on the belief that the demand for housing will prevail in cases where an SUP may be granted for sub-standard lots, an examination of BZA determinations for variances to non-complying structures on sub-standard lots, and decisions by the City that have required infrastructure improvements as a condition of support for redevelopment and infill development projects of greater density or mass.

Mr. Blair presented drawings depicting a two and one half story dwelling 19ft wide by 37ft long with a one story, open front porch ~ 6ft 5in deep. The house is oriented toward La Verne Avenue and is set 14ft back from the street. The architecture is similar to the modernized versions of Folk Victorian seen in Del Ray; a hip roof, continuous over the cantilevered bays on the west elevation aid in reducing the overall mass. Interest is added by the choice of sidings which differs for the 1st story from the 2nd story. The required off-street parking for 2 vehicles is accessible from Turner

Road. The applicant proposes paying for installation of curb, gutter, and sidewalk along Turner Road and will plant desirable varieties of trees to replace the unhealthy and/or less desirable trees on site and in the 10ft wide city right of way. The lot size is 4200sqft and the FAR is calculated at ~.35.

There was little additional discussion by the committee or the Executive Board other than to note; the 10ft right of way along Turner Road offers ample room to install the curb, gutter, sidewalk and provide a generous planting strip, the applicant will pay for curb and gutters which normally should be installed throughout and by the City, a condition limiting the height and nature of any fencing along Turner Road will limit a further loss of openness, and that the proffers and amenities are in keeping with the Urban Forestry Steering Committee goal of seeking ways to improve the health, quality, density and diversity of the city's trees and with the City's strategic plan to increase connectivity and improve the 'walkableness' of communities.

The Executive Board agreed with LU committee and voted to recommend support with the following conditions:

- The prevailing set back of Laverne Ave. block face will be used.
- The one story, open front porch is increase in depth to be in character with the neighborhood e.g. minimum 7' deep.
- The applicant shall be required to replace unhealthy and/or undesirable shade trees with quality trees of like kind as proffered.
- The applicant shall provide the required off-street parking. The parking area is to be water permeable.
- The applicant shall be required to install curb, gutter, and sidewalks improvements along Turner Road.
- That any fencing along Turner Road shall be no greater than 42" in height and open in nature.

We request your support for this position and welcome your questions and comments. Please feel free to contact President Laurie MacNamara at 703-519-9410, Co-chairs Amy Slack at 703-549-3412 or Sarah Haut at 703-838-9060.

LAND, CLARK, CARROLL, MENDELSON & BLAIR, P.C.

Attorneys & Counsellors at Law

524 KING STREET
ALEXANDRIA, VA 22314

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11-12-05

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ALEXANDRIA, VIRGINIA 22320-0888

November 11, 2005

The Honorable William D. Euille, Mayor
Members of the Alexandria City Council
301 King Street
City Hall, Room 2300
Alexandria, Virginia 22314

**In re: November 12, 2005 City Council Public Hearing – Docket Item #10
Special Use Permit #2005-0114 – 301 Laverne Avenue**

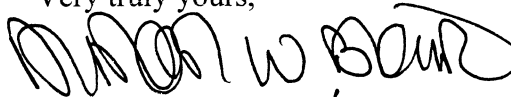
Dear Mayor Euille and Members of City Council:

I am writing on behalf of our client, Brett Rice, to request that consideration of the action of this item be deferred from tomorrow's public hearing to the December 17, 2005 City Council Public Hearing.

Due to a family emergency, my client cannot be present at tomorrow's hearing.

Thank you for your consideration of this matter.

Very truly yours,



Duncan W. Blair

DWB:kl\Euille-Rice 1105

cc: Brett Rice
Rich Josephson, Planning & Zoning