

CONTACT THE PLANNING & ZONING OFFICE FOR THE LATEST MEMORANDUM AND ATTACHMENTS RELATED TO THIS CASE.

Docket Item #10
SPECIAL USE PERMIT #2004-0105

Planning Commission Meeting
September 8, 2005

ISSUE: Consideration of a request for a special use permit to construct a single family residence on a lot without street frontage and for a reduction in the required number of parking spaces.

APPLICANT: Sarah Allen

LOCATION: 219 (A) (rear) North West Street

ZONE: RB/Residential

PLANNING COMMISSION ACTION, JULY 5, 2005: The Planning Commission noted the deferral of the request.

Reason: The applicant requested a deferral.

PLANNING COMMISSION ACTION, JUNE 7, 2005: On a motion by Mr. Dunn, seconded by Mr. Leibach, the Planning Commission voted to defer the request. The motion carried on a vote of 7 to 0.

Reason: The Planning Commission deferred the request so that staff would have time to analyze a memo distributed at the hearing that was prepared by the applicant's fire protection consultant in response to Code Enforcement concerns about the project.

PLANNING COMMISSION ACTION, MAY 3, 2005: On a motion by Mr. Dunn, seconded by Mr. Robinson, the Planning Commission voted to defer the request. The motion carried on a vote of 5 to 2, with Mr. Komoroske and Ms. Fossum voting against.

Reason: Commission members supporting the deferral wanted to allow time for the applicant to meet with the Fire Department to discuss ways to better address fire safety and access at the property. Those not supporting the motion were concerned that emergency vehicles could not access the home and that this would put the future occupants of the home and surrounding neighbors at a higher fire risk.

Speakers:

Bud Hart, attorney, spoke in support of the application. He stated that the subject lot is a buildable

lot and the applicant has responded to staff concerns by reducing the size of the building. The applicant has designed the house to look like a historic carriage house. There are examples of alley dwellings approved in the area.

Daniel Thompson, resident at 223 North West Street, spoke in support of the application.

Wanda Carter, applicant's sister and owner of property at 221 and 219 (front) North West Street, spoke in support of the application. She stated that there were a number of alley dwellings in the area, the lot size is consistent with other lots in the area and the property is a buildable lot.

Sharon Frazier, resident at 1325 Cameron Street, spoke in support of the application.

Leslie Zupan, resident at 1309 Queen Street, spoke in support of the application.

STAFF RECOMMENDATION: Staff recommends that the Planning Commission recommend **denial** of the application for development on a lot without frontage.

SITE GRAPHIC
AVAILABLE IN THE PLANNING AND ZONING OFFICE

I. DISCUSSION

REQUEST

The applicant, Sarah Allen, requests special use permit approval for 1) the development of a single family house at 219 (rear) North West Street, a lot without street frontage and 2) a reduction in the required number of parking spaces.

SITE DESCRIPTION

The subject property is the rear portion of a vacant property fronting on North West Street. The subject property contains a total of 910.5 square feet, with 18 feet of alley frontage and a length of 50 feet. The property faces an alley that runs north and south between Cameron and Queen Streets.



The applicant is the owner of the subject property and is also listed in the City’s tax records as the co-owner, along with Wanda Carter, of the adjoining property to the north. This adjoining property is known as 221 North West Street and is the residence of the applicant. The co-owner of the property at 221 North West Street, Ms. Carter, is also the owner of the undeveloped property immediately to the west of and in front of the subject property. The applicant purchased the subject property in 2003.



View of rear of 219 N. West St. from Alley



View of 219 N. West St. from N. West St.

Properties along North West Street on this block are developed with a variety of residential buildings, including townhouses and multifamily dwellings.

BACKGROUND

The RB zone, adopted in 1951, and amended several times since then, includes “grandfather” language designed to recognize properties that no longer complied with the zone after amendments were approved. In addition to allowing multifamily and commercial uses, in limited instances, the language in Section 3-707B of the Zoning Ordinance allows lots of record to be developed even though they may have less than the required lot area. Section 3-707B provides:

“Any land zoned to RB prior to February 27, 1973 may be developed at a minimum lot size of 1,600 square feet per dwelling; provided however that if the lot was recorded prior to December 28, 1951, the lot may be developed with a single family dwelling and accessory structures at the lot size shown on the recorded plat”.

Thus, although the RB zone currently requires a minimum of 1,980 square feet of land to build a single family house, under the above language, a lot with less than the required land area is permitted to proceed through the process of building a single family house. The rights to build are not taken away. In this case, staff was unable to determine that the land in question constituted a “lot of record” because it is not subdivided, or platted, and because the title history in this case is complex.

