

Docket Item # 9

SUBDIVISION #2006-0005

Planning Commission Meeting  
January 4, 2006

This subdivision would have been automatically approved if not acted on by October 13, 2006, except that the applicant has waived the right to automatic approval.

**ISSUE:** Consideration of a request for subdivision of an existing lot.

**APPLICANT:** Thomas Gedle

**LOCATION:** 5350 Fillmore Avenue

**ZONE:** R-20/ Residential Zone

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**STAFF RECOMMENDATION:** Staff recommends **denial** of the proposed subdivision.

## **I. DISCUSSION**

### **Request**

The applicant, Thomas Gedle, requests approval for a subdivision of one lot of record, located at 5350 Fillmore Avenue.

### **Site Description & Surrounding Uses**

The subject property is one lot of record with approximately 202 feet of frontage at 5350 Fillmore Avenue, 194 feet of depth and a total lot area of approximately 36,188 square feet. The surrounding area consists of predominately single family residences.

### **Background**

Prior to March 2006, the lot was developed with one home, which was subsequently demolished. In August 2006, the applicant filed a request to subdivide the property into two lots. The request was scheduled to be heard before the Planning Commission in November however, staff received information about a possible excavation of grave sites on the subject property and, at the direction of the City Attorney's office, postponed any further review until an investigation was complete and the excavation issue was resolved. In late November 2006, the investigation had been completed and the applicant was instructed that he could proceed with his request.

In researching the request in November, staff found that the subject property had been two lots of record dating back to 1952 and that, in 1984, the owner of the property at the time consolidated the two lots into one lot of record. In 1991, 2005 and 2006, the lot was sold to various owners.

### **Applicant's Proposal**

The applicant proposes to subdivide the property into two lots, so that as proposed, the applicant will have one complying lot containing 20,000 square feet and another lot that is non-complying, containing 16,188 square feet. The applicant proposes to build a single family home on each of the proposed lots (See attached survey plat).

### **Zoning Regulations**

The property at 5350 Fillmore Avenue is zoned R-20. The Zoning regulations allow a single family home to be built in the R-20 zone. The proposed subdivision as it relates to the R-20 zoning requirements are as follows:

| <b>R-20 Zoning Regulations</b> | <b>Lot 1</b>   | <b>Lot 2</b>   |
|--------------------------------|----------------|----------------|
| Required Lot Area              | 20,000 sq. ft. | 20,000 sq. ft. |
| Current Lot Area               | 36,188 sq. ft. | -              |
| Proposed Lot Area              | 20,000 sq. ft. | 16,188 sq. ft. |
|                                |                |                |
| Required Lot Width             | 100 feet       | 100 feet       |
| Current Lot Width              | 202 feet       | -              |
| Proposed Lot Width             | 103.29 feet    | 98.71 feet     |
|                                |                |                |
| Required Lot Frontage          | 75 feet        | 75 feet        |
| Current Lot Frontage           | 202 feet       | -              |
| Proposed Lot Frontage          | 103.29 feet    | 98.71 feet     |

**Subdivision Standards**

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. In determining whether a proposed lot is of substantially the same character for purposes of complying with this provision, the Commission shall consider the established neighborhood created by the original subdivision, evidence of which may be shown by (1) subdivision plat documents, including amendments to the subdivision over time, as well as the development that has occurred within the subdivision; and (2) land in the same general location and zone as the original subdivision with the same features so as to be essentially similar to the original subdivision area.

**Master Plan Designation**

The subject properties are located in the Alexandria West Small Area Plan chapter of the Master Plan and are designated as RL/Residential Low use. The proposed single family homes are consistent with the Master Plan.

**Trees**

The subject property contains many trees, a large number located within the proposed building restriction line. Many of the trees measure 10 inches in diameter or greater. The applicant has indicated to staff that he does not intend to remove all the trees. However, he has not supplied staff with a requested footprint of the proposed homes. In addition, according to the City Arborist, many of the trees located on the property possibly will have to be removed, depending on the location of the proposed homes.

**Access**

Currently, access to the subject property is only from one curb-cut that is located along Fillmore Avenue at the proposed Lot 1. With the proposed subdivision, an additional curb cut will be required for Lot 2.

**II. STAFF ANALYSIS**

Staff cannot support the request for subdivision. If approved, the request will create one complying and one non-complying lot, as well as impacting a substantial number of existing trees on the property. In addition, per Section 11-1713 (E) of the Zoning Ordinance, a variation to allow a lot to have less area or width than required is only permitted for resubdivisions of lots of record as of January 1, 1952. The subject lot was consolidated into one lot in 1984, thereby making it ineligible for such variations.

