


City of Alexandria, Virginia

MEMORANDUM

DATE: DECEMBER 10, 2007

TO: THE HONORABLE MAYOR AND MEMBERS OF CITY COUNCIL

FROM: JAMES K. HARTMANN, CITY MANAGER 

SUBJECT: APPEAL OF A DENIAL OF A CURB CUT APPLICATION FOR 321 E. CUSTIS AVENUE

**ISSUE:** Consideration of an appeal of a denial of a curb cut application for 321 E. Custis Avenue

**RECOMMENDATION:** That City Council conduct a public hearing on the appeal and following the public hearing uphold the administrative denial of this curb cut application.

**DISCUSSION:** Curb cut applications in the Town of Potomac are governed by Section 8-200(c)(5)(d) of the Zoning Ordinance, which provides that access to all parking shall be from an alley or interior court. Upon a finding by the director that such access is clearly not feasible, an application for a curb cut may be filed with the directors of planning and zoning and transportation and environmental services. The directors shall review the application for compliance with the criteria of section 5-2-14(c) of the City Code, and for the compatibility of the location and nature of the proposed curb cut and associated parking facility with the character and architectural style of the developed block face. The rejection by either director constitutes a denial of the application. The administrative determination on the application may be appealed to City Council.

The subject property is located in the Town of Potomac Historic District. Section 8-200(c)(5)(d) states that, "access to all parking shall be from an alley or interior court." Where there is no access from an alley the ordinance provides for relief by allowing the applicant to submit an application for a curb cut to provide access. The subject property currently has an existing curb cut which the application seeks to widen. There are many double curb cuts in the vicinity which are serving two properties. However, in looking at the adjacent properties along Leslie Avenue around the subject property, there are no double wide curb cuts which serve only one single family home.

The finding of the Director of Planning and Zoning is that the curb cut requested in the subject application is not consistent with the character and style of the surrounding neighborhood. Therefore, the application was administratively denied. The applicant has

elected to appeal this determination to City Council pursuant to Zoning Ordinance Section 8-200(c)(5)(d).

**FISCAL IMPACT:** There are no fiscal impacts.

**ATTACHMENTS:**

- Attachment 1. Application for Proposed Driveway Apron
- Attachment 2. October 17, 2007 Memorandum from Marlo Ford to Joan Wagner
- Attachment 3. October 25, 2007 Letter from Lucky Stokes Denying Application
- Attachment 4. October 31, 2007 Letter from James & Dorothy Breeding Regarding Appeal
- Attachment 5. Copy of Zoning Ordinance, Section 8-200(c)(5)(d)

**STAFF:**

Richard Baier, P.E., Director, T&ES

Faroll Hamer, Director, P&Z

Lucky Stokes, P.E., Division Chief/ Construction & Inspection, T&ES

**TRANSPORTATION & ENVIRONMENTAL SERVICES**

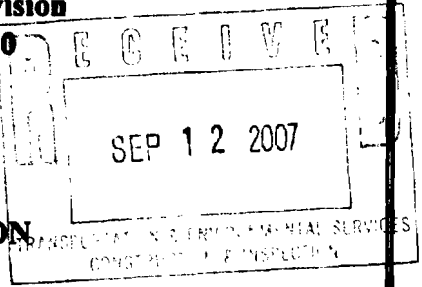
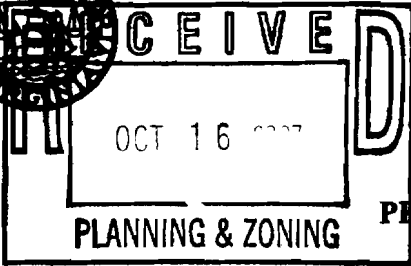
**Construction & Inspection Division**

301 King Street, Room 4130

Alexandria, VA 22314

703-838-4324

703-838-6438 (Fax)



**PROPOSED DRIVEWAY APRON**

As per City Ordinance No. 3176, approved by City Council on January 24, 1987, I, the undersigned, have notified the owners of the adjacent properties, by way of this form, within five (5) calendar days after submission of an application for a driveway apron.

