

DOCKET ITEM #7

**Subdivision #2009-0008**

**1126-1132 Prince Street and 204 S. Fayette Street**

Application	General Data	
<b>Request:</b> Consideration of a request for a subdivision.	<b>Planning Commission Hearing:</b>	June 1, 2010
<b>Address:</b> 1126-1132 Prince Street and 204 S. Fayette Street (Parcel Address: 1130 Prince Street)	<b>Approved Plat must be recorded by:</b>	December 1, 2011
<b>Applicant:</b> Sean & Helen Vermillion	<b>Zone:</b>	RM/Townhouse
	<b>Small Area Plan:</b>	Old Town

<b>Staff Recommendation:</b> APPROVAL subject to compliance with all applicable codes and ordinances and the recommended permit conditions found in Section III of this report.
<b>Staff Reviewers:</b> Nathan Randall <a href="mailto:nathan.randall@alexandriava.gov">nathan.randall@alexandriava.gov</a>



**SUB #2009-0008**

**06/01/10**



## I. DISCUSSION

### REQUEST

The applicants, Sean and Helen Vermillion, request approval to subdivide one property into two lots, with a variation, at 1126-1132 Prince Street.

### SITE DESCRIPTION

The subject property is one lot of record with 46 feet of frontage on Prince Street, 88.33 feet of frontage on South Fayette Street, and a total lot area of 4,063 square feet. The site is developed with two buildings: a one-story, two-family dwelling at 1126-1128 Prince Street, and a two-story brick building at 1130-1132 Prince Street.

The surrounding area is occupied by a mix of residential and office uses, with residential predominating to the north, east and south, and a mix of offices and residences located to the west.



### PROPOSAL

The applicant proposes to subdivide the property into two lots, as shown on the following page, in order to build a new single-family dwelling on proposed Lot 502. On March 17, 2010, the Board of Architectural Review approved BAR#2010-0025 for the demolition of the existing one-story structure at 1126-1128 Prince Street. The existing two-story brick structure will remain on proposed Lot 501. Lot 501 will measure 2,371 square feet and have a lot frontage and width of 25.01 feet on Prince Street. Lot 502 will measure 1,692 square feet and have a lot width and frontage of 20.99 feet. The new property line proposed between Lots 501 and 502 is slightly irregular in shape to account for an existing staircase. The applicant is requesting a variation from the minimum lot width and frontage requirements pursuant to Section 11-1713(A)(5) of the Zoning Ordinance.





ZONING ORDINANCE

The property is located in the RM / Townhouse zone. The minimum lot size in the zone is 1,492 square feet, and the minimum lot width and frontage for a single-family dwelling is 25 feet. Although both proposed lots meet the minimum lot size requirement, only proposed Lot 501 meets the minimum lot width and frontage requirement. Proposed Lot 502 does not. The following table identifies zoning elements relevant to this proposal.

	<b>Required</b>	<b>Existing</b>	<b>Lot 501 Proposed</b>	<b>Lot 502 Proposed</b>
Lot Size	1,492 Sq Ft Min	4,063 Sq Ft	2,371 Sq Ft	1,692 Sq Ft
Lot Width	25' Min	46'	25.01'	<b>20.99'</b>
Lot Frontage	25' Min	46'	25.01' (Prince)	<b>20.99'</b>
			88.33' (S. Fayette)	
FAR	1.50 Max	1.09	1.50	0.51

Staff also notes that, in addition to BAR approval, the applicant may need to apply for a Special Use Permit, a variance, or site plan modifications for a parking reduction, open space reduction, and/or side yard modifications in order to construct the single-family dwelling. Staff has informed the applicant of this likelihood.

VARIATION STANDARDS

Each new lot in an approved subdivision is required by the zoning ordinance to comply with the zoning requirements for the zone in which the subdivision is located (section 11-1710(D)). However, under section 11-1713, a lot may be approved which does not comply with all zoning requirements if it meets the standards for a “variation” from the subdivision requirements. Section 11-1713 includes three standards to be reviewed as part of the variation process:

(1) Whether, as a threshold matter, the proposal falls within one of the following circumstances:

....

