

Docket Item #3  
BZA CASE #2010-0029

Board of Zoning Appeals  
January 13, 2011

**ADDRESS:** 209 DUNCAN AVENUE  
**ZONE:** CL, COMMERCIAL  
**APPLICANT:** ANNEMARIE AND GREGORY MASON, OWNERS, BY KAREN CONKEY, ARCHITECT

**ISSUE:** Variance to construct a multi-family dwelling on the footprint of an existing single-family dwelling in the required side yards.

CODE SECTION	SUBJECT	CODE REQMT	APPLICANT PROPOSES	REQUESTED VARIANCE
4-106(A)(2)(a)	Side Yard (East)	16.00 ft	8.10 ft	7.90 ft
	(West)	16.00 ft	3.40 ft	12.60 ft

**BOARD OF ZONING APPEALS ACTION OF JANUARY 13, 2011:** On a motion to approve by Mr. Goodale, seconded by Mr. Zander, the variance was approved by a vote of 5 to 0.

Reason: The applicant demonstrated a hardship due to the narrowness of the lot and the placement of the existing dwelling on the lot.

Speakers:

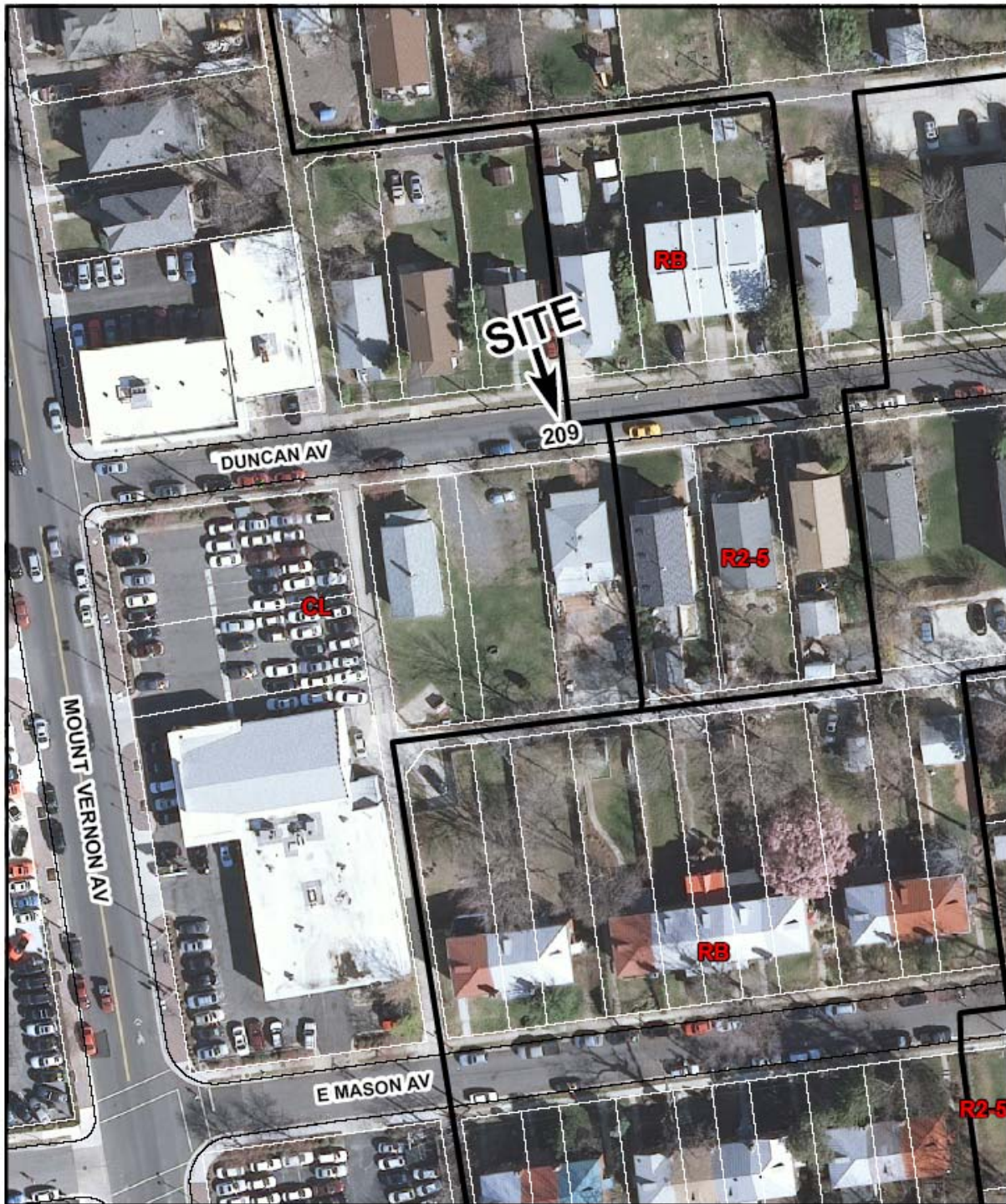
Karen Conkey, architect, made the presentation.

Staff **recommends approval** of the request because the applicants have demonstrated a hardship.

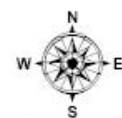
If the Board decides to grant the requested variance it must comply with the code requirements under the department comments and the applicant must submit the following prior to the release of a Certificate of Occupancy: (1) a survey plat prepared by a licensed surveyor confirming building footprint, setbacks, and building height compliance from average preconstruction grade and (2) certification of floor area from a licensed architect or engineer. The variance must also

**BZA CASE #2010-0029**

be recorded with the deed of the property in the City's Land Records Office prior to the release of the building permit.