Driveway Apron Location: 321 E. Custis Ave / Apron located 2100 Leslie Ave Side

Request for a New Curb Cut? Yes  No  What is the Requested Width? \_\_\_\_\_

Request for a Second Curb Cut? Yes  No  What is the Requested Width? \_\_\_\_\_

Will the Existing Driveway be Removed? Yes \_\_\_\_\_ No

Request to Widen Existing Curb Cut? Yes  No  What is the Total Requested Width? 22

Property Owner: James Breeding Street Name & No. 321 E. Custis Ave

(City) Alexandria (State) VA (Zip Code) 22301

Home Phone: 703-836-0718 Work Phone: 703-339-0084 Cell Phone: 571-436-2772

Mailing Address (if different from above): \_\_\_\_\_

Property Owner Signature: James Breeding Date: 9/12/07

\*\*\*\*\*  
THE SIGNATURE(S) OF THE PROPERTY OWNER(S) ON EACH SIDE OF YOUR PROPERTY IS REQUIRED. IF THE REQUEST IS FOR A CORNER LOT, YOU WILL NEED TO OBTAIN THE SIGNATURE OF THE PROPERTY OWNER(S) AROUND THE CORNER. IF THE PROPERTY OWNER(S) DO NOT RESIDE AT THIS LOCATION, IT IS REQUIRED THAT THE FORM BE MAILED VIA CERTIFIED MAIL TO THE OWNER(S), RETURN RECEIPT REQUESTED. AFTER THE ADJACENT PROPERTY OWNERS HAVE SIGNED THIS FORM, AND INDICATED WHETHER OR NOT THEY OBJECT TO THE PROPOSED DRIVEWAY APRON, PLEASE SUBMIT THIS COMPLETED FORM, ALONG WITH A COPY OF YOUR SURVEY PLAT INDICATING WHERE THE DRIVEWAY APRON IS TO BE INSTALLED. THE FORM AND SURVEY PLAT MAY BE MAILED TO: CITY OF ALEXANDRIA, TRANSPORTATION & ENVIRONMENTAL SERVICES, CONSTRUCTION & INSPECTION DIVISION, P.O. BOX 178, ALEXANDRIA, VA 22313. YOU MAY ALSO BRING THE FORM AND SURVEY PLAT TO OUR OFFICE AT 301 KING STREET, ROOM 4130, ALEXANDRIA, VA 22314.

Driveway Apron Location: Leslie Avenue 2100 block @ rear of house.

Adjacent property owners have five (5) calendar days from receipt of this notification to express an objection to the proposed driveway apron, either on this form or in writing, to the Director of Transportation & Environmental Services.

\*\*\*\*\*  
**PROPERTY OWNERS ACKNOWLEDGEMENT**  
\*\*\*\*\*

Objection: Yes:  No:

Property Owner: TOM HORAN Address: 2104 LESLIE AVE, ALEX. VA

Property Owner Signature: [Signature] Date: 7/30/07

If objecting, give reason: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Objection: Yes:  No:

Property Owner: Mary + Peter Cato Address: 319 E. Custis Ave Alex Va 22301

Property Owner Signature: [Signature] Date: 7/30/07

If objecting, give reason: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\*\*\*\*\*  
**FOR OFFICE USE ONLY**  
\*\*\*\*\*