(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.

(2) Whether substantial injustice will result from strict adherence to the zoning rules; and

(3) Whether the use or character of the resulting lots or parcels is consistent with the use provisions of the zone in which the property is located or the development in the immediate area.

## II. STAFF ANALYSIS

### *Pre-1952 Lot*

Section 11-1713 (A)(5) allows a variation where the property existed as a lot of record before January 1, 1952. In this case, the applicant has submitted deeds showing that this property has existed in its current configuration since at least 1872. Furthermore, the location of the existing two-story brick building at the corner of Prince and South Fayette, which will be retained, and the fact that the lot contains two separate buildings, necessitates this subdivision variation. Under these circumstances, staff finds that the proposal meets the section 11-1713 (A)(5) requirement.

### *Substantial Injustice*

The definition of “substantial injustice” in subdivision variation cases, which was added earlier this year (TA#2009-0004) as Section 11-1713(B) the Zoning Ordinance, reads as follows:

“substantial injustice” means that the strict application of this ordinance would create an unreasonable burden on the development, use, and enjoyment of the property which outweighs the land use or land development purposes served by the specific zoning provision or provisions of this ordinance at issue.

In this case, the strict application of the Zoning Ordinance would require a wider lot than exists for any of the interior lots on this particular blockface, which seems an especially unfair requirement. While the applicant can continue to use the property as it has been used in the past, it may not divide the land for the purposes of selling each lot separately. That circumstance coupled with the great variance from zoning in the area and on this block combine to create an unreasonable burden on the redevelopment of the property that outweighs the land use and development purposes served by the minimum lot width and frontage provisions. Thus, staff finds a substantial injustice.

### *Neighborhood Character*

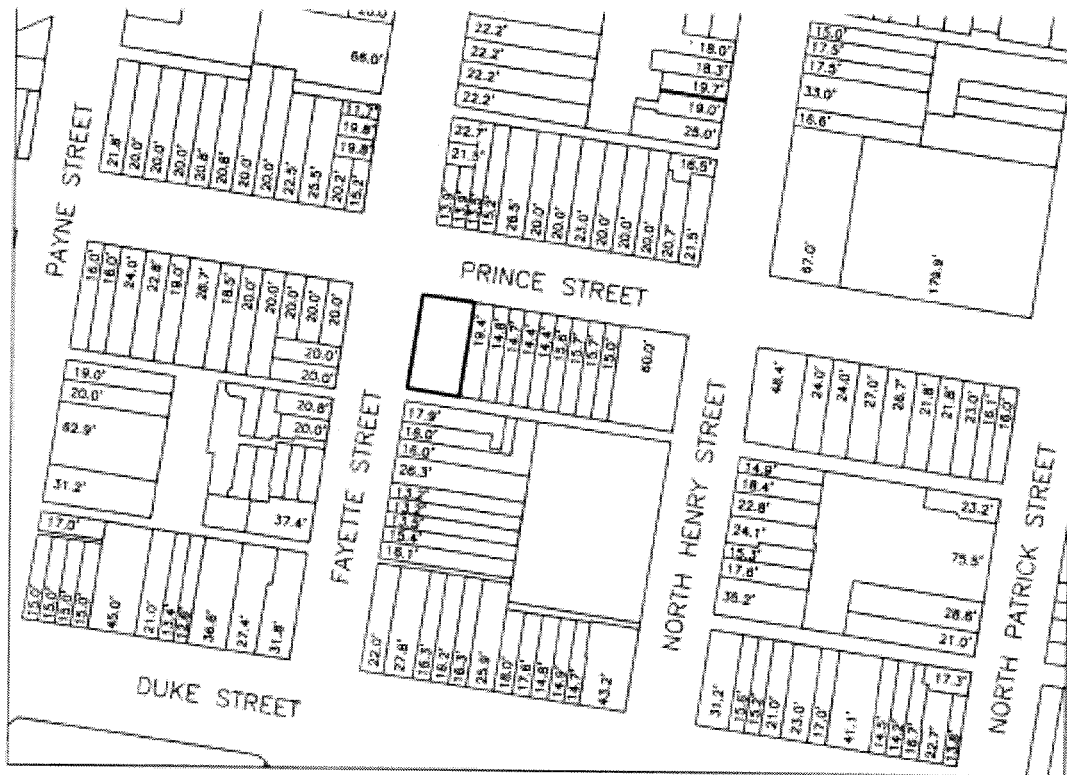
A request for a variation requires analysis of whether the use or character of the new lots is consistent with the use provisions of the zone and with the development in the immediate area. Section 11-1713. In addition, for every subdivided lot, regardless of whether it includes a request for a variation, Section 11-1710(B) requires an analysis for issues of “character.” Specifically it requires that no lot be resubdivided in such a manner as to detract from the value of adjacent property and that resubdivided lots must be of substantially the same character as other land within the subdivision with respect to: suitability for residential use and structures; lot area; orientation; street frontage; and alignment.

