

## City of Alexandria, Virginia

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MEMORANDUM

DATE: JANUARY 3, 2008

TO: THE HONORABLE MAYOR AND MEMBERS OF CITY COUNCIL

THROUGH: JAMES K. HARTMANN, CITY MANAGER *JKH*

FROM: FAROLL HAMER, DIRECTOR, DEPARTMENT OF PLANNING AND ZONING *RS am*

SUBJECT: APPEAL OF THE PLANNING COMMISSION DECISION REGARDING SUB#2007-0006, SUBDIVISION AT 407 DUKE STREET & 219 SOUTH ROYAL STREET

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On December 15, 2007, the City Council considered an appeal of the denial of a proposed subdivision located at 407 Duke Street and 219 South Royal Street. City Council deferred action on the proposal and instructed staff to report back on possible alternatives.

The issue at hand with regard to the proposed subdivision is whether the variations needed to approve the subdivision, allowing less open space and less rear setback than required, could be supported under the Zoning regulations. The proposed subdivision would result in the creation of a substandard lot with approximately 200 square feet less open space and 3.6 feet less rear setback than required. The Planning Commission denied the proposed subdivision on the basis that it did not satisfy the standard required for granting variations, as described below:

*Variations.* The commission may, by vote of a majority of its members, authorize specific variations from the provisions of Section 11-1700, when in its opinion a strict adherence to such provisions would result in substantial injustice and when one of the following circumstances exists; provided, however, that the use or character of the resulting lots or parcels in such a subdivision shall not be inconsistent with the use provisions of the zone in which the property is situated or the existing development in the immediate area:

- (A) Extremely rugged topography.
- (B) Irregularity in shape of parcel preventing conformance with normal lot area or frontage requirements.

(C) Insufficient frontage on existing street where the interior of the tract can be served only by a street substandard in width when not serving more than five lots, provided the street is not less than 30 feet in width. If only a single lot is served, the width may be less than 30 feet. A turn around area may be required.

(D) Streets along border of the subdivision where the subdivision borders on unsubdivided land and the remaining street width will be provided from adjacent land.

(E) Resubdivision of lots in subdivisions of record as of January 1, 1952, where, because of existing structures or gross area of land involved, the subdivided lots would not conform to all of the requirements of the zone in which the subdivision is located.

Staff offers the following alternative recommendations to the proposed subdivision (see attached):

Alternative 1

Maintain all existing lot lines, lot areas and setbacks. Both lots remain the same. The area in question, the rear of 219 South Royal Street, is to be conveyed by easement from to existing Lot 500 (407 Duke Street).

Alternative 2

Adjust the proposed subdivision line such that the new line is situated so that proposed Lot 600 (219 South Royal) meets the required rear setback and open space requirement. The rear property line of proposed Lot 600 would have to be moved approximately 19.5 feet to result in a complying lot. This area could also be conveyed by easement to the lot at 407 Duke Street.

Either one of these alternatives would be acceptable to staff. The original proposed subdivision cannot be supported since it results in the creation of a substandard lot.

Attachments

## Alternative 1

**Maintain existing  
lot lines and  
convey area (rear of  
219 South Royal  
Street) by  
easement**



South Royal St

Duke St.

# 407 Duke Street & 219 South Royal



## Alternative 2

Move 219 rear lot line approximately 19.5 feet to create conforming lot for open space and rear setback



South Royal St

Duke St.

# 407 Duke Street & 219 South Royal