Based on research by staff, the existing lot is the rear portion of the lot on North West Street that was purchased by Fielding Gaines in 1878. The property extended from street to alley and had a house on the front portion of the lot from at least 1891 and an outbuilding at the rear from 1912. There is no evidence that the property ever held more than one dwelling, a multi-family dwelling or a dwelling oriented to the rear, as is stated by the applicant in the application form.

City directories list Fielding Gaines and various family members residing in the house through 1932. Historic mapping indicates that the house was extended at least twice in the period between 1896 and 1912. In 1912, Gaines obtained a permit to construct a “Stable & Field Room” at the rear. In 1915, Gaines and his wife deeded a portion of the property, apparently located at the center of the lot, to Lucy White. Between 1912 and 1921, historic mapping shows the house expanded with a new two-story addition and the stable nearly doubled in size. Fielding Gaines appears to have died between 1924 and 1932. In 1932, his wife is listed as residing at 219 North West Street but disappears from the records subsequently. The 1939 Real Property Survey map of Alexandria is the first documented instance of the Gaines’ lot being shown as divided into two portions. The map shows the front lot to be single family residential and the rear lot to have no designated use. The 1941 Sanborn map shows a diminished house, with only the two-story rear ell remaining, on the front lot and a smaller one-story shed on the rear lot. City directories list a single family, Anderson and Ophelia Ellis, residing at 219 North West Street from 1940 through 1958. There is no listing for 219 North West Street rear. Beginning in 1942, the City recognized and taxed the property as two lots, one at the front and one at the rear. The City tax assessment records note no structures on

the front lot and a small two-story, two room dwelling on the rear lot. Staff believes this building may be the rear ell that remained from the original house facing West Street or the 1912 stable. By 1959 the dwelling on the rear lot was demolished.

Without resolving the debate about the legal status of the land, staff has determined that it is reasonable and equitable to allow the parcel to be treated as if it were a “lot of record”, because the City has treated the lot separately, taxed it and shown it as a separate lot for tax purposes, and sold it at an escheat sale to the applicant’s predecessors in title.

In the case of any lot having frontage on a public street, once the existence of a lot of record is established, then the owner may proceed to build, or if variances or modifications are required, to request approval of them. In this case, there is another hurdle because the lot does not have any frontage on a public street. The land on which permission to build a house is requested is only the rear portion of the land fronting on North West Street. Its only access is from the 10 foot alley behind the land parcel. Therefore, under Section 7-1007 of the Zoning Ordinance, a special use permit is required before development will be considered.

PROJECT DESCRIPTION

The applicant has submitted plans for a house that faces the alley running north and south between Cameron and Queen Streets. The proposed one bedroom house will consist of three levels (basement, first and second floor), will be 24 feet in height and will provide one parallel parking space located between the house and the alley, adjacent to and parallel to the alley. Access to the parking will be from the alley. The house covers approximately half of the lot and will comprise a floor area of less than the FAR limit of 0.75. In terms of zoning requirements, the following shows how the proposed dwelling compares to the RB zoning requirements for a single family house.

- | | |
|-------------------------|---|
| <i>Open Space.</i> | Open space required is 800 square feet. The applicant is proposing 370 square feet of open space. |
| <i>Yards.</i> | A rear yard of eight feet or a ratio of 1:1 to building height is required. The building height is 24 feet. A rear yard of 20 feet is proposed. |
| <i>Paving of Yards.</i> | No more than 50% of a required yard can be paved or otherwise used for parking. One hundred percent of the front yard will be used for parking. |

If the SUP is approved, the applicant will be required to obtain variances from the Board of Zoning Appeals prior to developing the property for reduced open space, rear setback and paving in a required yard. The proposed house is located in the Parker-Gray Historic District. If the SUP is approved, and if the variances are granted, BAR approval is also required for the project to proceed.

PARKING REDUCTION

Section 8-200 of the Zoning Ordinance requires that a single family dwelling provide two parking spaces. The applicant is proposing one parallel parking space between the proposed dwelling and the alley, with access from the alley. The applicant is requesting a parking reduction to allow the provision of only one parking space instead of the two parking spaces required. Section 8-100 of the Zoning Ordinance allows a reduction of required parking only with a Special Use Permit. The applicant is proposing that access to this parking space be provided from the alley with an easement from the adjoining property to the north.

ZONING/MASTER PLAN DESIGNATION

The subject property is located in the RB zone. Section 3-702 of the Zoning Ordinance allows a single family dwelling in the RB zone. Section 7-1007 of the Zoning Ordinance requires a Special Use Permit for a lot that does not have frontage on a public street.

The proposed use is consistent with the Braddock Road Metro Station Small Area Plan chapter of the Master Plan which designates the property for residential use.