In this case, the requested lot configuration is for one 25.01-foot lot and one 20.99-foot lot, each lot rectangular in shape and considerably longer than they are wide, with an orientation perpendicular to Prince Street. The lot lines meet at right angles, though there is a jog-in toward the back of the lots to accommodate an existing staircase. The lots are suitable for residential uses and structures.

Staff has compared this proposal to the lots existing in the neighborhood today based in part on supporting information provided by the applicant. The illustration (see below) shows the most of the lots in the neighborhood are small, narrower than they are long, rectangular, oriented perpendicular to the street, and are suitable for residential structures and uses. It shows that while most property lines meet at right angles, there are several irregular property lines in the neighborhood, four of which are found in the same block. In addition, the illustration shows that a significant majority of the 163 properties in a six-block area (74%) have lot widths or frontages of less than the required 25 feet, and 57% of these properties have lot widths or frontages less than the proposed 20.99 feet for Lot 502. Thirty-four percent of all surveyed properties have a lot width and frontage less than 18 feet. Most importantly, the immediately adjacent lots on this block are especially small and narrow as compared to others in the area, despite the requirement that townhouses in the RM zone have lot frontages and widths of at least 18 feet. Most buildings in the vicinity, including the ones on the site involved here, were built long before the application of any zoning rules.

Based on this information, staff concludes that the proposed subdivided lots are consistent with the character of other land in the vicinity; consistent with the development in the immediate area; and of substantially the same character with respect to the noted factors so as not to detract from the value of adjacent property.

For these reasons, staff finds ample justification for approving the subdivision with the requested variations and recommends approval subject to the conditions contained in Section III of this report.



LOT WIDTH BLOCK STUDY  
(NOT TO SCALE)

### III. RECOMMENDED CONDITIONS

Staff recommends **approval** subject to compliance with all applicable codes and ordinances and the following conditions:

1. The final subdivision plat shall comply with the requirements of Section 11-1709 of the Zoning Ordinance. (P&Z)(T&ES)
2. The location of all easements and reservations shall be depicted on the final subdivision plan. (P&Z)
3. All new driveway areas on both lots shall be surfaced with a permeable paving system to the satisfaction of the Directors of Planning & Zoning. (P&Z)
4. Since this area is within the Combined Sewer District, no increase in sanitary flows will be allowed without separation or contribution in lieu of constructing separated sewer. (T&ES)
5. An approved grading plan showing all improvements and alterations to the site for proposed Lot 502 must be attached to the building permit application for that lot. (T&ES)
6. Applicant shall be responsible for repairs to the adjacent city right-of-way if damaged during construction activity. (T&ES)
7. All improvements to the city right-of-way such as curbing, sidewalk, driveway aprons, etc. must be city standard design. (T&ES)
8. 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 grading plan. (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 on either lot. An erosion and sediment control bond shall be posted prior to release of the grading plan. (T&ES)
10. If any construction on proposed Lots 500 or 501 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. (T&ES)

STAFF: Barbara Ross, Deputy Director, Department of Planning and Zoning;  
Nathan Randall, Urban Planner.