BZA CASE #2010-0029 CONTEXT MAP



**I. Issue**

The applicants propose to convert an existing single-family dwelling into a multifamily building that contains three dwelling units within the existing building footprint at 209 Duncan Avenue. The existing dwelling is now located in the required east and west side yard setbacks as will the new building. The applicants seek relief from the side yard setback requirements.

**II. Background**

The subject property is one lot of record with 40.00 feet of frontage facing Duncan Avenue, a depth of 123.21 feet and a lot area of 4,928 square feet. A one-story frame single-family dwelling with a open front porch is located 14.80 feet from the front property line facing Duncan Avenue, 8.10 feet from the east side property line, and 3.40 feet from the west side property line. Off-street parking is located at the rear of the lot. The property abuts a 10 feet wide public alley along the south property line and provides access to existing off-street parking at the rear of the property.

Directly to the west of the subject property is located a commercial building with surface parking and a residential dwelling to the east. The 200 block of Duncan Avenue is comprised of a variety of housing stock from single-family, townhouses, semidetached and duplex dwellings including a number of multifamily buildings similar to the applicants' proposed project. The 200 block of Duncan Avenue includes three different zones from CL, commercial low, RB, townhouse to R-2-5 single and semi-detached.

Real estate assessment records indicate the existing house was built around 1925. The applicants have owned the property since 2001.

**III. Description**

The proposed renovation intends to build upon the existing footprint of the existing one-story single-family dwelling to a two-story multifamily dwelling comprised of three apartment units and including a modest rear addition in line with the east and west building wall. Upon completion of the proposed three unit building the structure will continue to be located 14.80 feet from the front property line, 8.10 feet from the east side property line and 3.40 feet from the west side property line. A multifamily dwelling lot is required to provide forty percent of the area of the lot as open space. Based on the lot size of the property (4,928 square feet), the proposed project must provide a minimum of 1,971 square feet of open space. The applicants propose to provide 2,157 square feet of open space in the form of ground level open space and a roof terrace. A multifamily building comprised of three dwelling units with two bedrooms per unit is required to provide 1.75 off-street parking spaces for each dwelling unit. A total of 5 off-street parking spaces are required and the applicants provide five parking spaces (one at the front of the lot on an existing driveway served from Duncan Avenue) and four spaces at the rear of the property served by a public alley.

Upon completion of the project, the new building will comply with floor area, open space, rear yard setback, off-street parking and building height requirements in the CL zone. The only CL requirement that cannot be met is the east and west side yard requirements for a multifamily dwelling.

There have been no variances previously granted for the subject property.

Although the subject property is located within the Town of Potomac Historic District, it is not listed on the 100 year old buildings list.

**IV. Master Plan/Zoning**

The subject property is zoned CL, commercial low and has been so zoned since 1992 and identified in the Potomac West Small Area Plan for commercial/residential low land use.

**V. Requested variance**

Section 4-106(A)(2)(a), Side Yard:

The CL zone requires each multifamily dwelling to provide two side yards of a minimum of 16 feet or one-half the building height whichever is greater. The existing single-family dwelling was built in the required east and west side yards. The proposed multifamily dwelling that will be built on the footprint of the existing single-family dwelling and continue to be located in the required side yards. The applicants request a variance of 7.90 feet from the east side property line and 12.60 feet from the west side property line.

**VI. Noncomplying structure**

The existing building at 209 Duncan Avenue is a noncomplying structure with respect to the following:

	<u>Requirement</u>	<u>Existing</u>	<u>Degree of Noncompliance</u>
Side Yard			
(East)	16.00 ft	8.10 ft	7.90 ft
(West)	16.00 ft	3.40 ft	12.60 ft
Lot Width	50.00 ft	40.00 ft	10.00 ft

**VII. Staff analysis under criteria of section 11-1103**

To grant a variance, the Board of Zoning Appeals must determine that a unique characteristic exists for the property. Section 11-1103 of the zoning ordinance lists standards that an applicant must address and that the Board believes exists and thus warrants varying the zoning regulations.

- (1) The particular physical surroundings, shape, topographical condition or extraordinary situation or condition of the property that prohibits or unreasonably restricts the use of the property.

- (2) The property's condition is not applicable to other property within the same zoning classification.
- (3) Hardship produced by the zoning ordinance was not created by the property owner.
- (4) The granting of a variance will not be detrimental to the public or other property or the neighborhood in which the subject property is located. Nor will the granting of a variance diminish or impair the value of adjoining properties or the neighborhood.
- (5) The granting of the variance will not impair light and air to the adjacent property.
- (6) The granting of a variance will not alter the character of the area nor be detrimental to the adjacent property.
- (7) Strict application of the zoning ordinance will produce a hardship.
- (8) Such hardship is generally not shared by other properties in the same zone and vicinity.
- (9) No other remedy or relief exists to allow for the proposed improvement.
- (10) The property owner has explored all options to build without the need of a variance.

