

Docket Item #14  
SUBDIVISION #2007-0006

Planning Commission Meeting  
September 6, 2007

**ISSUE:** Consideration of a request for to resubdivide the subject properties.

**APPLICANTS:** William F Dunbar, IV and Denise G. Dunbar and 219 South Royal, LLC  
by Duncan Blair, attorney

**LOCATION:** 407 Duke Street and 219 South Royal Street

**ZONE:** RM/Residential

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**STAFF RECOMMENDATION:** Staff recommends **denial** of the request.

SUB #2007-0006  
407 Duke Street and 219 South Royal Street



## **I. DISCUSSION**

### REQUEST

The applicants, William and Denise Dunbar and 219 South Royal LLC, request approval to subdivide the back portion of 219 South Royal Street and consolidate it with the property at 407 Duke Street.

### SITE DESCRIPTION AND SURROUNDING USES

The subject property at 407 Duke Street is one lot of record with 56.21 feet of frontage facing Duke Street, a depth of 92.00 feet and a lot area of 5,171 square feet. The subject property is occupied by a single-family dwelling. The subject lot at 219 South Royal Street is one lot of record with 15.14 feet of frontage facing South Royal Street, a depth of 128.21 feet and a lot area of 1,942 square feet and occupied by a single-family dwelling.

The surrounding neighborhood is developed predominately by large single-family residences along Duke Street. Row houses are the dominate land use on the 200 block of South Royal Street. A few lots have off-street parking, but for the most part the properties have modest rear yards. Buildings are located up to the front property lines and near side property lines.

### APPLICANT'S PROPOSAL

The applicants propose to adjust a boundary line separating their two properties by transferring most of the rear yard at 219 South Royal Street to the rear yard of 407 Duke Street. The property at the rear of 219 South Royal Street has been used by the owner of the property at 407 Duke Street for the past 15 years as an open space /brick patio area.

If the subdivision is approved, the lot at 219 South Royal Street will be reduced by approximately 852 square feet of lot area resulting in the creation of a 1,090 square foot lot. The minimum lot area required for a lot in the RM zone is 1,452 square feet.

### ZONING/MASTER PLAN

The subject property is zoned RM, residential and is located in the Old Town Small Area Plan, which designates the property for residential use.

**II. STAFF ANALYSIS**

COMPLIANCE WITH THE RM ZONE REGULATIONS

The RM zone requirements and the corresponding information for the subject properties are listed as follows.

<b>Zoning Standard</b>	<b>RM Requirement</b>	<b>Proposed Lot 600</b>	<b>Proposed Lot 601</b>
<b>Lot Area Required</b>	1,452 s.f.		
Existing		1,942 sf	5,171 sf
Proposed		1,090 sf	6,023 sf
Change (from required)		<b>- 362 sf</b>	+ 4,571 sf
<b>Lot Width (no change)</b>	25.00 ft	15.14 ft	56.21 ft
<b>Front Yard Setback (no change)</b>	0 ft	1.00 ft	2.50 ft
<b>Side Yard (no change)</b>	5.00 ft	0 ft/0.6 ft	9.80 ft/2.00 ft
<b>Rear Yard Required</b>	16.00 feet		
Existing		68.61 ft	1.95
Proposed		12.40 ft	17.10 ft
Change (from required)		<b>-3.60 ft</b>	+ 1.10 ft
<b>Open Space Required</b>	Lesser of 35% of lot area or open space existing on June 24, 1992	680 sf (35%)	1,809 (35%)
Existing		1,059 sf (existing)	1,315.00 sf (existing)
Proposed		189 sf (proposed)	2,168 sf (proposed)
Change (from required)		<b>- 491 sf</b>	+ 359 sf
<b>FAR (no change)</b>	1.50	1.50 +/-	.65 +/-

Section 11-1710(B) of the zoning ordinance requires a subdivision to meet the following standard:

“No lot shall be resubdivided in such a manner as to detract from the value of adjacent property. Lots covered by a resubdivision shall be of substantially the same character as to suitability for residential use and structures, lot areas, orientation, street frontage, alignment to streets and restrictions as other land within the subdivision, particularly with respect to similarly situated lots within the adjoining portions of the original subdivision.”

Although new lot 601 will meet the RM regulations as to lot area, rear yard setback, open space and floor area, new lot 600 will become noncompliant as to lot area, rear yard setback and open space. Approval of the subdivision can only occur if the Planning Commission grants variations under Section 11-713 of the Zoning Ordinance.

Per Section 11-1713 of the Zoning Ordinance, titled Variations, the Planning Commission may, by vote of a majority of its members, authorize specific variations from the provisions of section 11-1700, when in its opinion a strict adherence to such provisions would result in substantial injustice and when one of the following circumstances exists; provided, however, that the use or character of the resulting lots or parcels in such a subdivision shall not be inconsistent with the use provisions of the zone in which the property is situated or the existing development in the immediate area:

- (A) Extremely rugged topography.
- (B) Irregularity in shape of parcel preventing conformance with normal lot area or frontage requirements.
- (C) Insufficient frontage on existing street where the interior of the tract can be served only by a street substandard in width when not serving more than five lots, provided the street is not less than 30 feet in width. If only a single lot is served, the width may be less than 30 feet. A turn around area may be required.
- (D) Streets along border of the subdivision where the subdivision borders on unsubdivided land and the remaining street width will be provided from adjacent land.
- (E) Resubdivision of lots in subdivisions of record as of January 1, 1952, where, because of existing structures or gross area of land involved, the subdivided lots would not conform to all of the requirements of the zone in which the subdivision is located.

Staff cannot support the proposed subdivision. Staff finds that strict adherence to the provisions of the code will not result in substantial injustice. In addition, the proposed subdivision will create a lot that is substandard in lot area, open space, and rear setback in the RM zone. The proposed subdivision will reduce the size of one existing lot and make it noncomplying for the sole purpose of creating a larger rear yard for another lot.

### III. STAFF RECOMMENDATION

Based on the above, staff recommends **denial** of the proposed subdivision. However, if the subdivision is approved, it shall be 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 11-1700 of the Zoning Ordinance. (P&Z)
2. The final plat shall include the Surveyors Certification and plat title to indicate resubdivision of the existing lots. (P&Z)
3. That the new rear yard area behind the building at 407 Duke Street shall remain as open space in perpetuity and not be used for new building area. (P&Z)

SUB #2007-0006  
407 Duke Street and 219 South Royal Street

4. That the rear yard area behind the building at 219 South Royal Street remain as open space in perpetuity. (P&Z)

STAFF: Faroll Hamer, Director, Department of Planning and Zoning  
Richard Josephson, Deputy Director  
Richard Bray, Urban Planner

Staff Note: This plat will expire 18 months from the date of approval.

CITY DEPARTMENT COMMENTS

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

Transportation & Environmental Services:

F-1 No comments received.

Code Enforcement:

F-1 No comment.

Police Department:

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

Historic Alexandria Commission (Archaeology):

F-1 No comment.

Recreation, Parks & Cultural Activities (Arborist):

F-1 No comments received.