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Staff Note: In accordance with section 11-506(c) of the zoning ordinance, construction or operation shall be commenced and diligently and substantially pursued within 18 months of the date of granting of a special use permit by City Council or the special use permit shall become void.



#### IV. CITY DEPARTMENT COMMENTS

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

##### Transportation & Environmental Services:

- R-1 This area is within the Combined Sewer District. No increase in sanitary flows will be allowed without separation or contribution in lieu of constructing separated sewer. (T&ES)
- R-2 The final subdivision plat shall comply with the provisions of Section 11-1709 of the City's Zoning Ordinance. (T&ES)
- R-3 An approved grading plan showing all improvements and alterations to the site for proposed Lot 502 must be attached to the building permit application for that lot. (T&ES)
- R-4 Applicant shall be responsible for repairs to the adjacent city right-of-way if damaged during construction activity. (T&ES)
- R-5 All improvements to the city right-of-way such as curbing, sidewalk, driveway aprons, etc. must be city standard design. (T&ES)
- R-6 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 grading plan. (T&ES)
- R-7 An erosion and sediment control plan must be approved by T&ES prior to any land disturbing activity greater than 2500 square feet on either lot. An erosion and sediment control bond shall be posted prior to release of the grading plan. (T&ES)
- R-8 If any construction on proposed Lots 500 or 501 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. (T&ES)

##### Code Enforcement:

- C-1 All exterior walls within 5 feet from an interior property line shall have a fire resistance rating of 1 hour, from both sides of the wall. As alternative, a 2 hour fire wall may be provided. This condition is also applicable to skylights within setback distance. Openings in exterior walls between 3 and 5 feet shall not exceed 25% of the area of the entire wall surface (This shall include bay windows). Openings shall not be permitted in exterior walls within 3 feet of an interior lot line.

Health Department:

F-1 No Comment

Parks and Recreation:

F-1 No Comment

Police Department:

F-1 The Police Department has no objections to the subdivision.

Archeology:

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

Historic Preservation / BAR:

1126-1132 Prince Street is located in the Old and Historic Alexandria Historic District. Exterior alterations require a Certificate of Appropriateness from the Old and Historic Alexandria District Board of Architectural Review. The BAR unanimously approved demolition of the two, early 20th century, one story dwelling units at 1126/1128 Prince Street on March 17, 2010. At that hearing, the BAR acknowledged the applicant's stated intention to construct a new single family dwelling on the site of the building to be demolished. BAR Staff, therefore, has no objection to the proposed subdivision and finds the proposed lots to generally be in keeping with the historic development patterns in the district.

APPLICATION for SUBDIVISION

SUB # 2009-0008

REVISED

[must use black ink or type]

PROPERTY LOCATION: 1126 - 1132 Prince Street & 204 S. Fayette Street

TAX MAP REFERENCE: 074.01-09-01 ZONE: RM

APPLICANT'S NAME: Prince Corner Real Estate, LLC  
~~Sean M. & Helen B. Vermillion~~

ADDRESS: 8412 Crown Place, Alexandria, VA 22308

PROPERTY OWNER NAME: Prince Corner Real Estate, LLC  
~~Sean M. & Helen B. Vermillion~~

ADDRESS: 8412 Crown Place, Alexandria, VA 22308

SUBDIVISION DESCRIPTION: Subdivision of existing residential units  
(1126 & 1129) and existing commercial units located at  
1132 Prince Street and 204 S. Fayette Street.

THE UNDERSIGNED hereby applies for a Subdivision in accordance with the provisions of Section 11-1700 of the 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 also attests that all of the information herein provided and specifically including all surveys, drawings, etc., required of the applicant are true, correct and accurate to the best of their knowledge and belief.

R.C. Fields, Jr.  
Print Name of Applicant or Agent

  
Signature

730 S. Washington Street  
Mailing/Street Address

703-549-6422 703-549-6452  
Telephone # Fax #

Alexandria, VA 22314  
City and State Zip Code

November 17, 2009  
Date

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

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

ACTION - PLANNING COMMISSION: \_\_\_\_\_

All applicants must complete this form.