**ZONING REVIEW**

Property Is ( ) Is Not () Within the Old & Historic District

Property Is ( ) Is Not () Within the Parker Gray District

Property Is () Is Not ( ) Within the Town of Potomac Historic District

Property Is ( ) Is Not () Within the Rosemont Historic District

Recommendation: Approve  Deny

Reason for Denial: please see memorandum

Signature: Mary G. A. Ford Date: Oct. 17, 2007

\*\*\*\*\*  
**TRANSPORTATION & ENVIRONMENTAL SERVICES REVIEW**  
\*\*\*\*\*

Application Mailed to Applicant: \_\_\_\_\_

Application Received from Applicant: \_\_\_\_\_

Application Sent to Zoning and C&I Inspector: \_\_\_\_\_

Application Received from Zoning: \_\_\_\_\_ From C&I Inspector: \_\_\_\_\_

Results: \_\_\_\_\_

Application to Division Chief: \_\_\_\_\_ From Division Chief: \_\_\_\_\_

Decision of Division Chief: Approve  Deny

Reason for Denial limited, incompatible with neighborhood

Notification to Applicant: \_\_\_\_\_

City of Alexandria, Virginia

MEMORANDUM

RECEIVED  
OCT 19 2007

TRANSPORTATION & ENV. SERVICES  
CONSTRUCTION & INSPECTION

DATE: OCTOBER 17, 2007

TO: JOAN WAGNER, SUPERVISORY ADMINISTRATIVE OFFICER  
DEPARTMENT OF TRANSPORTATION AND ENVIRONMENTAL SERVICES

THRU: PETER LEIBERG, ZONING MANAGER  
DEPARTMENT OF PLANNING AND ZONING

FROM: MARLO FORD, URBAN PLANNER, ZONING COMPLIANCE  
DEPARTMENT OF PLANNING AND ZONING

SUBJECT: DRIVEWAY APRON REQUEST FOR 321 E. CUSTIS AVENUE

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The Department of Planning and Zoning has reviewed the request for a second driveway apron at 321 E. Custis Avenue. The property is located in the Town of Potomac. Section 8-200(C)(5)(d) states that , “access to all parking shall be from an alley or interior court. Upon a finding by the director that such access is clearly not feasible an application for a curb cut to provide access may be filed.”

On August 7, 2007 staff responded to an application requesting a second curbcut. In analyzing the second curb cut in the context of the existing neighborhood, staff is concern that there would be a twenty-two feet linear combined curb cut that is not seen anywhere in the surrounding neighborhood.

The Department of Planning and Zoning is still recommending denial of the proposed curb. The ordinance provides for relief by allowing “a curbcut” to provide access. The subject property currently has an existing curbcut. In looking at the adjacent properties along Leslie Avenue around the subject property, there are no other homes with a double wide curbcut.

If the homeowner disagrees with this recommendation, the owner can petition the Traffic Board for a public hearing



TRANSPORTATION & ENVIRONMENTAL SERVICES

P. O. Box 178

Alexandria, Virginia 22313

[alexandriava.gov](http://alexandriava.gov)

October 25, 2007

Construction & Inspection  
(703) 838-4324

Site Plan  
(703) 838-4318

Engineering  
(703) 838-4328

Street Lights  
(703) 838-4721

Mr. James Breeding  
321 E. Custis Avenue  
Alexandria, VA 22301

Re: Widen Curb Cut at 321 E. Custis Ave.  
On Leslie Avenue

Dear Mr. Breeding:

Your application to widen your existing curb cut to a width of 22 feet has been reviewed by staff. Your request is denied because a curb cut of this width for a single residence is not compatible with the surrounding neighborhood.

You may appeal this decision to City Council. If you wish to appeal, you must submit your request in writing within 14 days of the date of this letter. The request may be mailed to: City of Alexandria, City Clerk's Office, P.O. Box 178, Alexandria, VA 22313, or you may hand deliver it to City Hall, 301 King Street, Room 2300. You may call the City Clerk's office at 703-838-4550.

If you have any questions, please call me at 703-838-4324.

Sincerely,

A handwritten signature in cursive script that reads "L. Stokes" followed by a small flourish.