**VIII. Applicant's Justification for Hardship**

The applicants' state the current zoned requirement of two 16 feet side yard setbacks for a property to build a multifamily structure (3 or more units) commercially zoned puts an unreasonable restriction on this particular property due to both the existing structures placement on the lot and its noncompliant side yards as well as the property's noncompliant lot width. The subject property is 40 feet wide versus the prescribed 50 feet width requirement. Applying two side yards of 16 feet each on a 40 feet wide lot will result in an unusable multifamily structure 8.00 feet wide. Also, the property's current configuration and lot subdivision that pre-dates the existing zoning regulations places an unreasonable hardship on the applicants to comply with the current regulations.

**IX. Staff Analysis**

Staff agrees that with the applicant's justification for hardship. The situation is unique to this lot and does place an unreasonable restriction on the use of the property specifically to build a single-family or multifamily dwelling. The existing structure is currently noncomplying as to the two side yard setbacks for a multifamily dwelling. Two side yards totaling 32 feet on a lot 40 feet wide will allow only an 8 feet wide structure to be built. The application of two side yards of will severely limit construction on the

**BZA CASE #2010-0029**

property. The imposition of one side yard facing a commercial parking lot seems unreasonable for a residential use. The proposed three-unit building will be in character with other semi-detached and multifamily dwellings on the block. The applicants have complied with all other RB requirements specifically floor area, open space, building height and parking to comply with the use.

For the above reasons staff recommends **approval** of the variances.

**DEPARTMENTAL COMMENTS**

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

\* The applicant is advised that if the variance is approved the following additional comments apply.

Transportation and Environmental Services:

- R-1 The building permit plans shall comply with requirements of City Code Section 5-6-224 regarding the location of downspouts, foundation drains and sump pumps. Refer to Memorandum to Industry dated June 18, 2004. [Memorandum is available online at the City web site under Transportation\Engineering and Design\Memos to Industry.]. (T&ES)
- R-2 Applicant shall be responsible for repairs to the adjacent city right-of-way if damaged during construction activity. (T&ES)
- R-3 All improvements to the city right-of-way such as curbing, sidewalk, driveway aprons, etc. must be city standard design. (T&ES)
- R-4 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-5 An erosion and sediment control plan must be approved by T&ES prior to any land disturbing activity greater than 2,500 square feet. (T&ES)
- R-6 Compliance with the provisions of Article XIII of the City's zoning ordinance for storm water quality control is required for any land disturbing activity greater than 2,500 square feet. (T&ES)
- R-7 The building permit must be approved and issued prior to the issuance of any permit for demolition. (T&ES)
- R-8 Construction of a new driveway entrance, or widening of an existing driveway entrance, requires separate application to; and approval from, the Department of Transportation and Environmental Services. (T&ES)
- F-1 An approved grading plan will be required prior to approval of any building permit applications. In summary, City Code Section 5-6-224 requires that a grading plan be submitted to and approved by T&ES prior to the issuance of building permits for



improvements involving:

- the construction of a new home;
- construction of an addition to an existing home where either
  - the addition exceeds the area of the existing building footprint by 100% or more;
  - or, the construction of the addition results in less than 50% of the existing first floor exterior walls, in their entirety, remaining;
- changes to existing grade elevation of 1-foot or greater;
- changes to existing drainage patterns;
- land disturbance of 2,500 square feet or greater.

Questions regarding the processing of grading plans should be directed to the T&ES Site Plan Coordinator at (703) 746-4064. Memorandum to Industry No. 02-08 was issued on April 28, 2008 and can be viewed online via the following link. **<http://alexandriava.gov/uploadedFiles/tes/info/gradingPlanRequirements.pdf>**

- C-1 The applicant shall comply with the City of Alexandria's Solid Waste Control, Title 5, Chapter 1, which sets forth the requirements for the recycling of materials (Sec. 5-1-99). (T&ES)
- C-2 The applicant shall comply with the City of Alexandria's Noise Control Code, Title 11, Chapter 5, which sets the maximum permissible noise level as measured at the property line. (T&ES)
- C-3 Roof, surface and sub-surface drains be connected to the public storm sewer system, if available, by continuous underground pipe. Where storm sewer is not available applicant must provide a design to mitigate impact of storm water drainage onto adjacent properties and to the satisfaction of the Director of Transportation & Environmental Services. (Sec.5-6-224) (T&ES)
- C-4 All secondary utilities serving this site shall be placed underground. (Sec. 5-3-3) (T&ES)
- C-5 Pay sanitary sewer tap fee prior to release of Grading Plan. (Sec. 5-6-25) (T&ES)
- C-6 Any work within the right-of-way, to include public alleys, requires a separate permit from T&ES. (Sec. 5-2) (T&ES)

Code Administration:

- F-1 No comments relative to variance request
- C-1 A building/demolition permit is required for the proposed work. Submit five sets of drawings with the permit application.
- C-2 The plans submitted will need to include a sealed engineering analysis of the adequacy of the existing footing/foundation to support the additional stories.

- C-3 Separate permits are required for plumbing, electric, and mechanical work
- C-4 The proposed construction shall conform to the requirements of the Virginia Uniform Statewide Building Code.
- C-5 A Certificate of Occupancy is required to be obtained prior to occupancy of the new use
- C-6 All exterior walls within 5 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. (USBC 704.5)

Recreation (Arborist):

- F-1 No trees are affected by this plan.

