

Docket Item # 3  
SPECIAL USE PERMIT # 2007-0128

Planning Commission Meeting  
March 4, 2008

**ISSUE:** Consideration of a request for a special use permit for the physical expansion of a non conforming use and a parking reduction

**APPLICANT:** Sophea Nuth

**STAFF:** Richard W. Bray  
Richard.bray@alexandriava.gov

**LOCATION:** 700 North Patrick Street

**ZONE:** RB

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**STAFF RECOMMENDATION:** Staff recommends **approval** subject to compliance with all applicable codes and ordinances and the recommended permit conditions found in Section III of this report.



SUP #2007-0128

03/04/08



**I. DISCUSSION**  
REQUEST

The applicant, Sophea Nuth, requests special use permit approval for the operation of a personal service hair salon located at 700 N. Patrick Street.

SITE DESCRIPTION

The subject property is one lot of record with 20 feet of frontage along North Patrick Street, 80 feet of frontage on Wythe Street, and a total lot area of 1,600 square feet. A two story brick building occupies the lot. The first floor was previously used as a barber shop and the second floor is currently a rental apartment unit. A beauty shop has operated from this location from 1939 until the present. Access to the property is from Wythe Street.



The surrounding area is occupied by a mix of residential, civic and religious uses. Immediately to the north is a residence. To the south is the Church of God and Saints of Christ Church. To the east across Patrick Street is the Charles Houston Recreation Center and to the west are residential uses.

BACKGROUND

The city's 1951 Zoning Ordinance required that any non-conforming commercial uses in residential zones be terminated after 40 years, giving owners until 1991 to amortize their investment. In 1989, City Council amended the Zoning Ordinance to allow those commercial uses made non-conforming by the 1951 law to continue beyond 1991, with approval of a special use permit. Under Section 12-210 (B)(4), the commercial use must serve and enhance the nearby neighborhood and meet the overarching standards for all special use permits in Section 11-504.

The subject location is one that fell within the 1951 group of non-conforming commercial sites in residential zones. It is located in the RB/Townhouse zone and has been operating as a non-conforming barber shop/ beauty shop since 1951. In 1961, City Council granted Special Use Permit #0443 to operate a barber shop/beauty shop at 700 N. Patrick Street. On December 14, 1991, City Council approved Special Use Permit #2544 for the continuation of a non conforming use. On September 16, 1995, City Council approved Special Use Permit #95-0090 for a change in ownership and expansion of hours for the existing non conforming use. On March 18, 2006, City Council approved Special Use Permit #2005-0136 for a change in ownership of the existing non conforming use.

On January 22, 2008, staff visited the subject property to determine if the business was in compliance with the conditions of its special use permit. Staff found no violations of the special use permit.

PROPOSAL

The applicant proposes to construct an addition to the existing beauty salon. The addition will create a reception area and waiting room on the first floor and storage space on the second floor. The addition of 314 square feet will require an additional parking space, necessitating a parking reduction.

There will be no change to the operation of the business.

Hours: Monday – Saturday, 10:00 am – 8:00 pm

Number of patrons: Maximum of 3 at a time

Noise: No noise impacts

Trash/Litter: Weekly trash collection, no littering impacts

PARKING

According to Section 8-200 (F)(1) the enlargement of the building at 700 North Patrick Street triggers the current parking requirements under Section 8-200 (A)(17).

According to Section 8-200(A)(17) of the Zoning Ordinance, a beauty salon requires one parking space for every 400 square feet. A beauty salon with 858 square feet will be required to provide three off-street parking spaces.

The beauty salon currently provides two off-street parking spaces. The applicant requests a parking reduction of one space.

ZONING/MASTER PLAN DESIGNATION

The subject property is located in the RB Townhouse zone. The previous use of the property as a barber/ beauty shop constitutes a non-conforming use in the RB zone. According to section 12-210 (B)(3)(a) of the zoning ordinance, a non-conforming commercial use in a residential zone may continue if the use enhances, serves, and is compatible with the nearby neighborhood.

The Braddock Road Metro Small Area Plan designates the property for residential use only and does not propose any commercial uses for the subject property.