If the subdivision is approved, staff recommends that it is subject to the following conditions:

**III. STAFF RECOMMENDATION:**

Staff cannot support the proposed subdivision for the above stated reasons. If the subdivision is approved, it should 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)(T&ES)
2. Locations of all easements and reservations such as the ingress/egress easement for the alley and all other easements and reservations shall be depicted on the final subdivision plan. (P&Z)
3. The final plat shall include the Surveyors Certification and plat title to indicate resubdivision of the existing lots. (P&Z)
4. The City of Alexandria's storm water management regulations regarding water quality are two-fold; first, phosphorus removal requirement and second, water quality volume default. Compliance with the phosphorous requirement does not relieve the applicant from the water quality default requirement. The water quality volume determined by the site's proposed impervious area shall be treated in a Best Management Practice (BMP) facility. These regulations shall apply to both lots individually after subdivision. (T&ES)
5. The 24" Willow Oak on Lot 1 and the trees located outside the rear Building Restriction Line on Lots 1 and 2 must be saved and protected during construction. Any grading and excavation shall minimize impacts to these trees. (RP&CA)

6. The removal of trees that are 10" caliper or greater shall be approved by the City Arborist and shown on the Plot Plan submittal. Tree protection may be required for such trees inside the building restriction line. (RP&CA)
7. A landscape plan prepared by a Landscape Architect shall be submitted for approval by RP&CA with the submittal of a Plot Plan. The plan shall show landscaping to replace all existing crown coverage lost from the development of this site. (RP&CA)
8. All underground utilities and services should be located in such a way as to avoid passing through designated tree preservation areas. (RP&CA)
9. Tree protection zones and a tree preservation plan prepared by a certified arborist shall be submitted for approval by the City Arborist and the Department of Planning and Zoning with the submittal of a Plot Plan. The tree preservation plan shall specify the location, construction and installation of the all tree protection fencing, and tree preservation measures to be implemented before, during and after the completion of construction. These measures should include but not be limited to root pruning, removal of deadwood and limbs that may interfere with the proposed construction, insect pest and disease control, fertilization and irrigation. Tree protection must be installed by the applicant for approval of the City Arborist before any construction may proceed. (RP&CA)

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Staff Note: This plat will expire 18 months from the date of approval, or on (DATE), unless recorded sooner.

STAFF: Richard Josephson, Acting Director, Department of Planning and Zoning;  
James Hunt, Urban Planner.

CITY DEPARTMENT COMMENTS

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

Transportation & Environmental Services:

- R-1 Final subdivision plat shall comply with the provisions of Section 11-1709 of the City's Zoning Ordinance.
- R-2 The City of Alexandria's storm water management regulations regarding water quality are two-fold; first, phosphorus removal requirement and second, water quality volume default. Compliance with the phosphorous requirement does not relieve the applicant from the water quality default requirement. The water quality volume determined by the site's proposed impervious area shall be treated in a Best Management Practice (BMP) facility. These regulations shall apply to both lots individually after subdivision.

Code Enforcement:

- F-1 No Comment

Historic Alexandria Commission (Archaeology):

- F-1 Low potential, no Archaeology action

Recreation, Parks & Cultural Activities (Arborist):

- F-1 No specimen trees are to be found on this site.
- R-1 The 24" Willow Oak on Lot 1 and the trees located outside the rear Building Restriction Line on Lots 1 and 2 must be saved and protected during construction. Any grading and excavation shall minimize impacts to these trees.
- R-2 The removal of trees that are 10" caliper or greater shall be approved by the City Arborist and shown on the Plot Plan submittal. Tree protection may be required for such trees inside the building restriction line.

- R-3 A landscape plan prepared by a Landscape Architect shall be submitted for approval by RP&CA with the submittal of a Plot Plan. The plan shall show landscaping to replace all existing crown coverage lost from the development of this site.
- R-4 All underground utilities and services should be located in such a way as to avoid passing through designated tree preservation areas.
- R-5 Tree protection zones and a tree preservation plan prepared by a certified arborist shall be submitted for approval by the City Arborist and the Department of Planning and Zoning with the submittal of a Plot Plan. The tree preservation plan shall specify the location, construction and installation of the all tree protection fencing, and tree preservation measures to be implemented before, during and after the completion of construction. These measures should include but not be limited to root pruning, removal of deadwood and limbs that may interfere with the proposed construction, insect pest and disease control, fertilization and irrigation. Tree protection must be installed by the applicant for approval of the City Arborist before any construction may proceed.

Police:

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