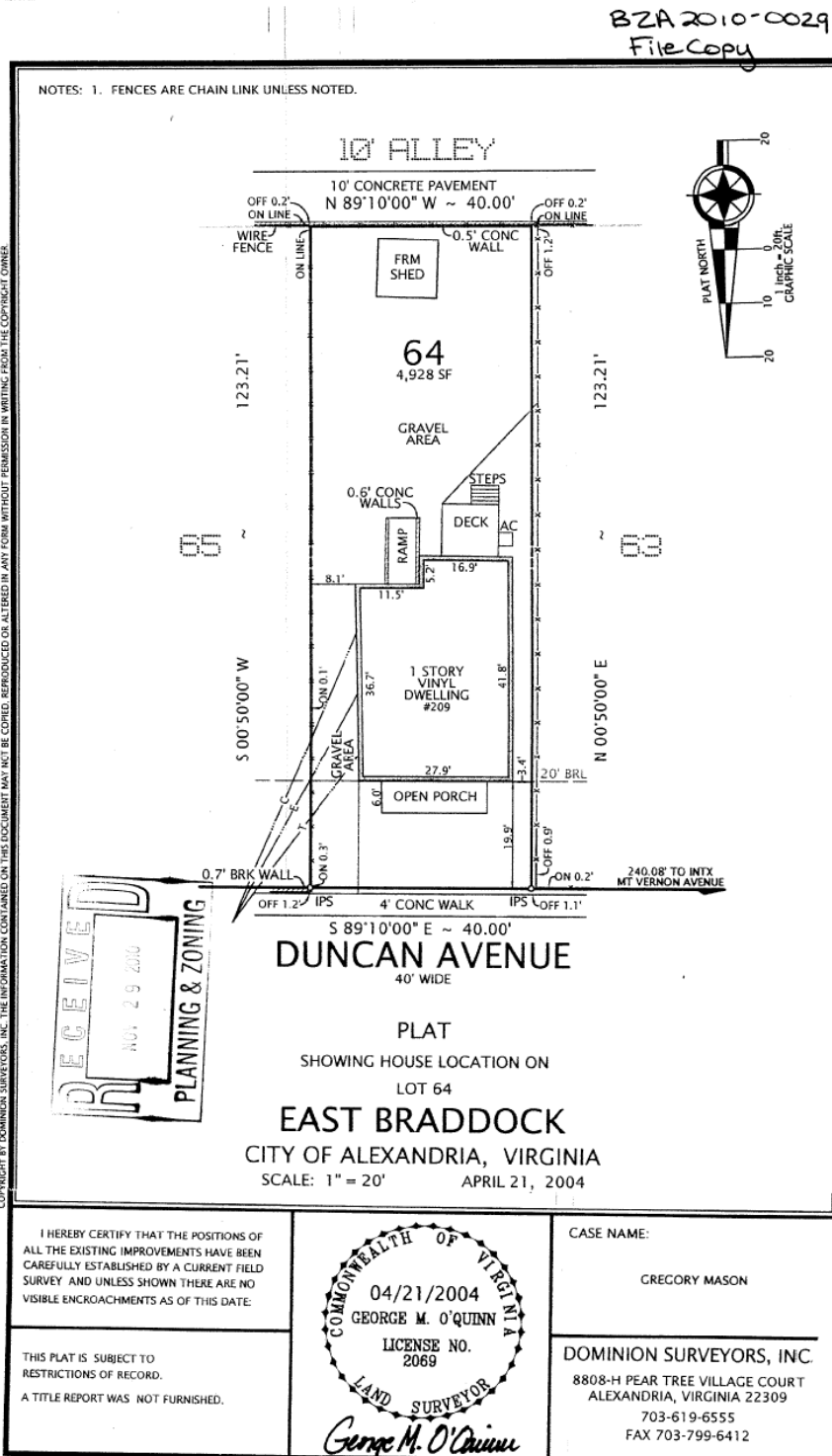
Historic Alexandria (Archaeology):

- F-1 There is low potential for significant archaeological resources to be disturbed by this project. No archaeological action is required.

Other Requirements brought to the Applicant's Attention:

- C-1 A wall check survey plat shall be submitted to Planning and Zoning when the building footprint is in place, pursuant to Alexandria City Code section 8-1-12.

X. Images



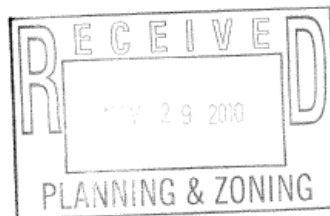
BZA 2010-  
0029

Karen M. Conkey architect LLC

13-Oct-10

Subject Property: 209 East Duncan Ave., Alexandria, VA 22301

	address	1st floor threshold elevation (in.)	setback from back of sidewalk (ft.)
1	206	48	23.41
2	207	24	20.25
3	208	42	23.08
4	209	8	21.16
5	210	16	19.86
6	211	36	28.48
<b>Average</b>		<b>29.00</b>	<b>22.71</b>