Lucky Stokes, P.E.  
Chief, Construction & Inspection  
Transportation & Env. Services

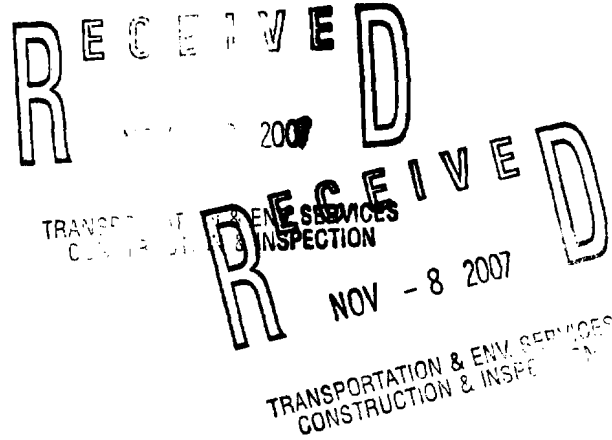
Cc: Marlo Ford, Urban Planner, Planning & Zoning

Attachment 4  
received  
11/5/07

James and Dorothy M. Breeding  
321 East Custis Avenue  
Alexandria Virginia 22301

October 31, 2007

City of Alexandria  
City Clerk's Office  
P.O. Box 178  
Alexandria Virginia 22313



RE: Widen Curb Cut @ 321 E. Custis Ave.  
On Leslie Avenue

Dear Mr. Stokes

I would like to appeal your decision to deny widening our existing curb based on the reason provided.

In your letter you stated that the curb cut of this width for a single residence is not compatible with the surrounding neighborhood.

However, there are several homes within a few blocks of my home that have double curb driveways and a few in fact are new. In fact I located 7 homes within a four block radius. These homes are located at 2500 Leslie Avenue, 1810 Leslie Avenue, 1800 Leslie Avenue, 2300 Leslie Avenue, 300 East Custis Avenue, 405 E. Delray Avenue, and 2600 Terrett Avenue.

In lieu of this information I ask you to reconsider your decision.

I look forward to hearing from you.

Sincerely,

James Breeding



## OFF-STREET PARKING AND LOADING

§ 8-200

cess to all parking shall be provided from an alley or interior court. Upon a finding by the director that such access is clearly not feasible, an application for a curb cut to provide access may be filed with the director of transportation and environmental services who shall, after review by the director and the director of transportation and environmental services, and provided the application meets the criteria of section 5-2-14(c) of the city code, docket the matter for hearing before the Old and Historic Alexandria District board of architectural review. The board of architectural shall approve or deny the application based on whether the location and nature of the proposed curb cut and associated parking facility is compatible with the character and architectural style of the designated building or structure. The decision of the board of architectural review may be appealed to city council pursuant to section 10-309. If approval of a curb cut as specified in this subparagraph is not granted, then a waiver as to part or all of any parking requirement may be granted by the planning commission as part of its site plan review or, if no site plan is required, by the director. The requirements of this subparagraph shall apply to all the land appurtenant to such designated building or structure, whether comprised of a single lot or multiple lots of record, on the date of designation.

- (d) Within the Town of Potomac and Rosemont Historic Districts, access to all parking shall be from an alley or interior court. Upon a finding by the director that such access is clearly not feasible, an application for a curb cut to provide access may be filed with the director of transportation and environmental services for review by the director and the director of transportation and environmental services. The approval of both directors constitutes approval of the application. The directors shall review the application for compliance with the criteria of section 5-2-14(c) of the city code, and for the compatibility of the location and nature of the proposed curb cut and associated parking facility with the character and architectural style of the developed block-face. The rejection by either director constitutes a denial of the application. The administrative

determination on the application may be appealed to city council. The procedures of section 10-207 shall apply to the extent appropriate to any such appeal.

- (e) For land not covered by paragraph (a) through (d) above, approval for a curb cut may be obtained either as part of a site plan approved by the planning commission pursuant to section 11-400 or by administrative approval pursuant to section 5-2-14 of the city code.
- (f) It is the express intent of the city that no curb cut be permitted anywhere in the city which does not, at a minimum, meet the criteria of section 5-2-14(c) of the city code.