II. STAFF ANALYSIS

Staff recommends denial of the special use permit for development of the lot and for a reduction in the required parking.

Staff finds that the proposed dwelling is not compatible with the surrounding neighborhood and will require significant modifications to zoning requirements. Staff also finds that the subject property can be used as part of a building lot to construct a dwelling more in keeping with the character of the neighborhood.

It is noted that the applicant indicates that there are alley houses throughout the historic area of the City. The applicant cites the rear of 913 Cameron Street (approved in 1980), Cromley Alley (approved in 1999) and the house behind 525 and 527 North Patrick Street (approved in 1987) as examples of homes that the City approved through the SUP process. Staff would note that in each of these cases, there are significant differences which distinguish them from the present case. In regard to the rear of 913 Cameron Street, the proposed lot was approximately 3,000 square feet; the applicant provided the two required off-street parking spaces and the alley abutting the property was 15 feet. The proposed dwelling was also of a size more in keeping with others in the neighborhood. In regard to the two homes built back to back on Cromley and Yeaton Alley, those lots are also significantly larger, at 1,786 square feet each, than the subject property. Both of those homes also provided two required off-street parking spaces and provided the required 800 square feet of open space. Finally, with regard to the rear of 525 and 527 North Patrick Street, the proposed lot was 1,107 square feet, with a proposed dwelling of 2,936 square feet. In addition to having frontage on a 10 foot alley, the property is also accessed by an interior court known as Francis Court.

COMPATIBILITY WITH NEIGHBORHOOD CHARACTER

On the issue of compatibility with the surrounding neighborhood, the proposed house is to be built on an exceptionally small piece of land facing an alley. The subject property is only 910 square feet in area. The proposed dwelling will be out of character with other homes in the area. All other homes on this block have frontage on and are oriented to a public street. They are also of a larger mass and scale, consistent in size with one another. The proposed dwelling will have a footprint of only 407 square feet and a gross floor area of 814 square feet, not including the basement. This size is significantly smaller than other single family and townhouses in the area.

Houses in the 200 block of West Street and other areas of the neighborhood are oriented towards the street.



Looking south along east side 200 block of West St



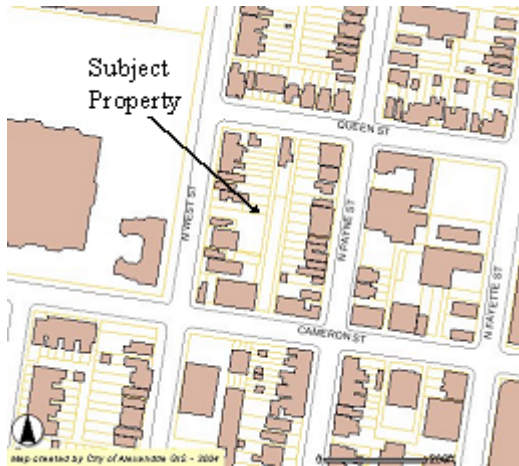
Looking south along west side 200 block West St



Looking north along east side 200 block of West St



Looking north along west side of 200 block West St



Lot Size:

The subject property is 910 square feet in area. Of 131 lots in the immediate vicinity of the subject property, the median lot size is 1,542 square feet. The small size of this property makes it difficult to construct a dwelling comparable in size with other dwellings in the neighborhood.

Required Variances:

Development of the property will require variances to required open space, setbacks and yard devoted to parking. The proposed dwelling will provide 370 square feet of open space, less than half of the required 800 square feet.

The proposed parking space will cover 100% of the required front yard, necessitating a variance to the requirement that at least 50% of the yard remain open. In regard to setbacks, a variance of four feet will be required to locate the dwelling 20 feet from the rear property line. In most other cases, the applicant would be required to obtain these approvals first. However, in this case, because the SUP will determine whether the property can even be developed, it is appropriate to address this issue first.

PARKING:

The proposed dwelling will have access to an alley that is only 10 feet wide. The applicant is proposing a parallel parking space to serve the dwelling, but will still need approval of a SUP for a parking reduction for one less space than required. The proposed parallel parking space appears problematic. While the applicant indicates that an access easement will be granted from the adjoining property, it is not clear how someone parking a vehicle will be able to maneuver into this parallel space. There is a utility pole situated on or close to the property line between the two properties in the area where the applicant indicates an easement will be granted. There is also a fence running between the subject property and the easement property. It appears that both the fence and the pole will have to be removed or relocated to provide the easement. The applicant has not adequately shown that access can be accomplished.



Alley looking south from Queen Street



Alley looking north from Cameron Street

RECOMMENDATION

It appears that the applicant can combine or sell the subject property with the adjoining property immediately to the west to create a lot that could accommodate a dwelling that would be more in keeping with others in the neighborhood, and which would more closely comply with zoning standards for a single family dwelling.