REAR OF 300 BLOCK OF EAST MASON AVENUE  
VIEW LOOKING SOUTH ALONG ALLEY



VIEW LOOKING NORTH ALONG ALLEY  
EXISTING COMM., DUNCAN AVE.      EXISTING COMMERCIAL USE



VIEW LOOKING EAST ALONG MT. VERNON AVENUE  
EXISTING COMMERCIAL USE



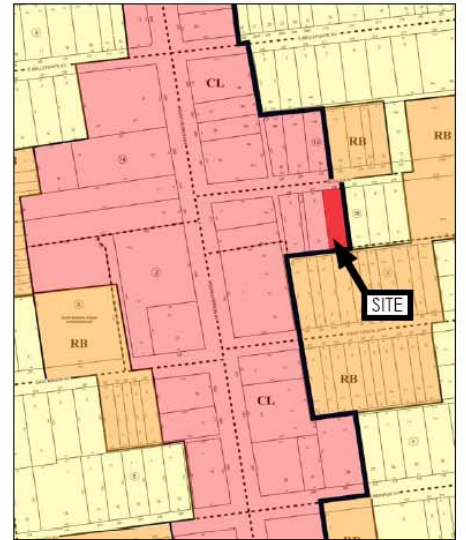
EXAMPLE OF BLOCK CONTEXT



EXAMPLE OF BLOCK CONTEXT



209 DUNCAN AVENUE




ZONING MAP SHOWING SITE & ADJACENT USES - N.T.S.

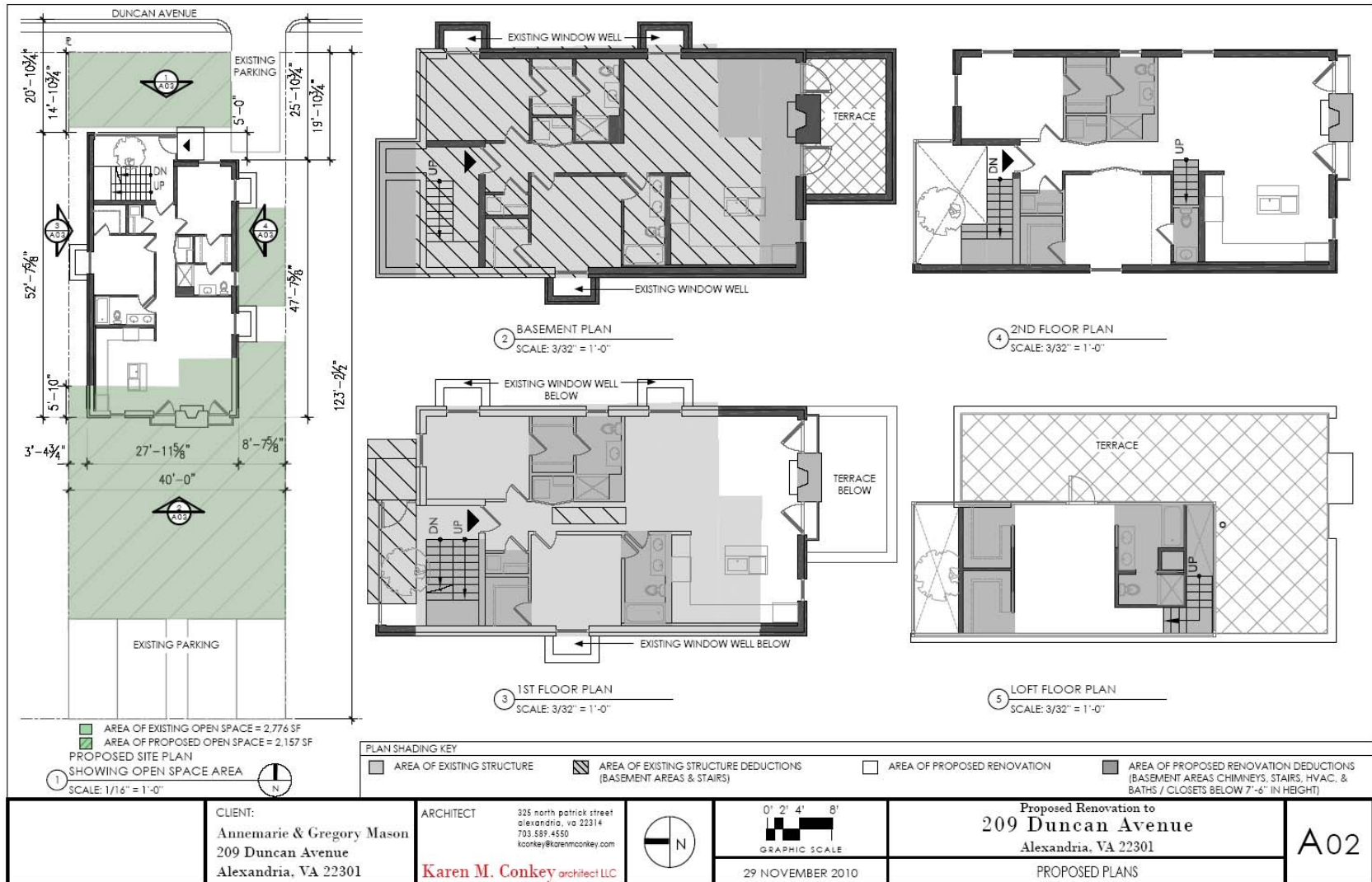


VIEW LOOKING NORTH ALONG DUNCAN AVENUE  
EXISTING 2 FAMILY & MULTIFAMILY DWELLINGS      SUBJECT PROPERTY      EXISTING COMMERCIAL USE