- (6) *Parking, required or otherwise, limited on residential lots.* For all lots containing single-family, two-family or town-house dwelling uses, there shall be a limit of one vehicle per 1,000 square feet of lot area, not to exceed a maximum of four (4) vehicles per lot parked or stored outside on the lot in question.

(D) *Design of parking spaces and facilities.*

- (1) Each required parking space shall be no less than 18.5 feet in length and nine feet in width, except that each required compact car parking space shall be no less than 16 feet in length and eight feet in width for compact car parking spaces, exclusive of driveways and aisles; provided, however, that parking spaces parallel to driveways and aisles shall be not less than 22 feet in length and eight feet in width for standard cars and 18 feet in length and seven feet in width for compact cars.
- (2) Aisles with two-way traffic movement shall be no less than 22 feet in width, unless 45- and 60-degree parking is provided or where parking on both sides of the aisle is for compact cars, in which case said aisles shall be no less than 20 feet in width, or as much additional width as may be required for access of emergency vehicles. Aisles with one-way traffic movement shall be as follows:
  - (a) Aisles serving 90-degree parking shall be no less than 22 feet in width, except that where parking on both sides of the aisle is for compact cars, the aisle shall be no less than 20 feet in width unless in special circumstances the director of transportation and environmental services and the fire marshall shall approve in



20  
12-15-07

TRANSPORTATION & ENVIRONMENTAL SERVICES

P. O. Box 178

Alexandria, Virginia 22313

alexandriava.gov

December 4, 2007

Construction & Inspection  
(703) 838-4324

Site Plan  
(703) 838-4318

Engineering  
(703) 838-4328

Street Lights  
(703) 838-4721

Peter or Mary Cato  
319 E. Custis Avenue  
Alexandria, VA 22301

Dear Mr. & Mrs. Cato:

An application to widen an existing curb cut at 321 E. Custis Avenue (on the Leslie Avenue side) was denied. A request for appeal has been received and has been scheduled to be heard at the City Council meeting on December 15, 2007. The location of the meeting is City Hall, 301 King Street, 2<sup>nd</sup> floor, Council Chambers. The meeting begins at 9:30 a.m. You may attend the meeting to present your position to Council.

If you have any questions, please call me at 703-838-4324.

Sincerely,

Lucky Stokes, P.E.  
Chief, Construction & Inspection  
Transportation & Env. Services

Cc: ✓ Jackie Henderson, City Clerk & Clerk of Council  
Leroy Baker, Survey Technician, Transportation, T&ES  
Marlo Ford, Urban Planner, Planning & Zoning



TRANSPORTATION & ENVIRONMENTAL SERVICES

P. O. Box 178

Alexandria, Virginia 22313

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Construction & Inspection  
(703)838-4324

Engineering  
(703)838-4328

Site Plan  
(703)838-4318

December 4, 2007

Street Lights  
(703)838-4721

Mr. Tom Horan  
2104 Leslie Avenue  
Alexandria, VA 22301

Dear Mr. Horan:

An application to widen an existing curb cut at 321 E. Custis Avenue (on the Leslie Avenue side) was denied. A request for appeal has been received and has been scheduled to be heard at the City Council meeting on December 15, 2007. The location of the meeting is City Hall, 301 King Street, 2<sup>nd</sup> floor, Council Chambers. The meeting begins at 9:30 a.m. You may attend the meeting to present your position to Council.

If you have any questions, please call me at 703-838-4324.

Sincerely,

Lucky Stokes, P.E.  
Chief, Construction & Inspection  
Transportation & Env. Services

Cc: ✓ Jackie Henderson, City Clerk & Clerk of Council  
Leroy Baker, Survey Technician, Transportation, T&ES  
Marlo Ford, Urban Planner, Planning & Zoning