Based on the above, staff recommends denial of the requested Special Use Permit.

III. RECOMMENDED CONDITIONS

Staff recommends denial of this application. If the City Council should approve this Special Use Permit, staff would ask that the following conditions be imposed:

1. The applicant shall remove the existing fence on the adjoining property to the north in the area where the proposed parallel parking space is proposed. (P&Z)
2. The applicant shall relocate the existing utility pole on the adjoining property to the north to accommodate the proposed parallel parking space or show how the parking space can be accommodated with the pole remaining, to the satisfaction of the Director of P&Z. (P&Z)
3. The applicant shall provide a landscape plan to be approved by the Director of P&Z. (P&Z).
4. Improve the alley that runs north-south past the property with a material that permits automobiles to use the alley to the satisfaction of the Directors of P&Z and T&ES. (P&Z)
5. A PLOT PLAN showing all improvements/alterations to the site must be approved by T&ES building before a building permit can be issued. (T&ES)
6. Applicant shall be responsible for repairs to the adjacent city right-of-way if damaged during construction activity. (T&ES)
7. If construction of the residential units result 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)
8. 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)
9. Provide an easement for a water line from North West Street to the subject property to the satisfaction of the Director of P&Z and T&ES. (P&Z)
10. The building shall include a monitored sprinkler system in conformance with NFPA 13d or other alternative to the satisfaction of the Director of Code Enforcement. (Code)

11. Sprinkler coverage shall be extended to any concealed combustible spaces to the satisfaction of the Director of Code Enforcement. (Code)
12. There shall be separate fire and domestic water service to the building, provided to the satisfaction of the Director of Code Enforcement. (Code)
13. The building shall be constructed of fire suppressant material, including hardiboard siding, metal roofing and a concrete slab floor to the satisfaction of the Director of Code Enforcement. (P&Z)
14. The building eaves shall be boxed and every chimney and/or stovepipe shall be covered by a nonflammable screen with mesh no larger than 1/8 inch to the satisfaction of the Director of Code Enforcement. (P&Z)
15. Call Alexandria Archaeology immediately (703-838-4399) if any buried structural remains (wall foundations, wells, privies, cisterns, etc.) or concentrations of artifacts are discovered during development. Work must cease in the area of the discovery until a City archaeologist comes to the site and records the finds. (OHA)
16. The above statement must appear in the General Notes of the site plan so that on-site contractors are aware of the requirement. (OHA)
17. The applicant is to contact the Crime Prevention Unit of the Alexandria Police Department at 703-838-4520 regarding locking hardware and alarms for the new home. This is to be completed prior to the commencement of construction.

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

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:

- 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)
- C-3 Any work within the right-of-way requires a separate permit from T&ES.(Sec. 5-3-61)
- 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.
- R-2 Applicant shall be responsible for repairs to the adjacent city right-of-way if damaged during construction activity.
- R-3 If construction of the residential units result 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.
- R-4 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.
- F-1 The lot is less than 2500 sq. feet and is exempt from C-bay and E&S requirements.

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, with no openings permitted within the wall. As alternative, a 2 hour fire wall may be provided. This condition is also applicable to 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 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-7 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-8 A wall location plat prepared by a land surveyor is required to be submitted to this office prior to requesting any framing inspection.

Health Department:

- F-1 No comments.

Police Department:

- R-1 The applicant is to contact the Crime Prevention Unit of the Alexandria Police Department at 703-838-4520 regarding locking hardware and alarms for the new home. This is to be completed prior to the commencement of construction.

Office of Historic Alexandria:

- F-1 The G.M. Hopkins Insurance Atlas indicates that a house was present on this lot in 1877. The property therefore has the potential to yield archaeological resources that could provide insight into domestic activities in 19th-century Alexandria.
- R-1 Call Alexandria Archaeology immediately (703-838-4399) if any buried structural remains (wall foundations, wells, privies, cisterns, etc.) or concentrations of artifacts are discovered during development. Work must cease in the area of the discovery until a City archaeologist comes to the site and records the finds.

- R-2 The above statement must appear in the General Notes of the site plan so that on-site contractors are aware of the requirement.

Virginia American Water Company:

1. VAWC did not receive a site plan with this report
2. There is currently no existing water main in the public alley facing this site.
3. VAWC could install a domestic service from the 8" main in N. West St. to just behind the curb + gutter on N. West St. The remainder of the service line, from the meter setting to the proposed residence would be installed, owned, and maintained by the property owner. An easement would need to be obtained by the property owner of lot 31 from the property owner of lot 30 to install the portion of the service line from the meter setting across lot 30's property.