VIEW LOOKING SOUTH ALONG DUNCAN AVENUE

	<p>CLIENT: Annemarie &amp; Gregory Mason 209 Duncan Avenue Alexandria, VA 22301</p>	<p>ARCHITECT 325 north patrick street alexandria, va 22314 703.589.4500 kaonkey@karenmoonkey.com <b>Karen M. Conkey architect LLC</b></p>		<p>29 NOVEMBER 2010</p>	<p>Proposed Renovation to <b>209 Duncan Avenue</b> Alexandria, VA 22301 SITE CONTEXT</p>	<p>A01</p>
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	<p>CLIENT: Annemarie &amp; Gregory Mason 209 Duncan Avenue Alexandria, VA 22301</p>	<p>ARCHITECT 325 north patrick street alexandria, va 22314 703.589.4550 kconley@karenmoonkey.com <b>Karen M. Conkey</b> architect LLC</p>	<p>0' 4' 8' 16' GRAPHIC SCALE 29 NOVEMBER 2010</p>	<p>Proposed Renovation to <b>209 Duncan Avenue</b> Alexandria, VA 22301 PROPOSED ELEVATIONS</p>	<p>A03</p>
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BZA Case # 2010-0029



**APPLICATION  
BOARD OF ZONING APPEALS**

**VARIANCE**

**Section of zoning ordinance from which request for variance is made:**  
Section 4-106-2a - side yard requirements

**PART A**

1. Applicant:  Owner  Contract Purchaser  Agent

Name Karen Conkey, AIA, LEED AP

Address Karen M. Conkey architect LLC  
325 N. Patrick Street, Alexandria, VA 22314

Daytime Phone 703-589-4550

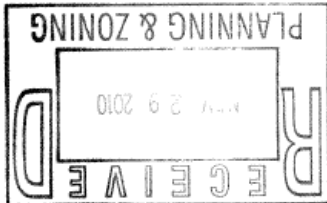
Email Address kconkey@karenmconkey.com

2. Property Location 209 Duncan Avenue, Alexandria, VA 22301

3. Assessment Map # 034.04 Block 16 Lot 06(64) Zone CL

4. Legal Property Owner Name Annemarie or Gregory Mason

Address 209 Duncan Avenue, Alexandria, VA 22301





BZA 2010-0029

**OWNERSHIP AND DISCLOSURE STATEMENT**  
Use additional sheets if necessary

1. Applicant. 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. The term ownership interest shall include any legal or equitable interest held at the time of the application in the real property which is the subject of the application.

Name	Address	Percent of Ownership
1. Annemarie or Gregory Mason	209 Duncan Ave.	100%
2.		
3.		

2. Property. State the name, address and percent of ownership of any person or entity owning an interest in the property located at 209 Duncan Ave. (address), unless the entity is a corporation or partnership, in which case identify each owner of more than ten percent. The term ownership interest shall include any legal or equitable interest held at the time of the application in the real property which is the subject of the application.

Name	Address	Percent of Ownership
1. Annemarie or Gregory Mason	209 Duncan Ave.	100%
2.		
3.		

3. Business or Financial Relationships. Each person or entity listed above (1 and 2), with an ownership interest in the applicant or in the subject property is required to disclose any business or financial relationship, as defined by Section 11-350 of the Zoning Ordinance, existing at the time of this application, or within the 12-month period prior to the submission of this application with any member of the Alexandria City Council, Planning Commission, Board of Zoning Appeals or either Boards of Architectural Review.

Name of person or entity	Relationship as defined by Section 11-350 of the Zoning Ordinance	Member of the Approving Body (i.e. City Council, Planning Commission, etc.)
1. NONE		
2.		
3.		

NOTE: Business or financial relationships of the type described in Sec. 11-350 that arise after the filing of this application and before each public hearing must be disclosed prior to the public hearings.

As the applicant or the applicant's authorized agent, I hereby attest to the best of my ability that the information provided above is true and correct.

11/29/10  
Date

Karen Conkey  
Printed Name

  
Signature

BZA 2010-0029

**Alexandria City Council**

William Euille, Mayor  
Kerry Donely, Vice Mayor  
Frank Fannon IV  
Alicia Hughes  
Rob Krupicka  
Redella "Del" Pepper  
Paul Smedberg

**Planning Commission**

John Komoroske, Chair  
H. Stewart Dunn, Vice Chair  
Donna Fossum  
J. Lawrence Robinson  
Mary Lyman  
Jesse Jennings  
Eric Wagner

**Board of Zoning Appeals**

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Mark Allen, Vice Chair  
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Eric Zander  
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**Old and Historic District**

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**Board of Architectural Review**

**Parker-Gray District**

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Deborah Rankin, Vice Chair  
Christina Kelley  
H. Richard Lloyd, III  
Robert Duffy  
Douglas Meick  
Philip Moffat

Updated 5/1/2010

**Definition of business and financial relationship.**

Section 11-305 of the Zoning Ordinance defines a business or financial relationship as any of the following:

- (1) a direct one;
- (2) by way of an ownership entity in which the member or a member of his immediate household is a partner, employee, agent or attorney;
- (3) through a partner of the member or a member of his immediate household;
- (4) through a corporation in which any of them is an officer, director, employee, agent or attorney or holds 10 percent or more of the outstanding bonds or shares of stock of a particular class. In the case of a condominium, this threshold shall apply only if the applicant is the title owner, contract purchaser, or lessee of 10% or more of the units in the condominium;
- (5) not as an ordinary customer or depositor relationship with a professional or other service provider, retail establishment, public utility or bank, which relationship shall not be considered a business or financial relationship;
- (6) created by the receipt by the member, or by a person, firm, corporation or committee on behalf of the member, of any gift or donation having a value of more than \$100, singularly or in the aggregate, during the 12-month period prior to the hearing on the application from the applicant.