**II. STAFF ANALYSIS**

Staff supports the expansion of the existing non conforming beauty salon. The salon is a neighborhood serving use that has been in operation for over 60 years. The Physical expansion will not increase the patronage of the salon or the impact on the neighborhood.

Staff feels that the parking reduction will have no impact on the neighborhood because the intensity of the use is not being increased. There have been no parking related issues in the past and staff feels that the currently provided off-street parking will remain sufficient.

Given that the location is planned to remain zoned residential and that it is not a redevelopment priority site, staff recommends that City Council review the use in 10 years of the approval of the special use permit.

With the following conditions, staff recommends approval of the special use permit.

### III. RECOMMENDED CONDITIONS

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

1. The special use permit shall be granted to the applicant only or to any corporation in which the applicant has controlling interest. (P&CD)(SUP #2544)
2. The hours of operation of the hair salon shall be restricted to between 10:00 A.M. and 8:00 P.M., Monday through Saturday. (P&Z) (SUP2005-0136)
3. This special use permit shall be limited only to the operation of a hair salon on the first floor of the building only. (P&CD)(SUP #2544)
4. The second floor of the building shall be used for residential use only, and may not be used for commercial uses. (P&Z) (SUP#95-0090)
5. The applicant shall post the hours of operation at the entrance of the business. (P&Z) (SUP2005-0136)
6. Prior to the issuance of the certificate of occupancy, the applicant shall submit a landscaping plan and install landscaping for the property in accordance with the plan approved by the Director of Planning and Zoning. (P&Z) (SUP2005-0136)
7. **CONDITION AMENDED BY STAFF:** ~~The applicant shall contact the Crime Prevention Unit of the Alexandria Police Department at 703-838-4520 for a security survey and robbery awareness program for employees.~~ The applicant is to contact the Community Relations Unit of the Alexandria Police Department at 703-838-4520 regarding a security survey for the physical expansion of the business. (Police)

8. **CONDITION AMENDED BY STAFF:** The special use permit shall ~~expire~~ be reviewed 10 years from the date of approval by City Council. (P&Z)
9. **CONDITION ADDED BY STAFF:** The applicant shall provide storage space for solid waste and recyclable materials containers as outlined in the City's "*Solid Waste and Recyclable Materials Storage Space Guidelines*", or to the satisfaction of the Director of Transportation & Environmental Services. The City's storage space guidelines and required Recycling Implementation Plan forms are available at: [www.alexandriava.gov](http://www.alexandriava.gov) or contact the City's Solid Waste Division at 703-519-3486 ext.132. (T&ES)
10. **CONDITION ADDED BY STAFF:** Litter on the site and on public rights-of-way and spaces adjacent to or within 75 feet of the premises shall be picked up at least twice a day and at the close of business, and more often if necessary, to prevent an unsightly or unsanitary accumulation, on each day that the business is open to the public. (T&ES)
11. **CONDITION ADDED BY STAFF:** Applicant shall contribute \$500.00 to the Litter Control Fund for the installation of litter receptacles along the public right-of-ways. Monetary contribution to be submitted to the Department of T&ES, Engineering Division, Room 4130, 301 King Street within 60 days of City Council approval. (T&ES)
12. **CONDITION ADDED BY STAFF:** The applicant shall require its employees who drive to use off-street parking and/or provide employees who use mass transit with subsidized bus and rail fare media. The applicant shall also post DASH and Metrobus schedules on-site for employees. (T&ES)
13. **CONDITION ADDED BY STAFF:** Applicant shall be responsible for repairs to the adjacent city right-of-way if damaged during construction activity. (T&ES)
14. **CONDITION ADDED BY STAFF:** All improvements to the city right-of-way such as curbing, sidewalk, driveway aprons, etc. must be city standard design. (T&ES)
15. **CONDITION ADDED BY STAFF:** 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)
16. The Director of Planning and Zoning shall review the special use permit after it has been operational for one year, and shall docket the matter for consideration by the Planning Commission and City Council if (a) there

have been documented violations of the permit conditions which were not corrected immediately, constitute repeat violations or which create a direct and immediate adverse zoning impact on the surrounding community; (b) the director received a request from any person to docket the permit for review as the result of a complaint that rises to the level of a violation of the permit conditions, (c) the director has determined that there are problems with the operation of the use and that new or revised conditions are needed. (P&Z)