1. The applicant is the *(check one)*:

Owner             Contract Purchaser

Lessee             Other: \_\_\_\_\_

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.

N/A  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

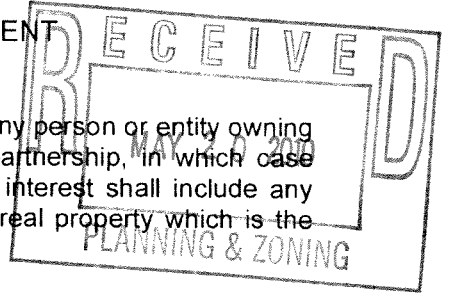
If property owner or applicant is being represented by an authorized agent such as an attorney, realtor, or other person for which there is some form of compensation, does this agent or the business in which the agent is employed have a business license to operate in the City of Alexandria, Virginia?

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.

**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. Sean & Helen Vermillion	8412 Crown Pt Alex VA 22308	50
2. Ben & Kara Brooks	5 Lee St Alex VA 22314	25
3. Phyllis Featherstone	201 Davis Ave Staten Is NY	25

2. Property. State the name, address and percent of ownership of any person or entity owning an interest in the property located at 126, 128, 130, 132 Prince St (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. Prince Corner Real Estate LLC	8412 Crown Pt Alex VA 22308	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	NONE	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.

5/11/10  
Date

Sean Vermillion  
Printed Name

Signature



Subdivision # 2009-0008

WAIVER OF RIGHT TO AUTOMATIC APPROVAL

SUBMITTED TO  
THE DEPARTMENT OF PLANNING AND ZONING  
CITY OF ALEXANDRIA, VIRGINIA

SUBDIVISION # \_\_\_\_\_

Project Name: 1126 Prince Street Subdivision

Project Address: 1126 - 1132 Prince Street & 204 S. Fayette Street

Description of Request: Subdivision of existing residential units  
(1126 & 1129) and existing commercial units  
located at 1132 Prince Street and 204 S. Fayette St.

The undersigned hereby waives the right to the 45 day automatic approval provision of Section 11-1708 (B)(2) of the Zoning Ordinance of the City of Alexandria, Virginia, for the application stated above.

Date: 11/17/09

Applicant

Agent

Signature: 

Printed Name: R.C. Fields, Jr.

27 April 2010

Mr. Nathan Randall  
Urban Planner II  
Office of Planning & Zoning  
301 King Street  
Room 2100  
Alexandria, Va. 22314

Re: LOT WIDTH VARIANCE (11-1713(E))  
1126-1132 Prince Street  
Alexandria, VA 22314  
(Tax Map #074.01-09-01)

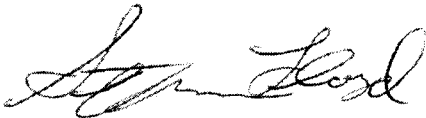
Dear Mr. Randall:

On behalf of our client, Mr. Sean Vermillion, we are requesting a variation from the minimum lot width and frontage requirements pursuant to section 11-1713(E) of the zoning ordinance on the above referenced property. We are requesting this variance because the character of the resulting subdivided lots will be consistent with the existing surrounding properties' lot width and frontage (see page 2 of the subdivision plat for lot width study details). It is our opinion that strict adherence to the zoning requirements would result in a substantial injustice because of existing structures and gross area of land involved.

After the lot width and frontage variance is granted, Mr. Vermillion plans to demolish and construct a semi-detached dwelling on proposed lot 502. The proposed dwelling will be of a similar character to surrounding dwellings and will attach via a party wall to the existing brick dwelling located at 1130 Prince Street.

If you have any questions or require additional information, please do not hesitate to contact our office. We appreciate your consideration of this request.

Respectfully submitted,  
R.C. Fields, Jr. & Associates, P.C.



Stephen Lloyd  
Project Designer