BZA Case # 2010-0029

5. **Describe request briefly:**  
Propose to convert existing single family residence into 3 dwelling units within same building footprint which does not comply with prescribed side yard setbacks for either existing, or proposed use. Proposed use will comply with all other zoned requirements, i.e. lot/bldg. area, open space, parking, etc.

6. **If property owner or applicant is being represented by an authorized agent,** such as an attorney, realtor or other person for which there is a form of compensation, does this agent or the business in which they are employed have a business license to operate in the City of Alexandria, Virginia?

Yes — Provide proof of current City business license.

No — Said agent shall be required to obtain a business prior to filing application.

**THE UNDERSIGNED HEREBY ATTESTS** that all of the information herein provided including the site plan, building elevations, prospective drawings of the projects, etc., are true, correct and accurate. The undersigned further understands that, should such information be found incorrect, any action taken by the Board based on such information may be invalidated. The undersigned also hereby grants the City of Alexandria permission to post placard notice as required by Article XI, Division A, Section 11-301(B) of the 1992 Alexandria City Zoning Ordinance, on the property which is the subject of this application. The applicant, if other than the property owner, also attests that he/she has obtained permission from the property owner to make this application.


**APPLICANT OR AUTHORIZED AGENT:**

Karen Conkey

**Print Name**

703-589-4550

**Telephone**



**Signature**

29 November 2010

**Date**

Pursuant to Section 13-3-2 of the City Code, the use of a document containing false information may constitute a Class 1 misdemeanor and may result in a punishment of a year in jail or \$2,500 or both. It may also constitute grounds to revoke the permit applied for with such information.

BZA Case # 2010-0029

**PART B** (SECTION 11-1102)

**NOTE:** The Board of Zoning Appeals may grant a variance only if the applicant can demonstrate a legal hardship. A legal hardship refers to the shape and topographical conditions, or to some other unique characteristic of the property; for example, if a rear yard has sharp drop-off or hilly terrain where an addition could otherwise be located legally, or if the property has three front yards.

A legal hardship is NOT, for example, having a large family in a two-bedroom house, or that you need a first-floor bedroom and bath. (These are good personal reasons for a variance, but do not constitute a legal hardship having to do with specific conditions of the land.)

**APPLICANT MUST EXPLAIN THE FOLLOWING:**

(Please print clearly and use additional pages where necessary.)

1. Does strict application of the zoning ordinance to the subject property result in a hardship to the owner? (Answer A or B).

A. Explain how enforcement of the zoning ordinance will amount to confiscation of the property.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

B. Explain how enforcement of the zoning ordinance will prevent reasonable use of the property.

Yes, please see attached explanation.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

2. Is this hardship unique to the property?

A. Explain if the hardship shared by other properties in the neighborhood.

Yes, this hardship is unique, and is not shared by other properties. Please see attached explanation.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

BZA Case # 2010-0029

**B. Explain how this situation or condition of the property (on which this application is based) applies generally to other properties in the same zone.**

There are few other residential properties within this zone that would have sufficient lot area and open space to accommodate the proposed renovations of this property. The proposed multi-family use is also consistent with other existing structures along Duncan Avenue, see map and examples on page A-01.

**3. Was the hardship caused by the applicant?**

**A. Did the condition exist when the property was purchased?**

The hardship was not caused by the applicant, and the condition existed when the property was purchased.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**B. Did the applicant purchase the property without knowing of this hardship?**

The applicant was not aware of the hardship when the property was purchased.

\_\_\_\_\_  
\_\_\_\_\_

**C. How and when was the condition, which creates the hardship, first created?**

The property's existing configuration and lot size were established prior to 1950, and pre-dates the current zoning regulations for either the existing or proposed use.

\_\_\_\_\_

**D. Did the applicant create the hardship and, if so, how was it created?**

No.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

BZA Case # 2010-0029

4. Will the variance, if granted, be harmful to others?

A. Explain if the proposed variance will be detrimental to the adjacent properties or the neighborhood in general.

No, rather it will improve property values of the adjacent properties and is also consistent with neighboring development within the block.

B. Explain how the proposed variance will affect the value of the adjacent and nearby properties.

Proposed development will improve property values of adjacent properties given the proposed renovation because of the investment in and improvement of the existing structure.

C. Has the applicant shown the proposed plans to the most affected property owners? Has that neighbor objected to the proposed variance, or has the neighbor written a letter of support of the proposed variance? If so, please attach the letter.

Yes, the applicant has fully reviewed the proposed renovation with the property owner to the east, and a letter of support from this property owner is forthcoming.

D. Explain how the proposed variance will change the character of the neighborhood.

It will not, as the proposed renovation is consistent with other neighboring development.

BZA Case # 2010-0029

**5. Is there any other administrative or procedural remedy to relieve the hardship?**

No, there are none.

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**PART C**

**1. Have alternative plans or solutions been considered so that a variance would not be needed? Please explain each alternative and why it is unsatisfactory.**

A variety of schemes were explored, however, with the intent to renovate the existing structure into the permitted multifamily use, utilizing the existing structure's foundation with its non-compliant placement on a sub-standard lot, no other alternative was available.