STAFF: Richard Josephson, Acting Director, Department of Planning and Zoning;  
Richard Bray, 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:

- F-1 Staff has no objection to the parking reduction. (T&ES)
- R-1 The applicant shall provide storage space for solid waste and recyclable materials containers as outlined in the City's "*Solid Waste and Recyclable Materials Storage Space Guidelines*", or to the satisfaction of the Director of Transportation & Environmental Services. The City's storage space guidelines and required Recycling Implementation Plan forms are available at: [www.alexandriava.gov](http://www.alexandriava.gov) or contact the City's Solid Waste Division at 703-519-3486 ext.132. (T&ES)
- R-2 Litter on the site and on public rights-of-way and spaces adjacent to or within 75 feet of the premises shall be picked up at least twice a day and at the close of business, and more often if necessary, to prevent an unsightly or unsanitary accumulation, on each day that the business is open to the public. (T&ES)
- R-3 Applicant shall contribute \$500.00 to the Litter Control Fund for the installation of litter receptacles along the public right-of-ways. Monetary contribution to be submitted to the Department of T&ES, Engineering Division, Room 4130, 301 King Street within 60 days of City Council approval. (T&ES)
- R-2 The applicant shall require its employees who drive to use off-street parking and/or provide employees who use mass transit with subsidized bus and rail fare media. The applicant shall also post DASH and Metrobus schedules on-site for employees. (T&ES)
- R-3 Applicant shall be responsible for repairs to the adjacent city right-of-way if damaged during construction activity. (T&ES)
- R-4 All improvements to the city right-of-way such as curbing, sidewalk, driveway aprons, etc. must be city standard design. (T&ES)
- R-5 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)



- 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).
- C-2 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 stormwater drainage onto adjacent properties and to the satisfaction of the Director of Transportation & Environmental Services. (Sec.8-1-22)
- C-4 Any work within the right-of-way requires a separate permit from T&ES. (Sec. 5-3-61)
- C-5 Change in point of attachment or removal of existing overhead utility services will require undergrounding or a variance. (Sec. 5-3-3)

Code Enforcement:

- F-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.
- C-1 Alterations to the existing structure must comply with the current edition of the Uniform Statewide Building Code (USBC).
- C-2 Alterations to the existing structure and/or installation and/or altering of equipment therein requires a building permit. Five sets of plans, bearing the signature and seal of a design professional registered in the Commonwealth of Virginia, must accompany the written application. The plans must include all dimensions, construction alterations details, kitchen equipment, electrical, plumbing, and mechanical layouts and schematics.
- C-3 New construction must comply with the current edition of the Uniform Statewide Building Code (USBC).
- C-4 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-5 Construction permits are required for this project. Plans shall accompany the permit application that fully details the construction as well as layouts and schematics of the mechanical, electrical, and plumbing systems.
- C-6 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-7 A soils report must be submitted with the building permit application.
- 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:

- C-1 An Alexandria Health Department Permit is required for all regulated facilities. This facility is currently open as Old Town Salon & Spa under an Alexandria Health Department permit issued to Sophea Nuth.
- C-2 Permits are non transferable.
- C-3 Five sets of plans are to be submitted to and approved by this department prior to construction. Plans must comply with the Alexandria City Code, Title 11, Chapter 7, Personal Grooming Establishments.
- C-4 Permits must be obtained prior to operation.
- C-5 This facility must meet current Alexandria City Code requirements.

Parks & Recreation:

- F-1 No Comment

Police Department:

- R-1 The applicant is to contact the Community Relations Unit of the Alexandria Police Department at 703-838-4520 regarding a security survey for the physical expansion of the business.

SUP #2007-0128  
700 N. Patrick Street

**REPORT ATTACHMENTS  
AVAILABLE IN THE PLANNING AND ZONING OFFICE**