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BZA 2010-0029

**BZA Application – 209 Duncan Avenue, Alexandria, VA 22301**

**Response to 1B:**

The current zoning requirement of 16' side yards on either side of a property for multifamily structures (3 or more units) in commercial zones puts an unreasonable restriction on this property's intention to renovate to a permitted multifamily use due to both the current structure's non-compliant placement on the site and the site's non-compliant lot width. The lot width of this property is sub-standard at 40' vs. the prescribed 50' width, and would only allow an unusable 8' wide structure based on the existing lot width and the side yard requirements for this permitted use. The property's current configuration and lot subdivision pre-dates the existing zoning regulation, abuts a commercial use (zoned CL) to the west, and a recently and extensively renovated residence to the east. The proposed renovation intends to build upon the existing structure's foundation with a modest rear addition extending 5'-10" back which will be consistent with existing neighborhood's building line, rather than building further back as would also be allowed given the lot's depth and square footage.

**Response to 2A:**

This condition is unique to this property because of its current single family residential use within a commercial zone, the existing structure's placement on the lot, and the lot's non-standard width. The existing structure is placed on the site in such a way that it does not meet the current zoning requirement for a side yard to the west. The side yard requirement for both sides, given the proposal to renovate to a permitted multifamily use, would prevent the property from being developed as intended, even though all other criteria for this new use can be met with this site.



BZA 2010-0029

**B**



DEPARTMENT OF PLANNING AND ZONING  
FLOOR AREA RATIO AND OPEN SPACE CALCULATIONS

**A. Property Information**

A1. Street Address 209 Duncan Avenue Zone CL  
 A2. 4,928 SF x .75 = 3,696 SF  
Total Lot Area Floor Area Ratio Allowed by Zone Maximum Allowable Floor Area

**B. Existing Gross Floor Area (Single Family Residential Use)**

Existing Gross Area*		Allowable Exclusions	
Basement	1,128 SF	Basement**	1,128 SF
First Floor	1,128 SF	Stairways**	18 SF
Second Floor	0 SF	Mechanical**	0 SF
Third Floor	0 SF	Porch	120 SF
Porch	120 SF	Total Exclusions	1,266 SF
<b>Total Gross *</b>	<b>2,376 SF</b>		

B1. Existing Gross Floor Area \*  
2,376 Sq. Ft.  
 B2. Allowable Floor Exclusions\*\*  
1,266 Sq. Ft.  
 B3. Existing Floor Area minus Exclusions  
1,110 Sq. Ft.  
 (subtract B2 from B1)

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

Proposed Gross Area*		Allowable Exclusions	
Basement	309 SF	Basement**	309 SF
First Floor	309 SF	Stairways**	204 SF
Second Floor	1,390 SF	Mechanical**	72 SF
Third Floor	555 SF	Other** < 7'-6"	601 SF
Porches/ Other	28 SF	Total Exclusions	1,186 SF
<b>Total Gross *</b>	<b>2,591 SF</b>		

C1. Proposed Gross Floor Area \*  
2,591 Sq. Ft.  
 C2. Allowable Floor Exclusions\*\*  
1,186 Sq. Ft.  
 C3. Proposed Floor Area minus  
Exclusions 1,405 Sq. Ft.  
 (subtract C2 from C1)

**D. Existing + Proposed Floor Area**

D1. Total Floor Area (add B3 and C3) 2,515 Sq. Ft.  
 D2. Total Floor Area Allowed by Zone (A2) 3,696 Sq. Ft.

\*Gross floor area is the sum of all gross horizontal areas under roof, measured from the face of exterior walls, including basements, garages, sheds, gazebos, guest buildings and other accessory buildings.

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

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

**E. Open Space Calculations**

Existing Open Space	2,776 SF
Required Open Space	1,971 SF
Proposed Open Space	2,157 SF

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

Signature: Duy Date: 29 November 2010

BZA 2010-0029



Keep this letter for your records.

**City of Alexandria Business License**

Revenue Administration Division, City of Alexandria, 301 King Street, Room 1400, Alexandria, VA 22314  
License Expires Automatically  
Must Be Renewed By:

MAR 01 2011

License Number: 121239-2010  
Account Number: 121239  
Tax Period: 2010  
Business Name: KAREN M CONKEY ARCHITECT LLC  
Trade Name: KAREN M CONKEY ARCHITECT LLC  
Business Location: 325 N PATRICK ST  
Alexandria, VA 22314

This license has been issued by the Revenue Administration Division of the City of Alexandria and is granted to:

KAREN M CONKEY ARCHITECT LLC  
325 N PATRICK ST  
Alexandria, VA 22314

License Classification(s): Professional Occupations/Businesses  
9-071-004  
Architect

22 November 2010

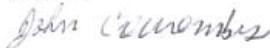
Department of Planning and Zoning  
City of Alexandria  
301 King Street  
Room 2100  
Alexandria, VA 22314

Ref: Proposed Renovation at 209 Duncan Avenue, Alexandria, VA 22301

To whom it may concern,

Please accept this letter as a statement of my support for the above referenced project. Gregory Mason, the property owner of 209 Duncan Avenue, has reviewed with me fully the proposed conversion of the existing single family residence into a structure containing 3 dwelling units, and I completely support his application for the variance to allow the proposed renovation to be within the footprint of the existing structure with a small rear addition. Further, I feel that this renovation will be in keeping with the character of the neighborhood, and will positively benefit both mine and the other surrounding property's value. I hope that you approve this variance application, and I look forward to seeing Mr. Mason's proposed project come to fruition.

Regards,



John Courembis  
Homeowner - 211 Duncan Avenue, Alexandria, VA 22301